



Clinton City Council Meeting Minutes
2267 N 1500 W Clinton, UT 84015

May 25, 2010

The Clinton City Council was called to order at 7:00 p.m. Mayor Adams asked those present to sign the attendance record.

Brady Drescher of the Fire Department led the pledge of allegiance and Eric Gomm also of the Fire Department offered the invocation.

Mayor Adams called for a roll call of all those present

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

Also present were: Deborah Barlow, Joe Petersen, Lisa Petersen, Benjamin Nielsen, Alan Saunders, Jaime Saunders, Jason Hastings, Eric Gomm, Brady Drescher, Andrew Fawcett, Bradey Tremblay, Harrison Chen, Kerstie Hall, Robert Hall, Steve Hubbard, Ruth Collard, Rachel Keller, Kirsten Keller, Floyd Petersen, David Olsen, Guido Smith, Community Development Director Lynn Vinzant, City Manager Dennis Cluff and Lisa Titensor recorded the minutes.

A. EMPLOYEE OF THE MONTH FOR APRIL 2010 – DAVE OLSEN, FIRE DEPARTMENT:

Fire Chief Floyd Peterson stated he would like to recommend Fire Lieutenant Dave Olsen as employee of the month for April 2010. He reported that Dave has been a member of the Clinton City Fire Department for approx. 11 years and has been an excellent employee and example to other firefighters. Dave was promoted to Lieutenant in 2004 and has done an excellent job as the Engine Company Officer over Company A. As in other departments, fire personnel fill many rolls. In addition to the Engine Company Officer, he also fulfills the position of Safety Officer for the whole department. Chief Petersen said he can not emphasize enough the importance of the safety officer and his duties in fire business.

Chief Petersen went on to say that this past month Dave has taken on several projects to include a new policy on Carbon Monoxide and helping with a program on meeting NFPA Standards for turn-out gear. These two and several other assignments, daily training and the day to day operations have kept Dave extremely busy. Dave's performance has been excellent. Dave has

shown great professionalism, dedication and a positive attitude in his years as a firefighter for Clinton City Fire Department.

On a personnel note, Chief Petersen said he would like to compliment Dave on being an excellent employee and Fire Officer; he truly represents the spirit of the fire service by helping others in a time of need and is very deserving of being recognized as the employee of the month.

Mayor Adams said he appreciates the dedication of Mr. Olsen. He presented him with a gift basket donated by Texas Road House and a certificate in honor of this recognition.

B. APPOINTMENTS TO THE PARKS ADVISORY BOARD:

Mayor Adams explained that a couple of past members of the Parks Advisory Board have resigned at the end of their current terms of appointment. He said he has been provided a recommendation for one new appointment to the Board and two re-appointments. He identified that one additional seat on the Board is still vacant.

He identified the following individuals for Park Advisory Board appointments:

- Aaron Carver, 1 year term expiring April 2011 (new);
- Jean Stanger, 2 year term expiring April 2012 (re-appointment)
- Chad Adams, 2 year term expiring April 2012 (re-appointment)

Councilmember Hansen stated that Councilmember Barbara Patterson did an excellent job establishing and overseeing the Parks Board; they are very efficient

Councilmember Hansen made a motion to ratify the Mayor's appointments as identified above to the Parks Advisory Board. Councilmember Stanton seconded the motion. All voted in favor of the motion.

C. PRESENTATION ON NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) PROGRAM:

Assistant Fire Chief Guido Smith identified that the Federal Government through the Department of Homeland Security has created a national standardized plan to manage emergency incidents and a unified chain of command for federal, state and local governments. Adoption and implementation of the NIMS (National Incident Management System) is a condition for all federal fire grants, contracts and activities. In 2005 the City Council adopted the NIMS program as the incident command process.

Part of the NIMS requirement is that Fire, Police, Public Works and City Administration officials are required to participate in certain designated levels of NIMS training. As this program has developed more and more rules are added and more participation from the above mentioned officials needs to be sought to insure that eligibility is maintained for federal funding opportunities.

He explained that there is a desire to apply for grants for the new Citizen Corp and any other funding that comes available. To be eligible for these grants a review of the training courses that city personnel need to take is necessary. These courses would be available on-line.

Councilmember Bateman suggested asking the Department Heads to provide a time line of when they will be in compliance.

Assistant Chief Smith explained that nine hours of training is required to be completed no later than October.

D. ORDINANCE 10-10, DELETING TITLE 10 FIRE PROTECTION AND ADDING TITLE 10 FIRE AND AMBULANCE”:

Fire Chief Petersen identified two major changes. One being that the Fire Department is now governed by the International Fire Code rather than the Uniform Fire Code as mandated by the State of Utah. The other being that the appendices are adopted individually by the cities to accommodate their specific needs. Clinton City is asking that appendices A, setting up a Board of Appeals; B, fire flow C, fire hydrant locations and D, fire access roads be adopted in this title.

He also identified that prior additions including cost recovery and ambulance service have been updated to Title 10.

Councilmember Bateman asked if the fees established are sufficient.

Chief Petersen replied he feels the fees are adequate.

Councilmember Pearson asked if the ambulance service is self supporting.

Chief Petersen replied that the Fire Department is broken down 80% for fire and 20% for the ambulance. Overall, the calls have declined for ambulance, but have increased for fire. The collectables have been down, but over the past few months are beginning to increase. It may be back to what was projected by the end of the year.

He expressed appreciation to Community Development Director Lynn Vinzant for creating the proposed title.

Councilmember Hansen expressed concern that residents are not calling because they are concerned about paying fees.

Chief Peterson then explained that the Legislature passed a house bill with requirements that will make passing this title after July 1 much more time consuming.

Councilmember Pearson questioned expenses identified in the title.

Chief Petersen gave an example of film making in the City. If an emergency vehicle is requested for filming, the City could charge a fee for use of the vehicle. He also said that a fee could be charged if someone intentionally sets a fire. He clarified these fees would not apply for accidental events.

Councilmember Bateman made a motion to adopt Ordinance 10-10 Deleting Title 10 Fire Protection and adding Title 10 Fire and Ambulance. Councilmember Pearson seconded the

motion. Voting by roll call is as follows: Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Reed, aye.

E. ORDINANCE NO. 10-09, TITLE 7, CRIMINAL CODE:

Mr. Vinzant reported that this title has been reviewed by Police Chief Chilson and the City Attorney.

He explained that the main reason for the revision was to bring the title into compliance with Utah State Code.

Councilmember Stanton made a motion to adopt Ordinance 10-09, Title 7 Criminal Code. Councilmember Hansen seconded the motion. Voting by roll call is as follows: Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Reed, aye.

F. ORDINANCE NO. 10-07, TITLE 19 PUBLIC PARKS AND TRAILS:

The Council discussed this ordinance and identified a desire for the following changes.

Remove dusk and dawn and insert 11:00 p.m. to 5 a.m.

Delete 19-7-2 (1) - first come first serve for ball fields. Councilmember Pearson suggested placing a sign at the ball fields.

Exclusive use of a reservable bowery

Staff made the changes to the ordinance during the discussion.

Councilmember Stanton made a motion to adopt Ordinance 10-07, Title 19 Public Parks and Trails as amended during the discussion. Councilmember Hansen seconded the motion. Voting by roll call is as follows: Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Reed, aye.

CITIZEN REQUEST TO ADDRESS THE CITY COUNCIL ON 800 NORTH STREET WIDENING PROJECT:

Mike Parker said he lives on 800 North just east of 1500 W; right in the middle of the project. He addressed the Council regarding concern over the loss of parking on 800 North in addition to a proposed left hand turn lane at 1500 West.

He said if no parking is allowed on 800 North it will be a huge inconvenience to him and may cause him to sell his home and move. He will not be able to have visitors or have access to his recreational vehicles without imposing on his neighbors.

He then addressed excessive speed and the left hand turn lane. He said the majority of traffic on the road travels too fast. The left hand turn will increase traffic speed and cause the traffic to veer too near the curb.

He said he and his neighbors would like a four way stop installed to regulate traffic flow and allow the parking on 800 North to continue.

Mayor Adams replied that a 4-way stop would limit capacity which is one of the reasons for the project. He also said that stop signs are not intended as speed control devices.

Mr. Cluff added that a 4-way stop could potentially be a liability issue for the City unless it is warranted. If traffic is not equal all four ways, it has the potential to cause serious accidents. This is dangerous especially on a collector street with a 30 mph speed limit.

There was a discussion on potential alternative options.

Mayor Adams said he would hesitate to alter the UDOT design.

Rick Gurule said he agrees with Mr. Parker on the left hand turn lane. Right now there is not a need for a turn lane.

Councilmember Reed made a motion to take the issue under advisement. Councilmember Bateman seconded the motion. All voted in favor of the motion.

Mr. Vinzant said he will add this to the next City Council Meeting Agenda.

G. ORDINANCE NO. 10-08, TITLE 20 POLICE:

Mr. Vinzant reported this Title has been reviewed and approved by the Police Chief and the City Attorney.

Councilmember Hansen made a motion to adopt Ordinance 10-08, Title 20 Police. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Reed, aye.

H. RESOLUTION 12-10 INTERLOCAL AGREEMENT WITH DAVIS COUNTY TO ESTABLISH THE COUNTY AS AN URBAN COUNTY IN ORDER TO RECEIVE CDBG PROGRAM FUNDS FROM HUD:

Mayor Adams identified that he does not necessarily agree with the language in the agreement, but it is a “take it or leave it” option for the City. He said the County’s intent is to administer the same as they have done in the past.

The following information was included in the staff report:

1. Currently the City competes for CDBG funds through the Wasatch Front Regional Council (WFRC)
2. This agreement, if entered into by all the cities of the County except Layton and Clearfield, will make the County independent of the WFRC and cities will only compete within the County.
3. The County expects to receive between \$700,000 and \$900,000 annually.

4. The County will most likely take 10% of the funds to manage the program. This is the same amount that WFRC takes.
5. If the City ever becomes an entitlement City it will have to wait on a 3-year cycle to pull out of this agreement.
6. The agreement has gone through a review process between HUD and the County. If any changes are proposed they will have to go back to HUD for approval and then be approved by all of the other cities if they are affected.
7. For this to work all of the cities in the County will have to join in on this agreement, except Layton and Clearfield.
8. Layton and Clearfield are entitlement cities and they receive funds directly from HUD; they are unwilling to throw their funds into the County pot and compete which is understandable.
9. To be an entitlement city Clinton would need a population of 45,000.

Councilmember Bateman expressed concern over giving too much power to the County.

Mr. Vinzant said after three years, Clinton can opt out. He feels this is the best option for the City.

Councilmember Pearson made a motion to adopt Resolution 12-10 an Interlocal Agreement with Davis County to establish the County as an Urban County in order to receive CDBG program funds from HUD. Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember Bateman, aye, with reservation identified above; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Reed, aye.

**I. RESOLUTION 13-10, AMENDMENT TO THE FY 2009-10 FEE SCHEDULE;
ADDING A FEE FOR REGISTERING SEX OFFENDERS:**

Mr. Vinzant identified that the State statute requires that if offenders are on parole they do not have to register with the City but if they are not on parole they have to register with the City. The City can require a \$25 registration fee.

He proposed the following amendment to the Fee Schedule:

The Clinton City Police Department shall collect a fee of \$25.00 or as otherwise set by state statute, annually for the registration of an offender who resides within the City and is not under the supervision of the Division of Adult Probation and Parole. Fees collected shall be deposited into the General Fund.

Councilmember Stanton made a motion to adopt Resolution 13-10, an Amendment to the FY 2009-10 Fee Schedule adding a fee for registering sex offenders.. Councilmember Hansen seconded the motion. Voting by roll call is as follows: Councilmember Bateman, aye. Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Reed, aye.

APPROVAL OF THE MINUTES:

Councilmember Bateman made a motion to approve the minutes of the May 11, 2010 City Council Meeting as written. Councilmember Hansen seconded the motion. Councilmember

Stanton abstained from the vote because she was absent. All others voted in favor of the motion.

ACCOUNTS PAYABLE:

Councilmember Pearson 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 May 18, 2010 meeting of the Planning Commission as identified in the minutes.

Mayor Adams asked for a list of pros and con's from the Planning Commission from which they base their decisions on.

Councilmember Pearson asked staff to continue to inform residents of the ordinances in the newsletter.

CITY MANAGER'S REPORT:

- Reported the Mayor has called a special meeting for Wednesday, May 26, 2010.

Councilmember Reed said she does not agree that the meeting should take place because there was not enough public notice. Councilmember Pearson agreed.

Mayor Adams said it is not a public hearing. The intent is not to avoid public input; but the decision on employee benefits is ultimately up to the City Council to make.

Mr. Cluff added that he has time sensitive contracts and state mandated requirements to meet in order to pass the FY 2010-11 budget by the June 22, 2010 deadline.

Councilmember Reed made a motion to postpone the meeting.

There was no second to the motion.

- Reported there is a Land Use Training on June 10.
- Reported the Burn Plant will have an Open House on June 2 from 11 – 4.
- Reported Cranefield Golf Course will have a ribbon cutting ceremony on June 12 @ 9 a.m.

MAYOR ADAMS' REPORT:

- Council of Governments released report on survey of city projects. Clinton City projects were not initially included in the top 10 projects, but after discussion they were included in the list that was forwarded to the Wasatch Regional Council.

COUNCIL REPORTS:

Councilmember Stanton:

- Reported the Youth Council will have their awards ceremony on Wednesday, June 16 at the Rec building.
- Reported the Youth Council has just gone through the interview process and have selected 18 new members.
- Expressed concern about sex offenders living by schools.

Councilmember Pearson:

- Asked if the sidewalk by Shron Estates is going in.

Mr. Child replied yes the prep work is underway.

- Asked about solutions to the weed patch next to Parkside Elementary.

Mr. Vinzant said he will contact the property owners.

Councilmember Reed:

- Attended Community Arts Meeting – they are planning a lot of fun things.
 - Deborah Barlow reported that the following is planned: balloon artists; puppet show; fund raisers; chamber music; face painting; court jester; concessions; renaissance theme; chalk art festival.
 - Working on getting donations
 - Ms. Barlow also reported the Board is looking at hosting a POW WOW. Big scale event. Would look for donations from local businesses.
- Referred to the memo from Public Works Director Mike Child and said she would be in favor of making cuts at the Pond.

Councilmember Bateman asked if the Scouts help maintain the pond.

Mr. Child responded that volunteers help some, Wal Mart has helped some, but it is an ongoing process.

Councilmember Hansen:

- Reported she attended the first RAB Board Meeting.
 - Travis Bonsteel is the new Clinton Representative; he works as a Unit Environmental Coordinator at HAFB. The next meeting is June 21.
- Reported the Parks Advisory Board met. They will start the Farmer's Market the end of July
 - Impressed with expertise of those on the Parks Board.
 - Needs to be excused from the parade on July 17

Councilmember Stanton agreed to be the Parade Liaison

Councilmember Bateman:

- Asked about the status of Lexington Estates HOA.

Staff replied Lexington Estates has not contacted the City since the meeting.

- Asked if there have been a lot of requests for information on getting permits for Chickens.

Staff replied there have only been a few inquiries.

- Updated the City Council that the CERT Program is required and there are still several volunteers needed. He said a background check is required. The cost is increasing to \$15.
- Expressed appreciation to Treasurer Carla Parsons for preparing the Public Funds policy.
- Questioned if the salaries for the flowers come out of the RDA Fund.

Staff replied they do.

- Asked for the Department Heads to identify a time frame for the NIMS Training to be completed prior to the October deadline. He asked that the City Council set the example and get their training finished as soon as possible.
- Asked for an update on the March Sales Tax revenues.

Mr. Cluff replied there appears to be an increasing trend.

ADJOURNMENT: *Councilmember Stanton made a motion to adjourn. Councilmember Hansen seconded the motion. All voted in favor of the motion. The meeting adjourned at 10:45 p.m.*