

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.**

**APPROVED AND ADOPTED
This 14th day of February, 2012**

/s/Don Wood, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, January 24, 2012.

/s/Nancy R. Dean, City Recorder