

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

May 18, 2021
7:00 P.M.

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

Attendance: Mayor N. Craig Hidalgo

Councilmembers: Jessica Buttars, Mylind Fawcett,
Nichole Sparks, Dan Smith

Town Clerk: Kristi Hidalgo

Public Attendance: There was no public attendance at the meeting.

1. CALL TO ORDER

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

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held May 4, 2021. Councilmember N. Sparks motioned for the Clarkston Town Council to approve and adopt the minutes of May 4, 2021. Councilmember M. Fawcett seconded the motion. All in favor "Aye". Motion carried

2. NEW BUSINESS

Proposed Budget Discussion –

Mayor Hidalgo passed out a Truth in Taxation handout that he drafted. See Attachment A
Mayor Hidalgo stated that Clarkston Town needs to be forward thinking and forward planning and that means taxes need to be increased for the following reasons:

- Cemetery Expansion
- Cemetery Software Update
- EMT Changes
- Increased Cost of Law Enforcement
- Competitive Employee Compensation
- Town Hall Remodel and Expansion
- IT Infrastructure Implementation
- Town Square Options
- Roads
- Spring Development and Protection
- Elections
- Town Development instead of maintenance focus

Mayor Hidalgo referred to the following tax increase options on the handout.

- Option 1 – Wish List – Budgeted Revenue Increase \$64,435 – Estimated Tax Increase \$225.26 (163%)

- Option 2 – No Town House – Budgeted Revenue Increase \$33,740 – Estimated Tax Increase \$118.51 (85%)
- Option 3 – No Town House or Council Wage Increase – Budget Revenue Increase \$26,540 – Estimated Tax Increase - \$92.78 (67%)
- Option 4 – Cemetery and Labor Only – Budget Revenue Increase \$14,140 – Estimated Tax Increase – 49.67 (36%)

Mayor Hidalgo recommended Option 4 with an approximate tax increase of \$50 per household.

Mayor Hidalgo presented the Fiscal Year 2021 Proposed Budget to the Council and stated that he included Option 4 in the Proposed Budget. **See Attachment B** The Council reviewed and discussed the proposed Budget for FY 2022. Mayor Hidalgo said that other than the Option 4 tax increase amount the FY 2022 Budget is basically the same as FY 2021. Mayor Hidalgo reiterated that taxes need to be increased to be able to fund the aforementioned items. Clarkston Town hasn't had a tax increase since 2007. Councilmember M. Fawcett agreed and stated that in his discussions with citizens regarding a tax increase no one likes the idea of a tax increase but were of the opinion that it has been a long time coming and recognize the need for it.

Resolution 21-09 “A Resolution Adopting the Clarkston Town FY 2022 Proposed Budget” - Mayor Hidalgo asked if there was any further discussion by the Council prior to passing the resolution. There was none. Mayor Hidalgo read the resolution and asked for a motion to adopt Resolution 21-09. Councilmember N. Sparks motioned for the Council to approve and adopt Resolution 21-09. Councilmember D. Smith seconded the motion.

Roll Call Vote:

Mayor Hidalgo	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember N. Sparks	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember D. Smith	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember M. Fawcett	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember J. Buttars	☒ Aye	☐ No	☐ Abstain	☐ Absent

The Town Clerk Kristi Hidalgo reported that the Cache County Auditor determines when Truth in Taxation Public Hearings are held for all municipalities. The Clarkston Town Truth in Taxation Public Hearing has been scheduled for Wednesday August 18, 2021 at 7:00 pm in the Town Hall.

Ordinance 21-05 “An Ordinance Amending Clarkston Town Code Zoning Regulation Title 10 Chapter 2 Section 9” – Mayor Hidalgo asked if there was any discussion by the Council prior to passing the ordinance. Councilmember N. Sparks explained the reason for this amendment to the Zoning Ordinance. The Utah State Building Code states that buildings two hundred (200) square feet or less do not need a building permit. The Clarkston Town Building Code states that buildings under two hundred square feet do not need a building permit. Structures two hundred square feet would need to get a building

permit. The proposed amendment just makes the Clarkston Town Building Code compatible with the Utah State Building Code.

Mayor Hidalgo asked if there was any further discussion by the Council prior to passing the ordinance. There was none so Mayor Hidalgo read the ordinance and asked for a motion to adopt Ordinance 21-05. Councilmember N. Sparks motioned for the Council to approve and adopt Ordinance 21-04. Councilmember D. Smith seconded the motion.

Roll Call Vote:

Mayor Hidalgo	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember D. Smith	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember J. Buttars	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember M. Fawcett	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember N. Sparks	☒ Aye	☐ No	☐ Abstain	☐ Absent

3. DEPARTMENTS

Mayor Hidalgo – Fire Department – Mayor Hidalgo had nothing to report.

Councilmember N. Sparks – Pony Express Days – Councilmember N. Sparks presented a proposed Pony Express Days flyer to the Council detailing the schedule of events for the day. See Attachment C

Youth Council – Councilmember N. Sparks reported that the Youth Council bought all of the lumber they need to redo the float and it took almost all of their budget. They will be selling hotdogs during the Pony Express Days Softball Tournament to earn money to finish the float.

LUDMA - Councilmember N. Sparks reported that the LUDMA Commission held a Public Hearing on Monday May 10, 2021 at 6:30 pm to hear on the Proposed Annexation Plan and it went well. A few people were misinformed. They thought it was the town's goal to try to push growth and it's not. It is to funnel it in a general direction. Councilmember N. Sparks stated that the LUDMA Commission would be finalizing the Annexation Plan and forwarding it on to the Town Council within the next month or two.

2021 Citizen of the Year - Mayor Hidalgo asked for a recommendation to go into an executive session to discuss the 2021 Citizen of the Year. Councilmember J. Buttars made the motion to go into an Executive Session. Councilmember M. Fawcett seconded the motion. All in favor "Aye". Motion carried. At 7:53 p.m. the Mayor and Council entered into an Executive Session.

Mayor Godfrey and the Council returned from Executive Session at 8:05 p.m. Mayor Godfrey asked for a motion to return to the regular Town Council Meeting. Councilmember N. Sparks made a motion to return to the regular Town Council Meeting. Councilmember J. Buttars seconded the motion. All in favor "Aye" Motion carried.

Councilmember M. Fawcett – Water Department – Mylar Springs – Councilmember M. Fawcett reported that Erik Ravsten had been hired by the town to go up to Mylar Springs and mow and clean up the area and get it ready to meet the water qualifications so that it can be part of the water system.

Councilmember D. Smith – Roads Department – Councilmember D. Smith reported that FY 2022 Road Repairs are underway on the following roads:

- 200 South above 200 West
- 100 South above 200 West

Parks Department – Town Clean-Up Day – Councilmember D. Smith thanked everyone that helped with the Town Clean- Up Day. The park looks great.

Sports – Mayor Hidalgo would like to have the ball diamond tilled a couple more times this summer. Councilmember D. Smith will coordinate that with Tacho Escareno.

Councilmember J. Buttars – Cemetery Department – Cemetery Expansion – Councilmember J. Buttars reported that she got the soil analysis back from USU and the pH is fine. It is not too acidic and should support grass just fine. No top fill would be required. The analysis recommended a nitrogen only fertilizer be applied 1 to 3 times each year when the grass is established. See Attachment D The Council discussed and determined to get the rest of the slag removed from the parking lot and have the ground dug, tilled and a sprinkling system installed. Councilmember J. Buttars will secure three sprinkling system bids for the cemetery expansion project.

Cemetery Road Repairs - Repairing Roads – Mayor Hidalgo reported that he had Top Job Asphalt come out and take a look at the cemetery roads. They will be getting him a bid on repairing the cracks. Top Job did not recommend doing an asphalt overlay this year. The cracks need to be fixed first and then do an asphalt overlay within a year or two.

Amphitheater Light Poles – Councilmember J. Buttars stated that Cody Bartlett would be coming out this weekend (May 21-22) to remove the amphitheater light poles.

Perpetual Care Fees – Councilmember J. Buttars reported that Deputy Clerk Holly Jones provided her a list of what other cities and towns charge for Perpetual Care Fees.

See Attachment E

Reclaiming Grave Plots – Councilmember J. Buttars reported that, according to Utah State Code, before the town can send out a letter notifying people that the town would be reclaiming burial plots that have not been used for more than sixty (60) years civil papers would have to be served to them. Councilmember J. Buttars referenced Utah State Code 8-5-1 which states the following: See Attachment F

Unused or Unkept lots – Notice Procedures

(1) If a municipality or cemetery maintenance district owns a cemetery and has conveyed cemetery lots or parcels by deed with or without restrictions, and the grantee, or persons claiming through the grantee, for more than 60 years:

- (a) *have not used portions of the lots or parcels for purposes of burial and have not provided for the care of the lots or parcels beyond that uniformly provided for all lots of the cemetery, and during the 60-year period have not given the municipality or cemetery maintenance district written notice of any claim or interest in the lots or parcels; or*
- (b) *have not used a portion of the lots or parcels for purposes of burial and have not kept the lots or parcels free of weeds or brush, but have allowed it to remain entirely unimproved for more than 20 years, and the lots or parcels are located in the portion of the cemetery where they adjoin or are adjacent to improved parts of the cemetery and by reason of their unimproved condition detract from the appearance of the cemetery, interfere with its harmonious improvements, and furnish a place for the growth of weeds and brush, then the municipality or cemetery maintenance district shall demand of the grantee or persons claiming through the grantee either of the following:*
 - (i) *that they file with the municipality or cemetery maintenance district a written notice of claim or interest in and to the lots or parcels recorded by evidence of their claim of ownership within 50 days after the service of a copy of the notice of demand; or*
 - (ii) *that they keep the premises clear of weeds and in a condition of harmony with other adjoining lots.*

(2) The municipality or cemetery maintenance district shall serve a copy of the demand or notice required by Subsection (1) on the grantee or persons claiming through the grantee in accordance with the Utah Rules of Civil Procedure.

Councilmember J. Buttars also referenced Utah State Code 8-5-6 which states the following:

See Attachment G

Alternative Council or Board Procedures for Notice – Termination of Rights

- (1) *As an alternative to the procedures set forth in Sections 8-5-1 through 8-5-4, a municipal council or cemetery maintenance district board may pass a resolution demanding that the owner of a lot, site, or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the county recorder, city recorder, or town clerk notice of any claim to the lot, site, or portion of the cemetery.*
- (2) *The municipal council or cemetery maintenance district board shall then cause a copy of the resolution to be personally served on the owner in the same manner as personal service of process in a civil action. The resolution shall notify the owner that the owner shall, within 60 days after service of the resolution on the owner, express interest in maintaining the cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to use the lot, site, or portion of the cemetery for a burial.*

(3) If the owner cannot be personally served with the resolution of the municipal council or cemetery maintenance district board as required in Subsection (2), the municipal council or cemetery maintenance district board shall:

(a) publish its resolution on the Utah Public Notice Website created in Section 63F-1-701 for three weeks; and

(b) mail a copy of the resolution within 14 days after the publication to the owner's last known address, if available.

(4) If, for 30 days after the last date of service or publication of the municipal council's or cemetery maintenance district board's resolution, the owner or person with a legal interest in the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of the cemetery for burial purposes, the owner's rights are terminated and that portion of the cemetery shall be vested in the municipality or cemetery maintenance district.

Councilmember J. Buttars concluded that instead of following the Utah Rules of Civil Procedure (8-5-1) the Council could pass a resolution (8-5-6) demanding that the owner of a lot in the cemetery which has been unused for burial purposes for more than 60 years, file with the town clerk written notice of any claim to the lot(s). If no claim is made the lot(s) would revert back to the town.

Memorial Day Veterans Flags and Dumpster – Councilmember J. Buttars stated that she would be placing flags on veteran's graves Tuesday May 25, 2021 around 5:00 pm. Councilmembers were invited to participate, if they could. Councilmember J. Buttars will contact Tileo Perez (T&S Services) for a dumpster to be delivered the Monday (June 7) following Memorial Day.

4. RELEVANT BUSINESS

June Newsletter Items – Mayor Hidalgo stated that if the Council had any items that they wanted to have put in the June Newsletter to get them to the Town Clerk Kristi Hidalgo by June 1, 2021.

Next Meeting – The next Town Council Meeting will be held on Tuesday June 1, 2021 at 7:00 pm.

5. ADJOURN

There being no further business to come before the Council, Councilmember D. Smith 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 8:35 pm.

Kristi Hidalgo
Town Clerk

