

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

July 7, 2015
7:00 P.M.

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

Attendance: Mayor Kendon Godfrey
Councilmembers: Ann J. Godfrey, Steven Palmer,
Nathan Whiting, Richie Calderwood (arrived late)

Kristi Hidalgo, Town Clerk

Also in attendance: Glen Godfrey, Melva R. Cottle, N. Gail Godfrey, N. Craig Hidalgo, Nancy Thompson, Elaine Goodey, Annette G. Summers, Brad Jorgensen

1. CALL TO ORDER

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

2. NEW BUSINESS

Ordinance 16-01 "An Ordinance Amending the Rules and Regulations for the Clarkston Town Cemetery"- Mayor Godfrey asked if there was any discussion by the Council prior to passing the Ordinance. There was no discussion so Mayor Godfrey read the Ordinance and asked for a motion to adopt Ordinance 16-01. Councilmember A. Godfrey motioned for the Council to approve Resolution 16-01. Councilmember N. Whiting seconded the motion. All in favor "Aye". Motion carried

Roll Call Vote:

Mayor Godfrey	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember A. Godfrey	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember R. Calderwood	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent
Councilmember S. Palmer	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember N. Whiting	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

New Business License Applications –

Brad Jorgensen - Brad Jorgensen came before the Council to apply for a Business License. The name of his business is APex Roofing LLC. Mr. Jorgensen explained that it is a roofing business he will operate from his home. There are no parking requirements. Councilmember A. Godfrey motioned to approve the business license. Councilmember S. Palmer seconded the motion. All in Favor "Aye". Motion carried

Adison Godfrey and Saydee Godfrey – Adison and Saydee Godfrey were not present at the Town Council Meeting. Mayor Godfrey explained that the name of their business is The Soda Shack. They will be open during the summer months and will sell packaged

treats and drinks. Projected sales -\$250 per month. Councilmember N. Whiting motioned to approve the business license. Councilmember A. Godfrey seconded the motion. All in Favor "Aye". Motion carried

Brad Phillips – Mr. Phillips was not present at the Town Council Meeting. The name of his business is Muddy Paws. He will be training dogs at Haley Jensen's address and residence at 10485 North 1800 West. Mayor Godfrey asked Gail Godfrey, LUDMA Commission Chair Person, to explain why LUDMA denied this business license. Mr. Godfrey explained that the business is located in the county not in Clarkston Town. The LUDMA Commission did not believe they had the authority to issue a business license to a business that is not in the town limits. Mr. Godfrey did not know if they had a business license from the county. The Town Council agreed with LUDMA's decision that Clarkston Town does not have the authority to issue a business license to a business that will be operated in the county. Mayor Godfrey tabled the business license application until more information can be obtained concerning it.

Elaine Goodey -Tithing Granary Update -Elaine Goodey came before the Council to provide an update on the Daughters of the Utah Pioneers Martin Harris Camp (DUP) plans to move and preserve the tithing granary, currently located at 94 South 100 East. Mrs. Goodey reported that the DUP has received a signature letter from the Ruth Clark family legally giving them possession of the tithing granary. Mrs. Goodey stated that they had a fundraiser and was able to raise about one-fourth of the cost to have the building moved from the Clark property to another location. John Ravsten has offered to do the cement work and Randy Atkinson will help with moving the building to a different location. Mrs. Goodey stated that there will be no tax liability because it is a historic building. The Dup needs to have approval from Clarkston Town or the Church of Jesus Christ of Latter-day Saints for the property it will be moved to. Mrs. Goodey divulged that the DUP is recommending that the tithing granary be placed on the Town Square at the north end of the tennis courts. Mrs. Goodey asked if this area of the Town Square belongs to the town or to the Church of Jesus Christ of Latter-day Saints. Mayor Godfrey responded that it belongs to the town. Mrs. Goodey requested the Councils approval to move the granary to this spot on the town square. The Council did not make a decision at this time.

Mrs. Goodey read the following letter written by Darlene Thompson.

See Attachment A

Mrs. Thompson proposed that the Town Council adopt a resolution establishing a Historic Preservation Commission in the Town of Clarkston to encourage and foster the preservation of Clarkston's historical resources. The purpose of the Historic Preservation Committee is to assist the town in identifying, preserving, protecting, and enhancing historical buildings, sites, monuments, and landmarks within the town which are deemed significantly historically for the use, preservation, education, pleasure, and general welfare of the present and future residents of the Town of Clarkston. Mrs. Goodey stated that the DUP recommends having the Clarkston Town History Representative, Annette Summers, be

Chairman of the Commission along with a member of the Town Council, a member of the DUP, and other interested citizens of the Town of Clarkston. The Council did not make a decision on whether or not to create a Historical Preservation Commission at this time.

The Council voiced the following questions and concerns:

- Mayor Godfrey - Who will be responsible for the maintenance and upkeep of the tithing granary?

Mrs. Goodey stated that the Dup would generally be responsible but members of the DUP have had a lot of birthdays so she can't totally speak for them. Mrs. Goodey assured the Council that the DUP would definitely do their part in helping with the maintenance and upkeep of the building.

- Councilmember A. Godfrey - Clarkston Town just doesn't have extra funds to expend on a venture like this. The town budget is very tight and if this building is placed on town property, at some point, the DUP or others could say that the building is on town property so the town should take care of it.

Mrs. Goodey replied that the signature letter from the Clark family stated that the building is being given to the Daughters of the Utah Pioneers so in reality that would hold us responsible to some degree.

- Citizen N. Craig Hidalgo - What about bringing the building up to code and providing handicap accessibility? Will you be required to modernize the building? Mrs. Goodey did not know.
- Councilmember R. Calderwood - What about liability insurance? If it is on town property, is the town liable? This building technically belongs to the DUP. Can the town get insurance on a building that does not belong to them? What would it cost the town?

Mayor Godfrey asked the Town Clerk, Kristi Hidalgo, to call Utah Local Governments Trust Insurance and get answers to these questions.

- Councilmember R. Calderwood - What about preserving the granary on site? Citizen Annette G. Summers commented that ideally from a historical point of view, having the building preserved on site is better than moving it to a different location. Councilmember N. Whiting stated that perhaps the Clark family would deed that portion of the lot to the DUP thus allowing the building to be preserved on site. The Council feels this suggestion should be considered by the DUP.

Mrs. Goodey asked for the Council to approve the Daughters of the Utah Pioneers Martin Harris Camp (DUP) to sell the Commemorative Martin Harris Pageant Patch and Pin at the cemetery during the Martin Harris Pageant. She stated that they would set up on the east side of the cemetery on the east side of the white fence. Mrs. Goodey also asked for permission to sell these items on the Town Square during the Martin Harris Pageant. The Town Clerk, Kristi Hidalgo, mentioned that the Town Council already made a decision on this at the last Town Council Meeting. Mrs. Hidalgo stated that she was never able to

get in touch with Mrs. Thompson to let her know of the Councils decision. The Council determined, at the June 16, 2015 Town Council Meeting, that Mrs. Thompson and the DUP can sell these items at the Town Square on town property but not at the cemetery. The Council reconsidered this decision and came to the same conclusion that those items could be sold at the town square on town property but not at the cemetery.

3. DEPARTMENTS

Mayor Godfrey – Nuisance Complaint – Pigs – Mayor Godfrey reported that he has three complaints concerning a pungent smell from pigs located at 136 North 100 West. The Council determined to have LUDMA send a letter to the homeowner notifying them of the complaints made and advising them of the Town Code concerning the number of animals allowed and possible nuisance violations concerning animal care. Councilmember S. Palmer will have LUDMA takes care of this action item.

Code violation - Fence – Mayor Godfrey stated that this violation has already been rectified. The issue was that a homeowner put up an electric fence obstructing access to a fire hydrant. The electric fence also allowed the animals to graze right up next to the house, which is a code violation (See Town Code 10-6-6).

Stop Signs – Mayor Godfrey stated that the stop signs located at 94 North 200 East going north/south will need to be temporarily covered during the Martin Harris Pageant to alleviate traffic congestion. There was a discussion with those citizens present at the meeting concerning why the stop signs were even placed at this location on 200 east. Mayor Godfrey stated that the stop signs were put on 200 east to dissuade Logan City Environmental Department from determining that the best option for the landfill truck route would be coming through Clarkston Town along 200 east and then out to the landfill site. Mayor Godfrey stated that the stop signs have slowed down residential traffic as well. Citizen Gail Godfrey feels that the stop signs should be removed. Mayor Godfrey replied that until the landfill truck route has been determined the stop signs will remain on 200 east.

Business License Applications – The Town Council determined that applicants do not have to come, in person, before the Town Council to have a Business License Application approved. Applicants are required to go before the LUDMA Commission to get a Business License Application approved. If LUDMA approves the Business License Application and has no concerns or questions the Town Council will just review the application and approve it. If the Council has questions or concerns they can table the Business License Application and request the applicant come to a Town Council Meeting to address any questions or concerns the Council may have before final approval is granted.

Town Clean-up Expense – May 16, 2015 was the scheduled Town Clean-up Day but because of inclement weather it was re-scheduled for May 30, 2015. The Town Clean-up dumpsters were rented from Logan Environmental Department for both of these

weekends. Mayor Godfrey reported that the Town Clean-up Day Dumpsters cost the town approximately \$838 this year.

Community Center Coat Hangers – Mayor Godfrey informed the Council that Justin Godfrey, with Councilmember R. Calderwood’s assistance, made and installed coat hangers in the Clarkston Town Community Center for his Eagle Scout Project.

Councilmember A. Godfrey – Martin Harris Pageant Dinner – Councilmember A. Godfrey asked the Town Clerk, Kristi Hidalgo, about ice for the dinner. Mrs. Hidalgo stated that in 2013 the town got ice delivered from Newton Market.

June Warrant List- Councilmember A. Godfrey presented the Warrant List for June 2015. Councilmember R. Calderwood motioned for the Clarkston Town Council to approve the warrant list as read. Councilmember A. Godfrey seconded the motion. All in favor “Aye”

Councilmember R. Calderwood – Water Department – Councilmember R. Calderwood reported that the Water Department got the Surface Water Influence Tests back from the State Division of Drinking Water. Big Birch Spring has become under the direct influence of surface water and there is an increased chance that the water may contain disease-causing organisms. **See Attachment B.** Clarkston, Newton, and Trenton are working with the State of Utah Division of Drinking Water and a professional engineer on plans to redevelop the spring. In the meantime, the towns have the approval to operate the disinfection facilities to achieve a 3-log inactivation of Giardia lamblia per state and federal requirements. Councilmember R. Calderwood explained that this means the towns must infuse chlorine into the water. The chlorine has to “bake” in the water, which means that the chlorine needs time to react with any organisms that may be in the water and destroy them. In order for this to work the water tank must be full to overflowing. Councilmember R. Calderwood informed the Council that prior to water restrictions the water tank level was at about five feet out of fifteen. Since water restrictions were enacted the tank has been full to overflowing, so this requirement is being met at this time. Clarkston, Trenton, and Newton have thirty days to determine a corrective action plan and eighteen months to implement a permanent solution. The Council discussed ways to more efficiently enforce water restrictions. The Council discussed the following current water service rate and water usage allotment:

- Water Service Rate: \$32.75
- Water Usage Allotment

<u>Gallons Used Monthly</u>	<u>Metered Water Rate</u>
70,000 – 80,000	\$0.25 cents per every 1000 gallons
80,000 – 90,000	\$0.50 cents per every 1000 gallons
90,000 – 100,000	\$0.75 cents per every 1000 gallons
100,000 – 999,999,999	\$1.50 per every 1000 gallons

The Council discussed increasing the monthly Water Service Rate (\$32.75) and decreasing the above Water Usage Allotment amounts. Mayor Godfrey asked Deputy Clerk, Christina Atkinson, to call other towns within the valley to find out what other small towns monthly water usage allotment is compared to Clarkston Towns. Her findings are as follows:

- Newton Town - Charges \$21.50 per month and allows 20,000 gallons and have a secondary water source
- Cornish Town - Charges \$54.00 per month and then charge for gallons used – 0-8,000 - \$.80 per 1000 gallons; 8,000-50,000-\$1.00 per 1,000 gallons; and up - \$1.20 per 1,000 gallons and have a secondary water source.
- Plymouth - Charges \$35.00 per month and allows 20,000 gallons. Plymouth does not have a secondary water source.
- Wellsville - Charges \$29.50 per month and allows 20,000 gallons and have a secondary water source.
- Paradise - Charges \$30.00 per month and allows 10,000 gallons and have a secondary water source.
- Mendon - Charges \$28.00 per month and allows 10,000 gallons per month and have canal irrigation for farmers and those with water rights.
- Hyde Park - Charges \$26.00 per month and allows 10,000 gallons per month and have a secondary water source.

Mrs. Atkinson also calculated the average gallons used per household for the month of May to be 12,000 gallons. Mayor Godfrey stated that Clarkston got a lot of rain in May, which was a contributing factor for surface water getting into Big Birch Spring. After considering what these other towns allow per month and that in Clarkston the average household used 12,000 gallons in May, Councilmember R. Calderwood proposed lowering the water usage allotment amount from 70,000 to 20,000 gallons monthly. Councilmember R. Calderwood stated that the purpose for doing so is to get citizens to realize how much water they consume each month so they will be proactive in water conservation and adhering to the water restrictions that are implemented. Mayor Godfrey clarified that Big Birch Spring must be redeveloped in order to alleviate further surface water contamination. In order to qualify for a grant to fund this project the state requires that the monthly Water Service Rate charged to consumers is at least \$52.75, which is a \$20 increase.

The Council determined not to change the current water service rate or water usage allotment at this time.

The Council discussed how to enforce water restrictions. Mayor Godfrey asked Kristi Hidalgo, Town Clerk, to explain the process to legally issue citations for water restriction violations. Mrs. Hidalgo stated that according to Town Code (8-1-17), in times of water scarcity, the Town Council shall, by proclamation, limit the use of water to such extent as may be necessary. Clarkston Town Attorney, Bruce Jorgensen advised that the proclamation contain the following:

1. State why there is a scarcity of water.
2. State the water restrictions that will be enforced.

- State that it is unlawful for any person to violate the proclamation and that any person found doing so will be deemed guilty of a class C misdemeanor and subject to such fine and imprisonment allowed for a class C misdemeanor.

Mrs. Hidalgo stated that the proclamation must be dated, adopted, and posted. After the proclamation has been adopted any person in Clarkston, not just the Mayor or Town Councilmembers, can call the Cache County Sheriff's Office and report a violation. An officer will come to Clarkston and issue a warning or a citation. The Council needs to decide if a first offense will be a warning. The person reporting the violation must be willing to sign the citation and testify in court, if necessary, that the violation occurred. The Sheriff does not have to witness the violation of the law. Persons receiving a citation will appear before a judge and the judge will determine the penalty. The Council authorized the Town Clerk, Kristi Hidalgo to draft a Water Restriction Enforcement Proclamation. Mayor Godfrey asked for a motion to approve and adopt Clarkston Town Water Restriction Proclamation. Councilmember R. Calderwood motioned for the Council to approve and adopt Clarkston Town Water Restriction Proclamation. Councilmember A. Godfrey seconded the motion. All in favor, "Aye" Motion Carried.

Roll Call Vote:

Mayor Godfrey	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember A. Godfrey	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember R. Calderwood	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember S. Palmer	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember N. Whiting	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

Upcoming Parade – Councilmember R. Calderwood stated that the next parade that the Youth Council will participate in will be July 25, 2015 at 9:30 p.m. in Newton Town.

Councilmember S. Palmer – LUDMA –The Council tabled the following LUDMA Agenda items until the next Town Council Meeting held August 3, 2015:

- Building Permit and Zoning Clearance Application Approval
- Building Permit Bond
- Building Inspection Requirement that Agricultural Buildings be Engineered

Cache County Fair Booth – Councilmember S. Palmer informed the Council that he has not been able to find anyone willing to do the Fair Booth this year.

Councilmember N. Whiting – Fire Department – Insurance Services Office (ISO) Inspection – Councilmember N. Whiting reported that the Fire Department will be ready for the ISO inspection by Thursday July 9, 2015.

Parks Department – Slip n' Slides – Councilmember N. Whiting stated that Rodney Buttars, Parks Supervisor, recommends not allowing any slip n' slides, use of outside hoses, or water bounce houses on the Town Square. His reasons are because of outside water restrictions and they burn the lawn. The Council agreed. The Town Clerk, Kristi

Hidalgo will contact those who have reserved pavilions and let them know that no slip n' slides, use of outside hoses, or water bounce houses are allowed on the Town Square this year.

4. RELEVANT BUSINESS

Public Comment –

Craig Hidalgo – Mr. Hidalgo stated that if the Council is going to do a water rate and allotment comparison to other towns they need to compare “apples to apples.” Clarkston got a lot of rain in May and people did not have to do much outside watering. Mr. Hidalgo feels that the average water usage should be calculated from June, July, August, and September in order to get a fair average of what is actually being used. The fact that Clarkston does not have a secondary water source, like most of the towns used in the comparison, should be a consideration when determining water usage allotment.

Mr. Hidalgo also commented that water restrictions need to be enforced and water meters need to be read consistently each month and he feels that the discipline needed to do that is not there. Councilmember R. Calderwood replied that the water meters are read regularly.

Mr. Hidalgo asked the Council to also consider the fact that at one time the town lot size was 5/8 of an acre, now it is 1/2 acre. The town has the responsibility to provide the resources for citizens to take care of their property. So the Council cuts the water allotment down to 10,000 gallons and the other 60,000 per household goes on to Newton, Does that sound smart? Mayor Godfrey stated that no matter what the water allotment is citizens can still use as much water as they want, they will just have to pay more for it.

Gail Godfrey – Mr. Godfrey commented that he doesn't think the town should let the water go to Newton. The town ought to manage the water wisely and use it here. Clarkston citizens paid for the water system and he doesn't feel that it is right to say that they can only have so many gallons of water each month and let surplus water go to Newton Town.

Glen Godfrey – Mr. Godfrey commented that he has personally seen the water meters being read at the first of the month and other times they are being read in the middle of the month. Mr. Godfrey believes that if the water meters are all read within two to three days, the same week of the month, that this would be acceptable to the community as long as it is done consistently every month.

Elaine Goodey – Mrs. Goodey stated that she thinks, as a citizen, if people are aware of what is expected of them and understand what the situation is most people will try hard to comply with water restrictions. Mrs. Goodey feels that a word of encouragement in the newsletter is much more effective than big threats.

Nancy Thompson – Mrs. Thompson asked about the water meters not reading right. Councilmember R. Calderwood stated that there are only about ten water meters that are

not reading right and Water Operator, Bryan Goodsell, is working to fix them. Mrs. Thompson also commented that the town knows there is a drought and just hope the Town Council is watching out for us. Councilmember R. Calderwood replied that the Council is doing their best.

Annette Summers – Mrs. Summers inquired when the next LUDMA Meeting will be held. Councilmember S. Palmer replied that because of the Martin Harris Pageant the next LUDMA Meeting will be held September 1, 2015 at 7:00 p.m. Mrs. Summers wondered if a lot is non-conforming and is sold does the property lose animal rights. Mayor Godfrey replied that the Town Code does state that.

Next Meeting - The next meeting will be a Town Council Meeting and will be held Monday August 3, 2015 at 7:00 p.m.

5. ADJOURN

There being no further business to come before the Council, Councilmember N. Whiting motioned that the Clarkston Town Council Meeting adjourn. Councilmember R. Calderwood seconded the motion. All members present voted “Aye”. Motion carried. The meeting adjourned at 9:13 p.m.

Kristi Hidalgo
Clarkston Town Clerk

