



Clinton City Council Meeting Minutes
2267 N 1500 W Clinton, UT 84015

May 11, 2010

The Clinton City Council was called to order at 7:07 p.m. Mayor Adams asked those in attendance to sign the attendance record.

Josh Barlow of Troop 738 led the pledge of allegiance and Mayor L. Mitch Adams offered the invocation.

Mayor Adams called for a roll call of all those present

Present were: Mayor L. Mitch Adams
Councilmember Blair Bateman
Councilmember Joanne Hansen
Councilmember Cheri Reed
Councilmember David Pearson

Excused were: Councilmember Anna Stanton

Also present were: Kenneth Myers, Kallie Gordon, Brodey Tremblay, Kyle Penman, Dave Barlow, Deborah Barlow, Josh Barlow, Melinda Scott, Bryce Wilcox, Rick Gurule, Loni Schneider, Carrie O'Brien, Joe Mockaitis, Ruth Collard, Community Development Director Lynn Vinzant, City Manager Dennis Cluff and Lisa Titensor recorded the minutes.

A. 7:00 PM PUBLIC HEARING – TENTATIVE BUDGET REVIEW:

In the Staff Report, the Council was informed that the proposed Tentative Budget is basically the same as the one approved on April 30th except that the Council's budget has been reduced by \$2,000, and added to the Perpetual Care fund as requested. An additional Special Revenue Account has been added, setting up the Clinton Community Arts Board fund. Monies for this account are anticipated to be from donations, so no General Fund transfers or funds are allocated.

It was identified that this is a balanced budget which includes state required increases to the state retirement program, and a 5.2% increase in medical coverage costs. No employee cost-of-living increases or merit step increases are included in the FY 2010-11 budget. The FY 2010-11 General Fund budget is \$8,106,097; with the entire City budgets totaling \$12,087,380.

It was identified that a public hearing to approve the Final Budget and Tax Rate Certification must be held by June 22nd, which this year falls on a regular Council meeting night. The Tentative Budget is available for modification until the Final Budget is adopted on June 22nd.

Mayor Adams opened the public hearing at 7:12 p.m.

Councilmember Reed said she is still concerned that the recession is not over. She is concerned about the budget and doesn't see anything in the budget to allow for the payback of the potential \$166,000 loan from the HoDAG money to the General Fund. She said she doesn't want to see the City lose employees so she would like to see cuts in other areas.

She went on to discuss her retirement and benefit concerns. She said she has contacted other cities about retirement and benefits. She found that other cities match retirement, but none provide as much as Clinton City. She added that most businesses don't offer this benefit any more either. She identified that the other cities that pay retirement offer a dollar for dollar match. She said she feels the City should reduce this benefit.

She went on to say that recovery from the recession could still take at least another year. The \$166,000 shortfall needs to be made up some where.

She addressed part-time employee benefits and said that the ratio of cities that offers benefits for part time employees is about half and half.

She then said she read an article about health insurance which identified that 45% of cities pay full coverage & 55% of cities don't. She referred to the 5% increase for health insurance in the new budget and said that cuts need to be made somewhere.

Councilmember Reed said she would like to continue the discussion on employees who drive city vehicles to potentially make cuts there.

Councilmember Pearson said he agrees with Councilmember Reed and added that he would like to see Recreation look further at cutting their budget.

Mr. Cluff said he has made a request of the Recreation Department. He said Recreation is trying to keep costs as low as possible and keep services as high as possible.

Mr. Cluff went on to identify that costs are tied up in personnel because the City provides services. Recreation has funds tied up in programs as well. He said he does not see any place they could cut unless they cut personnel or programs.

He went on to say that the City has made budget cuts each year for the past several years. He identified that training and equipment have been cut as well as other things in each Department.

He said that what Councilmember Reed is asking is to cut compensation from existing employees. He said these people are who provide the services to the public which he believes is done in an economical way.

He said he is charged with overseeing the budget and he does it well. The proposed tentative budget is a balanced budget. He said he agrees with some of the Council that he would like to see more savings in the reserve fund, but unfortunately he cannot see into the future.

Mr. Cluff agreed that the overall increase in the health benefits is in essence a percentage compensation increase to employees, although it is not a salary increase.

Councilmember Bateman asked for clarification on the reference to the HoDAG loan.

Mr. Cluff clarified that the \$162,000 is in the current year fiscal budget not 2010-11 and is a shortfall over several years in the overall project costs of all the new civic buildings. He clarified this would be a budget amendment to the FY 2009-10 budget.

Mayor Adams pointed out that the City has five lots that could be sold to cover the \$162,000.

Mr. Cluff went on to explain that the HoDAG was a grant from the Federal Government in approximately 1985 to the City which the City lent to a developer to help off set the rent at Country Crossings Apartments for low to moderate income families. After 20 years it was supposed to be paid back to the City with the annual profits, but none supposedly occurred. He said staff has been in the process of negotiating the return of the funds since he came to work here. He said it is anticipated that the City will receive nearly the \$1 million in payback funds in July. He clarified that the City has already received \$200,000.00 + funds paid back in interest. He added that these are not operational or general fund monies.

David Barlow asked if anyone has tried to quantify how much could be cut in the budget if the employees were charged a monthly premium for healthcare and if the retirement was reduced.

Mr. Cluff responded it depends on the percentages. He said he doesn't have all the numbers with him right now.

Councilmember Pearson suggested cutting the retirement percentage and requiring a match from employees.

Mr. Barlow said he doesn't want to seem ungrateful for the services the City provides, but at the same time, many of his neighbors are out of work and have no healthcare or income. He said that the City should be thoughtful of their situation when considering these issues.

He said he realizes that things can go wrong and referenced "Murphy's law". The City should take an active approach to see real savings for fiscal solvency.

Councilmember Reed said according to her calculations the City could save \$67,000.00 a year by the employees paying \$100.00 a month of their health insurance premium.

Mr. Cluff replied that the 401K is based on salaries. It could be approximately \$30,000 based on a rough calculation of the percentages; however he doesn't have the calculations in front of him at this time.

Councilmember Bateman responded that the overall budget is doing well; it is not just the General Fund that needs to be considered.

Mr. Barlow responded saying that it would be wise to have ample reserve funds and avoid violating the law by dropping below the legal amount.

Mr. Vinzant pointed out that total compensation needs to be considered when discussing these cuts. He said when you are comparing other cities, it needs to be taken into account that Clinton employees have a lower salary and the 401K is added into that as total compensation.

Mayor Adams pointed out that the employees are already taking a cut by not earning a step increase and by not receiving a cost of living allowance for the second year in a row.

Mr. Cluff responded that employees realize that some cuts need to be made and they understand, but these other cuts being proposed are reducing their compensation. He said he has not discussed these issues with the employees because the Council has not made a definitive direction.

Mayor Adams discussed part time employees. He said personally he believes that the stability the City receives from these employees outweighs the effects of frequent employee turnover. Longevity and stability have a value. He said he feels that the benefits are fair.

Deborah Barlow stated that she is uncomfortable about the budget. She is concerned about the low reserve funds. She said she doesn't agree with borrowing from the HoDAG funds. The City needs to take corrective measures now. She likes the proposals made by Councilmember Reed. She said she feels bad for the employees, but her family's income and benefits went down. It is necessary during these difficult times. The City should not depend on property taxes and sales taxes. She said the proposed cuts make sense. She went on to address health insurance plans and 401k's for the state of Utah employees. She said they have two options for employees to choose from, one that costs more and has more coverage and one that is less and has less coverage.

Mr. Cluff clarified the 401K. He said that the Police Department has a separate retirement system which is mandated by the State. The Fire Department is also on a separate system. He clarified that the Police and Fire make up half of the employees and after consideration of that, the estimate of a potential cost savings of approximately \$30,000 he identified above is inaccurate.

He went on to identify that if the 401 K was lowered for some employees but not for all employees it would not be fair.

Councilmember Pearson said he is not anti employee, but feels that because of the situation some issues need to be discussed. He said he looked at other cities as well and does not particularly buy the total compensation package argument. He said the Syracuse Community Director doesn't make what Clintons does; he said it is hard to compare salaries because of qualifications, longevity and job requirements. He said he understands there are a lot of comparables. When averages are considered, most cities are fairly close or comparable; although Clinton employees do have a lot of advantages.

He asked for clarification on increases in the 401K.

Mr. Cluff responded that the 401K has been the same since before he came. He clarified that the state requirement for retirement has changed resulting in the increase in the total retirement cost.

Councilmember Pearson said he has not found another City that does not require a match for the 401K. He said other cities also require their employees to pay a portion of the health insurance premium. He said he doesn't think Clinton needs to do all these things, the Council just needs to take them into consideration to represent everyone in the City as far as the budget is concerned.

Councilmember Hansen said that she has spoken with many employees who realize that cuts are necessary. She said they like working for the City and are willing to make sacrifices. She said that long term employees are valuable and the benefits package is valuable to the employees.

Mayor Adams clarified that the proposed Tentative Budget is balanced.

Councilmember Pearson and Reed said that the \$166,000 still needs to be addressed from last year's budget.

Councilmember Pearson said he would like to see the HoDAG money used for street improvements.

Mayor Adams said that maybe the lots need to be sold if there is such concern over the \$166,000.00. He said with the current projections, expenditures match the anticipated revenues. He said he doesn't feel that cuts are necessary at this time.

Councilmember Reed said she is not for selling those lots.

Michelle Knight said she appreciates Councilmember Pearson and Councilmember Reed. She said she appreciates the City employees but approximately 95% of residents have had to take cuts because of the economy. She said she likes what has been proposed by Councilmember Reed. She said she appreciates the clean City we live in. The employees should be willing to take a cut to have a job.

Melinda Scott said she appreciates the ideas put forth by Councilmember's Reed and Pearson. She said she was concerned that the other Councilmember's weren't offering ideas initially in the discussion. Her family has had to take cuts in their salary and have had increases in their insurance premiums. She appreciates the employees, but when tax payers who pay for government are being nickel and dimed and taking cuts, it is realistic to ask for ideas for cuts.

She asked Mr. Cluff for ideas for cuts other than the reasons he has already expressed why the employees can't take cuts.

Mr. Cluff responded that the proposed tentative budget includes cuts to accommodate the projected revenues. The budget process is very complex. The overall budget has been cut to

accommodate the current economy and still provide the services. The proposed budget is his recommendation for cuts.

Rick Gurule asked for clarification if the Department Heads have submitted their cuts. He said he can see a lot of things in the City that could be cut. He asked about the flowers and how much it costs to water the flowers. He suggested that cuts be made in the Parks. He asked about the crossing guard at 1300 N and 1000 W. He said there are volunteers that could fill that need. He volunteers full time. He suggested asking for volunteers to cover some of the jobs for security for Heritage Days as an example; he said think outside the box.

Councilmember Bateman invited Mr. Gurule to volunteer for the Citizen's Corp.

Mr. Vinzant answered for Department Heads. He said that cuts have been made within in the departments in training, manpower and equipment without cutting services. The City provides service which is identified as a cost.

Councilmember Pearson clarified that the flowers come out of a special fund called the RDA which can only be used for specific projects.

Mr. Cluff explained the budget identifies specific funds for specific purposes or projects. The budget does not work like a family budget. He said the City staff thinks outside the box all the time to provide all the services with the limited funds.

The City staff has a lot of collective experience in managing the City including the budget. The economy affects the budget across the board. The City tries to keep all the services and programs without increasing fees and taxes which is becoming increasingly more difficult.

Mr. Cluff identified that the state mandates how certain funds such as impact fees can be spent.

The discussion then turned to water costs and water rights. Mr. Cluff explained that the City obtained water rights which are limited and expensive at old pricing which is a substantial benefit to the City and will sustain the City through build out.

Councilmember Pearson asked to go back to the retirement issue.

Mr. Cluff identified based on the state requirement the police is 26.13% which is approximately a 3% increase; regular employees, which incorporates most people is 13.37% which is an increase of 1.71%; the Fire percentage is 16.77% which is an approximate 3.28% increase. Due to the anticipated decrease in the Fire Departments state wide fire fund, those costs to the City will begin to increase over time.

Councilmember Pearson asked for clarification how the retirement benefit is paid to retirees.

Mr. Cluff responded that the retiree has a choice of a number of options. The retirement is based on an average of the highest paid consecutive three years at 2% per year, however penalties may

apply. For full benefits the retiree must be 65 years old or have 30 years in the retirement system. The Police and Fire are on separate retirement systems.

The 401K is a separate system which has its own requirements.

Councilmember Pearson said that he feels the 401K should be more of an optional benefit rather than an automatic one. The employees should be required to match funds provided by the City.

Dave Barlow asked if there is a vesting period for retirement.

Mr. Vinzant replied 5 years.

Councilmember Hansen asked who manages the 401K.

Mr. Cluff responded that the state manages the 401K through a different system.

Mr. Vinzant pointed out that by reducing the 401K it does not impact the Police at all and the Fire Department minimally. It would only affect regular employees.

Mr. Cluff stated that the percentage breakdown rationale which was in place when he came was likely based on the changes from the state contributory to non contributory retirement systems to balance the benefit. Changes to the 401K would not be fair to all employees. He went on to explain that when he was hired, he accepted the job with the expectation of specific benefits as part of his compensation, which is the same for the other employees as well.

Councilmember Bateman asked what the increases have been in healthcare. He said a change to healthcare premiums seems more equitable to be fair.

He pointed out that the proposed tentative budget is a balanced budget. Cutting is for future benefit. He said he personally has been affected by the economy, but he feels the budget is lean and it is balanced.

Councilmember Reed said that road improvements will suffer in the future. There is no long term plan to meet future needs. Eventually it will catch up. She said she is not for borrowing from the HoDAG.

Councilmember Hansen expressed concern about payback of the HoDAG funds.

Mr. Cluff responded that it depends on how the economy goes. Service costs don't increase and if sales tax revenues increase there should be a residue or reserve at the end of the year that could go to payback the HoDAG. He identified there is a number of things involved dealing with the HoDAG. If the payback goes as planned, the nearly million dollar funds could be used as seed money to get grants for street improvements. All the money would not be used at one time. Payback of the \$162,000.00 could happen over an extended period of time. This is a one time expense to cover the cost over run of the Civic Center project. He explained that he tries to remain conservative, but in today's environment the revenues are unpredictable.

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Mayor Adams asked Representative Paul Ray who was in attendance if he knows on the state level how they see the revenues over the next year.

State Representative Paul Ray stated that the number will not be available until June, but it is anticipated that due to cuts over the past two years it is expected to be flat to \$150,000,000 million in the red.

Councilmember Pearson asked where the \$250,000 Cemetery Perpetual Care fund is identified in the budget.

Mr. Cluff responded the proposed budget only identifies revenues and expenses. The \$250,000 Cemetery Perpetual Care Funds are currently in the State Pool.

Councilmember Pearson then asked for clarification on the depreciation of the motor pool on page 61.

Mr. Cluff responded that in every fund that has a depreciation (amortization) expense, the money stays in that fund. The purpose is to have funds to make large purchase in the future.

Councilmember Pearson said he would prefer to take the shortfall from that fund and postpone making purchases on equipment for a few years. He said it would be cutting back in an area instead of borrowing funds.

Councilmember Bateman expressed some support of that idea.

Mr. Cluff explained that his intent in the short term is to take the funds from HoDAG and see what kind of revenue comes in till the end of next June. If there is a need at that time, in June 2011, and if funds are not able to be paid back or additional monies are not available, then look at how to free up money for the HoDAG from other sources such as the motor pool or solid waste, in order to continue the loan until it can be paid back but not affect services from other funds. This will allow time to consider other options.

Mayor Adams commented that the HoDAG money is restricted and can only be used for specific things.

Councilmember Bateman questioned the large variation on utilities in Account 51.

Mr. Cluff responded there was an overage this year because of the underestimation of costs due to the size of the new buildings and working through challenges with the new equipment. He identified that some of the cost is for other City locations as well. He explained he has modified it for next year trying to estimate it more accurately. He stated that City staff is always looking for ways to cut back.

Deborah Barlow said she realizes there are security concerns but suggested using motion lights instead of lights that stay on all the time.

Mr. Vinzant responded that some of the lighting is mandated by code. Staff will look at making cuts where possible.

Councilmember Pearson asked about Recreation cuts. He requested cutting thank you packets after Heritage Days and cutting back on decorations and entertainment for programs. He asked about re-evaluating the training for football coaches.

Assistant Recreation Director Ruth Collard responded that the Recreation Department personnel volunteer a lot of hours. She said that cuts have already been made to the football program. Substantial cuts to the Recreation Budget have already been made; the youth program has been cut over \$37,550, instructional classes over \$6,000 and other programs including the senior program by more than \$7,000.

Councilmember Pearson said that a lot of the coaches have already been trained and may not need as much training year after year.

Councilmember Hansen said that the training for the coaches keeps the kids safe and the parents appreciate it. Football is a complicated sport.

Mayor Adams expressed appreciation to Ms. Collard for attending the meetings. He asked that Recreation continue to make cuts where possible.

Carry Obrien asked about the flower baskets. She said that must be a huge expense.

Mayor Adams replied that the money for those come from a special fund. It is basically a tax increment from the County to use to make things better for businesses. The City chose to use the money for beautification.

Melinda Scott suggested cutting hams and turkeys for employees for Christmas.

Rick Gurule questioned cutting back on candy for the parade.

He then asked about the landscaping ordinance and why the City does not have to comply.

Staff replied this is a City not a residence or a business and funds are limited right now.

Curtis Nye stated in regards to unfinished or undeveloped properties he has a neighbor who hasn't put yard in and it is a rental property.

Mr. Vinzant replied that an ordinance will be coming forward regarding requiring full landscaping on rental properties. He said he is aware of the complaint and will look into the status of the issue.

Mayor Adams asked for additional public comments. There were none, therefore he closed the public hearing at 9:29 p.m.

Councilmember Hansen made a motion to adopt the tentative budget as presented with the direction to staff to look at ideas presented by the Citizens, City Councilmember's Reed, Pearson and Hansen about the payback, the 401K potentially being lowered and possibly using the depreciation to cover the \$162,000 shortfall.

Discussion on the motion took place.

Councilmember Bateman said he does not agree with lowering the 401K because it will not be fair across the board and equitable to all employees.

Councilmember Hansen said she would like Mr. Cluff to look at the possible options.

The Council agreed that medical insurance premiums should be looked into as well.

The Council gave direction to discuss City owned car usage in a separate meeting.

Councilmember Hansen agreed that the discussion should be included in the motion.

Councilmember Reed said that she feels that the 7% 401K is too high no matter what.

*Councilmember Bateman seconded the motion. Voting by roll call is as follows:
Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye;
Councilmember Reed, aye.*

Mr. Cluff addressed the approximate 5.2% health care increases. He explained that for family coverage it is approximately \$55.00 a month.

Mayor Adams said that he has felt that with the rising cost of health insurance, the day would come that the employees will have to pay a portion of the cost.

Mayor Adams directed the Council to Agenda item G.

B. RESOLUTION 09-10, FY 2011 FEE SCHEDULE:

Mr. Vinzant referred to the proposed fee schedule attached to the staff report. He identified that this schedule reflects recommendations from staff. He identified where a fee indicates when it was established (est. 2008) it is indicating the fiscal year that the fee was first affective. If a fee indicates "est. 2010" it went into affect this fiscal year (July 2009 to June 2010). A fee that indicates "est. 2011" is either new for FY 2011 (July 2010 to June 2011) or the fee has changed from the previously established fee.

Councilmember Pearson questioned fees on medium sized boweries. He said he thought that only some of the boweries would not require a fee.

Mayor Adams directed staff to look at the minutes from May 2006 to clarify the direction at that time.

Councilmember Hansen made a motion to adopt Resolution 09-10, the FY 2010-11 Fee Schedule. Councilmember Bateman seconded the motion.

Councilmember Pearson had a question on the motion regarding other inspection fees and utility related modifications.

Councilmember Hansen stated this requirement is for the protection of the citizens.

Councilmember Pearson then questioned the Appeal License Hearing Board and Late Filing Fees.

Mr. Vinzant responded the fee is charged if a license is pulled due to a violation of the ordinance.

Voting by roll call is as follows: Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Reed, aye.

Mayor Adams directed the Council to Agenda Item H.

C. RESOLUTION 11-10 INTERLOCAL AGREEMENT WITH ROY ALLOWING WIN CO FOODS TO CONNECT TO WASTE WATER SYSTEM AND COLLECTION AND PAYMENT OF FEES:

Mr. Vinzant identified that WinCo Foods has contacted the City requesting permission to connect to the city waste water system due to construction constraints and an inability to connect to the Roy system.

He explained that Roy has given their permission for WinCo Foods to connect to a system outside of Roy. The agreement establishes the willingness of the two cities to allow the connection and establishes a means for Roy to collect the waste water fees from WinCo Foods and pay Clinton City.

Mr. Vinzant identified that the Roy City Attorney made a few minor changes to the document. The following is the proposed agreement which includes those changes.

INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into this _____ day of _____, 2010, by and between CLINTON CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as "Clinton", and ROY CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as "Roy".

RECITALS

1. Clinton is a municipal corporation of the State of Utah and, as such, is responsible for, among other things, furnishing Waste Water disposal for residents and businesses of Clinton.

2. Clinton, a municipal corporation of the State of Utah, has received a request from Win Co Foods Inc. a business in Roy, to allow it to connect their waste water into the Clinton City waste water main located in 2000 West (SR-108) because it is unable to drain into 6000 South, Roy system.
3. Win Co Foods petitioned Roy to be allowed to connect to the Clinton waste water system instead of Roy and Roy has granted the petition.
4. The system installed by Clinton has the capacity to receive Waste Water Drainage from the WIN Co Store located at 6060 South 3500 West (SR-108), Roy, Weber County, Utah.
5. Roy agrees to collect waste water fees from Win Co Foods Inc. monthly based upon the gallons of water that Win Co uses and remit the payments to Clinton City on a quarterly basis.

NOW, THEREFORE,

In consideration of the mutual promises, covenants and conditions hereinafter set forth, Clinton and Roy agree as follows:

1. Agreement. This Agreement is made pursuant to the provisions of the Utah Interlocal Cooperation Act, Utah Code Ann § 11-13-1 et seq. The Agreement shall become effective upon adoption by resolution passed by the governing bodies of the parties pursuant to Utah Code Ann. § 11-13-5. The Recitals are made part of this agreement.
2. Duration of Agreement. To the extent allowable under applicable law, the parties intend that this Agreement be perpetual unless terminated by the mutual written consent of the parties. In the event that applicable law does not allow this agreement to be perpetual, then the term of this Agreement shall be 50 years from its effective date.
3. No Separate Entity. This Agreement shall not create any separate legal or administrative entity or body and there shall be no joint ownership of property. Rather, this Agreement is intended to define the responsibilities of the cities and the service area for storm water and waste water. Each party shall be responsible to maintain, operate, and inspect its own operations and activities within their respective city boundaries.
4. Service Area. Clinton agrees to allow its waste water system to serve the Win Co Foods store located at 6060 South 3500 West (SR-108), Roy, Utah. This is the only property in Roy that can connect to the Clinton waste water system under this agreement. Roy agrees to allow Win Co Foods to connect to the Clinton waste water system.
5. Liability. There is no transfer of liability between the two cities related to the infrastructure of their waste water systems. Each City shall be responsible to maintain, operate, and inspect their waste water systems to insure proper function of the infrastructure and flow of the contents of the system.
6. Fees and Charges. Roy agrees to collect from Win Co Foods Inc. the monthly waste water fees established by Clinton. Monthly Waste Water fees are currently based upon \$12.70 for the first ten thousand (10,000) gallons of water used and \$0.97 for each one thousand (1,000) gallons thereafter. These fees may be changed by the Clinton City Council; however Roy is

not responsible for collecting the new fees until Roy has received, in writing, notice of the rate change.

- 7. Payment. Roy will make quarterly payments to Clinton City for the monthly fees collected for the use of the waster water system.
- 8. Waiver and Modification. No failure on the part of either party at any time to require the performance of the other of any term of this Agreement shall in any way affect such party's right to enforce its terms, nor shall any waiver by any part of any term hereof be taken or held to be a waiver of any other term or of any breach hereof. This Agreement may not be modified or amended except by written Agreement executed by both parties.

IN WITNESS WHEREOF,
the parties have signed this Interlocal Cooperation Agreement effective the day and year first above written, pursuant to authority granted by resolution duly passed and adopted by Clinton and Roy, respectively.

Approved and adopted by the Clinton City Council this _____ day of _____, 2010

CLINTON CITY
A MUNICIPAL CORPORATION

L. MITCH ADAMS, MAYOR

ATTEST:

DENNIS W. CLUFF, RECORDER

MICHAEL V. HOUTZ
CLINTON CITY ATTORNEY

ACKNOWLEDGEMENT OF CLINTON CITY OFFICIALS

State of Utah }
 §
County of Davis }
On the _____ day of _____, 20 _____, personally appeared before me A. DeMar Mitchell, Mayor of Clinton City and Dennis W. Cluff, Clinton City Recorder, who being by me duly sworn or affirmed, did say that they are the Mayor and City Recorder respectively and

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signed in behalf of Clinton City by authority of the Clinton City Council and acknowledged to me that the Clinton City Council executed the same.

NOTARY PUBLIC
COMMISSION EXPIRES _____

Approved and adopted by the Roy City Council this _____ day of _____,
2010.

ROY CITY
A MUNICIPAL CORPORATION

JOE H. RITCHIE, MAYOR

ATTEST:

AMY MORTENSON, RECORDER

ANDREW BLACKBURN
ROY CITY ATTORNEY

ACKNOWLEDGEMENT OF ROY CITY OFFICIALS

State of Utah }
 §
County of Davis }

On the _____ day of _____, 20 _____, personally appeared before me Jay H. Ritchie, Mayor of Roy City and Richard L. Davis, Roy City Recorder, who being by me duly sworn or affirmed, did say that they are the Mayor and City Recorder respectively and signed in behalf of Roy City by authority of the Roy City Council and acknowledged to me that the Roy City Council executed the same.

NOTARY PUBLIC
COMMISSION EXPIRES : _____

Councilmember Bateman made a motion to adopt Resolution 11-10 authorizing the Mayor to enter into an Interlocal Agreement with Roy allowing WinCo Foods to connect to the Clinton waste water system and for collection and payment of waste water fees with the changes.

Councilmember Pearson seconded the motion. Voting by roll call is as follows:

Councilmember Bateman, aye; Councilmember Hansen, aye; Councilmember Pearson, aye; Councilmember Reed, aye.

D. ORDINANCE 10-09; TITLE 7 CRIMINAL CODE:

Tabled to May 25, 2010.

E. ORDINANCE 10-07, TITLE 19 PARKS AND TRAILS:

Tabled to May 25, 2010.

Representative Ray questioned restricting firearms in the parks under State Code 53-5A -102.

Staff modified the ordinance during the discussion with Council consent.

F. ORDINANCE 10-08, TITLE 20 POLICE:

Tabled to May 25, 2010.

G. 800 NORTH 1000 WEST TO 2000 WEST CHANGE TO JUB CONTRACT:

Mr. Vinzant identified that this is contract modification. The Council granted him authority as signatory for the City when working on this project so no official action is required by the Council however, he is bringing this forward as information.

He identified that the Contract for design of the project needs to be modified because the original contract was for 1000 W – 1500 W and it did not include an electrical designer for the street lights. In addition, the number of parcels was originally estimated at 34, there are actually 56 causing an increase in the scope for the right of way parcels. He said the original cost proposal was for \$387,746.00 and with the modification it brings the cost to \$444,511.95

Since 1500 W to 2000W was added, JUB has asked for an increase.

Bryce Wilcox of JUB Engineers was present he said JUB is hoping for a low bid.

Mayor Adams directed the Council to Agenda item E.

H. LEXINGTON ESTATES HOA – REQUEST FOR MAN-GATE INSTALLATIONS ALONG 1300 NORTH:

Mr. Vinzant explained that Edward Takacs, a member of the Lexington Estates HOA Board has requested that staff pose the question with the City Council that if all homeowners agree to maintain the landscape area along 1300 North would the City allow each, except those on the corners, to have a man-gate through the fence so the area can be maintained? He said for some of the homeowners this is the difference between agreeing and not agreeing to maintain the area.

Carrie O'Brien stated that the Lexington Estates HOA would like to have the 18 home owners on 1300 N take over maintenance responsibilities for their property. In order to do this, they would like direct access through man gates.

Mr. Vinzant suggested creating a document with each homeowner and having it recorded with the property.

The document shall be recorded at the County Recorder's Office and would be binding on all assignees and should cover:

- The homeowners are bound to maintain the vegetation in the landscape area along 1300 North as it was established as part of the development.
- The gates shall be of the same material and color as the fence.
- The sprinkler systems in the landscape easement behind each home should be connected to the sprinkler systems of each individual home.
- If the City is required to maintain the landscape area, the City may place a tax lien against the appropriate property for abating a nuisance.

Creation and recording of this document for all 18 lots with rear access on 1300 North is the only other way that the City sees that the HOA can meet the requirements for maintenance of the landscape area on 1300 North besides through an HOA.

He also pointed out that the sprinkling system needs to be modified and connected to each individual home system.

Councilmember Pearson suggested splitting the cost between all the members of the HOA to make it more economical.

Ms. O'Brien said she would be willing to pitch in.

Joe Mockaitis explained that man gates cost approximately \$300 each. He paid for his own gates and he is not in favor of requiring the HOA Board members to pay for the gates for the 18 home owners.

Mayor Adams and Councilmember Pearson identified that this may be the only option for disbanding the HOA. It was noted that City action would not disband the HOA, but would remove the City's requirement for the HOA. The homeowners themselves will need to vote on the HOA status.

Councilmember Bateman made a motion to direct staff to draft an agreement with the 18 individual homeowners in Lexington Estates on 1300 North to be allowed to put in man gates on 1300 North if the homeowners agree to change over the sprinklers and maintain the area to the guidelines established in the site plan. These terms will meet the requirements of the City to allow for the HOA to be disbanded. The agreement is to be recorded with the properties. Councilmember Hansen seconded the motion. All voted in favor of the motion.

Melinda Scott requested to use the City Council Chambers, the Recreation Center or Fire Training Center to provide Constitution Education Training for citizens once a week for a period of time.

The Council agreed as long as there are no legal issues that applies.

APPROVAL OF THE MINUTES:

Councilmember Bateman made a motion to approve the minutes of the April 27, 2010 City Council Meeting as amended. Councilmember Reed seconded the motion. All voted in favor of the motion.

Mr. Vinzant informed the City Council that he has a request to vacate 30 feet of street in the light industrial area for a parking lot entrance. He said it makes the land more useable and does not affect the City.

The Council was in consensus to allow the process to begin.

ADJOURNMENT: *Councilmember Hansen made a motion to adjourn. Councilmember Reed seconded the motion. All voted in favor of the motion. The meeting adjourned at 10:58 p.m.*