

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

**MAYOR
L. Mitch Adams**

**CITY COUNCIL
Councilmember Anna Stanton
Councilmember Mike Petersen
Councilmember Karen Peterson
Councilmember Barbara Patterson
Councilmember TJ Mitchell**

City Council	September 22, 2015	Call to Order: 7:02 P.M.
Staff Present	City Manager Dennis Cluff, Community Development Director Will Wright, Public Works Director Mike Child, Recreation Director Bruce Logan, Fire Chief Dave Olsen, Police Chief Bill Chilson, Ron Wehrle, Steve Hubbard and Lisa Titensor recorded the minutes.	
Citizens Present	Tad Jensen, Representative Paul Ray, Zach Ray	
Pledge of Allegiance	Councilmember Barbara Patterson	
Prayer or Thought	Zach Ray	
Roll Call & Attendance	Present were: Mayor Adams, Councilmember Mike Petersen, Councilmember Karen Peterson, Councilmember Barbara Patterson, Councilmember TJ Mitchell and Councilmember Anna Stanton	
A. EMPLOYEE OF THE MONTH FOR AUGUST 2015 – RON WEHRLE		
Petitioner	Dennis Cluff, Fire Chief Dave Olsen	
Discussion	<p>Chief Olsen recognized Captain Ron Wehrle as the August 2015 Employee of the Month. He reported that Captain Wehrle oversees the “B” shift in addition to many other responsibilities which include the following:</p> <ul style="list-style-type: none"> • Vehicle Maintenance • Water Pump and Ladder Testing • Maps • EMS Supplies • Self-Contained Breathing Apparatus (SCBA) • Personal Protective Equipment (PPE) Turnout gear • (B Shift) Firefighter evaluations • Engine Company Business Fire Inspections <p>Additionally, Captain Wehrle brings a lot of experience, hard work and dedication to the Fire Department. He is committed to improving service(s) for the Citizens. He is always willing to share his knowledge and experience and is a great example to everyone in the Fire Department. Chief Olsen expressed gratitude for the professionalism and positive attitude Captain Wehrle exhibits.</p> <p>Captain Wehrle said he appreciates receiving this recognition.</p> <p>Mayor Adams presented Captain Wehrle with an award and stated that he appreciates his positive attitude and good work ethic.</p>	
B. SUNSET JR. HIGH DRUG AWARENESS ACTIVITY AND REQUEST FOR FUNDING OF “FUN RUN” ACTIVITY		
Petitioner	Dennis Cluff	
Discussion	Mr. Cluff explained that Sunset Jr. High promotes a drug free environment through its annual Red Ribbon-Drug Awareness Week held the second week in October. For the past eight years, they have requested and Clinton City has contributed \$200 towards this program for the Fun Run/Walk activity which will be held on Friday October 9 th at 2:15 p.m. This is a positive and effective program for the students.	

CONCLUSION	Councilmember Patterson moved to donate \$200 to Sunset Jr. High Drug Awareness Activity and Fun Run. Councilmember Stanton seconded the motion. All voted in favor of the motion.
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C. ORDINANCE 15-6, AMENDING CHAPTER 25-11 – SIDEWALKS

Petitioner	Dennis W. Cluff, Mike Child
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Discussion	<p>Mayor Adams identified that in 2010 when the City revised the City Code, the following proposed language was unintentionally left out of the new revisions. This proposal reaffirms the property owner’s responsibility to maintain the sidewalk area around their property (adding subsection (6) to Chapter 25-11). In addition, the new proposed Section 25-11-7 details the process the City has been using for over 20 years.</p> <p>[25-11-6] ***Proposed new language***</p> <p><i>(6) To keep the public sidewalks immediately abutting their property in good order and repair from breaks, cracks, sunken or raised areas that could be trip hazards.</i></p> <p>25-11-7 <u>City Participation in Repairs.</u> <i>The City may assist property owners with damaged sidewalks, who wish to repair them, by sharing the costs of repair (50/50) on a first come basis, as it is convenient for the City and as funds are available for repairs. Written application for this City cost participation must be made with the City Public Works Department at least 10 days prior to the date of work commencement.</i></p> <p>Councilmember K. Peterson asked to modify the ordinance by removing “who wish to repair them,” in 25-11-7.</p> <p>Councilmember Mitchell asked why the homeowner is responsible to maintain the sidewalk on City owned property.</p> <p>Mr. Child responded this has been the standard requirement for many years and it is the same standard other cities use as well.</p> <p>Mr. Cluff added that it also protects the city from a liability standpoint.</p>
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CONCLUSION	Councilmember Stanton moved to adopt an Ordinance 15-6, amending Chapter 25-11 of the City Code by adding 25-11-7(6) and the new section 25-11-7. Councilmember K. Peterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember K. Peterson, aye.
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D. ORDINANCE 15-8, AMENDING CHAPTER 19-10 – NO SMOKING ALLOWED

Petitioner	Dennis Cluff
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Discussion	<p>Mr. Cluff explained that previously, the City adopted the Davis County Health Department’s Regulation on (no) Smoking in Outdoor Public Places. Since then E-cigarettes and vapor type inhalation devices have flooded the market. Such devices are banned from Public Indoor facilities (Utah Code 26-38, Utah Indoor Clean Air Act) and are declared to be more hazardous than cigarettes, yet neither the State nor County Health Departments have changed their laws and regulations to exclude this use in outdoor public places.</p> <p>State Code 26-38-6 (part of the Indoor Clean Air Act) allows local jurisdictions to enact smoking (or no smoking) standards for outdoor public places within their jurisdiction. The County did this earlier with their current regulation which Clinton City has adopted. However, they have not updated their regulation to officially include E-cigarettes, vapor and other similar devices. The State’s definition of “Smoking” includes these mentioned devices, yet they have not set up an outdoor smoking regulation, that has been left up to the “local jurisdictions”. The Davis County Health Department has adopted an “Electronic Smoking Device Regulation” specifying what it entails and setting up sale guidelines, but as of yet, has not added it to their Smoking in Outdoor Public Places regulation.</p> <p>Staff recommends the Council add the definition of E-cigarette/vapor devices from both the County Health Department and the State Indoor Clean Air Act to Chapter 19-10 of the City Code. This will make it clear that use of the E-cigarette and vapor devices are not allowed in any City Public Area.</p>
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	<p>Mr. Cluff read the definition of E Cigarette in the Indoor Clean Air Act Utah State Code 26-38.</p> <p>As used in this chapter, E Cigarette means any electronic oral device that provides the vapor of nicotine or other substance; and, which simulates smoking through it’s use or through inhalation of the device and, includes an oral device that is composed of a heating element, battery or electronic current; and, marketed, manufactured, distributed or sold as an E Cigarette, E Cigar, E Pipe or any other product name or descriptor if the function of the produce meets the definition of subsection 1(a).</p> <p>1(a) says an electronic oral device that provides vapor, nicotine or other substance.</p> <p>He asked that this be included in the definition for outdoor smoking.</p> <p>Mayor Adams clarified the intent is to ban E Cigarettes from the parks.</p> <p>Tad Jensen stated he is the president of the local Smoke Free Association. He commented that a common misconception is that E Cigarettes are more dangerous than traditional cigarettes. The UK Health Dept. just released a study done over the past five years that says E Cigarettes are at least 95 % safer than traditional cigarettes. What is exhaled from the vapor is typically less volatile and cleaner than the air we breathe on a daily basis.</p> <p>He said that by encouraging the use of E Cigarettes in outdoor areas it would help reduce litter.</p> <p>Representative Paul Ray presented the City Council with a packet of information regarding E Cigarettes. He said he has researched the issue extensively and has contributed significantly to the laws in Utah regarding the Indoor Clean Air Act. E Cigarettes include formaldehyde benzene superheated with large doses of nicotine. He referred to the material he provided and reported that studies show that E Cigarettes are 5 to 15 times more likely to cause cancer. There are current law suits going on due to the cancer causing carcinogens in the devices. Several studies address second hand vapor. Nicotine is being omitted from the E Cigarettes.</p> <p>He said E Cigarette use by minors is at an epidemic level and is being sold illegally through smoke shops. The State will be implementing an E Cigarette tax this year.</p> <p>Definitions 59-14-802 and 28-38-2 Councilmember K. Peterson asked if it would be better to write a definition in the City ordinance or reference the State Code.</p> <p>Representative Ray said that by referencing the State Code it adds merit but how it is being proposed is effective as well.</p> <p>Representative Ray said that E-Cigs are as unhealthy as cigarettes but in different ways.</p> <p>Mayor Adams recommended treating E Cigarettes as a simulated smoking situation and ban them from public parks.</p>
<p>CONCLUSION</p>	<p>Councilmember K. Peterson moved to adopt Ordinance 15-07, amending Chapter 19-10 of the City Code an ordinance amending Chapter 19-10 of the Clinton City Code of Ordinances amending the no smoking in City outdoor public places to include all manner of e-cigarette and vapor type devices. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember K. Peterson, aye.</p>
<p>E. PERSONNEL POLICY AMENDMENT – SICK LEAVE</p>	
<p>Petitioner</p>	<p>Mayor Adams, Dennis Cluff</p>
<p>Discussion</p>	<p>Mayor Adams explained that with a few employees retiring or considering retirement, he feels it appropriate to discuss the possibility of paying them a small percentage of their</p>

	<p>accrued sick leave upon their retirement.</p> <p>Mr. Cluff explained there are several employees who have accrued more than 700 hours. These are key personnel who have been fortunate enough to stay healthy and who are committed to their jobs and have not abused the benefit. This may be a way to encourage them to continue minimizing the use of their sick leave accrual. He clarified he has encouraged the employees to accrue a minimum of 480 hours of sick leave as a short term insurance policy because long term disability is only available after 3 months.</p> <p>The prudent use of sick leave of these individuals provides the City with key decision makers on a more regular basis. Their loyalty to the City and their work services are another reason to provide a small token of “thank you” upon their retirement.</p> <p>The following is being proposed to be added to the personnel policy: <i>“Employees retiring from the City employment and from URS and have an accrued sick leave balance of over 480 hours, may sell back to the City any and all sick leave hours in excess of the 480 hours at a rate of 10% of the employee’s current per hour salary for each buy back sick leave hour.”</i></p> <p>The Council discussed the issue at length.</p> <p>Bruce Logan commented that Layton City has a policy to pay out sick leave to employees whether they quit or retire. They pay out some each year, and allow employees to roll over the rest.</p> <p>Mr. Cluff clarified Clinton City has a policy in place to allow employees to roll a specified amount of sick leave based on the accrued amount of sick leave over into vacation or have it paid out at the end of each calendar year.</p> <p>Mayor Adams said he feels this is an inexpensive option to show the appreciation of the City.</p>
<p>CONCLUSION</p>	<p>Councilmember Stanton moved to authorize a payment of 15% payout for sick leave over 480 hours to be added to the Personnel Policy for employees who retire. Councilmember Patterson seconded the motion. Voting by roll is as follows: Councilmember Stanton, aye; Councilmember Mitchell, no; Councilmember K. Peterson, aye; Councilmember Patterson, aye; Councilmember M. Petersen, no.</p> <p>The motion passed three to two.</p> <p>Councilmember’s M. Petersen and Mitchell said they are in favor of the 10% buy out but not the 15%.</p>
<p>Approval of Minutes</p>	<p>Councilmember Stanton moved to approve the August 25, 2015 City Council Minutes as written. Councilmember K. Peterson seconded the motion. All voted in favor of the motion.</p>
<p>Accounts Payable</p>	<p>Councilmember Mitchell moved to pay the bills. Councilmember M. Petersen seconded the motion. All voted in favor of the motion.</p>
<p>Planning Commission Report</p>	<p>Mr. Wright reported on the September 15, 2015 Planning Commission meeting as recorded in the minutes.</p>
<p>City Manager</p>	<ul style="list-style-type: none"> • Fire Department Open House is October 1 at 6:00 p.m. • Fall Clean Up is Saturday, October 2 from 8 am to 1 pm. • Flu Shots will be available on Oct. 27. • The Columbus Day holiday is Monday, Oct. 12.
<p>Mayor</p>	<ul style="list-style-type: none"> • Mayor Adams reported that he and Mr. Cluff are in negotiation regarding the lease of Powerline Park with Rocky Mountain Power.
<p>Councilmember Patterson</p>	<ul style="list-style-type: none"> • Kestrel Park was filthy after the soccer games on Saturday morning. • Asked to be excused from the October 13 City Council Meeting. • Said she feels a Meet the Candidates Night would not be effective this year

	because of Vote by Mail.
Councilmember K. Peterson	<ul style="list-style-type: none"> • The Arts Council has started their Children’s Choir; they will have a few performances including the tree lighting on December 5. • The Recreation Dept. along with the Arts Council will host a pumpkin walk on Monday, October 26. • Asked to have the ordinance regarding election signs modified to accommodate for “Voting by Mail”, allow more time for signs to be out.
Councilmember M. Petersen	<ul style="list-style-type: none"> • Expressed concern about the traffic flow in Macy’s parking lot suggested signage to promote traffic safety.
Councilmember Stanton	<ul style="list-style-type: none"> • North Davis Sewer Update projects are ongoing. • Youth Council update – The Youth Council has volunteered every year for almost every event that GOAL Foundation hosts (Ogden Marathon, Hurt in the Dirt, Xterra, USA Cycling Championships) and were fortunate enough to be offered a grant from the GOAL Foundation this year. All the details are not available but the GOAL Foundation thought it important to recognize their commitment to helping their organization with these events that drive a great deal of tourism and publicity for the state of Utah and its recreational offerings. The Youth Council was fortunate enough to also be recognized publicly that day by Ogden City and hope to pair with them for additional events in the future as well as aid them in reestablishing their own Youth City Council program. • The Youth Council is working on dates for a Meet the Candidates Night.
Councilmember Mitchell	<ul style="list-style-type: none"> • Attended a RAB meeting; the program is expected to improve. • Expressed appreciation how 3000 W was handled. • Reported that water was left on too long at Powerline Park and asked staff to look into it. • HOA and solar restrictions – asked the Council to consider if government should intercede?
Road Project Update	<ul style="list-style-type: none"> • 1000 W will be paved on Tuesday Sept. 29 • 2300 N will be completed on Fri. Sept. 25
ADJOURNMENT	Councilmember M. Petersen moved to adjourn. Councilmember Mitchell seconded the motion. All those present voted in favor. The meeting adjourned at 10:06 p.m.
<u>ACTION ITEMS</u>	<ul style="list-style-type: none"> • <i>Propose change to ordinance for election signs to be put out sooner to accommodate for Vote By Mail at next City Council Meeting</i> • <i>Send a letter to the owners of the complex at Macy’s to look at traffic flow and signage.</i>