

CLINTON CITY COUNCIL MINUTES

2267 North 1500 W

Clinton UT 84015

MAYOR

L. Mitch Adams

CITY COUNCIL

Councilmember Brice Mitchell

Councilmember Anna Stanton

Councilmember Mike Petersen

Councilmember Karen Peterson

Councilmember Barbara Patterson

| Clinton City Council | November 25, 2014 | Call to Order: 7:10 P.M. |
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| Staff Present | City Manager Dennis Cluff, Community Development Director Lynn Vinzant, Assistant Public Works Director Dave Williams and Lisa Titensor recorded the minutes. | |
| Citizens Present | Bruce Logan, Tim Vega, Crystal Vega, Christian Vega, Kyndra Vega, Pat Vega, Dave Olsen, Baylee Beckman, David Lee, Scott Lempke, Kyle Montgomery, Ron Wehrle, Tyler Leavitt, Spenser Gallegos, Justin Benevides | |
| Pledge of Allegiance | Councilmember Stanton | |
| Prayer or Thought | Councilmember Mitchell | |
| Roll Call & Attendance/ Excused Were: | All were present. | |
| A. EMPLOYEE OF THE MONTH OF OCTOBER 2014 – TIM VEGA, FIRE DEPARTMENT | | |
| Petitioner | Chief Dave Olsen | |
| | <p>Chief Olsen reported that Tim Vega was hired as a Part Time Firefighter / EMT in September 2000. He was hired as a Full Timer when the Ambulance service was started in October 2002. Tim left in November 2008 for a Full Time Firefighter / EMT position with Roy City Fire Dept. While Tim was Full Time with Roy City Fire he also stayed Part Time with the Clinton City Fire Dept. In September 2014 Tim accepted a Captain position with Clinton City Fire and stepped down to a Part Timer with Roy City Fire. In all, Tim has been with Clinton City Fire for over 14 years.</p> <p>Chief Olsen said that during Tim's career he has seen him grow from a new Firefighter to one of the leaders of the Clinton City Fire Dept. Tim is the Captain on C Shift and his Full Time Firefighters are Holly Nielson, Jason Hastings and one of our many Part Time Firefighters. Tim is also over Fire Training for our Fire Department. During Tim's career he has obtained many certifications that are important to the Fire Service like ADO-Pumper, ADO-Aerial, Inspection I, Instructor I and Officer I. While Tim was Full Time with Roy City Fire he was a part of the Weber County USAR Team where he was trained and certified in Rope Rescue, Trench Rescue, Confined Space Rescue, Heavy Vehicle Extrication and Structural Collapse. With Tim having the knowledge and certifications of USAR he is one of two people on the Clinton City Fire Dept that is a part of the Davis County USAR Team. In May 2014, Tim achieved his most desired certification as a Paramedic. This program requires determination and dedication; it took nine months of long hours, lots of studying and time away from his family to complete.</p> <p>Tim has a great deal of support from his family, he is married to Crystal and they have two children together Christian and Kyndra. When Tim is not at work he enjoys spending time doing outdoor activities.</p> <p>Tim commented that he is grateful to be working for Clinton City. He feels his training and experience will be an asset to the City.</p> <p>Mayor Adams expressed appreciation for Tim's service. He presented him with</p> | |

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| | an award and gift card in honor of this recognition. |
| B. TRANSPORT SERVICE PROVIDER AGREEMENT WITH DAVIS HOSPITAL | |
| Petitioner | Dennis Cluff, Chief Dave Olsen |
| Discussion | <p>Chief Olsen explained that Davis Hospital operates the Weber Campus Emergency Facility in Roy. They have requested that Clinton City enter into this Transportation Service Provider Agreement which identifies the terms in order to fill in for Roy when they are not available and there is a need to transport a patient from the Weber Campus to the Davis Hospital in Layton. This is the same agreement that Davis Hospital has with the Roy Fire Department.</p> <p>He explained that they have determined a set fee for this service. The City will not be involved with the direct billing to the patient.</p> <p>This agreement is for a 5 year period, but may be terminated by either party after a 60 day notification.</p> |
| CONCLUSION | Councilmember Stanton moved to approve this Transport Service Provider Agreement with Davis Hospital. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember K. Peterson, aye; Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember Patterson, aye. |
| C. BUSINESS ASSOCIATE DEGREE WITH DAVIS HOSPITAL | |
| Petitioner | Dennis Cluff, Chief Dave Olsen |
| | <p>Chief Olsen then identified that with the Transport Services Provider Agreement approved, Davis Hospital also requires a Business Associate Agreement. This agreement basically provides that the City will abide by the HIPAA rules concerning patient medical information and confidentiality. This is a standard agreement in the industry.</p> <p>This agreement will run the length of the Transport Services Provider Agreement.</p> |
| CONCLUSION | Councilmember M. Petersen moved to approve this Business Associate Agreement with Davis Hospital. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember Patterson, aye; Councilmember K. Peterson, aye. |
| D. FRANCHISE AGREEMENT WITH SYRINGA NETWORKS | |
| Petitioner | Dennis Cluff |
| Discussion | <p>Mr. Cluff identified that Syringa Networks wants to bring fiber optic cable into the Clinton area. They were not available to attend the meeting.</p> <p>He went on to explain that Syringa Networks specializes in custom network solutions for businesses, providing a wide range of networking services throughout the Mountain West delivered through a self-healing fiber optic network. Syringa Networks is a privately held Idaho corporation and is headquartered in Boise, Idaho, with additional offices in Idaho Falls, Idaho and Salt Lake City, Utah.</p> <p>Syringa is currently expanding through Utah and has agreements with UDOT for building along all State rights-of-way. Technically they don't require City approval to place fiber cable along 1800 N. and 2000 W., but would need it for anywhere outside of the State rights-of-way. As stated in Section 1.4 of the Franchise Agreement, provided in the staff report, this current agreement does not permit Syringa to provide cable TV services to residents; they would need another agreement for that type of business. But this agreement does allow them to provide fiber cable for any of the TV services providers, which would supposedly enhance their capabilities. Title 54 of the State Code classifies fiber optics as part of the "Public Utilities" and is therefore allowed to utilize the</p> |

public rights-of-way.

Syringa has stated that all of their fiber optic cable will be installed underground through boring techniques. They are required to obtain permits from the City Public Works Department before initiating any work within the City. The Telecommunications Rights of Way Ordinance that was adopted last month is also attached to this Franchise Agreement as part of the agreement.

Mr. Cluff said that his main concern is the boring which will take place down two major highways where there are many existing pipes and laterals. The ROW Ordinance includes requirements for repair in the event that damage occurs from the boring.

CONCLUSION

Councilmember Patterson moved to table this issue until the Excavation Ordinance is complete and a representative from Syringa can be present at the meeting. Councilmember K. Peterson seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember Patterson, aye; Councilmember K. Peterson, aye.

E. POLICY DIRECTION ON FUTURE NEW EMPLOYEE 401K PROGRAM

Petitioner Dennis Cluff

Discussion

Mr. Cluff explained that at least once every year, the City Council has the opportunity in conjunction with the new Fiscal Year budget to modify non-state/federal mandated employee salary and benefit provisions. Generally the past Councils have tried to maintain the level of City employee salary and benefits along with cost of living and merit increases.

More than 20 years ago there was a basic State requirement of 1.5% of 401k for non-Police employees as part of the retirement system (this has since been rescinded). The City at the time decided to establish parity in retirement benefits between the regular, police and fire employees. The Police (by state mandate) received 7.05% higher URS (Utah Retirement Service) City contribution than the regular employees. The Fire had an additional State based retirement fund in addition to the normal URS required payment (a portion of fire insurance policy premiums) which provided them higher retirement benefits. So the City Council increased the regular employee 401k contribution to 7.05% in an effort to have parity between the employee groups. However, over the years both the Police URS required retirement payment and the Fire's additional State fund have far outreached the regular employees' benefit of 7.05% of 401k. Currently the retirement contributions are:

| <u>Group</u> | <u>URS required</u> | <u>Fire Fund</u> | <u>Judges Fund</u> | <u>401k</u> | <u>Total %</u> |
|---|---------------------|------------------|--------------------|-------------|----------------|
| Regular employees (6.61% is URS loss recovery) | 18.47% | 0 | 0 | 7.05% | 25.52% |
| Police (11.75% is URS loss recovery) | 34.04% | 0 | 0 | 0 | 34.04% |
| Fire (0% is URS loss recovery) | 18.87% | {11.71%} | 0 | 4.36% | 34.94% |
| Judge (0% is URS loss recovery) | 40.01% | 0 | {11.90%} | 0 | 51.91% |

He explained that a complication with the above URS, 401k and Fire Fund participation is the modification of the URS system by the State starting July 1, 2011 in adding a "Tier 2" contribution level for all new employees to the URS system. This also added an additional 5 years to the early retirement requirement for each category (regular employees = 35 yrs and Police & Fire = 25 yrs). Because of this, new City employees hired after July 2011 who were also new to the State URS system have only been receiving the Tier 2 URS contributions. The Tier 2 system basically has two options: one where about 85% goes to the URS and 15% go to 401k; and the other has 100% going to 401k and 0% to the traditional URS account. The cost to the City is the same. The **Tier 2** employee retirement levels are:

| Group | URS required | Fire Fund | 401k (city) | Total % |
|---|--------------|-----------|-------------|-------------------|
| Regular employees URS loss recovery) | 16.72% | 0 | 0 | 16.72% (6.61% is |
| Police URS loss recovery) | 23.83% | 0 | 0 | 23.83% (11.75% is |
| Fire loss recovery) | 12.08% | {11.71%} | 0 | 23.79% (0% is URS |

The City employees hired under Tier 2 have not been receiving additional City 401k contributions.

Therefore, I recommend the new 401k guidelines outlined below be provided to all URS Tier 2 employees, including the Fire and Police. These new guidelines would also apply to all newly hired non-police/fire URS Tier 1 employees (those in the URS system prior to July 2011). Even though the new Personnel Policy identifies a start date of July 2015 for these new 401k guidelines, I recommend they begin January 1, 2015; funds are already budgeted for this.

For new employees falling under the above guidelines, I recommend the City provide a base 401k rate of 1½%, which is unmatched. In addition, if the employees wish to add to the 401k from their own funds, the City will match up to another 1½% at a 1 to 2 (50%) ratio. This would put the maximum City contribution at 3% for the 401k. If the employee matched to the City maximum, the total would be 6% towards their 401k. This 401k funding, like so many other funded benefits, will be approved annually with the budget and is dependent on funds being made available.

Councilmember K. Peterson explained this is a generous proposal that stems from citizen concern over budget issues. She explains she likes the idea of giving each employee a base.

Councilmember Patterson expressed concern that the employees will not stay with the City if their benefits are reduced. She values the employees and wants to keep them.

Councilmember Stanton said she values the employees as well, for some time she has been concerned about the pay scale. She agrees with Councilmember Patterson that good employees will not stay with the City if they can get higher pay elsewhere. She said she would be more in favor of 3%.

Councilmember M. Petersen said that maybe a good option would be to require the employees to stay for a certain period of time if they want to earn or keep their 401k – vesting.

He said what is being proposed will actually cost the City money. He is concerned that if the City wishes to evaluate salaries in the near future, this proposal will make that possibility impossible. He feels it should be 3% straight across for both Tier 1 and Tier 2.

Councilmember Stanton said she does not agree that Tier 1 should be changed. She realizes that funds will be limited for salary increases, but it varies year to year.

Mayor Adams said he does not feel it is appropriate to change the existing employees. Through attrition, Tier 1 will be reduced significantly over the next 10 years. He is in favor of providing a base.

Councilmember M. Petersen commented that the City should give the employees the opportunity to make their own decisions. It is important to provide a good working environment.

Mr. Cluff explained that employees who were hired under the Tier 1 retirement

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| | <p>program agreed to take the job under specific expectations as did the employees hired under the Tier 2 program after the changes were made by the State.</p> <p>He clarified that if an employee is hired that is already a part of the Utah Retirement System, will receive the same as the Tier 1 employees.</p> <p>Councilmember Mitchell said he likes the idea of matching funds contributed by the employee.</p> <p>Councilmember K. Peterson said she likes the base as well as the concept of matching funds.</p> |
| <p>CONCLUSION</p> | <p>Councilmember Stanton moved to select a 3% base for the existing Tier 2 employees and all new employees and reaffirm the existing Tier 1 rate for existing employees. There was no second.</p> <p>Councilmember M. Petersen moved to adopt as proposed as providing a base 401k rate of 1½%, which is unmatched. In addition, if the employees wish to add to the 401k from their own funds, the City will match up to another 1½% at a 1 to 2 (50%) ratio. This would put the maximum City contribution at 3% for the 401k. If the employee matched to the City maximum, the total would be 6% towards their 401k. This 401k funding, like so many other funded benefits, will be approved annually with the budget and is dependent on funds being made available. Councilmember K. Peterson seconded the motion. Voting by roll call is as follows: Councilmember Mitchell, aye; Councilmember M. Petersen, aye; Councilmember K. Peterson, aye; Councilmember Stanton, no; she said she would like to see a fixed base of 3%. Councilmember Patterson, no; she is concerned for the employees and additional paperwork.</p> <p>Councilmember M. Petersen thanked Councilmember K. Peterson for her efforts on this issue.</p> |
| <p>F. SUBDIVISION FINAL ACCEPTANCE MIRAGE SUBDIVISION</p> | |
| <p>Petitioner</p> | <p>Shron Builders</p> |
| <p>Discussion</p> | <p>Mr. Vinzant identified the following:</p> <ul style="list-style-type: none"> ▪ Shron Builders is requesting final acceptance of improvements within Mirage Subdivision due to exceptional reasons. ▪ The conditional acceptance was only last month; however the improvements have been in for several years with the exception of sidewalk on three lots. ▪ The escrow holder for Shron Builders for Mirage subdivision was a title company and it went bankrupt. The escrow for guarantee of the improvements is not in place. ▪ Shron Builders is requesting to place a guarantee escrow, with the City, for the one year guarantee on the sidewalk recently installed and for the City to waive the guarantee for the rest of the improvements because they have been in place for over two years. <p>He also explained that Public Works knows about this situation and feels that it would be both fair to the developer and still secure the City interests if all improvements, except the new sidewalk, are considered accepted and an escrow for the guarantee of the new sidewalk is established.</p> <p>Mr. Vinzant then clarified that this does not set a precedent because it has been done in the past.</p> |
| <p>CONCLUSION</p> | <p>Councilmember K. Peterson moved to grant Final Acceptance of Mirage Subdivision based on the length of the time the improvements have been in (in excess of two years) and the financial situation of the escrow company and that they create an escrow with the City for the guarantee of the sidewalk recently installed. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember M. Petersen, aye;</p> |

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| | Councilmember Stanton, aye; Councilmember Mitchell, aye. |
| G. AWARD OF CONTRACT FOR 3000 W – 4300 W, 1400 N TO 6000 S UTILITY PROJECT (3000 W UTILITY PROJECT) | |
| Petitioner | Community Development |
| Discussion | <p>Mr. Vinzant explained that this is the first phase of the 3000 West/ 4300 West; 1400 North to 6000 South Project.</p> <p>The Bid Opening was held November 20, in Clinton City Hall.</p> <ul style="list-style-type: none"> ▪ There were 14 bidders ▪ The bid spread was from \$1,288,029.83 down to \$671, 941.62. ▪ The low bid was: RJT Excavating at \$671,941.62 ▪ The Engineer’s estimate for the project was \$800,000 <p>RJT Excavating has done work on other JUB projects and DWCC has worked with the company on subdivision projects. RJT has done similar box culverts in Layton and they have the equipment to successfully complete this project.</p> <p>Construction is anticipated to start within a month and the project has two completion dates. The first is associated with the water in the canal, March 1, waterlines by April 1, and ready for final payment April 15.</p> <p>The second phase of the project, street work, is on schedule for advertisement in December and January and to the Council for award January 13, 2015. Work will start about a month later.</p> <p>Mayor Adams asked for Public Works staff to watch the project closely and make sure that quality work is maintained especially in the compacting testing.</p> <p>The Council asked Mr. Vinzant if he is aware of other projects RJT has completed.</p> <p><i>After the meeting Mr. Vinzant provided the City Council with a list of projects RJT has completed.</i></p> |
| CONCLUSION | Councilmember M. Petersen moved to award the contract for the 3000 W – 4300 W, 1400 N to 6000 S Utility Project (3000 W Utility Project). Councilmember Patterson seconded the motion. All voted in favor of the motion. |
| H. RESOLUTION 20-14, AMENDING THE CLINTON CITY CONSOLIDATED FEE SCHEDULE | |
| Petitioner | Community Development |
| Discussion | <p>Mr. Vinzant explained that recently the Council has expressed an interest in adopting fees associated with the following items. He asked the Council to consider the following:</p> <ul style="list-style-type: none"> • Telecommunications Rights-of-Way Application Fee, he said staff is recommending \$ 500.00. • Tampering with City Utilities; Mr. Vinzant explained this is in the ordinance as a violation. He said it brings up a question about due process and if it can be called a fine or a fee. • GRAMA Request Deposit Application Fee. He explained that a GRAMA Request Deposit is determined by the Records Management Administrator <p>The GRAMA Request fees can be based upon recent experience. There can be a great deal of research and time involved in these requests and while the City is allowed to charge it can be a hassle to get a bill paid.</p> |
| CONCLUSION | Councilmember Patterson moved to table Resolution 20-14 for Mr. Vinzant to do some more research. Councilmember Mitchell seconded the motion. |

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| | All voted in favor of the motion. |
| Approval of Minutes | Councilmember Patterson moved to adopt the October 28, 2014 Clinton City Council Minutes as written. Councilmember K. Peterson seconded the motion. All those present voted in favor of the minutes. |
| Accounts Payable | <p>The Council questioned payments on page 1 and page 2 regarding SWPPP Fees paid on October 31, 2014 and asked staff to provide a more detailed explanation.</p> <p><i>Mr. Cluff provided the City Council with the following information after the meeting:</i></p> <p><i>The questioned billing for a total of \$11,562 on October 31, 2014 was for storm drain piping that was put in the City Shop as part of required drainage. The majority of the cost was against the Storm Drain Fund with part of it apportioned equally out to the other departments that use the Shop area.</i></p> <p>Councilmember Mitchell moved to pay the bills. Councilmember K. Peterson seconded the motion. All those present voted in favor of the motion.</p> |
| Planning Commission Report | Mr. Vinzant reported on the November 18, 2014 Planning Commission Meeting as recorded in the minutes. |
| City Manager | <ul style="list-style-type: none"> • The City will be closed on November 27 and 28 in observance of the Thanksgiving Holiday. |
| Mayor | <ul style="list-style-type: none"> • Asked the Council to approve the City to be closed on December 26 and allow the employees to use a vacation day. The City Council agreed; they said if there are employees who wish to work, the Department Head should provide work for them. |
| Councilmember Patterson | <ul style="list-style-type: none"> • Community Enhancement will have their annual Taste of Clinton on December 4. They will change from monthly to quarterly classes in 2015. |
| Councilmember K. Peterson | <ul style="list-style-type: none"> • The annual Christmas Sing-A-Long is December 6 at Parkside Elementary at 5:00 p.m. • The Arts Board is doing the Christmas décor contest. • Encouraged the Council to write a letter for the 1800 N project. |
| Councilmember M. Petersen | <ul style="list-style-type: none"> • The Eagle Scout presentations have slowed down a bit. |
| Councilmember Mitchell | <ul style="list-style-type: none"> • Nothing at this time. |
| Councilmember Stanton | <ul style="list-style-type: none"> • The Youth Council is serving dinner for the Christmas Box House on Wednesday, November 26. They are sponsoring two families for Sub for Santa. |
| | <p>Scott Limpke addressed the City Council and explained he has worked in data telecommunications for a number of years. He would like to see many questions regarding the Telecommunications agreement addressed. He suggested that during the 3000 W project they add the conduit for the fiber optics and have the City own it rather than the telecommunications company. Fiber in cities is the future. New technology will take many existing broadband providers out of business.</p> |
| ADJOURNMENT | Councilmember Stanton moved to adjourn. Councilmember Patterson seconded the motion. All those present voted in favor. The meeting adjourned at 9:35 p.m. |