



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

**MAYOR
L. Mitch Adams**

CITY COUNCIL MEMBERS

***Anna Stanton
Karen Peterson
Mike Petersen
Barbara Patterson
TJ Mitchell***

Date of Meeting	January 24, 2017	Call to Order	7:03 p.m.
Staff Present	City Manager Dennis Cluff, Community Development Director Will Wright, Recreation Director Bruce Logan, Public Works Director Mike Child, Police Chief Bill Chilson, Richard Murdock, Treasurer Steve Hubbard, Manuel Sepulveda and Lisa Titensor recorded the minutes.		
Citizens Present	Patricia Sepulveda, Joe Child, Adam Child, Andrew Van Dyke, Dallin VanDyke, Adam Child, Wyatt Jackson		
Pledge of Allegiance	Adam Child Troop 391		
Prayer or Thought	Wyatt Jackson		
Roll Call & Attendance	Present were: Councilmember K. Peterson, Councilmember Stanton, Councilmember M. Petersen Councilmember Patterson and Councilmember TJ Mitchell and Mayor Adams.		
Public Input			
A. EMPLOYEE SERVICE AWARD - FOURTH QUARTER OF 2016			
Petitioner	Dennis Cluff		
Discussion	<p>The Council recognized Manuel Sepulveda for 20 years of service to Clinton City and presented him with a certificate and cash award in recognition.</p> <p>Public Works Director Mike Child stated Manuel is an all around good worker and asset to Clinton City.</p>		
B. APPOINTMENT TO THE CLINTON CITY PLANNING COMMISSION			
Petitioner	Mayor Adams		
Discussion	Mayor Adams explained that he has asked Gary Tyler a local architect to serve on the Clinton City Planning Commission for a term ending December 31, 2019. He has previously served on the 2013 General Plan Update Committee.		
CONCLUSION	Councilmember K. Peterson moved to ratify Mayor Adams' appointment of Gary Tyler to the Clinton City Planning Commission for a three year term ending December 31, 2019. Councilmember M. Petersen seconded the motion. Councilmember's Patterson, K. Peterson, Stanton, Mitchell and M. Petersen voted in favor of the motion.		
C. 7:00 PM PUBLIC HEARING, RESOLUTION 02-17 – AMENDMENTS TO THE FY 2016-17 BUDGET			
Petitioner	Dennis Cluff		
Discussion	<p>Mr. Cluff identified the General Fund has added several increases from the audit as pass-through increases to Park and Transportation Impact Fee funds. Other General Fund added costs include a new Fire Station ice machine, school crossing light systems, 6 new "infill" street lights, Public Works shop addition costs from the Streets Department, and funds for a new Crossing Guard.</p> <p>The Water, Sewer and Storm Drain Enterprise Funds had additional amounts added from fund balance to cover their respective Master Plan updates and Impact Fee preparations.</p>		

The special Roadway/Street Projects Fund also has a substantial carryover from last fiscal year for the on-going projects that were anticipated to be complete before July but were not, and whose cost has been incurred this current fiscal year.

COUNCIL BUDGET AMENDMENTS-Jan 24, 2017						
Item	Dept	Description	Increase	Decrease	Balance	Comments
GENERAL FUND REVENUES						
10-3820	Revenue	Park Impact Fee Surplus	70574		140014	Added by Audit
10-3870	Revenue	Street Impact Fee Carryover	7165		54765	Add'l Transportation Impact fee carryover-audit
10-3910	Revenue	Park Impact Fee FY 16-17	46922		136102	Thru Dec 2016, exceeding budget revenues
10-3870	Revenue	General Fund Surplus	2600		***	State Trust Fund for death in the line of duty-police/fire
10-3870	Revenue	General Fund Surplus	15000		***	6 new street lights
10-3870	Revenue	General Fund Surplus	31670		***	City Shop Addition Costs (1/5th)
10-3870	Revenue	General Fund Surplus	3800		***	Ice machine for Fire Dept
10-3870	Revenue	General Fund Surplus	10700		***	Crossing Guard & school crossing light systems
		GF Revenue TOTAL	188431			
GENERAL FUND EXPENSES						
10-4943	Prof/Tech	Surviving Spouse Insur Fund	2600		2600	State Trust Fund for death in the line of duty-police/fire
10-5673	Ambulance	Equipment	3800		3800	Ice Machine Replacement
10-5811	Cross Guard	Salary	2000		43800	Add Crossing Guard for 800 N. (1/2 school year)
10-5813	Cross Guard	Benefits	200		4000	Add Crossing Guard for 800 N. (1/2 school year)
10-6056	Public Wks	Street Light Installation supplies	15000		15000	Buy and Install 6 new street lights
10-6141	Streets	Street Signs	8500		18300	School Crossing lights & signs (3sins & solar panel units)
10-6172	Streets	Street Impact Fee Improvements	7165		123515	Added funds to cover Transport master plan & fee analysis
10-6173	Streets	Improvements	31670		31670	City Shop Addition Costs (1/5th)
10-6451	Parks	Water Use for Parks	5200		5200	Change expense location from Transfers 10-8025
10-8021	Transfer	Trans to Parks Construct #34 fund	117496		276116	70574 extra from Audit & 44895 extra from FY16-17 to Dec
10-8025	Transfer	Trans to Water-Parks use	-5200		0	Change expense location to Parks 10-6451
			188431			
WATER FUND-REVENUE						
51-3354	Water	Transfer from General Fund		-5200	0	Water costs from use on parks-re-assigning budget line #
51-3621	Water	Impact Fee Carryover	15000		15000	Added funds to cover master plan & fee analysis
51-3723	Water	Park Water Usage-Gen Fund	5200		5200	Water costs from use on parks-re-assigning budget line #
		TOTAL	15000			
WATER FUND-EXPENSE						
51-4072	Water	Improvements-Impact Fees	15000		30000	Added funds to cover master plan & fee analysis
		TOTAL	15000			
SEWER FUND-REVENUE						
52-3720	Sewer	Fund Balance	20000		35000	Added funds to cover master plan & fee analysis
		TOTAL	20000			
SEWER FUND-EXPENSE						
52-4037	Sewer	Professional Services	20000		35000	Added funds to cover master plan & fee analysis
		TOTAL	20000			
STORM DRAIN FUND-REVENUE						
53-3621	Storm	Impact Fee Carryover	35000		35000	Added funds to cover master plan & fee analysis
		TOTAL	35000			
STORM DRAIN FUND-EXPENSE						
53-4073	Storm	Improvements-Impact Fees	35000		130000	Added funds to cover master plan & fee analysis
		TOTAL	35000			
PARK CONSTRUCTION PROJECTS						
34-3720	Park Const	Fund Balance	117496		276116	70574 extra from Audit & 44895 extra from FY16-17 to Dec
		TOTAL	117496			
PARK CONSTRUCTION PROJECTS						
34-4073	Park Const	Improvements	117496		484811	70574 extra from Audit & 44895 extra from FY16-17 to Dec
		TOTAL	117496			
SPECIAL ROADWAY/STREET PROJECTS						
37-3720	Road/Str Proj	Fund Balance	336018		371918	Added carryover from audit
		TOTAL	336018			
SPECIAL ROADWAY/STREET PROJECTS						
37-4073	Road/Str Proj	Improvements	336018		1106018	Added carryover from audit
		TOTAL	336018			

Councilmember K. Peterson asked for clarification on the \$31,670 for the public works building.

Mr. Cluff responded that as previously discussed, the initial cost for the project was under budgeted so to accommodate this, a 1/5 share is being added to come from the general fund.

Mayor Adams opened the public hearing at 7:19 p.m. and with no public comment he closed the public hearing at 7:19 p.m.

CONCLUSION	Councilmember Stanton moved to adopt Resolution 02-17, approving the amendments to the FY 2016-17 Budget. Councilmember K. Peterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Petersen, aye; Councilmember Mitchell, aye.
D. <u>RESOLUTION 03-17, DAVIS COUNTY NATURAL HAZARD PRE-DISASTER MITIGATION PLAN</u>	
Petitioner	Dennis Cluff, Chief David Olsen
Discussion	<p>Chief Olsen explained this is basically a Countywide Natural Hazard Pre-Disaster Mitigation Plan which compiles plans from each county entity into one huge document. Each entity has looked at any present and potential future impacts associated with natural hazards (i.e. earthquakes, floods, high winds, wildfires, etc...) and determine the need or requirement for mitigation action and planning. If a jurisdiction doesn't participate in this Countywide Plan and if a natural disaster happens, FEMA funding may not be available to help in the recovery.</p> <p>Clinton has participated and added a short chapter on potential natural hazards and mitigations for our areas.</p>
CONCLUSION	Councilmember Patterson moved to adopt Resolution 03-17 approving the Davis County Natural Hazard Pre-Disaster Mitigation Plan. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember Mitchell; Councilmember M. Petersen, aye.
E. <u>RESOLUTION 04-17, PARAMEDIC ABOARD CHARGES AGREEMENT WITH WEBER COUNTY PARAMEDIC SERVICES PROVIDERS</u>	
Petitioner	Dennis Cluff, Chief David Olsen
Discussion	<p>Chief Olsen explained this is a renewal of a five year agreement to cover those times when the Clinton City ambulance service is dispatched into Weber County to render service. The Agreement is with the paramedic service providers in Weber County and allows them to add their paramedic charges to the ambulance billing, and subsequently, Clinton then will reimburse them for those charges when the bill is paid to the City. Most of the insurance companies (including Medicare/Medicaid) only want one billing from each ambulance transport activity.</p> <p>The form and content of this agreement is not the same as the arrangement with Davis County, however, Clinton's activity with the Weber County entities is limited and when needed is essential for the health, safety and welfare of those citizens. All the other Weber County entities have approved this agreement and if Clinton wishes to provide back-up service within the neighboring areas of Weber County, this agreement must be signed. The fiscal and physical impact to Clinton City is minimal, but when needed, our impact to specific Weber County citizens could be life saving. Staff recommends renewing this agreement.</p>
CONCLUSION	Councilmember K. Peterson moved to adopt Resolution 04-17, approving an Intergovernmental Cooperation Agreement for Paramedic Aboard Charges with Weber County Paramedic Services Providers. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Petersen, aye; and Councilmember Mitchell, aye.
F. <u>CONTINUED PUBLIC HEARING, ORDINANCE 16-03S – AMENDING TITLE 26 – SUBDIVISIONS, CHAPTER 4 – ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS OF THE CITY CODE</u>	
Petitioner	Will Wright
Discussion	This public hearing was opened and continued at the Dec 13 th 2016 City Council meeting in order to allow staff and the Planning Commission time to consider some additional revisions. Some important areas in Chapter 4 are those items requisite for subdivision improvements, along with the inspection and maintenance requirements for construction/install of those improvements. Further, this chapter explains what financial assurances are needed for

the construction of the infrastructure improvements, including escrow requirements.

Chapter 4 Assurance for Completion and Maintenance of Improvements

- 26-4-1** Improvements and Subdivision Improvement Agreement
- 26-4-2** Inspection of Improvements
- 26-4-3** Acceptance of Off-Site Improvements
- 26-4-4** Deferral or Waiver of Required Improvements
- 26-4-5** Escrow Deposits for Lot Improvements
- 26-4-6** Issuance of Building Permits and Certificates of Occupancy

26-4-1 Improvements and Subdivision Improvement Agreement:

(1) **Completion of Improvements:** Before the final plat of the subdivision is signed by the Mayor or recorded with the Davis County Recorder's Office, all subdividers shall be required to either complete and dedicate all the necessary public improvements or establish a Subdivision Improvement Agreement (SIA) and Cash Escrow as outlined in this Chapter. These improvements include all street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the final plat of the subdivision and approved construction drawings. The subdivider is to dedicate these public improvements to the City free and clear of all liens and encumbrances on the dedicated property and public improvements.

(2) Subdivision Improvement Agreement and Guarantee:

(a) **Agreement:** If the subdivider chooses to enter into a SIA with the City for the subdivision public improvements, the Community Development Director may permit the subdivider to enter into a SIA by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the Council approves the final plat of the subdivision. Additionally, at the time of City Council Conditional Approval of these public improvements, the subdivider shall warrant, as defined in Utah Code 10-9a-103(19), that they shall be free from defect for a one (1) year period following the Conditional Acceptance. The SIA shall contain such other terms and conditions agreed to by the subdivider and the City Council.

(b) **Security:** Whenever the Community Development Director permits a subdivider to enter into a SIA, it shall require the subdivider to provide a cash escrow as security for the promises contained in the SIA. The cash escrow shall be in an amount equal to one hundred ten percent (110%) of the estimated cost of completion of the required public improvements, including lot improvements. The estimated cost shall be reviewed and verified by the City Engineer. The escrow agent shall be a state-licensed institution approved to conduct business in this capacity and must be acceptable to the Community Development Director. The subdivider may also have a cash escrow with the City, but without interest amenities available with banks.

(c) **Cash Escrow:** When the subdivider posts a cash escrow as security for its promises contained in the SIA, the escrow instructions shall provide:

(i) That the subdivider will have no right to a return of any of the funds except as provided in section 26-4-2(2).

(ii) That should the subdivider fail or refuse to make the improvements required as outlined in this SIA, the City Subdivision Ordinance or approved construction drawings within two (2) years following the date on which the Council approves the final subdivision plat, the City may declare the funds on deposit with the Escrow Agent forfeited, and the escrow agent shall have a legal duty to deliver the proceeds of the account [see 26-4-1(6) (b)]. The funds shall be used to install the improvements required by the City Subdivision Ordinance and approved construction drawings. If these escrowed funds prove to be insufficient for the improvement construction, the City shall follow the basic format found in subsection (d). If the additional funding is not received by the City within the allotted time, the City may place a lien against the subdivision property for the unpaid amount plus administrative fees.

(d) **Escrow Deficiency:** If at any time prior to completion of the subdivision by the subdivider

or acceptance of the improvements by the City, the City determines the amount held in escrow (exclusive of the 10% reserve) is not sufficient to complete the needed improvements, the subdivider shall put such additional amounts into escrow within 30 days of receiving written notice from the City.

(e) **Appeal:** The subdivider may request a hearing before the City Council for a review of the decision of the Community Development Director, Public Works Inspector or City Engineer or upon action by the City to seize a cash escrow, provided said request is made in writing and served by certified mail within thirty (30) days after written notification of any nonconformity with City ordinances, rules, regulations, requirements and standards or the SIA or Approved Construction Drawing or as to the insufficiency of any work.

If and when the City conditionally accepts the offer of dedication for the last completed required public improvement, the City shall execute a waiver of its right to receive all but ten percent (10%) of the funds represented by the cash escrow, if the subdivider is not in breach of the SIA. This ten percent (10%) of the original funds shall be held as security for the subdivider's covenant to maintain the required public improvements for the required time period and ~~its~~ warranty that they are free from defect.

(3) **Temporary Improvement:** If temporary improvements are required for the subdivision, the subdivider shall build and pay for all costs of such temporary improvements required by the Council and shall maintain those temporary improvements for the period specified by the Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate Subdivision Improvement Agreement and a cash escrow in an appropriate amount for the temporary facilities to be properly constructed, maintained, and removed.

(4) **Required Improvements:** All required improvements shall be made by the subdivider or developer, at their expense, without reimbursement by the City or any improvement district except that, as may be allowed under state law and approved by the Council.

(5) **Governmental Units:** Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Ordinance.

(6) **Failure to Complete Improvement:**

(a) Prior to the end of the SIA two-year improvement construction period, the City Council may grant an extension of up to one (1) additional year for completion of the improvements within the subdivision. The subdivider in writing shall make application for an extension with a copy provided to the Escrow Agent of record, if any. Upon action by the Council, the Community Development Director shall notify the subdivider and Escrow Agent of any action taken by the Council. The decision to grant any extension period shall be within the sole discretion of the Council.

(b) In those cases where no time extension has been granted and a SIA escrow is in effect, the City may then:

(i) Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at that time;

(ii) Obtain funds under the escrow and complete improvements itself or through a third party;

(iii) Assign its right to receive funds under the escrow to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, after that subsequent owner posts his own escrow for those same uncompleted improvements; or

(iv) Exercise any other rights available under the law.

(7) **Acceptance of Dedication Offers:** Acceptance of formal offers of dedication of

streets, public areas, easements, and parks shall be by resolution of the City Council as part of the subdivision final plat approval and authorization of the Mayor to sign the final plat. The approval of a subdivision plat by the Planning Commission or Council, whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the City of any required public improvements. The Council may require the final plat to be endorsed with appropriate notes to this effect.

26-4-2 Inspection of Improvements:

(1) **General Procedure and Fees:** The Public Works Inspector shall inspect required improvements during construction and ensure their satisfactory completion. The subdivider shall pay to the City an inspection fee based on the estimated cost of inspection. Where the improvements are completed prior to approval of the final plat of the subdivision, the subdivision plat shall not be signed by the Mayor unless the inspection fee has been paid. These fees shall be due and payable upon demand of the Community Development Director and no building permits nor certificates of occupancy shall be issued until all fees are paid. The amount of the fees shall be established by resolution, from time to time by the Council and included in the Consolidated Fee Schedule. If the Public Works Inspector finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the municipality's construction standards, specifications or approved construction drawings, the subdivider shall be responsible for properly completing the improvements.

(2) **Release or Reduction of Security:** The Community Development Director may release funds from an established escrow in an amount equal to that set in the SIA for said improvements. Prior to release of any funds the Public Works Inspector shall inspect all improvements for which the release of funds is being requested and verify proper material, construction, and compliance with city standards and approved construction drawings. For improvements that are not to be City owned, infrastructure inspection shall be done by and verified by an inspector authorized by the appropriate utility. The amount of the escrow shall be reduced upon satisfactory inspection of the public improvements and then only to the ratio that the cost of the public improvement inspected bears to the total cost of public improvements for the subdivision. In no event shall a release be greater than the amount of the inspected item established in the escrow nor shall the cash escrow be reduced below ten percent (10%) of the principal amount.

26-4-3 Acceptance of Off-Site Improvements:

(1) **Conditional Acceptance of Improvements:** The City Council will not conditionally accept dedication of required improvements, release nor reduce the amount of any security posted by the subdivider until the Public Works Inspector has submitted a certificate stating that all required improvements have been satisfactorily completed and until:

(a) The Community Development Director has verified that all fees, charges, transfers, and deposits related to the development have been paid to the City;

(b) The subdivider's engineer or surveyor has certified to the Public Works Inspector, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Public Works Inspector, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision;

(c) A title insurance policy has been furnished to and approved by the Community Development Director indicating that the improvements have been completed, are ready for dedication to the City, and are free and clear of any and all liens and encumbrances; and

(d) Upon such approval and recommendation by the Public Works Inspector, the Community Development Director shall present to the City Council and the Council shall thereafter conditionally accept the improvements in accordance with the established procedure.

(2) Special Exceptions to Conditional Acceptance:

(a) The subdivider or developer shall be required to maintain all required public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until Final Acceptance of the improvements by the City Council.

(b) If there are any certificates of occupancy on a street not dedicated to the City, the City may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge those costs to the subdivider or developer.

(c) At the time of conditional acceptance the City Council may hold back, in addition to the required guarantee funds, the amount for seal coat, provided that the season is not right for seal coat, and the subdivider has indicated his willingness to participate in the City annual seal coat contract.

(3) Final Acceptance:

(a) The subdivider shall initiate the request for final acceptance of all improvements no earlier than one year after conditional acceptance. Final inspection by the Public Works Inspector shall be made upon the request of the subdivider. All defects as noted in the final inspection report of the Inspector shall be corrected to the satisfaction of the Inspector. After any defects are corrected and confirmed by the Inspector, final acceptance of public improvements shall be sent to the City Council for their action.

(b) Where the time required to complete the defects and repairs identified by the Public Works Inspector extends past the normal one (1) year conditional acceptance time period, the subdivider shall be required to extend the guarantee period until such time as the defects and repairs are confirmed complete by the Inspector and the City Council has formally approved final acceptance of all the public improvements.

(4) **Authority to Release:** Funds held in the escrow account after conditional acceptance shall not be released to the subdivider, except upon express written instructions of the City after final acceptance by the City.

26-4-4 Deferral or Waiver of Required Improvements:

(1) **City Council Action:** The Council may defer or waive, at the time of approval of the final plat of the subdivision, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or non-existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.

(2) **Subdivider's Obligation:** In the rare occasion it is deemed necessary by the Council to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his share of the cost of the future improvements to the City prior to signing of the final plat of the subdivision by the Mayor, or the developer may execute a separate SIA secured by a cash escrow guaranteeing completion of the deferred improvements upon demand of the City.

26-4-5 Escrow Deposits for Lot Improvements:**(1) Non-Developer Builders:**

(a) Builders seeking a building permit in a subdivision that they are not the guarantor for, shall deposit with the City a cash escrow in the amount established by resolution by the Council and published in the Consolidated Fee Schedule. Said cash escrow shall be paid at the time a building permit is issued and shall insure and guarantee the lot improvements from damage during construction. Such improvements include but are not limited to curb, gutter, sidewalk, water meter structures, streetlights, grading, and other on lot improvements.

(b) Escrows deposited by non-developer builders shall not be returned until a structure has passed final inspection, a certificate of occupancy has been issued and the Public Facilities/Building Inspector has approved all lot improvements. Once authorized,

escrows shall be returned to the person paying for the building permit by the end of the month following the date of authorization of approval for release. No interest shall be paid at the time of release of escrows deposited with the City.

(2) **Acceptance of Escrow Funds:** Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, a certificate of occupancy may be issued, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the Community Development Director for the cost of the needed lot improvements. The SIA and escrow funds covering the lot improvements shall remain in full force and effect.

(3) **Procedures on Escrow Fund:** All required improvements for which escrow monies have been accepted by the Community Development Director at the time of issuance of a certificate of occupancy shall be installed by the subdivider within a period of six (6) months from the date of deposit and issuance of the certificate of occupancy. If the improvements have not been properly installed at the end of the time period, the Community Development Director shall give two (2) weeks written notice to the developer requiring it to install the improvements, and if they are not then installed properly, the Community Development Director may request the Council to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the City, the builder shall obtain and file with the City prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the City to have the improvements installed at the end of the six-month period if the improvements have not been duly installed by the subdivider.

(4) **Escrow With Authorized Agent:**

(a) The Community Development Director may accept proof of an escrow, established with a state licensed title company that guarantees any lot improvements required by the subdivision regulations. The escrow shall guarantee any lot improvements not completed due to seasonal conditions as outlined in 26-4-5(2) above. Upon acceptance of the Title Company escrow, the certificate of occupancy may be issued, provided there is no danger to health, safety, or general welfare. The amount of the escrow is to be determined by Community Development Director for the cost of the lot improvements being escrowed.

(b) The guarantee from the Title Company shall state that the Title Company will have the required improvements installed by a professional contractor upon demand of the City.

26-4-6 Issuance of Building Permits and Certificates of Occupancy:

(1) **Escrow Funds Required:** When an escrow has not been provided for a subdivision, no building permit or certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the City unless otherwise stipulated in the Council's approval of the final plat of the subdivision.

(2) **Street Improvements Required:** The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of a certificate of occupancy. For the purposes of this section, adequate generally means "Hard Surfaced", however at the discretion of the Fire Chief and Community Development Director a temporary certificate of occupancy may be granted under the following conditions:

(a) The developer can show that asphalt for the subdivision has been scheduled;

(b) All underground improvements that would cause a street to be dug in are installed and inspected and approved by the Public Works Inspector; and

Required road base is to be installed and compacted, and it may be reasonably assumed that the weather will not preclude access to a structure. Prior to the temporary

	<p>certificate of occupancy being issued the developer shall provide a letter to the City signed by the occupants and stating that they are aware of limitations of service and that the City will not service the roadway until after the subdivision improvements receive final acceptance from the City Council.</p> <p>Councilmember Mitchell expressed a concern regarding the requirement for a cash escrow:</p> <p>26-4-7 <u>Escrow Deposits for Lot Improvements:</u></p> <p>(1) <u>Non-Developer Builders:</u></p> <p><i>(a) Builders seeking a building permit in a subdivision that they are not the guarantor for, shall deposit with the City a cash escrow in the amount established by resolution by the Council and published in the Consolidated Fee Schedule. Said cash escrow shall be paid at the time a building permit is issued and shall insure and guarantee the lot improvements from damage during construction. Such improvements include but are not limited to curb, gutter, sidewalk, water meter structures, streetlights, grading, and other on lot improvements.</i></p> <p>He said this puts the developers into a predicament potentially requiring them to open two separate accounts which results in some developers not recording their projects until they are complete to avoid this.</p> <p>Mr. Cluff commented that a letter of credit may be something to consider.</p> <p>Gary Tyler commented that letters of credit are common in other jurisdictions; they are bank insured deposit and are a secure way to pay for an escrow. They are not released until the project is completed.</p> <p>The Council asked staff to look into the potential to allow a letter of credit or a cash escrow for lot improvements and bring it back at the end of the subdivision ordinance review process.</p> <p>Mayor Adams asked for additional public comment, there was none, therefore he closed the public hearing at 7:47 p.m.</p>
CONCLUSION	<p>Councilmember K. Peterson moved to adopt Ordinance 16-03S, amending Chapter 26-4 of the City Subdivision Code. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Petersen, aye, and Councilmember Mitchell, aye.</p>
G. RESOLUTION 05-17, UTA LICENSE AGREEMENT #1 – ADDITIONAL TRAIL INFRASTRUCTURE	
Petitioner	Dennis W. Cluff, Mike Child
Discussion	<p>Mr. Child explained that in November 2007 the City entered into an Interlocal Agreement with UTA pertaining to the current Rail Trail. In conjunction with the purchase of the old Ross property, part of the plan was to move the Rail Trail further to the West through this property in order to allow for a safer location to cross 1300 N. In addition, the location of the existing trail is planned to be converted into a 5-6 car parking area for trail users. This License Agreement allows the City to use the UTA right-of-way for the parking and trail head use.</p> <p>Chief Olsen asked for consideration to modify the size of the round-a-bout for easier maneuvering of the fire truck.</p> <p>Mr. Child responded that with these improvements, there will be better accommodations for the fire truck.</p>
CONCLUSION	<p>Councilmember Mitchell moved to adopt Resolution 05-17 approving the UTA License Agreement #1 – Additional Trail Infrastructure. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember M. Petersen, aye.</p>
Approval of Minutes	<p>Councilmember Stanton moved to approve the January 10, 2017 City Council</p>

	Minutes. Councilmember Patterson seconded the motion. Councilmembers Patterson, K. Peterson, Stanton, Mitchell and M. Petersen voted in favor.
Accounts Payable	Councilmember Stanton moved to pay the bills. Councilmember Patterson seconded the motion. Councilmembers Patterson, K. Peterson, Stanton, Mitchell and M. Petersen voted in favor.
Planning Commission Report	<ul style="list-style-type: none"> Mr. Wright reported on the January 17th Planning Commission meeting as recorded in the minutes.
City Manager	<ul style="list-style-type: none"> Clinton Elementary will have a DARE Graduation on January 26 at 2 p.m.; Berrington Place will hold a House Warming Party on January 31 11:30 a.m. to 1:30 p.m.
Mayor	<ul style="list-style-type: none"> Asked Mr. Child if all water reports are up to date. <p>Mr. Child confirmed all reports are up to date and filed with the State.</p> <ul style="list-style-type: none"> Reported the Burn Plant has some issues, they will be meeting to discuss how to deal with them next week.
Councilmember Patterson	<ul style="list-style-type: none"> Davis County Animal Control would like to address the City Council about their feral cat program.
Councilmember K. Peterson	<ul style="list-style-type: none"> Regarding the agenda, requested staff to add an explanation and instructions for public input; Expressed appreciation to public works for their quick response to a water break in her area.
Councilmember M. Petersen	<ul style="list-style-type: none"> Said although he is pleased with the snow plowing, the pot holes are a big concern. <p>Mr. Child said crews are working to patch them, however until the roads dry out; it is only a temporary patch.</p>
Councilmember Stanton	<ul style="list-style-type: none"> Nothing at this time.
Councilmember Mitchell	<ul style="list-style-type: none"> Appreciates the job the snow plows are doing; Asked when the bids are expected for the public works building. <p>Mr. Child said the bid request will be going out next week.</p> <ul style="list-style-type: none"> Reported that developer signs are illegally being displayed in the City.
Public Works Director Mike Child	<ul style="list-style-type: none"> Met with a water resources representative to discuss a potential loan of funds for a well; he asked the Council to consider having a work session to discuss water rates and fees.
Fire	<ul style="list-style-type: none"> Ron Wehrle Retirement Open House will be on Feb. 2 from 3 to 5 p.m. celebrating 31 years of service.
ADJOURNMENT	Councilmember Stanton moved to adjourn. Councilmember Patterson seconded the motion. Councilmembers Patterson, K. Peterson, Stanton, M. Petersen and Mitchell voted in favor. The meeting adjourned at 8:33 p.m.
<u>ACTION ITEMS</u>	<ul style="list-style-type: none"> Monitor the SWPPP inspection fees over the next year to ensure that the City is charging enough to cover the expense for the inspections (July 2016) ; Subdivision Ordinance – recommendation for concrete in the park strips along UDOT roads. (August 2016) Consider code enforcement during future budget discussion for 2017-18 (August 2016) Consider providing staff administrative power for a minor subdivision during subdivision ordinance rewrite (October 2016) Bring back Chapter 4 of the Subdivision Ordinance regarding allowing a letter of credit for escrow and researching what surrounding jurisdictions allow (26-4-8). (January 2017)