

CLINTON CITY COUNCIL MINUTES
2267 N 1500 W
March 23, 2010

A special work session of the Clinton City Council was called to order at 6.00 p.m. to address personnel policy issues.

Mayor Adams called for a roll call of all those present:

Present were: Mayor L. Mitch Adams
Councilmember David Pearson arrived at 6:14 p.m.
Councilmember Anna Stanton
Councilmember Cheri Reed
Councilmember Joanne Hansen
Councilmember Blair Bateman

Also present were: Becky B. Vervloet; Travis Canova ; Ruth Collard; Susan Canova; Public Works Director Mike Child and Lisa Titensor recorded the minutes.

PERSONNEL POLICY DISCUSSION:

Mr. Cluff reported that recently the City Attorney reviewed the personnel policy and the City is not in compliance pertaining to a few cases of nepotism and temporary employees.

He went on to address temporary employees and explained that according to the Attorney's position, temporary employees should only be allowed to work for a specified amount of time.

He said because some of these are well trained valued temporary employees he wishes the City could continue their employment, but unfortunately the City cannot afford to hire them as regular employees. He said that the fair resolution would be to initiate the existing positions with a new term start of April 1 to allow the employees to continue working as is for the specified term if they wish. He said he will continue to look for solutions to these issues.

Mr. Cluff then addressed the issue of nepotism. He said there have been a couple of situations with seasonal employees that have gone past the 12 week time limit period, but those individuals are not currently employed by the City.

He explained that the statute is broad and vague and the more narrow interpretation has been applied by the City.

He went on to identify that there are other circumstances of direct supervision existing with temporary employees including one employee in Public Works and one employee in the Fire Department. He said they have had to be let go do to the nepotism law.

Mayor Adams commented that he feels particularly bad about the Firefighter because he has served the City well for a number of years. He asked if an Employment agency is an option.

Mayor Adams stated that he has received an allegation of nepotism regarding Mr. Cluff and the City Planner Steve Parkinson. He asked Mr. Cluff specifically about his relationship with Steve Parkinson and if nepotism applies to him.

Mr. Cluff responded that he and Mr. Parkinson have a common relation on Mr. Parkinson's mother's side six generations back. He clarified he had not met Mr. Parkinson prior to him being interviewed and hired.

Councilmember Reed asked if there are other situations of nepotism.

Mr. Cluff responded that in the Treasurer Department there is an individual who is the sister-in-law of the Treasurer and she has completed her time and is not currently working for the City.

Mayor Adams then addressed the current webmaster for the City's website being the son of the City Manager. He identified that the webmaster is a private contractor and the job went out to bid. He explained he was the lowest bid for the contract. He went on to identify that the webmaster has only charged the City a total of \$843 which is approximately 42 hours since August of 2009 for maintaining and updating the website. He said this is a significant savings to the City.

Mayor Adams called for suggestions from the Council to help with the Firefighter position and the Public Works position.

Councilmember Stanton asked how other nearby cities handle nepotism.

Mr. Cluff responded that he asked Mr. Vinzant to research surrounding cities.

Mr. Vinzant responded that he spoke with South Ogden, Clearfield and Layton regarding their policies on these issues.

Councilmember Reed asked why the City can't hire part time employees that work more seasonally and don't need to be paid benefits.

Mr. Vinzant replied benefits are given at 20 hours.

Mr. Cluff responded that the state requires that retirement benefits are paid to regular employees. He clarified medical benefits are only for full time employees.

Councilmember Pearson asked about the temporary employees.

Mr. Cluff responded that temporary employees only receive FICA benefits.

Mr. Cluff explained that the City personnel policy is intended to limit potential liability for the City. He said unfortunately, nepotism and temporary employment has not been managed as well as it should be. As a result, the City has asked the Attorney for a more definitive opinion. He said the City needs to define the need for specific positions.

Councilmember Bateman stated that when someone is hired under these circumstances, the terms and time of employment should be clearly defined so these types of situations don't exist.

Councilmember Pearson asked how these vacancies are filled.

Public Works Director Mike Child responded that many times former temporary employees have returned; there has been some advertising for positions which is expensive for the City, and some are filled by referrals from existing crew. He said that sometime it is very difficult to find temporary people.

Councilmember Stanton questioned “at will” employment as referred to in the state statute. She asked why employees can’t continue with employment “at will” once they have completed their specified term.

Mr. Cluff responded that Utah is an “at will” state. The personnel policy is considered a contract which needs to be abided by both parties.

Mayor Adams addressed state code 52-3-1 - 6 (vi) identifying an exemption where a “relative” is the best qualified person to supervise and directed staff to get with the Attorney specifically about this in regards to the Fire Department position.

Councilmember Reed stated she would like to have positions in all the departments evaluated to determine if they should be full or part time.

Mr. Cluff responded that positions have been scaled down over the past several years particularly this past year in an effort to meet the financial needs of the City without raising taxes or fees.

Councilmember Stanton asked staff to review the State Code to see if there is a way to keep these employees.

Councilmember Bateman said that if temporary employees are informed when hired that they will be employed for a specific amount of time this will not be an issue in the future.

Mayor Adams called for a special meeting to be scheduled on April 6, 2010 at 7 p.m. to address public concerns regarding the potential loss of \$83,000.00 due to the closure of Centennial Bank.

Councilmember Pearson said he would like to provide plenty of notice.

Councilmember Hansen pointed out that personnel issues can be addressed in a closed session.

Councilmember Hansen made a motion to adjourn the special session. Councilmember Bateman seconded the motion. All voted in favor of the motion. The meeting adjourned at 7:14 p.m.

Mayor Adams called the regular session of the Clinton City Council to order at 7:15 p.m.

Tyler Nelson led the pledge of allegiance and Mike Child offered the invocation.

Mayor Adams called for a roll call of City Council member present:

Mayor L. Mitch Adams
Councilmember David Pearson
Councilmember Anna Stanton

Councilmember Cheri Reed
Councilmember Joanne Hansen
Councilmember Blair Bateman

Mayor Adams then called for a roll call of Youth Council members present.

Megan Checketts
Andrew Cowley
Alecia Cressall
Amanda Embry
Shayla Huckaby
Bryant Mark was excused
Tyler Nelson

Also present were: Becky Vervloet, Travis Canova, Ruth Collard, Corey Richins, Susan Canova, Angela Rice, Addison Isaacson, Brian Isaacson, City Manager Dennis Cluff, Community Development Director Lynn Vinzant, and Lisa Titensor recorded the minutes.

A. YOUTH COUNCIL MEMBER OF THE QUARTER - MEGAN CHECKETTS:

Youth Advisor Julie Davis reported that Megan Checketts has been voted by her peers to be the Youth Council Member of the Quarter. She identified that Megan has been a member of the Youth Council for 2 ½ years. She went on to read a few of the comments made by other members of the Youth Council identifying Megan's leadership qualities, positive attitude and strong work ethic.

Ms. Davis then presented Megan with a plaque and a \$50 savings bond.

Mayor Adams presented Megan with an award on behalf of the City Council and expressed appreciation for her service.

Megan Checketts stated that everyone on the Youth Council has been working very hard and she feels honored to be recognized.

B. YOUTH COUNCIL UPDATE PRESENTATION:

Youth Council Advisor Julie Davis reported that the Youth Council has taken 1st place for the third year in a row at the 28th Annual Youth Leadership Institute at Utah State University in Logan Utah.

She went onto report that the institute was very beneficial to the Youth Council who was privileged to participate in leadership activities and hear influential speakers such as Dan Clark, contributing author to "Chicken Soup for the Soul" and "Puppies for Sale" which was made into an award winning film by Paramount Studios. She explained that he was very inspirational.

Tyler Nelson, Mayor of Clinton City Youth Council reported on the upcoming activities of the Youth Council. He identified that the 5K Fun Run/Walk on May 1 is his biggest project of the year to benefit diabetes in addition to honoring Larry H. Miller.

He went onto express appreciation to the City Council for allowing the Youth Council to attend the Leadership Institute. He said each year it gets better and the Youth Council learns more. He identified the theme as One Team One Dream which focused on team work promoted a strong bond amongst the Youth Council. He said that future Youth Council projects will make the City proud.

Mayor Adams thanked Tyler for his articulate presentation.

Ms. Davis then went on to talk about the Leadership Award of Excellence and explained that she is very proud of the Youth Council.

Mayor Adams commented that he feels the Clinton Youth Council is the best around and that is because the Youth Council Advisors are the best around. He said that Julie Davis and Brandon Cressall deserve recognition as well.

Councilmember Stanton commented that she was pleased to attend the dinner and was very proud of the Youth Council.

Mayor Adams commented that he too attended the dinner and was very pleased with the achievements of the Youth Council.

Mr. Cressall stated that he has seen a huge difference in the Youth Council over the past few years and expressed appreciation to the City Council for their support.

Ms. Davis stated that she loves working with the youth and is so proud of them. She said she sees so much potential in these kids.

Ashley Bailey presented Councilmember Pearson with a card in appreciation of his participation with the Youth Council over the past few years.

Ms. Davis then reported that the application process for the Youth Council will be June 1st to May 31st and applications will be available on-line or at City Hall.

She then expressed her appreciation to the City Council for their support.

C. APPOINTMENTS TO THE CLINTON CITY COMMUNITY ARTS BOARD:

Mayor Adams identified that the following names have been submitted as potential board members for the new Arts Board. He said all who applied are great individuals with positive aspects that could be helpful to the Board and said he hopes they will lend their abilities as volunteers.

Because this is the first group to be appointed, three of the seven will be appointed for 1-year terms in order to stagger the terms and the rest will be appointed for the normal two year term. The members appointed for a one year term are encouraged to re-apply after their 1 year term ends.

- Glenda Swallow = 1 year
- Christian Anderson = 1 year
- Deborah Barlow = 1 year
- Laretta Beesley = 2 years
- Marina Schwimmer = 2 years
- Andrew Owens = 2 years
- Jamie Rasmussen = 2 years

Mayor Adams stated that he is in favor of these appointments.

Councilmember Bateman made a motion to ratify the Mayor's appointments to the Community Arts Board. Councilmember Reed seconded the motion. All voted in favor of the motion.

D. CITY COUNCIL APPOINTMENT TO CITIZENS CORPS:

The Mayor asked the City Council to ratify his appointment of Councilmember Blair Bateman to the Citizen Corps.

Councilmember Hansen made a motion to ratify the Mayor's new assignment of Blair Bateman to the Clinton City Citizen Corps. Councilmember Stanton seconded the motion. All voted in favor of the motion.

E. SUBDIVISION FINAL ACCEPTANCE – HARRISBURG PHASE 3:

Mr. Vinzant reported:

- This is another subdivision with the escrow at Barnes Bank
- The improvements have all been in for longer than two years however the developer did not ask for conditional acceptance until December of 2008
- The sidewalk has not been installed for all of this time, part of it has only been in for a month
- Public works is satisfied with the overall improvements in the subdivision and willing to accept the \$1500 building bond that is part of the building permit as guarantee for the sidewalk
- Primary finding for allowing final acceptance is due to the complications of Barnes Bank closing down

Mr. Child reported that inspection has been complete and any concerns have been resolved.

Councilmember Pearson made a motion to grant Final Acceptance of the improvements in Harrisburg Phase 3 and authorize the release of all funds being held noting this is being done early due to the closing of Barnes Bank and the sidewalks being protected by the building permit bonds on the lots themselves. Councilmember Bateman seconded the motion. All voted in favor of the motion.

F. SUBDIVISION FINAL ACCEPTANCE – WOODLAND PHASE 4:

Mr. Child reported that there were two items on the last punch list that needed to be concluded; a curb and a concrete walkway and both have been completed.

Councilmember Hansen made a motion to grant Final Acceptance of the improvements in Woodland Park Phase 4 and authorize the release of all funds being held. Councilmember Reed seconded the motion. All voted in favor of the motion.

The Youth Council was excused from the meeting.

G. ORDINANCE10-06 - REPEALING THE EXISTING TITLE 13, GARBAGE AND REFUSE AND REPLACING IT WITH A REVISED TITLE 13, GARBAGE AND WASTE:

Mr. Vinzant explained that revision of this Title is necessary because it does not match the process or procedures the city uses. Additionally, the old Title did not contain reference to such items as:

- The city waste trailers

- Abatement of nuisance
- City chipping of green waste
- Mulching
- Standards for commercial waste

During review and discussion of the proposed Title 13, the Council worked with staff to make some changes and clarifications.

The Council directed staff to bring forth a Resolution to fix Title 13 Chapter 7 Section 1 – Limitations Upon Dumping.

Councilmember Bateman made a motion to adopt Ordinance 10-06 Repealing the existing Title 13, Garbage and Refuse and replacing it with a revised Title 13, Garbage and Waste as amended. Councilmember Pearson seconded the motion. Voting by roll call is as follows: Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Stanton, aye; aye; Councilmember Reed, aye.

Charlene Stoker asked to address the City Council regarding allowing chickens in residential zones and stated she does not want to live on a farm.

APPROVAL OF THE MINUTES:

Councilmember Hansen made a motion to approve the minutes of the March 9, 2010 City Council Meeting as written. Councilmember Stanton seconded the motion. All voted in favor of the motion.

ACCOUNTS PAYABLE:

Councilmember Hansen made a motion to pay the bills. Councilmember Pearson seconded the motion. All voted in favor of the motion.

There was a discussion on utility payment fees and shut off policies.

Councilmember Reed expressed concern that residents are given enough time to pay before their water is shut off.

The Council asked staff to bring back information regarding utility billing.

PLANNING COMMISSION REPORT:

Councilmember Pearson reported on March 16, 2010 meeting of the Planning Commission as recorded in the minutes.

CITY MANAGER'S REPORT:

City Manager Cluff reported the following:

- Informed the Council of an Economic Outlook meeting in West Point March 24 at 12 Noon

MAYOR ADAMS' REPORT:

- Reported he has received a request for a garbage can on the trail on 1300 N. The resident who requested it will see that it gets dumped.

- Requested to hold a closed session at the end of this meeting to discuss accusations against City staff.

COUNCIL ISSUES AND CONCERNS:

Councilmember Reed:

- Requested an action list for City Council meetings
- Reported on upcoming Community Enhancement classes
 - April – grandmas kitchen – owners reside in Clinton City
 - May – helping patients get the care they need at the end of their life.
- Asked staff to bring information on the following to the budget meeting on March. 30:
 - City cars used by employees
 - Health insurance costs
 - Make sure employees are well utilized

Councilmember Pearson:

- Reported the Planning Commission public hearing regarding allowing chickens in residential zones was organized and orderly.
 - Asked for a list of the chicken survey responses organized by household
- Said he agreed with Councilmember Reed's request for an Action List
- Requested that public works sweep the trail a couple times a week
- Reported the clock is two hours off

Councilmember Stanton:

- Requested a garbage can at Kestrel Park
- Reported on the Youth Council dinner at the Leadership Conference at Utah State
- Reported that bio-solids are available at the North Davis Sewer District

Councilmember Bateman:

- Reported he has several Eagle Scout Awards and a Royal Rangers award coming up.
- Reported he has a sister who would like to volunteer for the Citizens Corps. Who is federally trained in Emergency Response. He asked the Council to clarify if nepotism could be an issue.

The Council agreed that nepotism does not apply to volunteer positions.

Councilmember Hansen:

- Reported that three Parks Board Members are needed and asked that notice be placed in the newsletter.
- Reported donation will be sought for the Veteran Memorial rock for Veteran's Park
- Reported the Farmer's Market will have its kick off at Heritage Days and they will be extending the hours.
- Reported she too was pleased how orderly the Planning Commission public hearing regarding chickens was.

Lynn Vinzant

Mr. Vinzant asked the Council for direction on specific code enforcement issues. He showed several pictures identifying non compliance.

Laura Adams stated that she doesn't see a problem with several of the pictures. She said she thinks gravel is fine and sheds are better than having debris around the yard.

The Council was in consensus that parking on gravel without weeds would be acceptable and directed staff to bring back a change to the ordinance.

Public Works Director Mike Child reported that the recycling bins have been moved again to the west side of Public Works and they are still being abused.

Ruth Collard stated that the Recreation Department invites the Council to address questions or concerns with them at any time. They are an open book. They feel they are doing what needs to be done.

Mayor Adams asked if new equipment is being bought that doesn't need to be.

Ms. Collard replied no.

She acknowledged that training for football is expensive and in her opinion is necessary.

Councilmember Reed commented an inventory system should be in place.

Councilmember Bateman asked about football and liability issues for the City.

Councilmember Pearson asked about uniforms.

Ms. Collard replied that uniforms are necessary due to storage and management issues.

Becky Vervloet stated that she feels that \$45 dollars is a bargain for Clinton City recreation sports.

Laura Adams stated that there is an individual who is harassing her family. She said she would like him held accountable for his accusations.

Ruth Collard stated that she has been harassed by the same individual.

Mayor Adams asked the City Council to go into closed session to discuss accusations against staff.

Councilmember Pearson made a motion to move into closed session to discuss the character, professional competence or mental health of people employed by the City. Councilmember Stanton seconded the motion. All voted in favor of the motion.

At 12:10 a.m. Councilmember Pearson made a motion to leave the closed session. Councilmember Stanton seconded the motion. Councilmember's Bateman, Reed, Stanton, Pearson and Hansen all voted in favor.

AFTER THE CLOSED SESSION

The Council gave Mr. Cluff direction to make sure that all City funds are protected.

Mr. Cluff responded that Zion's Bank stated that funds in non interest bearing checking accounts are protected above the \$250,000.00.

He went on to explain a sweep account which is a checking account where money is swept out each day and put into an interest bearing account which is protected by securities.

Mayor Adams directed Mr. Cluff to make sure funds in Wells Fargo is protected and if not, then to call an emergency meeting to take care of the situation.

ADJOURNMENT: *Councilmember Pearson made a motion to adjourn the meeting. Councilmember Hansen seconded the motion. All voted in favor of the motion. The meeting adjourned at 12:17 p.m.*