

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
February 14, 2012 – REGULAR SESSION

City Council Chambers  
55 South State Street  
Third Floor  
Clearfield, Utah

**Mission Statement:** To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

**6:00 P.M. WORK SESSION**

Discussion on the Farmers Market  
Discussion on the Disposition of Property located at 88 E Center Street, more commonly known as the Clearfield Fire Station to the North Davis Fire District (NDFD)  
Discussion on the Vacation of Utility Easements at Freeport Center  
Discussion on the Clearfield University

*(Any items not addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)*

**7:00 P.M. REGULAR SESSION**

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Youth City Councilmember Aubree Marquez

**\*\*ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA\*\***

1. APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE JANUARY 24, 2012 REGULAR SESSION

***SCHEDULED ITEMS:***

2. CONSIDER APPROVAL OF THE ATK REIMBURSEMENT AND DEVELOPMENT AGREEMENT

**BACKGROUND:** The CDRA recently approved a budget for the ATK Economic Development Project Area. This agreement formalizes the schedule for improvements in the project area, ATK's investment in its facilities and the CDRA's tax increment incentives associated with the project.

**RECOMMENDATION:** Approve the ATK Reimbursement and Development Agreement and authorize the Chair's signature to any necessary documents.

**\*\*ADJOURN AS THE CDRA AND RECONVENE AS THE CITY COUNCIL\*\***

***PUBLIC HEARING:***

1. 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

BACKGROUND: 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 has been in negotiations with the NDFD regarding the sale of the building.

RECOMMENDATION: Receive public comment.

***SCHEDULED ITEMS:***

2. CITIZEN COMMENTS
3. CONSIDER APPROVAL OF RESOLUTION 2012R-03 AUTHORIZING THE DISPOSITION OF THE CLEARFIELD FIRE STATION TO THE NORTH DAVIS FIRE DISTRICT

RECOMMENDATION: Approve Resolution 2012R-03 authorizing the Disposition of the Clearfield Fire Station to the North Davis Fire District and authorize the Mayor's signature to any necessary documents.

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

BACKGROUND: Through its Community Match Grant Program, EDCUtah offers funds to help with economic development efforts in the following areas: 1) marketing, 2) event sponsorship, and 3) professional development. These are 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).

RECOMMENDATION: 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.

***CONSENT AGENDA:***

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

BACKGROUND: This agreement is important to the Pole Camera installation project throughout the City. The height and location of Syracuse's water tower is required for an antenna, power

source and other related equipment to support Clearfield's municipal surveillance camera network system.

RECOMMENDATION: Approve Resolution 2012R-01 authorizing an Interlocal Lease Agreement with Syracuse City and authorize the Mayor's signature to any necessary documents.

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

BACKGROUND: Clearfield City is scheduling to update the police server in fiscal year 2013. In order to complete this install, the City needs to schedule an installation date in advance. Since this item will be in next year's budget which has not yet been approved by Council, City staff is asking the Council for a commitment for this item in next year's budget.

RECOMMENDATION: Approve the Spillman purchase addendum for an IBM Unix Server and Server Migration Services in fiscal year 2013 and authorize the Mayor's signature to any necessary documents.

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

BACKGROUND: The City Council is 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.

RECOMMENDATION: Approve the Findings, Conclusions and Determination of the Appeal Authority regarding outdoor storage exceeding six feet in height as part of a conditional use permit granted to Dawson homes and authorize the Mayor's signature to any necessary documents.

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

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

RECOMMENDATION: Approve Resolution 2012R-02 authorizing sponsorship of the Hill Air Force Base (HAFB) Open House and Air Show 2012 and authorize the Mayor's signature to any necessary documents.

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

BACKGROUND: 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 is reflective of that desire.

RECOMMENDATION: Approve Ordinance 2012-02 Amending the City's Animal Control Ordinance and authorize the Mayor's signature to any necessary documents.

***COMMUNICATION ITEMS:***

Mayor's Report  
City Councils' Reports  
City Manager's Report  
Staffs' Reports

***\*\*COUNCIL MEETING ADJOURN\*\****

Dated this 9<sup>th</sup> day of February, 2012.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

# Memo



To: Mayor Wood and City Council  
From: JJ Allen, Assistant City Manager  
Date: 2/8/2012  
Re: Clearfield Farmers Market

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Since it was first launched in 2008, the Clearfield Farmers Market has been directed by Natalee Flynn and Marliss Scott (our PR/Marketing/Special Events staff). They and others have put countless hours into developing the program, trying a variety of approaches to make the market a success. However, after five years, the time has come to take a step back and consider the effectiveness and value of the program.

## Level of Participation

The first question to be asked is whether the program has built momentum that will keep it going. In Marliss' words, "For five years, we have advertised and promoted our farmers market and, in theory, should have a share of the public's mind that Clearfield has a farmers market. However, this doesn't seem to be the case; we don't appear to have a solid following of customers after five years."

Not only do we not have a solid following of customers, but we struggle to even get a respectable number of farmers to sell their produce at our market. If you've been to the market in the past, you've probably noticed that most of the vendors are crafters, not farmers selling produce. In more successful farmers markets, it's the produce that drives the program, and other goods are ancillary. We've not been able to get to that point in Clearfield.

In each of the five years, new ideas have been implemented to increase the level of participation (both in terms of vendors and customers). The location has been moved from Central Park to Center Street to City Hall to the Clearfield Aquatic Center. Each location had its pros and cons, but none of them drew in large crowds. We've introduced new payment options (the food stamp program) and a "Little Seedlings" market for the youth. We've tried different days of the week. Last year, we even organized a volunteer committee to help with the market, hoping that would increase public interest. All of these efforts have been improvements, but they have not led to name recognition for the market, nor to encouraging levels of attendance / participation.

Though the market has not become incredibly popular, that doesn't mean it has been a failure. To the contrary, the program has been very well run, and has received good reviews from those who have participated. It has provided a quaint venue for local farmers and

crafters to market their produce and products, and for Clearfield residents to purchase these goods. Marliiss and Natalee deserve kudos for putting their hearts and souls into the Clearfield Farmers Market, and for doing everything within their power to make it successful. That said, even they have come to the realization that the program may simply not be worth the resources that the City devotes to it.

### Program Finances

The biggest cost of the Clearfield Farmers Market is in terms of human resources. We estimate that for the 2011 market, each day cost \$516 in staff time. The market was held 11 times in 2011 (one week was rained out), bringing the market-day total cost to \$5,676. In addition, \$1,519.60 was spent from funds budgeted for public notices, supplies, copying/printing, etc. Thus, to say nothing of the many staff-hours spent planning for the market season, the costs were at least \$7,195.60.<sup>1</sup>

On the other side of the ledger, the market brought in \$2,786 in booth fees from the vendors. Though the purpose of the market may never have been to make a profit, it's important to note that the program is costing far more than twice as much as it is bringing in.

### Highest and Best Use

Again, it wouldn't be fair to say that the Clearfield Farmers Market has been a waste of time or money. However, to borrow a phrase from land use vernacular, is there a "higher and better use" of our resources? Staff feel strongly that the time and money spent planning for and carrying out the farmers market can be put to better use with our Fourth of July celebration—especially with the contemplated Rocky Mountain Wings Festival. The wings festival will require significant new resources (both money and time), and discontinuing the farmers market will help make room for the new demands.

### Conclusion

In conclusion, we recommend that the Clearfield Farmers Market be discontinued. It had a good run, but it never grew significantly in popularity. It operates at a financial loss, and there are better uses of funding and staff time. We look forward to discussing this recommendation with you at the work session on February 14. If you have any questions before then, please contact me at 801-920-0980 or [jj.allen@clearfieldcity.org](mailto:jj.allen@clearfieldcity.org).

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<sup>1</sup> The revenue from a Utahns Against Hunger grant (\$2,000) and the expenditures against that grant (\$1,273.60) have been excluded from this analysis.

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY  
MEETING MINUTES

7:00 P.M. REGULAR SESSION

January 24, 2012

*(This meeting was held during the regularly scheduled City Council Meeting.)*

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

VISITORS: Sam Hansen, Ashton Hansen, Hansen Family, Mark Hansen, Kurt Spencer – Fallen Heroes Scholarship Foundation, Julie Spencer, Travis Williams, Joy Brown – American Legion, Marc Blanchard – Fallen Heroes Scholarship Foundation, Tamra Blanchard, Andrea Friebe – Six Feet Below Tattoo, Cameron John – Six Feet Below Tattoo, Mr. Kupfer – Six Feet Below Tattoo, Randy Sant - Consultant

Chair Murray called the meeting to order at 7:12 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES OF THE JULY 26, 2011 SPECIAL SESSION AND THE AUGUST 23, 2011 WORK SESSION MEETINGS

**Director Wood moved to approve the minutes from the July 26, 2011 special session and the August 23, 2011 work session Clearfield Community Development and Renewal Agency (CDRA) meetings, as written, seconded by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Bush, LeBaron, Murray, Shepherd, Young and Wood. Voting NO – None.**

APPROVAL OF RESOLUTION 2012R-01 APPROVING THE ECONOMIC DEVELOPMENT PROJECT AREA FINAL BUDGET FOR THE ATK ECONOMIC DEVELOPMENT PROJECT AREA

Randy Sant, consultant, explained the Taxing Entity Committee met on December 19, 2011 and authorized the CDRA to move forward with adoption of the budget specific to the ATK Economic Development Project Area. He continued approval of the budget would allow the CDRA to collect up to \$17,520,872 of tax increment funds. He reported how the funds would be distributed: \$14,000,000 would be an incentive to the developer – ATK, \$2,644,000 could be designated to other projects within the project area, \$876,986.00 for administrative costs. He stated the agency would be allowed to collect 75 percent of the increment for 20 years or until the developer incentive had been paid, whichever came first. He pointed out adoption of the resolution would ratify the budget and authorize the Area be set up with the County as the project area.

He reported the first payment to the Agency would be received in the 2012 calendar year which would benefit the City. He expressed appreciation to Brian Brower, City Attorney, and Adam Lenhard, City Manager, and Nancy Dean, City Recorder, for their assistance in moving forward with the resolution.

Director Wood stated this had been a monumental undertaking. He continued the City had an opportunity to partner with the State in bringing a company to the City which would result in bringing 800 jobs to the City. He believed it was a great opportunity for Clearfield City.

**Director Shepherd moved to approve Resolution 2012R-01 approving the Economic Development Project Area Final Budget for the ATK Economic Development Project Area and authorize the Chair's signature to any necessary documents, seconded by Director Young. The motion carried upon the following vote: Voting AYE – Directors Bush, LeBaron, Murray, Shepherd, Young and Wood. Voting NO – None.**

There being no further business to come before the Community Development and Renewal Agency, **Director Bush moved to adjourn as the CDRA and reconvene as the City Council at 7:20 p.m., seconded by Director LeBaron. All voting AYE.**

# **CLEARFIELD CITY RESOLUTION 2012R-03**

## **A RESOLUTION AUTHORIZING THE SALE OF CLEARFIELD FIRE STATION NO. 42 INCLUDING APPROXIMATELY 1.42 ACRES OF REAL PROPERTY AND IMPROVEMENTS CURRENTLY OWNED BY CLEARFIELD CITY AND APPROVING THE REAL ESTATE PURCHASE AGREEMENT FOR THE SALE OF SAID PROPERTY**

WHEREAS, Clearfield City Corporation (the “City”) owns approximately 1.42 acres of real property and associated improvements (the “Property”) roughly located at 88 E. Center St. in Clearfield, Utah, and more particularly described in the Agreement for Purchase and Sale for said Property (the “Purchase Agreement” attached hereto as Exhibit “A”); and

WHEREAS, the North Davis Fire District (the “District”) has been occupying and operating Fire Station No. 42 located on the Property since the creation of the District and pursuant to a lease agreement with the City; and

WHEREAS, since the creation of the North Davis Fire District, the City no longer has a need to continue owning the Property and leasing it to the Fire District for its continued use as a fire station; and

WHEREAS, the currently proposed sale of the Property to the District will provide significant benefits to the City and its residents by recognizing revenue for the City in exchange for real property that is no longer needed by the City; and

WHEREAS, the City has negotiated the terms of the Purchase Agreement with the District indicating that the District will pay the City the sum of FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) for the purchase of the Property; and

WHEREAS, upon recommendation from staff, review by legal counsel, and careful consideration of the benefits to the City, the Clearfield City Council hereby finds that selling the Property to the District for the negotiated purchase price and under the terms and conditions set forth in the Purchase Agreement is in the best public interest for Clearfield City and its residents; and

WHEREAS, the City has complied with the requirements set forth in both Title 1, Chapter 12A of the Clearfield City Code, as well those found in Title 10, Chapter 8, Section 2 of the Utah Code regulating the disposal of real property by a municipality; and

WHEREAS, pursuant to the aforementioned governing law, the City appropriately allowed opportunity for public comment on the proposed disposition of this significant parcel of real property at a properly noticed public hearing;

NOW THEREFORE BE IT RESOLVED by the Clearfield City Council, that:

- 1) the sale of approximately 1.42 acres of real property located at roughly 88 E. Center Street in Clearfield and commonly referred to as Clearfield Fire Station No. 42 (as more particularly described in Exhibit "A", the Purchase Agreement attached hereto), to the North Davis Fire District for the purchase price of FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) is hereby approved;
- 2) the Purchase Agreement (attached hereto as Exhibit "A") which sets forth the terms and conditions of the sale of the Property to the District is also hereby approved; and
- 3) the Mayor is duly authorized to execute any necessary documents in order to consummate the aforementioned sale on behalf of the City.

Passed and adopted by the City Council at its regular meeting on the 14th day of February, 2012.

ATTEST:

CLEARFIELD CITY CORPORATION:

\_\_\_\_\_  
Nancy R. Dean, City Recorder

\_\_\_\_\_  
Donald W. Wood, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

**AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY**

**(CLEARFIELD FIRE STATION PROPERTY)**

THIS AGREEMENT made and entered into as of this \_\_\_\_\_ day of February, 2012, by and between North Davis Fire District, a Utah Special Service District, of 3200 West 300 North, West Point, Utah, hereinafter referred to as the "Buyer" and Clearfield City, a municipal corporation, of 55 South State Street, Clearfield, Utah, hereinafter referred to as the "Seller". The Buyer and the Seller are sometimes referred to herein together as the "Parties."

**RECITALS**

I

Seller is the owner of real property situated in Clearfield City, Davis County, State of Utah, which said real property consists of 1.42 acres, more or less, as hereinafter described. There is a 9,236 square foot building on the property (the "Building"), which Building is configured and equipped as a fire station. Said real property and the fire station building are hereinafter sometimes referred to together as the "Property."

II

The Buyer is desirous of acquiring said Property owned by Seller for the anticipated purpose of using the Property as a fire station.

III

After a process of negotiation the Parties have agreed on a purchase price of \$400,000.00 (the "Purchase Price").

IV

The Seller is willing to sell the Property at a price of \$400,000.00, subject to the terms of this Agreement, and the Buyer is willing to buy the Property on such terms.

**NOW, THEREFORE**, in furtherance of the objectives of the Parties, and in consideration of the terms of this Agreement and the mutual covenants and promises of the Parties, and other good and valuable consideration, the Parties agree that the Seller shall sell to the Buyer and the Buyer shall purchase from the Seller the Property for the Purchase Price and on the terms, covenants and conditions hereinafter set forth, to-wit:

**AGREEMENT**

**SECTION ONE:**                    **INCORPORATION OF RECITALS**

All of the above and foregoing Recitals are incorporated into this Agreement.

**SECTION TWO:**                    **PROPERTY DESCRIPTION**

The real property to be sold by the Seller and to be purchased by the Buyer is situated in Clearfield City, Davis County, State of Utah, and is more particularly described as follows:

All of Lot 2 of Clearfield City Municipal Campus  
Subdivision a part of the Northwest  
Quarter of Section 1, Township 4 North, Range 2 West,  
Salt Lake Base and Meridian, Clearfield City.

**SECTION THREE:**                    **FIXTURES AND PERSONAL PROPERTY**

It is understood and agreed that the definition of "Property" includes all fixtures and personal property, including fire fighting and prevention equipment, located within the Building and that all such fixtures and personal property are included in the Purchase Price.

**SECTION FOUR:**                    **PURCHASE PRICE**

The Purchase Price for said Property is set and determined at a total Purchase Price of Four Hundred Thousand Dollars (\$400,000.00). The Purchase Price is subject to be paid as hereinafter described.

**SECTION FIVE:                  PAYMENT OF PURCHASE PRICE**

The Purchase Price shall be paid by the Buyer to Seller as follows:

1. Payment in full at the time of Closing; or
2. At the option of Buyer:
  - A. \$200,000.00 in cash at the time of Closing.
  - B. \$200,000.00 within one (1) year from the date of Closing (the “Deferred Payment”), with no interest.
  - C. The Buyer may, at its option, take an additional year to pay the full amount of the Deferred Payment. If so, Buyer shall pay \$100,000.00 within one (1) year of Closing and the final payment shall be made within one (1) year thereafter in the amount of \$110,000.00.

**SECTION SIX:                  TRUST DEED AND TRUST DEED NOTE**

If Buyer elects to make a Deferred Payment it shall be secured by Buyer’s execution of a Trust Deed and Trust Deed Note at the time of Closing, said Trust Deed and Trust Deed Note to be in a form satisfactory to the Parties.

**SECTION SEVEN:                  CONVEYANCE OF TITLE**

Seller shall execute and deliver to the Buyer at the time of Closing a good and sufficient statutory form Warranty Deed conveying fee simple title to the Property to the Buyer free and clear of all liens, encumbrances, restrictions and easements, without exception, except as stated in Section Eight.

**SECTION EIGHT:                    CONDITION OF TITLE**

The Seller represents and shall represent and warrant by execution of the aforementioned Warranty Deed that Seller has fee simple title to the Property, free and clear of liens, encumbrances, restrictions and easements, without exception, other than as referred to in Bonneville Superior Title Company Amended Commitment for Title Insurance dated February \_\_\_\_\_, 2012, Order No. 161502 (the "Commitment"), Schedule B - Section 2. The Commitment is incorporated by reference and made a part hereof.

**SECTION NINE:                    WARRANTY OF PURPOSE**

The Seller further warrants that the Property is suitable for use as a fire station and that the Seller will grant all necessary permits and approvals, if any, for such use.

**SECTION TEN:                    EASEMENTS AND PARKING**

The Parties hereby grant to each other a permanent reciprocal easement for ingress and egress over and through their contiguous properties and use of the parking lots surrounding the Clearfield City Hall and the Property, provided, however, that the parking lot west of the Building shall be used only by personnel and/or visitors of Buyer.

**SECTION ELEVEN:                    TITLE INSURANCE POLICY**

Seller shall deliver to the Buyer simultaneously with the delivery of the Warranty Deed as herein provided, a Standard Owner's Policy of Title Insurance from Bonneville Superior Title Company, Layton, Utah, insuring the Buyer to the full amount of the Purchase Price against loss or damage by reason of defect in the title of Seller in said Property, or by reason of prior liens and encumbrances not assumed by the Buyer under this Agreement and for such other matters commonly covered by standard form title insurance policies. The Seller shall pay the cost of such title insurance.

**SECTION TWELVE:      PROPERTY TAXES**

Seller shall be responsible for payment of all real and personal property taxes, if any, upon the Property prior to Closing and the Buyer shall be responsible for any taxes, if any, which may be assessed against such Property on and after Closing.

**SECTION THIRTEEN:      POSSESSION BY THE BUYER**

The Buyer shall be entitled to take possession of the Property at the time of Closing.

**SECTION FOURTEEN:      WATER RIGHTS**

No water rights are included in the sale.

**SECTION FIFTEEN:      CLOSING**

Closing shall take place in the offices of Bonneville Superior Title Company at 1518 Woodland Park Drive, Layton, Utah at a time agreed upon by the Parties which shall be within thirty (30) days from the date hereof unless extended by mutual agreement of the parties.

**SECTION SIXTEEN:      ENTIRE AGREEMENT**

The Parties hereto hereby state and agree that this document contains the entire agreement and understanding between the Parties and constitutes their entire agreement and supersedes any and all oral representations or agreements, if any, made by either party prior to the date hereof and that this Agreement is binding upon the assigns and successors of the respective Parties.

**SECTION SEVENTEEN: ATTORNEYS' FEES**

In the event of default by either party, the non-defaulting party shall be entitled to recover all attorneys' fees and court costs expended in connection with such default.

**SECTION EIGHTEEN: NOTICES**

All Notices, including Notice of Default, shall be sent to the following addresses:

Seller:

City Manager  
Clearfield City  
55 South State Street  
Clearfield, Utah 84015

Buyer:

Chief  
North Davis Fire District  
3200 West 300 North  
West Point, Utah 84015

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the day and year first above written.

Seller:

CLEARFIELD CITY,  
a Municipal Corporation

By: \_\_\_\_\_  
DON W. WOOD  
Mayor

ATTEST:

By: \_\_\_\_\_  
NANCY R. DEAN  
City Recorder

Buyer:

NORTH DAVIS FIRE DISTRICT,

By: \_\_\_\_\_  
GARY L. PETERSEN, Chairman  
Administrative Control Board

ATTEST:

By: \_\_\_\_\_  
MICHELLE MARSH  
Clerk

STATE OF UTAH                    )  
  : ss.  
COUNTY OF DAVIS                )

On the \_\_\_\_\_ day of February, 2012, personally appeared before me Don W. Wood, who being by me duly sworn did say, for himself that he, the said Don W. Wood, is the Mayor of Clearfield City, Davis County, State of Utah, and that the within and foregoing instrument was signed on behalf of the said Clearfield City by authority of the City Council of Clearfield City and said Don W. Wood, duly acknowledged to me that the said Clearfield City executed the same and that the seal affixed is the seal of the said Clearfield City.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH                    )  
  (        ss.  
COUNTY OF DAVIS                )

On the \_\_\_\_\_ day of February, 2012, personally appeared before me GARY L. PETERSEN, who being by me duly sworn did say, for himself that he, the said GARY L. PETERSEN, is the Chairman of the Administrative Control Board of the North Davis Fire District, Davis County, State of Utah, and that the within and foregoing instrument was signed on behalf of the said North Davis Fire District by authority of the Administrative Control Board of North Davis Fire District and said GARY L. PETERSEN, duly acknowledged to me that the said North Davis Fire District executed the same and that the seal affixed is the seal of the said North Davis Fire District.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
January 17, 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
	Brian Brower	City Attorney
	JJ Allen	Assistant City Manager
	Greg Krusi	Police Chief
	Mike Stenquist	Assistant Police Chief
	Adam Malan	Police Lieutenant
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Randy Goodnight	Parks & Building Superintendent
	Gary Cohen	Recreation Manager
	Curtis Dickson	Recreation Supervisor
	Natalee Flynn	PR/Special Events Coordinator
	Bob Wylie	Administrative Services Director
	Sean Montierth	IT Manager
	Summer Palmer	Human Resource Manager
	Jessica Hardy	Accounting Technician
	Brian Hogge	Accountant
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder
EXCUSED:	Valerie Claussen	Development Services Manager

VISITORS: Steve Rush– Rocky Mountain Power

Mayor Wood called the meeting to order at 6:05 p.m.

DISCUSSION ON A ROCKY MOUNTAIN POWER EASEMENT

Mayor Wood introduced Steve Rush, Rocky Mountain Power, to the Council. He explained the substation located along 1000 West was in need of expansion for further electricity capacity for western development. He stated approximately three years ago meetings took place to determine how best to provide not only the needed electricity but the desired wattage. He emphasized there were challenges in providing the wattage of needed power and complying with required clearances mandated by code.

Councilmember Shepherd arrived at 6:10 p.m.

Mr. Rush reported Rocky Mountain Power worked with the property owner, Property Reserve Inc. (PRI), in conjunction with UDOT for use of the proposed SR 193 extension right-of-way to solve the clearance issue. He continued once the power lines passed the transmission corridor, the Davis County Canal property would be accessed continuing the power corridor to the proposed new substation located further west. He mentioned a new power corridor would eventually be used to connect into the canal corridor for the transmission line to the proposed new substation. He stated the new power corridor would eventually continue north from the western substation to 12<sup>th</sup> street. He emphasized Rocky Mountain Power was not expanding its power corridors in anticipation of growth; rather, the corridors were expanded because growth had already taken place and the power demand was evident.

Councilmember Bush inquired if the power poles proposed along 1000 West would be a new addition. Mr. Rush responded there were power poles along 1000 West currently which would be removed and new ones would be installed.

Mayor Wood commented about extending the power corridor further to the west and wondered about the possibility of burying the power corridor. He believed Syracuse City would have aesthetic concerns regarding the overhead power lines in conjunction to raw land. He expressed his concern the new corridor could negatively impact further development and suggested the new power corridor go directly west from Clearfield's existing substation, taking advantage of the existing power corridor and then turn further west.

Mr. Rush responded Syracuse City was aware of Rocky Mountain Power's proposed plan and had not expressed concern. He continued the cost to bury the new power corridor would be prohibitive because of the high voltage of electricity it would carry and expressed his opinion the proposed corridor wouldn't negatively impact future development. He pointed out one major amenity of an industrial park was electricity transmission and believed it wouldn't affect future development. He also stated the proposed route at this time wouldn't impact any homes or trees along 1000 West and the extension of SR 193 would act as a buffer.

There were no additional questions from the City Council and Mr. Rush left the meeting at 6:21 p.m.

#### DISCUSSION ON THE FOURTH OF JULY FESTIVITIES

Councilmember Shepherd stated he had completed some research from neighboring municipalities specific to allowing beer at city sponsored events and stated he was prepared to report on the findings. He reported both Layton City and Bountiful City didn't allow beer sales in conjunction with city sponsored event. He stated he had spoken to Doolie's restaurant to

determine its willingness to participate in a wing fest without the sale of alcohol and indicated it had responded in the affirmative. He indicated other wing selling establishments had also agreed to participate without alcohol being sold at the event.

He reported Wing Coop had pointed out if alcohol were not available on the premises in conjunction with the wing fest, patrons would bring it with them; thereby, the City would have no control over consumption. He continued it was suggested the beer garden be located at the center of the wing fest with vendors located on the outer perimeter to discourage patrons from attempting to bring in their own alcohol. He believed the wing fest would be successful without the sale of alcohol and expressed his opinion the beer sales would significantly help fund the event. He stated Doolie's and Bogey's had expressed an interest in providing the beer sales; leaving the City out of it. Councilmember Shepherd announced a national wing selling establishment had officially decided to locate in Layton City and believed it would be interested in participating in a wing fest.

Adam Lenhard, City Manager, requested the Council's feedback on having the wing fest take place during the day in conjunction with the City's Fourth of July celebration.

Councilmember LeBaron was excused at 6:30 p.m.

Councilmember Young inquired how the City would allow for the sale of beer within the City park. Councilmember Shepherd expressed his opinion beer and alcohol was already in the park during the Fourth of July. Chief Krusi commented there was a significant police presence in the park on the Fourth of July and when an officer became aware of alcohol, usually when someone became inebriated, a citation was issued. He expressed confidence the police department could manage the crowd if beer sales were allowed. He also believed the beer garden would be easier to monitor and control the participants.

Councilmember Murray asked if the wing fest would be in place of other food vendors. Councilmember Shepherd remarked it would be in conjunction with the other food vendors and believed they would like the idea.

Mr. Lenhard requested clarification from the Council on whether it would like the wing fest event to take place at Fisher Park during the Fourth of July. He commented if that were the Council's desire, the City's alcohol ordinance would need to be considered. He pointed out the City's current ordinance prohibited a special beer permit for use in a City park.

Councilmember Bush believed the ordinance could include verbiage which specified the beer could be purchased and consumed at the wing fest. Chief Krusi pointed out the beer garden would only allow the purchase of two beers per person.

Mayor Wood asked what would be the City's goal and objective by having the wing fest. He believed the City's Fourth of July celebration had traditionally been promoted as a "family"

event and expressed concern the introduction of a beer garden would change the character of the event. Councilmember Shepherd didn't believe people would avoid the Fourth of July activities due to the addition of a beer garden. He continued there would be other entertainment which would be a draw for patrons in addition to individuals participating in an amateur wing contest event which would be extremely family oriented.

Brian Brower, City Attorney, inquired if the ordinance amendment would allow alcohol for any special event permit within the park. Mayor Wood expressed concern about amending the ordinance to accommodate a specific event when other organizations could desire the same concession and didn't believe the City would want to weigh the merits to determine if a concession was warranted. Mr. Brower agreed with Mayor Wood's concerns and suggested the City consider allowing a concession specific to the Fourth of July event. He expressed concern the City could incur negative perceptions from the public if the ordinance was amended to benefit the City. Mayor Wood pointed out if neighboring communities weren't allowing beer sales in their parks for events, the City might gain the reputation for offering a special event permit with the beer sale allowance. He additionally commented an amendment such as that would negatively impact the police department.

Councilmember Shepherd inquired if the amendment could include verbiage requiring a police presence. Mr. Brower commented that would be appropriate to include in special event beer permit requirements. He emphasized his previous comments were specific to amending the ordinance.

Mayor Wood pointed out if neighboring cities had successful events without the allowance of alcohol sales why would the City want to consider amending its current ordinance. He stated he was not in favor of making the allowance given the possibility of experiencing unforeseen consequences in addition to creating a negative image for the City.

Councilmember Young stated he would want a controlled environment specific to allowing alcohol within the City park and inquired how much park space would be eliminated from the public for the firework display in exchange for the wing fest. Mr. Lenhard responded the south side of the park seemed to have the space he believed would be conducive to a wing fest event.

Councilmember Murray stated she would not be in favor of a wing fest event if it couldn't be done without allowing alcohol. Councilmember Bush stated the wing fest was a good idea. He said he would be in favor of having the event either with or without beer sales and believed the City could modify its ordinance in such a way as to offer beer sales in a controlled environment.

Mayor Wood continued to express his concern about negative perceptions of the City. Councilmember Murray stated she emphatically wouldn't be in favor of the event if it required that beer/alcohol be available; however, she was in favor of having a wing fest. Mayor Wood

also stated the wing fest would be a great event and believed it could be successful without the availability of beer/alcohol and would better serve the community.

Councilmember Shepherd believed allowing beer/alcohol would enhance the event and suggested the event could be held near the holiday but not on the Fourth. He suggested the wing fest be named the Rocky Mountain Wings Fest because once the event was successful another organization might want to partner with the City's success.

Councilmember Shepherd emphasized the City wouldn't be involved with an alcohol festival; rather the City was allowing patrons of the wing fest a place to have beer in a designated area and shared examples of eating at other establishments in which beer was served or attending sporting events and believed patrons wouldn't be drinking in excess. Mayor Wood pointed out in both examples an ordinance should not be amended to only benefit one organization. Councilmember Shepherd pointed out the Oktoberfest and Fair Grounds allowed beer sales and believed Salt Lake City must have some allowance in its ordinance providing for it.

Councilmember Young cautioned the Council it wouldn't want to establish precedent specific to alcohol sales by amending its ordinance because of potential negative publicity. Mayor Wood believed the community as a whole would be supportive of the event without allowing beer sales. Councilmember Shepherd suggested the wing fest go forward this year without beer sales to determine if it would be necessary to allow for beer sales to make the event successful. Mayor Wood pointed out events such as this had to grow from year to year and believed it would take time to recognize a "successful" event. The Council agreed to proceed with the wing fest this year without allowing for alcohol sales.

#### DISCUSSION ON AMENDMENTS TO TITLE 11, CHAPTERS 3 AND 13, DEFINITIONS AND SUPPLEMENTARY REGULATIONS

Brian Brower, City Attorney, reported during the December 7, 2011 Planning Commission Meeting it recommended approval of text amendments to Title 11 specific to payday lending establishments. He stated the Commission, over several months, made some particular findings regarding the specific establishments. He indicated the City didn't have an excess of these establishments based upon population compared to neighboring cities. He reported the proposed language had been provided in the Council's packet and reviewed the following:

- Minimum distance requirement of one-half mile from another same establishment
- Per capita restriction of one per 5,000 residents.

He commented many of the other cities had adopted a per capita restriction of one per 10,000 residents and indicated based on the City's population this would allow for three payday lending businesses. He reported the City currently had seven payday lending

establishments. He recommended the Planning Commission adopt the 5,000 resident per capita standard so as not to be more restrictive. JJ Allen, Assistant City Manager, pointed out that one of the seven businesses was no longer in operation. Mr. Brower mentioned the proposed amendment was based on the State's adopted definition for payday lending establishments and conformity with the State statute was desired.

He commented it had been suggested the City also consider regulating tattoo and body piercing establishments and stated these establishments involved first amendment implications and believed it would be difficult to restrict these establishments and withstand constitutional scrutiny. He reported it was staffs' recommendation to not regulate those types of establishments.

Councilmember Bush inquired about pawn shop and secondhand establishments. Mr. Brower pointed out neither of those would be included as a payday lending establishment unless already operating in that capacity.

Mayor Wood inquired about the need to establish a moratorium until the amendments could be adopted eliminating businesses from locating within the City prior to the new regulations. Mr. Brower responded there was a process for that but believed the City's current ordinance didn't allow for the acceptance of new business applications once the issue came before the Planning Commission for discussion and consideration.

Mayor Wood pointed out several members of the Planning Commission expressed a desire to increase the per capita requirement from 5,000 to 10,000 residents. He believed the City's small geographic area should be considered in designating a population cap and suggested the distance be carefully considered as to avoid "clustering" of the lending establishments. Mr. Brower responded the Planning Commission had been advised it would need to justify the regulation and believed the proximity regulation would be easier to defend than the per capita regulation. He suggested if the City desired a per capita regulation it would be safer to adopt a 5,000 resident per capita and reported most neighboring cities had adopted the restriction of 10,000 residents.

Councilmember Young believed the one-half mile was too small based upon the City's small geographic and travel distance. Mr. Brower pointed out that facts would need to be identified and articulated when the Council considered the ordinance and its possible amendments.

Mayor Wood inquired if other cities had been challenged on the 10,000 per capita restriction. Mr. Brower responded he was not aware of any; but he had not yet completed research specific to that issue. He pointed out the payday lenders were highly organized and currently had an attorney in place should any ordinance be deemed too restrictive. Councilmember Young inquired what other municipalities had adopted as proximity language within their ordinances. Mr. Brower commented he didn't have that information with him but was confident Valerie Claussen, Development Services Manager, had that information.

Councilmember Bush argued based on the 5,000 resident per capita regulation, the City would allow six payday lending establishments and suggested the businesses could regulate themselves based on that regulation. Mr. Brower commented he understood Councilmember Bush's logic; however, believed proximity arguments would be stronger in any legal challenge. Mayor Wood didn't believe these establishments could regulate themselves and shared examples.

Councilmember Murray asked what would be restricted if the one-half mile proximity were included with no per capita requirement in the proposed amendment. Mr. Brower responded there would be zoning regulations which would need to be followed and believed six or seven establishments would then be allowed along State Street alone. Mayor Wood added if the City only regulated for proximity without a per capita regulation it would be at a disadvantage because of the City's rental and economic demographic. He believed the per capita regulation would be a key point in limiting the clustering of the businesses.

Councilmember Bush commented some of the provided documentation reflected designating a distance from residential use. Mr. Brower reported the Planning Commission discussed that issue and one commissioner believed there could be an argument regarding that restriction. Mr. Brower expressed concern about limiting this type of business as opposed to a fast food restaurant and indicated a municipality had attempted to do that based on a possible increase in crime or police calls; however, its results had not been conclusive. He requested the Council give direction to staff regarding the amendments.

Mayor Wood suggested the one-half mile proximity and 8,500 residents per capita verbiage be adopted in the amendment. Councilmember Bush inquired why the City would want to regulate the businesses if they weren't increasing crime or had an excessive number of police calls. Councilmember Murray responded payday lending institutions preyed on low-medium income residents and the military which was a significant demographic within Clearfield City. Councilmember Young believed the legal argument would be the businesses would not encourage other reputable businesses to locate within the City. He believed the width of the street in conjunction with the speed limit should also be considered when determining distance proximity.

Mr. Brower suggested the Planning Commission's proposed ordinance come before the Council for approval and the Council could make any changes it so desired during the City Council meeting.

#### DISCUSSION ON PLANNING COMMISSION REAPPOINTMENTS

JJ Allen, Assistant City Manager, reported Randy Butcher and Lance Brown's appointments to the Planning Commission would soon expire in February 2012 and stated staff was

recommending both be reappointed. He read a statement from Valerie Claussen, Development Services Manager, to the Council.

Brian Brower, City Attorney, pointed out Randy Butcher had recently been nominated as Vice-Chair of the Planning Commission. Councilmember Murray mentioned she had also heard of another recent resignation. Mayor Wood reported he had not received any letter of resignation. Adam Lenhard, City Manager, suggested the Council consider these reappointments at this time and address the other resignation at a later date.

Mayor Wood asked Councilmember Murray for her opinion regarding the reappointments as she attended the Planning Commission meetings. Councilmember Murray expressed her opinion Mr. Butcher was an asset to the Commission and pointed out Mr. Brown had recently been appointed within the past three months to fill a vacancy. The Council expressed agreement with staffs' recommendations.

#### DISCUSSION ON PARTICIPATION IN A BACKHOE TRADE-IN PROGRAM

Scott Hodge, Public Works Director, stated there were currently two backhoes for use by the public works department. He noted until recently the City had participated in an annual rotating trade-in program, resulting in the City always receiving a new backhoe. He explained a few years ago when the economy declined the trade-in company could no longer offer that program. He reported the company recently contacted him and was now prepared to implement the trade-in program again. He indicated if the City wanted to participate in the program it would need to appropriate approximately \$18,000 this year to begin the trade-in program and \$9,000 every year after. He reported no funds had been appropriated in the current budget for this purpose. He explained how the trade-in program functioned specific to costs incurred by the City.

Mr. Hodge informed the Council the oldest backhoe was a 2007. He indicated other dealers had been contacted in order to provide numbers and a similar scenario with another company was \$24,000 to buy into the program. He believed Maw Equipment was giving the City a good deal by offering the program for \$18,000. He indicated if the City waited until July the cost would increase another \$4,500.

Councilmember Murray inquired where the funds would be recognized in order to participate in the trade-in program. Mr. Hodge responded funds had previously been appropriated from the utility accounts specific to the backhoe use. He reported the cost for a new backhoe was approximately \$80,000. He stated he didn't know the life expectancy of a backhoe because the City had always participated in a trade-in program which allowed the City's participation in a warranty schedule.

Mayor Wood clarified the City hadn't participated in a program for four years and inquired about the incurred failures or maintenance specific to the backhoes. Mr. Hodge responded the City hadn't experienced a significant amount of failure and reported the required maintenance had

been minimal. He stated he couldn't think of any significant repairs being required for the units and indicated the usage hours were not significant. He commented the backhoe work completed by private construction companies consisted of far more wear and tear to the backhoes compared to how the backhoes were used by the City.

Councilmember Bush expressed his opinion the City should proceed with participating in the trade-in program.

Mayor Wood inquired about the City's experience prior to participating in a trade-in program. Mr. Hodge responded the City had been participating in the trade-in program for approximately ten years and couldn't recall the City's previous experience. Councilmember Murray inquired about the life expectancy of a backhoe. Mr. Hodge responded there were many still in use that were significantly old but suggested the City wouldn't want them in its fleet. He expressed his opinion it would be a better benefit to participate in a trade-in program as the City experienced less break downs and the equipment was more dependable and affordable.

Mayor Wood inquired if there were other equipment on a trade-in program. Mr. Hodge stated the backhoes were the only equipment on a trade-in program. He pointed out the parks and recreation department's backhoe was on a lease program.

Councilmember Young stated he would like to see the estimated costs associated with purchasing as opposed to the trade-in program compared to purchasing used units, etc. Mr. Hodge emphasized the City would be trading in a piece of equipment for a new piece of equipment. He believed the trade-in program was win-win for everyone involved. A discussion took place specific to the trade-in program. Mayor Wood requested Mr. Hodge provide Councilmember Young with his requested information specific to all options for the City.

The Council took a break at 7:43 p.m.  
The meeting resumed at 7:53 p.m.

Brian Hogge, Accountant, arrived at 7:53 p.m.

### BUDGET 101

Mayor Wood expressed appreciation to staff for its work with the Budget 101 presentation. He explained the need for the City to establish a strategic plan specific to the City's RDA's and EDA's regarding the revenues and expenses.

Adam Lenhard, City Manager, expressed appreciation to the staff for their attendance. He explained it was his goal for them to better understand the large picture of the City budget which would allow the budget retreat to focus on goals, projects and priorities in more details. He distributed two handouts and introduced the presentation.

Councilmember LeBaron arrived at 8:00 p.m.

He reviewed the agenda and read the City's current mission statement to the Council. He explained the Fund Accounting concept and pointed out the City's main three types of funds: governmental, proprietary and fiduciary. He then reviewed the other fifteen funds which were included in the three types of funds. He emphasized no fund had higher priority than another during the budget process.

Jessica Hardy, Accounting Technician, reviewed the eight different revenue sources specific to the budget and identified the top revenue sources regarding all funds. Bob Wylie, Administrative Services Director, reviewed the City's fund balance and debt with the Council. He explained the general fund, otherwise known as the operating fund, of the City with the Council. He mentioned almost fifty percent of the general fund was received in the form of taxes and shared an illustration identifying expenditures specific to revenues. He explained the importance of the City's policies regarding revenue and debt in relation to the City's bond rating specific to Standard and Poor's and pointed out the City had an excellent rating. He pointed out the City's outstanding debt per capita had decreased every year since 2002.

Mr. Lenhard distributed a handout reflecting statistics specific to Clearfield in relation to those of other cities within a "cluster" which were similar in nature for comparison. He reviewed the data and pointed out comparisons. He also reviewed Fund 20, the CDRA fund, with the Council pointing out the eight project areas. He shared the revenue forecast with the Council and the current debt obligations and reviewed each project area and its specific data. He pointed out there were funds in the CDRA accounts which would need to be used to complete projects in the respective project areas. He continued the Council would need to identify projects for each project area which would be discussed during a future work session. He pointed out the advantages in using CDRA funds to promote economic development within the City as opposed to using a sales tax rebate.

Mayor Wood inquired if the proposed TOD (Transit Oriented Development) site were located within an EDA (Economic Development Area). He expressed his opinion it would be in the best interest of the City to designate it as a project area. Mr. Lenhard responded the property currently was not in a designated project area; however, he stated the developer had requested the City designate the area as a CDA, Community Development Area, as opposed to an EDA. Mr. Lenhard explained the difference between the two was the CDA would allow more flexibility. He believed it would be in the best interest of the City to wait until information was available specific to the number of jobs, the square footage of development and the nature of the development prior to asking the taxing entities to approve the project area.

He introduced a new planning and budgeting tool which would be used during the budget process and pointed out the advantage to planning long term for the CDRA. Tabletop graphs were distributed identifying each project area and the proposed increment projections associated with each. The graph also illustrated when the project areas would expire resulting in the ceasing

of the tax increment and suggested the City would want to plan ahead as it would still be responsible to make payments toward debt. Mr. Lenhard proposed strategies for the Council to consider specific to how RDA funds could be used. He distributed another handout reflecting the designated areas and the budget years extending out to 2028. The handout reflected those areas which would be expiring and he explained some of the areas were eligible for requesting an extension. A discussion took place specific to the number of designated project areas within the City. He emphasized the City would want to strategically plan to optimize the benefit of revenue received from the project area.

Mr. Wylie reviewed Fund 21, the Municipal Building Authority and stated it had been established for constructing the current municipal building and pointed out there was nothing in the fund. He also reviewed Fund 31, G.O. Debt Service with the Council and explained how it was used in conjunction with property taxes and the enterprise funds.

JJ Allen, Assistant City Manager, reviewed Fund 40, Park Capital Improvements and explained how the funds were acquired. He emphasized they must be used for new improvements and not towards maintenance or replacement. He pointed out there were funds which needed to be expended for park projects and emphasized the time constraints associated with this fund. Mr. Lenhard commented West Park Village Park and the last phase of Barlow Park were two projects which could be considered.

Mr. Allen also reviewed Fund 45, Capital Projects which could be assigned to specific projects identified during the budget process. He reported the fund balance was approximately \$665,000. He reviewed the proposed identified street projects with the Council. He pointed out the revenues associated with Fund 45 were recognized from general fund transfers.

Ms. Hardy reviewed Fund 50, Utility Administration, and Fund 51, Water and Capital Projects, regarding both revenues and expenditures and emphasized the utility administration fund was not allowed to make a profit. She reviewed Fund 52, Sewer and Capital Projects, and shared specifics regarding revenues and expenditures of the fund; in addition to Fund 53, Storm Sewer and Capital Projects.

Mr. Allen reviewed Fund 54, Solid Waste, and pointed out the fund balance was healthy enough to offset any increase for service within the next few years. He added the cost increase would not be passed on to the residents.

Ms. Hardy reviewed Fund 60 specific to offsite improvements and explained how it would be used to complete infrastructure improvements associated with new development. She emphasized this was the City's only fiduciary fund.

Mr. Wylie reviewed Internal Service Funds (ISFs) with the Council and explained the advantages to the City for their implementation. He stated the common uses of this fund were the Fleet Fund, Risk Management and IT. He then reviewed Fund 61 – Fleet ISF and Fund 63 – Risk

Management with the Council. He also reviewed Fund 70 – Perpetual Cemetery and explained how the account was funded and how the funds could be spent.

Ms. Hardy explained the Budget Process currently in use to the Council.

Mr. Lenhard requested the Mayor and members of the Council determine their goals, priorities and projects for the next fiscal year. He suggested Vision 2020 be reviewed and considered when determining their priorities. He reminded the Council of the budget retreat which would be held on Friday, January 27, 2012, at the University of Phoenix. He reported more specific information would be forthcoming.

The meeting adjourned at 9:50 p.m.

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. REGULAR SESSION  
January 24, 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
	Scott Hodge	Public Works Director
	Valerie Claussen	Development Services Manager
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Steve Guy	City Treasurer
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Sam Hansen, Ashton Hansen, Hansen Family, Mark Hansen, Kurt Spencer – Fallen Heroes Scholarship Foundation, Julie Spencer, Travis Williams, Joy Brown – American Legion, Marc Blanchard – Fallen Heroes Scholarship Foundation, Tamra Blanchard, Andrea Friebe – Six Feet Below Tattoo, Cameron John – Six Feet Below Tattoo, Mr. Kupfer – Six Feet Below Tattoo, Randy Sant - Consultant

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 Young conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 29, 2011 WORK SESSION,  
DECEMBER 13, 2011 WORK SESSION, DECEMBER 13, 2011 REGULAR SESSION AND  
THE JANUARY 3, 2012 SPECIAL SESSION

**Councilmember Murray moved to approve the minutes from the November 29, 2011 work session, December 13, 2011 work session, December 13, 2011 regular session and the January 3, 2012 special session, as written, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

PRESENTATION TO JAKE LASATER FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

The Eagle Scout Presentation to Jake Lasater did not take place as he was not present at the meeting.

PRESENTATION TO MARK HANSEN FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Mark Hansen had completed the requirements to receive the rank of Eagle Scout. Councilmember LeBaron asked Mark Hansen about his Eagle Project. Mr. Hansen stated he had painted the curbs under the fire hydrants in his neighborhood. Mayor Wood and the City Council members acknowledged his achievement by presenting him with a certificate of recognition.

PRESENTATION TO BILL MOORE FOR HIS SERVICE AS A MEMBER OF THE PLANNING COMMISSION

Bill Moore served the City as a member of the Planning Commission and recently submitted a letter of resignation. Councilmember Bush recognized Mr. Moore's service to the City by presenting him with a certificate of appreciation.

PRESENTATION FROM THE FALLEN HEROES SCHOLARSHIP FOUNDATION

Kurt Spencer representing the Fallen Heroes Scholarship Foundation desired to acknowledge the City for allowing a basketball tournament at the Aquatic Center from December 26, 2011 through December 30, 2011 to benefit the Fallen Heroes Scholarship Foundation. The intent of the event was to not only raise money for the Scholarship Foundation, but also raise awareness of the Foundation and an attempt at setting the world's record for the longest continuous basketball game.

Mr. Spencer presented a signed basketball jersey by the participants to the City expressing appreciation for the City's donation by allowing the basketball game to take place at the Aquatic Center. Councilmember Shepherd accepted the framed jersey on behalf of the City, Mayor Wood and City Council.

Mayor Wood praised the efforts of the Fallen Heroes Scholarship Foundation and expressed appreciation for the participants' willingness to be a part of the scholarship foundation. Councilmember Shepherd stated he had the opportunity to witness portions of the game and commented on the positive notoriety received by hosting the event. Mayor Wood stated the framed jersey would be a great addition to the First Floor West Wing with other memorabilia.

**Councilmember LeBaron moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 7:13 p.m., seconded by Councilmember Bush. 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 FOR CONSIDERATION OF AMENDING TITLE 11,  
CHAPTERS 3 AND 13 – DEFINITIONS AND SUPPLEMENTARY REGULATIONS

Staff proposed amending the Land Use Ordinance to include supplementary standards for Payday Lending Establishments and modifications to the definitions of Pawn and Secondhand Businesses based on the findings and discussion by the Planning Commission. Mr. Brower indicated the Planning Commission discussed and reviewed several findings over several months to determine why supplementary definitions were warranted specific to payday lending businesses.

Mayor Wood declared the public hearing open at 7:21 p.m.

Mayor Wood asked for public comment.

There were not public comments.

**Councilmember Shepherd moved to close the public hearing at 7:22 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

There were no citizen comments.

APPROVAL OF ORDINANCE 2012-01 AMENDING TITLE 11, CHAPTERS 3 AND 13 –  
DEFINITIONS AND SUPPLEMENTARY REGULATIONS

Staff proposed amending the Land Use Ordinance to include supplementary standards for Payday Lending Establishments and modifications to the definitions of Pawn and Secondhand Businesses based on the findings and discussion by the Planning Commission.

Councilmember Murray expressed her opinion the Planning Commission had completed extensive work prior to its proposal, however; she suggested the distance between payday lending establishments be changed from the proposed one-half mile to one mile based upon the narrow commercially zoned areas of the City. She expressed concern the smaller distance would encourage “clustering” of those types of businesses. She believed payday lending establishments targeted low income and military families and mentioned the City had the lowest median income of the cities located within Davis County. She commented the clustering of these businesses combined with the income status could also discourage higher-end retail businesses from locating in Clearfield.

Councilmember Young expressed his opinion payday lending was predatory by nature which had resulted in other municipalities limiting the number of the businesses within their boundaries. He agreed with Councilmember Murray that payday lending establishments discouraged higher-end retail and further suggested the population requirement be increased to 10,000 residents. He also didn't believe these establishments met specified criteria identified in Vision 2020, the City's strategic plan. He stated he understood why a moderate approach was taken in the writing the proposed ordinance; however, he believed the ordinance should be more restrictive based upon the facts being discussed.

Councilmember LeBaron believed the lending establishments were detrimental to military personnel and based on the City's proximity to Hill Air Force Base (HAFB), he agreed with the proposed suggestions making the ordinance more restrictive.

Councilmember Murray expressed her opinion both modifications were needed: proximity and a per capita restriction. She suggested the per capita restriction could be as low as one per 7,500 residents. Mayor Wood pointed out the number of payday lending establishments currently located within the City was far beyond either one of the proposed amendments being discussed and indicated they would be allowed to continue in business as a non-conforming use.

Brian Brower, City Attorney, clarified the businesses could continue to operate as non-conforming as long as they were currently legal. He expressed appreciation to members of the Council for identifying the reasons for amending the proposed ordinance to make it more restrictive and suggested the motion also include those findings.

Councilmember Young stated he understood why other municipalities had chosen to adopt an ordinance based on one per 10,000 residents per capita restriction and believed a similarly restrictive ordinance would be appropriate for the City.

Councilmember Murray believed the per capita restriction of 10,000 residents would allow for only three pay day lending establishments to be located within the City. Mr. Brower clarified it would likely allow for four.

**Councilmember Young moved to approve Ordinance 2012-01 Amending Title 11, Chapters 3 and 13 – Definitions and Supplementary Regulations with the stated purposes of changing the per capita cap restriction to one business per 10,000 residents and the minimum distance between establishments to one business per one mile based upon the findings and discussions in the staff report as well as the findings and discussions of the Planning Commission and City Council, more specifically as 1) a smaller distance between the lending establishments would encourage “clustering,” 2) the lending establishments targeted low income and military families and Clearfield City had the lowest median income of the cities located within Davis County, 3) clustering of the lending establishments combined with the income status of residents in Clearfield would discourage higher-end retail businesses from locating to the City, 4) the lending establishments did not meet specified criteria identified in Vision 2020, the City’s strategic plan, and 5) the lending establishments were detrimental to military personnel and the City was close in proximity to Hill Air Force Base (HAFB); 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.**

***CONSENT ITEMS***

**REAPPOINTMENT OF CITY RECORDER AND CITY TREASURER**

State Law required the City Recorder and City Treasurer be appointed before the first Monday in February following a municipal election. Mayor Wood recommended Nancy Dean be reappointed as the City Recorder and Steve Guy as the City Treasurer.

**REAPPOINTMENT OF MEMBERS TO THE PLANNING COMMISSION**

Randy Butcher’s and Lance Brown’s appointments to the Planning Commission would expire in February of 2012. Staff recommended Randy Butcher be reappointed as a member of the Planning Commission for a term to expire in February of 2017 and Lance Brown be reappointed as an Alternate Member of the Planning Commission for a term to expire in February of 2017.

**APPROVAL OF THE AWARD OF BID TO PERFORM CONSTRUCTION SERVICES FOR THE INSTALLATION OF UTILITIES ON THE SOUTH SIDE OF 700 SOUTH FROM STATE STREET TO SOUTH MAIN STREET AS PART OF THE UDOT SR 193 BRIDGE AND ROADWAY WIDENING PROJECT**

Bids were received from 11 construction companies to install utilities (culinary water, sanitary sewer, storm drain and irrigation) on the south side of 700 South Street from State Street to South Main Street. The lowest responsible bid was received from Brinkerhoff Excavating, with the bid of \$1,417,148.50. The City had an agreement with UDOT for reimbursement of the costs associated with this project.

The City Engineers reviewed the bids and recommended the award of bid for the installation of utilities on the south side of 700 South Street from State Street to South Main Street as part of the UDOT SR 193 Bridge and Roadway Widening Project to Brinkerhoff Excavating for the bid amount of \$1,417,148.50, and approve funding for engineering and contingency of \$283,852.00, for a total project cost of \$1,701,000.50.

APPROVAL OF AN EASEMENT FOR ROCKY MOUNTAIN POWER ADJACENT TO THE POWER SUB-STATION LOCATED AT 610 SOUTH 1000 WEST

Rocky Mountain Power was upgrading the service from their power sub-station located at 610 South 1000 West and needed to place power poles on City property to the east and north of the sub-station. A property appraisal had been conducted to establish a fair value for the easement. The value identified in the appraisal was \$13,500.

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 LeBaron 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 Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd, and Young. Voting NO – None.**

***COMMUNICATION ITEMS***

***Mayor Wood***

1. Informed the Council that Burrito Grande restaurant located on 1700 South had its ribbon-cutting earlier in the day. He mentioned their staff expressed appreciation to and complimented City staff.
2. Reported he had met with the potential developer associated with the UTA's TOD site. He indicated a significant international company from France had expressed interest in locating at the TOD site. He emphasized the company would be an asset to the City and expressed his excitement for the project.
3. Informed the Council the Youth City Council would be attending the League's Local Official's Legislative session on Wednesday, January 25, 2012.
4. Reported the Davis Chamber of Commerce Awards Dinner and Ceremony took place last week and three different Clearfield businesses were nominated for various awards: Job Corps, Pioneer Adult Rehabilitation Center (PARC), and Futura Industries. He was proud to announce that two of the three were successful in receiving awards in their respective categories: PARC and Futura.
5. Mayor Wood stated he would be out of town February 1, 2012-February 8, 2012.

***Councilmember Bush***

1. Stated he had attended the Clearfield Community Band and Choir Concerts last month and commended the volunteers associated with those groups.
2. Reported he had also toured the new addition of Rocky Mountain Care Center and expressed his opinion it was a great facility. He encouraged other members of the Council to visit and tour the expansion.

3. Informed the Council that he hosted a citizens meeting at City Hall on Thursday, January 19, 2012. He indicated it was well received and great comments had been shared on how to promote shopping within Clearfield and requested time during a future work session to discuss the issue.

**Councilmember LeBaron** – Stated he had attended the Planning Commission meeting in December and expressed appreciation to the members and City staff for their patience in training him. He reported Nike Peterson had been elected as Chair and Randy Butcher as Vice-Chair.

**Councilmember Murray** – nothing to report.

**Councilmember Shepherd**

1. Reported the Legacy Award was awarded to Hill Air Force Base (HAFB) during the Davis Chamber of Commerce Awards Dinner and Ceremony. He commented HAFB was an asset to the City and State.

2. Stated he had also attended the ribbon-cutting for the F-22 facility on HAFB.

**Councilmember Young** – nothing to report.

**Adam Lenhard, City Manager** – Reminded the Council of the budget retreat scheduled for Friday, January 27, 2012 at the University of Phoenix at 8:30 a.m. He stated preliminary revenue numbers for fiscal year 2013 would be discussed in the morning; in addition to staffing changes currently being implemented specific to the kiosk and code enforcement. He reviewed the itinerary and requested the Council be prepared to discuss how proposals to Vision 2020 match up to each councilmember's goals, projects and priorities.

**STAFFS' REPORTS:**

**Nancy Dean, City Recorder** – Reported the next meeting was scheduled for Tuesday, February 14, 2012.

There being no further business to come before the Council **Councilmember LeBaron moved to adjourn at 7:50 p.m., seconded by Councilmember Shepherd. All voting AYE.**

# CLEARFIELD CITY RESOLUTION 2012R-01

## A RESOLUTION AUTHORIZING AN INTERLOCAL LEASE AGREEMENT WITH SYRACUSE CITY ALLOWING CLEARFIELD CITY TO LOCATE CERTAIN ANTENNA EQUIPMENT ON A WATER TOWER LOCATED IN CLEARFIELD, BUT OWNED BY SYRACUSE

WHEREAS, both Clearfield City (“Clearfield”) and Syracuse City (“Syracuse”) are “public agencies” as defined under the Utah Interlocal Cooperation Act and are therefore authorized to enter into agreements with each other for joint or cooperative action; and

WHEREAS, Syracuse owns a water tower and certain real property associated therewith within the geographical boundaries of Clearfield; and

WHEREAS, Clearfield has a need to locate an antenna and other necessary equipment in a desirable location near the water tower owned by Syracuse; and

WHEREAS, Syracuse is willing, upon the terms and conditions contained in the attached Interlocal Lease Agreement, to allow Clearfield to construct, install and maintain a wireless communications facility on their water tower and property; and

WHEREAS, Clearfield and Syracuse both wish to enter into the attached Interlocal Lease Agreement setting forth the terms and conditions of their lease arrangement to accomplish the foregoing purposes;

NOW, THEREFORE, be it resolved by the Clearfield City Council that the attached Interlocal Lease Agreement between Clearfield City Corporation and Syracuse City Corporation is hereby approved and the Mayor is duly authorized to execute the agreement and any other necessary documents.

Passed and adopted by the City Council at its regular meeting on the 14<sup>th</sup> day of February, 2012.

ATTEST:

CLEARFIELD CITY CORPORATION:

\_\_\_\_\_  
Nancy R. Dean, City Recorder

\_\_\_\_\_  
Donald W. Wood, Mayor

### VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

Quote Expiration Date June 29, 2011

Quote Number 2011-3115

▶ **services included**

- ▶ First-Year Maintenance – For the specific module(s) listed in this document, all upgrades and live phone support services are included for the entire first year. Second-year maintenance is estimated below.
- ▶ Project Management and Installation – A Project Manager will be assigned to be your single point of contact to coordinate our expert installation and training staff to ensure a smooth upgrade transition.
- ▶ Training – Whether it's on-site, web based, or via our training database, if training is required for this purchase, all of the necessary training costs are included in this quote.

▶ **modules included**

package quote  
▶ \$35,940

- ▶ IBM Unix Server (see attached specifications) - \$26,980
- ▶ Server Migration Services - \$8,960

Upon signature by Customer below, Customer agrees to purchase the licenses, products and/or services upon the terms as quoted in this document by Spillman, and this document shall constitute an addendum to the Purchase Agreement previously entered into between the Customer and Spillman. The terms and conditions of such Purchase Agreement, as well as the related License Agreement and Support Agreement, shall apply to the items quoted in this document.

Clearfield Police Department

Customer's Name

By:

Authorized representative of Customer

Print Name and Title

Date

Estimated 2nd-year maintenance n/a

Standard payment terms include full-project invoicing upon document processing. Any non-standard payment terms must be included in writing above. Confidential and proprietary information of Spillman Technologies, Inc. © 2010

PART NO	DESCRIPTION	QTY
<b>8202-E4B</b>	Server 1:8202 Model E4B	1
265	AIX Partition Specify	1
1824	Quad-port 1 Gb HEA Daughter Card	1
1885	300GB 10K RPM SFF SAS Disk Drive	8
2146	Primary OS - AIX	1
3632	Widescreen LCD Monitor	1
3656	SAS SFF Cable	1
4242	1.8 M (6-ft) Extender Cable for Displays (15-pin D-shell to 15-pin D-shell)	1
4276	VGA to DVI Connection Converter	1
4526	8GB (2x4GB) Memory DIMMs, 1066 MHz, 2Gb DDR3 DRAM	2
4650	Rack Indicator- Not Factory Integrated	1
5000	Software Preload Required	1
5603	System AC Power Supply, 1725 W	2
5630	Storage Backplane -- 8 SFF Bays/175MB RAID/Dual IOA	1
5746	Half High 800GB/1.6TB LTO4 SAS Tape Drive	1
5748	POWER GXT145 PCI Express Graphics Accelerator	1
5762	SATA Slimline DVD-RAM Drive	1
5951	Full Width Keyboard -- USB, US English, #103P	1
6458	Power Cable -- Drawer to IBM PDU, 14-foot, 250V/10A	2
6470	Power Cord 1.8m(6-foot), To Wall (125V, 15A)	1
7134	IBM Rack-mount Drawer Bezel and Hardware	1
7145	IBM/OEM Rack-mount Drawer Rail Kit	1
8350	4-core 3.0 GHz POWER7 Processor Module	1
8360	One Processor Activation for Processor Feature #8350	2
8363	Zero-priced Processor Activation for #8350	2
8845	USB Mouse	1
9300	Language Group Specify - US English	1
9440	New AIX License Core Counter	4
<b>5313-HPO</b>	IBM Power Software HIPO	1
556	8202-E4B Routing Code	1
967	Base OS	1
1061	OS Specify code for AIX 6.1	1
1488	Firefox	1
5000	Preload	1
5924	English Preinstall PII Language	1
9210	HW is Rack integrated	1
<b>5692-A6P</b>	System Software	1
968	AIX V6 Expansion Pack	1
967	AIX V6 for POWER	1
970	AIX V6 Update	1
1100	DVD Process Charge	1
3435	DVD/CD-ROM	1
1488	Firefox	1
<b>5765-G62</b>	AIX 6 for POWER V6.1	1
103	Per Processor - Small POWER 7	4
<b>5773-SM3</b>	Software Maintenance for AIX, 3 Year	1
1252	Per Processor 3 Yr SWMA Small Power 7 Reg	4
1253	Per Processor 3 Yr Small Power 7 7x24 Support	4

### Highlights

*Power 720 Express (Rack Mount)*  
*4-Core 3.0GHz Power 7 Processor*  
*16 GB of Memory*  
*8 x 300 GB Hard Drives*  
*Internal LTO4 Tape Drive*  
*AIX 6.1*  
*22" LCD Monitor*  
*Keyboard & Mouse*  
*3 Years 24x7 IBM Hardware and Software Support*

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THE CLEARFIELD CITY COUNCIL  
ACTING AS AN APPEAL AUTHORITY

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NIKE PETERSON, CHAIR  
CLEARFIELD CITY  
PLANNING COMMISSION

Appellant,

vs.

CLEARFIELD CITY  
PLANNING COMMISSION

Appellee.

**FINDINGS, CONCLUSIONS  
AND DETERMINATION**

RE: PLANNING COMMISSION'S  
DECISION ON CUP 1110-0002

Hearing Date: January 5, 2012

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This matter came before the Clearfield City Council on Thursday, January 5, 2012 at the Appellant's request. Pursuant to Title 11, Chapters 1 and 4, of the Clearfield City Code, the City Council is designated as the Appeal Authority for decisions reached by the Planning Commission as the land use authority on conditional use permit applications. While acting as said Appeal Authority, the Council puts aside its legislative responsibilities and functions in a quasi-judicial capacity. At the January 5<sup>th</sup> hearing, the Appellant's position was presented by the Clearfield City Manager, Mr. Adam Lenhard, as well as the Appellant herself. The position of the Appellee was presented by the City's Development Services Manager, Ms. Valerie Claussen, and Mr. Randy Butcher, Vice-Chair of the City's Planning Commission, was also present on behalf of the Appellee. The City Attorney served as legal counsel to the Appeal Authority throughout the hearing. The owner of the property in question and applicant for CUP 1110-0002, Mr. Michael Dawson ("Applicant"), was also present at the hearing as a necessary/interested third party.

After considering the oral arguments of the parties, the testimony of any witnesses,

statements of interested parties, and all other evidence presented and reviewed in this matter, acting as the Appeal Authority in a quasi-judicial capacity, the Clearfield City Council makes the following Findings of Fact, Conclusions of Law, and Determination:

### **FINDINGS OF FACT**

1. Appellant filed a timely appeal of the Planning Commission's decision made on December 7, 2011 regarding an application for a conditional use permit (CUP 1110-0002) for property located at approximately 171 W. 200 S. in Clearfield (Davis County TIN 12-022-0070).

2. The appeal was limited in its scope to just one component of the Planning Commission's decision, namely, approval for outdoor storage exceeding six feet in height.

3. As the basis for her appeal, Appellant asserted that outdoor storage in excess of six feet in height was allowed in the M-1 Manufacturing zone only if all adjacent properties were also zoned M-1, and that in this case the Applicant's parcel had some residentially zoned property adjacent to it on the north.

4. Title 11, Chapter 13, Section 12, of the Clearfield City Code does in fact state, in pertinent part, that "[o]utdoor storage in the M-1 zone may exceed the height of six feet (6') only if all adjacent properties share the same M-1 zone designation."

5. Although the staff report associated with CUP 1110-0002 indicated an R-1-8 zoned residential subdivision was to the north of the parcel (across 200 S. Street), when the Planning Commission considered the matter during its meeting on December 7, 2011, there was no mention of or discussion on the legal requirement that all adjacent properties must share the same M-1 zoning designation in order to allow the Applicant's outdoor storage to exceed six feet in height.

6. Title 11, Section 7, Chapter One of the Clearfield City Code states that “[w]here the indicated boundaries are approximately street or alley lines, the centerline of said street or alley shall be construed to be the zone boundary.”

7. Historically, the City has interpreted the term “adjacent” to include properties that are across a street or street right-of-way from another parcel.

### **CONCLUSIONS OF LAW**

1. Pursuant to Title 11, Chapter 1, Section 12 of the Clearfield City Code, a decision to grant a conditional use permit reached by the City’s Planning Commission as the land use authority can only be overturned if the decision was illegal or not supported by substantial evidence.

2. Pursuant to Title 11, Chapter 7, Section 1 of the Clearfield City Code, all real property within the City is divided into zones.

3. When zone boundaries as indicated on the City’s zoning map are approximately street lines, pursuant to the City’s Land Use Ordinance, the zone boundaries actually extend to the centerline of the street.

4. Even when there is open space within a street right-of-way, that open space as well as the street right-of-way still have a particular zoning designation, which if not indicated on the City’s zoning map, is determined pursuant to Title 11, Chapter 7, Section 1 of the Clearfield City Code.

5. According to the pertinent provisions of the Clearfield City Code and in conformance with the City’s historical application of the term “adjacent”, the parcel located at approximately 171 W. 200 S. in Clearfield (Davis County TIN 12-022-0070) is adjacent to

residentially zoned property to the north.

6. Because properties adjacent to the Applicant's property are not all zoned M-1 Manufacturing, it would be illegal, pursuant to § 11-13-12 (E) of the Clearfield City Code, for the City's Planning Commission to grant a conditional use permit allowing outdoor storage exceeding six feet in height.

### **DETERMINATION**

Considering the evidence before it and given the specific pertinent and controlling provisions of Clearfield City's Land Use Ordinance, the Clearfield City Council, acting in a quasi-judicial capacity as the Appeal Authority to a decision reached by the City's Planning Commission as the land use authority on a conditional use permit application, makes the following determinations:

1. The decision reached by the City's Planning Commission on December 7, 2011 for CUP 1110-0002 to allow outdoor storage in excess of six feet in height on the Applicant's property located at approximately 171 W. 200 S. in Clearfield (Davis County TIN 12-022-0070) was illegal because not all adjacent properties are zoned M-1 Manufacturing as required by § 11-13-12 (E) of the Clearfield City Code.

2. That portion of the Planning Commission's decision for CUP 1110-0002 allowing outdoor storage in excess of six feet in height is hereby overturned by the Clearfield City Council acting as the Appeal Authority on that decision.

3. In accordance with these Findings, Conclusions and Determination, all outdoor storage on the Applicant's property located at approximately 171 W. 200 S. in Clearfield (Davis County TIN 12-022-0070) shall not exceed six feet in height; however, all other aspects of the

conditional use permit granted by the City's Planning Commission in CUP 1110-0002 remain valid and in full force and effect (see Revised Notice of Decision for CUP 1110-0002 dated January 9, 2012 issued by the City's Development Services Manager).

Accordingly, Appellant's request to overturn that portion of the decision by the City's Planning Commission in CUP 1110-0002 which would have allowed outdoor storage exceeding six feet in height is hereby granted.

THESE FINDINGS, CONCLUSIONS AND DETERMINATION BEING APPROVED BY THE CLEARFIELD CITY COUNCIL this \_\_\_\_\_ day of February, 2012.

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Mayor Don Wood  
Clearfield City Council

ATTEST:

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Nancy R. Dean, City Recorder



Davis Chamber  
of Commerce



Work Session  
Discussion  
*David*

Dear Mayor Don Wood,

The State of Utah, along with the Ogden/ Weber and Davis Chamber of Commerce has long been supporters of Hill Air Force Base. Hill Air Force Base is the largest employer in the state with 24,000 employees and economic ties to hundreds of companies throughout the state of Utah. Its influence is felt by every community in our great state. We are truly fortunate to have the Air Force presence in our State and would all feel the negative impact should the Base ever be taken from us.

In 2012 we will once again have a special opportunity to help recognize the impact of HAFB in our communities and its importance to our State through our support of the Hill AFB Open House and Air Show, scheduled for May 26-27, 2012. The Open House/Air Show is an important free event, which will help Utah better understand the role of the Air Force in our nation's defense. The world famous Thunderbirds will be the featured attraction at this air show, along with other military and non military air attractions. In addition, this is the largest two day event in Utah as well as one of the largest two-day Air Shows in the United States.

With the Air Force being involved in war over the past 10 years, funds are extremely limited to produce this **free to the public'** event. The Top of Utah Military Affairs committee believes it is of the utmost importance to assist in making this event happen. Therefore, we request support from our cities in Utah, as benefactors of Hill AFB and its mission, to make a contribution of at least \$2,500 that will assist in conducting the Hill AFB Open House/Air Show. These funds will go directly to the production of this event which will be attended by over 500,000 visitors to HAFB from all over Utah and surrounding states. The statewide economic impact is estimated at over \$60,000,000.

The State of Utah is expected to financially support a portion of this event, along with private companies affiliated with the Air Force, truly making this a proudly sponsored statewide event. Kevin Ireland, Chair of the Air Show/Open House Committee and non-military efforts for the event, is coordinating contributions and commitments for support. Please contact Kevin at 801-560-7203 or at [Kevin@ogdenweberchamber.com](mailto:Kevin@ogdenweberchamber.com) for questions and additional information regarding support opportunities.

We ask for your consideration in supporting this great event and invite you to attend and experience the excitement of this Air Force Open House and Air Show. Thank you again and we look forward to hearing from you soon.

Sincerely,

Dave Hardman  
President / CEO  
Ogden/Weber Chamber of  
Commerce

Kevin Ireland  
Chair  
Air Show/Open House  
Committee

Jim Smith  
President /CEO  
Davis Chamber of  
Commerce

# **CLEARFIELD CITY RESOLUTION 2012R-02**

## **A RESOLUTION AUTHORIZING SPONSORSHIP OF HILL AFB OPEN HOUSE AND AIR SHOW 2012**

WHEREAS, Hill Air Force Base is recognized as one of the premier Air Force installations in the U.S.; and

WHEREAS, Clearfield City appreciates the tremendous service in protecting our freedoms provided by the dedicated servicemen and servicewomen of Hill Air Force Base; and

WHEREAS, Hill Air Force Base is one of our state's most significant employers and serves as a wonderful asset to Clearfield City; and

WHEREAS, Clearfield City has enjoyed a mutually beneficial cooperative relationship with Hill Air Force Base since the base opened in 1940; and

WHEREAS, Hill Air Force Base will be holding its Hill AFB Open House and Air Show, May 26-27, 2012; and

WHEREAS, the Open House/Air Show is an important free event which will help Clearfield City and Utah better understand the role of the Air Force in our nation's defense; and

WHEREAS, the Open House/Air Show is the largest two day event in Utah as well as one of the largest two-day Air Shows in the United States and is estimated to have a statewide economic impact at over \$60,000,000; and

WHEREAS, the Clearfield City Council specifically finds that Clearfield City's cash donation is both necessary and appropriate to accomplish the reasonable goals and objectives of the City to further the legitimate public purpose of providing support to this invaluable military installation that plays such a critical role in our community, thereby benefitting both Clearfield City residents and the entire community;

NOW, THEREFORE, be it resolved by the Clearfield City Council that:

Upon approval of this Resolution, the City's Administrative Services Director is hereby authorized and directed to provide a TWO THOUSAND FIVE HUNDRED DOLLAR (\$2,500.00) cash sponsorship to Hill Air Force Base for the 2012 Open House/Air Show out of funds previously appropriated for such donations pursuant to Title 10, Chapter 6 of the Utah Code.

Passed and adopted by the City Council at its regular meeting on the 14<sup>th</sup> day of February, 2012.

ATTEST

CLEARFIELD CITY CORPORATION

\_\_\_\_\_  
Nancy R. Dean, City Recorder

\_\_\_\_\_  
Donald W. Wood, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

# CLEARFIELD CITY ORDINANCE 2012-02

## AN ORDINANCE AMENDING TITLE 6 OF THE CLEARFIELD CITY CODE

**PREAMBLE:** This Ordinance amends Title 6, Chapter 1 of the Clearfield City Code by amending Section 6-1-2 of said chapter.

### BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

#### Section 1.

**Enactment:** Title 6, Chapter 1, Section 2, of the Clearfield City Code is hereby amended to read as follows:

#### **6-1-2: REGULATION OF DOGS AND CATS:**

- A. The total number of dogs and cats that may be owned, harbored, licensed or maintained by any person at any one property or residence within the city shall not exceed a combination of three (3) such animals; however, no such combination thereof shall include more than two (2) dogs.
- B. Licensing of cats is not required.

**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** This Ordinance shall become effective immediately upon posting.

Dated this 14<sup>th</sup> day of February, 2012, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

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Donald W. Wood, Mayor

ATTEST

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY: