



**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	March 12, 2019	7:00 PM	Call to Order: 7:00 p.m.
Staff Present	City Manager Dennis Cluff, Community Development Director Valerie Claussen, Public Works Director Mike Child and Dereck Bauer recorded the meeting.		
Citizens Present	Tana Kader, James D. & Sharon Gates, Anthony Jimenez, Madi Wilcox, David Coombs, Dennis Hepworth, Ross Gardiner, Vince Brown, Mike Dahle, Skyler Driggs, Nathan Ganter, Dallin Duryea, Luke Peirce, Luke Bingham, Luke Yardley Dawson Gledhill, Dominick Kalman, Landon S., Carson James, Michael Gledhill, Don Yardley, Holly Nielson, Kyra Merrell, Eric Peterson, Patrick Kilboy		
Pledge of Allegiance	Dominick Kalman, Troop 431		
Prayer or Thought	Mayor Adams		
Roll Call & Attendance	Present were: Mayor L. Mitch Adams, Councilmember M. Petersen, Councilmember Mitchell, Councilmember K. Peterson, Councilmember Patterson and Councilmember Stanton.		
Public Input	<p>Vince Brown explained he and his neighbors have a drug problem in their neighborhood. They are asking the City to hire more police officers. He is concerned about the rapid growth of gangs.</p> <p>Councilmember K. Peterson expressed appreciation for the public comment. She suggested that a committee be formed to discuss potential solutions to address some of the concerns.</p> <p>Councilmember Stanton agreed and explained that safety is a huge concern for the City Council. She agrees it is a good idea to form a committee to help find solutions.</p> <p>David Coombs expressed appreciation to the City Council for listening to these concerns and trying to find ways to deal with them. The biggest concern in their neighborhood is gone, but he knows other neighborhoods have similar issues. He wishes to address these concerns for the entire community. He appreciates the quick response of law enforcement. He would like to see the good citizens of the City to come together to promote a clean and safe community.</p> <p>Mr. Cluff explained that in order to have a valid case to prosecute, a process needs to be followed and evidence needs to be collected. City staff is concerned and aware of these issues in the community. He thinks a neighborhood watch program may be a positive step.</p> <p>Mayor Adams said getting the message out that the good citizens of Clinton City will not tolerate this behavior may help prevent criminals from moving into the community.</p>		
A. EMPLOYEE OF THE MONTH FOR FEBRUARY 2019 – FIRE FIGHTER SPENSER GALLEGOS			
Petitioner	Dennis Cluff		
Discussion	Fire Chief Olsen stated he would like to nominate and recommend Spenser Gallegos for Employee of the Month for February 2019. Spenser originally joined the Fire Department in 2012		

as a part-time Firefighter, then as a full-time firefighter. Spenser stayed in that position for a little over 3 years before he resigned due to his wife being accepted to Physician Assistant (PA) School in Philadelphia, Pennsylvania. Once Spenser’s wife completed her training they moved back to Utah. Spenser was rehired as a part-time firefighter in July. The Fire Department currently has 15 part-time Firefighters who are relied on heavily to help maintain minimum staffing levels of 4 personnel 24/7; which allows a high level of service to our Community. The Part-time Firefighters are required to sign up for a minimum of 36 hours of shift work a month as well as callbacks to the fire Station as needed. Spenser always steps up to the plate and helps pickup additional shifts in the time of need. Spenser is a true team player and is always willing to help anyone with any task that has been assigned regardless of how big or small it might be. It has been a pleasure having Spenser back on staff.

Spenser’s ability to perform his duties as a Firefighter/AEMT is impressive. He holds the National Advanced Driver Operator (ADO) and Aerial (ADO-Aerial) Certifications. He is sure to be a great mentor to others old and new to the fire service. Spenser has demonstrated the qualities and values of a Clinton City Firefighter and is well deserving of the Employee of the Month.

Spenser commented he enjoyed his time in Philadelphia; however he is very glad to be back on staff as a Clinton City Firefighter.

Mayor Adams expressed appreciation for Spenser and the good work he does. He presented him with an award and gift card in recognition.

B. RESOLUTION 03-19, INTERLOCAL AGREEMENT WITH DAVIS COUNTY FOR ELECTION SERVICES FOR 2019

Petitioner Dennis Cluff

Discussion

Mr. Cluff explained that Clinton City has contracted with the County Election Services in the past to run the City election and the service has been excellent. The County has the personnel, equipment and knowledge to effectively and efficiently provide for the election needs of the Davis County cities. With this agreement, the County will run all of the election functions except the initial candidate sign-ups and the canvassing of the vote (required to be performed by the City Council). This will be a great saving of time on the part of the City Recorder and Deputy Recorder. Most of the Davis County cities have indicated a desire for the County staff to take care of their 2019 elections.

Once all the city agreements have been signed and the County knows for sure what jurisdictions (cities, special districts etc...) will be participating in the cost of the elections, the County will provide a final detailed cost break down for the election. Without other jurisdiction participation in our elections and expecting that we hold a Primary election and a General election, our anticipated cost will be approximately \$31,300.

He confirmed this will be a Vote By Mail election; however residents will be able to drop their ballots at City Hall prior to election day. There will also be a polling location at the Recreation Building on election day.

Councilmember K. Peterson stated she would like to see the City encourage residents to drop off their ballots to save the City the cost of the postage when possible.

Councilmember M. Petersen asked if the County has a process to avoid mailing ballots out to residents who have moved from the City.

Mr. Cluff responded staff will be meeting with the County prior to the election and he will address this concern with them.

CONCLUSION

Councilmember K. Peterson moved to adopt Resolution 03-19, approving an Interlocal agreement with Davis County for 2019 election services. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember’s Patterson, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye; Councilmember Stanton, aye and Councilmember M. Petersen, aye.

C. RESOLUTION 04-19, INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY FOR DISPATCH SERVICES

Petitioner	Dennis Cluff, Police Chief Chilson and Fire Chief Olsen
Discussion	<p>Mr. Cluff explained Davis County Communications Services provides the dispatch services for the Police and Fire. They are modifying their billing format to charge a fixed rate per Police Officer (\$2,219/yr) and continue on a per call basis for the Fire.</p> <p>The current Dispatch Fee should cover this next fiscal year’s expense. The Agreement “term” is for 1 fiscal year, with cooperative agreed upon extensions not to exceed more than 50 years from July 1, 2017.</p> <p>Councilmember M. Petersen stated he would like to see the County account for the cost to a City with a police force verses a City without a police force.</p> <p>Chief Olsen commented this is a dynamic and complicated issue. Five Cities throughout Davis County use this service. Some other cities have their own program. He feels it would be the most cost effective for the service to consolidate.</p> <p>Mr. Cluff stated he will be meeting with the City Managers in Davis County on this issue again on March 21. They are working together to raise the issue more strongly.</p> <p>Councilmember K. Peterson said although she feels this should pass today; she feels it is a dis-incentive for cities to hire new officers. It does not make sense because the number of calls will not increase in a city based on the number of police officers it has.</p> <p>Councilmember M. Petersen agreed it should be based on population.</p>
CONCLUSION	Councilmember M. Petersen moved to adopt Resolution 04-19, approving the Interlocal Cooperation Agreement with Davis County for Dispatch Services. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember’s Patterson, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye; Councilmember Stanton, aye and Councilmember M. Petersen, aye.
D. UTILITY BORE FOR CEMETERY TRAIL HEAD RESTROOMS	
Petitioner	Dennis Cluff, Zac Martinez
Discussion	<p>Mr. Martinez explained that in order for the restroom to be set at the Cemetery trailhead, a sewer lateral and an electrical conduit needs to be run from the subdivision to the North of the Cemetery to the Cemetery property line. The City does not possess the means to get these run between the lots without major damage to the above ground area. SCI submitted a bid to complete this work for\$ 10,500.00 (see quote attached to staff report.)</p> <p>He explained he attempted to collect bids from 2 other sources, but was unsuccessful. The other 2 vendors were Down Under Construction, and Newman Inc.</p> <p>Councilmember Mitchell confirmed this is a very reasonable amount based on the amount of work being done.</p>
CONCLUSION	Councilmember M. Peterson moved to approve the bid from Sorensen Companies Inc. to bore the sewer and electrical conduit for the Cemetery Trail Head restrooms for \$10,500.00 Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember’s Patterson, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye; Councilmember Stanton, aye and Councilmember M. Petersen, aye.
E. PUBLIC HEARING ORDINANCE 19-01Z - A REQUEST BY DENNIS HEPWORTH FOR A REZONING FROM THE A-1 ZONE TO THE R1-15 AND A-E ZONES, OF APPROXIMATELY 4.79 ACRES LOCATED ABOUT A QUARTER OF A MILE WEST OF 2000 WEST ON THE NORTH SIDE OF 800 NORTH.	
Petitioner	Petitioner: Dennis Hepworth, Uintah Land Company Submitted by: Val Claussen, Community Development
Discussion	Ms. Claussen explained this request is consistent with the General Plan and Land Use Map. The properties are master planned for the R1-15 land use. Retaining a portion of the agricultural lots to an Agricultural Estate zone is also appropriate. Fenway Estates is a residential subdivision that has been and is currently being developed to the north of these three parcels. The extension of the development to the northern portion of these lots is a reasonable pattern of development, as

the longer narrow agricultural lots are becoming less desirable and are no longer being used for agricultural purposes. The rezoning of this property brings some unique circumstances that are contemplated with the proposed Conditions of Approval. That is the timeframe for obtaining preliminary plat approvals and the recordation of the new legal descriptions for the remainder parcels, addressing existing accessory structures, and lastly, the changes in animal privileges.

This has been reviewed by the Planning Commission who forwarded a recommendation of approval with the following conditions:

- (A) This is a request by Dennis Hepworth, for a rezoning of approximately 4.79 acres from the A-1 (Agricultural) zone to +/-2.53 acres of R1-15 (single-family residential) and +/-2.26 acres of A-E (agricultural estates) located about a quarter of a mile west of 2000 West on the north side of 800 North (Parcel Nos. 14-053-0035, -0036, and -0037).
- (B) Fenway Estates is a residential subdivision that is currently being developed to the north of these three parcels. The extension of the development to the northern portion of these lots is a reasonable pattern of development, as the longer narrow agricultural lots are becoming less desirable and are no longer being used for agricultural purposes.
- (C) The request is consistent with the General Plan and Land Use Map. The properties are master planned for the R1-15 land use. Retaining a portion of the lots as agricultural is also appropriate. The rezoning of this property brings some unique circumstances that are contemplated with the proposed Conditions of Approval which have been also incorporated into the Rezoning Ordinance. Those items include the timeframe for obtaining preliminary plat approvals and the recordation of the new legal descriptions for the remainder parcels, addressing existing accessory structures, and lastly, the changes in animal privileges.
- (D) Planning Commission recommended approval of the request at their February 19, 2019 meeting.

Mayor Adams asked if the property owner with the shed realizes the shed may be impacted.

Mike Dahle responded he is aware it is over the property line and they are trying to work it out. All three property owners would prefer to stay agricultural.

Mayor Adams opened the public hearing at 7:52 p.m.

Dennis Hepworth identified himself as the applicant. He explained it is important to make sure the approval is conditioned on resolving the boundary issue because of an existing concrete barn. The boundary will need to be moved further north to meet the setback requirement; this will take some time. If it cannot be accomplished, the property owners do not wish to rezone.

He explained he has a second issue he would like to address, a modification to the application. His original application was based on the size of the remaining lots with a request to rezone them as A-E and the back halves which will become part of Fenway Estates as R-1-15. He asked the Council to consider keeping the remaining property front halves as A-1 instead. Even though they won't meet the minimum size requirements. The lots to the East are already shallow; all those lots are under the A-1 minimum. Based on that argument, these lots will be at least the same size or larger than those adjacent lots. Regardless of the front halves being rezoned to A-1 or A-E, they will be bordered to the west by A-1 as well as to the southeast corner. Regardless of how they are rezoned, they will be required to be fenced and marked to separate and identify them as agricultural property.

Mr. Cluff asked what the advantage is of keeping the lots A-1.

Mr. Hepworth responded the property owners would prefer A-1 to keep the barn and the

	<p>animal rights. It is consistent with what is there now.</p> <p>Mayor Adams stated he has an issue with not rezoning the lots to AE because it will be creating new lots that don't meet the A-1 requirements. They meet the AE zone requirements which will still allow animal rights.</p> <p>Councilmember Stanton said she is in favor of the A1 zone. It provides another area in Clinton that allows animals.</p> <p>Councilmember K. Peterson asked for clarification of the differences between the AE and the A1 zones.</p> <p>Ms. Claussen responded A1 allows two large animals and one fowl unit and the AE zone allows one large animal and one fowl unit for each ½ acre.</p> <p>Mayor Adams asked for public comment, there was none therefore he closed the public hearing at 8:05 p.m.</p> <p>Councilmember M. Petersen said he doesn't see a problem with maintaining two animals on a half acre however, he does realize the zoning ordinance needs to be followed.</p> <p>Councilmember Mitchell stated he sees both sides of the issue but there are already the homes surrounding this area that are zoned A-1. By changing these lots to AE he feels it is spot zoning.</p> <p>Mayor Adams clarified those lots less than an acre were zoned A-1 over 20 years ago.</p> <p>Councilmember Mitchell said the rear piece is all that is being rezoned. It is being subdivided by zones.</p> <p>Councilmember Patterson commented allowing the A-1 will keep the area consistent.</p> <p>Mr. Cluff said that when A-1 property is being subdivided, it should be zoned AE to follow the existing laws and to prevent from creating non-conforming lots.</p> <p>Councilmember K. Peterson stated she is struggling with this issue, she likes the idea of keeping the consistency with all the lots A-1. However, this is a choice the home owners are making to subdivide their lots. Sometimes there are ramifications to choices, which in this case may be accepting a rezone to AE.</p> <p>Mr. Cluff responded that in his experience, if the City were compelling the home owners to change their zone, they could be allowed to become non-conforming and keep the zone. If it is voluntary, it is a completely different story.</p> <p>Mayor Adams stated he feels the rules should be followed.</p> <p>Councilmember Mitchell asked why it wouldn't be required to be rezoned R-1-15 according to the Master Plan?</p> <p>Councilmember K. Peterson responded the policy has consistently been to allow higher zoning than the Master Plan just not lower.</p>
	<p>Councilmember K. Peterson moved to adopt Ordinance 19-01Z, approving the rezone request from A-1 to R1-15 and A-E with the conditions identified above for approximately 4.79 acres located approximately a quarter of a mile west of 2000 West on the north side of 800 North. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Patterson, aye; Councilmember K. Peterson, aye for the reasons stated above; Councilmember Mitchell, no; Councilmember Stanton, aye.</p>
<p>F. PUBLIC HEARING ORDINANCE 19-01 -REVIEW AND ACTION ON A REQUEST FOR THE VACATION OF CERTAIN SIDE YARD UTILITY EASEMENTS OF LOTS 112, 113, 119 IN</p>	

TOWN POINT SUBDIVISION PHASE 1 AND LOTS 201, 210, 211, 215 AND 216 IN TOWN POINT SUBDIVISION PHASE 2	
Petitioner	<p>Petitioner: Mark Staples, Nilson Homes Submitted by: Val Claussen, Community Development</p>
Discussion	<p>Ms. Clausen explained a number of side yard utility easements were erroneously recorded in conjunction with Phase 1 and Phase 2 of the Town Point subdivision plats. The lots that had these easements were identified as building permits were being reviewed. Fortunately, there are no utilities running in these side yard easements nor are the easements necessary; therefore, abandonment is very straightforward. This public hearing and request for abandonment were properly noticed in accordance with state law. In addition, the City has on file acknowledgements from the utility companies of these abandonments. Adoption of the vacating ordinance and recordation of the ordinance with the County are the remaining steps for completing the process for abandonment.</p> <p>The utility easements in subsequent phases of Town Point have been reviewed and do not have these extraneous easements, so it is not anticipated to be an on-going issue.</p> <p>Mayor Adams clarified that it is a unique problem for patio homes. There is not enough room on such a small lot for the home and for the easements due to the setback.</p> <p>Councilmember Mitchell asked for clarification that all the public utilities have signed off on the easements.</p> <p>Ms. Claussen confirmed all the utilities have signed off. The vacation ordinance provides the authorization to the City. She clarified the easements are all 10 feet wide.</p> <p>Mayor Adams asked Ms. Claussen to ask the Planning Commission to discuss if these easements are needed in patio homes developments</p> <p>Councilmember Mitchell stated in future developments when the phase is finished he would narrow the required easement down to 5 feet to match the setbacks.</p> <p>Mayor Adams opened the public hearing at 8:40p.m.</p> <p>Sharon Gates commented she lives on lot 211, she has only lived here a month. She doesn't understand about the easements. There is no one next to her. The fence was just installed.</p> <p>Mayor Adams clarified there was a 10 foot easement recorded on the lot and house which is encroaching on the easement. The intent is to vacate the easement so the house doesn't have to be moved.</p> <p>With no further public comment, Mayor Adams closed the public hearing at 8:45 p.m.</p> <p>The Council agreed there should be a five foot easement for better access.</p>
CONCLUSION	<p>Councilmember Mitchell moved to adopt Ordinance 19-01 and abandon certain side yard utility easements in Phase 1 and Phase 2 of the Town Point subdivision. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye; councilmember Stanton, aye.</p>
Approval of Minutes	<p>Councilmember K. Peterson moved to approve the minutes of the February 26, 2019 City Council Meeting. Councilmember Mitchell seconded the motion. Councilmember's Mitchell, K. Peterson, Patterson, Stanton and M. Petersen voted in favor of the motion.</p>
Accounts Payable	<p>Councilmember Stanton moved to pay the bills. Councilmember Patterson seconded the motion. Councilmember's Mitchell, K. Peterson, Patterson, Stanton and M. Petersen voted in favor of the motion.</p>
Planning Commission	<p>Community Development Director Claussen reported on the February 19, 2019 Planning Commission Meeting as recorded in the minutes.</p>

Report	
City Manager	<ul style="list-style-type: none"> • Weber Basin Water is having their annual meeting on March 26 at 9 a.m. The cost of water has not been provided for the next fiscal year budget. • Zion’s Bank will hold a meeting on March 28 at 11:45 a.m. to review the economic outlook.
Mayor Adams	<ul style="list-style-type: none"> • Nothing at this time.
Councilmember Patterson	<ul style="list-style-type: none"> • The Parks Board will meet on March 13. • She asked to be excused from the March 26, 2019 meeting.
Councilmember K. Peterson	<ul style="list-style-type: none"> • The Arts Board is hosting Karaoke Night on Friday March 15. • Would like to set up a time to meet with the concerned neighbors who have been attending. • Mr. Cluff responded there has been money set aside to set up neighborhood watch programs. They haven’t been active lately. It is probably a good idea to have the police bring forth information from Layton as well as the Task Force to educate on what is needed.
Councilmember M. Petersen	<ul style="list-style-type: none"> • Is concerned about cars parking too close to the stop sign in road construction areas for safety purposes. He would like to educate the public.
Councilmember Stanton	<ul style="list-style-type: none"> • The Youth Council had a wonderful time at the Youth Leadership Conference at Utah State. She expressed appreciation to the leaders. • The local school principal’s luncheon will be Wednesday, March 13 at 11:45 p.m.
Councilmember Mitchell	<ul style="list-style-type: none"> • Asked for a discussion to set the date for a budget workshop. <p>The Council agreed to meet on April 9, 2019 at 5:00 p.m.</p>
ADJOURNMENT	<p>Councilmember K. Peterson moved to adjourn. Councilmember Stanton seconded the motion. Councilmembers M. Petersen, K. Peterson, Patterson, Stanton and Mitchell voted in favor. The meeting adjourned at 9:20 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). • Pickle Ball Courts at Meadows Park (applying for grant in January) (Oct 2018).

Dennis W. Cluff, Clinton City Recorder