



**CLINTON CITY COUNCIL MEETING MINUTES
CITY HALL
2267 North 1500 W Clinton UT 84015**

**MAYOR
Brandon Stanger**

**CITY COUNCIL MEMBERS
Anna Stanton
Marie Dougherty
Gary Tyler
Dane Searle
J. Stark**

Date of Meeting	August 8, 2023	Call to Order: 7:00 PM
City Council & Staff Present	City Manager Dennis Cluff, Police Chief Shawn Stoker, Fire Chief David Olsen, Asst. Fire Chief Justin Benavidez, Recreation Director Brooke Mitchell, Treasurer Steve Hubbard, Community Development Director Peter Matson, Public Works Director David Williams, IT Specialist Dereck Bauer, JUB Engineer Bryce Wilcox and Lisa Titensor recorded the minutes.	
Attendees	Owen Pratt, Austin Gray, Alissa Cook,	
Invocation or Thought & Pledge of Allegiance	Councilmember Dougherty	
Roll Call & Attendance Of City Council	Mayor Stanger, Councilmember Dougherty, Councilmember Searle, Councilmember Stanton, Councilmember Stark and Councilmember Tyler	
Public Input	<p>Alyssa Cook stated she would like the City to offer recycling for the residents.</p> <p>Mayor Stanger responded there is a district wide program in the works. It is a huge undertaking that will take some time. They are working with a firm to help build a roll out program to off sett fees for the cities already participating.</p>	
A. EMPLOYEE OF THE MONTH FOR JULY 2023 – REED KLEMIN		
Petitioner	Dennis W. Cluff, David Williams	
Discussion	<p>David Williams explained that Reed was not able to attend. He went on to say that Reed has been with the Parks Department since March of this year. Reeds attention to detail and interest in learning all aspects of the Department is very impressive. He is always willing to help others on the crew as well as other departments in Public Works. He gets along well with his co-workers and treats the public with dignity and respect. He is always willing to come in for extra assignments, and has a good attitude in all that he does. He is very diligent and is gaining all the education associated with his job that he can. With the new changes associated with the CDL program we as a Department have been leery on how fast someone new could complete the Program. Reed came in almost 75% complete before he even started his first day of employment and in little less than a month he attained his CDL. In a time that employers are finding it more and more difficult to find employees, let alone competent ones, we are very lucky to have Reed on our crew.</p> <p>Mr. Williams asked the Council to recognize Reed as the Employee of the Month for July 2023.</p> <p>Mayor Stanger and the City Council expressed their appreciation for the great job that Reed does for the City.</p>	
B. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS AT TOWN POINT PHASE 2 SUBDIVISION LOCATED IN THE VICINITY OF 2000 NORTH AND 2350 WEST		

Petitioner	Peter Matson, Community Development and Dave Williams, Public Works
Discussion	Town Point Phase 2 Subdivision has completed the warranty period. The developer has requested Final Acceptance of the public improvements for this subdivision. Public Works has inspected the improvements for this phase and recommends the release of any remaining escrow funds.
CONCLUSION	<i>Councilmember Stanton moved to approve the final acceptance of Town Point Phase 2 subdivision improvements, and authorize the release of the remaining funds held in escrow. Councilmember Tyler seconded the motion. Voting is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i>
C. CONSENT OF SUB-LEASE OF CROWN CASTLE LEASE OF CITY LAND FOR CELL TOWER	
Petitioner	Dennis Cluff
Discussion	<p>The staff report identifies that Vivint bought the antenna (cell) tower from the City that was relinquished to Clinton City by Sprint/Nextel in 2014; they then leased the land area where the tower sits from the City. Vivint subsequently sold the tower to Atlas Tower which also took over the land lease. Atlas Tower then sold the Cell Tower to Crown Castle and Crown Castle assumed the land lease.</p> <p>The land lease the City has does allow for the Lessee to sub-lease with the consent of the Landlord, which is the City. Crown Castle is requesting consent by the City to allow DISH Network to be a sub-lessee and utilize a small section of the leased land to add their equipment housing. There is no legal reason to withhold this consent approval.</p> <p>The land lease does have a rental clause in it that every subsequent sub-lease will net the City 20% of that sub-lease rental fee annually. Mr. Cluff has reminded Crown Castle of the sub-lease rental fee clause identified in the original lease document and they have acknowledged that they will comply.</p>
CONCLUSION	<i>Councilmember Stark moved to approve the consent for Crown Castle to sub-lease to DISH Network a portion of the leased land where their Cell Tower is located. Councilmember Searle seconded the motion. Voting by roll call is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i>
D. BID AWARD FOR CITY STREET STRIPING	
Petitioner	Dennis Cluff, David Williams
Discussion	<p>The purpose of the 2023 Roadway Striping Project is to apply new paint to fading roadway striping on collector roads within the city. This year’s project will apply paint on 1000 West and 1500 West along the entire road within city limits.</p> <p>The project was recently sent out for bid. Stripe Zone failed to complete an accurate bid and was therefore eliminated from the bidding process, 2 other bids were received. The bid tabulation is attached to the staff report; the bid amounts are as follows:</p> <p>All Star Striping: \$23,932.88 Peck Striping: \$27,728.14 Stripe Zone: Incomplete bid</p> <p>The project will be funded using money budgeted in the street account #61 for FY 23-24.</p>

	All Star Striping has completed other striping projects throughout the city and have done quality work. Staff recommends awarding the 2023 Roadway Striping Project to All Star Striping for \$23,932.88.
CONCLUSION	<i>Councilmember Stanton moved to award the bid to the low bidder All Star Striping for \$23,932.88. Councilmember Dougherty seconded the motion. Voting by roll call is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i>
E. FEDERAL ASSISTANCE TO FIREFIGHTER GRANT	
Petitioner	Dennis Cluff, David Olsen
Discussion	<p>The Fire Department was recently notified that Clinton has been awarded a Federal Assistance to Firefighter Grant (AFG) for the purchase and installation of the Magnegrip Diesel Exhaust Removal System. The Fire Department is thrilled to have been awarded this grant. The AFG grant is a 90% Federal share, 10% City share grant.</p> <p>Federal Share: \$83,636.36 City Share: \$8,363.64 Total Cost: \$92,000.00</p> <p>The Magnegrip diesel exhaust removal system is a direct exhaust removal system that will enhance the current 16 year old passive filter system. This system is essential for the Fire Department’s continued goal of increasing the health and safety of department members. Many tasks and assignments associated with firefighting increase the risks of being diagnosed with and dying from cancer. A study by the National Institute for Occupational Safety and Health (NIOSH), as reported by the Firefighter Cancer Support Network, indicates that firefighters have a 9% increased risk of getting cancer and 14% higher risk of dying from cancer than the general U.S. populations. According to International Association of firefighters (IAFF) data, cancer caused 66% of career firefighter line-of-duty deaths from 2002 to 2019.</p> <p>Clinton Fire Department is currently instituting best practices and strategies for preventing firefighter related cancers by reducing the risk and exposure to known or suspected cancer-causing substances to our department members. The American Cancer Society has identified diesel exhaust as a serious health risk. While continued research is ongoing, many studies have found possible links between diesel exhaust and cancers such as bladder, larynx, esophagus, stomach, pancreas, and blood system cancers. Currently in the State of Utah there are four types of presumptive cancers that are known to be associated with being a firefighter. They are pharynx, esophagus, lung and Mesothelioma. The City could bear some financial liability if a firefighter was diagnosed with one of these cancers, which could indirectly increase the financial burden to the City’s Workers’ Compensation insurance premiums.</p> <p>The Fire Department recommends that the City Council approve this award bid for the purchase and installation of the Magnegrip Diesel Exhaust Removal System.</p>
CONCLUSION	<i>Councilmember Tyler moved to accept the Federal Assistance Grant for the exhaust removal system. Councilmember Stark seconded the motion. Voting is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i>
F. RESOLUTION 17-23 - ADOPTION OF THE CLINTON CITY AMENDED CONSOLIDATED FEE SCHEDULE	
Petitioner	Dennis Cluff
Discussion	As reported and discussed in the August 7, 2023 Special City Council work session, the temporary water meter set fee has been \$50 since 2009 and is recommended to be increased to \$65 due to 14 years of inflation and salary increases.

Staff also recommends the temporary water usage to be at the same rate as residential. This means the meters will need to be read monthly like all of the rest instead of just at the beginning and ending of the rental period.

The following changes are proposed for FY 2023-24:

- a) Temporary Water Meter Set Fee - \$65;
- b) Temporary Water Use Fees – Meters will be read monthly and billed monthly at the same rates as residential;
- c) Sewer monthly fee - \$3.00 increase to \$29.70/ERU inside city;
- d) Sewer monthly fee - \$3.00 increase to \$31.70/ERU outside city;
- e) Sewer monthly fees for commercial, same ERU increases for inside and outside city;
- f) Storm Drain - \$4.00 increase to \$8.50/ERU;
- g) Solid Waste - \$1.50 increase to can, 1st can = \$18, 2nd can(s) = \$14.50 each.

Until future action, all the other fees are the same as amended in June 2023.

Mr. Cluff explained for this fiscal year \$235,000 of the sewer fund balance will be used. Included in that are funds to cover part of a \$150,000 sewer lining project. The rest is to cover operations. The annual cost of operations annually is approximately \$250,000. Increasing the fee to \$3 per household will allow the revenue source to cover the operational costs and allow the depreciation funds to be set aside in the reserve to cover costs in case of an emergency. In years previous, the City was able to maintain a healthy reserve fund but, due to increasing costs all around, this has not been the case in recent years.

Mr. Williams added that the sewer lining project is an ongoing project indefinitely. The collector streets will be the main focus. Other spots are strategically scheduled to deal with the worst areas first. The current system has been in place now for 50 years. It is more cost effect to line the pipes than to dig them up and replace them. Some may eventually need to be dug up and replaced.

Councilmember Tyler asked for clarification that this increase is sufficient to meet the need for a few years.

Bryce Wilcox of JUB Engineers confirmed that staff is very strategic to focus on the worst lines first or if there are large construction projects in a specific area that will need to be addressed. The City has the option to dump sewer into mainlines throughout the City. The lines are inspected with a camera on a regular basis.

Mr. Williams also informed the Council that a new sewer truck will be needed soon and the cost is approximately \$550,000.00. In his opinion this is one of the very most important pieces of equipment for the City. It can be used for multiple purposes within the City.

Councilmember Tyler stated he would like to start setting money aside to purchase a new sewer truck in the next few years.

Regarding the storm drain increase, Mr. Cluff explained that the fee has not been increased for 10 years. Currently, most of the funds in the fund come from impact fees. Impact fee are restrictive and can only be used for new work. The \$4 increase will bring in approximately \$336,000. The operational costs are approximately \$355,000; \$165,000 of that was for repairs and \$100,000 of that was specifically for 2550 N. This has been a difficult fund to maintain based on the impact fees.

Mr. Wilcox clarified regarding the impact fee restrictions; they can only be used to increase capacity within the system. The City has a fantastic storm drain system that is

	<p>run extremely efficiently. The City has a lot of older areas that are storm drain deficient and need to be upgraded. The existing impact fee balance is anticipated to cover upcoming needs.</p> <p>Mr. Cluff reported the solid waste increase is partly due to increased costs for equipment as well as operational costs. The cost of cans have increased significantly. The fund balance has remained fairly healthy until recently due to inflation costs. This increase will result in \$120,000 per year, less this year, depending on when the fee will be implemented.</p> <p>Mr. Williams reported the City replaces approximately 400 cans per year. Approximately 200 to 250 cans are planned for new homes.</p> <p>Treasurer Steve Hubbard reported there is a cost to residents for replacement, delivery and retrieval.</p> <p>Mayor Stanger clarified this fund also supports the City’s dumpster program.</p> <p>Councilmember Dougherty questioned if the full increase is necessary at this time.</p> <p>Mayor Stanger responded that the City will see increases for tipping fees from the District in January.</p> <p>The Council discussed the potential of reducing the amount of the increases but ultimately came to a consensus that due to the rapid rate of inflation and the time since the last increases were implemented it is in the best interest of the City to raise the fees now to what is being proposed to be effective January 1, 2024 to allow time to notify the residents.</p> <p>Mayor Stanger stated he would like to see these fees evaluated on a regular basis to avoid increasing the fees so significantly at one time in the future.</p>
<p>CONCLUSION</p>	<p><i>Councilmember Searle moved to adopt Resolution #17-23 approving the amended FY 2023-24 Clinton City Consolidated Fee Schedule to take effect January 1, 2024. Councilmember Stark seconded the motion. Voting is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i></p>
<p>G. PERSONNEL POLICY AMENDMENT</p>	
<p>Petitioner</p>	<p>Dennis Cluff</p>
<p>Discussion</p>	<p>At the June 27th City Council meeting, the Council approved all but one proposed change to the Personnel Policies for Holiday calculation for the Firefighters; it was requested to be discussed and brought back.</p> <p>The Council discussed this issue during a work session on August 7, 2023. The following is now being proposed as a result of that discussion:</p> <p><i>“E. All full-time fire department personnel working the 48/96 shift schedule shall receive the equivalent 156 hours of alternate time off to compensate for the holidays. Alternate time off of six hours (6 hours) accrues with each payday and may be subsequently scheduled for time off as approved by the Fire Chief. Alternate time off for holidays will accrue separately but may be used in conjunction with vacation time off. A maximum of 48 hours may be carried over at the end of the calendar year for use within the first two months of the new calendar year.”</i></p> <p>This new pay schedule for holidays will be put the Clinton Fire Department more</p>

	in line and competitive with surrounding communities. The calculations show that it is a fair proposal in comparison to work schedules and benefits available to employees who work a regular shift.
CONCLUSION	<i>Councilmember Tyler moved to adopt the City Personnel Policy with the amendment identified above. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i>
H. RESOLUTION 18-23 - RAP TAX PROPOSAL-DISCUSSION AND DIRECTION	
Petitioner	Dennis Cluff, Marie Dougherty
Discussion	<p>Mayor Stanger clarified the RAP tax is for a Recreation, Arts, Parks & Trails tax. This will benefit the City by slightly increasing the sales tax from the commercial base specifically for these areas.</p> <p>Councilmember Dougherty explained there is time requirement for Clinton to meet all the deadlines to put a RAP tax on the ballot this year, but Council would need to approve a Resolution to put this question before the public on the November ballot. Timing wise there is one month before the first deadlines are required by the guidelines. The State statute dealing with the RAP tax is very specific on items that need to be accomplished starting 75 days prior to the November election. She referred to the following overview of information she collected regarding the Rap Tax.</p> <p>The City Council may, by majority vote, submit an opinion question to the residents, via ballot at the general election, on the imposition of a local sales and use tax of 0.1% to fund recreational facilities and cultural organizations (the two categories that apply to Clinton) and their ongoing operating expenses.</p> <p>If a majority of the city's registered voters voting on the imposition of the tax have voted in favor, the City Council may impose the tax by a majority vote. The tax shall be levied for a period of 10 years.</p> <p>Possible uses of RAP Tax funds:</p> <ul style="list-style-type: none"> • “Recreational facility” means a publicly owned or operated park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, or other facility used for recreational purposes. This includes the operating costs. • “Cultural organization” includes a municipal council having as its primary purpose the advancement and preservation of history/art/music/theater/dance. <p>Process and election (Follows procedure in Local Government Bonding Act)</p> <ol style="list-style-type: none"> 1. The City Council shall at least 75 days before the date of election: <ul style="list-style-type: none"> • Approve a resolution to submit the question to the voters. • Provide a copy of the resolution to the lieutenant governor and the county clerk. • Prepare and submit a ballot title/language to the county clerk. 2. Submit to the County Commission a written notice of the intent and receive in return a written resolution passed by that body stating that the county is not also seeking to impose the tax. 3. City Council shall submit an argument in favor of the proposition to the county clerk at least 65 days before the election. 4. Voters are given the opportunity to file an argument for or against. They must notify the election officer at least 65 days before the election, and their argument, which cannot exceed 500 words, is due at least 60 days before the election. Only one voter argument per

	<p>side is allowed. Election officer chooses. Rebuttals can be submitted at least 45 days before election. Arguments are posted publicly, and information regarding the public meeting follows immediately after.</p> <p>3. City Council must conduct a public meeting no more than 45, but at least four, days before the election. Allow equal time, within a reasonable limit, for a presentation of the arguments in favor and against.</p> <p>4. City Council must post notice of election and a voter information pamphlet for three weeks prior to the election.</p> <p>Deadlines for 2023 Nov. 21 — general election Oct. 6 — 45 days before Sept. 18 — 65 days before Sept. 8 — 75 days before</p> <p>Relevant Utah Code 59-1-16 Transparency of Ballot Propositions Act 11-14-2 Local Government Bonding Act 59-12-14 City Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities</p> <p>Councilmember Tyler clarified the City is not in a position at this time to consider a recreation facility.</p> <p>Councilmember Dougherty explained that larger projects such as a recreation facility would require the City to bond for the project in addition to the RAP Tax.</p> <p>The Council agreed now is not the time to consider a recreation facility.</p>
<p>CONCLUSION</p>	<p><i>Councilmember Dougherty moved to adopt Resolution 18-23 which provides the Council’s desire to send an opinion question to the Public via the General Election ballot on establishing a local RAP tax. Councilmember Searle seconded the motion. Voting by roll call is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i></p>
<p>Approval of Minutes</p>	<p><i>Councilmember Tyler moved to approve the minutes of the July 25, 2023 City Council Meeting. Councilmember Stark seconded the motion. Voting is as follows: Councilmember Dougherty, aye; Councilmember Searle, aye; Councilmember Stanton, aye; Councilmember Stark, aye; Councilmember Tyler, aye.</i></p>
<p>Accounts Payable</p>	<p><i>Councilmember Stanton moved to authorize the payments. Councilmember Searle seconded the motion. Council members’ Dougherty, Searle, Stanton, Stark and Tyler voted in favor of the motion.</i></p> <p><i>Mayor Stanger asked staff to look into converting lights for the scorekeeper building to LED.</i></p>
<p>Planning Commission Report</p>	<ul style="list-style-type: none"> • The Planning Commission will meet on August 15, 2023 to address some rezone requests in addition to a general plan amendment.
<p>City Manager</p>	<ul style="list-style-type: none"> • The Special Truth in Taxation Meeting is scheduled for Wednesday, August 9, 2023 at 7 pm. • Bids for the public safety expansion have been requested. They will come before the Council on September 12. • The deadline for protest to the Annexation is August 25.
<p>Staff reports</p>	<p>Public Works David Williams</p> <ul style="list-style-type: none"> • _a final walk through with Davis County took place on 1300 N.

	<ul style="list-style-type: none"> • 9-11 Day of Service preparations are underway. • 1300 N should be fully complete in early September. <p>Fire Chief Olsen expressed appreciation for the City’s support of the Fire Department.</p> <p>Community Development Director Peter Matson</p> <ul style="list-style-type: none"> • Reviewed slides with the Council regarding a town home ordinance. • Several site plans are under review. <p>Mayor Stanger reminded the Council that regarding roads and parking, higher density developments need to be seriously considered and developed properly right from the start.</p>
Councilmember Dougherty	<ul style="list-style-type: none"> • Paint Night will be held September 15, 7 to 9 pm. There is a \$10 registration fee. • The Children’s Choir sign ups are happening now; they will perform at the 9-11 Day of Service Flag Raising Ceremony on September 9. The fee is \$30.
Councilmember Searle	<ul style="list-style-type: none"> • Nothing at this time.
Councilmember Stanton	<ul style="list-style-type: none"> • Youth Council interviews will be held on August 30. • Expressed appreciation to staff for getting the crosswalk at West Clinton installed and informed them it is working well for the area. • Stated she likes the new website design; the mobile version is more user friendly.
Councilmember Tyler	<ul style="list-style-type: none"> • Nothing at this time.
Mayor Stanger	<ul style="list-style-type: none"> • HAFB will hold a tour on Aug 24 8:15 am to 12 pm. • Thank you to staff for efforts on behalf of the City.
ADJOURNMENT	<p><i>Councilmember Stanton moved to adjourn. Councilmember Stark seconded the motion. Councilmembers Dougherty, Searle, Stanton, Stark and Tyler voted in favor of the motion. The meeting adjourned at 9:28 pm.</i></p>

Lisa Titensor, Clinton City Recorder