

CLINTON CITY COUNCIL MINUTES
2267 N 1500 W
February 23, 2010

The Clinton City Council was called to order at 7:02 p.m. Landon Weeks of Troop 738 led the pledge of allegiance and Eric Petersen provided a thought.

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 arrived at 7:08 p.m.
Councilmember Joanne Hansen
Councilmember Blair Bateman

Also present were: Edward Takacs, Erika Anderson, Kerstie Hall, Raina Hall, Kyndra Rackham, F. Lucinda Lunsford, Jed Briscoe, Jared Briscoe, Troy Rackham, Landon Weeks, Shane Rackham, Kylie Smith, Alene Walker, Stephanie Hatsis, Karen Petersen, Rebecca Nichols, Gaven Manfull, Kolton Young, Cameron Clark, Jaydan Sawyer, J. Wood, Representative Paul Ray, City Manager Dennis Cluff, Community Development Director Lynn Vinzant, and Lisa Titensor recorded the minutes.

Karen Petersen from Clinton Elementary asked to address the City Council regarding a crosswalk on 1300 N 1000 W.

She provided the Council with a map of the school boundaries and identified where the students live who are affected.

She went on to explain that the concern is visibility based on the number of kids who use the intersection. She said there is a need to have an additional crossing guard present. She added that with warmer weather coming, even more kids will be walking. She stated that there has been at least one child hit, and potentially one other that has not been confirmed.

Police Chief Bill Chilson responded that morning traffic does not appear to be a problem; it is afternoon traffic that is a concern. He said fortunately, the child that was hit, was not hurt and it was due to the sun being in the driver's eyes.

He went on to give some statistical information regarding accidents over the past few years.

05-06 9 accidents
06-07 12 accidents
07-08 16 accidents
09 6 accidents
10 3 accidents so far

The Council discussed the possibility of hiring a crossing guard for the afternoon at this location and gave Chief Chilson direction to hire a half time crossing guard as soon as possible.

Chief Chilson pointed out that background checks are required, but said he will get someone in place as soon as possible.

Ed Takacs addressed the City Council regarding the Lexington Estates HOA. He identified he is the acting president because the past President resigned due to harassment and other reasons. He explained that there have been many issues regarding this particular HOA and it is a difficult situation. It has not functioned since it was turned over by Ivory Homes. He asked that the HOA be allowed to disband.

Mayor Adams responded that the first thing needed before discussing this matter would be the signed agreement of the 18 home owners whose property backs onto 1300 N to be willing to accept full responsibility of the maintenance and landscaping of the street scape which is known as the common ground property.

Mr Takacs pointed out that it is very difficult to get participation from home owners in his subdivision community. He said it is difficult to enforce the CC&R's and explained there is a conflict between the CC&R's and the City Ordinances.

Mayor Adams asked for clarification on why the HOA was required.

Mr. Vinzant responded that the City's intent in requiring the HOA was to protect the streetscape on 1300 North and identify the lots don't have direct access onto 1300 N.

He clarified for Mr. Takacs that the City cannot enforce the CC&R's of an HOA.

He suggested that if the HOA is disbanded the City should record a document with the County for each of the 18 homes that they are responsible for maintaining the park strip and removing snow from the sidewalk. He said the requirement should stay with the land from homeowner to homeowner.

Mr. Cluff explained that the fence should stay where it's at to protect the streetscape. He also identified that the watering system would need to be modified to connect to the 18 different homes.

Mr. Vinzant said he will meet with Mr. Tackus and research options for a resolution to the issue.

Councilmember's Hansen and Stanton agreed they would like staff to look into options for disbanding the HOA and protecting the City.

A. 7:00 PM PUBLIC HEARING – RESOLUTION 03-10; AMENDMENTS TO FY 09-10 BUDGET:

Mayor Adams opened the public hearing at 7:43 p.m.

Mr. Cluff reported that many times after the audit, staff allocates the extra amounts of carry-overs from the previous Fiscal Year to the current. Most of these allocations are Impact Fees that were not spent on the previous year's projects due to timing or non-completion of the project, and may be carried over into the current year in order to cover the project payment costs. All of the budgetary increases are itemized in Attachment "A".

He further explained that due to the extraordinary budget shortfalls this year, he has reviewed more carefully the administrative services fees charged to the Enterprise Funds as well as the Motor Pool cost allocations charged to these Enterprise Funds. He noted in the Attachment “A” worksheet, each of the Enterprise Funds has increased fees paid to the General Fund.

Also included in this Attachment “A” are two adjustments to the original budget level of revenue estimates. The first is reducing the Sales Tax estimate by the amount of added Administrative Service fees from the Enterprise Funds, and the second is a correction (typo) to the Sewer Fund fee revenues.

Mayor Adams asked for public comment. There was none, therefore he closed the public hearing at 7:49 p.m.

Councilmember Stanton made a motion to approve Resolution 03-10, amending the FY 09-10 Budget. Councilmember Bateman seconded the motion. Voting by roll call is as follows: Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Bateman, aye; Councilmember Reed, aye.

B. RESOLUTION 05-10; REQUEST TO AMEND RESOLUTION 9-08, ADDING CONDITION ITEM #4 OF POLLOCK ESTATES AMENDED (LOCATED AT APOX. 614 N 1500 W.):

Erica Anderson requested to be able to record the plat for Pollock Subdivision Amended to enable her to sell lots so she can install the final improvements. The improvements not completed are, the private drives from 1500 West to the lot lines and the four parking spaces.

Mr. Vinzant clarified that the lot numbers would have an “R” added to bring a reference to the condition that the Lot is developable; however full improvements are not complete and a building permit will not be issued until all improvements to the subdivision are installed. Purchaser and / or contractor are responsible for due diligence.

Ms. Anderson clarified that she would like to change her initial request to ask for a certificate of occupancy to allow for a spec home to be built to help generate some interest in the subdivision.

Mr. Vinzant explained that the fire concerns have been addressed and Public Works has completed the inspections.

He went on to say that the entire subdivision needs to be addressed rather than individual lots. Mr. Vinzant clarified that with a certificate of occupancy, a house could be built.

A discussion on the issue took place. They discussed the fact that this subdivision has a private lane and should not be compared to larger subdivisions.

Councilmember Pearson made a motion to approve Resolution No. 05-10 amending Resolution No. 9-08 of the Pollock Estates Amended Subdivision specifically item 6 c. Lot 5R: The Lot is developable; however full improvements are not complete and a certificate of occupancy will not be issued until all improvements to the subdivision are installed. Purchaser and / or contractor are responsible for due diligence.

d. Lot 6R: The Lot is developable; however full improvements are not complete and a certificate of occupancy will not be issued until all improvements to the subdivision are installed. Purchaser and / or contractor are responsible for due diligence. with the finding that it is a private lane and require that the resolution be recorded against all of the lots. Councilmember Bateman seconded the motion. Voting by roll call is as follows Councilmember Bateman, aye; Councilmember Reed, aye; Councilmember Stanton, aye; Councilmember Pearson, aye; Councilmember Hansen, aye.

RESOLUTION NO. 05-10

A RESOLUTION APPROVING THE FINAL PLAT OF POLLOCK ESTATES AMENDED SUBDIVISION

WHEREAS, Section 3-4(4) of the Clinton city Subdivision Ordinance states the City Council shall approve, modify and approve, or disapprove subdivision application by resolution, and
WHEREAS, There have been two other resolutions dealing with this subdivision, Resolution No. 28-07 and 09-08; and
WHEREAS, The asphalt that has not been installed is part of a private lane; and
WHEREAS, The Clinton City Planning Commission has reviewed the final plat for Pollock Estates Amended Subdivision and recommended approval of the plat.

NOW, THEREFORE, BE IT RESOLVED BY THE CLINTON CITY COUNCIL THAT THIS RESOLUTION COMPILES THE REQUIREMENTS OF ALL PRIOR RESOLUTUONS AND THAT THE FINAL PLAT FOR POLLOCK ESTATES AMENDED SUBDIVISION IS HEREBY APPROVED WITH THE FOLLOWING CONDITIONS AND STIPULATIONS:

2. Plat will not be recorded until the developer has applied and paid the appropriate fees for the Secondary water hook-ups, and water quantification.
3. Permits are required to cut 1500 West and connect all utilities.
4. No construction work is allowed to begin until an "APPROVED" set of plans have been signed by the City.
5. A minimum of four guest parking spaces that do not interfere with or block any part of the private lane shall be provided.
6. Completion of all staff comments and concerns regarding the subdivision plat and construction drawings.
7. All lots shall have a "R" following the number and a note added to the plat to indicate that Restrictions are placed on the lots as follows:
 - c. Lot 3R: The lot shall not have direct access from 1500 West. The Lot is developable; however full improvements are not complete and a certificate of occupancy will not be issued until all improvements to the subdivision are installed. Purchaser and / or contractor are responsible for due diligence.
 - d. Lot 4R: The Lot is developable; however full improvements are not complete and a certificate of occupancy will not be issued until all improvements to the subdivision are installed. Purchaser and / or contractor are responsible for due diligence.
 - e. Lot 5R: The Lot is developable; however full improvements are not complete and a certificate of occupancy will not be issued until all improvements to the subdivision are installed. Purchaser and / or contractor are responsible for due diligence.
 - f. Lot 6R: The Lot is developable; however full improvements are not complete and a certificate of occupancy will not be issued until all improvements to the subdivision are installed. Purchaser and / or contractor are responsible for due diligence.

8. At the time that conditional acceptance is requested all un-built lots be smoothed and all construction debris is to be removed. This will aid in the control of weeds and prevent the gathering of garbage on vacant lots within the subdivision.
9. It is the developer/contractor's responsibility to comply with all Clinton City Standards, Ordinances, Staff, and requirements established during the approval process. Wherever there is a discrepancy between these drawings and the City Standards the more stringent requirement will apply. If there is any doubt as to the requirement the developer is to seek clarification from the Community Development Department and obtain the determination in writing. Copies of the Standards are available at the Community Development Department.
10. The developer/contractor is responsible for ensuring that all required inspections are performed by the Clinton City Public Works Department. If the developer is unsure of what inspections are required he can obtain a list from Public Works. The developer is cautioned not to proceed past an inspection point without insuring that the inspection has been performed and work passed by Public Works.
11. It is the developer/contractor's responsibility to ensure adequate dust and trash control practices are observed during all phases of construction.
12. The developer is to present and comply with an erosion control plan.
13. This document is to be recorded against the land prior to the plat being recorded.

C. RESOLUTION 06-10; PRESENTATION ON THE UTAH CITIZEN CORPS PROGRAM:

Assistant Fire Chief Guido Smith gave a presentation asking the City Council to consider establishing a Utah Citizen Corps Program.

During the presentation he explained that the old CERT (Community Emergency Response Teams) program has been incorporated into a Citizen's Corps Program. We would now be required to belong to the Utah Citizen Corps Council in order to teach CERT. However, the Citizen Corps Program involves a number of other "citizen" type programs such as, Neighborhood Watch, Medical Reserve Corps, Fire Corps and Police Corps. It is a program to better coordinate local community volunteer groups and provide better training and sustainability.

He clarified that by Clinton City passing the Resolution it is a "Statement of Support" for a Clinton City Citizen Corps Council. He also identified that it will provide the City with opportunities to apply for grants for this program.

Mr. Smith explained that there will be a minimal cost to the City. The participants will mainly be volunteers.

The Council expressed support for the program and expressed appreciation for the Fire Departments enthusiasm.

Councilmember Stanton made a motion to adopt Resolution 06-10, supporting the establishment of the Clinton City Citizen Corps Council and authorizing the Mayor to sign the Letter of Support. Councilmember Pearson seconded the motion. Voting by roll call is as follows: Councilmember Reed, aye; Councilmember Stanton, aye; Councilmember Pearson, aye; Councilmember Hansen, aye; Councilmember Bateman, aye.

Mayor Adams directed the Council to Agenda Item F.

D. PURCHASE OF OUTDOOR BALL FIELD PADS:

Mr. Cluff identified that this was tabled from the January 26th meeting. The Northwest softball field requires outdoor padding for the 3rd base line, due to the concrete retaining wall. Two proposals were received, one for \$11,180 from Hasco Inc and one for \$11,295.56 from Blue Sky Recreation Inc. Staff recommends the purchase of the more expensive padding from Blue Sky due to their customization of the pads and 3 year limited warranty against defects in workmanship and materials vs. the Hasco product which is a mail order standard size and only has a 1 year similar warranty.

Mr. Cluff identified that findings 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 and longer warranty should be included in the motion.

Councilmember Hansen made a motion to award the purchase to Blue Sky Recreation Inc. for \$11,295.56. with findings 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 and longer warranty. Councilmember Bateman seconded the motion. All voted in favor of the motion.

Councilmember Stanton was out of the room and did not vote.

E. SUBDIVISION FINAL ACCEPTANCE – NORTHVIEW SUBDIVISION:

Public Works Director Mike Child reported that improvements have been installed with the exception of one island which is a part of the irrigation system and will be installed in the spring.

Councilmember Pearson made a motion to grant final acceptance of improvements in Northview Subdivision and authorize the release of all funds being held in escrow. Councilmember Reed seconded the motion. All voted in favor of the motion.

Councilmember Stanton was out of the room and did not vote.

F. 8:00 PM PUBLIC HEARING – RESOLUTION 04-10; REQUEST FOR FINAL PLAT APPROVAL OF CLINTON HOMESTEAD EAST PHASE 2 SUBDIVISION (LOCATED AT APPROX. 2400 N 1360 W):

Mayor Adams opened the public hearing at 8:31 p.m.

Brent Nelson of Benchmark Homes addressed the City Council requesting Final plat approval for phase two of the Clinton Homestead East subdivision. The subdivision is located to the north of phase one, which is located at the NE corner of 2300 North and 1500 West.

The Planning Commission held a public hearing on this issue on February 16 where public comments by Joanne Hansen and Scott Cressall were addressed as identified in the minutes.

The Planning Commission unanimously agreed to forward a recommendation for approval of Resolution 04-10 onto the City Council.

Mayor Adams asked for public comment

Scott Cressall asked if the same problem with the Lexington Estates HOA as discussed earlier could happen in this subdivision.

Mr. Vinzant responded that each home owner in this subdivision pays a portion of the tax. It is a different situation entirely than Lexington Estates.

Councilmember Pearson made a motion to approve Resolution 04-10 approving the Final plat of Clinton Homestead East Subdivision Phase 2 located at approximately 2400 North 1360 West. Councilmember Hansen seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember Pearson, aye; Councilmember Hansen, aye; Councilmember Bateman, aye.

Councilmember Reed stepped out of the room and did not vote.

Councilmember Pearson asked Mr. Nelson to address the missing sidewalk on 2300 N to the north east of the school parking lot (the property with the well.)

Mr. Nelson replied that according to his attorney, Shron Builders should have been responsible for the sidewalk.

Mr. Vinzant clarified that the sidewalk was missed by the City during the inspection.

Mr. Nelson said he is researching the issue further. There have been some concerns over liability and capping the well.

Mr. Cluff pointed out that it is a safety concern for area children.

The Council asked Mr. Nelson to follow through with the sidewalk after the well has been capped.

Mr. Nelson said he wants to do what is right, but needs approval from his attorney for the liability concerns.

G. PRESENTATION BY REPRESENTATIVE PAUL RAY:

Representative Paul Ray gave the City Council an update on the 2010 Legislative Session. He focused on education, budget and retirement issues.

Mayor Adams expressed appreciation to Representative Ray for his service to the municipalities.

Representative Ray responded he likes to hear from the leaders of municipalities and residents in Davis County to represent them and serve them better.

Mayor Adams directed the Council back to Agenda Item E.

H. RESOLUTIONS 07-10; & 08-10; 800 N 1000 W TO 2000 W RECONSTRUCTION INTERLOCAL AGREEMENT WITH WESTPOINT:

Mr. Vinzant explained that these agreements are required because Clinton City is managing the project and expenditure of federal funds within the adjoining jurisdictions.

He further explained that these agreements are very similar to agreements used with the 800 North Bridge Project, and identified both jurisdictions have accomplished an initial review of

the agreements; the City Attorney has reviewed the agreements; and the actual fund amounts will be filled in when the complete cost estimate is accomplished.

Reyna Hall commented on accidents from cars stopping not realizing that the four way stop was removed.

Councilmember Hansen made a motion to adopt Resolution No. 07-10 & 08-10 authorizing the mayor to sign the interlocal agreements with West Point City and Clearfield City for 800 N 1000 – 2000 W Reconstruction. Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember Pearson, aye; Councilmember Hansen, aye; Councilmember Bateman, aye; Councilmember Reed, aye.

I. 800 N 1000 W TO 2000 W RECONSTRUCTION RIGHT OF WAY ACQUISITION OF CONTRACTS:

Mr. Vinzant explained that there are three agreements 1) acquisition agent 2) appraiser & 3) review appraiser. These agreements are to select the Agents based upon three proposals from eligible candidates off of the UDOT approved agent list and recommendations from individuals that have used these individuals.

He clarified that the City must hold the contracts and they have been reviewed by the city attorney. He explained there is a complicated process to follow.

The City has a 6.77% portion of cost and Public Works will do the grub on the site and the location of the utilities.

Councilmember Pearson made a motion to authorize the City Manager and Lead Agent to sign the contracts for fee agent, appraisals and for Acquisition Services and Appraisal Services for the 800 N 1000 – 2000 W Reconstruction. Councilmember Bateman seconded the motion. All voted in favor of the motion.

J. ORDINANCE 10-03, TITLE 25 STREETS, TABLED FROM JAN 26, REPEALING THE EXISTING TITLE 25, STREETS AND SIDEWALKS WITH REVISED TITLE 25, STREETS, SIDEWALKS, AND RIGHT-OF-WAY:

Mr. Vinzant explained that this Ordinance and Title were tabled from the January 26, 2010 meeting and are basically the same as the drafts previously presented; however, the process of permit issuing has been moved from the Community Development Department to Public Works.

He further explained that the existing Title is outdated and does not meet the needs of the growing city. Staff has been working on this Title since March of 2009. The Title has been reviewed fully by staff and the city attorney.

The Council discussed the title. They had a brief discussion regarding the tree section and expressed a concern for cost to residents if they are not able to get trees to grow properly and have to keep replacing them.

Councilmember Bateman made a motion to table Ordinance 10-03 to the March 9, 2010 meeting to review the section on trees. Councilmember Reed seconded the motion. All voted in favor of the motion.

APPROVAL OF THE MINUTES:

Councilmember Pearson made a motion to approve the minutes of the January 26, 2010 City Council Meeting as written. Councilmember Reed seconded the motion. All voted in favor of the motion.

Councilmember Reed stated she would like a statement in the January 27, 2010 Special Budget Work Session minutes.

She said she would like to take proactive measures regarding the budget now to prevent borrowing the proposed \$173,000.00 from the garbage fund.

Councilmember Bateman made a motion to approve the January 27, 2010 Special City Council meeting minutes as amended. Councilmember Hansen seconded the motion. All voted in favor of the motion.

ACCOUNTS PAYABLE:

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

PLANNING COMMISSION REPORT:

Councilmember Pearson reported on the February 16, 2010 Planning Commission meeting as recorded in the minutes.

CITY MANAGER'S REPORT:

- Identified there will be a meeting with the local schools at Clinton Elementary on Thursday Feb. 25, 2010 at 11:30 a.m.
- Informed the Council of the March 4, 2010 Special Budget Work Session on Thursday, March 4 at 7 p.m.

MAYOR ADAMS' REPORT:

- Had nothing to address at this time.

COUNCIL ISSUES AND CONCERNS:

Councilmember Pearson:

- Asked that information about Chickens go out in the newsletter to get more citizen input.
- Asked staff to address HOA's in the zoning ordinance.
- Identified there are asphalt cracks on 1300 West.

Councilmember Stanton:

- Proposed Jeanette Wood for Grand Marshall of the 2010 Heritage Days Parade.
- Reported the Youth Council is participating in the Larry H. Miller 5K Run for the American Diabetes Association and they are looking for sponsors.
- The Youth Council will attend the Leadership Conference at Utah State University next month
- Said she has heard negative comments about the recycle bins.

Staff replied that there have been a few citations issued lately and information will go out in the March Newsletter.

- Asked staff to continue working on the Black Box Ordinance.

Councilmember Reed:

- Informed the Council of an Eagle project to build bat houses to help take care of mosquitos.
 - Concerned about notifying citizens
- Asked for clarification on the Jr. Jazz Draft program. Expressed concern over stacking teams.

Ruth Collard of the Recreation Department assured Councilmember Reed that the way the program is set up, it's really not possible to stack teams in Clinton.

- Reported the Community Arts Board interviews are under way.

Councilmember Bateman:

- Reported he attended a Scouts 100 year anniversary celebration. Said it was a very nice celebration and fund raiser.
- Reported he attended the Council of Government's meeting for the Mayor.
 - Davis Area Convention Visitors Bureau - Antelope Island income is up 8%
- Hill AFB Emergency CERT Program in place – their mascot is the buffalo
- Safe Harbor Organization (Safe House) Available
 - Clinton City's population participation - 6.7%; Clinton City's usage is 5.8% - (less than average). Evergreen collects donations for this program.
- West Corridor - \$1.6 million left in budget
- Parkway Trails program presentation regarding city maintenance requirements.
- UTA presentation - budget short falls and proposed budget cuts
- HAFB is seeking a letter of support for a contract for F 35's.
- Has had a complaint about the speed limit slowing down at the round-a-bout on 1000 west.
- Tree limb near a power line at 1200 W. near 2300 N.
- Has had a request to hold a Dutch Oven contest at Heritage Days.

Councilmember Hansen:

- Reported the Parks Board held a meeting
 - Two new member need to be appointed to replace two that are resigning.
 - Continued working on new Veteran's Monument

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 11:33 p.m.*