

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

September 5, 2023
7:00 P.M.

Town Council Meeting held at the Clarkston Town Hall, 50 South Main, Clarkston, UT

Attendance: Mayor N. Craig Hidalgo

Councilmembers: Mylind Fawcett, Dan Smith
McCall Stephensen, Shaun Kurek

Town Clerk: Kristi Hidalgo

Public Attendance: Holly Jones, Adam Hanover, June Glick

1. CALL TO ORDER

Mayor Hidalgo called the Clarkston Town Council to order at 7:00 p.m. Councilmember M. Stephensen led the Pledge of Allegiance to begin the meeting.

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held July 18, 2023. Councilmember S. Kurek motioned for the Clarkston Town Council to approve and adopt the minutes of July 18, 2023. Councilmember M. Fawcett seconded the motion. All in favor "Aye"

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held August 1, 2023. Councilmember D. Smith motioned for the Clarkston Town Council to approve and adopt the minutes of August 1, 2023. Councilmember M. Stephensen seconded the motion. All in favor "Aye"

2. NEW BUSINESS

Ordinance 23-06 - "An Ordinance Adopting Provisions for the Collection of Waste Within Town Limits" – Mayor Hidalgo stated that Clarkston Town Attorney Seth Tait had drafted this ordinance for the Cache Waste Consortium (CWC). The CWC entered into the Solid Waste Services Agreement with Waste Management dated March 22, 2023 by which Waste Management agreed to provide waste collection services to all jurisdictions that are a part of the CWC. The Service Agreement requires participants to adopt an ordinance making Waste Management their exclusive waste collection services provider. Mayor Hidalgo stated that the Clarkston Town Council unanimously agreed that it was in the best interest of the residents of the Town to participate as part of the CWC therefore this ordinance must be adopted as required by the Services Agreement. The purpose of this ordinance is to make Waste Management the exclusive waste collection services provider in Clarkston Town. Mayor Hidalgo asked if there was any discussion on the ordinance. Councilmember S. Kurek stated that he was concerned about the roll-off containers and how it could affect other people's businesses. Mayor Hidalgo replied that he understands his concern, but the Council unanimously approved the Services Agreement and the contract has been signed. Mayor Hidalgo stated that the CWC is also concerned about the roll-off exclusivity and the impact it will have on personal businesses. The CWC Executive Committee has held a meeting with Waste Management to discuss the matter and they have agreed to deliberate and find a viable solution. Mayor Hidalgo reiterated that the Council already agreed to the contract and it has been

signed. Councilmember M. Fawcett clarified that if this ordinance is not approved and adopted Clarkston Town will not have garbage collection services as of October 1, 2023. There was no further discussion, so Mayor Hidalgo asked for a motion to adopt Ordinance 23-06. Councilmember M. Fawcett motioned for the Council to approve and adopt Ordinance 23-06. Councilmember M. Stephensen seconded the motion.

Roll Call Vote:

Mayor Hidalgo	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember D. Smith	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember M. Fawcett	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember M. Stephensen	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember S. Kurek	<u> </u> Aye	<u>X</u> No	<u> </u> Abstain	<u> </u> Absent

Cemetery Lot Sales – Mayor Hidalgo stated that the Cemetery Expansion Project is complete but before any lots are sold Clarkston Town Code 7-5-9 Lot Sales needs to be reviewed and updated.

The Council reviewed and discussed the following proposed amendments:

7-5-9: LOT SALES:

A. Authority; Records: The cemetery clerk, and such other person as the town council may designate, are ~~hereby~~ authorized to sell the use of lots in the ~~town~~ municipal cemetery for burial purposes only and to collect all sums arising from the sale. The cemetery clerk shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefor. The cemetery clerk or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, ~~the purchase price, and perpetual care paid.~~ and the purchase price as provided in the prevailing fee schedule.

B. Purchase Price, Scope Of: A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price, except as may be provided by the town council after the effective date ~~hereof~~ of the ordinance codified in this section. Payments made pursuant to this section shall not be construed to be payment for cemetery services other than perpetual care or prepaid continued maintenance.

C. Services Included: ~~Perpetual care or prepaid continued maintenance~~ Payment of the burial fees shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass (or resodding), and watering and cutting the grass. No other services are included.

D. Improvements: ~~Changes And Services~~: No other improvements, changes or service(s) shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery superintendent, with the approval of the town council, written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the town council.

E. Lots Restricted:

1. The sale of lots shall be restricted to four (4) burial spaces per head of household. Special exceptions will be considered upon request.

2. It is prohibited for Clarkston residents to buy cemetery lots for any non-resident. This includes relatives. Non-residents shall pay the Non-resident Grave Sale Rate.
3. The percentage of full burial non-resident lot sales shall not exceed twenty-five (25%) percent of the total available lots. From and after September 1, 2023 the total number of non-resident lots that can be sold is one-hundred (100).
4. The sale of lots will be confined to existing platted areas.

F. ~~Resale Restrictions~~ Restrictions Of Resale:

~~1. Cemetery lots are not intended for purchase as an investment for personal gain, therefore at the discretion of the cemetery clerk, sale of lots may be denied until approved by the town council.~~

1. From and after September 1, 2023, the lots sold by this municipality shall not be further sold, transferred, conveyed or assigned to any person except the municipality unless authorized by the city recorder or cemetery clerk. The municipality agrees to buy back any municipal cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less, less a recording fee as set by the prevailing fee schedule.
- ~~2. Whenever a certificate is sold, conveyed, or assigned to any person except the town, the owner or heir shall notify the cemetery clerk, pay the transfer fee or fees, and provide the original certificate for cancellation.~~
- ~~3. Whenever a certificate to burial rights or lots becomes vested in the town for any reason, before new certificates are issued, the original certificate shall be canceled, or in the absence of original certificate a quitclaim deed signed by the owner or his or her heirs and the record shall be so changed.~~
2. Whenever a certificate to burial rights or lots reverts to the municipality, as provided for in this chapter, or becomes vested in the municipality for any reason, before new certificates are issued, the original certificate shall be canceled, or in the absence of original certificate a quitclaim deed signed by the owner or his or her heirs and the record shall be so changed.
3. The certificates shall be issued and signed by the mayor and shall be attested by the cemetery clerk. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.
4. Cemetery lots are not intended for purchase as an investment for personal gain, therefore at the discretion of the cemetery clerk, sale of lots may be denied until approved by the town council.

G. Nonuse For Sixty Years: Anyone claiming an interest in any certificate of title or certificate of right to burial to any lot or other portion of the town cemetery who has not so used the respective lot or portion of the cemetery for burial purposes for more than sixty (60) years from the date when such person claims the certificate was first obtained, then such person must submit in writing to the town within sixty (60) days of service of notice (or if not personally served, then 30 days from the publication of the resolution on the public notice website), a satisfactory declaration of interest in the lot or portion of the cemetery, and an intention to use the respective lot or portion of the cemetery for a burial. If such

a declaration is not received by the claimant within the time period described, then all interest in the respective lot or portion of the cemetery shall revert back to the town to be resold, all pursuant to Utah Code Annotated section 8-5-6.

The Council discussed in depth *E. Lots Restricted* and all agreed with the content of that section. Mayor Hidalgo asked the Council to review and consider the proposed amendments and send any further comments to him. The Council determined to adopt the proposed amendments by ordinance at the next Town Council Meeting to be held September 21, 2023.

3. DEPARTMENTS

Mayor Hidalgo – Fire Department – Mayor Hidalgo thanked the fire department and the Town Council for their support of the Clarkston Town National Night Out Against Crime. It was a tremendous success.

2023 Pony Express Report – Mayor Hidalgo reported that the Pony Express Financial Report indicates that this year the town profited \$5,290 from the event. \$8,500 was budgeted for the celebration, revenue received was \$10,502 which equals \$19,002. Total expenses were \$13,712. A profit margin of \$5,290

Garbage Collection and Green Waste – Mayor Hidalgo reported that Waste Management had notified the Cache Waste Consortium (CWC) that Logan City is in the process of doing a rate study. This means that in the near future they will be increasing tipping fees for the landfill, which will drive the cost of our garbage collection fees up as well. Logan City is also planning to implement a tipping fee for green waste. Mayor Hidalgo stated that he would put together a presentation to facilitate a discussion on green waste options going forward.

Councilmember M. Fawcett – Planning and Zoning – Councilmember M. Fawcett reported that on August 9, 2023 the Planning Commission held a public hearing on the Proposed Minor Subdivision Ordinance. After the public hearing was held, the ordinance was sent to Clarkston Town Attorney Seth Tait for review. Mr. Tait had some concerns with the ordinance and offered recommendations. The Planning Commission will consider his recommendations at the next Planning and Zoning Meeting to be held September 13, 2023. Mayor Hidalgo stated that the attorney thinks that the ordinance is relatively weak on a minor subdivision versus a major subdivision. He feels that there is too much flexibility for people to claim a minor subdivision and then do a major subdivision. There should be a limit on future subdivisions of the remaining parcel. If there is no limit, then people who want to do a 20-lot subdivision will just come in with a whole bunch of minor subdivision applications rather than a full-blown subdivision. Councilmember D. Smith said that they absolutely could do that by doing two or three lots at a time.

Councilmember D. Smith – Roads Department – Councilmember D. Smith reported that the FY 2024 road repairs had been completed.

Councilmember M. Stephensen – August Warrant List – Councilmember M. Stephensen presented the Warrant List for August 2023. Councilmember M. Fawcett motioned for the Clarkston Town Council to approve the Warrant List as read. Councilmember S. Kurek seconded the motion. All in favor “Aye.” Motion carried

Youth Council – Councilmember M. Stephensen reported that the youth council would be hiking to Gunsight on Saturday September 9, 2023. The public is invited to join them.

Councilmember S. Kurek – Cemetery Department – Councilmember S. Kurek thanked Cemetery Sexton Jeremy Hidalgo for all his efforts this summer with the cemetery expansion project and the sprinkler system project. He put in a lot of personal time to ensure that they were done correctly. He also took care of the parks this summer as well.

Parks Department – New Parks Director - Mayor Hidalgo reported that he had hired Margie Archibald as Parks Director. If there is anything she can't do Jeremy Hidalgo said he would help her out.

Emergency Preparedness – Councilmember S. Kurek said that he was still trying to set up a meeting with Cache County Emergency Manager Will Lusk to develop an Emergency and Disaster Plan for Clarkston Town.

4. RELEVANT BUSINESS

Next Meeting – The next Town Council Meeting will be held on Tuesday September 19, 2023 at 7:00 pm.

5. ADJOURN

There being no further business to come before the Council, Councilmember M. Stephensen motioned that the Clarkston Town Council Meeting adjourn. Councilmember S. Kurek seconded the motion. All members present voted "Aye." Motion carried. The meeting adjourned at 8:08 pm.

Kristi Hidalgo
Town Clerk

