



**CLINTON CITY COUNCIL MINUTES
CITY HALL
2267 North 1500 W Clinton UT 84015**

**MAYOR
L. Mitch Adams**

**CITY COUNCIL MEMBERS
Anna Stanton
Karen Peterson
Mike Petersen
Barbara Patterson
TJ Mitchell**

Date of Meeting	February 25, 2020	7:00 PM	Called to Order: 7:00 p.m.
Staff Present	City Manager Dennis Cluff, Community Development Director Valerie Claussen, Parks Director Zac Martinez, Engineer Bryce Wilcox and Lisa Titensor recorded the minutes.		
Citizens Present	Zoe Lazenby, Rex Jackson, Keith Miller, Kim McKinley, Roger Timmerman, Bob Knight, Rob Elggren, Sam Hummel, Coty Hansen, Neil Merrick, Dereck Bauer		
Pledge of Allegiance	Councilmember Patterson		
Prayer or Thought	Mayor Adams		
Roll Call & Attendance	All were present.		
Public Input	There was no public input.		

A. PRESENTATION FROM UTOPIA FIBER CABLE

Petitioner	Roger Timmerman, Exec Director of Utopia
Discussion	<p>Roger Timmerman the Executive Director for Utopia gave a presentation to the City Council on bringing the benefits of Utopia Fiber Optic Infrastructure installation and service to the City and its residents. He explained the demand for this service is in extremely high demand. He would like the City to conduct a survey of the residents to determine a city wide level of interest. He explained this will be a long term contract to take place over 25 plus years.</p> <p>Mayor Adams asked in terms of rapidly changing technology will the service remain viable for the next 25 years.</p> <p>Mr. Timmerman responded he is very confident in the long term viability of the product.</p> <p>Councilmember K. Peterson asked what within the contract insures improvement of the service over the next 20 years.</p> <p>Mr. Timmerman responded over the entire contract term a refreshed & updated system is guaranteed.</p> <p>She also asked if Utopia still plans to provide fiber to the area schools.</p> <p>Mr. Timmerman responded there is a plan to rebid to provide fiber optics to the Davis County School District.</p> <p>Councilmember K. Peterson asked how disruptive the installation is for residents.</p> <p>Mr. Timmerman responded it is as least disruptive as possible; there is horizontal directional drilling which crosses the roads. The installation can be somewhat disruptive but they provide a</p>

	<p>quality finish. Roads are not impacted other than a small “pothole”.</p> <p>Councilmember K. Petersen then asked if the City should conduct an RFP.</p> <p>Mr. Timmerman responded Utopia recommends cities open up the project for RFP for a fair pro competitive process.</p> <p>Mayor Adams asked for questions from the public.</p> <p>James Saunders asked if Utopia provides modems for their service.</p> <p>Mr. Timmerman responded they install a fiber gateway; there are no rental fees for equipment.</p> <p>Neil Merry commented that he has heard from many Layton residents that they love this service.</p> <p>Dereck Bauer commented the issue he has is the length of time and when the technology becomes obsolete. He is concerned about the length of time the City will be committed.</p> <p>Councilmember K. Peterson asked if there is a possibility of a shorter term with a higher take rate.</p> <p>Mr. Timmerman confirmed but explained the low take rates provide the needed profit with minimal risk to the City.</p> <p>Councilmember Stanton expressed appreciation for the presentation. She has had many residents who are excited about this possibility.</p> <p>The Council was in consensus to move forward with a survey.</p> <p>Bob Night with Utopia explained the building of the fiber is the infrastructure the technology will run over, he used the analogy of how electricity is delivered over the power lines as an example.</p>
B. AWARD BID FOR FY 19-20 STREET SURFACE TREATMENT	
Petitioner	Dennis Cluff, Dave Williams
Discussion	<p>Bryce Wilcox reported three bids were received for the 2019-20 street surface treatments from Asphalt Preservation, Morgan Pavement, and M&M Asphalt Services. Asphalt Preservation was the low bid at \$93,216.00.</p> <p>The project contains a Cape Seal on 2300 North from 1000 West to the railroad tracks and a slurry seal on 630 West, SunRay Subdivision, 2050 North, lift station access road, and the cemetery.</p> <p>The City budgeted \$93,900 for these projects from the following accounts:</p> <ul style="list-style-type: none"> • Slurry Account 10-6143 = \$44,000 • Cemetery Account 10-6673 = \$4,300 • Streets Projects Account 37-4073 = \$45,600 <p>Mr. Wilcox reported Asphalt Preservation did the surface treatments package for the city in 2019 and did a good job. Staff recommends awarding the project to Asphalt Preservation.</p>
CONCLUSION	<p>Councilmember M. Petersen moved to award the low bidder, Asphalt Preservation, the 19-20 FY Surface Treatment bid for \$93,216. Councilmember K. Petersen seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Mitchell, aye, Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Peterson, aye.</p>

C. RESOLUTION 03-20, INTERLOCAL AGREEMENT – AMENDMENT 4 WITH DAVIS COUNTY ANIMAL CARE AND CONTROL	
Petitioner	Dennis Cluff
Discussion	<p>Mr. Cluff explained Davis County Animal Control division of costs is 50/50 for the County and cities after the Animal Control revenues have been deducted. If there are additional costs beyond the anticipated budget, the County will be responsible for them. The cost areas are now separated into 3 sections: <u>operation and maintenance</u>; <u>wildlife services</u>; and, <u>capital facility projects</u>. The total cost of services for the City for this year (2020) is \$98,753, (\$93,172 for O&M; \$978 for Wildlife; and, \$4,603 for Capital Projects).</p> <p>This new fee is based on Clinton City billable calls amounting to 8.19% of the Animal Control’s total calls (down from 8.65% last year). Since our overall calls were down our wildlife and capital facility charges are also less than last year. However the department increased its personnel by two new employees and provided market salary adjustments for the other existing employees. Also the replacement of some old vehicles is needed, increasing the Capital Expenditures. Overall operating costs of the Animal Care have therefore increased substantially and even with a lower percentage use of their system Clinton’s O&M costs increased by 12.87% (\$10,627). Yet when adding in the diminished Wildlife and Capital Projects costs, the actual overall total dollar increase for the City will be \$9,545 for the entire year.</p> <p>To cover this price increase we would need a \$0.14 per month per billed customer increase (6658 customers). The current rate is \$1.10 per month; \$0.14 more would bring the rate to \$1.24 per month per customer.</p>
CONCLUSION	<p>Councilmember K. Peterson moved to adopt Resolution 03-20, approving the Interlocal Agreement Amendment 4 with Davis County for Animal Care and Control. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Mitchell, aye, Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Peterson, aye.</p>
D. BID AWARD – 800 NORTH (2000 W TO 3000 W) PROJECT	
Petitioner	Dennis Cluff, David Williams, Bryce Wilcox - JUB
Discussion	<p>Mr. Wilcox reported the 800 North project is a joint project with West Point City to improve the street and street improvements from 2000 W to 3000 W. Anticipated funding for this project is from 90% /10% matching funds from UDOT which was in return for federal grant money funneled through WFRC. The total funds are \$2.36 million from UDOT and \$263K from Clinton/West Point matching funds.</p> <p>Unfortunately, the bids have come in substantially higher than the estimated costs of a couple of years ago, even with the included price inflations. The low bidder is Staker Parsons Company at \$3.7 million. Discussions with the low bidder and West Point City have led to the idea that we award the bid with the caveat that construction only proceed as far as funds are available. Additional funding will be sought through the Davis County grant funding available for application this March (funding source is the 3rd ¼ of 1% on sales tax).</p> <p>Mr. Wilcox referred to the following memo he sent out to the Council with additional information and options to consider:</p> <p><i>800 North: 2000 West to 3000 West Project History, Funding Strategy, and Award Recommendation</i></p>

Funding History

In January 2017, Clinton City submitted an application to the Wasatch Front Regional Council (WFRC) for their Surface Transportation Program (STP) for \$3,255,000 to reconstruct and widen 800 North from 2000 West to 2525 West. In the same funding application cycle, West Point City requested \$1,300,000 to reconstruct and widen 800 North from 2525 West to 3000 West. The two projects were more than what either city would have been awarded. The hope was that one or both of the smaller applications would be funded.

In March 2017, the WFRC contacted Clinton and West Point City’s about their applications. The WFRC did not have funds to cover the full project costs. They proposed awarding Clinton City \$2,000,000 for their application and West Point City \$1,000,000 for their application. WFRC’s proposal was to combine the two applications into one project and give the cities \$3,000,000 to reconstruct and widen 800 North from 2000 West to 3000 West. The cities would be on their own to cover the costs above the \$3,000,000.

West Point City was taking the lead on a joint Clearfield and West Point Project on 300 North and agreed to let Clinton City take the lead on the joint Clinton and West Point Project on 800 North. In October of 2018, UDOT approached Clinton and West Point Cities about exchanging their Federal Funding for projects on 800 North and on 300 North. Exchanging the federal funds is in the best interest of the cities. It removes the federal requirements and makes the funding much easier for the cities and lowers the cost of the projects. To make an exchange from Federal to State funding both WFRC and UDOT take a portion of the funding during the conversion. WFRC took 7% and then UDOT took 15%. The funding was as follows.

\$3,000,000	WFRC Programmed Funding
\$215,351	7% WFRC Reduction
\$417,697	15% UDOT Reduction
\$2,366,952	Total Funding After Exchange
\$262,995	10% Required Sponsor Match
\$2,629,946	New Project Total

Design Phase

J-U-B began the design in June 2019. As the design started, it was determined that both Clinton City and West Point City needed to replace their waterlines on 800 North from about 2600 West to 2000 West. West Point needed to upsize their line to a 16” line and Clinton City needed to replace a 10” line and PRV station. The waterline funding was not part of the WFRC applications. We can use the funds to assist in the cost to replace the waterlines if the street construction will damage the lines. With the construction on 800 North both of the existing lines could be in danger when the street is excavated. To save costs on acquisitions, the project is staying within the existing 66-foot right-of-way that the cities already own. We have met with the property owners and are getting license agreements signed so that we can enter their property to restore landscaping and driveways. For the most part, the residents have been very cooperative and signed the agreements which help keep costs low.

To improve the corridor we have also added street lights on both sides of the street to make it more visible at night. The project also includes a large storm drain pipe from 2000 West to 2525 West to drain the street and future development east of 2000 West.

Bid

We knew that we would be pushing the limit of the reduced funding with this project and the additional items that were needed and the current construction environment. We opened bids on February 5, 2020. The bid tabulation is provided in the staff report. The low bid is from Staker and Parsons Companies for \$3,739,957.80. This cost was

	<p><i>about 30% higher than the Engineer’s Opinion of Probable Cost. The bids were comparable and in few areas less expensive than the bid West Point received in January on their 300 North project.</i></p> <p><i>With Engineering costs and planning for contingencies during construction we should plan on a budget of about \$4,100,000.</i></p> <p><i>The total of the water lines is about \$770,000. The costs appear to be about equal per city. There are multiple bid items in the water system that are common to both systems that need to be broken out. We are working on breaking down the costs for each city. There is also a total of \$670,000 in storm drainage system on this project. We are working to break those costs out as well.</i></p> <p><u><i>Proposed Plan</i></u> <i>We have a budget shortfall of about \$1,400,000. With exchanging funding from WFRC federal money to UDOT State funds we can’t ask WFRC for additional money. WFRC does not have any way to add funds to the project without federalizing all of the funding again. We can’t ask UDOT for funding since the funding didn’t come from UDOT to begin with. We are on our own to build the road. Some options we have are for the cities to come up with approximately \$700,000 each or to cut items from the project.</i></p> <p><i>We have a plan that we would like to try in order to acquire the additional funding to build the whole project.</i></p> <p><i>First, to award a \$2,400,000 contract to Staker Parsons to go from 2000 West to 2525 West. This will include the associated waterlines, storm drain lines, curb, sidewalk, asphalt and street lights that are in that stretch of street. We can do this smaller scope as long as we commit to WFRC to complete the street to 3000 West without asking for additional funding from them.</i></p> <p><i>Second, Davis County will be seeking applications for transportation projects for the transportation sales tax that the COG implemented last year. We talked with Davis County and the applications for projects will be coming out late March. We talked with them about our situation and the \$1.4M shortfall and they felt like our project would be a very good candidate for their funding. They obviously cannot commit to funding our project, but we think our prospects are good.</i></p> <p><i>Our strategy would be to show Davis County that if they awarded Clinton and West Point the funding we could immediately put the funds to work on a construction project. The environmental clearances, design, and bidding are all completed. All that we would need to do would be to award the remaining bid items to Staker and Parson Companies. We may not know if we get the County funding until close to May. This won’t hurt our project. From 2525 West to 2000 West, water and storm drain lines need to be installed before street work can begin. With the elementary and junior high schools, the bid did not allow the contractor to work on the road from 2700 West to 3000 West until after school is out. So as long as the contractor can begin working on the underground utilities we have some time to work on the additional funding</i></p> <p><i>If we cannot get the additional funding from the county then Clinton and West Point cities will work together to create a reduced scope for the project or add additional city funding.</i></p>
<p>CONCLUSION</p>	<p>Councilmember K. Peterson moved to award the already received grant funding and project match bid to Staker Parsons Company with the caveat of taking the project as far as possible with the funding available. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Mitchell, aye, Councilmember K. Peterson, aye;</p>

	Councilmember Stanton, aye; Councilmember M. Peterson, aye.
Discussion	Mr. Wilcox asked for formal direction from the Council for the 800 North project regarding the material to be placed in the park strip. The Council was in consensus to leave the decision to the homeowners.
E. ENVIRONMENTAL DOCUMENT APPROVAL – 800 N PROJECT	
Petitioner	Dennis Cluff, Bryce Wilcox – JUB Engineers
Discussion	Mr. Wilcox explained the funding exchange agreement made when the project funding was exchanged from WFRC Federal to UDOT State funds required that an environmental document be completed. If Federal funds were involved UDOT would be required to sign and approve the document. Since there is no longer Federal money involved in the project, UDOT is requiring that the City be the final signature on the environmental document. A CE (Categorical Exclusion) is the evaluation that a project activity, in this case the 800 N project, will not have a significant negative effect on the environment and does not require a more intense and extensive study such as an Environmental Assessment or Environmental Impact Statement. The completed environmental study on 800 North found that no significant resources were impacted by the project.
CONCLUSION	Councilmember M. Petersen moved to approve the Environmental Document prepared by the engineers for the 800 N (2000 W to 3000 W) construction project declaring a Categorical Exclusion status and a finding of no significant impacts and authorize the Mayor to sign. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Mitchell, aye, Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Peterson, aye.
Approval of Minutes	Councilmember K. Peterson moved to approve the minutes of the February 11, 2020 City Council Meeting. Councilmember Mitchell seconded the motion. Councilmembers Mitchell, M. Petersen, Stanton, Patterson and K Peterson voted in favor of the motion.
Accounts Payable	Councilmember Mitchell moved to pay the bills. Councilmember M. Petersen seconded the motion. Councilmembers Stanton M. Petersen, Stanton, Patterson and K Peterson voted in favor of the motion.
Planning Commission Report	Ms. Claussen reported the February 18, 2020 Planning Commission meeting was cancelled. The Board of Zoning Adjustment will meet on March 3, 2020.
City Manager	<ul style="list-style-type: none"> The FY 2020-21 Budget Workshop will be held Tuesday, April 14 at 5:00 p.m.
Mayor Adams	<ul style="list-style-type: none"> Mayor Adams asked Zac Martinez to discuss a columbarium concept with the Council. <p>Mr. Martinez reported in addition to the columbarium he has been looking into an ossuary.</p> <p>The Council was in consensus and gave Mr. Martinez direction to move forward with formal quotes for the columbarium.</p> <p>Mr. Martinez then addressed the all inclusive playground concept proposed for Meadows Park.</p> <p>The Council was in consensus that they liked the train theme and would like staff to stay with the State contract.</p>

Councilmember Patterson	<ul style="list-style-type: none"> The Parks Board met on February 18, they discussed holding a disc golf tournament for families during Heritage Days.
Councilmember K. Peterson	<ul style="list-style-type: none"> The Arts Board Paint Night is March 20 at 7 p.m.
Councilmember M. Petersen	<ul style="list-style-type: none"> Nothing at this time.
Councilmember Mitchell	<ul style="list-style-type: none"> Nothing at this time.
Councilmember Stanton	<ul style="list-style-type: none"> Nothing at this time.
ADJOURNMENT	<p>Councilmember Stanton moved to adjourn. Councilmember Patterson seconded the motion. Councilmembers Mitchell, Stanton, M. Petersen, Patterson and K. Peterson voted in favor of the motion. The meeting adjourned at 9:38 p.m.</p>
<u>ACTION ITEMS</u>	<ul style="list-style-type: none"> Subdivision Ordinance – recommendation for concrete in the park strips along UDOT roads. (August 2016) – Planning Commission Review Bring back Chapter 4 of the Subdivision Ordinance regarding allowing a letter of credit for escrow and researching what surrounding jurisdictions allow (26-4-8). 6g(January 2017) Planning Commission Review Update Ordinance to eliminate pressurized sewer lines in the Clinton City streets on new residential development (January 2018). Create a facilities maintenance plan before the next budget cycle in FY 19-20 (May 2018). Remove river rock from the low maintenance material allowed for park strips in the ordinance (Aug 2019).

Dennis W. Cluff, Clinton City Recorder