

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
May 9, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mayor Pro Tem Tim Roper

PRESENT: Councilmember Kent Bush, Councilmember Nike Peterson, Councilmember Vern Phipps, Councilmember Tim Roper

PRESENT VIA TEAMS: Mayor Mark Shepherd

ABSENT: Councilmember Karece Thompson

STAFF PRESENT: City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor, City Manager JJ Allen, Assistant City Manager Summer Palmer, City Attorney Stuart Williams, Police Chief Kelly Bennett, Deputy Public Works Director Braden Felix, Community Services Director Eric Howes, Communications Manager Shaundra Rushton, CDBG Coordinator Allison Barnes

VISITORS: Megan Ratchford, Kirk Nigro – Rocky Mountain Power

Mayor Pro Tem Roper called the meeting to order at 7:07 p.m.

Pledge of Allegiance
Solemn Moment of Reflection
Councilmember Vern Phipps

APPROVAL OF MINUTES:

June 28, 2022 – Joint Work Session
July 7, 2022 – Work Session
April 11, 2023 – Policy Session

Councilmember Peterson pointed out the start time on the April 11, 2023 policy session needed to be corrected to reflect 7:00 p.m.

Councilmember Peterson moved to approve the minutes from the June 28, 2022 joint work session; the July 7, 2022 work session and the April 11, 2023 policy session with the proposed revision; and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Phipps.

RESULT: **Passed [4 TO 0]**

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember

Roper
NO: None
Councilmember Karece Thompson was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE FISCAL YEAR 2024 (FY24) TENTATIVE BUDGET

Summer Palmer, Assistant City Manager, presented the tentative FY24 Budget for the benefit of the public to receive public comment. She stated that the budget had been a work in progress since July of 2022. Ms. Palmer reminded the Council that it was a tentative budget awaiting information before it could be finalized and adopted. She reviewed major changes to the budget based on recent meetings and priority determinations as outlined in her presentation materials. She reviewed the benchmark levels of security and sustainability and pointed out the projected available General Fund cash by the end of FY24 was 76 days of operating expenses which was above the target of two months. The sustainability of the budget was reviewed, and it was anticipated there would be a net surplus of \$96k. The final budget was scheduled to be adopted on June 27, 2023.

Mayor Pro Tem Roper opened the public hearing at 7:21 pm

Mayor Pro Tem Roper asked for public comments.

There were no public comments.

Councilmember Peterson moved to close the public hearing at 7:21 p.m., seconded by Councilmember Bush.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper
NO: None
Councilmember Karece Thompson was not present for the vote.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF AN AGREEMENT GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER

Braden Felix, Public Works Deputy Director, explained the need to renew an expiring Franchise and General Utility Agreement with Rocky Mountain Power. The agreement granted Rocky Mountain Power general utility easements for the use of its utility infrastructure. He explained that the approval would allow the City and Rocky Mountain Power to enter into a ten-year agreement with an automatic renewal of up to ten more years if both parties were still in agreement.

Councilmember Bush moved to approve the agreement granting Rocky Mountain Power an Electric Utility Franchise and General Utility Easement and authorize the Mayor’s signature to any necessary documents., seconded by Councilmember Peterson.

RESULT: Passed [4 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper

NO: None

Councilmember Karece Thompson was not present for the vote.

APPROVAL OF THE CONTRACT MODIFICATION FOR GENEVA ROCK PRODUCTS FOR THE CLEARFIELD STATION TRANSIT-ORIENTED DEVELOPMENT CONTRUCTION PROJECT

Braden Felix, Public Works Deputy Director, explained the history of the contract with Geneva Rock Products for the transit-oriented development infrastructure construction. He explained that that funding was currently available from the 3rd Quarter Sales Tax and funds from the Governor’s Office of Economic Opportunity (GOEO), and staff felt confident that funds were available for an additional \$9,170,487.29 to complete the contract. He explained the reason for the proposed contract modification was due to unanticipated cost increases and unforeseen issues in construction.

Councilmember Phipps moved to approve the contract modification for Geneva Rock Products for the Clearfield Station transit-oriented development construction project and authorize the Mayor’s signature to any necessary documents., seconded by Councilmember Bush.

RESULT: Passed [4 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper

NO: None

Councilmember Karece Thompson was not present for the vote.

APPROVAL OF THE FISCAL YEAR 2024 TENTATIVE BUDGET

Councilmember Phipps expressed his appreciation for the tremendous efforts involved in creating the budget. He appreciated that the budget recognized the need for growth but at the same time limited unnecessary burdens upon the taxpayers. He expressed his opinion that it was a good, sound budget.

Councilmember Bush moved to approve the Fiscal Year 2024 Tentative Budget and authorize the Mayor’s signature to any necessary documents., seconded by Councilmember Peterson.

RESULT: Passed [4 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper
NO: None
Councilmember Karece Thompson was not present for the vote.

APPROVAL OF RESOLUTION 2023R-04 APPROVING THE POLLING LOCATION AND VOTE CENTERS FOR THE MUNICIPAL ELECTIONS ON AUGUST 15, 2023 AND NOVEMBER 7, 2023

Nancy Dean, City Recorder, explained it was a State requirement to approve the vote centers ninety days before the election even though it was not known whether the City would be holding a primary election. She informed the Council that she had received information earlier that Fruit Heights City needed to be added to the list of vote centers. She said the vote center in Clearfield City would be the Clearfield Library.

Councilmember Phipps moved to approve Resolution 2023R-04 approving the polling location and vote centers for the Municipal Elections on August 15, 2023 and November 7, 2023, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper
NO: None
Councilmember Karece Thompson was not present for the vote.

APPROVAL OF THE 2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN

Allison Barnes, CDBG Coordinator, presented the required 2023-2024 CDBG Annual Action Plan which would be submitted to the United States Department of Housing and Urban Development (HUD). It provided a summary of the Action Plan’s activities, and the specific federal and non-federal resources that would be used each year to address the priority needs and specific goals identified by the Consolidated Plan. She informed the Council that after receiving feedback at the last meeting, changes had been made to clarify and improve the overall quality of the document.

She stated that Clearfield City expected to receive \$193,341 in CDBG Funds. The committee recommended a fifteen percent (15%) allocation for public services in the amount of \$29,001.15 which would be split between Open Doors, Davis Community Learning Center, and Safe Harbor. It was anticipated \$125,671.65 would be used to purchase a vacant lot within a low-income neighborhood. The property would be donated to an organization that would build a new home which would be sold at an affordable rate to a low-income qualifying family that had demonstrated a unique need. The remaining \$38,668.20 would be allocated for administration of the CDBG Program.

Councilmember Peterson expressed her appreciation for the work required to clarify the annual Action Plan. She was pleased with the draft submitted to Council and thought it was more reflective of the position of Council in balancing its housing stock with the need to meet the affordable and lower income demands against the market rate. Councilmember Peterson stated she had a few additional changes she wanted to recommend but did not want to hold up the approval of the Plan and would support the passage of the Action Plan because the anticipated changes did not include substantial policy changes. The Council requested her recommendations be stated on the record.

Councilmember Peterson requested to change the language which stated that Form Base Code would eliminate, mitigate and reduce barriers to housing. She stated that no code could accomplish that.

She pointed out a table in the plan that broke down the various housing types which addressed how the Council entitled and approved the range of housing types within the community. She questioned how the City would determine whether a project qualified. She wanted clarification which specified whether it would be through the land use process or draw the line at pulling permits.

Lastly, there was a section which talked about what actions the City would take to foster and maintain affordable housing through zoning designations and that the broad range of housing choices would be met. She thought there needed to be a delineation of the steps the City would take to accomplish the maintenance of affordable housing. Stuart Williams, City Attorney, added that there had been an error in the table which specified the number of units within the housing type, but stated that the number depended on how the units would be defined and would be subject to change. He explained that Planning had determined the definition for the various housing types, so it might change.

Councilmember Bush asked if a specific lot had been chosen based on the amount specified for the purchase of an unimproved property. Ms. Barnes said that number was used because it was the amount remaining. Mr. Allen confirmed that staff had specific lots that a real estate broker was working to acquire. Councilmember Bush asked if the lot purchase did not use all the allocated funds, did the plan need to specify how the remaining monies would be used. Ms. Barnes said the committee had considered the possibility of purchasing two lots with any remaining funds from a prior year.

Councilmember Peterson moved to approve the 2023-2024 Community Development Block Grant (CDBG) One-Year Action Plan as presented in the draft document plus the non-substantive language revisions discussed on record and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush.

RESULT: Passed [4 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper

NO: None

Councilmember Karece Thompson was not present for the vote.

COMMUNICATION ITEMS

Mayor Shepherd

Due to technical difficulties, the Mayor did not provide a report to the Council.

Councilmember Roper

1. Reported that Wasatch Integrated had recently approved its tentative budget and it included the purchase of five over-the-road trucks from Rawson Development and twelve sets of double trailers which would allow them to haul municipal solid waste to the regional landfill.
2. He said that Wasatch Integrated was working with Jacobs Engineering to implement its integrated waste management plan.
3. He reported that the landfill had become extremely popular over the last few days seeing over 2000 transactions on April 29, 2023.
4. He expressed his condolences to the family of Elder Heninger who recently passed away in Clearfield. He expressed his condolences to his companion, the Layton Mission and those that were with him and the first responders who assisted.

Councilmember Bush

1. He reported that he had attended two conferences last month in St. George. They were the Utah League of Cities and Towns (NLC) and the Utah Water Association conferences where he obtained good information.
2. Last Friday he attended a meeting with County Commissioners and Animal Care of Davis County where it discussed the need for a new facility. The County had a plan in place for an \$18M building. He wasn't clear on what they were expecting from the cities.
- 3.

Councilmember Peterson

1. Expressed her condolences to the Heninger family for the loss of their son. Her family had personal ties to the mission which made the tragedy especially impactful. Mayor Shepherd had asked her to read a letter on his behalf that he had sent to the family.

Councilmember Phipps

1. He reported that the Restoration Advisory Board met last week to address groundwater contamination. He said that the methane issue that had appeared as the result of the treatment of the ground water had been resolved and no more action would be taken. There had been no detectable levels of methane for about a year. The Air Force would be capping some of the wells.
2. Some items discussed that didn't affect Clearfield City, surrounded the issues of the mitigation of the chemical from fire suppressant foam. There had been mitigation around the old rail facilities where the proposed 1800 North interchange was planned. The Air Force was trying to mitigate the water contamination before UDOT disturbed the ground with construction.

STAFF REPORTS

JJ Allen, City Manager

1. He informed the Council that the Council Retreat on June 9, 2023 would be held at the Memorial Courthouse in Farmington.
2. He reported that he had distributed a new book for Council to read prior to the retreat. The name of the book was "13 Ways to Kill Your Community" and was meant to be a fun read.
3. He stated that the joint session with the Parks & Recreation Commission that was tentatively scheduled on May 30, 2023, would more than likely be rescheduled.
4. He informed the Council that Jackie Wardle, Recreation Manager, had accepted another position

closer to her home and the City would be losing her.

5. He reported that the meeting with Animal Care of Davis County was a curious meeting and he sensed that the County was asking for the thirteen cities' permission to do what they had the power to do themselves. He wondered if the County was wanting to ask the cities to pitch in financially. Seemed like it wanted to take it to a General Obligation (GO) Bond vote unnecessarily.

Nancy Dean, City Recorder

1. May 16, 2023 - No meeting.
2. May 23, 2023 – Work and Policy sessions.
3. May 30, 2023 – nothing scheduled at this moment.

Top 5 Department Updates

Clearfield Leadership Academy

Mr. Allen reported that the Clearfield Leadership Academy had recently concluded.

- 13 participants
- 13 total sessions
 - 3 Leadership sessions
 - 3 Management Sessions
 - Book reports
 - “Tour de Clearfield” – job shadowing

Spring Run Off and Potential Flooding

Braden Felix, Public Works Deputy Director, presented information about water issues and the risk of any flooding in the City. He said the City offered sandbags for the residents, but hadn't found a real need.

- Private vs. Public Property Flooding
 - 20 reports water in basements from rising groundwater (none caused by City-owned infrastructure failure)
 - Run off from Miya's Farm (Weber Basin Property). No flooding to adjacent homes
 - Valhalla Area
 - Preventative and ongoing maintenance – have some land drains that need to be evaluated and cleaned up based on an agreement put in place years ago.
 - Storm Drain System
 - 7 Regional Detention Ponds (total capacity 178.8 acre-foot) – Mr. Felix said Brad Wheeler, Streets and Fleet Supervisor, had been keeping them clean and functioning.
 - H Street storm drain line – need to be upgraded soon – currently a 12-inch line but would be upgraded to 36-inch line
 - Areas with no curb and gutter had no good storm drain. Being prioritized right now.
 - Areas with secondary non-pressurized irrigation where flood irrigation was utilized. There have been instances where the irrigation companies don't have the resources to maintain the system. Mr. Felix had heard of a couple of places where water was bubbling up and needed to be addressed.
 - State Street and 1450 South – Mr. Felix said during an August 2021 storm event had impacted a new storm drain facility. There had been so much flow, it backed pressure up and lifted the manhole. Hadn't had any issues since that event.

- Isolated flooding due to debris. He expressed the need to keep our drains clean.
- 5 Annual Maintenance Areas and several feet of open drainage ditch

A link was provided to provide access to the FEMA Flood Plain Hazard Areas to see the boundaries of potential flood areas. Mr. Felix pointed out that Clearfield City didn't have streams, drainage from other cities or mountain melt to consider. The only flood hazard was a small sliver off Hwy 193 across from the H Street retention pond. That potential for flooding was reduced a few years ago after a flood study had been completed and the City submitted a letter of map revision to request that area be removed from the flood plain list which had been approved.

200 South Well/Mabey Pond Water Supply

Eric Howes, Community Services Director, reminded the Council of the long-standing issue with the Mabey Pond well. He said they had been pumping water since April 11, 2023. He had seen some increase in the pond level. He provided a brief history of the efforts to repair the pump and the projected rates to increase the water level as outlined in the presentation materials. Long term recommendation: Install surface mounted vertical shaft pump as had been in place originally which would cost, with installation \$92k – \$100k. Said it would be 8-10 weeks for pump to arrive if ordered immediately. He said until they had the pump ordered he was not confident enough in the existing pump to ramp up the pumping to a higher rate. Mr. Allen recommended further discussion be included in future work session.

Wave Wearable Devices

Eric Howes, Community Services Director, provided an update on the new wearable drowning prevention devices implemented on May 1, 2023 at the Aquatic Center for swim patrons under age 12. He reported that the City had initially received negative feedback on social media. He said the majority of the opposition was due to the use of the devices being mandatory. He said that since implementation, a majority of the users had not had any issues; any resistance originated from adults and not the actual users. He related an instance where one user asked to cancel their membership due to the mandatory nature of the devices. He reported that after the manager responded with an explanation of the rationale behind the devices the individual expressed gratitude for the explanation and the expression of their willingness to try it out before canceling membership.

He said the greatest challenge behind social media was staff resistance to the change. Overall, he was optimistic for the future with the devices.

July 4th Events

Mr. Howes presented dates for upcoming events around the 4th of July Celebrations:

- Paint the Bridge – June 26th 7:30pm
- Search the City – June 26th – July 1st
- Movie in the Park – Steed Park July 1, 8:30pm – 11:30pm
- Patriotic Concert – July 2nd 7:30pm
- Pool Bash – July 3 7:30pm – 9:30pm
- Fun Run/Walk – July 4 7:00 am
- Parade – July 4 9:30am – Mr. Howes said in an attempt to increase safety in the parade there would be a reduction in staff floats. No candy or toys could be thrown from the floats. If anything was needed, floats would need to be approached from the rear to allow the driver to have visual access.
- Park Festival – July 4, 2023 6:00 p.m. – 10:30 p.m.

He stated that “The Salamanders Party Band” would be providing entertainment and the fireworks would

start at 10:00 p.m. Mr. Howes said staff would be making changes to the VIP experience by having staff eat earlier so the staff could focus on creating a better VIP experience. Staff would be implementing changes to the site including moving some food vendors across the park, creating two cordoned off pathways to improve security and safety of the public.

Councilmember Peterson moved to adjourn as the City Council and reconvene as the CDRA in policy session at 8:29 p.m., seconded by Councilmember Phipps.

RESULT: Passed [4 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper

NO: None

Councilmember Karece Thompson was not present for the vote.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 23rd day of May 2023**

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, May 09, 2023.

/s/ Nancy R. Dean, City Recorder