

MINUTES OF THE TOWN COUNCIL
MEETING
OF THE TOWN OF CLARKSTON

September 20, 2022
7:00 P.M.

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

Attendance: Mayor N. Craig Hidalgo

Councilmembers: Mylind Fawcett, Shaun Kurek
McCall Stephensen

Town Clerk: Kristi Hidalgo

Absent: Councilmember Dan Smith

Public Attendance: Nichole Reynolds

1. CALL TO ORDER

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

Mayor Hidalgo addressed the minutes of the Clarkston Town Council Meeting held September 6, 2022. Councilmember M. Fawcett motioned for the Clarkston Town Council to approve and adopt the minutes of September 6, 2022. Councilmember M. Stephensen seconded the motion. All in favor "Aye". Motion carried

2. BUSINESS

Business License Application – Nichole Reynolds – Mighty West Services LLC - Mayor Hidalgo asked Nichole Reynolds to explain the business to the Council. Mrs. Reynolds stated that the name of the business is Mighty West Services LLC. She would be selling apparel, decals, and banners online. Mrs. Reynolds stated that parking would not be an issue. The products would be shipped to clients and local orders delivered. No one would be coming to her house. Mayor Hidalgo wondered where the business inventory would be stored. Mrs. Reynolds said that it would be inside her house. Mayor Hidalgo asked if she planned on putting up signs advertising the business. Mrs. Reynolds replied that she would not be putting up any signs because she doesn't want people to think that the store is at her house. Councilmember S. Kurek motioned to approve the business license. Councilmember M. Fawcett seconded the motion. All in Favor "Aye". Motion carried

Resolution 22-10 - "A Resolution Closing a Portion of a Public Right-of-way for Vehicular Travel for an Indefinite Period of Time and Converting the Same for Leasing Space for the Placement of a Telecommunications Tower" – Mayor Hidalgo reported that the Cache County Recorder had processed the Quit Claim Deed creating a parcel but refused to assign a parcel number without a formal vacation of the public right-of-way taking place as defined in Utah Code 72-5-105(1). Mayor Hidalgo stated that he refused to vacate the entire right-of-way and contacted Clarkston Town Attorney Seth Tait and Cache County Attorney John Luthy and an agreement was made that if the Clarkston Town Council, in a public meeting, passed a resolution formally closing a portion of the public right-of-way on 200 West the Cache County Recorder would assign a parcel number to the property. Mayor Hidalgo read the

resolution and asked for a motion to adopt Resolution 22-10. Councilmember S. Kurek motioned for the Council to approve and adopt Resolution 22-10 Councilmember M. Stephensen seconded the motion.

Roll Call Vote:

Mayor Hidalgo	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember D. Smith	<u> </u> Aye	<u> </u> No	<u> </u> Abstain	<u>X</u> Absent
Councilmember M. Fawcett	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember M. Stephensen	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember S. Kurek	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent

Resolution 22-11 - “A Resolution Amending the Master Fee Schedule to Update Land Use Development and Subdivision Fees”– Mayor Hidalgo informed the Council that Resolution 22-11 is not a change to any policy or ordinance that has been adopted. The resolution is to update fees on the Master Fee Schedule that are deficient. Mayor Hidalgo stated that he has asked the clerks to review the Master Fee Schedule quarterly to make sure that the fees assessed are adequate and in line with the County and other communities. Mayor Hidalgo turned the time over to Town Clerk Kristi Hidalgo to present the following proposed amendments:

Land Use Development Fees:

Annexation Fee - Mrs. Hidalgo reminded the Council that the Planning and Zoning Commission were concerned that the Annexation Fee, we have in place, is not adequate. Currently our Annexation Fee is \$750. In talking to the County, they charge \$750 to review an annexation and \$100 to record it. So that is \$850. Mrs. Hidalgo stated that since she had never done an annexation, she talked to Smithfield City to find out what other costs are associated with an Annexation. There are advertising costs, public hearings expenses, attorney and engineering review fees, and administrative and staff fees that need to be covered. Mrs. Hidalgo stated that Smithfield City and Richmond City both have a non-refundable \$2,350 Annexation Fee and proposed the same for Clarkston Town. Mrs. Hidalgo stated that Smithfield City and Richmond City cited that the reason they made the fee non-refundable is because they had a lot of people come in and start the Annexation Process and then they back out. These cities have found that if someone is putting out \$2,350 and it is non-refundable, they are more likely to be sure about annexing before they initiate the process.

Rezone Fee – Currently our Rezone Fee is \$250. Mrs. Hidalgo said that again, she had never been involved with a re-zone, so she talked to the County and Smithfield City to find out if that was adequate. Smithfield City, in August of this year increased their re-zone fee from \$250 to \$550. The same fees associated with an annexation apply to a re-zone plus costs for updating re-zone maps and the GIS Map. Mrs. Hidalgo proposed increasing the Re-zone Fee to \$550.

Subdivision Fees:

Contractor Deposit – Currently our Construction Fee is \$3,000. Mrs. Hidalgo stated that Clarkston Town has only had one subdivision and the fees that the contractor deposit covers have already been exceeded by \$1,225 so we have had to send an invoice to the subdivider for the overage amount. After talking to other cities and towns, I propose that this amount be increased from \$3,000 to at least \$8,000.

I put \$10,000 on the resolution. The Willis Acre Subdivision is a small subdivision the first phase is only five homes. Larger subdivisions will cost even more for attorney fees, engineer fees, water models, etc. The contractor fee is also supposed to cover any mishaps that may occur. So, you can see that \$3,000 is not adequate. Mrs. Hidalgo stated that the subdivider ultimately is responsible to pay for all fees associated with the development but Mr. Garth Day (Project Development Manager hired by Darrin Michaelis to manage the development of the Willis Acres Subdivision) told me that it is better and easier to get the money up front rather than seeking reimbursement. Money left over after the subdivision is complete would be refunded to the subdivider.

Water Dedication Fee – The Clarkston Town Subdivision Ordinance states the following:

11-5-4 Dedication of Water

The town council shall require each subdivider, which has not received preliminary approval prior to the adoption hereof, to provide one acre-foot of usable water per dwelling unit, residential lot, commercial lot, or separate parcel created by the subdivision whichever is greatest, to the town. This contribution of water is intended to assist the town in meeting the water supply needs brought on as a result of the development.

- A. Culinary quality water which, in the opinion of the town, would qualify for conversion to a municipal use with a point of diversion residing in an existing town diversion point or that may be transferrable to an existing town diversion point.*
- B. A subdivider or developer may in lieu of providing water, pay the amount identified in the most current "prevailing fee schedule" as set forth by the town council. Fees collected by the town shall be earmarked for the purpose of obtaining additional water rights or developing existing water resources. The town may refund any fees received in accordance with this option if the subdivider or subdivider provides water in accordance with CMC A of this section.*

Mrs. Hidalgo informed the Council that a Water Dedication Fee needs to be added to the Master Fee Schedule. Smithfield City requires one (1) water share per lot or \$3,000 per residential unit. Mrs. Hidalgo proposed the same. That a \$3,000 per residential unit Water Dedication Fee be added to the Master Fee Schedule. This fee would be collected before the Mylar Plat is signed by the mayor. Mrs. Hidalgo concluded that Clarkston Town Attorney Scott Archibald highly recommended that the town include 11-5-4 Dedication of Water in the Revised Subdivision Ordinance. It was included so a Water Dedication Fee needs to be added to the Master Fee Schedule.

The Council discussed the fees and determined that the proposed fees were amenable to them.

Mayor Hidalgo read the resolution and asked for a motion to adopt Resolution 22-11. Councilmember M. Fawcett motioned for the Council to approve and adopt Resolution 22-11 Councilmember M. Stephensen seconded the motion.

Roll Call Vote:

Mayor Hidalgo	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember D. Smith	<u> </u> Aye	<u> </u> No	<u> </u> Abstain	<u>X</u> Absent
Councilmember M. Fawcett	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember M. Stephensen	<u>X</u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent

Councilmember S. Kurek

X Aye ___ No ___ Abstain ___ Absent

Green Space Proposition – Mayor Hidalgo informed the Council that Proposition 1, known as the Green Space Proposition, will be on the ballot in the upcoming election held November 8, 2022. Mayor Hidalgo stated that an individual was invited to the September Mayor’s Association Meeting to discuss Proposition 1 with the mayors. Mayor Hidalgo referenced a flyer that will be sent to Cache Valley residents before the election. **See Attachment A**

Mayor Hidalgo explained that proponents of the proposition believe that open space is legacy land that we leave to future generations. Cache County is one of fastest growing counties in the country. Our children and grandchildren will need homes, but we can also leave them a valley with farms, waterways, wildlife and trails to cherish.

Proposition 1 establishes a fund to “protect scenic vistas, preserve open lands near valley gateways, add trails and trail connectivity, and maintain agriculture, waterways, and wildlife habitat.

The total bond will be \$20 million dollars paid back over 20 years. The money can be leveraged to provide 3-4 times that amount in funds from federal and state grants. It would cost the typical Cache County household (median house value \$429,000) approximately \$2.24 per month.

Proposition 1 creates a county board to with landowners who voluntarily choose to sell land or easements. A committee will be appointed by the Cache County Council, similar to the RAPZ fund, to score and make recommendations to the county council. The Cache County Council will make the final decisions.

Mayor Hidalgo stated that he wondered if the Cache County Council was going to become realtors. The Green Space Proposition representative took exception to the term “realtor” but agreed that bond money could be used to purchase select parcels of property from willing landowners for green space and they would become lien holders. Mayor Hidalgo said that if this proposition passes property taxes will increase to cover it. Mayor Hidalgo stated that the open space committee conducted a survey and found that 74% of the people contacted were in favor of green space and 74% of the people contacted were not in favor of a property tax increase to fund it. Mayor Hidalgo stated that he was providing this information to the Council so that they are aware of what the proposition entails and can vote accordingly. Mayor Hidalgo stated that he hadn’t decided if he is for or against it yet. For additional information go to: cacheopenspace.org

3. DEPARTMENTS

Fiber Optics – Rise Broadband – Mayor Hidalgo said that Rise Broadband emailed him asking what our position is on Rise Broadband. Mayor Hidalgo said that he has not had a lot of time to spend on this and asked if one of the Councilmembers would take the initiative to work this project. Councilmember S. Kurek volunteered to do it. Mayor Hidalgo asked Councilmember S. Kurek to also contact Senator Chris Wilson to find out what the state is doing and what funding is available for fiber optics.

Town Code 8-1-8 – Use by Visitors in Recreational Vehicles – Mayor Hidalgo stated that he had a citizen call him and explain to him that his father had sold his home and bought a trailer. He is going to live in St. George throughout the winter but wants to come and stay in Clarkston at his house for the summer months. Mayor Hidalgo referenced Town Code 8-1-8 which states the following:

8-1-8: USE BY VISITORS IN RECREATIONAL VEHICLES:

Individuals visiting the premises of an authorized user in a recreational vehicle, not including a mobile home, and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed one month. Continued use thereafter shall be deemed unauthorized and in violation of the provisions of this chapter relating to separate connections and unauthorized use.

Mayor Hidalgo stated that Clarkston Town Code only allows a visitation period of thirty (30) days and recommended changing the visitation period to ninety (90) days and stipulate that all recreational vehicles must be vacated by September 30. Mayor Hidalgo asked the Council what they thought about this recommendation. Councilmember M. Fawcett stated that he is okay with the above-mentioned situation. The situation he wants to avoid is someone being able to rent out their back yard for a camping spot. Mayor Hidalgo replied that, that would not be allowed. Clarkston is zoned for single-family dwellings. Use by visitors in recreational visitors was added for thirty (30) days. Mayor Hidalgo clarified he is just wanting to change it to ninety (90) days and vacated by September 30. Councilmember S. Kurek wondered about reviewing and determining each case specifically. Councilmember M. Fawcett stated that the Council can't do that. Everyone must be treated the same. Councilmember M. Stephensen commented that she is fine changing it to ninety days. Mayor Hidalgo recommended specifying in the code that only one Visitor Recreational Vehicle would be allowed on the premises at a time. The Council agreed. Mayor Hidalgo asked the Council to continue thinking about it, send any other thoughts on it to the Town Clerk Kristi Hidalgo, and he would draft a resolution redefining Clarkston Town Code 8-1-8.

Garbage Collection – Mayor Hidalgo reported that the Cache Waste Consortium Interlocal Agreement had been finalized. The Cache Waste Consortium will be governed by a nine member board consisting of 2 mayors from among the mayors of Providence, Millville, Nibley, Hyrum, and Paradise; 2 mayors from among the mayors of River Heights, North Logan, Hyde Park, and Amalga; 2 mayors from among the mayors of Wellsville, Mendon, Newton, Clarkston, Trenton, and Cornish (if Cornish joins the Interlocal Agreement); 2 members of the Cache County Council, with one such member being one that represents a district north of Logan City and one such member being one that represents a district south of Logan City; and the Cache County Executive. Mayor Hidalgo stated that members of the board had been selected. The Cache Waste Consortium Board members are as follows:

1. Hyde Park Mayor Jason Thompson
2. North Logan Mayor Lyndsey Petersen
3. Hyrum Mayor Stephanie Miller
4. Nibley Mayor Larry Jacobsen
5. Wellsville Mayor Thomas Bailey
6. Newton Mayor Mike Benson
7. County Councilmember David Erickson
8. County Councilmember Nolan Gunnell
9. Cache County Executive David Zook

Mayor Hidalgo stated that the consortium needs the Interlocal Agreement to be approved and signed by all the cities and towns involved in the consortium. Waste Management Companies have submitted their proposals with rough or approximate costs. Once the Interlocal Agreements have been signed, the Cache

Waste Consortium Board will have the right to have the waste management companies resubmit their bid proposals with genuine numbers. Mayor Hidalgo asserted that the Consortium is not authorized to acquire real or personal property or to incur debt for the first five years of existence (until January 1, 2028). The County and Cities and Towns will not be asked to contribute funds to the consortium except for fees collected for solid waste collection and disposal. The consortium will not have power to levy taxes. If a City, Town or County wishes to withdraw from the consortium they may do so only at the end of the contract and must give twelve (12) months' notice. The consortium wants to have a contract in place with a waste management company by June 30, 2023. Councilmember M. Fawcett wondered if the waste management companies have included garbage and recycle cans on the bid proposals. Mayor Hidalgo responded that it is up to the waste management companies to determine whether to buy existing cans from Logan or use their own and include that decision in their bids. The consortium will not decide that. Also, the consortium will not tell the waste management companies where to dispose of the solid waste. That is up to them to negotiate. Councilmember M. Fawcett clarified that the waste management companies will not provide a green waste dumpster, but citizens can opt into paying for a green waste can at their house. Mayor Hidalgo confirmed that. Councilmember S. Kurek wondered if the town could contract with a company for a green waste dumpster. Mayor Hidalgo stated the Council had already explored that option a few years ago and may want to consider it again.

Resolution 22-12 – “An Interlocal Agreement Between Cache County and the Municipalities of Cache County for Creation of an Entity for County and Municipal Solid Waste Disposal”- Mayor Hidalgo asked if there was any further discussion by the Council. There was none. Mayor Hidalgo asked for a motion to adopt Resolution 22-12. Councilmember M. Fawcett motioned for the Council to approve and adopt Resolution 22-12 Councilmember S. Kurek seconded the motion.

Roll Call Vote:

Mayor Hidalgo	<u>X</u> Aye	___ No	___ Abstain	___ Absent
Councilmember D. Smith	___ Aye	___ No	___ Abstain	<u>X</u> Absent
Councilmember M. Fawcett	<u>X</u> Aye	___ No	___ Abstain	___ Absent
Councilmember M. Stephensen	<u>X</u> Aye	___ No	___ Abstain	___ Absent
Councilmember S. Kurek	<u>X</u> Aye	___ No	___ Abstain	___ Absent

Town Hall Project – Mayor Hidalgo reported that the engineering is complete, and the Request for Bids (RFB) is out. There are currently five companies that are working on bids. Bids are due by close of business Friday, October 28, 2022. A log needs to be kept of the companies interested in bidding and the companies that turn in an RFB. The Town Council will open the bids and select the lowest reasonable bid for the project at the Clarkston Town Council Meeting held November 1, 2022.

Councilmember M. Fawcett – Planning and Zoning Commission – Public Hearing - Councilmember M. Fawcett reported that the Planning Commission would be holding a public hearing, on Monday November 14, 2022 at 7:00 pm, to hear on the Revised Clarkston Town General Plan and updates to the Annexation Plan to include west of town as a fire protection and resource protection area.

Proposed Annexation Amendments to Clarkston Town Code - Councilmember M. Fawcett informed the Council that the planning Commission is working on drafting a Clarkston Town Annexation Process to recommend to the Town Council. Councilmember M. Fawcett explained that the following is all that exists in the Clarkston Town Code relevant to annexations:

10-2-5: Areas Annexed

New areas annexed to the town shall automatically be classified as being in the A-10 agricultural zone until such classification shall have been changed by an amendment to this title, as provided by law.

Councilmember M. Fawcett stated that the Planning Commission feels that this is inadequate and recommends that Clarkston Town Code 10-2-5 be amended as follows:

10-2-5 Annexation

10-2-5A Policy

10-2-5B Annexation Policy Plan

10-2-5C Application Fee

10-2-5D Areas Annexed

10-2-5A Policy

All annexations to the incorporated boundaries of Clarkston Town shall be made in accordance with the latest requirements for annexations as outlined in the Utah Code Annotated, 10-2-4, (1953 as amended) which are incorporated in this chapter by reference.

10-2-5B Annexation Policy Plan

An annexation policy plan, developed in accordance with the provisions of section 10-2-401.5 Utah Code Annotated (1953 as amended) has been adopted and shall be used as a guide in making decisions relative to all annexation requests.

10-2-5C Application Fee

An application fee, as established in the most current version of the adopted prevailing fee schedule, shall be paid at the time the application for annexation is filed with the town clerk.

10-2-5D Areas Annexed

New areas annexed to the town shall automatically be classified as being in the A-10 agricultural zone until such classification shall have been changed by an amendment to this title, as provided by law. (Ord. 01-04, 1-7-2002)

The Council did not discuss the proposed amendments or make a decision to amend Clarkston Town Code 10-2-5 at this meeting.

Councilmember M. Stephensen – Fall 5K Fun Run - Councilmember M. Stephensen reported that she was working on the details for a 5K Fun Run to raise funds for the new town hall project. She wondered about liability and insurance associated with sponsoring a 5K race. Mayor Hidalgo recommended waiting on doing the 5K race until next year to allow more time to figure all of that out. Councilmember M. Stephensen agreed.

Youth Council – Councilmember M. Stephensen stated that there are five youth on the youth council right now. There is a mayor and four councilmembers. Councilmember M. Stephensen said that she would be attending a Youth Council Conference in Herriman, Utah this Saturday September 24, 2022 to learn more about the youth council. Councilmember M. Stephensen stated that the youth council would like to sponsor a Youth Halloween Movie and possibly a softball game before the weather gets too cold.

Councilmember S. Kurek – Cemetery Department – Sprinkling System - Councilmember S. Kurek reported that another company came to bid on the Cemetery Sprinkling System, and he should have the bid back soon. Mayor Hidalgo stated that as soon as the second bid comes back he needs to decide on a bid and get the sprinkling system project scheduled now so that it can be done as soon as possible.

Grave Decorations – Mayor Hidalgo stated that there are people that have started planting plants around headstones and that is not permissible. Mayor Hidalgo said that he told Cemetery Sexton Jeremy Hidalgo to remove anything that has been planted. Councilmember S. Kurek stated that there is an excessive problem with decorations around headstones which make it very difficult for the sexton to trim and mow around the headstones. Mayor Hidalgo agreed and said that the sexton should not have to constantly work around and dispose of grave decorations all year.

4. RELEVANT BUSINESS

Next Meeting – The next Town Council Meeting will be held on Tuesday October 4, 2022 at 7:00 pm.

5. ADJOURN

There being no further business to come before the Council, Councilmember M. Stephensen motioned that the Clarkston Town Council Meeting adjourn. Councilmember M. Fawcett seconded the motion. All members present voted “Aye.” Motion carried. The meeting adjourned at 8:40 p.m.

Kristi Hidalgo
Town Clerk

