

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
February 12, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	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
	Eric Howes	Community Services Director
	Valerie Claussen	Development Services Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Joe Evans – Six Feet Below, Andrea Friebel – Six Feet Below, Bridgett Madson – Six Feet Below, Kian Kupfer – Six Feet Below, Billy Gray – Six Feet Below, Cameron John – Six Feet Below

Mayor Wood called the meeting to order at 6:08 p.m.

DISCUSSION ON AMENDMENTS TO THE CHEVRON PIPELINE AGREEMENT

Brian Brower, City Attorney, explained during negotiations for the 200 South overpass repair, discussions took place regarding an easement with Chevron. He stated the easement agreement entered into at that time required the City's consent for any transfer of the easement. He reported Chevron was in the process of transferring their interest of the pipelines to Tesoro; therefore, the easement transfer required the City's authorization. Mr. Brower believed it would be appropriate for the City to grant consent for the transfer of the easements for the pipeline.

Mayor Wood requested clarification if the content and text of the documents would remain the same; it was merely transferring interest. Mr. Brower responded the documentation was a letter with verbiage reflecting the City's consent for the transfer of the easements to Tesoro. He emphasized the reason he brought it before the Council was because the City Council had originally granted the easement and he believed it was appropriate for them to authorize the transfer.

Councilmember LeBaron inquired if there were any covenants which would expire associated with the easements upon transfer to a separate entity. Mr. Brower responded he had thoroughly reviewed the contract when the overpass was being reconstructed and more recently when the

request was received and didn't believe there would be any change regarding the City's obligation upon transfer of the easement. He mentioned he had no information as to why Chevron had decided to divest its interest of the pipeline easements.

DISCUSSION ON AMENDMENTS TO TITLE 4 AND TITLE 11 OF THE CITY CODE REGARDING THE REGULATION OF TATTOO OR BODY-PIERCING ESTABLISHMENTS

Valerie Claussen, Development Services Manager, referred to the staff reports provided to the Council in the agenda packet. She reported this item had come before the Planning Commission during the February 6, 2013 meeting and it recommended alternate A as the text amendment.

Ms. Claussen informed the Council a request had been made to amend City Code to allow the relocation of existing tattoo establishments. She continued the applicant deemed it necessary because the current Municipal Code did not allow tattoo establishments as a permitted use in any zoning district. She stated staff had prepared three alternatives for consideration which would require amending the text to both Title 4 and Title 11.

Ms. Claussen stated there were currently three tattoo establishments located within the City and one additional establishment which had not yet renewed its business license as of February 8, 2013. She explained the three alternatives were intended to be a basic framework to provide an opportunity for further discussion by the Planning Commission and City Council. She reviewed the three alternatives for consideration:

- Alternate A – permit tattoo and body-piercing establishments in the C-2 (Commercial) zoning district with an approved CUP (Conditional Use Permit) with the separation requirement not being located closer than 1/3 mile of another tattoo establishment or within 880 feet of payday lending, pawn or sexually oriented businesses.
- Alternate B – permitted use in C-2 (Commercial) and M-1 (Manufacturing) with an approved CUP (Conditional Use Permit) with the same separation requirements as Alternate A.
- Alternate C – allowing the use in the M-1 (Manufacturing) zoning district also with an approved CUP (Conditional Use Permit) with the same separation requirements; however, the relocation provision would permit existing businesses to relocate to another property within the same zoning district in which it was originally located.

Ms. Claussen pointed out other elements to the text amendment included definitions which would clarify the supplementary standards would be included in Title 11, Chapter 3 and changes to Title 4 would include provisions that local and state health licensing regulations and requirements would be met during the business licensing process.

Ms. Claussen directed the Council to the Analysis portion of the staff report which identified how the Master Plan and Vision 2020 were guiding the decisions, that the text amendment was consistent with the identity of Clearfield City strengthened by Land Uses.

Ms. Claussen reported it was staff's recommendation for Alternative A because it was the best balance between standard zoning practices and it was consistent with best practices. She directed the Council to the Findings portion of the staff report for further explanation. She reported several residents had spoken in support of the text amendment during the Planning Commission's Public Hearing and the Planning Commission unanimously recommended the approval of Alternate A. She stated staff would be bringing forth the Planning Commission's recommendation of Alternate A during the City Council meeting.

Brian Brower, City Attorney, stated the staff report had been well prepared. He requested specific language be included in the motion justifying the action as it related to regulating a specific type of business. He continued it would be in the best interest of the City to create a record which indicated the reasons and justifications. He stated it would also be appropriate for the councilmember to articulate the reasoning in the motion.

Councilmember Bush requested clarification for the distance requirements. Ms. Claussen responded the distance requirement began with the formal submittal and application which requested 2000 feet for the separation requirement. She indicated the 1/3 mile was a standard and was comparable to model ordinances provided by the Professional Association for Planning. Mr. Brower commented the separation requirement was the Planning Commission's intent to prevent clustering of similar types of businesses. He emphasized it was a different distance as to what the City had implemented with payday lending establishments; however, the predatory nature of these establishments justified that separate action.

Mayor Wood expressed his preference with Alternate C as he believed it met the needs of the applicant, and allowed similar establishments the same opportunity to relocate within the commercial zone; however, it precludes any additional tattoo establishments within the C-2 zone, requiring they locate in the M-1 zone. He explained his reasoning was based upon the Vision 2020 document which established the economic redevelopment of the community and given the limited commercial corridor available for economic development. He continued the City had a small geographical area consisting of a huge industrial presence which consumed a large portion of the City. He believed the City had made considerable effort and committed funding to incentivize the commercial corridors and considering the number of payday lenders, title loan establishments and body art businesses combined, he believed was disproportionate. He expressed his opinion Alternate C aligned with the City's desire for commercial development and emphasized he didn't want to disenfranchise any type of business. He shared a personal experience regarding his personal business in which he could not relocate to a desired location because it didn't align with that city's long term goals.

Mr. Brower indicated that was the precise kind of language he would desire be included in the recommendation on record and encouraged Mayor Wood and any other councilmember to use that additional language in creating the record for the policy session.

The visitors in attendance left the meeting at 6:30 p.m.

DISCUSSION ON THE WASATCH WING AND MUSIC FESTIVAL

JJ Allen, Assistant City Manager, stated he would be updating the Council on the Wasatch Wing and Music Festival being planned in conjunction with the Fourth of July festivities and reminded the Council of previous discussions in which there would be a “point of no return” specific to commitments for sponsorship funding compared to target to determine if the City should proceed with the event. He stated the point of no return had been designated for the end of February and reported a discussion was planned to take place during the March 5, 2013 City Council meeting.

He informed the Council the best estimate for the Wing and Music Festival was approximately \$62,000 on top of the baseline of the Fourth of July budget of \$50,000. He continued the target amount of sponsorship funding had been designated at \$50,000 and reported \$1,000 had been committed. He added there were a lot of potential sponsorships in the works at this time. He mentioned staff was working off of a list of 60 potential sponsors and staff had contacted most of those. He emphasized there was a real need for one or two of the big sponsors for the event. Councilmember Shepherd indicated lots of interest had been expressed by local businesses; however, no commitments had been made as of yet. He suggested staff determine if \$50,000 in sponsorship funding couldn't be secured could the event continue with \$30,000.

Mr. Allen reported City staff was approaching deadlines associated with commitments in moving forward with the event planning without budgetary authorization. He continued quotes had been received from media corporations to promote the event through television and radio and the sooner the contracts could be signed the sooner those could begin. He added bands and musicians had been contacted and expressed a desire to participate; however, they want a contract in place to guarantee the City's commitment. He explained the importance of website designing taking place sooner rather than later, but a contract would also need to be executed for that purpose. He emphasized the only expenditure appropriated for in the current budget related to the wing festival was staff travel to conduct research. He requested direction from the Council as to how staff should proceed with the identified challenges associated with contract execution.

Councilmember Murray inquired if the contracts were executed could there be a cancellation date without repercussions on the City's behalf. Mr. Allen commented he would request a reasonable cancellation time frame in which the band could book another venue.

Mayor Wood inquired as to the dollar figure of hard costs associated with the musical talent. Councilmember Shepherd reported he had eight bands committed to playing at the wing fest including the headliner band “Royal Bliss”. Mayor Wood asked how much the event could be scaled back once the entertainers were committed if the sponsorship dollars were not recognized. Mr. Allen responded the advertising could be reduced; however, that could negatively affect attendance which would be directly related to the success or failure of the event. A discussion took place.

Adam Lenhard, City Manager, expressed concern the City would be doing something half way and believed in that event it would be in the best interest of the City to revert to a Fourth of July celebration as had been done in recent years. Mayor Wood shared Barbara Riddle's comments regarding putting on an event of this magnitude and believed the City should try growing the event as opposed to initially spending \$150,000 for a first time event.

Councilmember Shepherd commented some of the bands had their own following and agreed the City would need to determine what it would be comfortable in spending. Mayor Wood believed the City should weigh the costs for projects. A discussion took place regarding when the City could change the type of Fourth of July event. Mayor Wood believed there was still time in which execution of promotional contracts could be executed. Councilmember Shepherd believed attendance would not be a significant issue as far as marketing was considered. Mayor Wood inquired if there were an alternate plan for an event larger than what was done in recent years, yet not as big as the wing fest. Mr. Allen suggested the event could then be marketed as a music fest, dropping the wing portion of the festival. Mayor Wood suggested the City consider all options at this point.

Councilmember Murray requested clarification about appropriating funds for the commitment of musical bands/entertainment at this time. Councilmember Shepherd stated the City could continue to hold off on executing any contracts until after March 5, 2013. Mr. Allen indicated staff would still need Council's approval for the execution of the contracts initially and would be addressed during the re-open of the budget in June. Councilmember Shepherd pointed out some funds had been appropriated for musical entertainment for the Fourth of July event and reported Eric Dodge was committed with those funds. Councilmember LeBaron suggested having the musical entertainment begin earlier in the day if it were determined the wing fest would be viable for this year.

Councilmember LeBaron moved to adjourn and reconvene in a City Council policy session at 6:58 p.m., seconded by Councilmember Shepherd. All voting AYE.

The work session reconvened at 8:07 p.m.

DISCUSSION ON IMPROVEMENTS TO THE CLEARFIELD AQUATIC CENTER BOILER SYSTEM

Eric Howes, Community Services Director, reported he was recently made aware of some issues regarding the boiler system at the Aquatic Center (AC). He shared a visual presentation which illustrated the affect the humidity had in the spinning room which was a significant distance from the pool area. He pointed out funds had been appropriated during the re-opening of the budget for a second opinion regarding possible repair options and was in the process at this time. He reported on the attempts made by staff to remedy the issues and indicated the following systems had been impacted by the humidity in the building: HVAC system, boiler, fire suppression systems and electrical.

Mr. Howes reported there were two boilers at the AC and shared an illustration of the boiler which heated the water for the pool and explained its operating process. He explained the problems associated with how staff had attempted to remedy the problem. He shared several illustrations reflecting rust identified in several different areas at the AC and reviewed how the different mechanical systems had been impacted by the humidity.

He stated staff would be moving forward in replacing the HVAC system in addition to addressing the electrical and light system and emphasized until that was properly repaired, humidity would continue to affect the electrical system. He expressed his opinion a rust prohibitor could be used on the fire suppression system to avoid replacing that entire system. He suggested a professional inspection take place regarding the gas lines prior to determining how compromised that system was. Councilmember Murray inquired if once the rust was removed from the fire suppression system, would there be a maintenance plan to keep rust from forming again. Mr. Howes responded staff needed to do a better job specific to preventive maintenance at the AC.

Mr. Howes explained leak detectors were still being used to identify the location of the water leak and indicated it was under the deck and not the pool itself. He reported the estimate had been received and was between the range of five to fifteen thousand dollars based upon how much for the pool deck would need to be replaced.

He shared with the Council his plan for moving forward which involved the annual shutdown every fall using parks crews to complete some of the routine maintenance. Councilmember Bush inquired if maintenance was addressed in the contract for the fire suppression system. Mr. Howes didn't believe so as there wasn't any regular maintenance associated with these systems. He believed the humidity issue had more to do with the circuit boards inside each box located in each of the rooms at the facility. He stated it would be necessary to develop a preventive maintenance schedule and was in the process of reviewing documents for suggestions.

Mr. Howes reported quotes had been received for the replacement of pipes in the boiler system and stated that was recommended. He emphasized the HVAC system was by far the biggest issue which needed to be addressed at this time. Councilmember Bush inquired if this repair would rectify the humidity problem. Mr. Howes responded that was part of the study which was completed by the original engineer and believed additional ventilation or exhaust would also be necessary. He reminded the Council an engineer had previously made suggestions to the City and that report had been forwarded to the current engineer regarding the second opinion.

Mayor Wood inquired when the boiler issues would be addressed as he believed patrons were going elsewhere because of the water temperature and questioned how the repair would be funded. Mr. Howes remarked only one bid had been received for the boiler repair at this time and suggested the Council would need to determine how the repair would be funded. Mayor Wood expressed concern with potential issues with the School District's facilities. Mr. Howes

explained the school was on their own HVAC system and expressed his opinion they were not experiencing rust issues.

Adam Lenhard, City Manager, requested direction from the Council to proceed with the boiler repairs at this time and addressing the funding with the reopening of the budget in June. Councilmember Shepherd didn't believe the City had any other choice rather than to complete the repairs. Councilmember Murray stated the facility already existed and believed it should be maintained. A discussion took place regarding the systems. Councilmember LeBaron stated it was imperative for the humidity issue to be resolved. Councilmember Murray inquired how the funds would be recognized in the General Fund for this appropriation. Mr. Lenhard responded staff would provide some options at a later date.

The meeting adjourned at 8:40 p.m.

**APPROVED AND ADOPTED
This 23rd day of April, 2013**

/s/Don Wood, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, February 12, 2013.

/s/Nancy R. Dean, City Recorder