



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

**MAYOR  
L. Mitch Adams**

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

*This meeting was conducted electronically*

<b>Date of Meeting</b>	<b>June 9, 2020</b>	<b>7:00 PM</b>	<b>Called to Order: 7:00 p.m.</b>
<b>Staff Present</b>	City Manager Dennis Cluff, Community Development Director Valerie Claussen, Amy Durrans, Clinton Court, Fire Chief Dave Olsen, Asst. Fire Chief Justin Benavides, Acting Public Works Director David Williams and Lisa Titensor recorded the minutes.		
<b>Citizens Present</b>	Karen Kagie, Dereck Bauer, Bryce Wilcox		
<b>Roll Call &amp; Attendance</b>	Mayor Adams, Councilmember TJ Mitchell, Councilmember Mike Petersen, Councilmember Barbara Patterson and Councilmember Anna Stanton joined the meeting at 8:09 p.m.  Councilmember K. Peterson was excused		
<b>Public Input</b>	There was no public input.		

**A. EMPLOYEE OF THE MONTH FOR MAY 2020 – AMY DURRANS**

<b>Petitioner</b>	Dennis Cluff, Shannon Mullins
<b>Discussion</b>	<p>Mr. Cluff reported on behalf of Ms. Mullins that Amy became a part of the Justice Court team in October of 2015. Since then she has been given many assignments and she has always finished them on time and done a great job. Amy is very eager and quick to learn which has been helpful with the never ending changes that occur in the Court especially these past few months with Covid-19.</p> <p>Amy is always very willing to do whatever has been asked of her. She is very efficient and dependable. One of Amy’s great qualities is that she has exceptional customer service skills with the public and also her City co-workers. She is an exemplary employee and a valuable asset to the Clinton Justice Court. We are pleased to recognize Amy as the City Employee for the month of May 2020.</p> <p>Mayor Adams expressed gratitude to Amy for her contributions to the City.</p> <p>Ms. Durrans stated she enjoys working for Clinton City and plans to stay for quite some time.</p>

**B. RESOLUTION 08-20, AMENDMENT TO CITY’S CAFETERIA PLAN DUE TO CARES ACT**

<b>Petitioner</b>	Dennis Cluff
<b>Discussion</b>	Mr. Cluff reported one of the many aspects of the CARES Act (Coronavirus Aid, Relief, and Economic Security Act) was the amending of the IRS Code to allow the payment of over-the-counter medications with pre-tax reimbursement programs like FSA (which is what Clinton has for participating employees). Our existing Cafeteria Plan outlining allowed usage of the FSA needs to be modified to allow for its use on over-the-counter

	medications.
<b>CONCLUSION</b>	<b>Councilmember Mitchell moved to adopt Resolution 08-20, approving the Amendment to the Clinton City Cafeteria Plan for the Cares Act rules modifying the FSA usage and authorizing the City Manager to sign the Plan change. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Mitchell, aye; Councilmember Patterson, aye.</b>
<b>C. URS PUBLIC SAFETY EMPLOYEES TIER II HYBRID RETIREMENT ENHANCEMENT COST PICK-UP</b>	
<b>Petitioner</b>	Dennis Cluff
<b>Discussion</b>	<p>Mr. Cluff reviewed the information included in the staff report.</p> <p>In 2011, the Legislature changed the retirement system affecting new employees to their system hired after July 2011. The new employees are enrolled in the URS Tier II Retirement System. Tier II employees have two different retirement pathways they can select, either the Hybrid (employer paid URS along with 1.33% to 401K) or the Defined Contribution plan (employer paid 401K which employee invests). At this same time Tier II eligibility increased from 30 years to 35 years for regular employees and from 20 years to 25 years for Public Safety (Police &amp; Fire) employees. Lastly, the percentage multiplier used to calculate the retirement payment changed from 2% to 1.5% and is based on the highest 5-year average instead of the highest 3-year average.</p> <p>The recent State Senate Bill 56 has established a number of URS retirement enhancements for <u>Tier II Public Safety employees</u>:</p> <ol style="list-style-type: none"> <li>1) The employer payment increases from 12 to 14%;</li> <li>2) Employees enrolled in the Hybrid System must contribute any amount in excess of the required employer contribution which is 14% for FY 20-21...this added amount is 2.27% for FY 20-21; <b>OR</b>,</li> <li>3) The City, as the employer, may elect to “pick-up” all <u>or</u> part of the required employee contribution on behalf of the employee.</li> <li>4) The multiplier for the calculation of the retirement allowance has been changed back to 2% for time earned after July 1, 2020.</li> </ol> <p>The question is whether or not Clinton City will pick-up the cost of any or all of the required employee contribution for the Hybrid Tier II Public Safety Employees. Currently, Clinton has 6 firefighters and 6 police officers that are on the Tier II Hybrid program. The cost to pick-up all of the 2.27% would be \$5,480 for firefighters and \$7,040 for police officers, for a total of \$12,520 in additional cost for FY 20-21.</p> <p>URS will need to be notified if the City decides to pick-up part or all of the employee’s contribution. If the City does not pick up the cost, then the employee contribution portion will be automatically deducted from the employees’ wages starting July 1<sup>st</sup> and sent to URS.</p> <p>If the City does not wish to pick-up all or part of the employee contribution starting July 1<sup>st</sup>, but decide to do so later, this can be done and will not be retroactive but start at that date. Either way it seems the URS wants more contribution for Public Safety employees whether from the employer or the employee. As is currently understood, any amount the City decides to pick-up on behalf of the employee will be a continuing cost and not referable back to the employee in the future. The IRS decision on this issue is still unknown.</p> <p>Councilmember M. Petersen and Mitchell expressed concern over the potential long term cost to the City without identifying a limit on the amount the City will contribute.</p> <p>Mayor Adams said he has mixed feelings on this issue but after much consideration, he</p>

	<p>recommends approving the 2.27% cost and identifying it as part of the incentive package for future employees.</p> <p>Councilmember Patterson said she feels this will help encourage officers to come to work for Clinton City.</p> <p>Mr. Cluff clarified there are two funding requirements</p> <ol style="list-style-type: none"> <li>1) The required employer contribution of 14%</li> <li>2) The 2.27% contribution required to be paid by the employee or the employer</li> </ol> <p>The City is also required to pay an amortization fee for Police. The Fire’s amortization fee is paid with fire insurance through the state pool.</p>
<b>CONCLUSION</b>	<p><b>Councilmember Mitchell moved to pick up the employee percentage of the new Public Safety Employees Tier II Hybrid Retirement Enhancement up to 2 1/2% and notify employees anything above this amount will be their responsibility for retirement salary. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Mitchell, aye; Councilmember Patterson, aye.</b></p>
<p><b>D. PUBLIC HEARING – REGARDING VARIOUS ZONING TEXT AMENDMENTS:</b></p> <p>(a) Adoption of Ordinance 20-01Z for a text amendment in Chapter 2 amending the definitions of “Setback”, “Sight Triangle” and “Visual Clearance Triangle”;</p> <p>(b) Discussion on possible amendment to Chapter 4 regarding driveway proximities to intersections;</p> <p>(c) Discussion on curb cut text amendments</p>	
<b>Petitioner</b>	Valerie Claussen, Community Development
<b>Discussion</b>	<p>Ms. Claussen reported the following:</p> <p>The Planning Commission held a public hearing and recommended approval of revisions to the definitions of “Setback”, “Sight Triangle” and “Visual Clearance Triangle” at their May 19, 2020 meeting. The revisions for the setback will allow for the projection of architectural pop-outs/features, such as bay windows, chimneys cantilevers of not more than 2 feet into the front, rear and side setbacks in the agricultural and residential zones. The change, as proposed, will not permit this type of encroachment in the side yards of the PH (Patio Home) Zone.</p> <p>The Council was in consensus to move forward with this change.</p> <p>Ms. Claussen then explained the following item for consideration went before the Planning Commission and is in regards to revisions to the Visual Triangles to differentiate the requirements for commercial corners to remain at 40 feet and for residential corners to be reduced to 20 feet, with the caveat that if the corner is at an intersection of arterial streets, for instance, the City Engineer may require a larger visibility triangle. Measurements of the visual triangle distances are taken from property line in both instances.</p> <p>The City received a written request from a resident for consideration of a reduction in the location of driveways in proximities of intersections. The request was for that distance to be 20 feet, instead of 40 feet. That distance would be consistent with the proposed revisions to the residential site triangle distance and consistent with street side yard setbacks of homes on local streets (street side yard setbacks are increased to 35 feet when located on a major street). After discussion, however, the Commission did not recommend changes to the provision in Chapter 4.</p> <p>Mayor Adams commented he feels 20 feet is not enough; site triangles are important. He is hesitant to make changes to site triangles that are not imbedded in the residential area.</p> <p>Ms. Claussen clarified it does not impact a collector road.</p> <p>Councilmember M. Petersen questioned how this will benefit the City and its residents.</p>

	<p>Ms. Claussen responded the benefit to the City and residents with the 40 foot setback in the residential setting is the corner lot has a larger portion encumbered with the triangle which is excessive in context to speed limits on these roads.</p> <p>Ms. Claussen clarified the only place the visual triangle is mentioned in the code is in the landscaping section.</p> <p>The Council agreed they do not see a need for a change at this time.</p> <p>Ms. Claussen then reported that last year the City received a written request and subsequently a verbal request during public comment from a resident to consider changes to the curb cut provisions of the Zoning Ordinances. At this time there are no specific amendments proposed, however, Staff may be narrowing the scope of the curb cut revisions to just removing Table 4.15.7, which lists various percentages of the frontage allowed for a driveway approach. Instead a set percentage for all zoning districts, likely 50 percent, would be permitted. This will simplify the administration of an otherwise unnecessary complex code provision and allow for the residents in all zones to have driveway widths to accommodate a reasonable use of their property.</p> <p>The Council was in consensus to bring back an amendment proposal for a 50 foot set percentage for all zoning districts.</p> <p>Mayor Adams opened the public hearing at 8:05 p.m. and with no public comment, closed the public hearing at 8:06 p.m.</p> <p>The Council agreed they may consider a change in the site triangle to 30 feet for internal subdivisions.</p> <p>Councilmember M. Petersen stated safety is the most important thing to consider.</p> <p>Councilmember Mitchell said he is willing to consider a change to 30 feet.</p>
<b>CONCLUSION</b>	<p><b>Councilmember Mitchell moved to adopt Ordinance 20-01Z and approve the text amendment of Chapter 2 and the definitions of “Setback”. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember Patterson, aye.</b></p>
<p><b>E. REQUEST FOR A TWO YEAR EXTENSION OF MONARCH MEADOW PHASE 3 PLAT APPROVALS</b></p>	
<b>Petitioner</b>	<p>Valerie Claussen, Community Development, Dave Williams, Public Works</p>
<b>Discussion</b>	<p>Monarch Meadows subdivision was approved in July 2018. Monarch Meadows Phase 2 final plat was recorded July 12, 2019. Pursuant to the City’s Subdivision Ordinance, subsequent phases are to be recorded within one year of the previous phase. Knowing at this point in time that Phase 3 will not be recorded until this next year, Ivory has requested an extension on plat approvals. Staff recommends a two year extension.</p>
<b>CONCLUSION</b>	<p><b>Councilmember Stanton moved to approve a two year extension for Monarch Phase 3 plat approvals through July 12, 2022. Councilmember Mitchell seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember Patterson, aye.</b></p>
<p><b>F. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS AT STONEGATE PHASE 1 (LOCATED IN THE VICINITY OF 2300 N AND 3430 W)</b></p>	
<b>Petitioner</b>	<p>Valerie Claussen, Community Development, Dave Williams, Public Works</p>
<b>Discussion</b>	<p>Stonegate Phase 1 has completed the warranty period. The developer has requested Final Acceptance of the public improvements for this phase of the subdivision. Public Works has inspected the improvements for this phase and the release of remaining escrow funds is recommended.</p>

	Mr. Williams reported all improvements are in and he recommends approval.
<b>CONCLUSION</b>	<b>Councilmember M. Petersen moved to approve the final acceptance of Stongate, Phase 2 subdivision improvements, and authorize the release of the remaining funds held in escrow. 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.</b>
<b>Approval of Minutes</b>	<b>Councilmember Patterson moved to approve the minutes of the May 12, 2020 City Council Meeting. Councilmember Mitchell seconded the motion. Councilmembers Mitchell, M. Petersen, Stanton and Patterson voted in favor of the motion.</b>
<b>Accounts Payable</b>	<b>Councilmember Stanton moved to pay the bills and authorize the Mayor to sign on behalf of the Council. Councilmember Mitchell seconded the motion. Councilmembers M. Petersen, Stanton, Mitchell and Patterson voted in favor of the motion.</b>
<b>Planning Commission Report</b>	<ul style="list-style-type: none"> <li>Ms. Claussen reported the June 2, 2020 Planning Commission meeting was cancelled.</li> </ul>
<b>City Manager</b>	<ul style="list-style-type: none"> <li>The final budget public hearing and tax rate certification will be held at the June 23, 2020 City Council meeting as well as a public hearing to amend the FY 2019-20 budget.</li> </ul>
<b>Mayor Adams</b>	<ul style="list-style-type: none"> <li>He and Mr. Cluff have a meeting scheduled with the Area 7 School District to discuss the potential of a CRA on Wednesday, June 17.</li> <li>Referred to the project list provided by Engineer Bryce Wilcox and expressed concern over delays regarding the 1300 N round a bout.</li> </ul>
<b>Councilmember Patterson</b>	<ul style="list-style-type: none"> <li>Stated she is not in favor of resuming the youth summer activities during the Corona Virus.</li> </ul>
<b>Councilmember K. Peterson</b>	<ul style="list-style-type: none"> <li>Excused</li> </ul>
<b>Councilmember M. Petersen</b>	<ul style="list-style-type: none"> <li>Appreciates the Clinton City First Responders</li> <li>Reported weeds in some areas of commercial are too high and include thistle</li> </ul>
<b>Councilmember Mitchell</b>	<ul style="list-style-type: none"> <li>Appreciates the great job the Parks Department is doing.</li> <li>Appreciates the Police and Fire.</li> </ul>
<b>Councilmember Stanton</b>	<ul style="list-style-type: none"> <li>Will attend a Sewer District Meeting on Thurs, June 11.</li> <li>Youth Council applications will be accepted beginning July 1.</li> <li>Residents are happy with how Clinton Recreation is moving forward with activities.</li> <li>Asked for a status update of the pickle ball courts.</li> </ul> <p>Dave Williams responded the playground designs will be coming forward soon.</p>
<b>ADJOURNMENT</b>	<b>Councilmember Stanton moved to adjourn. Councilmember M. Petersen seconded the motion. Councilmembers Mitchell, Stanton, M. Petersen and Patterson voted in favor of the motion. The meeting adjourned at 8:41 p.m.</b>
<b><u>ACTION ITEMS</u></b>	<ul style="list-style-type: none"> <li>Subdivision Ordinance – recommendation for concrete in the park strips along UDOT roads. (August 2016) – Planning Commission Review</li> <li>Bring back Chapter 4 of the Subdivision Ordinance regarding allowing a letter of credit for escrow and researching what surrounding jurisdictions allow (26-4-8). 6g(January 2017) Planning Commission Review</li> <li>Update Ordinance to eliminate pressurized sewer lines in the Clinton City streets on new residential development (January 2018).</li> <li>Create a facilities maintenance plan before the next budget cycle in FY 19-20 (May 2018).</li> <li>Remove river rock from the low maintenance material allowed for park strips in the ordinance (Aug 2019).</li> </ul>

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Dennis W. Cluff, Clinton City Recorder