

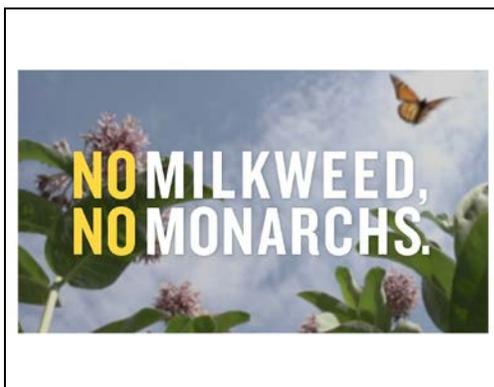
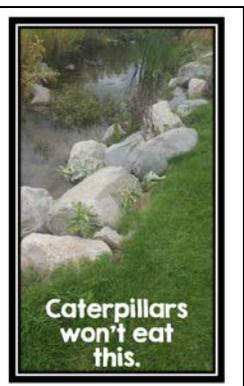
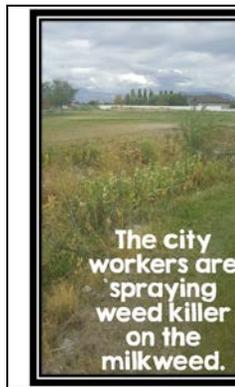


**CLINTON CITY COUNCIL MINUTES  
CITY HALL  
2267 North 1500 W Clinton UT 84015**

**MAYOR**  
*L. Mitch Adams*

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

<b>Date of Meeting</b>	<b>October 11, 2016</b>	<b>Call to Order</b>	<b>7:05 p.m.</b>
<b>Staff Present</b>	City Manager Dennis Cluff, Public Works Director Mike Child, Recreation Director Bruce Logan, Fire Chief Dave Olsen, Police Chief Bill Chilson and Lisa Titensor recorded the minutes.		
<b>Citizens Present</b>	Collin Mikkelsen, William Harper, Brennon Martinez, Jayden Smith, Chad Mikkelsen, Ryan Smith, John Talbot, Hunter Perry, Bryce Pitkin, Joshua Wagstaff, Jeff Mikkelsen, Shauna & Garrett Clark, Jack & Shanna Howell, Erinn & Adam Luiz, R. Nebeker, Bart & Valery Flint, April Olson, Marcie Kohler, Alison Conover, Jose Daniel, Josh & Tammy Alt, McFarlane S, Andrea and Alex Long, Blaire Barker, R.R. Handy, Sharlene Stoker, Frank Stoker, Stephanie DeJong, Angelina DeJong, Parker Black, Nicole Brennan, Karen & Beau Barlow, Crystal Rypkema, Wade Johnson, Alisha McKaughlan, Bobby & Sue Powell, Mike Read, Juan Bolanos, Cory & Diann Cook, Chris & Larisa Adams, Andy & Jill Hale, Andrew & McKay Merrill, Tyler & Elisa Dickamore, Jennie & Madilyn Miller, Ryan, Ashlee, Carter & Asher Jones, Stacie Thompson, Jaxon Thompson, Suzanne & Zaylee Decaria, Kathy & Kids Bagley, Mandy & Kaitlyn Stoker, Jon Hess, Dallas & Josh Ingles, Rob Elggren, Sarah Nelson, Danielle & Adalynn John, Lori Miller, Kelly & Lillian O'Brien, Blake Paine, Ethan Alt, Scotland Ingles, Cason Cook		
<b>Pledge of Allegiance</b>	Ethan Alt, Scotland Ingles, Cason Cook		
<b>Prayer or Thought</b>	Kinley Bolanos gave a thought on kindness.		
<b>Roll Call &amp; Attendance</b>	Present were: Councilmember Anna Stanton, Councilmember Karen Peterson, Councilmember Mike Petersen, Councilmember Barbara Patterson, Councilmember TJ Mitchell and Mayor Mitch Adams		
<b>A. PRESENTATION ON SAVING THE MONARCH BUTTERFLY</b>			
<b>Petitioner</b>	Voyage Academy First Grade Class		
<b>Discussion</b>	<p>Councilmember Stanton introduced the first grade teachers Amy Troyer, Larisa Adams and Blair Barker.</p> <p>The first grade class gave the following presentation:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>The Monarch PROJECT</p> </div> <div style="border: 1px solid black; padding: 10px;"> <p>Monarchs need milkweed to survive. Sadly, this is the best milkweed we could find in Clinton...</p> </div> </div>		



**The Monarchs in Clinton need our help!**

Together,  
**WE CAN SAVE**  
 the  
**Monarchs**

We want to hang up signs around the pond to remind visitors that milkweed is a habitat for monarch caterpillars.

**Here are the signs we made. We worked really hard on them.**



**Milkweed**

Milkweed is a habitat for monarch butterflies.

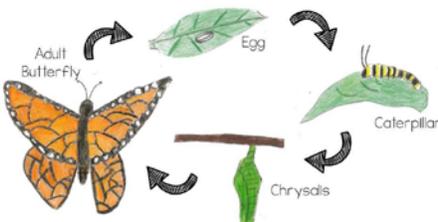
Monarch caterpillars eat milkweed.

Please don't step on, spray weed killer, or pull the milkweed so the butterflies will come back.



This sign was made by Voyage Academy, 2006-2007 First Grade Class.

**The Monarch Life Cycle**



Once the caterpillar becomes a butterfly, it will migrate to Mexico for the winter. Monarchs will return to Clinton Pond every year if there is milkweed to lay eggs on.

This sign was made by Voyage Academy, 2006-2007 First Grade Class.

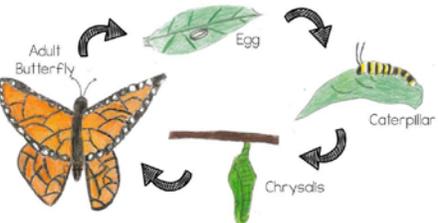
Together we can save



the Monarchs!

This sign was made by Voyage Academy, 2006-2007 First Grade Class.

**The Monarch Life Cycle**



Once the caterpillar becomes a butterfly, it will migrate to Mexico for the winter. Monarchs will return to Clinton Pond every year if there is milkweed to lay eggs on.

This sign was made by Voyage Academy, 2006-2007 First Grade Class.

Can we please put these signs up at the pond?



We also need the workers to stop spraying weed killers on the monarch's food. Can you put a stop to this?

**WE WANT TO  
SAVE THE  
MONARCHS!**

Mr. Child explained that to the best of his knowledge weeds around the pond are not sprayed in order to encourage the growth of vegetation to compete with algae in the pond.

Mayor Adams asked Mr. Child to ask the crew to try to avoid spraying the milkweed plant.

Mr. Cluff provided the following information with the City Council in the staff report:

Monarch butterflies are unique in that they migrate in the Fall to the warmer climates of California (butterflies west of the Rocky Mountains) and Northern Mexico (butterflies east of the Rocky Mountains). After wintering, they migrate north again to various parts of the USA, along the west coast and across the Midwest as far north as southern Ontario, Canada. They lay their eggs on noxious milkweed, on which their larva (caterpillars) feast. The caterpillars develop, spin their chrysalis cocoon and 10 or so days later emerge as a butterfly. During the summer they go through this life cycle numerous times, normally living only a few weeks. But the last generation of butterflies for the season doesn't immediately reproduce; they live 8-9 months and migrate back to their wintering homes. They reproduce in their wintering areas in the Spring and that new butterfly generation heads off to the north on their annual migration cycle.

The problem is the milkweed areas are diminishing. Wherever milkweed grows, monarch butterflies will be prevalent. More milkweed areas exist throughout the Midwest. The butterflies can live off of any kind of nectar, but the caterpillars only eat milkweed (which is why they are poisonous to eat). USDA is investing \$4 million this year in setting up native milkweed planted areas along the migration routes of this butterfly in an effort to help the continuation of this species.

Mayor Adams thanked the Voyage Academy first grade for a great presentation.

<b>CONCLUSION</b>	<b>Councilmember Stanton moved to allow Voyage Academy first grade classes to erect three save the monarch butterfly signs around the pond to protect the milkweed. Councilmember M. Petersen seconded the motion. Councilmember's Patterson, Stanton, K. Peterson, M. Petersen, and Mitchell voted in favor of the motion.</b>
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**B. EMPLOYEE SERVICE AWARDS-THIRD QUARTER OF 2016**

<b>Petitioner</b>	Dennis Cluff
<b>Discussion</b>	Fire Brad Jensen 5 Yrs - \$25
	Fire Brady Drescher 10 Yrs - \$50
	Fire Brian Griffin 5 Yrs - \$25
	Police Shawn Stoker 10 Yrs - \$50
	PW Armando Guzman 5 Yrs - \$25

**C. DEPT HEAD OF THE 3RD QUARTER OF 2016 – FIRE CHIEF DAVID OLSEN**

<b>Petitioner</b>	Dennis Cluff
<b>Discussion</b>	Mr. Cluff reported that Fire Chief David Olsen has been the Clinton City Fire Chief for just over 4 years. He has established himself as the manager and leader of the Fire Department. He is a competent, well organized and caring leader.
	David is very responsive to the needs of the City, particularly within the Fire Dept area of services.

	<p>It is very important to him to serve the public with excellent fire and EMS protection services. He continues to instill this same attitude of service with a positive outlook to his Fire Staff and Cadre.</p> <p>David continues moving forward with the assignments, personnel and other issues that seem to continually and typically arise in the process of providing public services. He is doing an excellent job. He said he is pleased to work with David and happy to recognize him as the Department Head of the 3<sup>rd</sup> Quarter of 2016.</p> <p>Mayor Adams expressed appreciation for the good example Chief Olsen is in the community and especially for the children by teaching them they can be whatever they want to be. He presented him with an award and gift card in recognition.</p> <p>Chief Olsen expressed appreciation for being selected as the Department Head of the Quarter. He said he enjoys working for Clinton City.</p>
<b>D. 7:15 PM PUBLIC HEARING, RESOLUTION 13-16 – REQUEST TO AMEND THE FINAL PLAT OF COUNTRY HOMES SUBDIVISION LOCATED AT 2063 NORTH 2475 WEST</b>	
<b>Petitioner</b>	Kyle and Lindsay Hamblin, owners
Discussion	<p>Mr. Wright explained that lot 13 of the Country Homes Subdivision would be enlarged by combining a small parcel located adjacent and to the west of this lot, thereby amending the Final Plat of the subdivision. This additional parcel was included in the original purchase by the Hamblin's. However, they receive and pay two separate tax bills. They would like to add on to their home which requires the lots be combined into one.</p> <p>Kyle Hamblin reviewed the property on a map with the Council.</p> <p>Mayor Adams opened the public hearing at 7:35 p.m.; with no public comment he closed the public hearing at 7:36 p.m.</p>
<b>CONCLUSION</b>	<b>Councilmember Mitchell moved to adopt Resolution 13-16, approving the Final Plat for the Country Homes Subdivision by changing Lot 13 of that subdivision. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.</b>
<b>E. 7:25 P.M. PUBLIC HEARING ORDINANCE 16-02Z – REQUEST TO AMEND CHAPTER 22 OF THE CLINTON CITY ZONING ORDINANCE 28-22 FOR THE PATIO HOME (PH) ZONE BY CHANGING SECTION 4(6) AESTHETICS, TABLE 22.4.6 TO ALLOW STUCCO AS AN ACCEPTABLE BUILDING MATERIAL TO THE EXTERIOR ON THE SIDES AND REAR AREAS OF PATIO HOMES</b>	
<b>Petitioner</b>	Bruce Nilson, Nilson Development
Discussion	<p>Mr. Wright provided the following information in the staff report:</p> <p>Bruce Nilson, owner of Nilson Development, has requested that stucco be added as an approved building material for the sides and rear of homes in the Patio Home (PH) Zone. The Building Official issued a statement that stucco is an approved building material for houses in other zones in Clinton. Although he did not express any objection to stucco being used, he didn't want to grade the strength and quality as this is considered more of a policy matter.</p> <p>During the review before the Planning Commission, the majority of Commissioners agreed that stucco should be allowed and some members expressed an opinion that stucco should even be allowed in the front area of homes in the Patio Home (PH) zone since it is a permitted building material in all of the other zones in Clinton. However, this consideration was not included in this recommendation since it was not brought out by the applicant in the original request.</p> <p>Bruce Nilson stated he is currently building patio home developments in three cities. He feels that the current Clinton ordinance is excessive in requiring brick, rock or hardboard on all four sides of the homes. The sides and rear are not very visible from the front. He said this requirement increases the cost of the homes as much as \$7,000.00. He referred to the Building Official statement that stucco is an approved building material. He said in his experience stucco is a good durable product that is aesthetically appealing. Some seniors he has talked to feel they are being discriminated against with this requirement. He asked why patio homes are different compared to</p>

other developments.

Mayor Adams explained the intent behind this requirement is to provide a superior durable quality development which compensates for higher density neighborhoods and maintains long term appearance and desirability. His experience with stucco has not been favorable especially when installed with Styrofoam.

Mr. Nilson responded the quality of stucco has been improved. Proper installation provides long term durability and appearance.

Mayor Adams opened the public hearing at 7:50 p.m.

William Harper commented he feels stucco is good. How your house looks represents you as an individual.

Mayor Adams said the issue is if stucco will have longevity.

William said in today's technology products are generally improved.

Mr. Wright explained that the Planning Commission discussed this issue at length, they forward a recommendation of approval based on the improved quality of the stucco product.

Mr. Nilson said his company has a good warranty program. They have actually had more problems with brick and rock than with stucco.

Mayor Adams closed the public hearing at 7:54 p.m.

Councilmember Mitchell said he is not a fan of stucco although he does agree the product has improved. Proper installation is a key factor. Going back to the intent, it was intended as a tradeoff for higher density. He would recommend vinyl siding over stucco. His opinion is to stick with the current ordinance.

Councilmember Stanton said she agrees that the reason for allowing higher density was to require a quality development; she is in favor of leaving the ordinance as it is.

Councilmember M. Petersen said he has had some personal experience with stucco in regards to mold and cracks. He feels the quality of the installation is a concern. For now he is in favor of the existing requirement.

Councilmember K. Peterson said that the residents have been clear that they are not in favor of higher density. She feels the city's compromise for higher density is higher quality. The patio homes appear to be in high demand and sell quickly; she is not compelled to change the ordinance at this time.

Councilmember Patterson said she does not like stucco; she is in favor of keeping the ordinance as it is.

Mr. Nilson asked for clarification on table 22.4.6; he asked if the Council's interpretation is that an escrow is allowed for the landscaping in order to obtain a certificate of occupancy when the landscaping is delayed due to weather.

The Council confirmed an escrow should be allowed for landscaping and the certificate of

	occupancy provided.
<b>CONCLUSION</b>	<b>Councilmember M. Petersen moved to reject Ordinance 16-02Z an amendment to Chapter 22 of the Clinton City Zoning Ordinance 28-22 for the Patio Home (PH) Zone by changing Section 4(6) Aesthetics, Table 22.4.6 to allow stucco as an acceptable building material to the exterior by on the sides and rear areas of patio homes. Councilmember K. Peterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.</b>
<b>F. SUBDIVISION FINAL ACCEPTANCE - DAWSON ESTATES AMENDED # 2 LOCATED AT 1523 W 2050 N</b>	
<b>PETITIONER</b>	James Van Sweden
<b>Discussion</b>	Mr. Child reported that Public Works has completed all the inspections.
<b>CONCLUSION</b>	<b>Councilmember Stanton moved to grant final acceptance of all City public improvements installed with Dawson Estates Amended #2. Councilmember Patterson seconded the motion. Councilmembers Patterson, Stanton, K. Peterson, M. Petersen and Mitchell all voted in favor of the motion.</b>
<b>G. RESOLUTION 14-16, AMENDMENT TO THE FY 16-17 CLINTON CITY CONSOLIDATED FEE SCHEDULE</b>	
<b>Petitioner</b>	Dennis Cluff
<b>Discussion</b>	Mr. Cluff identified the change to the Fee Schedule is due to reducing the Slurry Seal charge from \$1.70/sq yd to \$1.30/sq yd based on a recent Council decision to drop the HA5 and Onyx type street surface treatments and only use slurry seal. The overall cost per square yard has been reduced by nearly 24%. With the intent to only recover the cost of the slurry, some admin time and engineering time, the fee should be reduced accordingly and should be retroactive to July 1, 2016 so it is pertinent to the current subdivision activity.  The reduced cost of the current slurry charge will affect three current subdivision projects, only one of which has actually made payment; a reimbursement will be made for that subdivision.
<b>CONCLUSION</b>	<b>Councilmember K. Peterson moved to adopt Resolution 14-16, amending the adopted FY 2016 - 17 Clinton City Consolidated Fee Schedule. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.</b>
<b>H. ORDINANCE 16-02, AMENDING TITLE 2 OF THE CITY CODE</b>	
<b>Petitioner</b>	Dennis Cluff
<b>Discussion</b>	Mr. Cluff reported that the proposed changes to Title 2 (Administration) of the City Code incorporate clarifications of language, current processes and updates per Utah State Code. The biggest change is to Chapter 11, Records Access and Management. Due to constant changes in the required State Statutes on Records and GRAMA (Government Records and Management Act) staff felt it would be more appropriate to adopt the State Code by reference.  Councilmember K. Peterson then suggested that as identified in §2-4-4, the Council adopt rules of procedure.  She also suggested the following changes to clarify some information in Chapter 6 regarding the City Manager:  <b>Suggested Changes:</b> <u>2-6-2 Appointment and Employment</u> <u>The appointment of the Manager shall be made by a majority vote of the Mayor and City Council. The City Council shall direct the Mayor to negotiate a formal employment agreement with the appointee, and may set special terms and conditions on such negotiations. Once a formal employment agreement has been negotiated with the appointee, the Mayor shall present the agreement to the City Council for its approval. Upon the City Council's approval, the Mayor shall sign the agreement on behalf of the City.</u>  <u>2-6-3 Term of Office</u> The Manager shall serve at the pleasure of the Mayor and City Council except that the Manager may be appointed for a term not to exceed three (3) years. The <u>employment agreement</u> may be renewed by the

	<p><u>Council</u> at any time. Any person serving as Manager of the City under this section may be removed with or without cause by a majority vote of the Mayor and City Council.</p> <p><del>2-16-19 Removal from Office</del>  <del>The Mayor and City Council may at its pleasure, by majority vote, remove the Manager. Except in the case of removal for proven malfeasance in office, the Manager, upon his removal shall be paid an unpaid balance of his salary due to the date of his removal together with the same rate for the next six (6) calendar months following the date of his removal as well as all other appropriate accrued paid leave time.</del></p> <p>The Council discussed the proposed changes and agreed that it is in the best interest of the City in the event that Mr. Cluff decides to leave the City.</p> <p><b>Councilmember M. Petersen moved to adopt the Councilmember K. Peterson’s proposed changes. Councilmember Mitchell seconded the motion. Councilmembers Patterson, Stanton, M. Petersen, K. Peterson, and Mitchell voted in favor.</b></p> <p>Councilmember M. Petersen suggested that as identified in 2-6-2 the re-appointment of the City Manager be brought before the Council for the next meeting because it is a few months past due.</p>
<b>CONCLUSION</b>	<p><b>Councilmember Mitchell moved to adopt Ordinance 16-02, Amending Title 2 of the City Code and establish or ensure there is a contract with the current City Manager Dennis Cluff by the first meeting in November. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.</b></p>
<b>Approval of Minutes</b>	<p><b>Councilmember K. Peterson moved to approve the September 13, 2016 City Council meeting minutes as written. Councilmember Stanton seconded the motion. Councilmembers Patterson, Stanton, K. Peterson, M. Petersen and Mitchell voted in favor of the motion.</b></p>
<b>Accounts Payable</b>	<p><b>Councilmember Stanton moved to pay the bills. Councilmember Mitchell seconded the motion. Councilmembers Patterson, Stanton, K. Peterson, M. Petersen and Mitchell voted in favor of the motion.</b></p>
<b>Planning Commission Report</b>	<p>Mr. Wright reported on the October 4, 2016 Planning Commission meeting as recorded in the minutes.</p> <p>The Council expressed their appreciation for the hard work and dedication of the Planning Commission.</p>
<b>City Manager</b>	<ul style="list-style-type: none"> <li>Invited the Council to attend an employee Bar B Q at 11:30 a.m. on Oct. 12 at the Recreation Building;</li> <li>Parks Board meeting will be held at 7 p.m. on Wednesday October 19;</li> <li>Asked Council to set a Special Work Session to discuss water – November 29 at 4:00 p.m.;</li> <li>Asked Council to consider setting a Special Work Session to discuss where to allocate funds once money is available from paying off the bond.</li> </ul>
<b>Mayor Adams</b>	<ul style="list-style-type: none"> <li>Received a letter from UDOT saying the traffic study at 1800 N 3000 W warrants a stop light within the next 24 months.</li> </ul>
<b>Councilmember Patterson</b>	<ul style="list-style-type: none"> <li>Slurry seal needs to be reapplied at 1725 N in Country Cove Estates because it was driven on by the contractor too soon.</li> </ul> <p>Mr. Child said he would notify the contractor.</p> <ul style="list-style-type: none"> <li>Asked what is going on at 1300 N between 2000 W and 1500 W?</li> </ul> <p>Mr. Child responded a new water line is being installed in anticipation of widening the street and curb and gutter in June or July of 2017.</p> <ul style="list-style-type: none"> <li>Asked when the road on 3000 W will open up?</li> </ul> <p>Mr. Child responded that the north part of the street will be paved on Thursday, it will be 2 inches low; once the power lines are moved to the south side the road will be done. The sewer is at 18 feet, a shoring company is needed for connections onto the sewer line however they are not available till mid November. It is possible the road will be open to the public on Thursday.</p>
<b>Councilmember K. Peterson</b>	<ul style="list-style-type: none"> <li>The Pumpkin Walk will be held October 24 from 6 – 8 p.m.</li> <li>Appreciates staff’s response to residents concern about street lights.</li> </ul>
<b>Councilmember M. Petersen</b>	<ul style="list-style-type: none"> <li>A resident near Powerline Park says there are signs that no dogs are allowed in the park.</li> </ul> <p>Mr. Martinez clarified that the sign says dogs are allowed on the trail, not in the park.</p>
<b>Councilmember</b>	<ul style="list-style-type: none"> <li>Street light near the round-a-bout on 3000 W is out.</li> </ul>

<b>Stanton</b>	Mr. Child said staff is aware of the issue and the contractor is working to get the issue resolved. <ul style="list-style-type: none"> <li>• Expressed appreciation to the Fire Department for making their Open House a huge success.</li> </ul>
<b>Councilmember Mitchell</b>	<ul style="list-style-type: none"> <li>• Said that Mike Fisher is doing a great job on inspections and handling the increase in development in the City well.</li> </ul>
<b>ADJOURNMENT</b>	<p><b>Councilmember Stanton moved to adjourn. Councilmember Mitchell seconded the motion. Councilmembers Patterson, Stanton, K. Peterson, M. Petersen and Mitchell voted in favor. The meeting adjourned at 9:20 p.m.</b></p>
<b><u>ACTION ITEMS</u></b>	<ul style="list-style-type: none"> <li>• Monitor the SWPPP inspection fees over the next year to ensure that the City is charging enough to cover the expense for the inspections (July 2016) ;</li> <li>• Subdivision Ordinance – recommendation for concrete in the park strips along UDOT roads. (August 2016)</li> <li>• Consider code enforcement during future budget discussion for 2017-18 (August 2016)</li> <li>• Consider passing a City Council Rules of Procedure (October 2016)</li> <li>• Consider providing staff administrative power for a minor subdivision during subdivision ordinance rewrite (October 2016)</li> <li>• Establish a contract with the current city manager (October 2016)</li> </ul>