

**CLINTON CITY COUNCIL MINUTES**

**2267 North 1500 W**

**Clinton UT 84015**

**MAYOR**

**L. Mitch Adams**

**CITY COUNCIL**

**Councilmember Brice Mitchell**

**Councilmember Anna Stanton**

**Councilmember Mike Petersen**

**Councilmember Karen Peterson**

**Councilmember Barbara Patterson**

<b>Clinton City Council</b>	<b>May 13, 2014</b>	<b>Call to Order: 7:04 P.M.</b>
<b>Staff Present</b>	City Manager Dennis Cluff, Community Development Director Lynn Vinzant Police Chief Bill Chilson and Lisa Titensor recorded the minutes.	
<b>Citizens Present</b>	Tristen Wilkins, Ivan Ray, Bob Buckles, Landon Weeks, Saysha Kutz, Bruce Logan, Laretta Beesley, Jon Kent Draayer, Art and Karen Ballif, Bruce Nilson, John Diamond, Dean Hill	
<b>Pledge of Allegiance</b>	Councilmember Anna Stanton	
<b>Prayer or Thought</b>	Mayor L. Mitch Adams	
<b>Bob Buckles introduced himself to the City Council as a candidate for House District 13.</b>		
<b>Roll Call &amp; Attendance – Excused Were:</b>	There were none.	
<b>A. EMPLOYEE OF THE MONTH FOR APRIL 2014 – ADAM HANSEN</b>		
<b>Petitioner</b>	Dennis Cluff, Bill Chilson	
<b>Discussion</b>	<p>Police Chief Bill Chilson reported he has nominated Adam Hansen as Employee of the Month for April 2014. However, Adam is currently on vacation.</p> <p>Chief Chilson stated Adam has worked for the Clinton City Police Department for 3 years and has proven himself to be a valuable asset.</p> <p>Officer Hansen has been the highest or second highest in the Department in arrests and activity statistics during these last 3 years. He also maintains a good attitude and is respected by his fellow officers and supervisors.</p> <p>Adam maintains a good demeanor, attitude and politeness with everyone he interacts with. His work reflects his positive attitude towards providing service to our community. While on patrol, it is not uncommon for Adam to stop and help someone in need; whether it's a kid who's chain has come off his bike or an elderly lady trying to dig her car out from the snow and get it started.</p> <p>Adam is an excellent police officer. Clinton City is fortunate to employ someone of his caliber.</p> <p>Councilmember K. Peterson expressed appreciation for the effective way the Police Department functions in the City.</p> <p>Chief Chilson said his officers do a great job and handle serious situations efficiently and professionally.</p> <p>Mayor Adams presented a gift card and a certificate to Chief Chilson to give to Officer Hansen and asked that he express the Council's appreciation for the dedication and service Officer Hansen provides the City.</p>	
<b>B. REPORT ON 2014 SECONDARY WATER SEASON WATERING SCHEDULE</b>		
<b>Petitioner</b>	Dennis Cluff, Ivan Ray, Davis & Weber Counties Canal Company	
<b>Discussion</b>	Mr. Ray identified that the Davis and Weber Board has set parameters for water	

	<p>restrictions for 2014 as they did in 2013, however, this year they are asking for voluntary restrictions.</p> <p>He provided the Council with information regarding current water conditions from the Bureau of Reclamation, information about the 2013 &amp; 2014 irrigation season and a voluntary water restriction schedule.</p> <p>He said that according to a survey he completes each year at specific locations around the same time, water conditions in some reservoirs are actually worse this year than last year. He explained that last year with the water restrictions, significant amounts of water were conserved in Davis County cities.</p> <p>He clarified there will be improvements to the system that will begin this year after the water season. A pipe line will be installed to improve water pressure in the 1000 West area. Additionally there will be an annual rehabilitation program for all the pumps.</p> <p>Councilmember M. Petersen suggested the Canal Company coordinate with the Public Works Department for road construction schedules to save time and money.</p> <p>Councilmember K. Peterson asked for clarification on voluntary water restrictions. She asked what type of enforcement will be in place.</p> <p>Mr. Ray responded the goal is to educate the residents on ways to avoid watering when not necessary. Initially there will be no policing of the water schedule unless the water supply diminishes too rapidly.</p> <p><b>Mayor Adams directed the City Council to Agenda Item G.</b></p>
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**C. 7:30 PM PUBLIC HEARING – FY 2014-15 TENTATIVE BUDGET REVIEW**

<p><b>Petitioner</b></p>	<p>Dennis Cluff</p>
<p><b>Discussion</b></p>	<p>Mr. Cluff clarified this Tentative Budget has the following changes from the proposed Tentative Budget discussed at the work session on April 16<sup>th</sup>: 1) Water fee increase of \$1/customer/month; 2) Sewer fee increase of \$3/month for N. Davis Sewer District and \$1/month for the City; and, 3) Storm Drain and Street reconstruction projects on 1600 West.</p> <p>He further explained the Final Budget and Tax Rate Certification need to be approved by June 22<sup>nd</sup>, so a Special Council meeting needs to be called for Thursday June 19<sup>th</sup> for the Final Budget hearing. This Tentative Budget will still be available for modification until the Final Budget is adopted on June 19<sup>th</sup>.</p> <p>The Council discussed the possibility of a wage study. They stated they value the Police and Fire Department personnel, in addition to other personnel and would like to evaluate the wages compared to other cities.</p> <p>The Council then discussed the need for road improvements. Mr. Cluff identified Public Works Director Mike Child is in the process of creating an extensive report to identify needed road projects and costs.</p> <p>Mayor Adams identified he has been working with staff to determine a course of action to ensure the long term maintenance of our city roads. A study completed by Public Works identifies a need of approximately \$1.2 million dollars per year. He said that to avoid significant impact to the City down the road several years, he would like to propose a property tax increase of approximately 38% now to generate approximately \$481,850 a year to go directly toward road improvements and maintenance. He said he would like the Council to support him in moving forward with a Truth in Taxations process to raise taxes for road</p>

	<p>improvements.</p> <p>He said he has asked Public Works to put together a Capital Improvement Plan to identify how the funds raised from the tax increase will be used.</p> <p>Mr. Cluff explained that under the normal process of the budget, the Final Budget and tax rate certification must be adopted by June 22. However, if the Council decides to raise taxes, they need to go through a Truth in Taxation (TNT) process. A TNT hearing and a Final Budget and Certified Tax Rate meeting would be set through the County after they send out a Valuation Notice on or about July 24<sup>th</sup>. Notification cannot be made to the public prior to July 24. The County will give the first notification and the City will give the second notification. Between July 1 and the hearing, the Tentative Budget would be in effect.</p>
<p><b>Public Comment</b></p>	<p>Mayor Adams opened the Public Hearing at 8:15 p.m.</p> <p>Dean Hill commented that the growth in the City has stagnated. He feels that taxes have already been raised with the increase in fees in certain areas; he is not in favor of raising taxes.</p> <p>Bob Buckles asked about benefits for employees. He asked if the City has liability for retired employees.</p> <p>Mr. Cluff said once an employee retires, they are compensated through the State Retirement System.</p> <p>Mayor Adams called for additional public comment, there was none therefore he closed the public hearing at 8:19 p.m.</p> <p>Councilmember M. Petersen clarified for Mr. Hill that the fees he referenced are pass through costs from the Sewer District.</p> <p>Mr. Cluff clarified Enterprise Funds must be used like a business. For the past several years, the City has been using reserve funds for sewer fees. It is important to have a good balance for future repair or replacement; this is a requirement by the State Auditor.</p> <p>Councilmember Stanton stated it is not an easy thing to raise fees or taxes. She agrees with the Mayor that it will be a disservice to citizens to not raise taxes at this time for road improvements. She would also like to have funds to hire a Police Officer.</p> <p>Mayor Adams directed Mr. Cluff to prepare a press release to notify the citizens.</p>
<p><b>CONCLUSION</b></p>	<p><b>Councilmember Patterson moved to adopt the FY 2014-15 Tentative Budget and direct staff to follow the process of Truth in Taxation. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember Brice Mitchell, aye.</b></p>
<p><b>D. 8:00 PM PUBLIC HEARING – ORDINANCE 14-03Z; ACTION UPON A REQUEST FOR THE REZONE OF PROPERTY LOCATED AT APPROX. 2501 W 1725 N FROM RESIDENTIAL R-1-8 TO PATIO HOME INFILL PH</b></p>	
<p><b>Petitioner</b></p>	<p>Bruce L. Nilson, representing Jon Kent Draayer and Karen Ballif (owners)</p>
<p><b>Discussion</b></p>	<p>Mr. Vinzant reported that during the May 6, Planning Commission meeting the Planning Commission passed a motion to recommend the City Council adopt Ordinance 14-03Z rezoning the property located at approximately 2501 West 1725 North, more accurately described in the Ordinance, from Residential (R-1-8) to Patio Home (Infill) (PH).</p> <p>A recent change to Chapter 22 developed the Infill Site Development Characteristics with the following requirements:</p>

	<ul style="list-style-type: none"> <li>• Only permitted in the R-1-6, R-1-8, and R-1-9 Zones: This property is currently zoned R-1-8</li> <li>• Maximum parcel size of 5 acres: this parcel is 3.755 acres.</li> <li>• Property can not have been divided in last 10 years “to meet the requirements of this zone”: Property last divided December 17, 2009, however this zone did not exist then.</li> <li>• Property surrounding the parcel being developed must be fully developed: surrounding parcels are developed.</li> <li>• Development requirements shall comply with § 28-22-4</li> <li>• Infrastructure in the area will support the development.</li> </ul> <p>Bruce Nilson stated that this property meets the requirements for infill. He clarified the homes range between 1700 sq. ft. to 2000 sq. ft. There will be no basements. There will be 13 homes with a Home Owner Association with strict CC&amp;R’s. The ordinance is very detailed and will be followed.</p>
<b>Public Comment</b>	<p>Mayor Adams opened the public hearing at 8:34 p.m. with no public comment; he closed the public hearing at 8:35 p.m.</p>
<b>CONCLUSION</b>	<p><b>Councilmember K. Peterson moved to adopt Ordinance 14-03Z, approving the rezone of property located at approx. 2501 W 1725 N more accurately described in the Ordinance from R-1-8 to Patio Home (Infill) (PH). Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye.</b></p>
<b>E. DISCUSSION ON MAY 27<sup>TH</sup> OPEN HOUSE/RECEPTION FOR LOCAL BUSINESSES</b>	
<b>Petitioner</b>	<p>Dennis Cluff</p>
<b>Discussion</b>	<p>Councilmember K. Peterson said she has been talking with staff to develop a program for the website to encourage citizens to shop in Clinton. Ideally she and staff would like businesses to be able to identify sales they are having on the site.</p> <p>Mr. Vinzant said he will prepare a sign in sheet to record pertinent contact information for businesses that attend.</p> <p>Councilmember M. Petersen said it may be helpful to consider categories of businesses.</p> <p>The Council said they would like to have name tags and provide a comment box for suggestions.</p>
<b>F. DISCUSSION ON POTENTIAL USE OF CELL TOWER</b>	
<b>Petitioner</b>	<p>Dennis Cluff</p>
<b>Discussion</b>	<p>Mr. Cluff identified that because Sprint/Nextel gave the City notice of ending the contract they have with Clinton for a cell tower, staff noticed Sprint/Nextel to remove the cell tower and all its appurtenances. However, staff just received a request to use or purchase the cell tower from a broadband company. The company has indicated their interest in either providing a long term lease or purchase of the cell tower. This includes the caveat of removing the tower and appurtenances at any termination of use.</p> <p>Since Clinton was already looking at a total loss of revenue from the cell tower contract, any future revenue along with the assurance of the tower removal (if so desired by the Council) would be a “win” situation for the City. Staff would like to sit down with the interested party and negotiate out a contract, whether it is to lease or purchase the tower and appurtenances. The real property is the City’s and that would not be up for sale. The final approval of such a contract would come back to the City Council for final approval.</p> <p>Councilmember K. Peterson said she is in favor of “not” owning the tower.</p> <p>Mayor Adams said he would like to see numbers before making a decision. He asked staff to bring the information back at the June 10, 2014 City Council meeting.</p>

<b>G. RESOLUTION 07-14 - FIRE DEPARTMENT AUTOMATIC AID AGREEMENT WITH ROY CITY</b>	
<b>Petitioner</b>	Fire Chief Olsen, Dennis Cluff
<b>Discussion</b>	Fire Chief Dave Olsen identified that this is an Automatic Mutual Aid Agreement with Roy City for 5 years. This is the same agreement entered into a few months ago with the Davis County Fire agencies. This is a requirement from FEMA in order to continue to be eligible for future grants and assistance.
<b>CONCLUSION</b>	<b>Councilmember M. Petersen moved to adopt Resolution 07-14, approving the Fire Department Automatic Mutual Aid Agreement with Roy City for 5 years. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye.</b>
<b>Approval of Minutes</b>	<p><b>Councilmember Stanton moved to adopt the April 10, 2014 City Council Meeting minutes as amended. Councilmember Mitchell seconded the motion. Councilmember Patterson abstained because she was not present. All others voted in favor of the motion.</b></p> <p><b>Councilmember Mitchell moved to adopt the April 16 Special City Council Work Session minutes as amended. Councilmember Patterson seconded the motion. All voted in favor of the motion.</b></p> <p><b>Councilmember M. Petersen moved to approve the April 22, 2014 Clinton City Council Minutes as amended. Councilmember Stanton seconded the motion. All voted in favor of the motion.</b></p>
<b>Accounts Payable</b>	<b>Councilmember Patterson moved to pay the bills. Councilmember Mitchell seconded the motion. All voted in favor of the motion.</b>
<b>Planning Commission Report</b>	Mayor Adams reported on the May 6, 2014 Planning Commission Meeting as recorded in the minutes.
<b>City Manager Report</b>	<ul style="list-style-type: none"> <li>• Wed. June 18 – Weber Basin annual water system bus ride.</li> <li>• Thurs. May 15 – Annual County Property Tax Training.</li> <li>• The Parks Board will be touring parks in the City.</li> <li>• May 26, is the Memorial Day Holiday.</li> <li>• There is a new law allowing ATV's on streets with a speed limit of 45 mph or less if the ATV is street legal.</li> </ul>
<b>Mayor Adams Report</b>	<ul style="list-style-type: none"> <li>• Reported the contract with HAFB for steam with the Burn Plant is moving forward slowly.</li> </ul>
<b>Councilmember M. Petersen</b>	<ul style="list-style-type: none"> <li>• Reported the landscape bricks on the west side of City Hall need to be adjusted.</li> </ul>
<b>Councilmember K. Peterson</b>	<ul style="list-style-type: none"> <li>• Nothing at this time.</li> </ul>
<b>Councilmember Mitchell</b>	<ul style="list-style-type: none"> <li>• Reported he has had a report that there are dog droppings on the Rail Trail on 1000 W. He asked if Police could periodically stop individuals walking their dogs to see if they are carrying their own bags to clean up after their dogs.</li> <li>• Reported the waterfall at Heritage Park needs some grooming.</li> </ul>
<b>Councilmember Patterson</b>	<ul style="list-style-type: none"> <li>• Reported that Community Enhancement has moved the quilt show to Wed. &amp; Thurs. of Heritage Days.</li> <li>• Parks signs need to be removed for Adopt A Park - Shady Grove and Veteran's Park.</li> </ul>
<b>Councilmember Stanton</b>	<ul style="list-style-type: none"> <li>• Reported the Youth Council is passing out invitations to businesses for the social on May 27.</li> <li>• A mailer for the Sewer District fee increases is ready to be sent out.</li> </ul>
<b>ADJOURNMENT</b>	<b>Councilmember Stanton moved to adjourn. Councilmember Patterson seconded the motion. All those present voted in favor the motion. The meeting adjourned at 10:10 p.m.</b>