

CLINTON CITY COUNCIL MINUTES

2267 North 1500 W

Clinton UT 84015

MAYOR

L. Mitch Adams

CITY COUNCIL

Councilmember Anna Stanton

Councilmember Mike Petersen

Councilmember Karen Peterson

Councilmember Barbara Patterson

Councilmember TJ Mitchell

Clinton City Council	February 24, 2015	Call to Order: 7:02 P.M.
Staff Present	City Manager Dennis Cluff, Community Development Director Lynn Vinzant, Public Works Director Mike Child, Public Works Parks Supervisor Zac Martinez, Recreation Director Bruce Logan and Lisa Titensor recorded the minutes.	
Citizens Present	Steve Hubbard, BreAnna Johnson, Daniel Funk, Jill Bonsteel, Jacob Briggs, Colby Bond, Clay Pitkin, Chad Mikkelson, Kathy Pittman, Paxton Jones, Gerrit Keller, Sky Tolson, Joanne Buchanan, Kimberly Adams, Tyler Adams, Chad Adams, Steve Carlson, Jake Carlson, Matt Lindsay, Bryce Wilcox, Bob Buckles, Tony Thompson, Wyatt Mikkelson, Collin Mikkelson	
Pledge of Allegiance	Collin Mikkelson of Troop 555	
Prayer or Thought	Wyatt Mikkelson of Troop 555	
Roll Call & Attendance/ Excused Were:	All were present.	
	Councilmember M. Petersen presented Wyatt Mikkelson with an Eagle Scout Award. He stated that Wyatt is an excellent example of a good citizen.	
A. SURPLUS EQUIPMENT SALE		
Petitioner	Dennis Cluff, Mike Child	
Discussion	Mr. Cluff stated that Public Works is seeking authorization to sell the vehicles identified below at auction: <ul style="list-style-type: none">• 1988 Dodge Truck• 2002 Crown Victoria• 2004 Crown Victoria• 1997 F350 Ford Van• PKD20 Groomer• John Deere M01200g912735• Old Sewer Camera	
CONCLUSION	Councilmember Patterson moved to declare the items on this list as surplus and authorize staff to sell the surplus equipment at the auction. Councilmember K. Peterson seconded the motion. All voted in favor of the motion.	
B. RESOLUTION 05-15, INTERLOCAL MUTUAL AID FIRE AGREEMENT WITH HILL AIR FORCE BASE		
Petitioner	Chief David Olsen, Dennis Cluff	
Discussion	Mr. Cluff identified that this is an update to an existing Mutual Aid Fire Agreement with HAFB. The agreement will remain in effect for 5 years (2020) and automatically renew annually after that for a term of 20 years.	
CONCLUSION	Councilmember M. Petersen moved to adopt Resolution 05-15, approving the Interlocal Mutual Aid Fire Agreement with HAFB. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.	
THE MAYOR DIRECTED THE COUNCIL TO ADDRESS AGENDA ITEM F.		

C. 7:45 P.M. PUBLIC HEARING, ORDINANCE 15-02Z - REVIEW AND ACTION UPON A RECOMMENDATION FROM THE PLANNING COMMISSION UPON A REQUEST FROM CHRIS LOOCK, REPRESENTING THE FLINDERS TRUST, FOR A REZONE OF THE PROPERTY LOCATED AT APPROXIMATELY 3400 WEST ON THE NORTH SIDE OF 1800 NORTH, NORTH OF THE LAYTON CANAL, REZONE FROM AGRICULTURAL (A-1) TO RESIDENTIAL (R-1-15), MORE ACCURATELY DESCRIBED ABOVE.

Petitioner	Flinders Trust, Represented by Chris Loock
Discussion	<p>This item was addressed at 7:47 p.m. after Agenda Item E.</p> <p>Mr. Vinzant</p> <ul style="list-style-type: none"> ▪ The request was submitted for a rezone to Residential (R-1-15), however the applicant, Chris Loock, has indicated that he wants to amend the request to Agricultural Estates (AE) ▪ The AE request matches the intended land use per the General Plan and Master Land Use Map. <p>There is adequate infrastructure within the area for development.</p> <p>Chris Loock stated he wishes to amend the rezone request application to accommodate the Master Plan.</p> <p>Mayor Adams opened the public hearing at 7:48 p.m. There was no public comment so the public hearing was closed at 7:49 p.m.</p> <p>Mr. Vinzant explained that the lower triangle portion is owned by the Bureau of Reclamation.</p> <p>The sewer main will need to be negotiated with the property owner to the North.</p> <p>A second access will most likely be required because two developments are being planned simultaneously, this may be difficult to achieve.</p> <p>The infrastructure is in place, it's just a matter of getting to it. He reviewed the map included with the staff report with the Council. He explained that a lift station is not an option for this location.</p>
CONCLUSION	<p>Councilmember M. Petersen moved to adopt Ordinance 15-02Z, approving the rezone of the property located at approximately 3400 West on the north side of 1800 North, north of the Layton Canal, a Rezone from Agricultural (A-1) to Agricultural Estates (AE), more accurately described in the ordinance. Councilmember K. Peterson 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.</p>
MAYOR ADAMS DIRECTED THE COUNCIL TO AGENDA ITEM G.	
D. 8:00 P.M. PUBLIC HEARING, ORDINANCE 15-03Z - REVIEW AND ACTION UPON A RECOMMENDATION FROM THE PLANNING COMMISSION UPON A REQUEST FROM KW ADVISORY GROUP, COLBY BOND, REPRESENTING THE MARTIN FAMILY TRUST, FOR A REZONE OF THE PROPERTY LOCATED AT APPROXIMATELY 3400 WEST ON THE NORTH SIDE OF 1800 NORTH, FROM AGRICULTURAL (A-1) TO AGRICULTURAL ESTATES (AE) MORE ACCURATELY DESCRIBED ABOVE.	
Petitioner	Martin Family Trust, represented by KW Advisory Group , Colby Bond
	<p>Colby Bond stated that although they originally intended to request an R-1-15 zone, this request is for the AE Zone in order to adhere to the Master Plan.</p> <p>Mayor Adams opened the public hearing at 8:03 p.m.</p> <p>Mr. Vinzant reported that getting the sewer to 1800 N will require some</p>

	<p>engineering and negotiation.</p> <p>The application matches the intended land use per the General Plan and Master Land use Map.</p> <p>There is adequate infrastructure within the area for development.</p> <p>With no public comment, Mayor Adams closed the public hearing at 8:06 p.m.</p>
CONCLUSION	<p>Councilmember M. Petersen moved to adopt Ordinance 15-03Z approving the rezone request for property located at approximately 3400 W on the north side of 1800 N from A1 to AE. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye.</p>
<p>MAYOR ADAMS DIRECTED THE COUNCIL TO AGENDA ITEM H.</p>	
<p>E. ORDINANCE 15-03, CEMETERIES – NEW REPLACEMENT ORDINANCE</p>	
Petitioner	<p>Dennis Cluff, Mike Child, Zack Martinez</p>
Discussion	<p>Addressed after Agenda Item F. at 7:20 p.m.</p> <p>Zac Martinez presented the rewrite of Title 6, the Cemetery Ordinance to the Council.</p> <p>He explained a lot of thought and discussion went into this rewrite. He expressed appreciation to Mike Child and others who contributed to the effort. He identified one of the biggest changes is in regards to when and where decorations and flowers are allowed and when they will be removed for mowing as identified in chapter 6. As long as flowers are in good condition, they will be allowed to remain on the head stone or on the concrete apron of the headstone.</p> <p>The Council reviewed and discussed the proposed changes.</p> <p>Mr. Martinez clarified for the Council that cemetery plot purchases are not for the land but for the right to be buried there.</p> <p>Mr. Martinez explained there are plans in the works for expansion of the cemetery over the next several years.</p> <p>Councilmember K. Peterson asked for an explanation of the expansion and time estimate.</p> <p>Mr. Martinez explained that the layout of the west end has been modified to allow the Cemetery to open another block plat; they are just waiting for the surveyors. To the west of that, they are waiting for information from the Engineers to proceed with expansion plans there.</p> <p>Councilmember Stanton stated she appreciates the improvement in aesthetics and the compromise to allow flowers to remain. She appreciates all the time and effort that went into this rewrite.</p> <p>Councilmember M. Petersen expressed a desire to have certificate owners contacted periodically.</p> <p>Mr. Martinez responded that the certificate owners provide additional contact information for family members as part of the purchase process.</p> <p>Mr. Child expressed a desire to have the rates evaluated particularly for non-residents.</p> <p>The Council gave staff direction to evaluate the cemetery rates and bring it back to the Council in the near future.</p>
CONCLUSION	<p>Councilmember M. Petersen moved to adopt Ordinance 15-03 establishing a new Cemetery Ordinance. Councilmember Mitchell seconded the motion.</p>

	Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye.
MAYOR ADAMS DIRECTED THE COUNCIL BACK TO AGENDA ITEM C.	
F. AWARD THE 2014 STREET PROJECT TO STAKER PARSONS COMPANIES, THE LOW BIDDER	
Petitioner	Community Development
Discussion	<p>Addressed after Agenda Item B.</p> <p>Mr. Vinzant identified Staker Parsons is the low bidder.</p> <ul style="list-style-type: none"> ▪ This project was delayed pending resolution of issues with the low bidder. All issues have been resolved. ▪ This project will resurface portions of <ul style="list-style-type: none"> ▪ 2650 West, 1600 N to 1800 N ▪ 1235 West, 880 N to 980 N ▪ 1950 North, 1000 W to 1200 W <p>Funding was carried over from the 2014 Budget.</p> <p>The low bid is \$128,004.00; the Engineer’s estimate was \$123,761.75.</p> <p>Councilmember K. Peterson stated she would like staff to make sure that the quality of the project is maintained.</p> <p>She then asked when the pavement at 1235 W 880 N will be complete.</p> <p>Scott Lindsay of Staker Parsons responded he believes the asphalt should be poured mid May, circumstances permitting.</p>
CONCLUSION	Councilmember M. Petersen moved to award the 2014 Street Project to Staker Parsons Companies, the lowest bidder and authorize the Mayor and City Manager to execute the contract. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.
MAYOR ADAMS DIRECTED THE COUNCIL TO AGENDA ITEM E.	
G. AWARD BID AND AUTHORIZE MAYOR TO SIGN NOTICE OF AWARD AND MAYOR AND CITY MANAGER TO SIGN CONTRACTS FOR THE 3000 WEST – 1400 N TO 6000 S STREET PROJECT TO SKYVIEW EXCAVATION	
Petitioner	Community Development
Discussion	<p>Addressed at 7:55 p.m. after Agenda Item C.</p> <p>Mr. Vinzant explained that Skyview Excavation has withdrawn their bid for the 3000 West – 1400 N to 6000 S Street Project therefore this agenda item has been amended. The new low bidder is Staker Parsons, with a bid of \$ 2,862,904.00 which is below the Engineer’s estimate for this phase of the project was: \$ 3,633,010.00</p> <p>The 3000 W Utility Bid was: \$ 671,941.62 The 3000 W Utility Engineers Estimate was: \$ 848,917.00</p> <p>Mayor Adams noted that JUB Engineers went through the bids very carefully and identified some discrepancies on the bid; he thanked them for their diligence.</p>
CONCLUSION	Councilmember Patterson moved that Skyview Excavation has withdrawn their bid for the 3000 West – 1400 N to 6000 S Street Project and to re-award the bid to Staker Parsons and authorize the Mayor to sign Notice of Award and Mayor and City Manager to sign Contracts for the 3000 West - 1400 N to 6000 S Street Project . Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Mitchell, aye; Councilmember Stanton,

	<p>aye; Councilmember K. Peterson, aye; Councilmember Patterson, aye; Councilmember M. Petersen, aye.</p>
<p>H. 3000 WEST STREET PROJECT – FLINDERS</p>	
<p>Petitioner</p>	<p>Gail, Eldon and Jay Flinders</p>
<p>Discussion</p>	<p>Mr. Vinzant explained that the 3000 West project is designed to install curb, gutter, and sidewalk, wherever not installed, from 1400 North to 6000 South.</p> <p>The Flinders, located on the east side of 3000 West between 1500 N and 1800 N are requesting that the City not require them to clear the sidewalk, other than in front of their homes, of snow. Additionally, they want a guarantee that the City will not hold them responsible for damage to the sidewalk if it is installed.</p> <p>There are several locations along 3000 W where the Flinders’ obtain access to their farm land.</p> <p>The City will also have an issue with sidewalk running north of the Layton Canal along 3000 W.</p> <p>Clinton already has several areas of town where homes do not front on collector streets where the City has to maintain the sidewalk; taking over plowing of this additional sidewalk might require a separate piece of equipment.</p> <p>If the City were to plow sidewalks in the business district the cost could be included in business licenses fees. This would help defray the cost of a piece of equipment.</p> <p>Mayor Adams stated that he feels it is in the City’s best interest to install the sidewalk; damage is a risk, access points should be limited.</p> <p>Jay Flinders said he and his brothers are only asking for assistance for the park strip and snow removal from sidewalk.</p> <p>The City Council was in favor of installing the improvements, including sidewalk and parks strip; the City will not hold the Flinders responsible for snow removal on the sidewalk, weed control in the park strip or damage to the sidewalk, however, they asked the Flinders to limit where they access their property with heavy equipment to minimize the potential damage to the sidewalk; the Flinders will also work with the City to minimize erosion near the sidewalk due to irrigation.</p>
<p>CONCLUSION</p>	<p>Councilmember M. Petersen moved to authorize staff to develop an agreement with the Flinders for the property on 3000 W for the Mayor to review and sign. Councilmember Patterson seconded the motion. All voted in favor of the motion.</p>
<p>I. TABLED ITEM FROM JANUARY 27 AND FEBRUARY 10 - PUBLIC HEARING – ORDINANCE NO. 15-01Z - REVIEW AND ACTION UPON A RECOMMENDATION FROM THE PLANNING COMMISSION CONCERNING CHANGE TO THE CLINTON CITY ZONING ORDINANCE; § 28-2 DEFINITIONS DEALING WITH GARAGES, ACCESSORY BUILDINGS, CARPORTS, AND SHEDS; § 28-3-25 GARAGES, ACCESSORY BUILDINGS, SHEDS, CARPORTS; § 28-12 THRU 28-15, AND 28-19 SUBSECTIONS DEALING WITH GARAGES, ACCESSORY BUILDINGS, SHEDS, AND CARPORTS.</p>	
<p>Petitioner</p>	<p>Community Development</p>
<p>Discussion</p>	<p>Mr. Vinzant identified as directed during the initial discussion of Ordinance 15-01Z on February 10, he made the following changes to the ordinance:</p> <ul style="list-style-type: none"> • Require a two car garage on new construction • Add a definition for solid fence <p>The Council discussed their desire for ATV’s to be allowed to be parked in sheds.</p> <p>Mayor Adams identified the public hearing remained open from the previous meeting and invited public comment.</p>

Tony Thompson asked the City Council to review 28-4-4, he explained that mandating that a home be built with a two car garage takes away personal choice. The majority of home builders will build a home with a garage, so it should not be an issue, it should be their choice. It does not change a class of an individual whether or not they have a garage. He does not feel the City should act as a developer or home owner association. He said that parking requirements are a good thing because they keep streets clear and safe.

Mayor Adams clarified there is not a reference to a class of person by requiring a garage on new home construction. He said he feels that there are already enough homes in the City without garages, if a homeowner wants to have a home without a garage there are existing homes that do not have garages to choose from.

Jacob Briggs explained that there is a distinction between legal authority and moral authority. He said that by leaving the choice open, it will most likely not cause a public nuisance; the City should allow people to make their own choices.

Bob Buckles stated that initially when the Planning Commission discussed this ordinance he assumed the majority of the Planning Commission and City Council would be in favor of requiring a garage on a new construction. He feels that after careful consideration, citizens should have a choice. It is highly unlikely that it will become an issue because due to the limited amount of development left in the City and the current market, most if not all new homes will be built with a garage.

Jill Bonsteel said that she has a neighbor who is blind; she has no need for a car, if she would like to build a new home, she should not be required to build a garage if she doesn't need one.

Mayor Adams asked for additional public comment, there was none, therefore he closed the public hearing at 8:53 p.m.

Mr. Vinzant clarified that for existing homes, the ordinance requires two parking spaces for a single family dwelling which does not include the drive way.

Councilmember Mitchell stated that he agrees with the public comments that home buyers should have a choice. The market drives construction. The City should not be too restrictive, in his experience as a builder; he has many customers who would like smaller homes than what Clinton requires in the ordinance as a minimum footprint.

Councilmember Stanton explained she agrees there are options available in the City for those that don't want garages; and she agrees that the majority of new homes will be built with two car garages. She is undecided on this issue at this point.

Councilmember K. Peterson commented that car ports can be a public safety issue in regards to theft. She sees both sides of the issue; the job of the Council is to draw the line. She feels that new homes will most likely be built with two car garages. She is however concerned that homeowners who currently have a carport will not have the option to enclose it into a one car garage.

Councilmember Mitchell stated the only time this will most likely be an issue is on family owned land because developers and builders have CC&R's that require a two car garage.

	<p>Mr. Cluff commented that past Councils have expressed a desire for nicer looking homes. The general feeling has been that Clinton had enough starter type homes; the desire was for the newer homes to retain their appearance for a long time and that a garage adds to that appearance.</p> <p>Mr. Vinzant verified the following changes to the ordinance will be brought back on March 24.</p> <ul style="list-style-type: none"> • Change shed door opening allowance from 6' to 8' • Remove foot notes • Allow ATV's to be parked in a shed
CONCLUSION	<p>Councilmember Stanton moved to adopt Ordinance 15-01Z with change to shed door and removal of footnotes. There was no second.</p> <p>Councilmember Stanton moved to table Ordinance 15-01Z to March 24. Councilmember K. Peterson seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye; Councilmember K. Peterson, aye.</p>
	Councilmember Stanton was excused at 9:20 p.m.
Approval of Minutes	<p>Councilmember Patterson moved to adopt the February 10, 2015 Clinton City Council Minutes as written. Councilmember M. Petersen seconded the motion. All those present voted in favor of the motion.</p> <p>Councilmember Patterson moved to adopt the February 17, 2015 Special Clinton City Council Meeting Minutes as amended – completing the roll call vote for the Chlorination Station Bid. Councilmember M. Petersen seconded the motion. All those present voted in favor of the motion.</p>
Accounts Payable	<p>Councilmember K. Petersen moved to pay the bills with a request for an explanation from Public Works regarding an \$1800 repair bill for the sewer camera. Staff research identified there was an error made during operation that caused damage to the camera and components. Councilmember Patterson seconded the motion. All those present voted in favor of the motion.</p>
Planning Commission Report	Mr. Vinzant reported on the February 17, 2015 Clinton City Planning Commission Meeting as recorded in the minutes.
City Manager	<ul style="list-style-type: none"> • Proposed a Special Closed City Council Meeting to address a pending court case on March 10, 2015 at 6:00 p.m. • Employee meeting at 9:15 a.m. on March 11
Mayor	<ul style="list-style-type: none"> • Tour of Utah will be coming to Davis County, the City may need to supply Police support for the event; the final route has not been determined.
Councilmember Patterson	<ul style="list-style-type: none"> • There is a Community Enhancement class scheduled for March 12. • The Parks Board discussed Rock signs for Recreation, Fire and Police and moving the rock sign from 1800 N by the electronic sign to the City Building. • Needs to be excused from the March 10 City Council Meeting.
Councilmember K. Peterson	<ul style="list-style-type: none"> • 2300 N construction equipment is blocking the view to make safe turns. • Asked that a construction timeline for the 3000 W project be made available to the public during construction. • Attended the CERT Fair and thought it was well done with good attendance. • The Gas Tax is before the Legislature.
Councilmember M. Petersen	<ul style="list-style-type: none"> • Expressed concern about salt piled in the O'Reily parking lot; he asked if it should be required to be covered?
Councilmember Stanton	<ul style="list-style-type: none"> • Excused.
Councilmember Mitchell	<ul style="list-style-type: none"> • Nothing at this time.
ADJOURNMENT	Councilmember M. Petersen moved to adjourn. Councilmember Mitchell

	seconded the motion. All those present voted in favor. The meeting adjourned at 9:48 p.m.
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