

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

November 5, 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, Ryan Thompson,
Lloyd Bytheway, N. Sparks

Kristi Hidalgo, Town Clerk

Public Attendance: Bryan Goodsell, Brett Goodsell, Mike Kelly, Jill Lee, Lester Lee, Sari Jardine, Randy Jardine, Christina Atkinson, Mylind Fawcett, Jeanine Nielsen, Seth Nielsen, Frances Ravsten, Kathy Ravsten, Jill Godfrey, Ollie Lou Dahle, Robert Dahle, Bonnie Bagley

1. CALL TO ORDER

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

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held October 15, 2019. Councilmember N. Sparks motioned for the Clarkston Town Council to approve and adopt the minutes of October 15, 2019. Councilmember L. Bytheway seconded the motion. All in favor "Aye". Motion carried

2. NEW BUSINESS

Urban Deer Control – Mayor Hidalgo stated that at the last Town Council Meeting, held October 15, 2019, some citizens came forth and asked the Council to consider adopting an Urban Deer Control Policy for Clarkston Town. Mayor Hidalgo stated that he had contacted the Utah Division of Wildlife and talked with Randall McBride about setting up a program to mitigate the deer problem in Clarkston. Mr. McBride said that in order for Clarkston to enter the urban deer program Clarkston would have to meet the following requirements as put forth in Administrative Rule R657-65:

R657-65-2

(c) An incorporated municipality with greater than 1,000 residents

R657-65-3

(b) Resident deer are collectively causing significant damage to private property or threatening public safety within the city's incorporated boundaries;

(c) it has enacted an ordinance prohibiting the feeding of deer, elk, moose;

(d) it has general liability insurance in the amount of \$1,000,000,00 or more that covers liability claims that may arise from designing, creating, and administering an urban deer control plan;

(e) it agrees, without waiving immunity or any other limitation or provision in the Utah Governmental Immunity Act, Utah Code 63G-7-101 through 63G-7-904, to hold harmless and indemnify the Division against any claims or damages arising from its deer removal activities undertaken pursuant to the urban deer control plan COR, except for any allocated share of fault and damages attributable to the Division's actual involvement in deer removal activities on the ground

To view Administrative Rule R657-65 in its entirety See attachment A.

Mr. McBride also stated that they no longer trap or relocate deer and they are only allowing lethal removal. Some ideas other cities have done is they have allowed for taller fences to help residents protect what they want to protect. Mayor Hidalgo stated that the first thing Mr. McBride pointed out was that Clarkston is a municipality with less than 1,000 residents and therefore does not qualify for an urban deer control program and they would not grant one to the town. Mayor Hidalgo asked Mr. McBride what he recommended then because there is a deer problem in Clarkston. Mr. McBride said that the DWR has just replaced a private lands biologist for our region and requested that Mayor Hidalgo give the biologist some time to familiarize himself with the region and then the biologist and Mr. McBride would come and meet with him and look at the possibilities of some special hunts that might help the community. Mr. McBride said that he can't make that decision without involving the biologist assigned to this area. Mayor Hidalgo professed that it is not great news but its better news than nothing at all. Mayor Hidalgo asked citizens present at the meeting to take pictures of the number of deer they are seeing around their homes and document the damage done to their property so when Mayor Hidalgo meets with the biologist and Mr. McBride he will have documentation and pictures to demonstrate that there is a deer problem and pursue the possibility of allowing some special hunts around the area. Councilmember R. Thompson stated that Urban Deer Control Plans that other cities have implemented have failed. North Logan has been doing it for ten years and they still have a deer problem. Councilmember R. Thompson recommended that citizens put up electric fences or fences that deer can't jump or have dogs in their yards to keep the deer away. Councilmember R. Thompson stated that the real answer is to cut off the food supply or the deer will just keep coming back. It doesn't matter how many you kill. Councilmember R. Thompson doesn't believe that eradicating the deer would solve the problem.

Mayor Hidalgo allowed Public Comment at this time.

Randy Jardine - Randy Jardine wondered if there was still a rule in town that firearms cannot be discharged within town limits. Mayor Hidalgo replied that it was and that it is a state law.

Francis Ravsten – Francis Ravsten wondered if it is still as bad to kill a deer as it used to be. Mrs. Ravsten questioned if you would get in trouble for killing a deer out of season. Mayor Hidalgo stated that you would. That is poaching. Mrs. Ravsten stated that she doesn't understand why that would be an issue if there is such a problem with deer.

Sari Jardine – Sari Jardine stated that she appreciated Mayor Hidalgo looking into this for them. Mrs. Jardine said that electric fences and dogs do help keep the deer away but it doesn't solve the problem of the deer taking up residence in people's backyards in the middle of the blocks.

Bryan Goodsell – Building Permit Variance to Rebuild Shop – Bryan Goodsell came before the Council seeking a Building Permit variance to rebuild his shop at 25 East Center Street. Mr. Goodsell stated that right after his shop burned down he secured a building permit and started to rebuild it. After two inspections the inspector shut him down because there wasn't a footing under one of the walls. So to rebuild it he has to tear the whole building down. Mr. Goodsell requested the Council's approval to rebuild the structure 7 feet to the east of where the original building stood. It would be the same square footage as the old building. The shop was built in the early 1900's and doesn't have a 30 foot setback, which is now required. Mayor Hidalgo reported that he talked to the Clarkston Town Building Inspector about Mr. Goodsell's request and was told that he has the right to replace the shed as is. The building inspector said that a variance isn't needed but Mr. Goodsell feels more comfortable getting one. The variance would allow Mr. Goodsell to rebuild the building in the same place except 7 feet to the east. It would not allow him to build closer to the road but he would not have to meet the 30 foot frontage regulation that is now in place. Mayor Hidalgo asked for a motion to approve the variance. Councilmember L. Bytheway motioned for the Council to approve the variance to allow Mr. Goodsell to rebuild his shop 7 feet to the east of where the original building stood. Councilmember R. Thompson 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

Clarkston Town Water Operator Bryan Goodsell – Water System IPS Report – The Improvement Priority System Report (IPS) identifies violations and deficiencies in our water system that need to be corrected. It is based on a point system. Mayor Hidalgo stated that a letter was sent from the Department of Environmental Quality and the Division of Drinking Water advising the town that the Drinking Water Board would be considering proposed revisions to the IPS Rule and if they are approved then on

January 1, 2020 the Clarkston Town Water System total IPS Points would be 185.

See Attachment A

This level of points would cause a Not Approved rating for our system. A Not Approved rating requires public notice and potential further enforcement actions. Mayor Hidalgo stated that he invited Water Operator Bryan Goodsell to come before the Council to explain what this means and what needs to be done to rectify some of these points on our system. Water Operator Bryan Goodsell stated that if the revisions are approved the point system will change. Instead of a violation being at least 5 points it will be at least

25 points, and instead of allowing 200 points before a Not Approved Rating is issued it will be 100 points. Mr. Goodsell reported that when the last Sanitary Survey Inspection was done it came back with 22 points, which is a good inspection, unless you apply the new proposed revisions. They change everything. Mr. Goodsell stated that the IPS Report is not correct. It doesn't show any of the new springs on the inventory and some of the listed violations have been corrected. Mr. Goodsell informed the Council that he was going to schedule an appointment with the Division of Drinking Water and go over the IPS Report and determine exactly what our points are. Mr. Goodsell stated that we are better off than the IPS Report indicates. If the points still exceed the allowed amount we can develop a Compliance Action Plan (CAP) which extends the timeframe for fixing deficiencies. Mr. Goodsell specified that Mylar Springs is a significant deficiency on the IPS Report and the Division of Drinking water may make the town sign an agreement (CAP) stating that the town has a plan to fix Mylar Spring and won't turn the spring into the system until it is fixed. The violation points for Mylar Spring would then be removed from the IPS Report. If the Division of Drinking Water determines that Mylar Spring must be classified as inactive until it is fixed it would require about \$1,500 of water samples to be done after it is fixed before it can be turned into the system. Mayor Hidalgo asked Mr. Goodsell to report back to the Council on his findings at the next Town Council Meeting to be held December 3, 2019 at 6:30 pm.

Deputy Clerk Christina Atkinson – Bond Refund Expiration Date – Deputy Clerk Christina Atkinson stated that Clarkston Town has a residential Building Permit Fee of \$1,000 and a Building Permit Fee of \$500. The Residential Bond Fee went into effect in 2010 and the Building Permit Bond Fee in 2016. The purpose of the bonds are to encourage people to get final inspections done on their projects. The bonds have helped but there are several files that remain open because final inspections have not been done. Mrs. Atkinson recommended that the Council add a bond refund expiration date to the permit applications so that Clarkston Town is not responsible for tracking bond refunds indefinitely and avoid budgetary constraints. Mrs. Atkinson reported that she contacted Hyde Park City and they have implemented a six month bond expiration date. So persons have six months to build their project and get a final inspection done. If they don't then they lose the bond. Mrs. Atkinson feels that six months may not be long enough but that a bond expiration date would be beneficial to the town. Mrs. Atkinson proposed that the expiration date be anywhere from nine months to a year. Mrs. Atkinson also feels that the expiration date should be applied to every bond. Councilmember N. Sparks agreed that there does need to be an expiration date on bonds but the question would be how long should that expiration date be. Councilmember N. Sparks said that she doesn't want to hinder someone from being able to take their time to save money to do it themselves by saying they only have a short amount of time like six or nine months. Mayor Hidalgo agreed that there does need to be an expiration date on bond refunds and that it is not going to be easy to make it convenient for everybody. Councilmember R. Thompson suggested a two year bond refund expiration date. Councilmember N. Sparks stated that most people have to finance their home through banks and banks put a time limit on how

long persons can take to complete a home. Councilmember N. Sparks recommended finding out what the time limit is that banks allow. Mayor Hidalgo asked Mylind Fawcett a Clarkston citizen present at the meeting, who works for a bank, if he knew how long banks typically allow for homes to be built. Mr. Fawcett stated that at the bank he works for persons are allowed 12 months to complete a home. If necessary, persons can file for a one-time extension for an additional 12 months, after which the loan is closed. Mayor Hidalgo thought that was a good practice and would work well for Clarkston. Councilmember R. Thompson stated that it would be fine. Councilmember L. Bytheway felt like two years was not long enough. The Town Clerk Kristi Hidalgo suggested that the Deputy Clerk Christina Atkinson contact other cities and towns besides Hyde Park and find out how they handle bond refunds and if they have expiration dates. Councilmember N. Sparks stated that she would prefer to have more research and discussion before making a decision. The Council agreed. Mrs. Atkinson will contact other cities and towns to find out what they do regarding expiration dates for bond refunds and the Council will discuss this further at the next Town Council Meeting held January 7, 2019.

3. DEPARTMENTS

Mayor Hidalgo – Roads Snow Removal – Mayor Hidalgo informed the Council that Roads Supervisor David Hale notified him of his intent to resign January 1, 2020. Dean Archibald would like to take over this position. Mayor Hidalgo reported that he talked to the Cache County Road Department to find out what it would cost to have them come out as needed to help with snow removal. The County would charge \$400 per trip and that would include a grader, snow plow, and a sander. Mayor Hidalgo feels that this is pretty expensive however; if there is a bad snow storm we may not have a choice because the current snow equipment isn't adequate for heavy snow storms.

Councilmember R. Thompson – Clarkston Town Youth Council – Councilmember R. Thompson stated that the Youth Council would not be sponsoring any activities in December.

Councilmember E. Goodey – Emergency Preparedness – Councilmember E. Goodey said that she had not called Will Lusk the Cache County Emergency Management Manager for insight on best emergency preparedness practices and training specific for Clarkston Town yet. Councilmember E. Goodey reported that she had been diligently working on updating phone numbers for the emergency preparedness book and would have it finished before the end of the year.

Town Employee Christmas Party - The Town Employee Christmas Party will be held Tuesday, December 3, 2019 at 7:00 p.m. Councilmember E. Goodey wondered what the budget for the party was. Mayor Hidalgo stated that there was \$2,000 budgeted for the party.

Councilmember L. Bytheway – Water Department – New Meter Reader System Proposals - Councilmember L. Bytheway stated that he personally believes that the smart

thing to do would be to replace the registers and transmitters but not the brass water meters.

Councilmember N. Sparks – October Warrant List – Councilmember N. Sparks presented the Warrant List for October 2019. Councilmember N. Sparks motioned for the Clarkston Town Council to approve the Warrant List as read. Councilmember L. Bytheway seconded the motion. All in favor “Aye”

4. RELEVANT BUSINESS

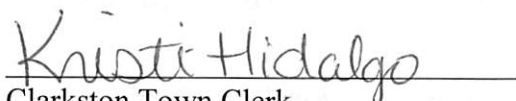
December Newsletter Items – The Council discussed the following newsletter items to be printed in the December Newsletter:

- Mayor’s Letter
- Dog Clinic and Licensing
- 2020 Business Licenses
- 2020 Recycling Schedule
- HEAT Program
- LUDMA – Building/Zoning Permits Required

Next Meeting – The next Town Council Meeting will be held on Tuesday December 3, 2019 at 6:30 pm.

5. ADJOURN

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


Clarkston Town Clerk

