

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

September 1, 2020
7:00 P.M.

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

Attendance: Mayor N. Craig Hidalgo
Councilmembers: Nichole Sparks, Mylind Fawcett,
Dan Smith, Jessica Buttars

Kristi Hidalgo, Town Clerk

Public Attendance: There was no public attendance at this meeting

1. CALL TO ORDER

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

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held August 18, 2020. Councilmember M. Fawcett motioned for the Clarkston Town Council to approve and adopt the minutes of August 18, 2020. Councilmember J. Buttars seconded the motion. All in favor "Aye". Motion carried

2. NEW BUSINESS

Field Trip to the Cemetery to Discuss Cemetery Expansion - The Council went out to the cemetery to discuss and determine a plan to expand the cemetery. The Council discovered that there is an open grassy area directly east of the amphitheater and west of the green shed that would provide space for several grave sites. The Council decided to utilize this property before expanding the cemetery into the parking lot area. The Council did acknowledge that expanding the cemetery into the parking lot area is inevitable at some point and discussed how to tie the old section of the cemetery to the new section of the cemetery that will eventually expand into the east parking lot. The Council discussed road options and decided to contact Cole Construction for recommendations on constructing a road to combine the two sections of cemetery. The Council also determined to have a vault company come out to validate that trucks and equipment would be able to access this area because it is on a slight hill. The Council decided not to move forward with removing the slag from the east parking lot until the lots are sold in the aforementioned area first. Councilmember J. Buttars will verify with Cemetery Clerk Holly Jones that no plots have been sold in that area of the cemetery and Mayor Hidalgo will contact Cole Construction concerning cemetery road options. Councilmember J. Buttars will ask Cemetery Sexton Randy Smith to contact a vault company to come out and confirm truck and equipment accessibility for that area.

3. DEPARTMENTS

Mayor Hidalgo – Fire Department – Mayor Hidalgo reported that he met with Cache County Fire Chief Rod Hammer regarding the County Wide EMT Initiative. Mayor Hidalgo stated that they have been involved in an EMT Initiative to provide EMT coverage to the south east and south west end of the valley. At one point it was thought that Smithfield City would provide EMT coverage to the north west and north east side of the valley but now they have determined to implement the same set up in the north end of the valley as they have established in the south end of the valley. Mayor Hidalgo said that what that means for Clarkston is that they will determine a per capita charge for the service. Mayor Hidalgo stated that he doesn't agree with that. He believes that the charge for service should be based on call volume and not per capita. The smaller towns such as Clarkston, Newton, Trenton, and Cornish have a very low call volume per capita compared to cities and towns on the other side of the valley. If they go with the per capita charge then Clarkston and other small towns will subsidize EMT services for larger municipalities, who have a much higher call volume. Mayor Hidalgo feels that isn't right. Mayor Hidalgo said that they are just in the planning stage for the north end of the valley. Mayor Hidalgo stated that he asked Chief Hammer what the impact would be and was told that there would be an increase accessed to Clarkston Town for EMT Services. Mayor Hidalgo stated that if that happens the Fire Department Budget would have to be reduced to cover the EMT costs and wondered what they were going to do for municipalities in that area. Chief hammer said that they are planning to provide all the training and EMT supplies. Mayor Hidalgo believes that this is going to happen. There aren't any day time volunteers available anymore. The county is trying to get people in the right places where they will have somebody to respond to calls throughout the day. Mayor Hidalgo reiterated that he told Chief Hammer that he was against any per capita type charge and that he prefers the amount accessed to be based on call volume so Clarkston isn't paying for other communities with a high call volume. Mayor Hidalgo also feels that no city should be given sole responsibility for providing EMT and fire coverage. The county should be over fire and EMT services. The county should be stationing people where they need them and providing the funds rather than letting a specific city do it and then down the road that city backs out of the agreement, just like Logan City did with the Cache County Emergency Medical Services (CCEMS) Agreement. Mayor Hidalgo said that the county is considering hiring two full time people to be stationed in Richmond and two in Smithfield to cover the north end of the valley. Councilmember J. Buttars wondered what kind of training the county would be providing. Mayor Hidalgo said that they would pay for all of the annual training including books and materials, new member training, and EMT conferences. Mayor Hidalgo concluded that the County Wide EMT Initiative has some good points it's not all detrimental.

Cares Act Money – The CARES Act provides assistance to State and Local governments. Through the Coronavirus Relief Fund, the CARES Act provides for payments to state and local governments navigating the impact of the Covid-19 outbreak. Mayor Hidalgo said

that he had a meeting with Jeff Young, owner of Alltech and Clarkston Towns Information Technology (IT) person. Mr. Young told Mayor Hidalgo about the Coronavirus Relief Fund that would be coming available. Mayor Hidalgo reported that Clarkston Town applied for and received \$43,338 from the Coronavirus Relief Fund and it must be spent by November 30, 2020. Mayor Hidalgo stated that the CARES Act requires that the money be used to cover expenses that are incurred with respect to the Coronavirus and the money can't be used for expenses already accounted for in the budget. Mayor Hidalgo reminded the Council that during the Covid-19 shutdown it was a struggle to hold meetings because the town doesn't have the technology to hold electronic meetings. The Town Clerk and Deputy Clerk also had to alter working times in order to follow the state Covid-19 guidelines. Mayor Hidalgo stated that Mr. Young told him that the money could be used to purchase equipment so that if necessary the clerks could work from home. It can also be used to install equipment in the town hall so that virtual meetings can be held with audio and video conferencing. Mayor Hidalgo emphasized that this money is going to allow Clarkston Town to be equipped with the same technology that larger cities have. Mayor Hidalgo expressed that Clarkston Town is very fortunate to have received this money and informed the Council that Mr. Young is formulating a bid for the proposed equipment and will present it to the Council when he gets it prepared.

Nuisance Properties – Mayor Hidalgo stated that at the last town Council Meeting held August 18, 2020 Mr. Gail Godfrey brought up some concerns he had about citizens not taking care of their yards. Mr. Godfrey stated that it looked like the garbage dump had moved into the town. Mayor Hidalgo said that since then other citizens have also complained to him about trashy yards in town. Mayor Hidalgo stated that he had been driving around town looking and he believes that it is a problem and that the Council needs to address it. Mayor Hidalgo referenced two Nuisance Violation Sample Letters that were written by an attorney from Olson and Hoggan Law Firm. See Attachment A Mayor Hidalgo wondered if the Council would be in favor of sending letters to citizens in the community that are in violation of Clarkston Town Nuisance Ordinance (4-2-5). Mayor Hidalgo proposed that the Council develop a Form Letter and then identify which properties to send them to. Mayor Hidalgo asked the Council if they wanted to pursue this effort stating that it is a very challenging thing to do. Councilmember D. Smith said that even as a neighbor you don't want to go up and ask somebody to clean up their yard. Mayor Hidalgo agreed. Mayor Hidalgo stated that Mr. Gail Godfrey is right, the town has a Nuisance Ordinance in place and the town is required to enforce it. Councilmember M. Fawcett stated that a concern he had was what standard the town is holding them to. Councilmember M. Fawcett wondered if the Council needed to define a standard. Mayor Hidalgo replied that the Nuisance Ordinance defines the standard. Mayor Hidalgo asked if the Council was willing to be united in the effort to identify some of the worst nuisance properties and develop a letter to send to them and work with them to resolve the issue. Councilmember N. Sparks read the following from the Clarkston Town Code Book:

4-2-5 Nuisances on Property

4-2-5-A

Definition: For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on or scattering over the premises any of the following:

1. *Lumber, junk, trash or debris.*
2. *Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or other discarded items not currently in use.*

4-2-5-C

C. Storage Of Personal Property: Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) within the town, is hereby declared to be a nuisance and dangerous to the public safety.

4-2-2-4

4. *Garbage Accumulation: Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area, except when it is temporarily deposited for immediate removal.*

Mayor Hidalgo recommended including in the form letter the specific ordinance that the property owner is in violation of, exactly what they need to do to comply with the town ordinance and a deadline for completion. Councilmember D. Smith suggested putting a segment in the town newsletter first and see if that will encourage citizens to clean up their yards before targeting individual people. Councilmember N. Sparks agreed stating that doing so might get the whole town to bring it up as well and start a conversation before targeting individual people. Mayor Hidalgo believes that when people acquire property or purchase property they become a steward to take care of that ground. The reason there is a Nuisance Ordinance in place is because there are individuals that refuse to take care of their property and it becomes a nuisance and a hazard to their neighbors and the public in general. Mayor Hidalgo said that he would take the initiative to write something for the October Town Newsletter asking citizens to clean up their yards. Mayor Hidalgo stated that he would like the text to be approved, signed, and published by the Council. The Council needs to be agreeable to and united on this. Councilmember J. Buttars feels that options should be provided for people that may be willing to but physically can't clean up their yards. Councilmember J. Buttars stated that there might be some people who physically can't clean up their yards by themselves whether they be elderly, sick, or disabled and suggested that the Town Council, Youth Council, or some Eagle Scouts could assist them in cleaning up their yards. The Council determined to

publish an awareness letter in the Clarkston Town October Newsletter encouraging citizens to be good stewards over their property and clean up their yards. Mayor Hidalgo will write the letter, the Council will review the letter, amend accordingly, and approve it at the next Town Council Meeting.

Vehicles Parked On Town Property – Mayor Hidalgo stated that another concern Mr. Gail Godfrey had was that there are a lot of trailers and cars that have been parked on town property for years making it very hard for farmers to get up and down the streets with their equipment. Mr. Godfrey wondered why the town doesn't enforce the ordinance that prohibits parking unused vehicles and trailers on town property. Mayor Hidalgo agreed that this is a problem and referenced a letter that he wrote regarding parking on town property. **See Attachment B** The following ordinances were referred to in the letter:

6-1-4-E Winter Parking

1. *Roadside parking will be limited from November 15 of each year to the following March 15 during the hours of ten o'clock (10:00) P.M. to six o'clock (6:00) A.M.*
2. *During the dates and time specified, there shall be no vehicles parked or stored within twenty feet (20') to the left or right of the midpoint of the road.*
3. *Following November 15, first offense violations of this subsection will result in a parking citation, which will be issued by the county sheriff's office.*
4. *Second and all subsequent offenses will result in a parking citation and the vehicle will be towed at the owner's expense.*
5. *The fee schedule for violations will be as follows:*
 - a. *First violation, ten dollars (\$10.00);*
 - b. *Second and subsequent violations, twenty five dollars (\$25.00).*

10-12-7: Parking Prohibited

It shall be unlawful for any vehicle, trailer or equipment to be parked or left standing on any street or town property for seventy two (72) consecutive hours, and any vehicle, trailer or equipment so parked or left standing may be impounded and removed by the county sheriff's office. For the purpose of impoundment and removal, the county sheriff's office may impound and remove any vehicle, trailer or equipment which reasonably appears to have remained unmoved for seventy two (72) consecutive hours. This offense shall result in a parking citation and the cost of impoundment and removal shall be charged to the owner or any person who claims the impounded vehicle.

Mayor Hidalgo reiterated that vehicles parking on town property is an issue and that the town has not been enforcing these two ordinances and they are simple ordinances to enforce. All that is required is a phone call to the Cache County Sheriff's Department and they would come out and issue a citation and if necessary have the vehicle towed at the owner's expense. Mayor Hidalgo also acknowledge that the Town Council would have to be the ones policing the situation. Councilmember N. Sparks stated that she believes that the Council should put the information out there so the citizens know what the resources they have if their neighbors are doing something they shouldn't do. It

shouldn't be up to the Council to police everybody but if a neighbor has an issue then they know their rights and know what the ordinances are and they can address it that way. Councilmember N. Sparks stated that the Council should inform the citizens that come forth with their concerns that this is what's on the books and if they want to call the Sheriff's office and file a complaint and have the Sheriff's Office come out and issue the citation it's up to them to do it. It shouldn't be up to the Town Council to do it. Councilmember D. Smith agreed that the Town Council shouldn't be the ones policing the situation. Mayor Hidalgo disagreed and stated that the Town Council has an obligation to enforce the Clarkston Town Code Ordinances. Councilmember N. Sparks believes the citizens need to take some responsibility on their own. Mayor Hidalgo stated that what he is hearing from the Council is that they really don't want to do anything about this. The Council just wants to make sure the public is aware of the ordinances in place and what they can do on their own and see if that works first. Councilmember D. Smith stated that he liked that approach. Mayor Hidalgo stated that he would also address this issue in the letter he is going to draft regarding nuisance properties. Mayor Hidalgo stated that in the letter he would make sure citizens are aware of the parking ordinances in place and that they should take action on their own. Mayor Hidalgo stated that he needed the Council's input and asked that the Council email him suggestions of what they would like to have included in the letter. Mayor Hidalgo concluded that the Council needs to see results or the Council will have to take some action.

Councilmember N. Sparks - August Warrant List – Councilmember N. Sparks presented the Warrant List for August 2020. Councilmember D. Smith motioned for the Clarkston Town Council to approve the Warrant List as read. Councilmember M. Fawcett seconded the motion. All in favor “Aye”. Motion carried

LUDMA – The LUDMA Commission is developing a Clarkston Town Annexation Plan. Councilmember N. Sparks reminded the Council that the LUDMA Commission would like them to come to their next LUDMA Meeting to be held on Monday, August 10, 2020 at 7:00 pm to have a joint discussion to determine the area of land that the town would be open to annexing if the property owners ever wanted to.

Councilmember M. Fawcett – Water Department – Water Meter Replacement Project – Councilmember M. Fawcett reported that Meterworks would be replacing the water meters during the week of September 14th. This will cause water service to be shut-off to individual homes while the meter is being replaced. In order to facilitate the process Operator Bryan Goodsell would be placing a marker to indicate the meters location on the homeowner's property. Councilmember M. Fawcett stated that he would prepare a public notification to post so that people are aware that this is going to be taking place and that their water will be shut-off for a short time. The Town Clerk Kristi Hidalgo will post the notice at the Post Office, Town Hall, on the website and on Facebook.

Councilmember D. Smith – Parks Department – Town Pavilion Lighting and Tables - Mayor Hidalgo asked Councilmember D. Smith to contact the Church of Jesus Christ of Latter-day Saints Facilities person for this area and find out if they would install lights at the pavilions. The lights need to be on a timer so that they turn on at dusk and turn off at

daylight. There is also one table at the south east pavilion that needs to be repaired. Councilmember D. Smith stated that he would take care of those action items.

Councilmember J. Buttars – Cemetery Department – Councilmember J. Buttars verified that the Council wanted to hold off having slag removed from the cemetery parking lot until a determination is made regarding the open grassy area directly east of the amphitheater and west of the green shed that may provide space for several grave sites. Mayor Hidalgo said that was correct.

Emergency Preparedness – CERT Supervisor – Councilmember J. Buttars informed the Council that no one had contacted her yet about the Clarkston Town Community Emergency Response Team (CERT) Supervisor position that was posted on August 20, 2020.

4. RELEVANT BUSINESS

Next Meeting – The next Town Council Meeting will be held on Tuesday September 15, 2020 at 7:00 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 J. Buttars seconded the motion. All members present voted “Aye”. Motion carried. The meeting adjourned at 8:42 pm.

Kristi Hidalgo
Town Clerk

