

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
November 16, 2021

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Devin Rogers	Police Assistant Chief
	Chris Ferreira	Police Sergeant
	Heather Arnell	Police Officer/VAWA Investigator
	Adam Favero	Public Works Director
	Kenny England	Utility Superintendent
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Lee Naylor	Accountant
	Kelli Bybee	Communications Assistant
	Nancy Dean	City Recorder

VISITORS PRESENT: Aaron Montgomery – Zions Bank, Chris Uccardi – Planning Commission Chair

Mayor Shepherd called the meeting to order at 6:08 p.m.

REVIEW UTILITY RATE STUDY

Rich Knapp, Finance Manager, stated the City engaged Zions Public Finance to help prepare a third-party analysis of the City's utility fees. He explained the prior analysis was done in 2016 and unfortunately the utility funds' revenues and expenses were not tracking with the projections. He noted the main driver of increased expenses was the water purchases from Weber Basin Water Conservancy District (WBWCD). He indicated WBWCD increases had averaged 7.5 percent over the last five years and the prior analysis forecasted an increase of three percent.

Mr. Knapp stated the analysis of Zions Public Finance projected revenues, operational expenses, and capital project for the next ten years to help determine net income and cash requirements by year. He mentioned the analysis identified the need to bond in the Water Fund in 2022 for \$5.5 million. He noted one piece not included in the analysis was the potential increased costs of the planned capital projects since the economy had some drastic changes recently. He indicated staff did plan to compare actuals to the projections and assumptions made in the new analysis at least annually moving forward.

Mr. Knapp indicated if the proposed rates were approved the increase to the average single-family residence would be \$1.88 per month or \$22.56 per year. He mentioned the assumptions for water were based on 6,000 gallons which was average for winter usage.

Councilmember Phipps asked if there was a true average of water consumption. Mr. Knapp answered the true average was 6,000 gallons per month in the winter; however, the average was 22,000 gallons during the summer months. He added one goal of the rate changes was to move from 60 percent of revenue from base use to 87.4 percent. He explained it would make the revenue more predictable and was built into the model.

Mr. Knapp reviewed the impacts of the proposed rates changes for single-family residential.

Aaron Montgomery, Zions Bank, stated the objectives of the rate study included paying for needed capital improvements and repairs to the system, keeping up with inflationary costs, minimizing impacts to ratepayers, maintaining 180 days cash on hand on average and never going below 150 days cash on hand, having sufficient debt coverage ratios, staying comparable and competitive with surrounding cities, and having fees that were easy to understand, implement and collect. He indicated the utilities included in the study were culinary water, sewer, and storm water. He acknowledged there were 28 capital projects identified by City staff for a total cost of \$14,675,160 as estimated in 2022. He noted those cost estimates were increased by three percent each year to help offset inflationary costs.

Mr. Montgomery reviewed the current culinary water base rates and usage tiers.

Councilmember Phipps wondered if a resident used 6,000 gallons in a month how the base and usage rates would be applied. JJ Allen, City Manager, explained a user would pay the base rate plus the monthly amount for every 1,000 gallons.

Councilmember Peterson asked why multi-family did not have a monthly amount per 1,000 gallons for the first 0-7,000 gallons. Mr. Knapp explained the cost for the first 7,000 gallons was included in the base rate. Mr. Montgomery added the proposed fee schedule did not include restructuring the rate schedule so it was good to understand how things were currently working since it would continue in the same manner.

Mr. Montgomery reviewed how the current rates were not sustainable. He said the study recommended a 7.5 percent increase in the culinary water base rate beginning January 1, 2022 and annual six percent increases beginning 2023. He noted this would help get the base rate to larger percent. He continued the recommended changes for usage were for an increase of three

percent on January 1, 2022, and annual increases of two percent beginning 2023. Mr. Montgomery acknowledged the study also proposed bonding for \$5.5 million in year 2022.

Councilmember Phipps asked if there was an annual increase scheduled for the first of January. Mr. Knapp responded yes, because usage was typically lower in the winter the increases were not as abrupt as doing it on the first of July each year.

Councilmember Peterson questioned if debt servicing for 2022 bonds was built into the model. Mr. Allen answered yes. Councilmember Peterson asked the length of bonding. Mr. Montgomery responded the model assumed a 20-year bond.

Mr. Montgomery reviewed the proposed culinary water base rate schedule and usage tiers for 2022 through 2028. He highlighted the proposed culinary water sustainability plan. There was a discussion on the impacts to cash on hand, capital projects, bonding and debt service.

Mr. Montgomery mentioned there were 17 projects for sewer identified by City staff for the next 10 years with a total cost of \$8,005,500 with cost estimates from 2022. He reviewed the current sewer rate structure and its lack of sustainability. He noted the study recommended increases to the base rates which included a two percent annual increase for single-family, commercial and flat rates and a three percent for multi-family beginning January 1, 2022. Mr. Montgomery explained the recommendation was for commercial sewer usage rates to increase annually by two percent for all tiers beginning on January 1, 2022. He highlighted the proposed sewer rates from 2022 through 2028 and the sewer sustainability plan.

Mr. Montgomery stated the City's storm water capital project list had 26 projects identified for a total cost of \$8,534,075 with cost estimates from 2022. He reviewed the current storm water rate structure and its sustainability. He noted the storm water expenses were outpacing the revenues. He explained the recommendation was to change the structure into a consolidated rate with a uniform rate for all customers whether residential or commercial. Mr. Montgomery explained the sewer base fee recommended for all customers was based on the current \$6.55 residential rate. He continued that rate would be increased by five percent beginning on January 1, 2022, with an annual increase of four percent from 2023 through 2025 and then annual increases of three percent beginning in 2026. He reviewed the proposed storm water rates and sustainability plan.

Mr. Montgomery indicated the proposed rates for storm would provide a healthy cash on hand, help pay for the capital expenses, and provide consistent annual increases.

Councilmember Bush confirmed the study did not include the impact fee study. Mr. Knapp responded it did not, the impact fee study was still in process. Mr. Montgomery added it did include impact fee revenues in the utility fee study.

Adam Favero, Public Works Director mentioned with the change order for the impact fee study to provide sewer modeling it could identify projects that might need to be addressed on a different timeline than currently being considered. Mr. Montgomery indicated the three percent increases to address inflation should help with storm water; however, things could change and need to be adjusted so reviewing it annually was a key component.

Mr. Allen asked if it was no longer the industry's common practice to provide discounts to commercial storm water users for a percentage of retention. Mr. Favero stated he was not certain on the current process; however, after talking with the consultants of the master plan moving forward there would not be a way to offer a discount because there would not be the ability for onsite retention. Mr. Allen pointed out the proposed structure changes to storm could impact commercial users that were currently getting a discount. Councilmember Peterson wanted to consider impacts to large companies like Lifetime. There was a discussion about having a flat rate versus retention discounted rates and how it might be advantageous to run the model another way.

Mr. Montgomery indicated he was not seeing retention rates as much industry wide, so it was not a common practice. Mr. Allen felt it would be good to do some additional analysis on the model before it was adopted. Mr. Favero suggested the Storm Water Master Plan also be considered when looking into the analysis.

Councilmember Phipps asked what was found as the study did comparisons to other cities. He added the culinary water was difficult to compare so he wondered more about storm and sewer. Mr. Montgomery responded it was the goal to maintain those similar ranges, and for this study the rates were comparable and not getting out of hand. He noted there were tables that could be provided if needed.

Mr. Knapp stated the proposed rates were planned for consideration during the next City Council meeting so they could be in place before January 1, 2022. He asked if the Council was ready to consider them as planned. Mayor Shepherd commented it would be good to do further analysis on the storm water rate impacts for commercial users and wondered how soon that information could be reported to the Council. Mr. Knapp responded it could be provided the following day via email for the Council to review.

Mr. Allen recommended the model be used to review individual accounts such as Lifetime, supermarkets, and schools which had bigger impervious surfaces. He said if there were not major differences it could be considered next week. Mayor Shepherd agreed.

DISCUSSION ON AMENDMENTS TO THE CONSOLIDATED FEE SCHEDULE REGARDING CEMETERY FEES

Eric Howes, Community Services Director, stated staff was proposing a new fee to the City's consolidated fee schedule so there would be a fee if a mortuary provided late notice or no notice of scheduled funeral services. He explained the challenges when last-minute notices were provided and said there had been numerous occasions over the past year where it had happened, which left the grieving with a bad experience and impression of the City. He mentioned the fee would incentivize the mortuary to provide adequate notice and the goal would be to never charge the fee.

Councilmember Peterson asked what the plan was for cemetery notifications. Mr. Howes responded staff would notify the mortuaries previously worked with that the fee was adopted. He

reiterated staff did not want to have to charge the fee so the mortuaries would be requested to work with the City in providing advanced notice of burials to avoid any fees.

UPDATE ON THE CITY'S VIOLENCE AGAINST WOMEN ACT (VAWA) PROGRAM

Kelly Bennett, Police Chief, reported the Violence Against Women Act (VAWA) program was 100 percent of where Officer Arnell spent her time. He indicated the program was valuable to the community. He reported on average the City had about 20 domestic violence (DV) cases per week. He expressed appreciation for Officer Arnell's efforts and stated the department, as well as other agencies considered her an expert and utilized her assistance.

Mayor Shepherd asked how the City's number of domestic violence cases compared to other cities. Chief Bennett responded the City was higher than others.

Heather Arnell, Police Officer/VAWA Investigator, reported during a review of the statistics numbers went up significantly from the prior year. She stated the position was 50 percent grant funded. She highlighted the VAWA statistics from March 16, 2021 to October 31, 2021. She reported there were 494 total cases reviewed, 295 victims referred to other services/programs, 33 cases screened with prosecutors; 110 protective order assistance; and 9 victims referred to Davis Behavioral Health, Division of Child and Family Services (DCFS), or other.

Officer Arnell spoke on the efforts for collaboration and training for the past six months which included jail release agreements, attendance at Davis County District Victims Advocates meetings, Take a Stand Against DV Walk, all Clearfield officers received updated DV training, trained two police agencies in Davis County, and Davis County DV Coalition – bystander training.

Officer Arnell reviewed a couple of cases and the benefits of having the VAWA program. She noted financial assistance and the housing grant were essential to helping victims. There was a discussion about barriers for victims and the resources that were available.

Mayor Shepherd stated the Community Development Block Grant (CDBG) could only provide a percentage to service providers. He mentioned the City received a request every year from Safe Harbor and was providing \$5,000 to that program. He wondered if CDBG funds could be diverted and used internally to fund internal resources such as the other half of Officer Arnell's wages. Stuart Williams, City Attorney, responded staff had looked at doing it for a different position but if it were to be used it would have taken it from the other three service providers currently funded. He mentioned staff could review it again and see if internal funding could be allocated without an impact on other service providers.

DISCUSSION ON AN INTERLOCAL AGREEMENT WITH DAVIS SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS IN CLEARFIELD CITY

Kelly Bennett, Police Chief, stated the City currently had an interlocal agreement with the Davis School District (DSD) for School Resource Officers (SRO). He indicated the District needed to update the agreement because of changes to legislation. He reviewed the updates to the Interlocal

Agreement which included changes to the duties and training requirements so it conformed with recent Utah Legislative updates, procedures relevant to criminal investigations that occur on school property were updated also to correspond with recent Utah legislation, accepting feedback from school administrations relevant to officer selection and evaluations, procedures relevant to accessing live school video feeds during an emergency, and minor other word edits.

Chief Bennett stated the most significant change was in allowing officers access to live school video feeds. He expressed appreciation for the School District's cooperation in those efforts. He reported the City received some funding from the School District to help pay for a portion of the SRO wages. He reviewed how the City was currently staffing the SRO positions at the high school and junior high.

Chief Bennett mentioned it was planned for the Council to consider the Interlocal Agreement during the policy session the following week.

DISCUSSION ON THE REQUEST FOR A GENERAL PLAN AMENDMENT AND REZONE REQUEST FOR THE PROPERTY LOCATED AT APPROXIMATELY 175 WEST ANTELOPE DRIVE (TIN: 12-242-0009)

Brad McIlrath, Senior Planner, stated the City received a request to change the City's General Plan Future Land Use Map designation for the southern 5.62 acres of the property located at approximately 175 West Antelope Drive (TIN: 12-242-0009) from Commercial to Residential. He explained the applicant was seeking the General Plan amendment in conjunction with a rezone for the same portion of property for rezone from C-2 (Commercial) to R-3 (Multi-family Residential). He mentioned the desire of the applicant was to develop the properties with commercial buildings along the frontage of Antelope Drive and a small-lot single-family subdivision in the southern portion.

Mr. McIlrath reviewed the concept plan for the site. He pointed out that the applicant was proposing some development agreement terms as part of the requests. He mentioned there was a discrepancy between the developer and County records for the size of the parcel but it was minimal. He noted the concept plan showed 82 single-family residential lots; however, 81 was listed on the terms page. He acknowledged the proposal was for two or three commercial buildings totaling 7,000 to 12,000 square feet which would be built based on the market demand at the time of construction. Mr. McIlrath reviewed the following terms created by the developer to be included in a development agreement for the property:

1. The front of the property remained a commercial zone (C-2), the back of the property is rezoned to R-3, allowing single-family residential only. Multi-family or townhomes were prohibited.
2. The commercial buildings needed to be constructed to at least a cold shell condition (exterior walls, windows, roof, asphalt areas, landscaping, etc.) before the residential construction could commence.
3. Term of the agreement: 10 years from the date of recording of the rezone.
4. Developer was assured that the development rights, obligations, terms and conditions specified in the Agreement, were fully vested by the Developer.

5. Project was a Private Undertaking. It was agreed among the parties that the Project was a private development, and that the City has no interest therein except as authorized in the exercise of its governmental functions.

6. Assignment and Assumption. The Developer shall have the right to sell, assign or transfer the Agreement with all their rights, title, and interests therein to any person, firm or corporation at any time during the term of the Agreement. Developer shall provide the City with written notice in the event that developer sells, assigns, or transfers all or a portion of the Subject Property, at least 30 days in advance of such action.

There was a discussion about the development agreement terms. Mr. McIlrath highlighted the applicant's proposal and concept for the property. He indicated the General Plan and zoning analysis completed by staff was included in the staff report. He provided a comparison on the applications of the R-3 zone and R-1-6 zone and introduced other zoning ideas which currently did not exist such as R-1-4 or R-1-3 zones. He explained the R-2 zone was used for density and flexibility on the Park Village Subdivision and the R-3 zone was used for the same purposes on the Wilcox Farms Subdivision. He noted the R-3 zone was allowed on the Wilcox Farms development but there were some differences between the two developments. Mr. McIlrath mentioned the R-2 and R-3 zones were both multi-family zones. He indicated staff recommended that the City no longer use those multi-family zones but research and adopt other single-family zone options such as the R-1-4 or R-1-3 zones.

Mr. McIlrath stated there were some transportation considerations that would also need to be considered if the applications were approved. He pointed out the challenges with access and connections along Antelope Drive and South Main Street.

Mr. McIlrath acknowledged staff recommended the Planning Commission forward a recommendation of denial to the Council for the General Plan amendment and rezone based on the following findings: the requests were inconsistent with the land use guidelines, goals, and objectives of the General Plan; the use of the R-3 and R-2 zones to establish small-lot single-family neighborhoods was inconsistent with the purpose of the zone; and the General Plan was amended to allow for greater use of the R-1-6 zone for residential single-family infill development and as an alternative to multi-family residential. He stated the Planning Commission reviewed the request for the General Plan amendment and recommended denial with a five-two vote.

Mr. McIlrath indicated Chair Uccardi and Commissioner Blackwood were opposed to denial and articulated the following reasoning for such:

- Ongoing market demands for commercial/retail square footage was less than in the past.
- There was a need for additional housing and demand for smaller lot single-family residences.

He mentioned Commissioners Browning and Ratchford were also not opposed to the General Plan change to residential but voted for denial as it was tied to the rezone and concept plan. Mr. McIlrath added the rezone was also recommended for denial with a unanimous vote.

Mayor Shepherd stated he was not opposed to the overall concept. He commented the commercial proposal could add small retail. He expressed his opinion the density would have a significant impact to the area. He worried about the traffic impact and UDOT's response to additional access.

Councilmember Peterson commented despite the concessions made on the Destination Homes project at Wilcox Farms to rezone it as R-3 it functioned as an R-1-6 zone. She stated the project functioned as an R-3 visually, in its massing, and with vehicle traffic. She indicated she did not like having private roads in neighborhoods. She pointed out the General Plan proposal made sense, but not the zoning.

Councilmember Bush remarked he would like to see a larger commercial area. There was a discussion about the project regarding its livability, proportions of commercial and residential, blending and continuity of the surroundings so it was not so jarring.

Mr. McIlrath stated the proposed project might be more acceptable in an urban environment.

Councilmember Bush expressed his opinion he would be favorable with developing a lesser density zone. Mr. McIlrath stated staff could start looking into other options and types of zoning if that was the Council's desire.

Councilmember Peterson commented on liking R-1-4 better than R-1-3. She suggested staff should bring something to the Council for consideration dealing with single-family residential detached that would bridge the gap between R-3 and R-1-6 zones.

Mayor Shepherd agreed that would be good; however, the Council would need to decide on the proposed amendments next week in policy session. He acknowledged that he liked the overall concept.

Councilmember Peterson wondered if there was benefit in the Council considering the General Plan amendment with an understanding that the terms of the development agreement would need to be changed or if it should be denied. Mayor Shepherd responded the General Plan portion seemed fine but felt it should be tied to a development agreement which was not ready. He felt an important component of the development agreement should be that the developer had to acquire two accesses because otherwise it would significantly impact traffic on South Main with the school. He worried if two accesses on Antelope were approved UDOT might require a raised median which would impact other local businesses in addition to the retail and residential of the development.

DISCUSSION ON WATER CONSERVATION PLAN

Kenny England, Utility Superintendent, stated Utah's Division of Water Resources required all jurisdictions operating a water system to have a Water Conservation Plan which was updated every five years. He reviewed some of the key elements contained in the Plan which included existing resources, future needs, and the City's overall goal and efforts towards water conservation. He continued a portion of the City's water conservation efforts included the

Council considering adoption of a new water efficient landscaping ordinance. Mr. England reported staff had been meeting with the Weber Basin Water Conservancy District (WBWCD) to learn the requirements for participating in the District's Flip Your Strip program and the amount in gallons of water that could be saved by the City if it participated. He noted the City also planned to upgrade its water meters which should improve conservation efforts and help with water loss.

JJ Allen, City Manager, asked if the wholesale meter replacement program was built into the model. Rich Knapp, Finance Manager, replied affirmatively. Mr. Allen mentioned the City had applied for ARPA funding to help cover the costs of meter replacement.

There was a discussion on the programs and rebates available through the WBWCD and its requirements.

Kenny England mentioned in the Water Conservation Plan under future water needs it stated the City would likely not require any additional acre-feet of water to meet the residential demand for indoor and outdoor use. He explained that did not say the City would not or could not pump any more. He explained staff had reviewed the use of its wells and felt more could be utilized before there was a need to purchase any additional water.

Councilmember Peterson suggested if the City conserved water it would be good to brag about it and thank the residents for their help in conservation efforts.

UPDATE ON THE CITY'S CENTENNIAL CELEBRATION

Curtis Dickson, Deputy Community Services Director, stated staff had been working with the Centennial Committee to plan, organize, and deliver multiple community events in 2022 to celebrate the City's 100th birthday. He indicated the theme was "pride in our past, eyes to the future." He mentioned the logo contest was currently underway in the City's schools.

Mr. Dickson reviewed some of the following major events planned by the committee for 2022:

- First event the week of April 25th – race, hamburger/hot dog barbeque, fireworks, scavenger hunt with historical markers, and service projects.
- Second event the week of July 1st through 4th – race, fireworks at multiple locations, time capsule event on July 17th as part of the west entrance at the City Building.
- Third event the week of September 12th – race, Taste of Clearfield, Fireworks, Car Show

Mr. Dickson stated the discussion completely overwhelmed staff because of the current reductions in staffing. He acknowledged the last thing staff wanted to do was oversell and under deliver. He indicated staff would do what the Council desired, but staff would rather scale it back and do it well.

Mayor Shepherd stated those ideas were what was envisioned but in order to accomplish it there would need to be help. He noted so far, there was a lack of commitment from the committee and even meetings were not well attended. He felt it would be important to have the residents

involved if multiple events were scheduled. Mr. Dickson reiterated the difficulty in getting the committee to carry out assignments for simple things. He asked if it would make better sense to use the funding for an amazing Fourth of July celebration instead of the smaller events.

Mayor Shepherd said fireworks did not need to be done during the other events but the City could increase the amount for the Fourth of July celebration. Mr. Dickson stated it could be a possibility to have them launched from multiple parks, but he would need to discuss it with the Fire District to know for sure.

Councilmember Peterson voiced her opinion that it would be good to concentrate efforts during July because it was the anniversary month and that way it was not such a burden on staff throughout the year. Councilmember Roper agreed it should not be a burden to staff. Mr. Dickson mentioned perhaps Centennial events could be interlaced with other typical City events throughout the year, rather than planning extra events to celebrate it.

Mayor Shepherd liked the idea of concentrated efforts to recognize the centennial during the City's Fourth of July celebrations. He mentioned it would be nice to incorporate the centennial into other events such as the car show but there would need to be more residential involvement. There was a discussion about ideas that could be incorporated as centennial events held in conjunction with typical City events.

Mayor Shepherd recommended the Fourth of July in 2022 as the day for recognizing the City's Centennial as well as his desire for it to be more amazing than other years. The Council agreed. Mr. Dickson commented staff would work with the Centennial Committee at its next meeting to pare down the activities. He acknowledged many of the staff involved with the Fourth of July would also be in attendance to help coordinate efforts.

Kelli Bybee, Communications Assistant, asked if the centennial logo voting should be done by the Committee or the City Council. Mayor Shepherd voiced his opinion it should be a Council decision. The consensus of the Council was to have staff review the entries first and have about five or so options for the Council to review and make a final decision on the Centennial Logo.

Councilmember Peterson moved to adjourn at 8:21 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVED AND ADOPTED
This 13th day of September, 2022

/s/ Mark Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, November 16, 2021.

/s/ Nancy R. Dean, City Recorder