

CLINTON CITY COUNCIL MINUTES
2267 N 1500 W
January 26, 2010

The Clinton City Council was called to order at 7:02 p.m. Councilmember Anna Stanton led the pledge of allegiance and Councilmember Joanne Hansen offered the invocation.

Mayor Adams called for a roll call of all those present:

Present were: Mayor L. Mitch Adams
Councilmember David Pearson
Councilmember Anna Stanton
Councilmember Cheri Reed
Councilmember Joanne Hansen
Councilmember Blair Bateman

Also present were: Corinne Valentine, Skyler Valentine, Bartura Kap, Dave Valentine, Karen Valentine, Mari & Jimmy Valentine, Tyson Valentine, Tyler Cunningham, Abby Valentine, Steve Hubbard, Teri Gomm, Deborah Barlow, Michelle Hainline, Michael Obrien, Camyle Schramm, Ryan Child, City Manager Dennis Cluff, Community Development Director Lynn Vinzant, and Lisa Titensor recorded the minutes.

A. EMPLOYEE SERVICE AWARDS – FOURTH QUARTER 2009:

Mayor Adams announced that the City has two employees to recognize for long time service with Clinton City. He presented the following employees with an award and a check in recognition of their service:

Karl King (Public Works) 25 years of service.

Mr. King commented that he has enjoyed working for the City and has appreciated all that the City has done for him and his family.

Dave Valentine (Police Department) 20 years of service.

Mr. Valentine stated that he appreciates working for Clinton City. He said Dennis Cluff is a good City Manager to work for.

Mayor Adams expressed appreciation to the employees and their families for their service.

B. RE-APPOINTMENTS TO PLANNING COMMISSION – SAM COOPER; FRED MITCHELL:

Mr. Cluff identified that the Mayor, as per City Code 2-8-2(1), is responsible for appointing the members of the Planning Commission with the advice and consent of the City Council. Mayor Adams requested the re-appointment of Sam Cooper and Fred Mitchell to the Planning Commission for another term.

Debra Barlow asked to address the City Council. She stated that she is interested in a position on the Planning Commission and would like the City Council to review and revise their re-appointment process. She said she would like to see more citizens have the opportunity to serve.

Mayor Adams responded that there is a learning curve to the positions on the Planning Commission and he feels that the current members' experience is valuable to the City right now.

Ms. Barlow said she feels it should be opened up to the residents of the City. She said she has looked on the website to see what is available, and only saw openings for the Clinton Community Arts Board.

Councilmember Reed asked how long Mr. Cooper and Mr. Mitchell have served.

Mr. Vinzant replied they are three year terms and Mr. Cooper and Mr. Mitchell have each served two terms.

Councilmember Reed went on to say that she feels that more residents should have an opportunity to serve or at least apply.

Councilmember Hansen said that she too agrees that more people should have an opportunity to serve. She pointed out however, that there have been times when it has been difficult to get individuals to serve on the Planning Commission.

Mr. Cluff clarified that if a citizen contacts staff that they are interested in a position, their names are passed on to the Mayor and it is up to him to make recommendations to the City Council for ratification.

Councilmember Bateman commended Ms. Barlow's interest and asked what her interests and qualifications are.

Ms. Barlow replied that she graduated with honors from the University of Utah with a Bachelors of Science in Physics and minor in mathematics. She said she is currently a homemaker who has lived in Clinton City for nine years. She said that some of her main concerns in the City are personal property rights and balancing commercial with residential growth. She said she would like to keep the rural feel of the City. She is pleased with the Commercial development so far.

Councilmember Stanton made a motion to ratify the Mayor's re-appointments of Sam Cooper and Fred Mitchell to the Planning Commission, beginning immediately and ending December 31, 2012 (or as soon thereafter as replaced or reappointed). Councilmember Pearson seconded the motion. Voting by roll call is as follows: Councilmember Hansen voted yes, but stated that she would like to see more residents have the opportunity to serve. Councilmember Reed voted no, but clarified that she is not opposed to the proposed individuals but would like to see the opportunity opened up to more individuals with an application process. Councilmember Stanton voted yes and stated that she is not opposed to allowing other residents the opportunity to serve. Councilmember Bateman voted yes and said he would like to see more opportunity for more residents to serve. Councilmember Pearson voted yes and said he would like to have all individuals interested in serving on the Planning Commission to have an application on file.

Mr. Vinzant stated that he will get information about upcoming Citizen Planning Classes noticed in the newsletter to give citizens an opportunity to attend and gain some experience.

C. PRESENTATION OF FY 08-09 AUDIT REPORT:

Mayor Adams introduced Ryan Child, of Wood Richards, the Auditor who completed the 2009 audit of financial transactions to give a presentation of his findings to the City Council.

Mr. Child informed the City Council that the City has received an unqualified opinion on the Financial Statements which is the highest level of assurance that auditors issue on the accuracy and correctness of financial statements. He clarified that it is a good report. He said there are no findings to report with state regulations.

He reviewed the following pages of the report with the City Council.

Page 33 - Schedule of Revenues, Expenditures, and Changes to Fund Balance

Page 34 – Schedule of Revenues, Expenditures, and Changes to Fund Balances

Page 36 – Special Revenues, Expenditures and Changes in Fund Balance

Page 11 – Capital Projects Fund for Land Acquisition

Page 9 – Balance Sheet for Government al Funds

Reserve fund is at 5%.

Page 13 – Enterprise Funds, Statement of Revenues & Expenditures

Operating income or (loss)

Water fund small loss of \$10,000.00

Page 15 – Statement of Cash Flows (changes)

Page 41 – Schedule of Findings

Recommend the City establish a procedure to review and approve noncash adjustments to the accounts receivables modules of Caselle to ensure that these adjustments are reviewed and approved when made to the system. He suggested a monthly or quarterly review.

Mr. Child said that everyone involved does a good job in keeping an eye on the City's finances.

Mayor Adams identified that Mr. Cluff showed strong initiative in the middle of the fiscal year to make modifications to the budget to keep it inline with revenues.

Councilmember Reed made a motion to accept the Auditors Report for 2008/09. Councilmember Bateman seconded the motion. All voted in favor of the motion.

D. PURCHASE OF OUTDOOR BALL FIELD PADS:

Mr. Cluff reported that this request is for the northwest softball field which requires outdoor padding for the 3rd base line, due to the concrete retaining wall. The City received two proposals, one for \$11,180 from Hasco Inc and one for \$11,295.56 from Blue Sky Recreation Inc.

Mr. Cluff clarified that the bid is cheaper than what was anticipated and that public works is confident they can install them.

He went on to say that staff recommends the purchase of the more expensive padding from Blue Sky due to their customization of the pads, whereas the Hasco product is just a mail order standard size. A finding that the extra \$116 of the Blue Sky bid is more functional and desirous due to the sloping ground and changing height of the retaining wall.

Councilmember Reed commented that she would prefer to hold the special budget work session prior to making a decision on this issue.

Councilmember Bateman questioned if there is a warranty on the Blue Sky product.

Mr. Cluff responded that the bid indicates that Blue Sky has a manufacturers warranty but not a seller's warranty.

Councilmember Pearson made a motion to table the item to the next meeting. Councilmember Reed seconded the motion. All voted in favor of the motion.

E. ORDINANCE 10-01; REPEALING THE EXISTING TITLE 14, HEALTH AND REPLACING IT WITH A REVISED TITLE 14, HEALTH:

Mr. Vinzant identified that the existing Title is outdated and does not meet the needs of the growing city.

He explained that the ordinance has been reviewed by staff and the city attorney.

Mr. Vinzant reviewed the proposed Title with the Council.

There was a lengthy discussion on section 14-7-3 Artificial Pools - Registration Required. Some of the Council expressed a desire to have the County handle the enforcement.

Councilmember Reed made a motion to strike Section 14-7-3. Councilmember Bateman seconded the motion.

Discussion on the motion took place. Mr. Vinzant clarified that the County Ordinance will apply.

Mayor Adams called for a roll call vote.

Voting by roll call is as follows: Councilmember Hansen, no; Councilmember Reed, aye; Councilmember Stanton, aye; Councilmember Bateman, aye; Councilmember Pearson, aye.

Councilmember Hansen stated that she is against requiring registrations but not monitoring standing water.

It was clarified that it would fall under the nuisance ordinance.

Debra Barlow suggested adding to the nuisance ordinance that if the County does not respond within a certain time frame the City will take over.

Councilmember Pearson then questioned 14-8-1 & 14-8-1(2).

A discussion on potential offenses and the possibility of combining (1), (2) & (3) took place.

Councilmember Stanton made a motion to leave as is. Councilmember Hansen seconded the motion. Voting by roll call is as follows: Councilmember Reed, no; Councilmember Stanton, aye; Councilmember Bateman, no; Councilmember Pearson, no; Councilmember Hansen, aye.

Councilmember Pearson made a motion to strike “or of any annoyance to any person”; Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember Bateman, aye; Councilmember Pearson, aye; Councilmember Hansen, aye; Councilmember Reed, aye.

Councilmember Pearson questioned 14-8-6 (4) (a) Fireworks. He said he feels fireworks should be allowed in the street.

Camille Schramm questioned if fireworks can't be done in the street, isn't it a fire code violation to do it in the driveway?

More discussion took place to change (i) across or over public rights-of-way. Add (ii) in, over or onto public parks, or other public property or the property of another.

Mayor Adams clarified that there is a consensus by the Council for the change.

Councilmember Stanton made a motion to adopt Ordinance 10-01 with the changes noted, Repealing the existing Title 14, Health and replacing it with a revised Title 14, Health. Councilmember Hansen seconded the motion. Voting by roll call is as follows: Councilmember Reed, aye; Councilmember Stanton, aye; Councilmember Bateman, aye; Councilmember Pearson, aye; Councilmember Hansen, aye.

F. ORDINANCE 10-02; ADDING TITLE 2, CHAPTER 12 & 13, AND REPEALING SECTIONS FROM OTHER CHAPTERS DEALING WITH UTILITY BILLING:

Mr. Vinzant explained that the existing code has utility billing procedures under culinary water, garbage, secondary water, and sewer and they are all different. The proposed ordinance will bring the utility billing procedures into one area and they all will agree.

He clarified that the ordinance has been reviewed by staff and the city attorney.

Councilmember Reed stated that she does not agree with 2-13-10. She said that she feels that 24 consecutive months to go without a delinquent payment to get the deposit back is too long.

Mr. Cluff clarified that in the past there was a serious problem with delinquent accounts and that it became a hardship for residents whose bill accumulated too high. There was also an issue with people skipping out on utility bills. He said this is an attempt to avoid those types of situations.

Mr. Cluff also clarified that residents receive their deposit back after 24 months of non-delinquent payment. They do not have to move out to get the deposit back.

Councilmember Bateman questioned 2-13-13(4) Utilities. He asked if it applies to the National Guard.

Mr. Cluff clarified it is an enabler in the ordinance if the need arises. He said it has been addressed in a resolution.

A discussion to modify (4) to The City Council may excuse a class of individuals, based upon significant findings, for a set period of time took place.

Councilmember Pearson made a motion to adopt Ordinance 10-02, Adding Title 2, Chapter 12 & 13, and repealing sections from other chapters dealing with utility billing with the changes noted. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Bateman, aye; Councilmember Pearson, aye; Councilmember Hansen, aye; Councilmember Reed, aye; Councilmember Stanton, aye.

G. ORDINANCE 10-03; REPEALING THE EXISTING TITLE 25, STREETS AND SIDEWALKS AND REPLACING IT WITH A REVISED TITLE 25, STREETS, SIDEWALKS, AND RIGHTS-OF-WAY:

Staff asked for the Council to take no action on this item.

Debra Barlow commented that she was told when she bought her home that she was responsible to replace the trees if they die.

H. ORDINANCE 10-04; AMENDMENTS TO TITLE 15, CHAPTER 17 SEXUALLY ORIENTED BUSINESSES:

Mr. Vinzant reminded the Council that on April 14, 2009 the City Council repealed Title 15, chapter 2 – Sexually Oriented Businesses and adopted the changes as Chapter 17. During that meeting the Council asked staff to have the attorney review the newly adopted ordinance. He explained that the Changes reflected in this ordinance are the suggestions of the City Attorney.

Councilmember Hansen made a motion to adopt Ordinance 10-04, Amendments to Title 15, chapter 17 Sexually Oriented Businesses. Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember Pearson, aye; Councilmember Hansen, aye; Councilmember Reed, aye. Councilmember Stanton, aye; Councilmember Bateman, aye.

I. FINAL ACCEPTANCE – THURGOOD PLAZA:

Mr. Vinzant reported that this is for the portion of the development that is a dance studio, “Head over Heals.”

He explained that the Escrow was established to insure the installation of the vegetation and storm drain boxes. All of the vegetation has not been installed yet and there is an orifice plate missing on the storm drain box out of the detention basin.

He further explained that Thurgood Plaza will be ready for acceptance as soon as the vegetation is planted and orifice is installed in the spring, however, the existing escrow is with Barnes Bank and they have closed their doors. Mr. Thurgood does not want his funds going into the FDIC account so he has agreed to enter into a contract with the City indicating that if the missing vegetation is not installed by May 31, the City will revoke the Certificate of Occupancy for the structure and he will have to vacate the building.

The City Council discussed the potential of using bonds for this type of situation.

Mr. Vinzant said he would like to research this option further.

Councilmember Hansen made a motion to grant release of funds being held and authorize a contractual agreement. Councilmember Bateman seconded the motion. All voted in favor of the motion.

Debra Barlow asked to discuss the Round-a-bout near Clinton Elementary (1300 N 1000 W). She expressed concern that there is only one crossing guard.

Mayor Adams replied that the Chief of Police is following up on the issue.

Councilmember Bateman questioned proper use of round-a-bouts.

Mr. Vinzant replied that information has been provided in the newsletter in the past and he will make sure the information gets put in again in the near future.

APPROVAL OF THE MINUTES:

Councilmember Hansen made a motion to approve the minutes of the January 16, 2010 City Council Meeting as amended and the January 4, 2010 Special City Council Meeting as written. Councilmember Reed seconded the motion. All voted in favor of the motion.

ACCOUNTS PAYABLE:

Councilmember Stanton made a motion to pay the bills. Councilmember Hansen seconded the motion. All voted in favor of the motion.

PLANNING COMMISSION REPORT:

Councilmember Pearson reported on the January 19, 2010 Planning Commission meeting as identified in the minutes.

CITY MANAGER'S REPORT:

- Reminded the City Council of the work study session on 01/27/2010 at 7 p.m.
- Reported that Clinton City will meet with the local school representatives on Wednesday, Feb 10 at Clinton Elementary.

MAYOR ADAMS' REPORT:

- Requested that the Cemetery Perpetual Fund be broken up and kept below the \$250,000.00 limit for FDIC Insurance.

COUNCIL ISSUES AND CONCERNS:

Councilmember Pearson:

- Reported he attended the Clinton City Night Weber State Basketball game on Friday, January 22, where he received a signed basketball for the City.
- Asked staff to identify in the newsletter, the company for residents to contact who will pick up recycling.
- He asked if the City can get another garbage bin at Public Works.

Mayor Adams replied that it may be a cost issue. He explained that Wasatch Integrated Waste Management will be opening a new recycling center in May.

Councilmember Stanton:

- Addressed the Black Box Ordinance.

Mr. Vinzant responded it is being written so that it will apply to everyone.

- Reported the Sewer District is expanding.
- Reported that Animal Control spends a lot of time next to Kestrel Park each morning at least four times per week.

- Said she heard that people will be petitioning UDOT to reduce the 50 mph speed limit on 1800 N.
- Said she is excited to work with the Youth Council.

Councilmember Reed:

- Stated she would like information about the West Davis Corridor Information Study advertised in the newsletter.
- Reported she will be contacting the individuals who have submitted applications for the Arts Board.
- Reported on the upcoming Community Enhancement Classes.

Councilmember Bateman:

- Asked if the City is charged for Freon removal from old fridges dropped at the recycling dumpsters.

Staff replied that they are not aware of any cost to the City.

- Reported he has received a complaint from a citizen about a water drain near 925 W off 1800 N.

Staff replied that it was investigated and it was covered with snow.

Councilmember Hansen:

- Reported the Parks Board held a meeting and discussed the following:
 - A stone monument to honor veterans – proposing to take up a collection for donations at Heritage Days.
 - Mausoleums.
 - 2010's Farmer's Market – how to improve for next year.
 - Holiday Boutique plans for 2010.
- Reported there is a RAB meeting on Feb. 5th

ADJOURNMENT: *Councilmember Stanton made a motion to adjourn the meeting. Councilmember Hansen seconded the motion. All voted in favor of the motion. The meeting adjourned at 10:42 p.m.*