

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

Clinton City Council	April 08, 2014	Call to Order: 7:00 P.M.
Staff Present	Community Development Director Lynn Vinzant, Fire Chief David Olsen, Public Works Director Mike Child, and Lisa Titensor recorded the minutes.	
Citizens Present	Chad Petersen, Connie Valentine, Allen Labrecque, Ivan Ray, Jenni Williams, Troop 389, Fred Mitchell, Kent Draayer, Tony Thompson, Bruce Nielson, Justin Gort, JoAnn Wessman, Laretta Beesley, Randy Grange, Brett Bruenig, Glenda Swallow, Trevor Kapp, Bruce Logan, Steve Hubbard, Justin Benavides, Andrew Benavides, Rick Lee, Gary Tyler	
Pledge of Allegiance	Keaton Rush of Troop 389	
Prayer or Thought	Levi Moss of Troop 389	
Roll Call & Attendance – Excused Were:	City Manager Dennis Cluff	
A. EMPLOYEE OF THE MONTH OF FEBRUARY 2014 – CHAD PETERSEN		
Petitioner	Mike Child	
Discussion	<p>Public Works Director Mike Child reported Chad Petersen is employee of the month for February 2014. Chad has many assigned responsibilities and he has been working hard, wearing many hats.</p> <p>The Community Dumpster is a very popular service with the residents and is one of the reasons that Clinton City is so clean. Each year the four City dumpsters are placed at over 260 different locations throughout the City; in 2013, 469 tons of debris was collected and delivered to the landfill. Chad is the employee in charge of dumpster deliveries, pickups and transferring the waste to Robinson's large roll off bins. He also maintains the recycle bins for tree limbs, where hundreds of pick up loads are dropped off each season by our residents.</p> <p>Chad is the employee responsible for facility maintenance which includes the Fire and Police buildings, the main City Office building, Recreation and Public works buildings. He was given this duty with the expectation that he would self train for the job which he has done very well. It has been a good learning experience and now Chad is able to do a lot of the repairs and maintenance work himself and he has developed a good list of contractor repairmen for the jobs that he is not able to do.</p> <p>Some of his other duties are maintenance of the City Rail Trail and the Canal Trail including the surrounding landscape. He is an excellent equipment operator and we depend on him to help on many projects.</p> <p>For over 20 years Chad has been working in a fulltime position in Public Works and his experience and knowledge makes him very valuable to the Department and to the City. He will be an important part of the crew for many years to come.</p> <p>Mayor Adams expressed appreciation for Chad's service. He presented him with an award and gift card to Wal Mart.</p> <p>Chad said he enjoys his job with Clinton City.</p>	

B. RECOGNITION OF NEW CERT GRADUATES	
Petitioner	Mayor Adams
Discussion	<p>CERT Coordinator Connie Valentine reported there are two new CERT Graduates. She identified that Justin Gort and JoAnn Wessman have completed the program.</p> <p>Ms. Valentine then identified that regarding the Emergency Contact and Notification sign up on website; the CERT Team is taking steps to get the citizens to sign up. They have contacted the local grade schools to send out messages to the school children families and working on having their CERT members spread the word.</p> <p>She informed the Council that the Utah Shake Out exercise stop, drop and cover will be held state wide on April 17th at 10:15 a.m. There will be a simulation of a 7.1 earthquake.</p> <p>The CERT Team will also participate in a mock disaster at Hill Air Force Base on May 14, 2014.</p> <p>Mayor Adams expressed appreciation to Connie Valentine and Allen Labrecque for their service overseeing the CERT Team.</p>
C. APPOINTMENTS TO THE CLINTON CITY COMMUNITY ARTS BOARD	
Petitioner	Mayor Adams
Discussion	<p>Mayor Adams made the following recommendations for appointments and re-appointments to the Clinton City Arts Board:</p> <p>Jennifer VanSkiver appointment to a 2-yr term to serve as Vice Chair Shane Thompson appointment to a 1-yr term Laretta Beesley re-appointment to a 2-yr term as Chair Nicole Tripp re-appointment to a 2-yr term</p> <p>Ms. Beesley reported that the Arts Board is working on the following activities:</p> <ul style="list-style-type: none"> • Clinton's got talent • Art show • Painting in the Round • Yard contest
CONCLUSION	<p>Councilmember Stanton moved to ratify the Mayors appointments and re-appointments of the following:</p> <ul style="list-style-type: none"> • Jennifer VanSkiver appointment to a 2-yr term to serve as Vice Chair • Shane Thompson appointment to a 1-yr term • Laretta Beesley re-appointment to a 2-yr term as Chair • Nicole Tripp re-appointment to a 2-yr term <p>Councilmember K. Peterson seconded the motion. All voted in favor of the motion.</p>
D. EMS PHYSICIAN ADVISOR AGREEMENT	
Petitioner	Dennis Cluff, Fire Chief Dave Olsen
Discussion	<p>Fire Chief David Olsen was present to address this issue with the City Council. The staff report identifies that State Law requires each ambulance service have a qualified physician to serve as the EMS Advisor to the EMTs providing the ambulance/emergency medical services.</p> <p>Chief Olsen identified that Dr. Feil has been with the City since 2008 and is providing excellent service and training for the EMTs.</p> <p>He explained this is an agreement that has been renewed bi-annually in the past, but with the ability for either party to terminate (or open for discussion) the agreement after 60 days notice, the Fire Department would now prefer to leave the</p>

	<p>term period open ended.</p> <p>Chief Olsen explained that Dr. Feil is well qualified. He is Board Certified and serves on the Davis County EMS Council. The Fire Department enjoys working with him. He provides great service to the City.</p>
CONCLUSION	<p>Councilmember K. Peterson moved to approve the ongoing EMS Physician Advisor Agreement with Dr. Matthew Feil. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye.</p>
E. DISCUSSION ON SECONDARY WATER IRRIGATION SCHEDULE	
Petitioner	<p>Ivan Ray – Davis & Weber Counties Canal Company</p>
Discussion	<p>Mayor Adams said that he asked Mr. Ray to attend the City Council meeting because he was concerned that he received a notice that water restrictions will be in place again this year for Clinton City.</p> <p>Mr. Ray said that the Weber Basin Water District is cautiously optimistic about this coming water year. They feel that water conservation is necessary to start out. The reservoirs are lower this year than last year. Potentially the water restrictions could be lessened if the water statistics improve.</p> <p>Mayor Adams said although he is in favor of conserving water, he does not feel it should be at the expense of the residents; especially if there is sufficient amounts of water available.</p> <p>Mayor Adams said that water pressure continues to be a concern.</p> <p>Jeremy Bruening commented he has poor water pressure. When the sprinklers are on it only shoots out 4 feet. In order to get enough water pressure, he has to water when he is not supposed to. He said according to his calculations, he could water his lawn cheaper and better with culinary water than with secondary water with the restrictions.</p> <p>Fred Mitchell stated that he does not have enough water pressure to run his rain bird sprinklers. He put a gauge on his system last summer; the pressure would not stay above 40 lbs, there was not enough pressure to water his five zones, it averaged around 38 lbs. When the system was put in, the water pressure was promised to be 50 to 60 lbs of pressure.</p> <p>Ivan Ray responded projects are in the plans to improve the Secondary Water system, specifically improvements in the Sunset Reservoir on 1300 N and the installation of a direct pipe feed to Heritage Park and 650 W.</p> <p>He said there is no restriction on the amount of time to water this year, only the number of days to water which follows the recommendations set by the Utah Extension Services, they recommend not watering between 10 am and 6 pm.</p> <p>Mr. Ray clarified for the Council that the Canal Company accepts applications for positions on the Board November 1. The Board votes during their annual meeting in December. He said the Board meets on the third Wednesday of the month; the next board meeting will be held on April 16 at 8 a.m.</p> <p>Fred Mitchell stated that according to his calculations, culinary water is cheaper than secondary water. The system hasn't worked for five years. He suggested that the City hold the money until they provide the services they promised. Clinton City is the biggest user of secondary water on the canal system; he asked why Clinton City is paying for a system that fails.</p> <p>Mayor Adams stated the Canal Company has a contractual responsibility to provide</p>

	<p>the water the City is contracting for.</p> <p>Randy Grange said that water pressure is an issue; other counties have stopped restricting water times because they have found they don't work.</p> <p>Glenda Swallow said she has a 3/4 acre lot; she pays extra each month for a larger lot but has the same time restrictions as smaller lots; she has more stations to water and the water pressure only allows one water station to run at a time.</p> <p>Mayor Adams stated the Clinton City Council will be watching water issues closely this year.</p>
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F. 8:00 PM PUBLIC HEARING - ORDINANCE 14-01, AMENDING CHAPTER 24, SIGNS AND ADVERTISING

Petitioner	Community Development as directed by the City Council
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Discussion	<p>Mr. Vinzant presented proposed changes to Title 24. He identified the changes are a result of several months of review by the Planning Commission.</p> <p>Councilmember K. Peterson asked to discuss Chapter 5 Nonconforming Signs. She requested the following changes:</p> <p>The order needs to be changed, regulation first; enforcement second.</p> <p>(3) Existing signs which do not conform to the specific provisions of this title may be eligible for the designation "legal nonconforming" provided that:</p> <p>(a) The original business remains at that location; and</p> <p>(b) The Director determines that the signs were constructed in accordance with the existing ordinance at the time and have been properly maintained and do not in any way endanger the public.</p> <p>(5) The following alterations are on existing nonconforming signs are permissible:</p> <p>(a) Face changes in nonconforming multi-tenant signs; and,</p> <p>(b) Face changes on nonconforming signs by an existing business; and,</p> <p>(c) Copy changes in nonconforming permanent signs which were originally approved by the City with a changeable copy feature.</p> <p>Mr. Vinzant reviewed more proposed changes to Title 24 with the Council as identified in the staff report.</p> <p>Councilmember K. Peterson expressed concern about prohibiting portable signs because it may affect some non-profit groups from fundraising opportunities.</p> <p>Regarding portable signs, Councilmember M. Petersen commented that he feels that safety is a concern with these types of signs. Individuals with portable signs on sidewalks can be distracting to drivers as well as not paying attention to traffic themselves. He said with that being said, he does not want to impose on free speech. If this is allowed, the person holding the sign should not be on the sidewalk.</p> <p>Mr. Vinzant explained there is a difference between public speech and commercial speech. The Ordinance deals specifically with these signs in another section of the ordinance.</p> <p>Mayor Adams commented that these signs are blocking the public right of ways in some instances.</p> <p>The Council expressed a desire to look further at the sign ordinance dealing with portable signs, temporary signs and business advertising.</p>
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	<p>Mr. Vinzant clarified that regarding the electronic signs, the information he provided comes straight from the industry standard.</p>
<p>Public Comment</p>	<p>Mayor Adams opened the public hearing at 8:39 p.m.</p> <p>Laretta Beesley stated she would like to have Arts Board information put on the electronic sign as soon as possible.</p> <p>Trevor Kapp said as a business owner it would be nice to have more options for advertising. Signs improve business and successful businesses help the City. Restricted advertising impacts business, he asked the Council to consider business as well as citizens.</p> <p>He would like the City to consider allowing businesses to obtain permits and be allowed to use balloon signs on occasion. He would like to see advertising for businesses less restrictive in Clinton.</p> <p>Mayor Adams asked for additional public comment, there was none; therefore he closed the public hearing at 9:06 p.m.</p> <p>Councilmember M. Petersen questioned if model home signs are the same as temporary open house signs. He said he wants to make sure Real Estate signs have sign requirements just as businesses do.</p> <p>Mr. Vinzant responded that a model home is required to have a business license; they are addressed in the Zoning Ordinance.</p> <p>Councilmember M. Petersen suggested the Planning Commission hold a meeting with businesses to discuss what the businesses would like to see allowed for advertising.</p> <p>Councilmember K. Peterson said she would like to see the changes identified above come back soon.</p>
<p>CONCLUSION</p>	<p>Councilmember M. Petersen moved to table Ordinance 14-01 and ask the Planning Commission to look at portable signs, temporary signs and business advertising. He asked that staff request input from local businesses. Councilmember K. Peterson seconded the motion. All voted in favor of the motion.</p> <p>The Council discussed their desire to maintain certain requirements included in the proposed ordinance. They determined it would be better to pass the ordinance as is and then request changes later.</p> <p>Councilmember Stanton moved to reconsider the motion to table Ordinance 14-01. Councilmember Mitchell seconded the motion. All voted in favor.</p> <p>Mayor Adams identified the Council would like to see the following readdressed by the Planning Commission: Portable signs and discussion with local businesses.</p> <p>Councilmember Mitchell moved to adopt Ordinance 14-01 with the changes identified during the discussion. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye.</p>
<p>G. 8:20 PM PUBLIC HEARING – ORDINANCE 14-01Z, AMENDING CHAPTER 22, PATIO HOME ZONE (PH), OF THE CLINTON CITY ZONING ORDINANCE</p>	
<p>Petitioner</p>	<p>Community Development</p>

Discussion

Mr. Vinzant presented Ordinance 14-01Z, Chapter 22 Patio Home Zone (PH) to the City Council for discussion.

The Council reviewed the Ordinance. They agreed they would like a minimum dwelling square foot of 1430 sq. ft.

The Council discussed their desire for a quality long lasting aesthetically pleasing product. They would like to see the exterior require minimal maintenance.

Chapter 22.¹³⁹ Patio Home Zone (PH)

- 28-22-1 Purpose
- 28-22-2 Permitted Uses
- 28-22-3 Conditional Uses
- 28-22-4 Minimum Lot Development
- 28-22-5 Standards Conventional Site Development Characteristics
- 28-22-6 Homeowners Association Required

28-22-1 Purpose. The purpose of the Patio Home Zone is to provide an acceptable housing style for single family “empty nest” type housing that is a sustainable quality product within Clinton City. Additionally the Zone is intended for infill use within the guidelines established within this Title. Development within any subdivision within the Zone is to be based upon an overall site design created by and developed completely by one developer and home builder.

28-22-2 Permitted Uses.¹⁸²

- (1) Single-family dwelling.
- (2) Home Office.
- (3) Household Pets.
- (4) Sign – One nameplate and identification sign in accordance with the Clinton City Sign Ordinance.
- (5) Accessory buildings and uses customarily incidental to any permitted use.
- (6) Common area and amenities maintained by the homeowners association.
- (7) Temporary on site storage containers for emergency construction or repair of residences, with the following stipulations:
 - (a) Must be placed on a hard surface
 - (b) Can only be present for 3 months out of a 12 month period

28-22-3 Infill Site Development Characteristics.

- (1) Use of this Zone is only permitted to be applied for within the R-1-6, R-1-8, and R-1-9 Zones as indicated on the Master Land Use Map.
- (2) Infill will only be permitted on parcels meeting the following criteria:
 - (a) Maximum of 5 acres;
 - (b) Property can not have been subdivided from a larger parcel to meet requirements for this zone within the last ten (10) years;
 - (c) Property surrounding the parcel being developed must be fully developed; and,
- (3) Development requirements shall comply with the minimum lot standards outlined in § 28-22-4.

28-22-4 Minimum Lot Development Standards.

- (1) Area –
 - (a) Minimum: 5,100 square feet

- (b) Average: 6300
- (c) Corner minimum: 5,400 square feet
- (2) Width –
 - (a) Minimum: 57 feet
 - (b) Average: 64 feet
 - (i) Corner: 61 feet
- (3) Yard Setback:

TABLE 22.4.1			
Dwelling Design	Rear Lot Patio	Side Lot Patio	Adjacent Zone
Front of Dwelling Major Street As Described in the Clinton City Transportation Master Plan	Not Allowed		
Front	20	20	20
Side w/o Side Patio	5 / 5		8 / 5
Side with Side Patio		5 / 16	8 / 16
Street Side	16 / 5	16 / 16	16 / 16
Street Side Patio toward street		21 / 5	
Rear	20	10	20
<u>Patio Awning Unenclosed</u>	Shall not extend into more than ½ of required setback		
<u>Patio Awning Enclosed</u>	Shall not extend into the required setback		
Accessory Building	The size and location of any accessory buildings or sheds shall be evaluated and approved during the approval process and shall be outlined in the development agreement and CC&R's. Otherwise none allowed.		

Note: 5-foot side lots can not be adjacent if fence is going to be part of the development design.

(4) Building Height:

TABLE 22.4.2		
Main Building	Story	1 story
	Height	25 feet
Accessory Building	Minimum	6 feet
	Maximum	1 story or 15 feet ^a

^a not to exceed height of main building on lot

(5) Building size:

TABLE 22.4.5	
Minimum Dwelling Unit Square Footage	1,430
Minimum Finished Living Space	1,430
Minimum Garage Size	2 car
Accessory Building	400 sq. ft. maximum

(6) Aesthetics:

TABLE 22.4.6		
Exterior	Front	100% Brick, Stone or fiber cement board
	Sides	100% Brick, Stone or fiber cement board
	Rear	100% Brick, Stone or fiber cement

		board
Patio	Minimum	200 square feet
Landscaping and Automatic Sprinkler System		Installed with construction contract
Park strip trees		1 per frontage, 1.5 average per frontage
Fencing		Standardized within development
Architecture		Consistent theme among all structures

28-22-5 Conventional Site Development Characteristics:

TABLE 22.5.1	
Maximum Acreage	18
Maximum Density/Acre	5
Maximum Lots	90
Public Streets	Public
Utilities	Public
Street Design	City Alternate Design
Street Lights	City Design

28-22-6 Homeowners Association Required: All developments within the zone shall have a Homeowners Association established with Conditions, Covenants and Restrictions (CC&R's). CC&R's, at a minimum, are to establish the requirements of this Chapter, the Development Agreement and CC&R's shall be consistent between all phases of the development and apply equally to all property owners.

28-22-7 Application Process.

- (1) A rezone request shall be applied for on forms provided by the City and as outlined in Chapter 1 of this Title.
- (2) Rezone, if approved, shall be conditional upon final approval of a subdivision and development designs; and,
- (3) Subdivision and development design may be submitted simultaneous with the rezone application; however this will not have any bearing upon the approval or denial of the rezone application.

Any Patio Home development, Infill or Conventional, shall create a development agreement during the approval process. The development agreement will outline the design requirements and stipulations established between the developer and city. The agreement shall be recorded against the property and be binding upon the developer and future owners of property within the development.

Public Comment

Mayor Adams opened the public hearing at 9:48 p.m.

Gary Tyler commented that stucco should be considered as an option. He likes the option of having variations in material.

Bruce Nilson stated he feels 1430 is a good minimum square foot. From his perspective, cement board is as good as brick or rock. He likes the option of having the ability to be creative. He feels that gables should not be rock or brick.

Tony Thompson Clinton City Planning Commission Chair, said that allowing variety will improve the look of the homes.

Kent Draayer commented hardy board comes in any size, shape or color. He said the buyer and seller should have options.

With no further public comment, Mayor Adams closed the public hearing at 10:33 p.m.

CONCLUSION **Table 22.4.6 Exterior - Councilmember M. Peterson moved to accept the following in table 22.4.6:**

TABLE 22.4.6	
Exterior	Front
	Sides
	Rear
<p>100% Brick, Stone or fiber cement board</p> <p>100% Brick, Stone or fiber cement board</p> <p>100% Brick, Stone or fiber cement board</p>	
<p>Councilmember Mitchell seconded the motion. Voting by roll call is as follow: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Anna Stanton, no; Councilmember Brice Mitchell, aye.</p> <p>Councilmember M. Petersen moved to adopt Ordinance 14-01Z with changes identified in the discussion. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Stanton, no; Councilmember Mitchell, aye.</p>	
H. DISCUSSION OF THE STATE REQUIREMENTS FOR FILLING A VACANCY ON THE CITY COUNCIL	
Petitioner	Mayor Adams
Discussion	<p>Mayor Adams recommended giving each applicant an allotted amount of time.</p> <p>The Council agreed a time limit of 5 minutes should be imposed.</p> <p>The applicants will draw a number to determine the order they will give their presentation.</p> <p>The Council will draw a number to determine the order they will vote in. Time limit of 5 minutes.</p>
Approval of Minutes	Councilmember M. Petersen moved to approve the March 11, 2014 minutes as amended. Councilmember Stanton seconded the motion. All voted in favor of the motion.
Accounts Payable	Councilmember Mitchell moved to pay the bills. Councilmember Stanton seconded the motion. All voted in favor of the motion.
Planning Commission Report	Mayor Adams reported on the April 1, 2014 Planning Commission Meeting as recorded in the minutes.
City Manager Report	<ul style="list-style-type: none"> ● Excused
Mayor Adams Report	<ul style="list-style-type: none"> ● Nothing at this time.
Councilmember M. Petersen	<ul style="list-style-type: none"> ● Has had the opportunity to attend several Eagle Scout ceremonies.
Councilmember K. Peterson	<ul style="list-style-type: none"> ● Open House for potential development 2300 N & 3700 W - April 23 7 to 9 p.m.
Councilmember Mitchell	<ul style="list-style-type: none"> ● Nothing at this time.
Councilmember Stanton	<ul style="list-style-type: none"> ● The Youth Council took 1st place in their leadership seminar at Utah State.
ADJOURNMENT	Councilmember Mitchell moved to adjourn. Councilmember Stanton seconded the motion. All those present voted in favor the motion. The meeting adjourned at 11:01 p.m.