

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
February 14, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Mike LeBaron	Councilmember
	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Mike Stenquist	Assistant Police Chief
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Kevin Porter – Clearfield Sales, Connor Comeau, Cody Adams, Ty Gould, Alerie Oliver, Ryann Thompson, Seth West, Chris Jackson, Chris Kenney

Mayor Wood informed the citizens present that if they would like to comment during Citizen Comments or the Public Hearing there were forms to fill out by the door.

Councilmember Kent Bush conducted the Opening Ceremony.

Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 7:05 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

The minutes for the CDRA are in a separate location

PUBLIC HEARING TO CONSIDER THE SALE OF PROPERTY LOCATED AT 88 EAST CENTER STREET, MORE COMMONLY KNOWN AS THE CLEARFIELD FIRE STATION, TO THE NORTH DAVIS FIRE DISTRICT

The North Davis Fire District (NDFD) approached the City to make some improvements to the fire station located at 88 East Center and was willing to purchase the building to allow it to make

any improvements it deemed necessary. The City had been in negotiations with the NDFD regarding the sale of the building.

Mayor Wood declared the public hearing open at 7:08 p.m.

Mayor Wood asked for public comment.

There were not public comments.

Councilmember Shepherd moved to close the public hearing at 7:09 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

SCHEDULED ITEMS

CITIZEN COMMENTS

Kevin Porter, business owner of Beehive North Plaza, stated he was representing Beehive North Plaza where Kwal Paint and the former Clearfield Veterinary Clinic were located. He reported Clearfield Veterinary had outgrown the facility and had relocated. He mentioned an animal adoption clinic had been interested in renting the space previously occupied by the veterinary clinic, but when it applied for the necessary permits from the City was told the zoning wouldn't allow that use because it would be considered a "kennel." He continued kennel licenses weren't allowed within the City. He pointed out the space had been vacant for one year and expressed his opinion the facility would accommodate this use. He requested the City Council reconsider allowing kennels in C-2, Commercial, zoning.

Mayor Wood explained the process used in re-writing the City's land use ordinance. He didn't believe kennels were allowed in any of the City's zoned land uses.

Mr. Porter informed the Council the adoption clinic would also be able to provide some veterinary services similar to other veterinary clinics within the City. He commented the only difference would be the amount of time the animals would remain at the clinic during the adoption process.

Councilmember LeBaron clarified the desired location for the adoption clinic had previously been used as a veterinary clinic. Mr. Porter responded the veterinary clinic had rented business space from him for 28 years. He added kennels were already built within the facility as well as other amenities which would easily lend itself for the proposed use.

Councilmember Young believed the difference would be the length of term that animals could possibly remain at an adoption facility compared to a veterinary clinic. Mr. Porter emphasized the mission of the adoption clinic would be to place animals in homes.

Mayor Wood emphasized zoning wouldn't be exclusive to that location; rather, it could apply to every other C-2, Commercial, zoned property within the City.

Adam Lenhard, City Manager, suggested Mr. Porter submit application to the community development department for an ordinance change. He continued the Planning Commission would consider the proposed use changes and forward it to the City Council with a recommendation for approval or denial of the request. He stated that would be the proper procedure in bringing the issue to the City Council.

APPROVAL OF RESOLUTION 2012R-03 AUTHORIZING THE DISPOSITION OF THE CLEARFIELD FIRE STATION TO THE NORTH DAVIS FIRE DISTRICT

Councilmember Shepherd moved to approve Resolution 2012R-03 authorizing the disposition of the Clearfield Fire Station to the North Davis Fire District, NDFD, with the condition the City be allowed a first right of refusal should NDFD desire to sell the Fire Station in the future at the purchasing cost plus improvements less depreciation, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF THE APPLICATIONS FOR THE EDCUtah COMMUNITY MATCH GRANT PROGRAM FOR MARKETING AND PROFESSIONAL DEVELOPMENT ASSISTANCE FUNDS

Through its Community Match Grant Program, EDCUtah offered funds to help with economic development efforts in the following areas: 1) marketing, 2) event sponsorship, and 3) professional development. These were 50/50 grants (paying half of the project cost). Clearfield could utilize assistance both with marketing (\$5,000 maximum grant) and with professional development (\$800 maximum grant).

Councilmember Murray inquired about the amount of the grant requests. Mayor Wood clarified funds had been appropriated within the marketing campaign which could be used toward the City's match. He continued the City previously applied and received the \$800 which had been used to send staff to training and seminars. Mr. Lenhard clarified the \$800 would need to be appropriated during the 2013 fiscal year budget process. Mr. Wood emphasized the grant funds were a great opportunity to augment the City's Marketing Campaign.

Councilmember Young moved to approve the application to the EDCUtah Community Match Grant Program for amounts up to \$5,000 (marketing) and \$800 (professional development) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

Mayor Wood informed the Council that Brian Brower, City Attorney, suggested removing the approval of Resolution 2012R-01 authorizing an interlocal lease agreement with Syracuse City for installation of a wireless communications site on a water tower owned by Syracuse City, from the Consent Agenda to allow further discussion. Mayor Wood inquired if there were other items which needed to be removed from the Consent Agenda.

Councilmember Bush reported he had a correction for the January 17, 2012 work session minutes. Mayor Wood also removed approval of the city council minutes from the January 17, 2012 work session and the January 24, 2012 regular session from the Consent Agenda.

APPROVAL OF THE CITY COUNCIL MINUTES FROM THE JANUARY 17, 2012 WORK SESSION AND THE JANUARY 24, 2012 REGULAR SESSION

Councilmember Bush referred to the January 17, 2012 work session minutes, Page 2, Paragraph 2, and requested the minutes be changed from “.... Councilmember Bush inquired if the power poles proposed along 1000 West would be a new addition” to “... Councilmember Bush inquired if the existing power poles located along 1000 West would be used or if new poles would be installed.” **Councilmember LeBaron moved to approve the minutes from the January 17, 2012 work session as amended and the January 24, 2012 regular session as written, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

APPROVAL OF RESOLUTION 2012R-01 AUTHORIZING AN INTERLOCAL LEASE AGREEMENT WITH SYRACUSE CITY FOR INSTALLATION OF A WIRELESS COMMUNICATIONS SITE ON A WATER TOWER OWNED BY SYRACUSE CITY

Adam Lenhard, City Manager, stated the agreement was important to the pole camera installation project throughout the City. The height and location of Syracuse’s water tower was required for an antenna, power source and other related equipment to support Clearfield’s municipal surveillance camera network system. He indicated the City negotiated the agreement with Syracuse City and indicated a number of minor changes had been requested by its new attorney.

Brian Brower, City Attorney, reported he had been contacted by Syracuse City’s attorney requesting changes to the agreement. He directed the Council to Page 1, Paragraph 2, specific to the term of the agreement. He stated the original language reflected Clearfield City had the sole option to extend the terms of the agreement up to four consecutive ten-year periods and Syracuse City was requesting the verbiage be included which would reflect, “upon mutual agreement of the parties.”

He directed the Council to Page 2, Paragraph 6, regarding liability specific to negligence. He reported Syracuse City was proposing new language which would read, "Except to the extent caused by the negligent acts or willful misconduct of Syracuse, Clearfield shall be responsible for any loss or damage arising from any claim...." He believed the correction more narrowly defined what would constitute liability for Syracuse from the broader term of negligence to a more specific term of negligent acts.

Mr. Brower stated he didn't have concern with the requested changes by Syracuse City.

Councilmember LeBaron moved to approve Resolution 2012R-01 authorizing an Interlocal Lease Agreement with Syracuse City with the following changes: 1) Page 1, Paragraph 2, be changed from "...Clearfield City had the sole option to extend the terms of the agreement up to four consecutive ten year periods" to "...upon mutual agreement of the parties." 2) Page 2, Paragraph 6, be changed to "Except to the extent caused by the negligent acts or willful misconduct of Syracuse, Clearfield shall be responsible for any loss or damage arising from any claim...." and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

CONSENT AGENDA

APPROVAL OF THE SPILLMAN PURCHASE ADDENDUM FOR AN IBM UNIX SERVER AND SERVER MIGRATION SERVICES IN FISCAL YEAR 2013

Clearfield City was scheduling to update the police server in fiscal year 2013. In order to complete the install, the City needed to schedule an installation date in advance. Since this item would be in next year's budget which had not yet been approved by Council, City staff was asking the Council for a commitment for this item to be included in next year's budget.

APPROVAL OF THE FINDINGS, CONCLUSIONS AND DETERMINATION OF THE APPEAL AUTHORITY REGARDING OUTDOOR STORAGE IN EXCESS OF SIX FEET FOR DAWSON HOMES

The City Council was the designated appeal authority for decisions reached by the Planning Commission as the land use authority on conditional use permit applications. On January 5, 2012 the appeal authority heard the appeal regarding outdoor storage exceeding six feet in height which was part of a conditional use permit granted to Dawson Homes.

APPROVAL OF RESOLUTION 2012R-02 AUTHORIZING SPONSORSHIP OF THE HILL AIR FORCE BASE (HAFB) OPEN HOUSE AND AIR SHOW 2012

HAFB would be holding its Open House and Air Show on May 26 & 27, 2012, and requested the City partner in sponsoring the event.

APPROVAL OF ORDINANCE 2012-02 AMENDING THE CITY'S ANIMAL CONTROL ORDINANCE

Davis County recently amended its Animal Control Ordinance requiring the licensing of cats. The City would like the requirement to be optional to its residents and the ordinance was reflective of that desire.

Mayor Wood asked the Council if there were any items which needed to be removed from the consent agenda. There were no items removed.

Councilmember Shepherd moved to approve the consent agenda items presented by staff as listed above and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Wood – reported he had attended the State Legislature with the Youth City Council members at the State Capitol during which they participated in some role playing at a mock City Council meeting. He stated the Deseret News had a great article featuring the Youth City Council's Mayor and some other members. He added Amber Seidel, Mayor, was interviewed extensively and suggested the Council view the article. He complimented the Youth City Council members and expressed his opinion the City's representation was exceptional.

Councilmember Bush

1. Informed the Council he also attended the Legislature with the Youth City Council.
2. Reported he had attended Utah League of City's & Towns (ULCT) training for newly elected officials.

Councilmember LeBaron – nothing to report.

Councilmember Murray – nothing to report.

Councilmember Shepherd – stated he had attended the National Day of Prayer ceremony at Hill Air Force Base (HAFB) on the Mayor's behalf. He reported the comments were directed toward City leaders regarding the shyness sometimes experienced from prayers being offered during public meetings.

Councilmember Young – agreed with the Mayor’s comments regarding the Youth City Council and added the members did an exceptional job mingling with the legislators and other participants, as well as Governor Herbert.

Adam Lenhard, City Manager – informed the Council the monthly update had been provided to the City Council by email. He requested anyone needing hard copies to get with him.

STAFFS’ REPORTS

Nancy Dean, City Recorder – stated the next scheduled City Council meeting would be Tuesday, February 28, 2012.

Eric Howes, Community Services Director –reported the carpet, painting, electrical and signage for the Community Arts Center had recently been funded through the re-opening of the budget. He stated the first floor had been re-painted and the carpet would be completed soon. He added the City was in the process of obtaining bids for signage and the carpet. He reported the bids specific to carpet would be higher than anticipated. He indicated the Council might need to reconsider options which included costs for seating and commented these options would be presented and discussed to the council during a future work session.

There being no further business to come before the Council **Councilmember LeBaron moved to adjourn at 7:36 p.m., seconded by Councilmember Young. All voting AYE.**

**APPROVED AND ADOPTED
This 28th day of February, 2012**

/s/Don Wood, 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, February 14, 2012.

/s/Nancy R. Dean, City Recorder