

CLINTON CITY COUNCIL MINUTES

2267 North 1500 W

Clinton UT 84015

MAYOR

L. Mitch Adams

CITY COUNCIL

Councilmember Brice Mitchell

Councilmember Cheri Reed

Councilmember Anna Stanton

Councilmember Mike Petersen

Councilmember Karen Peterson

Clinton City Council	January 28, 2014	Call to Order: 7:05 P.M.
Staff Present	City Manager Dennis Cluff, Community Development Director Lynn Vinzant and Lisa Titensor recorded the minutes.	
Citizens Present	Bruce Logan, Jeff Ward, Trevor Ward, Jacob Briggs, Andrew Benavides, Justin Benavides, Jenni Williams, John Owens, Jonathan Owens	
Pledge of Allegiance	Trevor Ward of Troop 554	
Prayer or Thought	Councilmember Karen Peterson	
Roll Call & Attendance – Excused Were:	Councilmember Brice Mitchell; Councilmember Reed was excused at 8:58 p.m.	
A. RESOLUTION 03-14, INTERLOCAL COOPERATION AUTOMATIC MUTUAL AID FIRE AGREEMENT WITH DAVIS COUNTY LOCAL MUNICIPAL FIRE AGENCIES		
Petitioner	Dennis Cluff, Fire Chief Dave Olsen	
Discussion	Chief Olsen identified this is an Automatic Mutual Aid Agreement with Davis County, North Davis Fire, South Davis Fire, Sunset, Syracuse, Kaysville, Layton, Farmington, and South Weber. It is a 50 year agreement that provides the assurance of help between all the Davis County Fire Departments. The language is similar to previous agreements and is a requirement from FEMA in order to continue to be eligible for future grants and assistance. Any entity can withdraw from the agreement after a 30 day notice.	
CONCLUSION	Councilmember Stanton moved to adopt Resolution 03-14, an Inter-local Cooperation Automatic Mutual Aid Fire Agreement with Davis County Local Municipal Fire Agencies. Councilmember Petersen seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Reed, aye; Councilmember Stanton, aye.	
B. ORDINANCE 14-01, ELECTRONIC CITY COUNCIL MEETINGS		
Petitioner	Dennis Cluff	
Discussion	<p>Mr. Cluff explained that Utah law allows for electronic meetings. Mayor Adams has requested an Ordinance be brought forth for consideration. He explained that in order to set up an electronic system to accommodate this, a number of improvements and modifications to the existing City Hall electronic and recording systems will be necessary.</p> <p><u>2-5-6 Electronic Meetings.</u></p> <p>(1) In situations involving emergencies, loss of meeting facilities, facilitation of participation of an absent Council Member or other unforeseen circumstance, the City Council may meet electronically to conduct necessary business.</p> <p>(2) The City Council intends that the Clinton City Council Chambers, located at 2267 N. 1500 W., be the anchor location for all Council meetings. If an alternative location is to be used, if multiple locations are to be used, or if the public's viewing thereof and participation therein are to be from a remote location, notice of those locations will be given as early as is practical.</p> <p>(3) Notice of any electronic meeting will be as provided for in State law (UCA 52-4-207). In addition, notice of the meeting will be posted at the anchor location, with the notice also going to a newspaper of general circulation. Notice of the electronic meeting will be provided to the members of the City Council at least twenty-four (24) hours before the</p>	

	<p>meeting, if possible, to facilitate their participation. The notice will also contain a description on how the member or members of the City Council will be connected to the electronic meeting.</p> <p>(4) To the extent possible, electronic meetings will be conducted in the same manner as regular meetings. To ensure full participation by all members, additional procedures and guidelines will be employed.</p> <p>(i) If the meeting is connected telephonically, then a speaker phone will be connected in such a manner that comments made by the member or members participating electronically will be broadcast through the public address system at the anchor location. To ensure full participation each member present, and those participating electronically, will be given a specific opportunity to make inquiries and participate in the discussion. Votes taken in these circumstances shall be by roll call method, with each member audibly verbalizing their vote. Members not at the anchor location shall be required to identify themselves with every vote provided electronically.</p> <p>(ii) If a member or members are participating by email or instant messaging, the email or instant messaging shall either be projected upon a screen with a person assigned to read aloud, into the public address system, comments made, or if no projection system exists, then a person will be assigned to read said messages into the public address system. The person to do the reading will be assigned by the respective member(s) participating electronically.</p>
CONCLUSION	<p>Councilmember K. Peterson moved to adopt Ordinance 14-01 Electronic City Council Meetings, the amended version. Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Reed, aye; Councilmember Stanton, aye.</p>
C. MEMO OF UNDERSTANDING – DAVIS COUNTY HAZMAT TASK FORCE	
Petitioner	Dennis Cluff, Chief David Olsen
Discussion	<p>Chief Olsen identified the HAZMAT Task Force will be comprised of 1 member representing each of the following: County Health Dept, County Sheriff’s office, Clinton Fire, Farmington Fire, Hill AFB Fire, Kaysville Fire, Layton Fire, North Davis Fire, South Davis Fire, South Weber Fire, Sunset Fire and Syracuse Fire. The purpose is to “provide a comprehensive multi-disciplinary response to the threats posed to the safety and security of Davis County and to the people and property located in Davis County. This will be done by correlating the efforts in the twelve departments and interacting with emergency service personnel, health department personnel, fire department personnel, law enforcement personnel, medical personnel and others necessary to accomplish this effort.</p>
CONCLUSION	<p>Councilmember Reed moved to approve the Memo of Understanding and authorize Chief David Olsen to sign on behalf of the City. Councilmember Stanton seconded the motion. All those present voted in favor of the motion.</p>
D. APPEAL TO THE CITY COUNCIL OF A DECISION MADE BY THE PLANNING COMMISSION / COMMUNITY DEVELOPMENT DIRECTOR	
Petitioner	AutoZone
Discussion	<p>John Owens and Jonathan Owens were present to represent AutoZone.</p> <p>Mr. Vinzant explained this appeal only pertains to the existing pole sign on the site which was previously occupied by Family Dollar and whether or not it retains non-conforming rights. Currently there is a conflict within the Ordinance. He read the following from Chapter 5. Nonconforming Signs. He identified the conflict is in paragraph 4 where it states new business.</p> <p style="text-align: center;">Chapter 5. Nonconforming Signs</p> <p>24-5-1 Nonconformity</p> <p>24-5-1 Nonconformity.</p> <p>(1) Regulation, Containment, and Elimination. In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current sign ordinance standards, the City intends to apply firm regulation of</p>

existing nonconforming signs with a view to their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. **Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered (including face changes) or enlarged unless it is brought into complete compliance with this Chapter.** The following alterations are exempt from this provision: (I) Face changes in nonconforming multi-tenant signs, and (ii) copy changes in nonconforming permanent signs which were originally approved by the City with a changeable copy feature.

(2) Existing signs which do not conform to the specific provisions of this title may be eligible for the designation "legal nonconforming" provided that the Director determines that such signs are properly maintained and do not in any way endanger the public.

(3) Within forty-five (45) calendar days after vacation of an existing business, any on-site nonconforming signs must be removed or brought into compliance by the property owner. If removal does not occur, Clinton City may have the entire nonconforming sign (both face and structure) removed through the processes specified in Section 24-9-2. An abandoned sign may not regain any legal nonconforming status later, even if the original business reoccupies the property.

(4) A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this title. On premise non-conforming signs which are destroyed by natural causes i.e., earthquakes, floods, winds etc., exceeding 60% of the signs true value must be brought into conformance. Non-conforming signs shall be allowed to have routine maintenance including the repair or **replacement of the sign face by an existing or new business** but shall not be allowed to increase the height, size or the location thereof. If a business applies for an increase of square footage other than for temporary signs all signs on the site shall be brought into conformance with the provisions of this title.

(5) Appeal. Any person who has been ordered to remove an abandoned sign or who has grievance with the decision of the Director related to a nonconforming sign may appeal the decision of the Director as outlined in Section 24-9-3.

Mr. Vinzant further explained the applicant has also applied to the Board of Zoning Adjustment for a variance to the requirements of the ordinance if this petition is not favorable.

The Planning Commission and Community Development Directors decision is based on item 1. The appeal based on item 4.

He said the faces have been removed and clarified there has been a request for a variance to the Board of Zoning Adjustments which may not be needed if this appeal is approved.

Mr. Owens referred to section 2 and explained there is an empowering clause which states "is eligible for designation as a legal non-conforming as long as it is properly maintained and it doesn't impose a danger to the public".

He further identified the property is uniquely disadvantaged due to the widening of the road and because there is no access to the adjacent shopping center.

The economic analysis for AutoZone was done based on using the sign which was their expectation.

Mr. Vinzant reviewed with the City Council the pictures of the sign from various distances of the sign.

Mayor Adams and Councilmember Stanton commented they feel the clear intent was stated

	<p>in section one.</p> <p>Mr. Vinzant clarified there are properties in Clinton such as Macy’s and Wal-Mart that have variances recorded against the property.</p> <p>Mr. Owens said AutoZone is prepared to eliminate the sign when the road is widened.</p> <p>Councilmember M. Petersen commented he doesn’t see a lot of frontage to put a monument sign in front of this building due to size and setback; the other properties block the view.</p> <p>Councilmember K. Peterson said she is sympathetic to the fact that the road widening has affected this location. She feels that the community will know where the business is and support it once it is open. She feels that the intent of the ordinance is clear. She doesn’t feel in the long run visibility will be a concern within 3 to 6 months.</p> <p>The Council discussed section 3 regarding the 45 day requirement.</p> <p>They also discussed the absence of the cross over connection between businesses.</p> <p>Mr. Owens said these are unique circumstances that provide the opportunity for allowances.</p>
<p>CONCLUSION</p>	<p>Councilmember K. Peterson moved to modify the decision of the Planning Commission and the Community Development Director regarding AutoZone to allow the use of the pole sign for six months from the day of opening and after that time require any sign to conform with the ordinance; based on the following findings:</p> <ul style="list-style-type: none"> • Due to the conflict in the ordinance between allowing changing of face and not allowing the Council modifies the decision of the Planning Commission and Director • In order to keep in line with the intent of the Ordinance the Council is allowing the use of the existing pole sign with a changed face for a period of 6-months from the date the AutoZone opens at the end of such time the pole sign and all structures will be removed. • This does not alter the right of AutoZone to choose to install a compliant monument sign at any time prior to or after the removal of the pole sign. • If a monument sign is constructed prior to the end of the 6-month period the pole sign shall be removed. • This appeal approval is issued to AutoZone and is not transferable to any other occupant. • These findings shall be binding upon AutoZone, if the pole sign is not removed at the end of the 6-month period the City has the right to remove the sign and take all action available to it to redeem any cost incurred. <p>Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Reed, aye; Councilmember Stanton, no, because she feels that section 1) identifies the clear intent of the ordinance and she is not in favor of setting a precedent.</p>
<p>E. GRANT APPLICATION – LOCAL PLANNING RESOURCE PROGRAM</p>	
<p>Petitioner</p>	<p>Community Development</p>
<p>Discussion</p>	<p>Mr. Vinzant explained that during the development of the General Plan, the Citizen Committee desired to develop a Boulevard Plan for both 1800 North and 2000 West but they were limited because the environmental study and resulting impact was not clearly known. He said he would like to apply for a grant under the LPRP to develop a plan based upon the alignment that is submitted in the environmental study.</p>

	<p>He stated he has talked with Val John Halford at the WFRC who indicated that they would like to take this on in house but it might require an outside contract.</p> <p>Mr. Vinzant said he would not attempt to do this project in house.</p> <p>He went on to explain the cost of the project is uncertain but he would apply for somewhere between \$20,000 and \$30,000 which would require a \$1,400 to \$2,100 match by the City and his time which could possibly be considered a soft match.</p> <p>The goal would be to create a document that can be used for long range planning and development along with:</p> <ul style="list-style-type: none"> • When UDOT comes back with a plan, it will allow an opportunity to talk about the landscaping. He reminded the Council that throughout the discussions related to the 1800 North environmental study the discussion has been that UDOT will talk about the streetscape when they have an alignment and are working on a design. • This document would also give the City an idea related to potential cost for items that the City may want to include in the development of 1800 North and 2000 West. • This document would also help in developing modifications to the City ordinances that will facilitate development along the two streets so that widening of 1800 North and 2000 West, in the future, would not affect the development. • The Plan could also be utilized in applying for right-of-way acquisition funds. <p>A word of caution, don't be put-off by the Envision Tomorrow and Housing Opportunities Analysis because they would not necessarily apply to our type of project.</p>
CONCLUSION	Councilmember M. Petersen moved to approve the Letter of Intent for the WFRC Local Planning Resource Program (LPRP). Councilmember K. Peterson seconded the motion. All those present voted in favor of the motion.
Approval of Minutes	<p>Councilmember Petersen moved to approve the January 6, 2014 City Council Meeting minutes as written. Councilmember Stanton seconded the motion. All those present voted in favor of the motion.</p> <p>Councilmember Stanton moved to approve the minutes of the January 14, 2014 City Council Meeting. Councilmember K. Peterson seconded the motion. Councilmember M. Petersen abstained because he was not present. All others present voted in favor of the motion.</p>
Accounts Payable	Councilmember Stanton moved to pay the bills. Councilmember Reed seconded the motion. All those present voted in favor of the motion.
Planning Commission Report	Mayor Adams reported on the January 21, 2014 Planning Commission meeting as recorded in the minutes.
City Manager Report	<ul style="list-style-type: none"> • February 5 – Parlant Emergency Notification Training • February 6 – State Retirement Seminar • February 8 - Utah League of Cities and Towns Training for new Officials • February 19 – Lunch with the Seniors
Mayor Adams Report	<ul style="list-style-type: none"> • Nothing at this time.
Councilmember M. Petersen	<ul style="list-style-type: none"> • Stated he is looking forward to his new City Council Assignments
Councilmember K. Peterson	<ul style="list-style-type: none"> • Regarding Heritage Days there will be changes in requirements for the booths; the event will be condensed down from Monday – Saturday to Wednesday – Saturday. • Jr. Jazz is going great. • Asked staff to look into placing a trash can on the trail near 1800 N.
Councilmember Mitchell	<ul style="list-style-type: none"> • Excused.
Councilmember Reed	<ul style="list-style-type: none"> • Regarding Community Enhancement for the next few months - February 13, Cupcake Decorating; March 13, Tax Preparation; April 10, Landscaping.
Councilmember Stanton	<ul style="list-style-type: none"> • Asked the City Council to write letters of recommendation to the Youth

	Council as soon as possible. <ul style="list-style-type: none">• Reported the North Davis Sewer District will be raising rates.
ADJOURNMENT	Councilmember Stanton moved to adjourn. Councilmember K. Peterson seconded the motion. All those present voted in favor the motion. The meeting adjourned at 9:21 p.m.