



**CLINTON CITY COUNCIL MINUTES  
CITY HALL  
2267 North 1500 W Clinton UT 84015**

**MAYOR**  
***L. Mitch Adams***

**CITY COUNCIL MEMBERS**  
***Anna Stanton***  
***Karen Peterson***  
***Mike Petersen***  
***Barbara Patterson***  
***TJ Mitchell***

<b>Date of Meeting</b>	<b>January 12, 2016</b>	<b>Call to Order</b>	<b>7:00 p.m.</b>												
<b>Staff Present</b>	City Manager Dennis Cluff, Fire Chief Dave Olsen, Police Chief Bill Chilson, Zeke Swander, Shawn Stoker, Carla Parsons, Steve Hubbard, Bruce Logan, Jamie Pengelly, John Reese, Treasurer Carla Parsons, Steve Hubbard, Jamie Pengelly, Recreation Director Bruce Logan, Community Development Director Will Wright and Lisa Titensor recorded the minutes.														
<b>Citizens Present</b>	Jacob Clements, Ashton Johnston, Hannah Brown, Ashly Pakeman, Kyra Tolbert, Zeke & Monica Swander, Ryan Jones, Paul Lovendge, Eric Allmon, Alex Allmon, Dylon Westbrook, Senator Scott Jenkins, Chad Spendlove, Jake Armistead, Jason Hamblin, Rob Elggren, Doug Hamblin, Bob Buckles, Senator Jerry Stevenson, Amber Hales, Dave Parsons, Lynn Wood, Gage Whetney, Gage Kammack, Logan Weston, Ryan Smith, Carson Nye														
<b>Pledge of Allegiance</b>	Gage Whetney, Gage Kammack, Logan Weston, Ryan Smith of Troop 555														
<b>Prayer or Thought</b>	Carson Nye, Troop 554														
<b>Roll Call &amp; Attendance</b>	<b>Present were: Councilmember Patterson, Councilmember K. Peterson, Councilmember Stanton, Councilmember M. Petersen, Councilmember TJ Mitchell and Mayor Adams</b>														
<b>A. EMPLOYEE OF THE MONTH FOR DECEMBER 2015 – ZEKE SWANDER, POLICE</b>															
<b>Petitioner</b>	Dennis Cluff, Police Chief Bill Chilson														
<b>Discussion</b>	<p>Chief Chilson reported that Officer Zeke Swander has been selected as the December 2015 Employee of the Month. He is working as a Detective and is doing a fantastic job. He has been proven to be an exceptional addition to the Police Dept. Zeke brings a wealth of knowledge, experience, and resources to his current position. His work has been instrumental in successful investigations and resolutions in numerous cases including several multifaceted and sensitive investigations.</p> <p>In addition to his work in investigations, Zeke has been instrumental in saving the City thousands of dollars in the acquisition of needed equipment through sought after and awarded grants.</p> <p>Mayor Adams expressed appreciation to Officer Swander for his hard work and service to Clinton City. He presented him with an award and gift card in recognition.</p>														
<b>B. EMPLOYEE SERVICE AWARDS FOR THE FOURTH QUARTER OF 2015</b>															
<b>Petitioner</b>	Dennis Cluff														
<b>Discussion</b>	<p>Mayor Adams recognized the following individuals for their service to Clinton City:</p> <table style="margin-left: 40px;"> <tr> <td>Fire</td> <td>CHRIS WINTER</td> <td>10 years</td> </tr> <tr> <td>Fire</td> <td>DON MCFARLAND</td> <td>10 years</td> </tr> <tr> <td>Public Works</td> <td>JOHN REESE</td> <td>5 years</td> </tr> <tr> <td>Treasures</td> <td>JAMIE PENGELLY</td> <td>5 years</td> </tr> </table>			Fire	CHRIS WINTER	10 years	Fire	DON MCFARLAND	10 years	Public Works	JOHN REESE	5 years	Treasures	JAMIE PENGELLY	5 years
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	He expressed appreciation for the time, effort and great attitude these employees have exhibited.
<b>C. REAPPOINTMENT OF CITY RECORDER AND TREASURER</b>	
<b>Petitioner</b>	Mayor Adams
<b>Discussion</b>	Mayor Adams identified that since it was a municipal election year, State Code 10-3-916(1) requires that on or before the 1 <sup>st</sup> Monday of February the Mayor is to appoint, with the advice and consent of the Council, the City Recorder and the City Treasurer.
<b>CONCLUSION</b>	<b>Councilmember Stanton moved to ratify the Mayor's reappointments of Dennis W. Cluff as City Recorder and Carla Parsons as City Treasurer. Councilmember Patterson seconded the motion. All voted in favor of the motion.</b>
<b>D. DISCUSSION WITH CLINTON CITY'S STATE LEGISLATORS</b>	
<b>Petitioner</b>	Mayor Adams
<b>Discussion</b>	<p>Mayor Adams identified that Clinton City is represented by five State Legislators: Senator Jerry Stevenson, Senator Ann Millner, Senator Scott Jenkins, Representative Paul Ray and Representative Mike Schultz. They have been invited to discuss the upcoming 2016 Legislative Session. Senator Millner was not able to attend.</p> <p>The Legislators all agreed that as usual, money will be a main topic of discussion during the 2016 Legislative Session.</p> <p>Senator Stevenson explained General Fund earmarks will be discussed; funds are earmarked for things such as education, road improvements, etc. A significant amount will go to the new prison. Although some would like earmarks to go away completely, it is not likely. In many cases they are extremely valuable; however, there is a possibility for some to be reallocated to programs where they are more needed.</p> <p>He is also working on legislation with Senator Hatch in Washington that will affect HAFB. He is very involved with alcohol legislation.</p> <p>Senator Jenkins said he too is involved with alcohol legislation. He recently received a national award regarding his work on alcohol legislation. He feels very good about what has been accomplished in Utah; alcohol will again be a huge discussion point this year along with medical marijuana. Thirty states in the nation now allow medical marijuana.</p> <p>Mayor Adams expressed a concern that medicinal marijuana will eventually lead to recreational use.</p> <p>Senator Jenkins then said he is sponsoring a bill to prevent cities and counties from designating a requirement for commercial development to have grass in green space. He will also be sponsoring a resolution encouraging watering meters for residential homes. Water is a huge concern. All the water in the State is currently allocated. Action needs to be taken now to conserve water.</p> <p>Mayor Adams said he is proud of the aesthetics of the business district in Clinton City which includes green space.</p> <p>Representative Shultz said he is working with Senator Jenkins on two marijuana bills. He is also working with him on a bill to turn the Utah State Fair Park into a profit generating facility while maintaining it as the location of the State Fair. He agrees that water is a huge issue that needs to be addressed now to prepare for future growth. He is also working on a bill to prevent the practice of employers from requiring their employees to sign a no compete clause to allow employees to stay working in a same field.</p>

Representative Ray said he is working on an impact fee bill to prevent cities from collecting the fees until a building permit is issued; in addition to some changes for adoption of the fee schedule. He will also be working on legislation for an E cigarette tax; a reserve emergency response death benefit plan; and a capital punishment bill for child sex trafficking when a child dies.

Councilmember K. Peterson expressed appreciation for the dedication and service these Legislators provide our communities. She asked if there are plans to move the upgrades for 2000 W to the north and south ends of Clinton up on the State road project list to provide some relief for the 2000 W traffic congestion; 2000 West traffic needs to be addressed sooner than later.

Senator Stevenson said he is working with UDOT; he will look into the possibility of projects being moved ahead. Clinton is in the center of the growth area. He agrees that these roads need attention and it may be more economical to do these improvements now.

Senator Jenkins said that the Wasatch Front Regional Council has a lot of influence on road projects and is a good resource.

Councilmember K. Peterson than asked about the General Fund Revenue and if there will be efforts to start collecting sales tax from internet sales and will the earmarks in the General Fund monies continue?

Senator Jenkins said that some of the earmarks do great things; one example is the tourism investment fund; tourism is better than it has ever been in Utah which is very positive for the economy. There may be a possibility for at least one earmark, a sales tax on automobiles to be removed and reallocated to water.

Senator Stevenson, Representative's Ray and Shultz all agreed that earmarks are beneficial to the State's economy; Utah is in great financial shape which is due in part to earmarks.

Representative Ray clarified that Utah has the number one economy in the Nation.

Mayor Adams expressed appreciation for the efforts of our local Legislators.

Senator Jenkins discussed the issue of public lands. He said a study has been done that identifies that the western states may have a good case to take over management of the public lands from the Federal Government.

Representative Shultz clarified it is not the intent for the State to get the land to sell it, they want to manage it. It would be of no benefit to sell the property because 95% of the proceeds would go to the Federal Government.

Representative Ray said this issue has been being worked on for many years.

Mr. Cluff expressed concern about potential bills dealing with body cams and the Police Department due to financial and other impacts to the cities. He clarified that Clinton City already uses them; however he is concerned about records and maintenance costs if they were to be mandated.

Representative Ray said he is working on a bill to allow cities the choice to use body cams but require a policy for the use if they do.

	<p>Mr. Cluff then expressed concern about land use planning and potential legislation.</p> <p>Chad Spendlove asked when the cities will start seeing money from the new gas tax increase.</p> <p>Representative Shultz replied it will take approximately six months and the cities will receive 30% of the revenue generated by the gas tax.</p> <p>Fire Chief Olsen asked the Legislators to please diligently look for a resolution to the public service retirement system because as it is now, it has had a significant impact on the number of individuals willing to become a public servant due to a lack of adequate compensation.</p> <p>Senator Stevenson said this is an issue across the State. The retirements issue is a difficult one, which needs to be taken under consideration.</p> <p>Senator Jenkins said the decline was anticipated when the legislation was invoked. It was intended to solve the issue of over compensation of benefits. The cities will need to raise wages to address it.</p>
<p><b>Public Comment</b></p>	<p>Carson Nye asked the Council if the road on 2300 N from 2000 W to 2500 W could be repaired.</p> <p>Mr. Child responded it is a collector road that is in bad shape, it will be at the top of the list when funding becomes available.</p> <p>Carson asked if there is anything he can do to help.</p> <p>Councilmember K. Peterson said that any volunteer work is helpful to the City in that it helps to save money and staff time to allow for work on other areas of need.</p>
<p><b>E. PRESENTATION OF FY 14-15 FINANCIAL AUDIT REPORT</b></p>	
<p><b>Petitioner</b></p>	<p>Lynn Wood, Auditor</p>
<p><b>Discussion</b></p>	<p>Lynn Wood of Wood-Richards and Associates, P. C. presented their findings and audit information.</p> <p>He reviewed the following key points on the pages identified:</p> <ul style="list-style-type: none"> <li>• Page 10 General Fund – unassigned fund balance is in a healthy zone.</li> <li>• Page 42 Most expenditures are close to last year and with in budget.</li> <li>• Page 14 Based on cash balances, he recommended an impact fee study update.</li> <li>• Page 15 The water and sewer funds have been positively impacted with pass through fee increases.</li> <li>• Page 32 The City will be out of debt on May 15, 2017.</li> <li>• Page 54 There are a two minor findings which staff has responded to: 1) a few funds have slight over expenditures which could be due to late incoming invoices; 2) a system is not in place to transfer funds into the enterprise funds.</li> </ul> <p>He stated there is a letter available which explains the audit findings and identifies that the City has good financial management.</p>

	<p>Councilmember M. Petersen asked if it is a standard practice for all cities to charge their departments for utility services.</p> <p>Mr. Wood replied that approximately 50% of cities are in compliance. Consideration to find a solution is needed.</p> <p>Councilmember K. Peterson said she would like to see this issue addressed because it was also a finding in the 2014 audit report.</p> <p>Mr. Cluff said it has been a topic of discussion with staff; they have been working on evaluating usage to calculate some estimates.</p> <p>Mr. Child clarified that public works has been collecting the information, but there has not been a decision to meter the parks.</p> <p>Mr. Woods said that he believes the estimates meet the intent of the law.</p> <p>Mr. Cluff said there will be some additional costs for enterprise funds as a result.</p>
<b>CONCLUSION</b>	<p><b>Councilmember M. Petersen moved to accept the Audit Report for FY 2014-15. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.</b></p>
<b>F. APPOINTMENTS TO THE CLINTON CITY PLANNING COMMISSION</b>	
Petitioner	Mayor Adams
<b>Discussion</b>	Mayor Adams asked to table this item.
<b>CONCLUSION</b>	<b>Councilmember M. Petersen moved to table the appointments to the Planning Commission Councilmember Mitchell seconded the motion. All voted in favor of the motion.</b>
<b>G. <u>ORDINANCE 15-08Z, TABLED FROM NOVEMBER 10, 2015</u> – REZONE REQUEST OF 3.35 ACRES LOCATED AT 1600 WEST 600 NORTH ON THE SOUTH SIDE OF 600 NORTH FROM RESIDENTIAL (R-1-9) AND A PORTION OF AGRICULTURAL (A-1) TO THE PATIO HOME (PH) ZONE</b>	
<b>Petitioner</b>	Jason Hamblin representing Doug Hamblin and Robert and Diane Voigt
<b>Discussion</b>	<p>Mr. Wright reported this item has been reviewed in a public hearing before the Planning Commission on December 15, 2015. The majority voted to forward a recommendation for approval on to the City based upon the following findings and conditions:</p> <ol style="list-style-type: none"> <li>1 It is the developer/contractor’s responsibility to comply with all Clinton City Standards, Ordinances, Staff, Engineer and requirements established during the approval process. Wherever there is a discrepancy between these drawings and City Standards the more stringent requirement will apply. If there is any doubt as to the requirement the developer is to seek clarification from the Community Development Department and obtain the determination in writing. Copies of the Standards are available at the Community Development Department.</li> <li>2 Developer/contractor agrees to keep vacant lot within the subdivision in such a way that weed control, via mowing with a brush hog or similar item, is possible.</li> <li>3 The developer/contractor is responsible for insuring that all required inspections are performed by the Clinton City Public Works Department, if needed, and the Building Official.</li> <li>4 It is the developer/contractor’s responsibility to insure adequate dust, trash and weed control practices are observed while any of the lot(s) are under their control.</li> </ol> <p>Mr. Wright stated that the concept plan included in the packet is for information only and is not a part of this discussion.</p> <p>Councilmember K. Peterson asked if the larger lots fit within the zone.</p>

	<p>Mr. Hamblin stated that portion is in the R-1-9 zone, it was left like that because there was not room for another lot. An HOA will take care of maintenance. There will be landscaping requirements.</p> <p>A discussion on the road took place. Staff indicated that according to 28-22-5 in the ordinance, the street must be public.</p> <p>Mr. Hamblin said lots 1, 2, 3 &amp; 4 have already been approved. Mr. Voigt requested his property be purchased with this development to prevent it from being landlocked. The land was bought in order to run the sewer and storm drain.</p> <p>Mr. Hamblin said he does not want to move forward without a rezone. This property should meet the requirements of the ordinance.</p> <p>Councilmember Mitchell said he is in favor of this development.</p> <p>Mayor Adams stated the public hearing remains open from a previous meeting and asked for comment; there was none, therefore he closed the public hearing.</p> <p>For the benefit of the developer and for clarification, Mr. Cluff clarified the item being addressed in this discussion is only for a rezone request, not approval of a concept.</p>
<b>CONCLUSION</b>	<p><b>Councilmember Mitchell moved to adopt Ord 15-08Z approving a rezone request of 3.35 acres located at 1600 W 600 N on the south side of 600 N from R-1-9 and a portion of agricultural (A-1) to PH zone. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Patterson, aye.</b></p>
<p><b>H. 7:20 PM PUBLIC HEARING, RESOLUTION 26-15 – A REQUEST FOR APPROVAL OF A TWO LOT MINOR SUBDIVISION - HARRISBURG FARRELL SUBDIVISION LOCATED AT 907 NORTH 2870 WEST</b></p>	
<b>Petitioner</b>	<p>Dale Kruitbosch</p>
<b>Discussion</b>	<p>The two Harrisburg lots (53 &amp; 54) are increased in size with the addition of the lot from the Farrell subdivision by adjusting lot lines. The full description is included in the resolution.</p> <p>Mr. Wright explained the Planning Commission reviewed this request on December 15, 2015 and unanimously agreed to forward a recommendation for adoption of Res 26-15 on to the City Council to approve a rezone request for Harrisburg Farrell a two lot subdivision located at 907 N 2870 W.</p> <p>Mr. Kruitbosch stated he is combining two lots into one and adding property to lot 53 to square it off. The intent is to abandon the utility easements that go through the center. There is a 75 foot frontage on 3000 West with the intent to put a 6 foot fence and a gate on 3000 west.</p> <p>Mayor Adams opened the public hearing at 8:48 p.m. With no public comment he closed the public hearing at 8:49 p.m.</p>
<b>CONCLUSION</b>	<p><b>Councilmember Mitchell moved to adopt Resolution 26-15 approving a two lot minor subdivision in Harrisburg Farrell located at 907 N 2870 W. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Patterson, aye.</b></p>
<p><b>I. AMENDMENT TO THE STREETS MASTER PLAN</b></p>	
<b>Petitioner</b>	<p>Public Works Director Mike Child</p>
<b>Discussion</b>	<p>Mr. Child explained that before Mr. Vinzant retired, he discussed an issue with the Council identifying that the subdivisions between the canals may have disproportional exactions upon the contractors due</p>

	<p>to the need for a canal crossing to provide road connectivity which will benefit the City in the future.</p> <p>Public Works does not have funds set aside in their budget for the culvert installation which is approximately \$50,000.00.</p> <p>During a review of the applicable use of Impact Fees on a new street, staff noticed that the Streets Master Plan language dealing with Collector Streets was incomplete. It discusses both major and minor collectors but doesn't sufficiently define or designate minor collector streets. This proposed amendment adds one sentence to the Plan to designate the historical and planned minor collector streets.</p> <p>He asked the Council to consider if impact fees could be used to pay for the culvert if it was included in the definition as a minor collector street.</p> <p>Mayor Adams said he feels street connectivity is important because there is not a collector street in the area.</p> <p>Councilmember Mitchell asked if the road will go straight through. He suggested a cul-d-sac as an option.</p> <p>Mr. Child replied there is a curve along the canal. Right now there is no plan for development of the property to the south. The road will not go straight through until that property is developed which will require another canal crossing. He said utilities are not an issue.</p> <p>The Council expressed concern that this road will not meet the minor collector definition if it is not a through street.</p> <p>Councilmember K. Peterson asked if there are other roads with potential future impact fee utilization. She said she feels collector streets are beneficial and connectivity is important in the City.</p> <p>Mayor Adams said he feels that north south connectivity with a straight through road is beneficial but he is concerned with a road that comes to a T.</p> <p>Bryce Wilcox clarified the proposed road on a map for the Council. He said two of the three subdivisions do not require a second access because they have less than 30 lots which is the limit determined by the Fire Code. The middle lot is the one that exceeds 30 lots however; all three developments have agreed to work together on this issue. The road will have some curves that require some meandering.</p> <p>Mayor Adams said a Developer Agreement may be a good option for payback to the City over time.</p> <p>Mr. Cluff suggested an impact fee study might be in order.</p> <p>The Council agreed that staff should talk with the Developers about possible solutions to this issue. They feel that in order for a road to meet the requirement of a minor collector it must have reasonable connectivity.</p>
<p><b>CONCLUSION</b></p>	<p><b>Councilmember Patterson moved to table this issue to allow staff the opportunity to talk with the three developers. Councilmember Mitchell seconded the motion. All voted in favor of the motion.</b></p>
<p><b>Approval of Minutes</b></p>	<p><b>Councilmember M. Peterson moved to approve all the proposed minutes with a correction on the December 8, 2015 minutes on page 6 changing a comment by Mayor Adams during the Chambers Subdivision discussion where he asked if the shed (not garage) will be on the same lot as the house. Councilmember Stanton seconded the motion. All voted in favor of the motion.</b></p>
<p><b>Accounts Payable</b></p>	<p>Councilmember Mitchell asked for clarification on the payment to Morgan Pavement for slurry seal because it was higher than what was budgeted.</p> <p>Mr. Child reported that the cost ended up being \$5,000 over budget because additional repair was requested for the City building and for man holes on 2300 N.</p>

	<b>Councilmember Patterson moved to pay the bills. Councilmember Mitchell seconded the motion. All voted in favor of the motion.</b>
<b>City Manager</b>	<ul style="list-style-type: none"> <li>• The Parks Board will meet January 13</li> <li>• The Martin Luther King holiday is on Monday, January 18 and the City offices will be closed.</li> <li>• Will attend a meeting with UTA January 25 on prop A monies</li> </ul>
<b>Mayor</b>	<ul style="list-style-type: none"> <li>• Asphalt has changed significantly over the past 25 years; new roads will most likely not last as long as they used to.</li> </ul>
<b>Councilmember Patterson</b>	<ul style="list-style-type: none"> <li>• The Heritage Days Committee will meeting January 19.</li> <li>• Suggested the Council consider looking at the Sierra West building for a potential public works building.</li> </ul>
<b>Councilmember K. Peterson</b>	<ul style="list-style-type: none"> <li>• Stated she has received a compliment about the building inspector Mike Fisher.</li> <li>• Has learned that Utah has been identified in the top 20 safest cities</li> <li>• Would like to discuss the eight lots the City owns and what should be done with them.</li> <li>• Asked where the dual water check purchase process is and where in the budget the installations funds will come from.</li> </ul> <p>Mr. Cluff responded the water fund and a budget amendment will be necessary. Temporary staff will be hired to help with the installation process</p>
<b>Councilmember M. Petersen</b>	<ul style="list-style-type: none"> <li>• Suggested looking at adding Christmas lights in Civic Center Park.</li> </ul>
<b>Councilmember Stanton</b>	<ul style="list-style-type: none"> <li>• Youth Council did Sub for Santa.</li> <li>• Clinton Nursery has merged.</li> <li>• Expressed appreciation to Public Works for responding to a water main break in front of her house.</li> </ul>
<b>Councilmember Mitchell</b>	<ul style="list-style-type: none"> <li>• League Training was very helpful.</li> <li>• League LPC allows three voting members, currently there is just Dennis. He volunteered to attend on behalf of the Council.</li> <li>• Local Officials Day – invite the Youth Councils</li> </ul> <p>Councilmember K. Peterson said she works with the Legislators and could schedule a time to meet with the Youth Council and show them around.</p> <ul style="list-style-type: none"> <li>• PH Zone – section talking about areas permitted up to 18 acres deals specifically with Shady Grove</li> <li>• Street light remnants in power line park on the ground at 1740 N 1600 W</li> </ul>
<b>ADJOURNMENT</b>	<b>Councilmember Stanton moved to adjourn. Councilmember Stanton seconded the motion. All voted in favor of the motion. The meeting adjourned at 10:31 p.m.</b>
<b><u>ACTION ITEMS</u></b>	<ul style="list-style-type: none"> <li>• <i>Estimates for water use in Parks – Staff is researching</i></li> <li>• <i>Arts Board expenditures – Staff is researching</i></li> <li>• <i>Street light remnants in power line park on the ground at 1740 N 1600 W.</i></li> <li>• <i>Storm water catch basin is higher than the curb and water valve cover is missing.</i></li> <li>• <i>Follow up on RDA flower bid with Clinton Nursery</i></li> </ul> <p>Update for Action Items from the January 12 2016 City Council Meeting</p> <ol style="list-style-type: none"> <li>1. <i>There is an old Street Light on the ground near the 1600 w project - There was no street light but there was some old conduit that we gathered up and scrapped.</i></li> <li>2. <i>There is a missing valve cover in the street on the 1600 w project - All valves were checked and no missing covers were found.</i></li> <li>3. <i>Rim of a catch basin on the 1600 w project is too high to receive water - Could not find it. We will look again when ice has melted.</i></li> <li>4. <i>Clinton Nursery has been sold, will they still provide the flowers - The new owners were contacted and they assured us that it will be business as usual.</i></li> <li>5. <i>A street light that existed on 1600 w before the project was now missing - There are two lights missing and Zac has the installations scheduled for May.</i></li> </ol>