

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

September 3, 2019
7:00 P.M.

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

Attendance: Mayor N. Craig Hidalgo
Councilmembers: Elaine Goodey, Nichole Sparks

Kristi Hidalgo, Town Clerk

Absent: Councilmembers: Ryan Thompson, Lloyd Bytheway

Public Attendance: Campi Sparks, Tayler Jensen – Cache County Planning and Development Office

1. CALL TO ORDER

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

Mayor Hidalgo excused Councilmember L. Bytheway from the meeting. His wife had surgery today. Councilmember R. Thompson was also absent from the meeting.

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held August 6, 2019. Councilmember E. Goodey motioned for the Clarkston Town Council to approve and adopt the minutes of August 6, 2019. Councilmember N. Sparks seconded the motion. All in favor “Aye”. Motion carried

2. NEW BUSINESS

Tayler Jensen – County Wide Planner – Tayler Jensen gave the Council a Power Point handout. See Attachment A

Mr. Jensen stated that he had worked for Cottonwood Heights, Bountiful, and Eagle Mountain as a planner. Recently he was hired by Cache County to be the new countywide planner. His job is to provide planning services for all the cities and towns in the county that don't have a professional planning department. The following is the Mission Statement:

To protect and enhance Cache County's character, as a “valley of communities” by supporting the cities and towns of the valley as they develop, while preserving their strong and unique heritages.

Objective 1 Provide essential services and resources necessary for each community to fulfill their unique planning needs.

Objective 2 Collaborate with the communities of the valley on the development of a countywide vision for land use that meets the needs of today and tomorrow as well as supporting local visions and goals.

Objective 3 Achieving compliance with all state and federal statute and regulations through ongoing trainings and compliance efforts.

Mr. Jensen stressed that his job is not a top down process of him or outsiders coming in and telling communities what to do. What the Countywide Planning and Development Office (CPDO) hopes to do is provide planning assistance so that communities can reach their vision. The following are services currently provided by the CPDO:

- Updates to Ordinances and Plans
- State Code Updates (helping to remain LUDMA Compliant)
- Annexations
- Technical Assistance on Land Use Applications and Processes
- Coordinating with other communities
- Developing issues and/or planning concerns
- Providing /Arranging Land Use Training
- GIS Mapping
- County Trails
- Monthly Newsletter

Mr. Jensen mentioned that his schedule is flexible. He is available and is supposed to work nights. He plans on being active in the communities and attend Planning Commission Meetings around the valley. Mr. Jensen stated that he would like the Planning Commission to provide him a vision for the community and where Clarkston Town would like to be in 20 years. Mr. Jensen concluded that it is his job to provide resources necessary for communities to make good decisions about their own land use.

Ordinance 19-05 – “An Ordinance Establishing Clarkston Town Rules and Regulations For Personal Use of Public Property” Mayor Hidalgo stated that the purpose of the ordinance is to regulate the use of Town-owned, leased, held, operated, or managed equipment, vehicles, office supplies, devices, tools, facilities and other Town-owned personal and real property. Mayor Hidalgo stated that the Utah Legislature adopted, and the Governor signed into law, H.B.163, with an effective date of July 1, 2019. H.B. 163 deals with the misuse of public funds and more specifically, public property, inasmuch as public property was not previously included in the criminal statute. Since the misuse of public property can result in criminal charges, including felony charges, the town needs to adopt a policy to clarify what may constitute a misuse of Clarkston Town Property and to authorize the personal use of Town Property under certain circumstances.

Councilmember N. Sparks wondered how this amendment came about. Mayor Hidalgo stated that this amendment came about because people complained about Policemen taking their police cars home after their shifts so some cities and towns stopped this practice with their police officers. However, they found that police response times were

drastically increased due to this change. Also, cell phone usage became an issue. People had to carry two cell phones because they weren't allowed to use their business cell phone for any personal use. H.B.163 releases and adds more flexibility for incidental use, not habitual use of public property. Mayor Hidalgo asked if there was any further discussion by the Council prior to passing the Ordinance. There was no discussion so Mayor Hidalgo read the ordinance and asked for a motion to adopt Ordinance 19-05. Councilmember E. Goodey motioned for the Council to approve and adopt Ordinance 19-05. Councilmember N. Sparks seconded the motion.

Roll Call Vote:

Mayor Hidalgo	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember R. Thompson	☐ Aye	☐ No	☐ Abstain	☒ Absent
Councilmember E. Goodey	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember L. Bytheway	☐ Aye	☐ No	☐ Abstain	☒ Absent
Councilmember N. Sparks	☒ Aye	☐ No	☐ Abstain	☐ Absent

Resolution 19-07 – “A Resolution Appointing A Neighborhood Watch Chair Person For the Town of Clarkston” – Mayor Hidalgo asked if there was any discussion by the Council prior to passing the Resolution. There was no discussion so Mayor Hidalgo read the resolution and asked for a motion to adopt Resolution 19-07. Councilmember N. Sparks motioned for the Council to approve and adopt Resolution 19-07. Councilmember E. Goodey seconded the motion.

Roll Call Vote:

Mayor Hidalgo	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember R. Thompson	☐ Aye	☐ No	☐ Abstain	☒ Absent
Councilmember E. Goodey	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember L. Bytheway	☐ Aye	☐ No	☐ Abstain	☒ Absent
Councilmember N. Sparks	☒ Aye	☐ No	☐ Abstain	☐ Absent

3. DEPARTMENTS

Mayor Hidalgo – Fire Department – Mayor Hidalgo reported that he had an insightful conversation with Assistant Fire Chief Dan Smith about some concerns he had with the Fire Department. Mr. Smith was unaware of some things that have transpired concerning the Fire Department and the Town Council. Mr. Smith indicated that he is willing to work with Fire Chief Brooks Dufner to improve the relationship between the Town Council and the Fire Department.

2020 Meeting Schedule/Holidays - Mayor Hidalgo declared that the town is going into another election year with no election. Mayor Hidalgo stated that he has been trying to

think of ways to encourage people to run for Town Council and feels that citizens think that being on the Council is too much of a time constraint and they don't have the time to do it. Mayor Hidalgo stated that Utah State Law requires cities and towns to hold one Town Council Meeting per month. Historically Clarkston Town holds two Town Council Meetings each month. Mayor Hidalgo proposed holding only one scheduled Town Council Meeting each month. Work Sessions or a second Town Council Meeting could be scheduled as needed.

Mayor Hidalgo also proposed that Clarkston Town Hall be closed for all legal holidays (holidays that federal banks and offices are closed). All Clarkston Town Employees would not be required to work on these holidays. Mayor Hidalgo feels that all town employees, including cemetery and park employees should be able to observe all legal holidays.

Since two Councilmembers were absent the Council did not make a decision at this meeting. At the next Town Council Meeting to be held September 17, 2019 the Council will discuss these proposals and make a decision.

Community Center Multiple Use – At the last Town Council Meeting Held August 6, 2019 Becca Jeppson came before the Council seeking approval to use the Community Center to teach a High Fitness Exercise Class. Mayor Hidalgo stated that he had the Town Clerk Kristi Hidalgo reach out to some of the cities and towns in Cache Valley to see if they allowed businesses or multiple use activities in their community centers and what fees they charged. See Attachment B Mayor Hidalgo reported that Mrs. Hidalgo contacted almost every community in Cache County and there wasn't any that allowed businesses or multiple use activities in their community centers. Mayor Hidalgo clarified that most of the cities and towns have other options, they have other buildings or large rooms that can be rented or used for these types of activities. Clarkston does not. Mayor Hidalgo reiterated that none of the cities and towns allowed businesses or multiple use activities in their community centers

Mayor Hidalgo mentioned the following feedback received from communities that allow businesses and multiple use activities in other facilities:

- Wear and tear on the building is significant
- Utility costs are stunning
- It stinks up the place
- Cleaning costs have increased substantially. The place has to be thoroughly cleaned after each use.
- They bring kids and they run around and get snacks all over
- They think they own the place and don't take care of it
- They come early and don't leave on time. They are in the building 1 ½ to 2 hours a day instead of the one hour rented.

Mayor Hidalgo asked the Councilmembers for their thoughts and opinions.

Councilmember E. Goodey stated that Clarkston is a ways away from any other exercise facilities and it would be nice to be able to provide an opportunity for this but make the

fee steep enough to benefit the town as far as paying for the utilities. Councilmember Goodey said that she had mixed emotions about it. It would be an added responsibility to make sure the buildings is taken care of. Councilmember N. Sparks feels that it would be amazing to have an exercise class in Clarkston but Clarkston just doesn't have a facility to accommodate it. Councilmember N. Sparks declared that the biggest use of the community center is family dinners and parties, where food is involved, so we need to think about the hygienic standpoint. When you think about all the different infections that are present in gyms you would have to have a high level of disinfection to kill bacteria buildup. Councilmember E. Goodey agreed and stated that the church house is available if they were willing to do it without charging a fee or without any compensation, and if it is not going to be a business. Councilmember N. Sparks commented that High Fitness is a business for these instructors. They have to pay money to become instructors. Mayor Hidalgo asserted that the Council will not give special treatment to certain individuals. If the Council grants permission for this fitness class other multiple use activities and businesses will be allowed to use the community center, as well. Everyone will be given the same opportunity. Mayor Hidalgo stated that the fact of the matter is they want to use a facility that they have no investment in the brick and mortar, nothing whatsoever, all they get off of it is profit at the expense of the Town of Clarkston. The town will maintain it, clean it, take care of it, and pay the bills. Mayor Hidalgo stated that he received an email from Councilmember L. Bytheway with his thoughts and opinion on the matter. **See Attachment C** Mayor Hidalgo read the following suggestions from Councilmember L. Bytheway e-mail:

- That the town pay the liability insurance -\$400-500 per year
- That children and babies are not allowed
- That Mrs. Jeppson become a paid town employee
- That participants clean up after themselves or lose the privilege
- That the class can be bumped by any paid family use of the building

Mayor Hidalgo remarked that when you decide to live in Clarkston there are some sacrifices you make. There are some things that aren't available to you, fitness gyms is one of them. If you want to do some things you have to travel to do them. We don't have the amenities of Logan in Clarkston. Clarkston doesn't have the budget that Lewiston and other cities have that have a tax base other than taxes. Councilmember E. Goodey doesn't believe Councilmember L. Bytheways suggestion of paying Mrs. Jeppson to teach the class is very practical and feels that it should be a benefit to the town, if it is allowed. Mayor Hidalgo said that if we hire Mrs. Jeppson to teach a fitness class then we open it up and need be prepared to hire other individuals that want to teach any other type of class as well. We can't discriminate. Councilmember N. Sparks said that it comes with a lot more than just hiring an individual. The town would have to pay for insurance. If allowed it would open up a whole lot of extra expense for the town.

Councilmember N. Sparks feels that a fitness class is not an overwhelming need. She feels that we have an overwhelming need for roads, fire equipment, water improvements and those types of things that are going to protect and benefit our citizens.

Councilmember N. Sparks stated there is no way she can justify hiring an athletic employee. Councilmember N. Sparks maintained that based upon the hygienic standpoint alone she was not in favor of allowing the fitness class to be taught in the community center. Councilmember Sparks acknowledged that she would utilize a fitness class in Clarkston but just not in that facility. Mayor Hidalgo also declared that he is not against the class, just not in the community center and reiterated that according to the research there aren't any cities or towns in the county that allow businesses or multiple use activities in their community centers. Community Centers are designed for family dinners and parties, one-time use. Mayor Hidalgo asserted that the New Town Hall Citizen Advisory Committee is considering designs for a new town hall and Mayor Hidalgo asked them to consider adding a third floor that would be a large open room that could accommodate this type of activity. The Council voted unanimously to deny approval of the request to hold a fitness class in the community center.

Councilmember E. Goodey – Animal Control – Councilmember E. Goodey reported that it was brought to her attention that a citizen is not in compliance with the rules and regulations regarding the number of animals allowed on a lot. Councilmember E. Goodey stated that she has checked on this and hasn't found any evidence that this is the case. Councilmember E. Goodey stated that she would continue to monitor the situation. Councilmember N. Sparks recommended having a conversation with them to make sure they are aware of what the ordinance states concerning the number of animals allowed on a lot. Mayor Hidalgo reminded Councilmember E. Goodey that Clarkston Town has contracted with Cache County Animal Control and that the town pays them to enforce the ordinances. It is not her or the Council's responsibility to enforce ordinances. The Town Council's responsibility is to pass the ordinances and regulations. The town has contracted with law enforcement to enforce them. Mayor Hidalgo recommended that Councilmember E. Goodey work through the Animal Control Officer on this.

Councilmember N. Sparks – August Warrant List – Councilmember N. Sparks presented the Warrant List for August 2019. Councilmember E. Goodey motioned for the Clarkston Town Council to approve the Warrant List as read. Councilmember N. Sparks seconded the motion. All in favor "Aye"

Cemetery Department – Councilmember N. Sparks reported that Cemetery Sexton James Morris resigned. His last day was August 21, 2019. Randy Smith is the new Cemetery Sexton and Frank Homes will still be utilized as a Cemetery Assistant.

Cemetery Restrooms – Councilmember E. Goodey wondered what the policy was on the restrooms at the cemetery. She wondered if they are supposed to be open for public use during the day. Mayor Hidalgo stated that the town is not required to open the cemetery bathrooms to the public on a daily basis. The cemetery bathrooms are only open on Memorial Day and when events are scheduled at the Amphitheatre. The reason for this is to prevent vandalism, misuse, and the restrooms being used for events that are not

sponsored by the town such as the Dog Field Trials that are held yearly on private property by the cemetery.

LUDMA – Councilmember N. Sparks stated that the LUDMA Commission would be looking at and determining if the Clarkston Town General Plan needs to be updated. Councilmember N. Sparks reported that the LUDMA Commission are planning to do some research into what can be done to protect land and water resources surrounding Clarkston Town. Councilmember N. Sparks confirmed that there is an open position for a LUDMA Commissioner.

4. RELEVANT BUSINESS

Next Meeting – The next Town Council Meeting will be held on Tuesday September 17, 2019 at 7:00 p.m.

5. ADJOURN

There being no further business to come before the Council, Councilmember E. Goodey motioned that the Clarkston Town Council Meeting adjourn. Councilmember N. Sparks seconded the motion. All members present voted “Aye”. Motion carried. The meeting adjourned at 8:10 p.m.

Kristi Hidalgo
Clarkston Town Clerk

