

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

September 19, 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: June Glick

1. CALL TO ORDER

Mayor Hidalgo called the Clarkston Town Council to order at 7:00 p.m. Councilmember S. Kurek led the Pledge of Allegiance and offered Reverence to begin the meeting.

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held September 5, 2023. Councilmember M. Stephensen motioned for the Clarkston Town Council to approve and adopt the minutes of September 5, 2023. Councilmember D. Smith seconded the motion. All in favor "Aye

2. NEW BUSINESS

Ordinance 23-07 – "An Ordinance Amending Clarkston Town Code Title 11 Chapter 1 Section 10; Minor Subdivision Definition and Title 10 Chapter 1 Section 6; Structure and Temporary Structure Definitions"- Mayor Hidalgo read the ordinance and asked if there was any discussion on the ordinance. Councilmember M. Fawcett explained that the Clarkston Town Code references a temporary structure but there is no definition for it. The planning commission recommended the following temporary structure definition:

TEMPORARY STRUCTURE: A building without any foundation that is intended to be on the parcel no longer than six (6) months and includes a soft-sided or other structure designed to serve as a temporary garage, storage shelter, or greenhouse, but does not include an accessory building or is not intended for single family residential occupancy such as a mobile home or other similar structure, and cannot be connected to permanent utilities. No temporary structure shall be greater than 200 sq ft. It does require that a zoning clearance permit be obtained from the planning commission before it is constructed.

Councilmember M. Fawcett said that the temporary structure definition will alleviate any uncertainty of what constitutes a temporary structure. Councilmember M. Fawcett stated that the planning commission recommended amending the current structure definition from the following:

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having location on the ground. Any "structure" shall be considered part of a dwelling or building if the structure and dwelling or building have a roof or wall in common. A temporary movable building under two hundred (200) square feet shall not be considered a structure and does not require a

building permit. It does require that a zoning clearance permit be obtained from the planning commission before it is constructed.

To the following:

STRUCTURE: *Anything constructed or erected, which requires location on the ground or attached to something having location on the ground. Any "structure" shall be considered part of a dwelling or building if the structure and dwelling or building have a roof or wall in common.*

Councilmember M. Fawcett stated that the planning commission is still in the process of drafting a minor subdivision ordinance for the town but have recommended the following minor subdivision definition:

MINOR SUBDIVISION - *Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Map, and any regulations established in the Clarkston Town Code.*

There was no further discussion so Mayor Hidalgo asked for a motion to adopt Ordinance 23-07. Councilmember M. Fawcett motioned for the Council to approve and adopt Ordinance 23-07. Councilmember S. Kurek 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>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent

Ordinance 23-08 - "An Ordinance Amending Clarkston Town Code Title 7 Chapter 5 Section 9: Cemetery Lot Sales" - Mayor Hidalgo stated that at the last Town Council Meeting, held September 5, 2023, the Council discussed in depth the proposed amendments to Clarkston Town Code 7-5-9; Cemetery Lot Sales and asked if there was any further discussion or recommendations before adopting this ordinance. Councilmember M. Fawcett wondered if lots could be sold after adoption of the ordinance or if the Council needed to update the cemetery fee schedule before selling lots. Mayor Hidalgo replied that the Council did a cemetery fee review earlier this year and updated the fee schedule to be in line with other municipalities in Cache Valley. Councilmember M. Fawcett sought clarification on E3 of the ordinance which states the following:

E. Lots Restricted:

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-residents lots that can be sold is one-hundred (100).

Councilmember M. Fawcett wondered if the number of non-residents lots that could be sold would fluctuate depending on the number of lots sold at a given time. Mayor Hidalgo clarified that as of September 1, 2023 the total number of lots that can be sold to non-residents is one hundred (100). That will not change. There are 400 lots available so 25 % or 100 lots are available for non-residents. Councilmember S. Kurek interjected that it doesn't mean the lots have to be sold to non-residents, but they are allotted if non-resident people want to buy them. Mayor Hidalgo agreed that if the lots available for non-residents aren't sold Clarkston residents would be able to buy those lots as well. The town will not reserve lots for just non-residents to buy. There was no further discussion, so Mayor Hidalgo asked for a motion to adopt Ordinance 23-08. Councilmember D. Smith motioned for the Council to approve and adopt Ordinance 23-08. Councilmember S. Kurek 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>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent

Cemetery Fee Schedule - The Council reviewed and discussed the cemetery fees and decided to increase the Perpetual Care Fee from \$50.00 to \$100.00. The Council will approve and adopt the Perpetual Care Fee increase by resolution at the next Town Council Meeting held October 3, 2023.

3. DEPARTMENTS

Mayor Hidalgo – Town Hall Update – Mayor Hidalgo reported that he had been notified that the USDA Loan Application to fund the new Town Hall was denied. What happened was that the State of Utah had two Loan Authorities quit and haven't been replaced. The Loan Authority reviews the applications and works with the National USDA Office to approve the application. Because Utah doesn't have a Loan Authority to act as liaison between the National USDA and the State of Utah USDA the National USDA Office has rejected all the State of Utah USDA Applications that have been turned in to them this year. Mayor Hidalgo stated that he is currently meeting and working with three different banks to secure financing for the project. Mayor Hidalgo stated that he anticipates holding a Kick-off Meeting and getting the project out to bid within a couple months.

Waste Management Start Up Date – Mayor Hidalgo said that Waste Management (WM) will begin garbage collection services on October 1, 2023. Mayor Hidalgo reported that he had talked to Blake Leonelli from WM about the concern expressed by Councilmember S. Kurek regarding the exclusivity right in the contract and the effect it would have on other people's businesses. Mr. Leonelli said that WM is not going to stop any business from doing what they are doing. Mayor Hidalgo declared that if the Council had not passed Ordinance 23-06 "An Ordinance Adopting Provisions for the Collection of Waste Within Town Limits" Clarkston Town would have forfeited the contract with WM and we would have had no garbage collection services beginning October 1, 2023. Mayor Hidalgo stated that Mr. Leonelli reminded him that the Cache Waste Consortium (CWC) hired them for garbage collection services and intended for WM to deal with any other issues that may arise. That is how the CWC negotiated and set up the contract with them.

Signs – Mayor Hidalgo stated that he had some new signs made. The “No Soliciting Business Licenses Required” signs and the “Building and Zoning Permits Required” signs will be installed along SR 142 at both entrances to Clarkston Town. New Clarkston Town Cemetery signs were made that clarify the Cemetery Rules and Regulations and two “Clarkston Town Council” and “Citizen of the Year” magnetic signs were made for the Pony Express Day Parade.

Cemetery QR Code - Mayor Hidalgo informed the Council that a QR Code had been made for the cemetery so that people can scan the code and find out where their relatives are buried.

Sweeper – Mayor Hidalgo reminded the Council of the flash flood that Clarkston Town had about a month ago. There was a lot of gravel and debris that washed onto the roads. Mayor Hidalgo stated that after about a week he was able to borrow a sweeper from the Cache County Road Department to clean up the roads. Mayor Hidalgo said that he and Councilmember D. Smith discussed and determined to purchase a sweeper attachment for the skid steer. The Sweeper Cost \$6,800 and the General Fund PTIF Interest Earnings would be used to pay for it. The Council unanimously approved the purchase of the sweeper.

Councilmember M. Fawcett – Water Department – Councilmember M. Fawcett reported that we are nearing the end of the water year and the town has done well this year.

Planning and Zoning – Minor Subdivision Ordinance – Councilmember M. Fawcett stated that he had already discussed the Minor Subdivision Ordinance earlier in the meeting and didn’t have anything further to discuss regarding it.

Mayor Hidalgo stated that he would be inviting Water Operator Bryan Goodsell to come to a council meeting to discuss and demonstrate what the SCADA System Update Project has provided the town. He will also ask Deputy Clerk Holly Jones to come and explain the new Cemetery Software Project and the benefits it has provided to the town. Both projects were paid for with American Rescue Plan Act (ARPA) funds.

Councilmember D. Smith – Road Department – Road Plan – Councilmember D. Smith reported that he was working on developing a Clarkston Town Five-Year Road Plan and will have it done before his Town Council term is up January 1, 2023.

Councilmember M. Stephensen – Youth Council – Councilmember M. Stephensen reported that the youth council were not able to hike to gunsight on September 9, 2023 as planned and have rescheduled the hike for Saturday October 7, 2023. The public is invited to join them.

Citizen Advisory Committee – The next Citizen Advisory Committee Meeting will be held in October.

Councilmember S. Kurek – Cemetery Department – Councilmember D. Kurek reported that Cemetery Sexton Jeremey Hidalgo would be turning the water off at the cemetery and getting the sprinkler lines blown out within the next few weeks.

Parks Department – Margie Archibald has been hired as Parks Director.

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

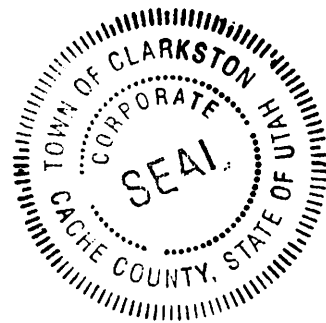
4. RELEVANT BUSINESS

Next Meeting – The next Town Council Meeting will be held on Tuesday October 3, 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 D. Smith seconded the motion. All members present voted “Aye.” Motion carried. The meeting adjourned at 7:50 pm.

Kristi Hidalgo
Town Clerk



**CLARKSTON TOWN CORP.
ORDINANCE 23-07**

**AN ORDINANCE AMENDING CLARKSTON TOWN CODE
TITLE 11 CHAPTER 1 SECTION 10; MINOR SUBDIVISION
DEFINITION AND TITLE 10 CHAPTER 1 SECTION 6; STRUCTURE
AND TEMPORARY STRUCTURE DEFINITIONS**

WHEREAS, the governing body of Clarkston Town, County of Cache, State of Utah, passed and adopted the Clarkston Town Municipal Code on July 10, 2003; and

WHEREAS, the Town Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code; and

NOW THEREFORE BE IT ORDAINED, that the Town Council of Clarkston, Utah, hereby adopts, passes and publishes the following:

SUBDIVISION REGULATIONS
11-1-10 - DEFINITIONS

MINOR SUBDIVISION - Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Map, and any regulations established in the Clarkston Town Code.

ZONING REGULATIONS
10-1-6 – DEFINITIONS

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having location on the ground. Any "structure" shall be considered part of a dwelling or building if the structure and dwelling or building have a roof or wall in common.

TEMPORARY STRUCTURE: A building without any foundation that is intended to be on the parcel no longer than six (6) months and includes a soft-sided or other structure designed to serve as a temporary garage, storage shelter, or greenhouse, but does not include an accessory building or is not

intended for single family residential occupancy such as a mobile home or other similar structure, and cannot be connected to permanent utilities. No temporary structure shall be greater than 200 sq ft. It does require that a zoning clearance permit be obtained from the planning commission before it is constructed.

THIS ORDINANCE shall become effective upon its adoption and posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Clarkston Town Municipal Code referred to above.

Adopted and approved by motion from Councilmember M. Fawcett and seconded by Councilmember S. Kurek.

Dated this 19th day of August 2023.

Voting:

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

N. Craig Hidalgo
MAYOR

ATTEST:

Kristi Hidalgo
CLERK



**CLARKSTON TOWN CORP.
ORDINANCE 23-08**

**AN ORDINANCE AMENDING CLARKSTON TOWN CODE
TITLE 7 CHAPTER 5 SECTION 9; CEMETERY LOT SALES**

WHEREAS, the governing body of Clarkston Town, County of Cache, State of Utah, passed and adopted the Clarkston Town Municipal Code on July 10, 2003; and

WHEREAS, the Town Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code; and

NOW THEREFORE BE IT ORDAINED, that the Town Council of Clarkston, Utah, hereby adopts, passes and publishes the following:

See Exhibit A

THIS ORDINANCE shall become effective upon its adoption and posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Clarkston Town Municipal Code referred to above.

Adopted and approved by motion from Councilmember D. Smith and seconded by Councilmember S. Kurek.

Dated this 19th day of September, 2023.

Roll Call Vote:

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

N. Craig Hidalgo
MAYOR

ATTEST:

Kristi Hidalgo
CLERK



EXHIBIT A

7-5-9: LOT SALES:

A. Authority; Records: The cemetery clerk, and such other person as the town council may designate, are authorized to sell the use of lots in the 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, 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 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: 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: 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-residents lots that can be sold is one-hundred (100).
4. The sale of lots will be confined to existing platted areas.

F. Restrictions Of Resale:

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 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.
2. 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. (Ord. 07-04, 7-12-2007; amd. Ord. 21-07, 8-3-2021)