

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
February 28, 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 Purchase Agreement with the North Davis Fire District (NDFD)
Discussion on the Community Arts Building
Discussion on the Conceptual Design for Landscaping of the Overpass

7:00 P.M. REGULAR SESSION

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Youth City Councilmember Aubree Matheson

APPROVAL OF THE MINUTES:

January 24, 2012 – Work Session

February 14, 2012 – Work Session

February 14, 2012 – Policy Session

SCHEDULED ITEMS:

1. **CITIZEN COMMENTS**
2. **CONSIDER APPROVAL OF THE PURCHASE AGREEMENT FOR PROPERTY LOCATED AT 88 EAST CENTER STREET, MORE COMMONLY KNOWN AS THE CLEARFIELD FIRE STATION WITH THE NORTH DAVIS FIRE DISTRICT (NDFD)**

BACKGROUND: The City has been in negotiations with the NDFD regarding the sale of the Clearfield Fire Station because it expressed interest in purchasing the building to facilitate some improvements. A Public Hearing for the disposition of the property took place during the February 14, 2012 City Council Meeting and no public comments were made.

RECOMMENDATION: Approve the purchase agreement for property located at 88 East Center Street, more commonly known as the Clearfield fire Station with the North Davis Fire District (NDFD) and authorize the Mayor's signature to any necessary documents.

CONSENT AGENDA:

3. **CONSIDER APPROVAL OF THE AWARD OF BID TO LANTIS FIREWORKS FOR A FIREWORKS DISPLAY DURING THE FOURTH OF JULY**

BACKGROUND: Staff solicited bids for the 2012 Fourth of July fireworks display. Three vendors submitted qualified bids and each bid was reviewed and ranked by staff based on the guidelines included in the Request for Proposal (RFP). Based on the review, staff is recommending Lantis Fireworks and Lasers by awarded the bid for the provision of the services.

RECOMMENDATION: Approve the award of bid to Lantis Fireworks for a fireworks display during the Fourth of July and authorize the Mayor's signature to any necessary documents.

4. CONSIDER APPROVAL OF RESOLUTION 2012R-04 AUTHORIZING THE DISPOSAL OF UNCLAIMED PROPERTY

BACKGROUND: The Clearfield City Police Department periodically is required to dispose of unclaimed property. In the past the Council has approved the disposition of unclaimed property to bona fide charities.

RECOMMENDATION: Approve Resolution 2012R-04 authorizing the disposal of unclaimed property and authorize the Mayor's signature to any necessary documents.

COMMUNICATION ITEMS:

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

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

Dated this 23rd 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.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK 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
	Sean Montierth	IT Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: There were no visitors.

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

DISCUSSION ON DAVIS COUNTY ANIMAL CONTROL ORDINANCE

Adam Lenhard, City Manager, informed the Council that Davis County recently adopted a new animal control ordinance which required the licensing of cats. He reviewed the current dog licensing procedure and expressed his opinion the licensing of cats should not create a significant increase for administrative services.

He explained the general idea in requiring a license for cats was to decrease the number of euthanized cats from the Davis County Animal Control Shelter. He continued procedure had become a very costly expenditure for the County nearing six figures in cost. He mentioned the difficulty with identifying the owner when a cat was picked up by the animal control officer and stated it was nearly impossible to reunite cats with their owners.

Mr. Lenhard indicated the City's current ordinance verbiage reflected the adoption of the County's ordinance with exclusions listed; therefore, the City would have to adopt a new ordinance if it desired an exception to licensing cats. He mentioned the County's new ordinance

also increased the allowed number of dogs for a resident; however, because the City's ordinance already specified the allowed number of dogs, this wouldn't need to be addressed by the Council.

Councilmember Murray inquired about the increase in the number of allowed dogs by the County. Mayor Wood responded the number was raised to three with the requirement that one of three had to be a "rescued" dog from a shelter.

Councilmember Bush inquired if the City's role specific to enforcement would change with the ordinance. Mr. Lenhard responded the County would continue to be responsible for enforcement of the City's ordinance; however, he pointed out the possibility of increased citations and actions by Davis County Animal Control which could potentially increase the City's annual fees. He explained the formula used by the County to determine the cost for animal control was based on the number of incidents and didn't know if cat licensing would have a direct impact to the fees. Brian Brower, City Attorney, pointed out the licensing of cats could theoretically reduce the number of euthanized cats which could be a benefit to the City.

Mayor Wood inquired what neighboring cities were doing with the proposed licensing of cats. Mr. Lenhard stated he had heard Layton City would not be moving forward with cat licensing. A discussion took place regarding the licensing of cats.

Councilmember Shepherd believed the main objective in dog licensing was for the tracking of disease and requiring immunizations and believed this was generally not a cat issue. He expressed his opinion the City shouldn't require the licensing of cats and believed the County's fee increase would be inevitable with whatever decision the City made.

Councilmember Young expressed his opinion there were issues related to cat ownership and believed licensing would attempt to make owners responsible for their cat. Councilmember Murray pointed out responsible cat owners are already licensing or micro-chipping their cats and didn't believe requiring the license would solve the issues related to cats.

Mayor Wood suggested the cats that were nuisances within the City were probably feral cats which no one would license. A discussion took place and the Council concluded to not require the licensing at this time.

Mr. Lenhard clarified the City's ordinance would need to be amended with the provision that cat licensing would not apply to Clearfield. He indicated the amended ordinance would come before the Council during a future policy session.

DISCUSSION ON AN UPGRADE TO SPILLMAN SOFTWARE

Sean Montierth, IT Manager, explained the City currently had a server which provided the Spillman modules required by the police department. He reported the current system was

outdated and indicated it was time to purchase new software. He explained in order for the City to move forward with the upgrade, which would be completed during the next budget year, he would need to have a commitment to schedule the upgrade. He pointed out he couldn't commit the funds for the required upgrade until the Council approved the funding.

He informed the Council that the funds in the 911 fund were designated exactly for this purpose and the department heads expressed their support for this expenditure. He emphasized the issue was spending funds which were not appropriated in the budget and since the Council was currently in the budget process the funds were not yet approved for that purpose. He pointed out there was a six month scheduling deadline and if he waited until the budget was approved, there would be an increase in pricing; however, if he could commit now the City would receive the upgrade at the current pricing.

Chief Krusi emphasized the upgrade had been purchased; however, a server upgrade was also required before it could be implemented. Mr. Lenhard suggested the Council tour the dispatch center to witness the work being completed there.

Councilmember Bush inquired how far into the future the server upgrade would last. Mr. Montierth responded servers were on a four to five year rotation. The Council agreed to commit the funding during the budget appropriation process and directed Mr. Montierth to proceed with scheduling.

DISCUSSION ON HILL AIR FORCE BASE (HAFB) OPEN HOUSE AND AIR SHOW

Mayor Wood informed the Council he had received a letter from the Davis Chamber of Commerce encouraging neighboring cities to participate in sponsoring the Hill Air Force Base (HAFB) Open House and Air Show scheduled for May 26 & 27, 2012. He reminded the Council that last year's event had been cancelled due to a lack of funds. He mentioned the City had contributed funds for the event in 2009 but no funds had not been appropriated for this purpose during the budget process. Mayor Wood read the letter to the Council.

Councilmember Young expressed his opinion the City should support activities at HAFB. Councilmember Shepherd, Bush and LeBaron all expressed agreement with Councilmember Young's comments. Councilmember Murray inquired where the funds could be recognized if the Council approved the sponsorship. Councilmember LeBaron suggested the City consider HAFB the same as any large retailer requesting concessions from the City.

Adam Lenhard, City Manager, expressed confidence the sponsorship money could be located to fund the request. He believed there were available funds in the Mayor/Council's contingency account.

There was consensus to contribute the \$2,500 sponsorship and have the item placed on a future agenda. Mayor Wood believed the sponsorship would be a positive gesture toward HAFB and those residents serving in the military.

The meeting adjourned at 6:35 p.m.

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
February 14, 2012

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

VISITORS: There were no visitors.

Mayor Wood called the meeting to order at 6:04 p.m.

DISCUSSION ON THE FARMERS MARKET

JJ Allen, Assistant City Manager, informed the Council that the Farmers Market had been operating for five years and although there had not been extensive costs associated with the event there had been significant staff time spent organizing and supporting the event. He directed the Council to the memo provided in the agenda packet. He briefly reviewed the issues regarding the Farmers Market:

- popularity for the Farmers Market was never realized,
- funds could be better used toward the proposed Wing Fest in conjunction with the Fourth of July celebration, and,
- lack of participation specific to produce at the Farmers Market compared to other merchandise.

Adam Lenhard, City Manager, stated even though the cost associated with the Farmers Market was not extensive the cost of staffing was significant. Mayor Wood believed local farmers providing opportunities to purchase their produce directly may have detrimentally affected the success of the Farmers Market.

Councilmember Bush asked if the City could provide a central location for local farmers to sell their produce. Mayor Wood believed current City ordinances would prevent that allowance unless the farmer applied for a temporary business license. Brian Brower, City Attorney, stated

that staff's oversight of the event was necessary to make sure it was organized and ordinance compliant. He suggested the City might not want to get involved in providing a centralized location without having that type of control over the event.

Mayor Wood commented the Farmers Market used City resources without receiving a benefit. Councilmember Murray believed the funds appropriated for the Farmers Market might be better used elsewhere. Councilmember LeBaron complimented Natalee Flynn and Marliss Scott, Special Events Coordinators, for their efforts associated with the Farmers Market but believed the City should consider other events for funding. Mr. Allen agreed that Ms. Flynn and Ms. Scott had made every effort to make the event successful for the City.

The Council agreed to discontinue the Farmers Market and appropriate the funds and time to the Wing Fest.

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)

Adam Lenhard, City Manager, reported the City had received a draft of the purchasing contract from the North Davis Fire District (NDFD) for the purchase of the fire station at \$400,000 and described the details of how the transaction had been drafted to take place if approved by the Council. He noted there was a suggestion to have the agreement include a first right of refusal clause should the NDFD decide to dispose of the property at a later date. He suggested the City might want to consider that option if it were done at the agreement's purchase price. Mayor Wood commented the agreement could reflect the first right of refusal at the agreement's purchase price but allow for lower depreciation based on improvements that might be made in the future by the NDFD. He suggested first right of refusal was necessary if the City wanted to retain some control over possible future uses of the building. He stated the zoning could address future uses of the property.

Brian Brower, City Attorney, pointed out the NDFD could potentially sell the property for a use which would be permitted in a Public Facility (PF) zone. Mayor Wood pointed out the City would want to make sure any future use of the building continued to fit within the scope of a "Municipal Campus".

Mr. Brower stated the PF zone would allow for the building to function as a church. Mayor Wood expressed concern with that possibility and shared some examples regarding churches located within commercial zones of the City. Councilmember Young suggested the Council may want to address if it were appropriate to permit churches within the PF zone.

Councilmember Murray inquired if no comments were made during the public hearing how would the Council want to approve the sale with the discussed additions. Mr. Lenhard pointed out specific verbiage would need to be included in the motion. Mr. Brower clarified how verbiage in the motion could be made specific to the first right of refusal if NDFD determined to sale the property.

Councilmember LeBaron didn't believe there was a need for additional language even if the zoning allowed for a church. He indicated any higher use would be controlled by the zone. Councilmember Bush agreed and stated he didn't believe any change was necessary because a possible church would not be detrimental to the City or the area. Mayor Wood expressed concern regarding the integrity of the Municipal Campus if the property were ever sold by the NDFD sometime in the future.

Mr. Brower reviewed specific permitted uses for the PF zone as well as conditional uses in the zone. Based on that review, the Council agreed the verbiage should be included that the City would have the first right of refusal. Mr. Lenhard commented the issue would need to be considered during the policy session.

Councilmember LeBaron expressed concern about whether addition of the verbiage would delay the sale of the property to the NDFD. He indicated the NDFD intended to address the purchase of the property at its board meeting later in the week. Mr. Brower responded any addendum could be drafted and presented in time for consideration by the NDFD board later in the week.

DISCUSSION ON THE VACATION OF UTILITY EASEMENTS AT FREEPORT CENTER

Scott Hodge, Public Works Director, explained the SR 193 extension project required the relocation of utilities in the area. He stated Freeport Center granted a new easement for the storm drain and requested the City vacate its current easement upon relocation of the utility. He stated he didn't see any problem with vacating the old easement upon the relocation. He showed the Council a map showing the current easement and the proposed new easement.

Councilmember Murray inquired who was funding the relocation. Mr. Hodge responded UDOT was reimbursing the City for all utility relocations associated with the road extension.

DISCUSSION ON THE CLEARFIELD UNIVERSITY

Councilmember Shepherd reported 16 residents had expressed interest in participating in Clearfield University. He expressed his confidence the program would be beneficial to the residents. He explained the first night would be a great introduction and shared some of the items which would be discussed. He continued T-shirts would be provided to each participant.

He stated Natalee Flynn and Marliss Scott, Special Events Coordinators, had been soliciting businesses to provide food and other freebies to the participants. He explained the various presenters would include:

- North Davis Sewer District
- Weber Basin Water
- Freeport Center
- Job Corps
- Each City department

He stated a graduation ceremony would take place during a City Council meeting in June at the conclusion of the classes. He also commended Shannon Anderson, resident, who had been instrumental in getting the event planned and underway.

Councilmember Murray asked if there were a fee to participate in the classes. Councilmember Shepherd responded there was no fee. Councilmember Murray asked who would be providing the T-shirts. Councilmember Shepherd replied businesses located within the community would donate for that purpose.

The meeting adjourned at 6:34 p.m.

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

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

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

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

Councilmember Kent Bush conducted the Opening Ceremony.

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

The minutes for the CDRA are in a separate location

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

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

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

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

Mayor Wood asked for public comment.

There were not public comments.

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

SCHEDULED ITEMS

CITIZEN COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSENT AGENDA

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

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

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

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

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

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

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

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

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

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

COMMUNICATION ITEMS

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

Councilmember Bush

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

Councilmember LeBaron – nothing to report.

Councilmember Murray – nothing to report.

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

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

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

STAFFS’ REPORTS

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

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

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

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

SECTION NINETEEN: RIGHT OF FIRST REFUSAL

In the event Buyer intends to either offer the Property for sale, lease or to allow a change in its use to something other than a fire station at any time during the next ninety (90) years from the date of this Agreement, then Seller shall have the exclusive right, but not the obligation, to purchase the Property from Buyer for the then current market value as determined by agreement of the Parties or an appraisal. In order to provide Seller sufficient opportunity to exercise this right of first refusal, Buyer shall give Seller written notification of its intent to sell, lease or change the current use of the Property and then must allow Seller ninety (90) days from Seller's receipt of said notice from Buyer to consider whether to exercise its option to purchase the Property. If within the ninety (90) day consideration period Seller provides Buyer with written notice of its intent to exercise this right of first

refusal to purchase the Property, then the Parties shall work together to complete the sale within a time frame that is mutually agreeable and beneficial to the Parties.

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

Executive Summary

2012 July 4th Fireworks Display Bid

The bids for the 2012 July 4th Fireworks Display February 2, 2012. The contract for the 4th of July fireworks Display includes a minimum of a thirty minute continuous fireworks display using a variety of assorted fireworks shells with a false finale, and a grand finale. The bids also include all costs, expenses, materials, set-up, staging, permitting, property use approvals, clean-up, and interfacing with the appropriate authorities. Additionally, the contract would be for a period up to August 31, 2012 and may be extended annually for up to four (4) additional renewals.

Twenty vendors reviewed the bid and by the deadline, four bids were received. Of the total number of bids received, only one was incomplete leaving three (3) qualified bids.

A committee including JJ Allen, Eric Howes, Randy Goodnight, and Natalee Flynn reviewed the qualified bids and rated each proposal based on the following criteria:

1. Compliance with the details of the RFP.
2. Duration of the proposed fireworks display.
3. Company experience.
4. Appropriate license.
5. Cost/value.
6. Other criteria deemed pertinent by the review committee.

In the proposed 2013 budget, \$30,000 is included for the provision of these services. Through the evaluation process, Lantis Fireworks and Lasers, with offices in Fairfield, received the highest ranking from the committee. Due to the nature of this RFP vendors were asked to develop a proposal based upon the budget \$30,000. As a result, all bids received were for exactly \$30,000 and were evaluated strictly upon the conditions listed above. The term of the proposed agreement would be for one year with the possibility of up to four (4) one-year extensions at sole option of the city. The term of the resulting agreement shall be for July 4, 2012 (or an alternate date if weather conditions require a reschedule).

CLEARFIELD CITY RESOLUTION 2012R-04

A RESOLUTION AUTHORIZING THE CLEARFIELD CITY POLICE DEPARTMENT TO APPROPRIATE UNCLAIMED CUSTODIAL AND PERSONAL PROPERTY TO PUBLIC INTEREST USE AND DESIGNATING AND APPROVING THE PUBLIC INTEREST USE OF THE PROPERTY

WHEREAS, the Clearfield City Police Department has in its possession certain unclaimed custodial and personal property which, after proper notice, remains unclaimed; and

WHEREAS, Title 77, Chapters 24 and 24a, of the Utah Code allow the City to appropriate such property for public interest use; and

WHEREAS, it is the desire of the Clearfield City Council to authorize such appropriation to public interest use; and

WHEREAS, the Clearfield City Council further desires to designate and approve the public interest use of said property as being donation to a bona fide charity;

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

1. The Clearfield City Police Department is hereby authorized and directed to appropriate the following unclaimed custodial and personal property to public interest use: (See Exhibit A attached).
2. The Clearfield City Council hereby designates that the public interest use of said property in Exhibit A shall be for donation to a bona fide charity.

Passed and adopted by the City Council at its regular meeting on the 28th day of February, 2012.

ATTEST

CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder

Donald W. Wood, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

Memo

To: Chief Krusi
From: Officer Fiske
Date: 2-7-12
Re: Bicycle Donation

The following is a list of 27 bicycles in the evidence room that has exceeded the 90 day limit regarding found/unclaimed property. All of the bicycles were checked NCIC and were negative.

<u>Case</u>	<u>Date</u>	<u>Description</u>	<u>Serial Number</u>
11-7045	6-2-11	Next	GS52090
11-7359	6-9-11	Mtn. Tek	1D41202823
11-10082	7-31-11	Unknown	C0225852
11-10480	8-7-11	Mtn. Tek	HD0415629
11-10558	8-9-11	Next	DWCC027928
11-10853	8-15-11	Kent	L010970307
11-10898	8-16-11	Next	G1010031687
11-11254	8-23-11	Next	DTCBE022612
11-11428	8-26-11	Next	852344C2010043
11-11428	8-26-11	Schwinn	SNHUA05F44873
11-11591	8-29-11	Road Master	SNFSD10AK9145
11-11572	8-29-11	Murray	45020111894
11-11752	9-1-11	Roadmaster	983080872
11-11812	9-3-11	Shimano	96TD209720
11-11989	9-6-11	Next	LWJE504738
11-12206	9-11-11	Huffy	006349634421H9
11-12257	9-12-11	Roadmaster	SNFSD05L06275
11-12314	9-13-11	Huffy	B10GM3870
11-12470	9-16-11	Roadmaster	C006190055
11-12587	9-19-11	Unknown	78555783
11-12656	9-20-11	Schwinn	SNXDS05J19599
11-12656	9-20-11	Next	852877
11-12992	9-27-11	Kent Ambush	G1009132557
11-13142	9-30-11	Unknown	SNAGB11A01153
11-13750	10-12-11	Next	DCL04139076
11-14005	10-18-11	Motiv	
11-14663	11-1-11	Roadmaster	F03120008408

cc: Sgt. Bennett