



CLINTON CITY COUNCIL AGENDA

2267 N 1500 W Clinton, UT 84015

This meeting may be attended electronically by one or more members.

April 23, 2024 – 6 PM

[Click Here for ZOOM Meeting Link](#)

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Meeting ID: 891 7487 5476 Pass Code: 012738

I. REGULAR CITY COUNCIL MEETING

1. Call to Order
2. Pledge of Allegiance – Spencer Arave
3. Invocation or Thought
4. Roll Call

II. PUBLIC INPUT

Any public member who wishes to address the Council shall, prior to the meeting, sign the “list to present” with the Clerk of the Council. They will be allowed up to three minutes to make their presentation. Please send requests to litensor@clintoncity.com or call 801-614-0700. (According to Utah State Code, the Council cannot take action on items not advertised on the agenda).

III. BUSINESS

#

- A. Resolution 10 - 24, Municipal Wastewater Planning Program report for 2023
- B. Public Works Roadway and Phased Plan
- C. 1800 N Multi Use Trail Agreement with UDOT

IV. OTHER BUSINESS

#

- a. Approval of Minutes: April 09, 2024 CC Meeting and the April 09, 2024 Special Work Session
- b. Approval of Accounts Payable: None
- c. Planning Commission Report
- d. City Manager’s Report
- e. Staff Reports
- f. Council Reports on Areas of Responsibility
- g. Mayor’s Report
- h. Action Item Review

V. ADJOURN

#

VI. CITY COUNCIL ACTIVITY

Location will be in the park adjacent to Clinton City Hall

1. Drone Demonstration provided by the Police Department

#

VII. CITY COUNCIL WORK SESSION

1. Call to Order
 - A. Discussion on Budget

#

VIII. ADJOURN

#

I, The City Recorder of Clinton City, certify that this agenda for the Clinton City Council has been properly noticed on the Utah Public Notice Website, the Clinton City Website and at Clinton City Hall.

Mayor

Brandon Stanger

City Council

Marie Dougherty

Gary Tyler

Dane Searle

Spencer Arave

Austin Gray

*Dated this 18th day of April 2024
/s/Lisa Titensor, Clinton City Recorder*

- *A link to the meeting can be found either at the top of the agenda OR on the Clinton City Website, or Facebook at <https://www.facebook.com/ClintonCityUT/>*
- *Supporting documentation for this agenda is posted on the Clinton City website at www.clintoncity.com and on the Utah Public Notice Website www.utah.gov/pmn*
- *In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Lisa Titensor, City Recorder, at (801) 614-0700 at least 24 hours prior to the meeting.*
- *This meeting may involve the use of electronic communications for some members of this public body. The anchor location for the meeting shall be the Clinton City Council Chambers at 2267 N 1500 W Clinton UT 84015. Elected Officials at remote locations may be connected to the meeting electronically to participate.*
- *Notice is hereby given that by motion of the Clinton City Council, pursuant to Utah State Code Title 52, Chapter 4 sections 204 & 205, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.*
- *The order of agenda items may change to accommodate the needs of the city council, staff and/or public.*

CLINTON CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution 10 - 24, Municipal Wastewater Planning Program report for 2023	AGENDA ITEM: A
PETITIONER: Trevor Cahoon, Dave Williams	MEETING DATE: 04232024
RECOMMENDATION: That the council adopt Resolution 10 - 24 approving the City's Municipal Wastewater Planning Program (MWPP) report for 2023	TYPE OF VOTE: Roll Call
FISCAL IMPACT:	
<p>BACKGROUND: Each year the City Council is required to review and approve the Municipal Wastewater Planning Program (MWPP) report. This report is sent to the State. It is another State oversight function which is supposed to help identify any problems with the wastewater system. This report shows that the City has reviewed the City's Municipal Wastewater Planning Program and has taken all appropriate actions needed to maintain effluent requirements contained in the UPDES permit. In summary this report shows the funding we contribute to capital improvement projects compared to the overall cost of the sewer system, audits our sanitary sewer maintenance plan and reviews the condition of our sewer system as a whole. The findings of this report show that our sewer system overall is in good condition but also shows the need for a rate study to be sure funds will be sufficient for the future needs of our sewer system.</p>	
ATTACHMENTS: Municipal Wastewater Planning Program report for 2023 & Resolution 10 - 24	

RESOLUTION 10-24

A RESOLUTION ADOPTING THE WASTEWATER PLANNING PROGRAM REPORT FOR CLINTON CITY FOR THE CALENDAR YEAR 2023.

WHEREAS, Clinton City a Fourth Class City, is responsible for wastewater collection within its boundaries; and,

WHEREAS, the State Water Quality Board desires to know the status of Clinton City's wastewater collection system; and,

WHEREAS, this process is required by state policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLINTON, DAVIS COUNTY, UTAH:

- 1) That the Clinton City Council has reviewed the attached Municipal Wastewater Planning Program Report for 2023; and,
- 2) Commends staff for maintaining the system in good working order and being financially stable as required by law.

Adopted by the Clinton City Council this 23rd day of April 2024.

**CLINTON CITY
A MUNICIPAL CORPORATION**

ATTEST:

Lisa Titensor, City Recorder

Mayor Brandon Stanger

Posted: April 24, 2024

Full MWPP Survey - 2024

Municipal Wastewater Planning Program survey for 2024.

[kjensenclintoncity@gmail.com](#) Switch account



* Indicates required question

Email *

kjensen@clintoncity.com

Section I: General Information

Name of the Facility? *

Clinton City

What is the name of the person responsible for this organization? *

Kasey Jensen

Your progress has been restored

What is the title of the person responsible for this organization? *

Collection System Supervisor

What is the email Address for the person responsible for this organization? *

kjensen@clintoncity.com

What is the phone number for the person responsible for this organization? *

8016140870

Facility Location? *

Please provide either Longitude and Latitude, address, or a written description of the location (with area or point).

1711 N 1740 W Clinton UT 84015

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Your progress has been restored

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Federal Facility Section

Are you a federal facility?

A federal facility is a military base, a national park, a facility associated with the forest service, etc.

- Yes
- No

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* Indicates required question

Financial Evaluation Section

This form is completed by [name]? *

Kasey Jensen

Part I: GENERAL QUESTIONS

Please answer the following questions regarding GENERAL QUESTIONS.

Are sewer revenues maintained in a dedicated purpose enterprise/district account?

Yes

No

Clear selection



Are you collecting 95% or more of your anticipated sewer revenue? *

- Yes
- No

Are Debt Service Reserve Fund requirements being met?

- Yes
- No

Clear selection

Where are sewer revenues maintained?

- General Fund
- Combined Utilities Fund
- Other

What was the average annual User Charge for 2023?

If there is more than one rate divide the total municipal yearly User Charge collected, by the total number of connections.

\$356.40



Do you have a water and/or sewer customer assistance program (CAP)?

Yes

No

Clear selection

Part II: OPERATING REVENUES AND RESERVES

Please answer the following questions regarding

OPERATING REVENUES AND RESERVES.

Are property taxes or other assessments applied to the sewer systems?

Yes

No

Clear selection

Revenue from these taxes =

0

Are sewer revenues sufficient to cover operations & maintenance costs, and repair & replacement costs (OM&R) at this time?

Yes

No

Clear selection



Are projected sewer revenues sufficient to cover operation, maintenance, and repair (OM&R) costs for the next five years?

- Yes
- No

Clear selection

Does the sewer system have sufficient staff to provide proper OM&R?

- Yes
- No

Clear selection

Has a repair and replacement sinking fund been established for the sewer system?

- Yes
- No

Clear selection

Is the repair & replacement sinking fund sufficient to meet anticipated needs?

- Yes
- No

Clear selection



Part III: Capital Improvements, Revenues and Reserves.

Please answer the following questions regarding Capital Improvements, Revenues and Reserves.

Are sewer revenues sufficient to cover all costs of current capital improvements projects?

Yes

No

Clear selection

Has a Capital Improvements Reserve Fund been established to provide for anticipated capital improvement projects?

Yes

No

Clear selection

Are projected Capital Improvements Reserve Funds sufficient for the next five years?

Yes

No

Clear selection



Are projected Capital Improvements Reserve Funds sufficient for the next ten years?

- Yes
- No

Clear selection

Are projected Capital Improvements Reserve Funds sufficient for the next twenty years?

- Yes
- No

Clear selection

Part IV: FISCAL SUSTAINABILITY REVIEW

Please answer the following questions regarding FISCAL SUSTAINABILITY REVIEW.

Have you completed a rate study within the last five years?

- Yes
- No

Clear selection



Do you charge Impact fees?

Yes

No

Clear selection

Impact Fee (if not a flat fee, use average of all collected fees) =

113.00

Have you completed an impact fee study in accordance with UCA 11-36a-3 within the last five years?

Yes

No

Clear selection

Do you maintain a Plan of Operations?

Yes

No

Clear selection



Have you updated your Capital Facility Plan within the last five years?

- Yes
- No

Clear selection

In what year was the Capital Facility Plan last updated?

2019

Do you use an Asset Management system for your sewer systems?

- Yes
- No

Clear selection

Do you know the total replacement cost of your sewer system capital assets?

- Yes
- No

Clear selection

Replacement Cost =

80,000,000



Do you fund sewer system capital improvements annually with sewer revenues at 2% or more of the total replacement cost?

- Yes
- No

Clear selection

What is the sewer/treatment system annual asset renewal cost as a percentage of its total replacement cost?

.25

Describe the Asset Management System.

Check all that apply

- Spreadsheet
- GIS
- Accounting Software
- Specialized Software

Please answer the following: - 2023 Capital Assets Cumulative Depreciation?

145,700



Please answer the following: - 2023 Capital Assets Book Value?

Book Value = total cost - accumulated depreciation

Your answer

Part V: PROJECTED CAPITAL INVESTMENT COSTS

Please answer the following questions regarding PROJECTED CAPITAL INVESTMENT COSTS.

Cost of projected capital improvements - Please enter a valid numerical value. - 2023?

150000

Cost of projected capital improvements - Please enter a valid numerical value. - 2024 through 2028?

800000

Cost of projected capital improvements - Please enter a valid numerical value. - 2029 through 2033?

800000



Cost of projected capital improvements - Please enter a valid numerical value. - 2034 through 2038?

800000

Cost of projected capital improvements - Please enter a valid numerical value. - 2039 through 2043?

800000

Purpose of Capital Improvements - 2023?

Check all that apply.

- Replace/Restore
- New Technology
- Increased Capacity

Purpose of projected Capital Improvements - 2024 through 2028?

Check all that apply.

- Replace/Restore
- New Technology
- Increased Capacity



Purpose of projected Capital Improvements - 2029 through 2033?

Check all that apply.

- Replace/Restore
- New Technology
- Increased Capacity

Purpose of projected Capital Improvements - 2034 through 2038?

Check all that apply.

- Replace/Restore
- New Technology
- Increased Capacity

Purpose of projected Capital Improvements from 2039 through 2043?

Check all that apply.

- Replace/Restore
- New Technology
- Increased Capacity

To the best of my knowledge, the Financial Evaluation section is completed and accurate.

- True
- False

Clear selection



Note: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of the assistance. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance please send an email to wqinfodata@utah.gov and we will contact you as soon as possible. You may also visit our Frequently Asked Questions page.

Do you have a collection system?

The answer to this question is obvious in most cases, but for clarification, some wastewater systems consist of only wastewater collections (answer Yes). Some wastewater systems do not have a collection system but receive wastewater from separate collection system jurisdictions (answer No). Some wastewater systems have treatment and collections and consider their entire system as one entity (answer Yes). Some wastewater systems have treatment and collections, but consider their collections a separate entity from treatment (answer No). If you have treatment but have an independent collection system and you answered "No," you must enter your collection system separately as an independent response to the survey.

Yes

No

Clear selection

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Collection System

The collection of wastewater in a system of pipes and possibly pump stations that deliver wastewater to a treatment system that may or may not be independent of the treatment system.

This form is completed by [name]?

The person completing this form may receive Continuing Education Units (CEUs).

Kasey Jensen

Part I: SYSTEM DESCRIPTION

Please answer the following questions regarding SYSTEM DESCRIPTION.

What is the largest diameter pipe in the collection system?

Please enter the diameter in inches.

12



What is the average depth of the collection system?

Please enter the depth in feet.

8.5

What is the total length of sewer pipe in the collection system?

Please enter the length in miles.

76.5

How many lift/pump stations are there in the collection system?

1

What is the largest capacity lift/pump station in the collection system?

Please enter the design capacity in gpm.

450

Do seasonal daily peak flows exceed the average peak daily flow by 100 percent or more?

Yes

No

Clear selection



What year was your collection system first constructed (approximately)?

1969

In what year was the largest diameter sewer pipe in the collection system constructed, replaced or renewed?

If more than one, cite the oldest.

1969

Part II: DISCHARGES

Please answer the following questions regarding DISCHARGES.

How many days last year was there a sewage bypass, overflow or basement flooding in the system due to rain or snowmelt?

0

How many days last year was there a sewage bypass, overflow or basement flooding due to equipment failure (except plugged laterals)?

0



Sanitary Sewer Overflow (SSO)

Class 1 - a Significant SSO means a SSO backup that is not caused by a private lateral obstruction or problem that:

- (a) affects more than five private structures;
- (b) affects one or more public, commercial or industrial structure(s);
- (c) may result in a public health risk to the general public;
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
- (e) discharges to Waters of the State.

Class 2 - a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria

What is the number of Class 1 SSOs in Calendar year 2023?

0

What is the number of Class 2 SSOs in Calendar year 2023?

0

Please indicate what caused the SSO(s) in the previous question.

N/A

Please specify whether the SSOs were caused by contract or tributary community, etc.

N/A



Part III: NEW DEVELOPMENT

Please answer the following questions regarding NEW DEVELOPMENT.

Did an industry or other development enter the community or expand production in the past two years, such that flow or wastewater loadings to the sewerage system increased by 10% or more?

Yes

No

Clear selection

Are new developments (industrial, commercial, or residential) anticipated in the next 2 - 3 years that will increase flow or BOD5 loadings to the sewerage system by 25% or more?

Yes

No

Clear selection

What is the number of new commercial/industrial connections in 2023?

1

What is the number of new residential sewer connections added in 2023?

38



How many equivalent residential connections are served?

7,191

Part IV: OPERATOR CERTIFICATION

Please answer the following questions regarding OPERATOR CERTIFICATION.

How many collection system operators do you employ?

8

What is the approximate population served?

22000

State of Utah Administrative Rules require all public system chief operators considered to be in Direct Responsible Charge (DRC) to be appropriately certified at no less than the Facility's Grade. List the designated Chief Operator/DRC for the Collection System by: First and Last Name, Grade, and email.

Grades: Grade I, Grade II, Grade III, and Grade IV.

Kasey Jensen, Grade III, kjensen@clintoncity.com



Please list all other Collection System operators with DRC responsibilities in the field, by name and certification grade. Please separate names and certification grade for each operator by commas.

Grades: Grade I, Grade II, Grade III, and Grade IV.

David Williams, Grade III, dwilliams@clintoncity.com

Please list all other Collection System operators by name and certification grade. Please separate names and certification grades for each operator by commas.

Grades: Grade I, Grade II, Grade III, and Grade IV.

John Wyan, Grade II
Corey Richins, II
Kevin Sorensen, Grade III
Jeremy Udink, Grade III
Austin Shepherd, Grade III
Zac Martinez, Grade IV

Is/are your collection DRC operator(s) currently certified at the appropriate grade for this facility?

- Yes
 No

Clear selection

Part V: FACILITY MAINTENANCE

Please answer the following questions regarding FACILITY MAINTENANCE.



Have you implemented a preventative maintenance program for your collection system?

- Yes
 No

Clear selection

Have you updated the collection system operations and maintenance manual within the past 5 years?

- Yes
 No

Clear selection

Do you have a written emergency response plan for sewer systems?

- Yes
 No

Clear selection

Do you have a written safety plan for sewer systems?

- Yes
 No

Clear selection



Is the entire collections system TV inspected at least every 5 years?

Yes

No

Clear selection

Is at least 85% of the collections system mapped in GIS?

Yes

No

Clear selection

Part VI: SSMP EVALUATION

Please answer the following questions regarding SSMP EVALUATION.

Have you completed a Sewer System Management Plan (SSMP)?

Yes

No

Clear selection



Has the SSMP been adopted by the permittee's governing body at a public meeting?

- Yes
- No

Clear selection

Has the completed SSMP been public noticed?

- Yes
- No

Clear selection

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SSMP Public Notice Date

Date of public notice?

Date

05/28/2016

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Continue 1

During the annual assessment of the SSMP, were any adjustments needed based on the performance of the plan?

Yes

No

[Clear selection](#)

What adjustments were made to the SSMP (i.e. line cleaning, CCTV inspections, manhole inspections, and/or SSO events)?

None



During 2023, was any part of the SSMP audited as part of the five year audit?

- Yes
- No

Clear selection

If yes, what part of the SSMP was audited and were changes made to the SSMP as a result of the audit?

None

Have you completed a System Evaluation and Capacity Assurance Plan (SECAP) as defined by the Utah Sewer Management Plan?

- Yes
- No

Clear selection

Part VII: NARRATIVE EVALUATION

Please answer the following questions regarding NARRATIVE EVALUATION.

Describe the physical condition of the sewerage system: (lift stations, etc. included)

Overall the collection system is in good condition. All know problem areas are either being addressed or have plans to be addressed. The sewer lift station is in good condition as well



What sewerage system capital improvements does the utility need to implement in the next 10 years?

Sewer pipe lining under UDOT roadways and pipe replacement in select areas

What sewerage system problems, other than plugging, have you had over the last year?

Flushable Wipes - There are a few areas in the city that require more maintenance due to the amount of wipes that are introduced to the system. Calcium build ups - In some areas of the city we are seeing calcium build ups. These areas also require more attention and maintenance.

Is your utility currently preparing or updating its capital facilities plan?

- Yes
- No

Clear selection

Does the municipality/district pay for the continuing education expenses of operators?

- 100%
- Partially
- Does not pay

Clear selection



Is there a written policy regarding continued education and training for wastewater operators?

- Yes
 No

Clear selection

Do you have any additional comments?

None

To the best of my knowledge, the Collections System section is completed and accurate

- True
 False

Clear selection

Note: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of the assistance. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance please send an email to wqinfodata@utah.gov and we will contact you as soon as possible. You may also visit our Frequently Asked Questions page.

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Wastewater Treatment Options

You have either just completed or just bypassed questions about a Collection System. This section (the questions below) determines the next set of questions that you will be presented based on the choice you make for treatment.

What kind of wastewater treatment do you have in your wastewater treatment system?

If you have treatment, you must choose from Mechanical Plant, Discharging Lagoon, or Non-Discharging Lagoon. If you don't have treatment then choose "No Treatment." Choose only one answer.

- Mechanical Plant
- Discharging Lagoon
- Non-Discharging Lagoon
- No Treatment of Wastewater

[Clear selection](#)

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* Indicates required question

Adopt & Sign

I have reviewed this report and to the best of my knowledge the information provided in this report is correct. *

True

False

Has this been adopted by the City Council or District Board? *

yes

No

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* Indicates required question

Not Adopted by Council

What date will it be presented to the City Council or District Board? *

Date

05/23/2024

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CLINTON CITY COUNCIL AGENDA ITEM

SUBJECT: Public Works Roadway and Phased Plan	AGENDA ITEM: B
PETITIONER: David Williams, Bryce Wilcox	MEETING DATE: 04232024
RECOMMENDATION: Discussion/recommendation on the phased plan.	TYPE OF VOTE: Roll Call
FISCAL IMPACT:	
<p>BACKGROUND:</p> <p>Public Works serves all the public and maintains the infrastructure of the city. As the city grows, so do the responsibilities and needs of the city. Access to Public Works facilities is difficult, shop space is inadequate, our shop yard seems to be shrinking and offices are shared by 2-3 people.</p> <p>We have put together options and a multiyear plan to address these issues.</p> <p>Option 1: phased plan- Phased improvement at current site.</p> <p>Option 2: Relocation of Public Works facilities- Look for suitable location rebuild everything.</p> <p>Phase 1: Connect 1740 N to the East. This allows a second access to the Power Line Park parking lot. This also allows at times, to avoid traffic congestion at 1800 N and use of the traffic signal on 1500 W. This becomes an important access when UDOT has 1800 N under construction.</p> <p>Phase 2: Relocate RV dump. The location of the RV dump has a couple of problems: access to the Public Works Yard and other streets are often blocked. Also a future plan of expansion of the Public Works facility is planned in this area.</p> <p>In the near future we would like to relocate this dump station to a new site. As some projects are being planned and designed now, we need a plan for the new location so we can get the necessary infrastructure to the site.</p> <p>We have come up with two options for the RV dump: one is to the north in Power Line park closer to 1800 N or if the skate park is relocated, in its place. The other is on 1000 W along the rail trail near 1640 N.</p> <p>Our preferred site is on 1000 W. This site is safer being outside of the busy park. The city already owns this small sliver of land adjacent to the rail trail. This site would be a lower cost to build, it has no neighbors to impact and is out of the way of traffic.</p> <p>Phase 3: Relocate fueling station outside the Public Works yard. The current fueling station is the middle of the main gate entrance. This move would centralizes fueling operations, reduces congestion, increases security of the Public Works yard, and frees up space for future expansion of the Public Works facility.</p> <p>Phase 4: Construct Public Works Shop. Currently we operate 8 divisions out of 5 offices many with 2-3 desks in each. We do not have a large enough conference room for construction and other type of meetings. Our mechanics shop does not have the overhead space to properly maintain ladder trucks and dump trucks along with other issues.</p> <p>This is a multiyear plan. Each of these will be brought forward with costs and approvals at the time of implementation. We expect Phase 1 to start this next budget year.</p>	
ATTACHMENTS: Maps	



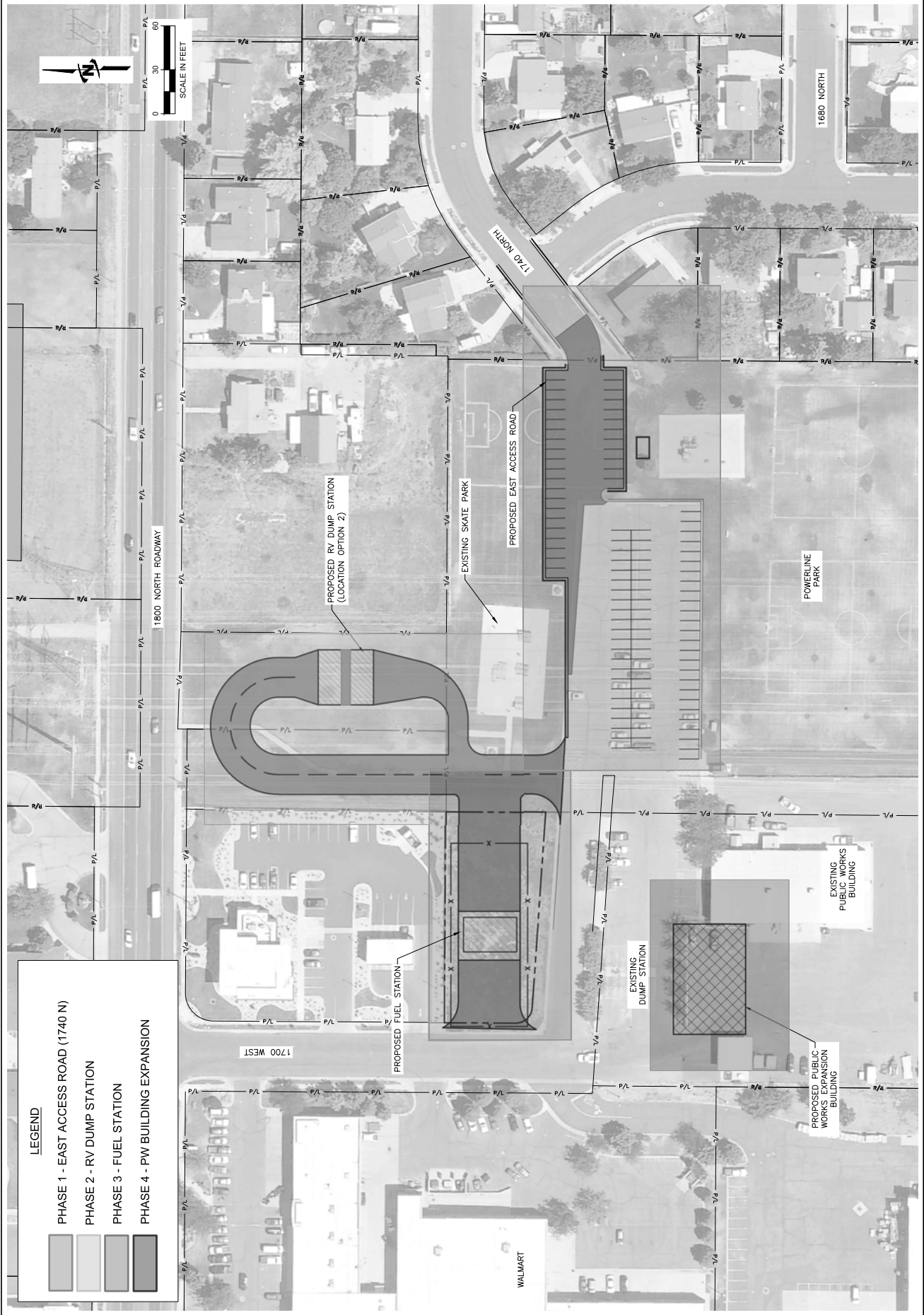
JUB ENGINEERS, INC.
 466 North 900 West
 Kaysville, UT 84037
 Phone: 801.547.0393
 www.jub.com

NO.	DESCRIPTION	BY	APPR.	DATE

PHASE MAP
 CLINTON CITY PUBLIC WORKS EXPANSION

DATE: 05/22/2014
 PROJECT NO: 14-001
 DRAWN BY: JAC
 CHECKED BY: JAC
 DESIGNED BY: JAC
 SCALE: AS SHOWN
 AT FULL SIZE IF NOT INDICATED
 LAST UPDATED: 4/17/2014

SHEET NUMBER: C-001





Proposed RV Dump
Location 1

1800 North

Veteran's Park

1640 North

1000 West

1300 North

Clinton City

Proposed RV Dump Location 1



NO.	DESCRIPTION	BY	DATE

PLAN VIEW
 RV DUMP CONCEPT
 CLINTON CITY CORPORATION

DATE: 05-20-2023
 DRAWN BY: JUB
 CHECKED BY: JUB
 PROJECT NO.: 23-0001
 SHEET NUMBER: C-101



RV DUMP STATION, LOCATION OPTION 1

CLINTON CITY COUNCIL AGENDA ITEM

SUBJECT: 1800 N Multi Use Trail Agreement	AGENDA ITEM: C
PETITIONER: David Williams	MEETING DATE: April 23, 2024
RECOMMENDATION: That Council approve the multi- use trail including Denver & Rio Grande rail trail crossing cooperative agreement between UDOT and Clinton City	TYPE OF VOTE: Roll Call
FISCAL IMPACT:	
BACKGROUND: The UDOT 1800 N project will require a number of agreements. This agreement is about the multi-use trail and the maintenance of it. The maintenance of this trail is consistent with UDOT policies that we already follow.	
ATTACHMENTS: Agreement	



**MULTI- USE TRAIL INCLUDING DENVER & RIO GRANDE RAIL TRAIL CROSSING
COOPERATIVE AGREEMENT
Between
THE UTAH DEPARTMENT OF TRANSPORTATION
And
CLINTON CITY**

This multi-use trail including the Crossing of the Denver & Rio Grande Rail Trail Cooperative Agreement, by and between **Utah Department of Transportation** ("UDOT") and **Clinton City** ("City"). Each as Party, ("Party") and together as parties, ("Parties").

RECITALS

WHEREAS, UDOT will award a contract for the highway project identified as I-15; 1800 North Interchange in Davis County, Utah ("Project"); and

WHEREAS, UDOT will design and construct the Project, including a multi-use trail ("Trail") that includes a crossing of the Utah Transit Authority ("UTA") Denver & Rio Grande Rail Trail in Clinton, Utah ("Crossing"); and

WHEREAS, the Trail and Crossing maintenance and ownership locations are covered by this agreement in accordance with the terms and conditions contained herein.

THIS AGREEMENT is made to set out the terms and conditions of responsibilities for each Party.

AGREEMENT

1. Scope of Facility Construction Work

UDOT has prepared plans and will construct the Trail, Crossing, and appurtenance described as follows and marked Exhibit "A," that is incorporated by reference.

- a. 1800 North Crossing of the Denver & Rio Grande Rail Trail on UTA Right-of-Way at approximately 1000 West, Clinton, City.
- b. Multi-use Trail along SR-37, from 1700 West to approximately 500 West, Clinton, City, including the railroad overpass location west of the Union Pacific Right-of-Way.
- c. Pedestrian Hybrid Beacon signal at the trail crossing of 1800 North, just west of the power corridor, near 1700 West.

2. Facility Construction Work Schedule

UDOT's contractor will complete the construction of the Trail and Crossing by June 2027.

3. Facility Maintenance and Ownership of the Trail and Crossing

- a. The City will maintain the Trail system upon Project completion and abide by R-918-6 for all maintenance activities.



- b. Upon Project completion, the City will maintain the Crossing of 1800 North and the UTA Denver & Rio Grande Rail Trail Right-of-Way.
- c. UDOT has obtained a UTA License Agreement for the Crossing.
- d. The Project will install power to the Pedestrian Hybrid Beacon signal. The City will be responsible for the power service of the lighting at the signal.

4. Miscellaneous

- a. The permitted use and occupancy of Right-of-Way for non-highway purposes is subordinate to the primary and highest for transportation and safety of the traveling public.
- b. The failure of either Party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either Party to exercise any rights or remedies provided in this Agreement, or by law, will not release either Party from any obligations arising under this agreement.
- c. Each Party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purpose of the Agreement at the request of the other Party.
- d. This Agreement shall be deemed to be made under and shall be governed by the laws of the State of Utah in all respects. Each person signing this Agreement warrants that the person has full legal capacity, power, and authority to execute this Agreement for and on behalf of the respective Party and to bind such Party.
- e. This Agreement contains the entire Agreement between the Parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be binding or valid.
- f. If any provision or part of a provision of this Agreement is held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision. Each provision shall be deemed to be enforceable to the fullest extent under applicable law.
- g. The UDOT and the City are both governmental entities subject to the Utah Governmental Immunity Act. Each Party agrees to indemnify, defend, and save harmless the other from and against all claims, suits, and costs, including attorneys' fees for injury or damage of any kind, arising out the negligent acts, errors or omissions of the indemnifying Party's officers, agents, contractors, or employees in the performance of this Agreement. Nothing in this paragraph is intended to create additional rights to third parties or to waive any provision of the Utah Governmental Immunity Act. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.
- h. The date of this Agreement is the date this Agreement is signed by the last Party.



Project No. S-115-8(157)336; Davis County
Project Name: I-15; 1800 North Interchange (SR-37)
Clinton City
CID No. 72701 PIN 15682

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

Attest

Clinton City

Title: _____

Title: _____

Date: _____

Date: _____

(IMPRESS SEAL)
.....

Recommended for Approval

Utah Department of Transportation

Title: Utility and Railroad Leader

Title: Project Manager

Date: _____

Date: _____

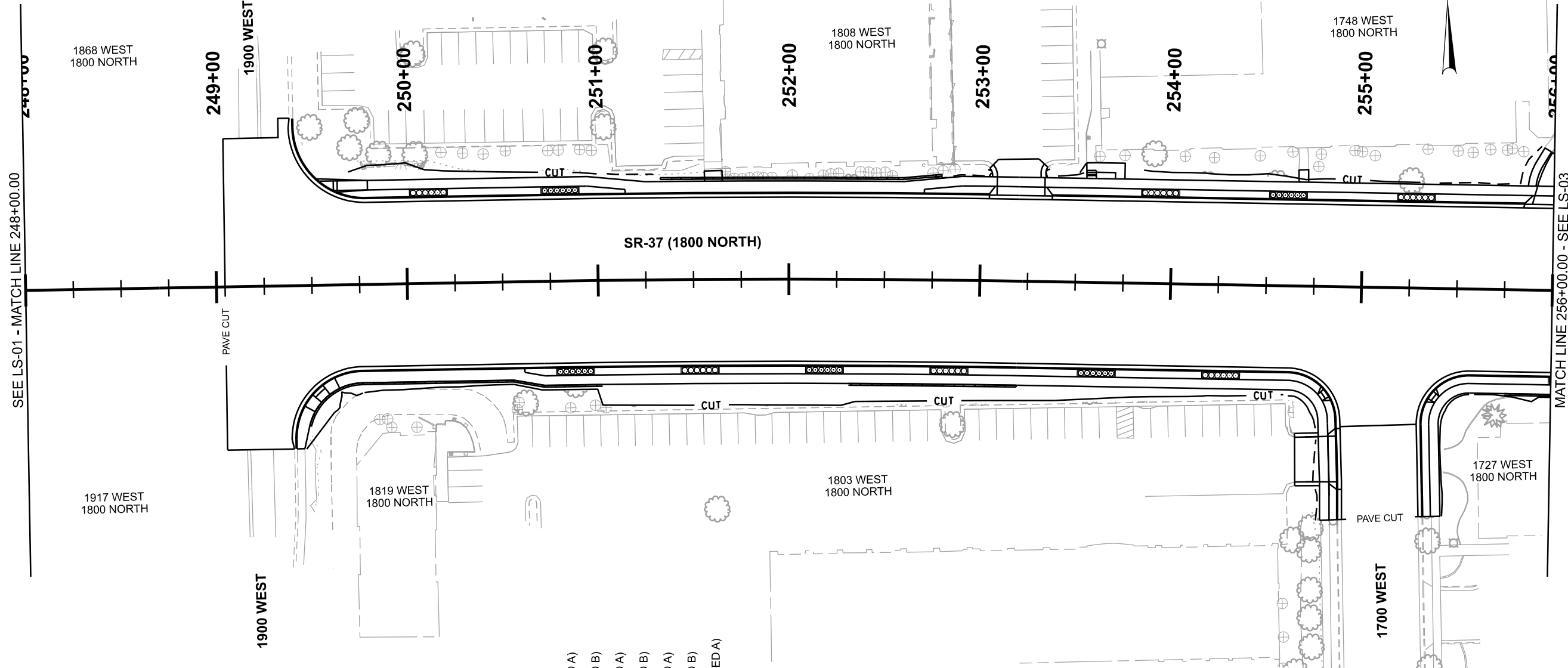
UDOT Comptroller Office

Title: _____
Contract Administrator

Date: _____

EXHIBIT A

30-JAN-2024 D:\DOT\paw\ben\laycom\dot\paw\DOT\Documents\JDDT\Projects\Region 1\Projects\15682\15_1800_NORTH_INTERCHANGE\Landscapes\15682_LS-01-07_1800N_Scgl.dgn



CONCRETE CURB WALL REQ'D
 TOPSOIL - 18 INCH THICK REQ'D
 ROCK MULCH REQ'D
 PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
 250+77.47 RT 49.50 TO
 250+97.61 RT 49.50 (PLANTER BED A)
 251+43.09 RT 49.50 TO
 251+63.23 RT 49.50 (PLANTER BED B)
 252+08.71 RT 49.50 TO
 252+28.85 RT 49.50 (PLANTER BED A)
 252+74.32 RT 49.50 TO
 252+94.46 RT 49.50 (PLANTER BED B)
 253+51.82 RT 49.50 TO
 253+71.82 RT 49.50 (PLANTER BED A)
 254+17.02 RT 49.50 TO
 254+37.02 RT 49.50 (PLANTER BED B)
 255+98.74 RT 49.50 TO
 MATCH LINE RT 49.50 (PLANTER BED A)

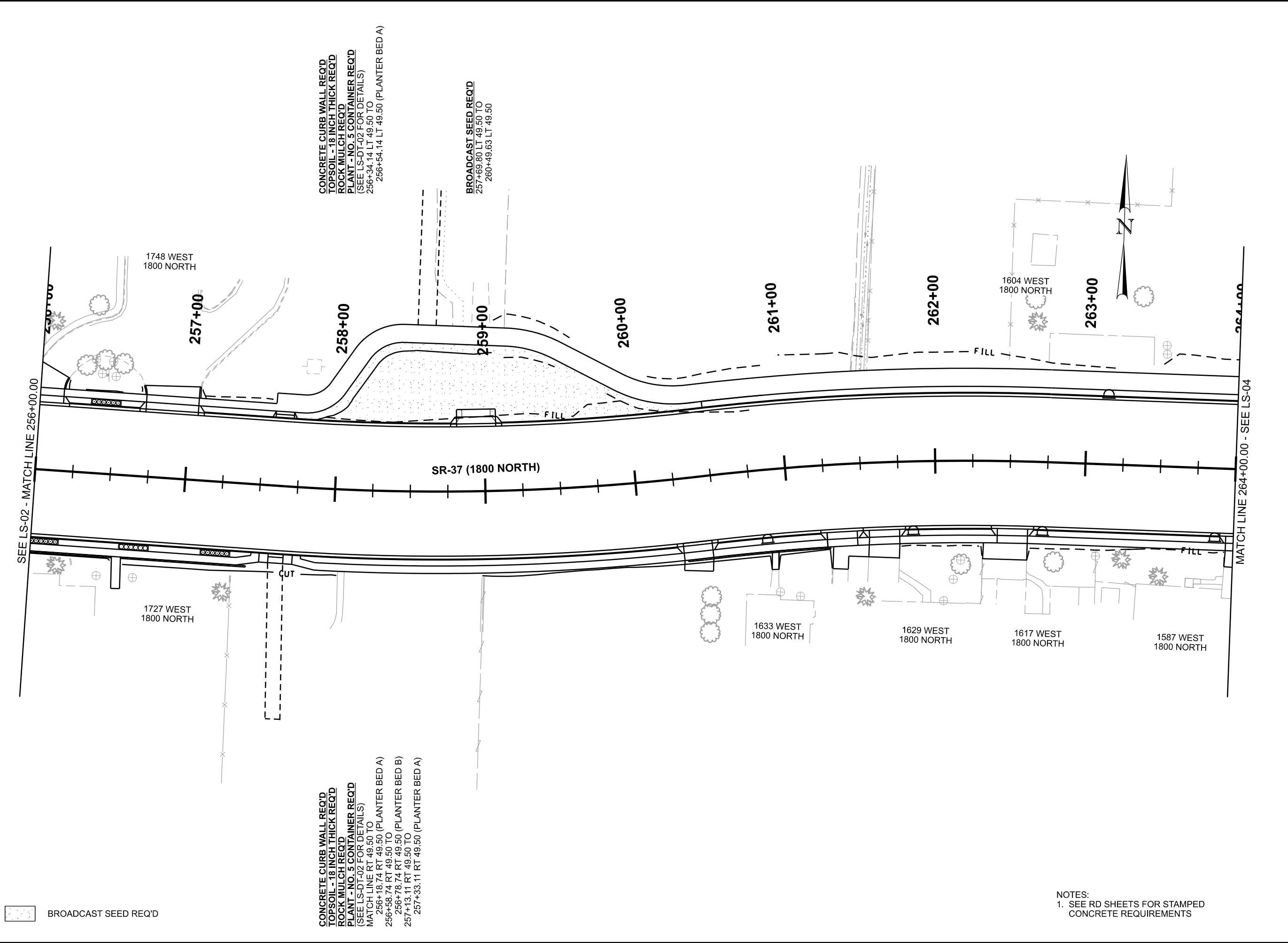
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 TOPSOIL - 18 INCH THICK REQ'D
 ROCK MULCH REQ'D
 PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
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 250+21.93 LT 49.50 (PLANTER BED B)
 250+70.84 LT 49.50 TO
 250+90.70 LT 49.50 (PLANTER BED A)
 253+83.95 LT 49.50 TO
 254+03.95 LT 49.50 (PLANTER BED B)
 254+50.95 LT 49.50 TO
 254+70.95 LT 49.50 (PLANTER BED A)
 255+17.95 LT 49.50 TO
 255+37.95 LT 49.50 (PLANTER BED B)

NOTES:
 1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER	S-15-8(157)336	PIN	15682
LANDSCAPE		LANDSCAPE	
APPROVED		APPROVED	
PROFESSIONAL ENGINEER		DATE	
UTAH DEPARTMENT OF TRANSPORTATION		DATE	
J-U-B ENGINEERS, INC.		1/30/2024	
DRAWN BY	JBW	QC CHECKED BY	SRP
REVISIONS		NO.	DATE
APPROVED BY		REMARKS	

EXHIBIT A

30-JAN-2024 D:\DDN_Files\pwr\j\ddot\p\ben\1\sc\m\udot\p\8\Documents\Region 1\Projects\15682\15682_15_1800_NORTH_INTERCHANGE\Region 1\Projects\15682\LS-01-07_1800N_Scgl.dgn



BROADCAST SEED REQ'D

CONCRETE CURB WALL REQ'D
 TOPSOIL - 18 INCH THICK REQ'D
 ROCK MULCH REQ'D
 PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
 MATCH LINE RT 49.50 TO
 256+18.74 RT 49.50 (PLANTER BED A)
 256+58.74 RT 49.50 TO
 256+78.74 RT 49.50 (PLANTER BED B)
 257+13.11 RT 49.50 TO
 257+33.11 RT 49.50 (PLANTER BED A)

CONCRETE CURB WALL REQ'D
 TOPSOIL - 18 INCH THICK REQ'D
 ROCK MULCH REQ'D
 PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
 256+34.14 LT 49.50 TO
 256+54.14 LT 49.50 (PLANTER BED A)

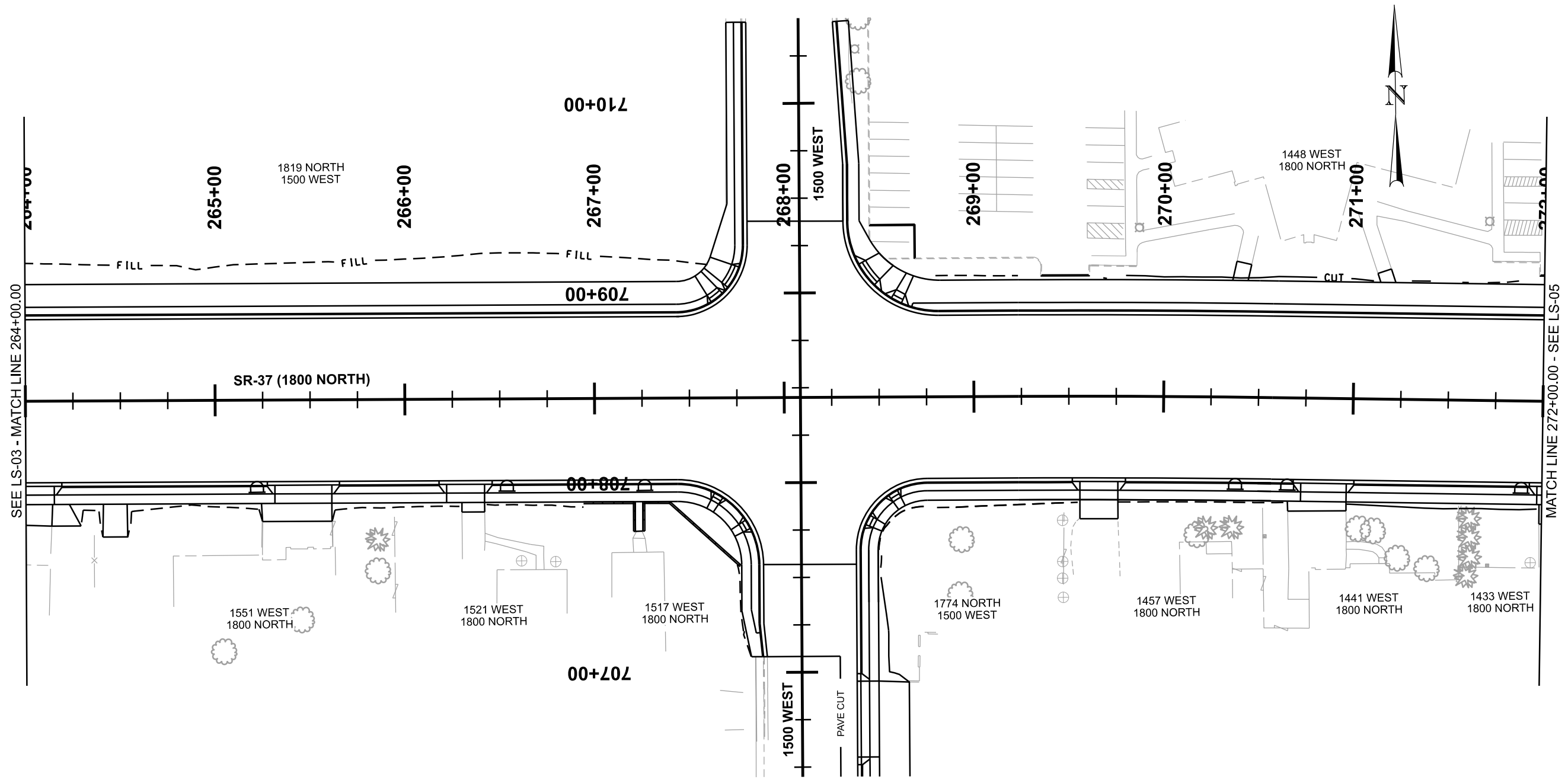
BROADCAST SEED REQ'D
 257+69.80 LT 49.50 TO
 260+49.63 LT 49.50

NOTES:
 1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER	S-15-8(157)336	PIN	15682
LANDSCAPE		LANDSCAPE	
APPROVED		APPROVED	
PROFESSIONAL ENGINEER		DATE	
1/30/2024		DATE	
DRAWN BY		DRAWN BY	
JEW		JEW	
QC CHECKED BY		QC CHECKED BY	
SRP		SRP	
APPROVED BY		APPROVED BY	
NO.		DATE	
REVISIONS		REVISIONS	
REMARKS		REMARKS	

EXHIBIT A

DDN File: pwr://udot:pw/bentley/comuodt/pw-01/Documents/Region 1/Projects/15682/I-15_1800_NORTH_INTERCHANGE/Landscape/15682_LS-01-07_1800N_SagL.dgn



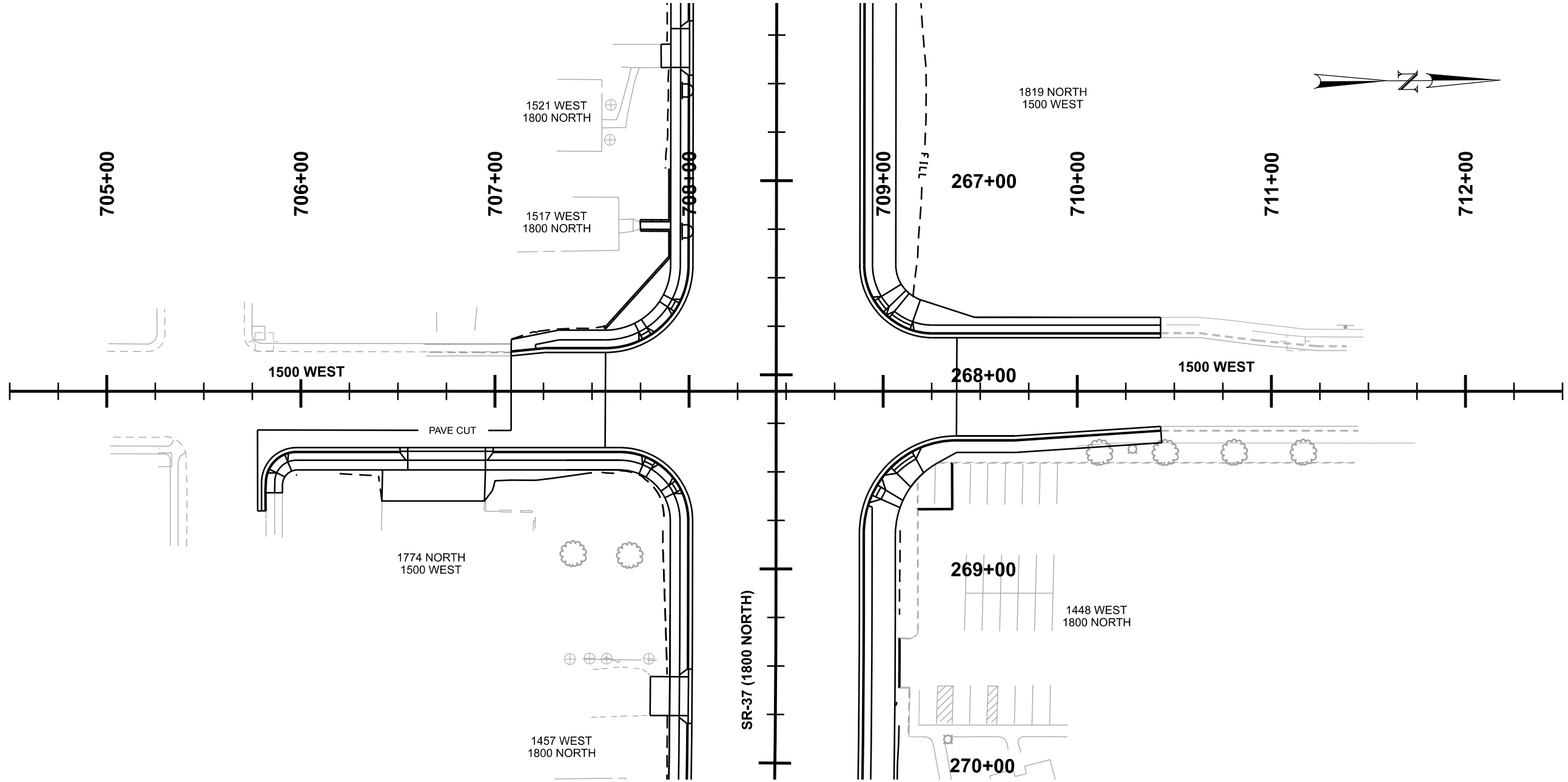
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NOTES:
1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER	S-15-8(157)336	PIN	15682
LANDSCAPE			
APPROVED		PROFESSIONAL ENGINEER	
DATE		1/30/2024	
DRAWN BY	JBW	QC CHECKED BY	
SRP		APPROVED BY	
NO.		DATE	
REVISIONS			

EXHIBIT A

DDN File: p:\j\ddot\p\ben\1\com\dot\p\8\Documents\UDOT Projects\Region 1 Projects\I5682\I-15_1800_NORTH_INTERCHANGE\Landscapes\I5682_LS-04_A1(ternotes).dgn



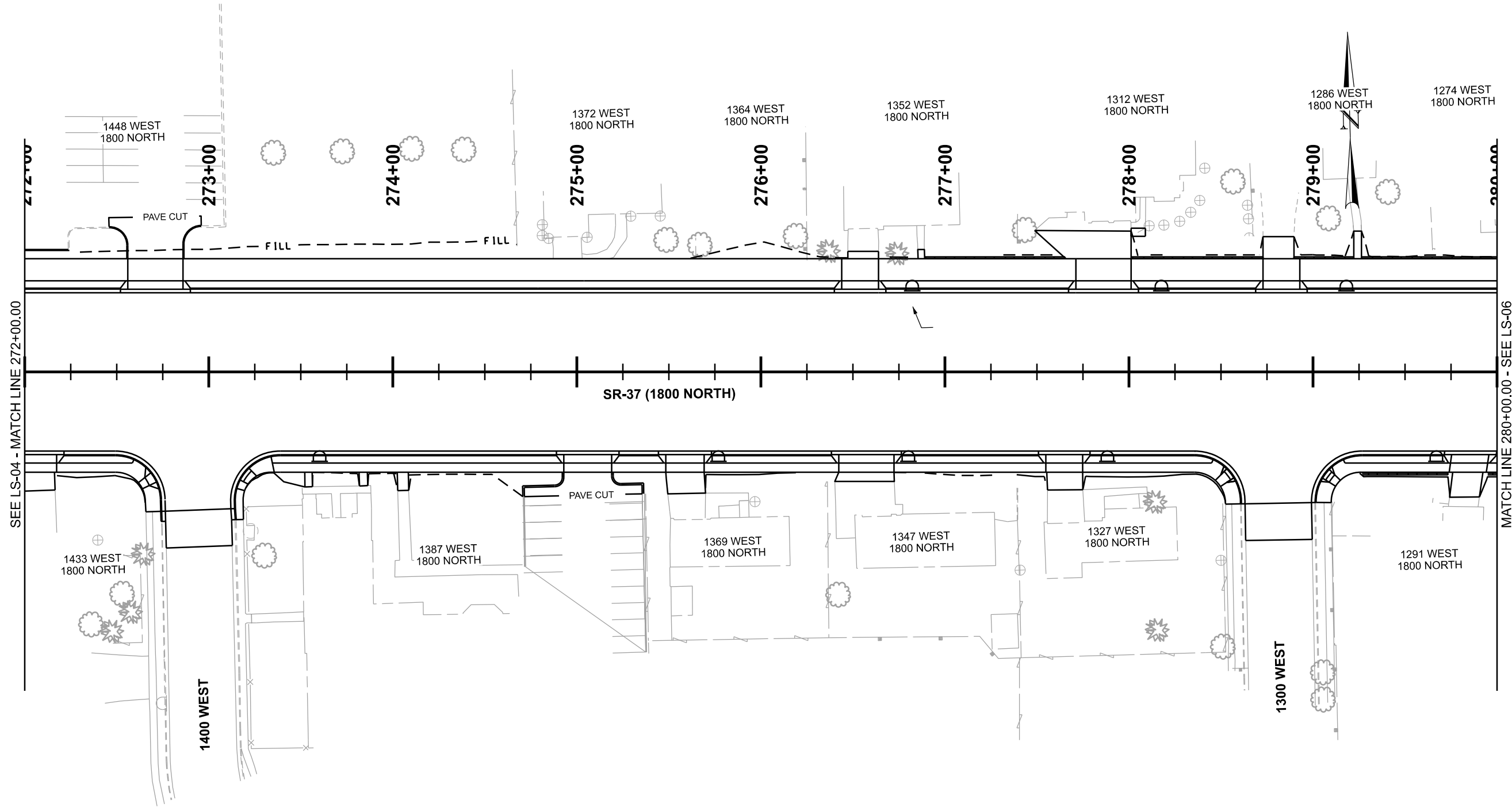
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NOTES:
1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER	S-I15-8(157)336	APPROVED	UTAH DEPARTMENT OF TRANSPORTATION J-U-B ENGINEERS, INC.
	PIN 15682	PROFESSIONAL ENGINEER	DATE 1/30/2024
	LANDSCAPE		QC CHECKED BY
			SRP
			APPROVED BY
			NO. DATE
			REMARKS

EXHIBIT A

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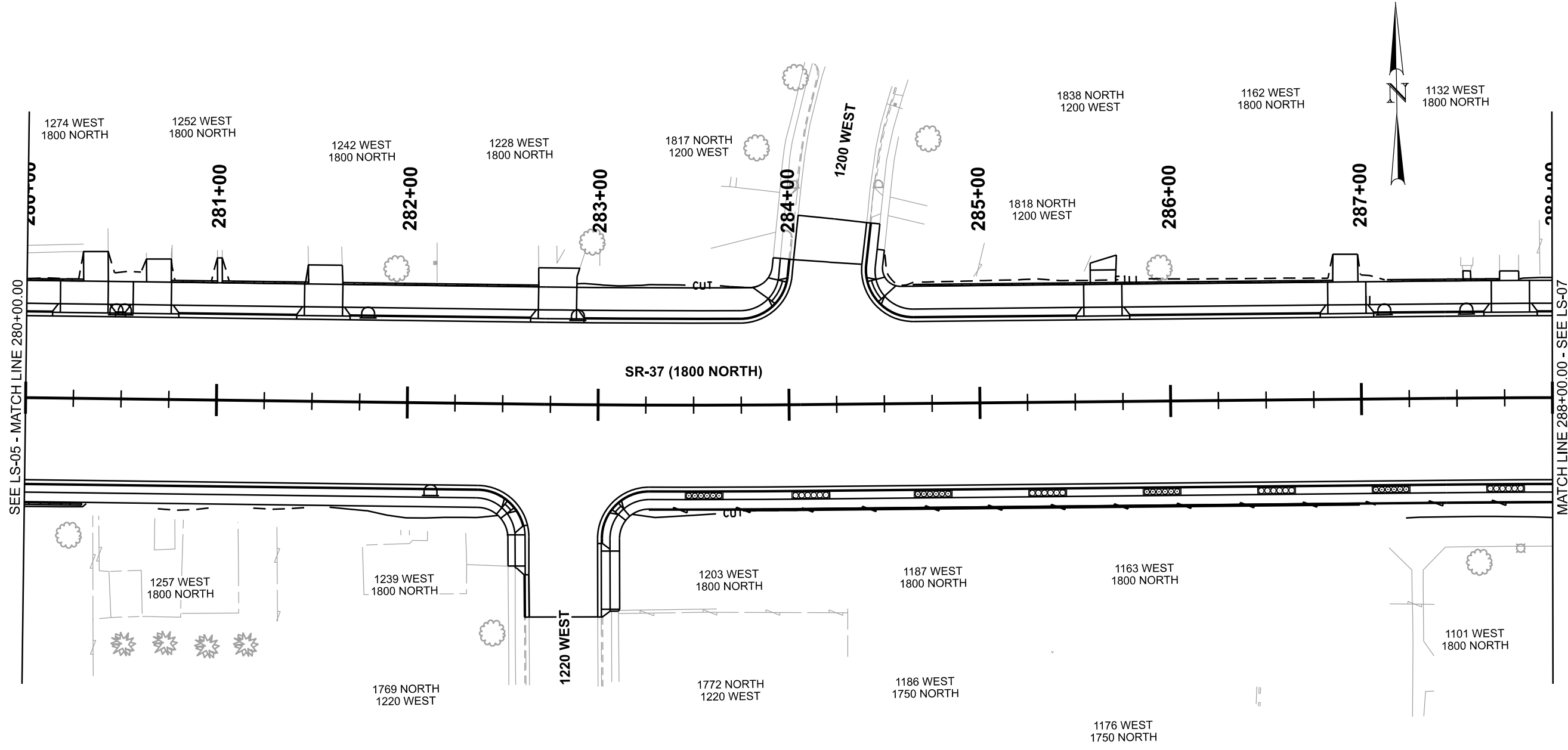
NOTES:
1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER		S-15-8(157)336	LANDSCAPE
APPROVED		PROFESSIONAL ENGINEER	DATE
DRAWN BY		JBW	DATE
QC CHECKED BY			1/30/2024
SRP			
APPROVED BY			
NO.			
DATE			
REVISIONS			
REMARKS			

SHEET NO. **LS-05**

EXHIBIT A

30-JAN-2024 D:\DOT\Projects\15-1800 North Interchange\15-1800 North Interchange\Landscapes\15682-LS-01-07-1800N_Scpl.dgn



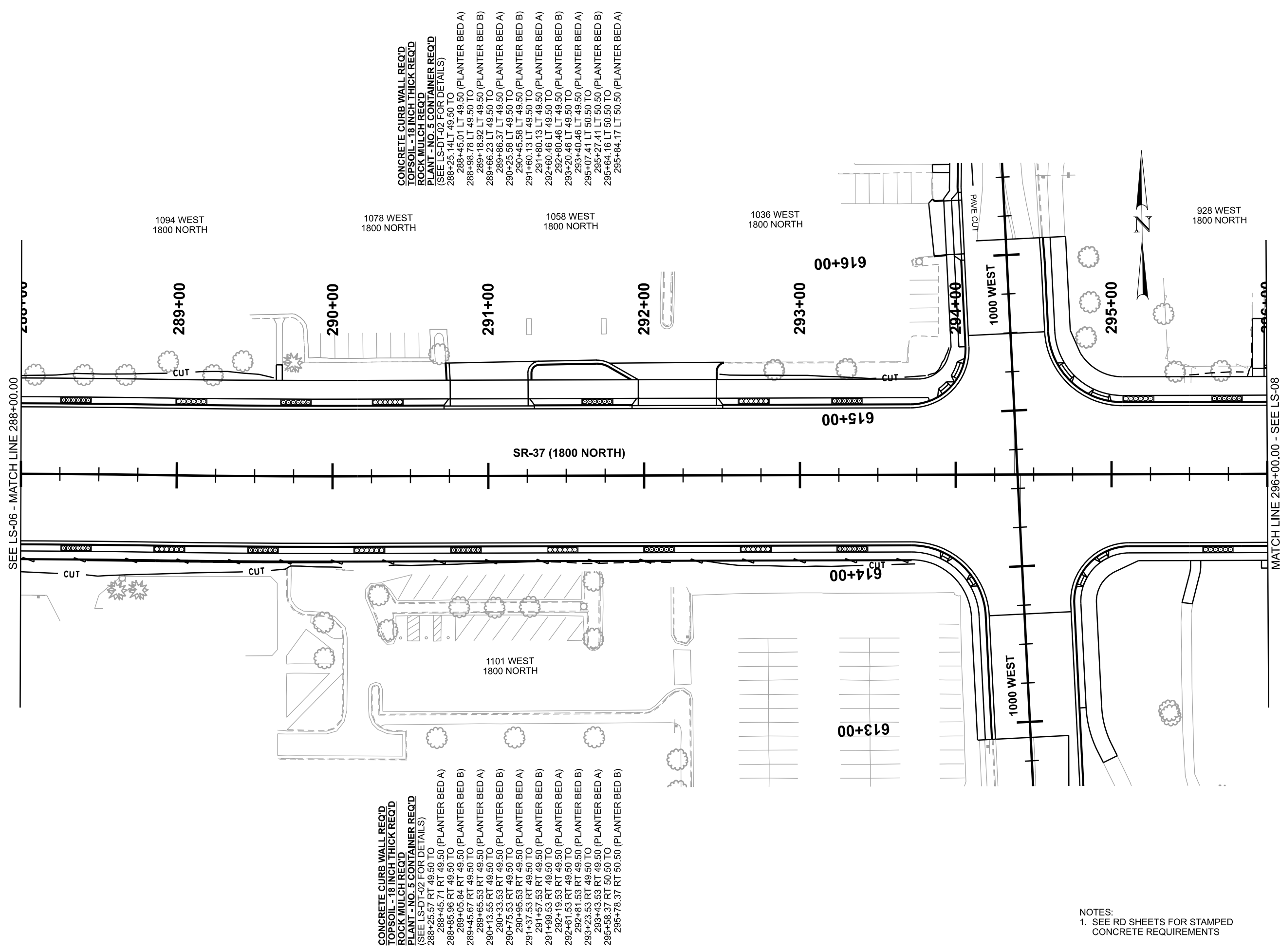
- CONCRETE CURB WALL REQ'D
- TOPSOIL - 18 INCH THICK REQ'D
- ROCK MULCH REQ'D
- PLANT - NO. 5 CONTAINER REQ'D
- (SEE LS-DT-02 FOR DETAILS)
- 283+45.53 RT 49.50 TO
- 283+65.37 RT 49.50 (PLANTER BED A)
- 284+01.08 RT 49.50 TO
- 284+21.04 RT 49.50 (PLANTER BED B)
- 284+65.05 RT 49.50 TO
- 284+85.05 RT 49.50 (PLANTER BED A)
- 285+25.06 RT 49.50 TO
- 285+45.06 RT 49.50 (PLANTER BED B)
- 285+85.05 RT 49.50 TO
- 286+05.05 RT 49.50 (PLANTER BED A)
- 286+45.04 RT 49.50 TO
- 286+65.04 RT 49.50 (PLANTER BED B)
- 287+05.03 RT 49.50 TO
- 287+25.03 RT 49.50 (PLANTER BED A)
- 287+65.19 RT 49.50 TO
- 287+85.32 RT 49.50 (PLANTER BED B)

NOTES:
 1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT I-15; 1800 NORTH INTERCHANGE	UTAH DEPARTMENT OF TRANSPORTATION J-U-B ENGINEERS, INC.			
	PROJECT NUMBER S-115-8(157)336	PIN 15682	LANDSCAPE	
	APPROVED	DATE 1/30/2024	PROFESSIONAL ENGINEER	
REVISIONS	NO.	DATE	APPROVED BY	REMARKS

EXHIBIT A

30-JAN-2024 D:_Files\per\j\udot\pwbentley\comudo\pwr\01\Documents\UDOT_P\Projects\Region 1\Projects\15682\15682_15_1800_NORTH_INTERCHANGE\Landscapes\15682_LS-01-07_1800N_Seg1.dgn



CONCRETE CURB WALL REQ'D
TOPSOIL - 18 INCH THICK REQ'D
ROCK MULCH REQ'D
PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)

288+25.57 RT 49.50 TO 288+45.71 RT 49.50 (PLANTER BED A)
 288+85.96 RT 49.50 TO 289+05.84 RT 49.50 (PLANTER BED B)
 289+45.67 RT 49.50 TO 289+65.53 RT 49.50 (PLANTER BED A)
 290+13.55 RT 49.50 TO 290+33.53 RT 49.50 (PLANTER BED B)
 290+75.53 RT 49.50 TO 290+95.53 RT 49.50 (PLANTER BED A)
 291+37.53 RT 49.50 TO 291+57.53 RT 49.50 (PLANTER BED B)
 291+99.53 RT 49.50 TO 292+19.53 RT 49.50 (PLANTER BED A)
 292+61.53 RT 49.50 TO 292+81.53 RT 49.50 (PLANTER BED B)
 293+23.53 RT 49.50 TO 293+43.53 RT 49.50 (PLANTER BED A)
 295+58.37 RT 50.50 TO 295+78.37 RT 50.50 (PLANTER BED B)

CONCRETE CURB WALL REQ'D
TOPSOIL - 18 INCH THICK REQ'D
ROCK MULCH REQ'D
PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)

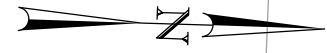
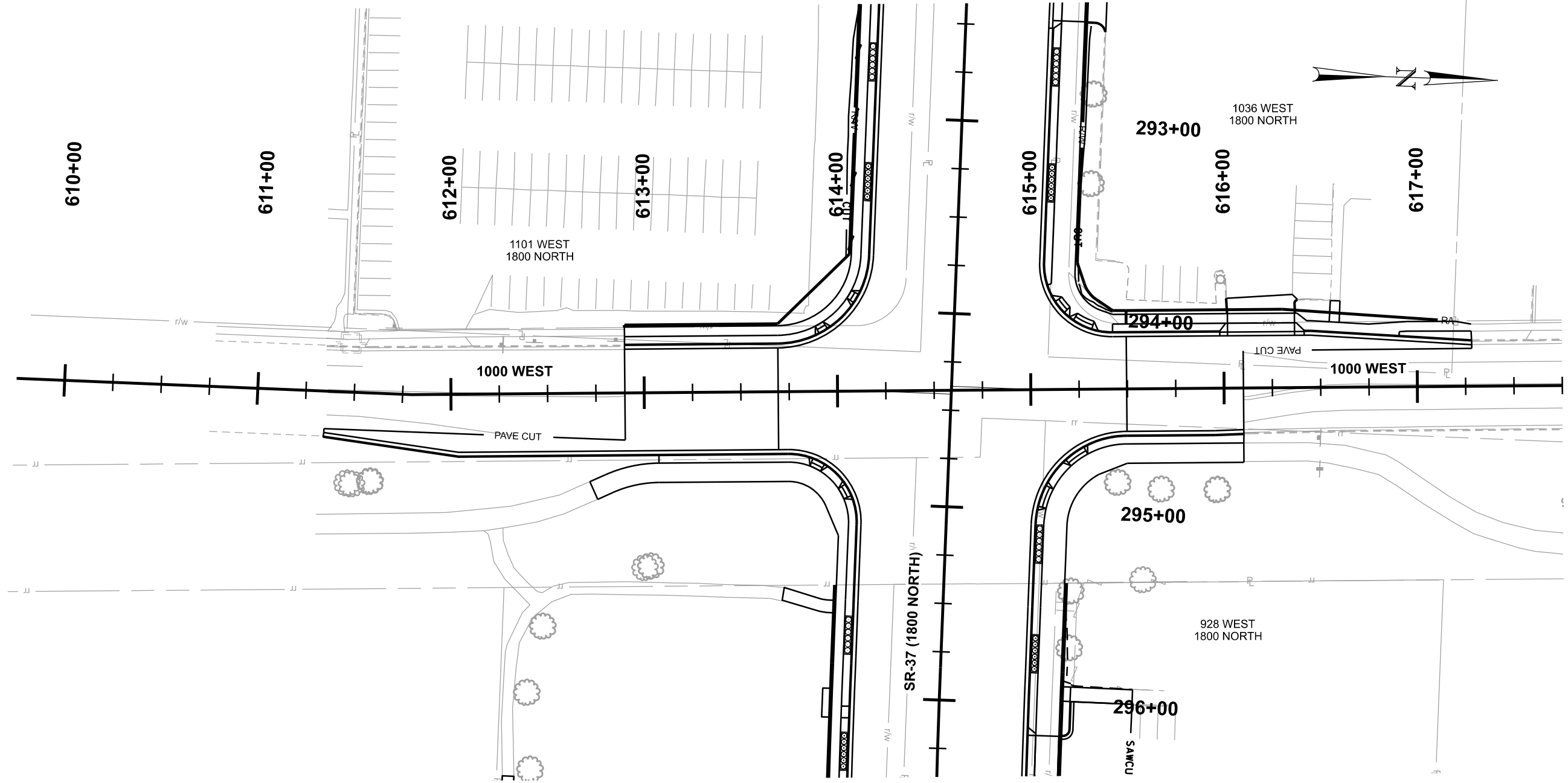
288+25.14 LT 49.50 TO 288+45.01 LT 49.50 (PLANTER BED A)
 289+98.78 LT 49.50 TO 289+18.92 LT 49.50 (PLANTER BED B)
 289+66.23 LT 49.50 TO 289+86.37 LT 49.50 (PLANTER BED A)
 290+25.58 LT 49.50 TO 290+45.58 LT 49.50 (PLANTER BED B)
 291+60.13 LT 49.50 TO 291+80.13 LT 49.50 (PLANTER BED A)
 292+60.46 LT 49.50 TO 292+80.46 LT 49.50 (PLANTER BED B)
 293+20.46 LT 49.50 TO 293+40.46 LT 49.50 (PLANTER BED A)
 295+07.41 LT 50.50 TO 295+27.41 LT 50.50 (PLANTER BED B)
 295+64.16 LT 50.50 TO 295+84.17 LT 50.50 (PLANTER BED A)

NOTES:
 1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER	S-15-8(157)336	PIN	15682
LANDSCAPE		APPROVED	
UTAH DEPARTMENT OF TRANSPORTATION		DRAWN BY J-B-W	
J-U-B ENGINEERS, INC.		QC CHECKED BY SRP	
PROFESSIONAL ENGINEER		DATE 1/30/2024	
REVISIONS		APPROVED BY	
		NO.	
		DATE	
		APPROVED BY	
		REMARKS	

EXHIBIT A

DDN File: p:\j\ddot\p\ben\15682\p\81\Documents\UDOT Projects\Region 1 Projects\15682\15_1800_NORTH_INTERCHANGE\Landscapes\15682_LS-07_A1(ternotes).dgn



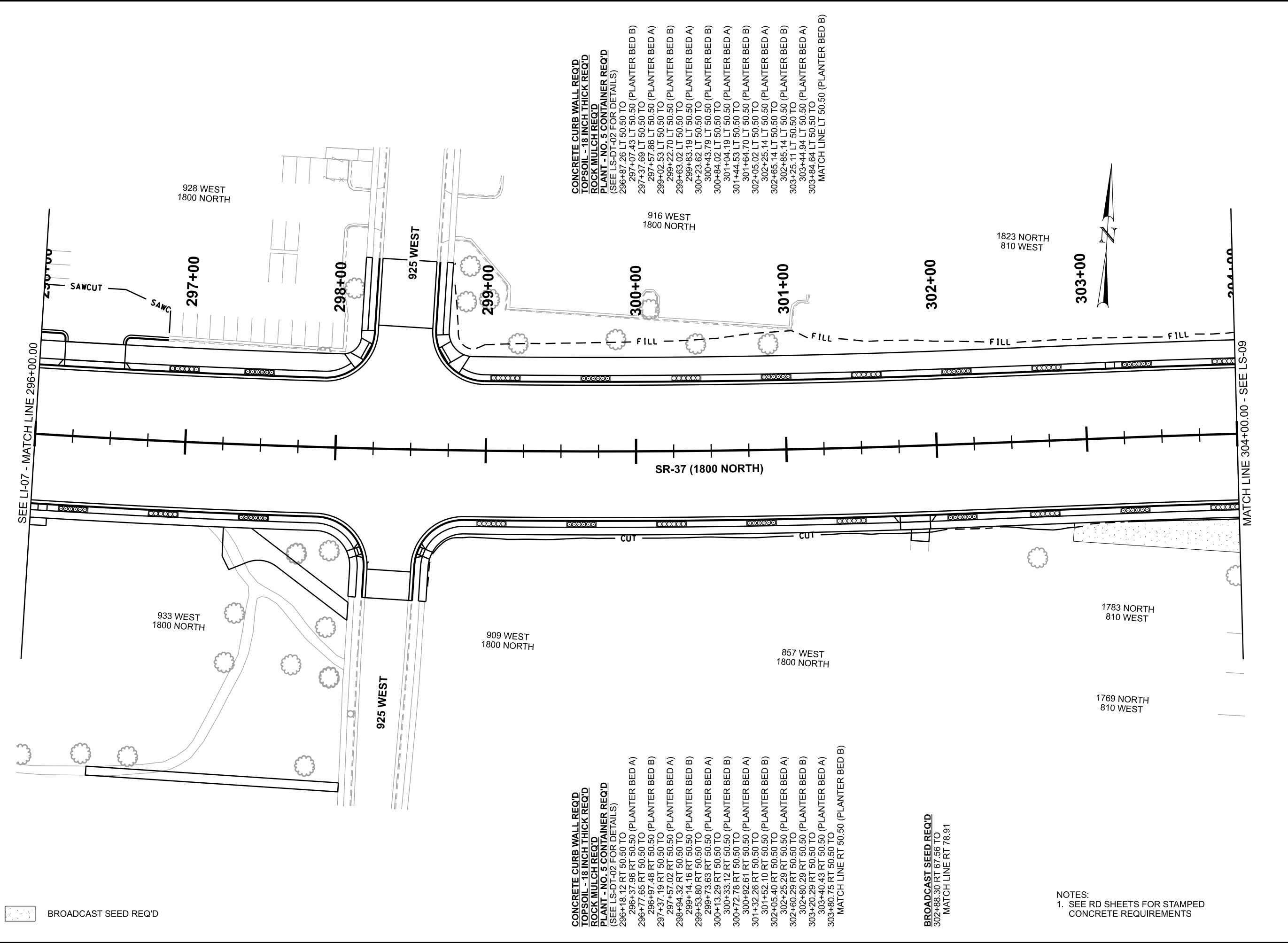
SEE LS-07 & LS-08
FOR WORK ON THIS SHEET

NOTES:
1. SEE RD SHEETS FOR STAMPED
CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER	PIN	15682	
LANDSCAPE		S-115-8(157)336	
UTAH DEPARTMENT OF TRANSPORTATION		J-U-B ENGINEERS, INC.	
APPROVED		DATE	1/30/2024
PROFESSIONAL ENGINEER	CHECKED BY	SRP	
	QC		
DRAWN BY	JBW	APPROVED BY	
REVISIONS			
NO.	DATE	APPROVED BY	REMARKS

EXHIBIT A

30-JAN-2024 D:\proj\15_1800_NORTH_INTERCHANGE\UDOT\Projects\Region 1\Projects\15682\15_1800_NORTH_INTERCHANGE\Landscapes\15682_LS-08-14_1800N_Sea2_&_Sea3.dgn



CONCRETE CURB WALL REQ'D
TOPSOIL - 18 INCH THICK REQ'D
ROCK MULCH REQ'D
PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
 296+18.12 RT 50.50 TO
 296+37.96 RT 50.50 (PLANTER BED A)
 296+77.65 RT 50.50 TO
 296+97.48 RT 50.50 (PLANTER BED B)
 297+37.19 RT 50.50 TO
 297+57.02 RT 50.50 (PLANTER BED A)
 298+94.32 RT 50.50 TO
 299+14.16 RT 50.50 (PLANTER BED B)
 299+53.80 RT 50.50 TO
 299+73.63 RT 50.50 (PLANTER BED A)
 300+13.29 RT 50.50 TO
 300+33.12 RT 50.50 (PLANTER BED B)
 300+72.78 RT 50.50 TO
 300+92.61 RT 50.50 (PLANTER BED A)
 301+32.26 RT 50.50 TO
 301+52.10 RT 50.50 (PLANTER BED B)
 302+05.40 RT 50.50 TO
 302+25.29 RT 50.50 (PLANTER BED A)
 302+60.29 RT 50.50 TO
 302+80.29 RT 50.50 (PLANTER BED B)
 303+20.29 RT 50.50 TO
 303+40.43 RT 50.50 (PLANTER BED A)
 303+80.75 RT 50.50 TO
 MATCH LINE RT 50.50 (PLANTER BED B)

CONCRETE CURB WALL REQ'D
TOPSOIL - 18 INCH THICK REQ'D
ROCK MULCH REQ'D
PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
 296+87.26 LT 50.50 TO
 297+07.43 LT 50.50 (PLANTER BED B)
 297+37.69 LT 50.50 TO
 297+57.86 LT 50.50 (PLANTER BED A)
 299+02.53 LT 50.50 TO
 299+22.70 LT 50.50 (PLANTER BED B)
 299+63.02 LT 50.50 TO
 299+83.19 LT 50.50 (PLANTER BED A)
 300+23.62 LT 50.50 TO
 300+43.79 LT 50.50 (PLANTER BED B)
 300+84.02 LT 50.50 TO
 301+04.19 LT 50.50 (PLANTER BED A)
 301+44.53 LT 50.50 TO
 301+64.70 LT 50.50 (PLANTER BED B)
 302+05.02 LT 50.50 TO
 302+25.14 LT 50.50 (PLANTER BED A)
 302+65.14 LT 50.50 TO
 302+85.14 LT 50.50 (PLANTER BED B)
 303+25.11 LT 50.50 TO
 303+44.94 LT 50.50 (PLANTER BED A)
 303+84.64 LT 50.50 TO
 MATCH LINE LT 50.50 (PLANTER BED B)

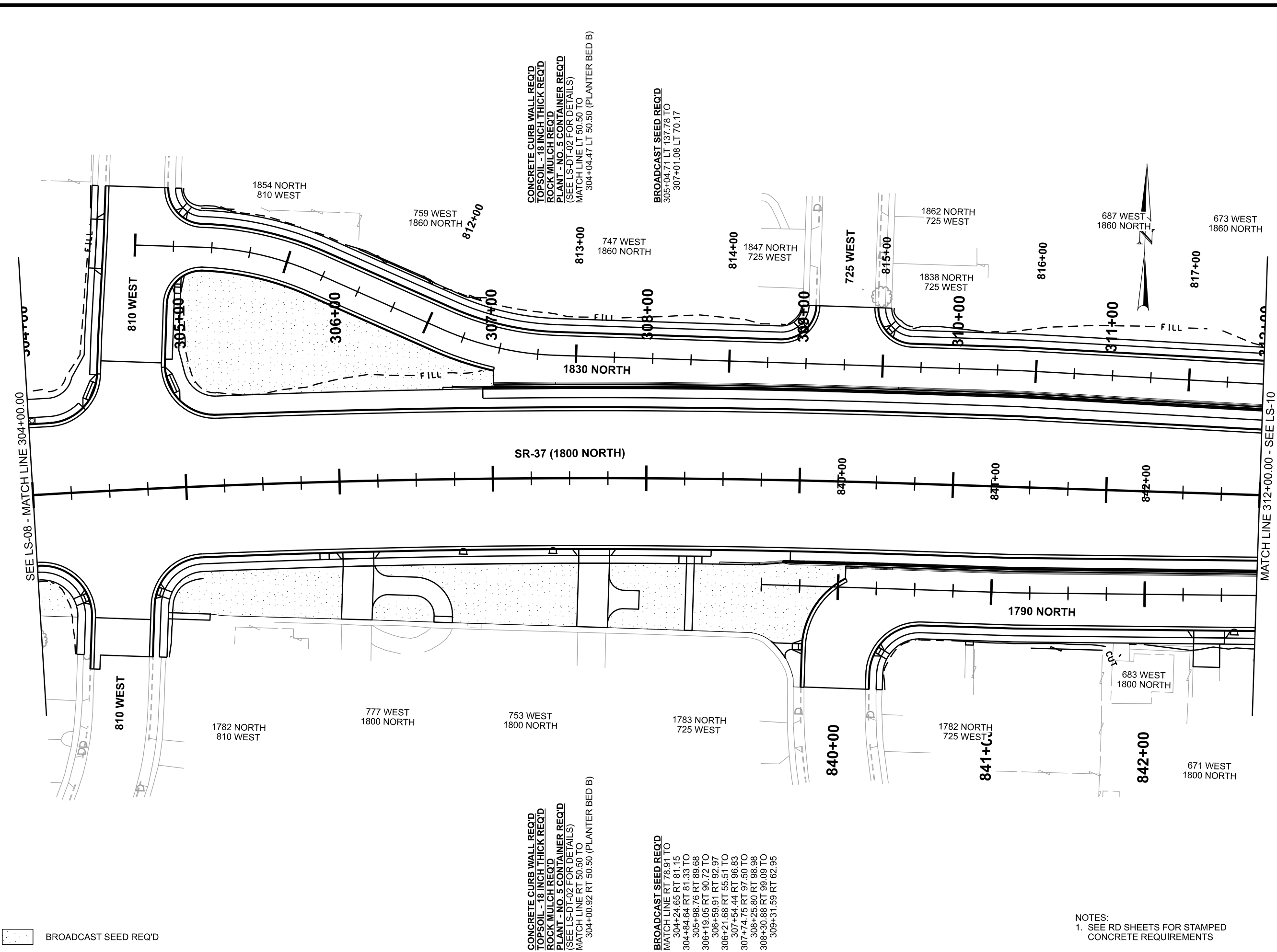
BROADCAST SEED REQ'D
 302+88.30 RT 67.56 TO
 MATCH LINE RT 78.91

NOTES:
 1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER		S-15-8(157)336	LANDSCAPE
APPROVED		PROFESSIONAL ENGINEER	
DATE		1/30/2024	
DRAWN BY		JAW	
CHECKED BY		QC	
APPROVED BY		SRP	
REVISIONS		REMARKS	
NO.		DATE	
APPROVED BY		REMARKS	

EXHIBIT A

30-JAN-2024 D:\Projects\15_1800NORTH_INTERCHANGE\DDT_01\Documents\15_1800NORTH_INTERCHANGE_Landscapes\15682_LS-08-14_1800N_Seq2_Seq3.dgn



 BROADCAST SEED REQ'D

CONCRETE CURB WALL REQ'D
TOPSOIL - 18 INCH THICK REQ'D
ROCK MULCH REQ'D
PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
 MATCH LINE RT 50.50 TO
 304+00.92 RT 50.50 (PLANTER BED B)

BROADCAST SEED REQ'D
 MATCH LINE RT 78.91 TO
 304+24.65 RT 81.15
 304+84.64 RT 81.33 TO
 305+98.76 RT 89.68
 306+19.05 RT 90.72 TO
 306+59.91 RT 92.97
 306+21.68 RT 55.51 TO
 307+54.44 RT 96.83
 307+74.75 RT 97.50 TO
 308+25.80 RT 98.98
 308+30.88 RT 99.09 TO
 309+31.59 RT 62.95

CONCRETE CURB WALL REQ'D
TOPSOIL - 18 INCH THICK REQ'D
ROCK MULCH REQ'D
PLANT - NO. 5 CONTAINER REQ'D
 (SEE LS-DT-02 FOR DETAILS)
 MATCH LINE LT 50.50 TO
 304+04.47 LT 50.50 (PLANTER BED B)

BROADCAST SEED REQ'D
 305+04.71 LT 137.78 TO
 307+01.08 LT 70.17

NOTES:
 1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

SHEET NO. **LS-09**

PROJECT **I-15; 1800 NORTH INTERCHANGE**

PROJECT NUMBER **S-15-8(157)336**
 PIN **15682**
 LANDSCAPE

UTAH DEPARTMENT OF TRANSPORTATION
 J-U-B ENGINEERS, INC.

APPROVED _____
 PROFESSIONAL ENGINEER _____ DATE **1/30/2024**

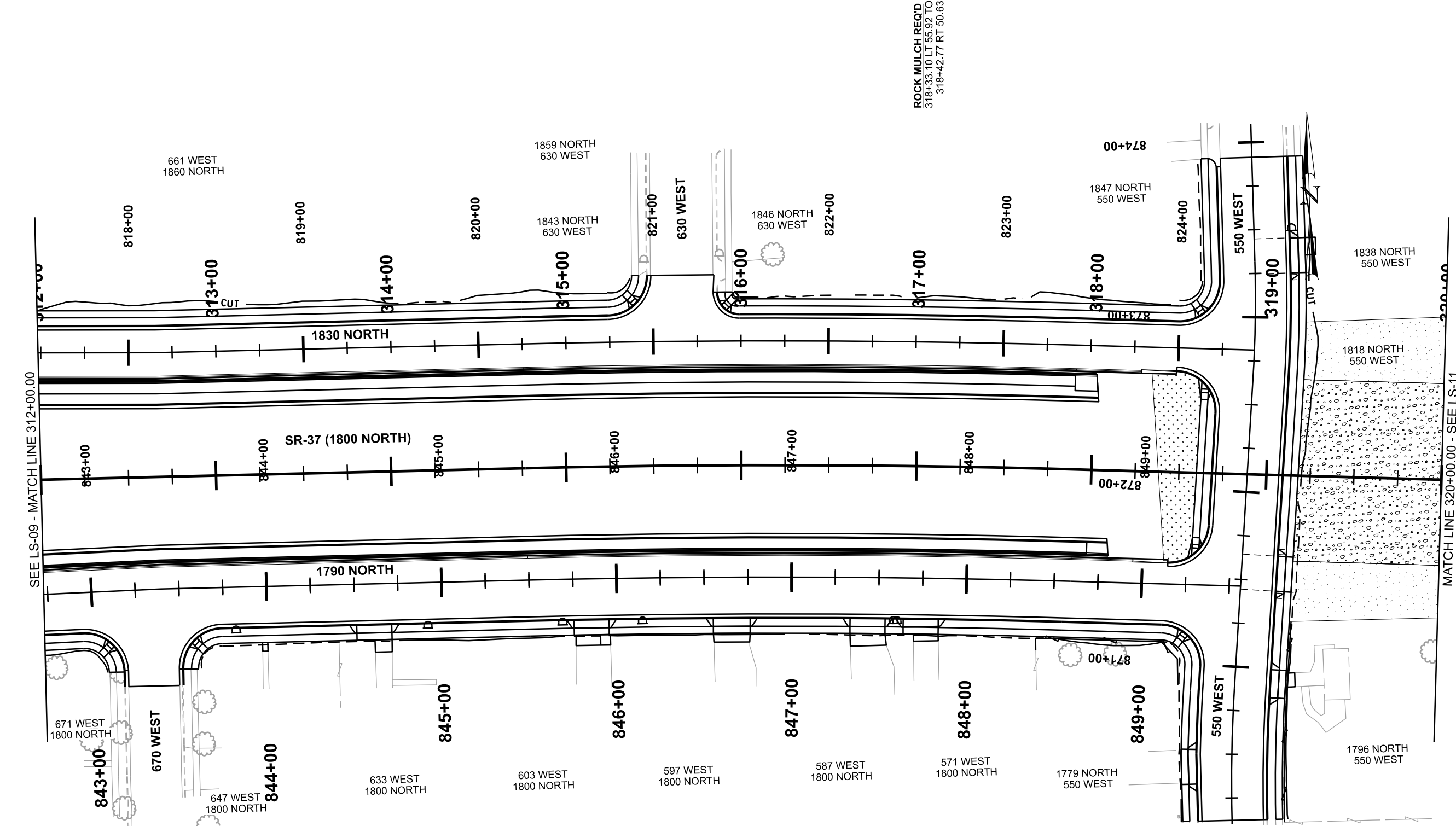
DRAWN BY **JBW**
 QC CHECKED BY _____
 SRP _____




REVISIONS

NO.	DATE	APPROVED BY	REMARKS

EXHIBIT A

DDN: F:\jrs\pwr\j\udot\paw\ben\15682\15682_15_1800_NORTH_INTERCHANGE\LS-09-14_1800N_Sea2_Sea3.dgn 30-JAN-2024



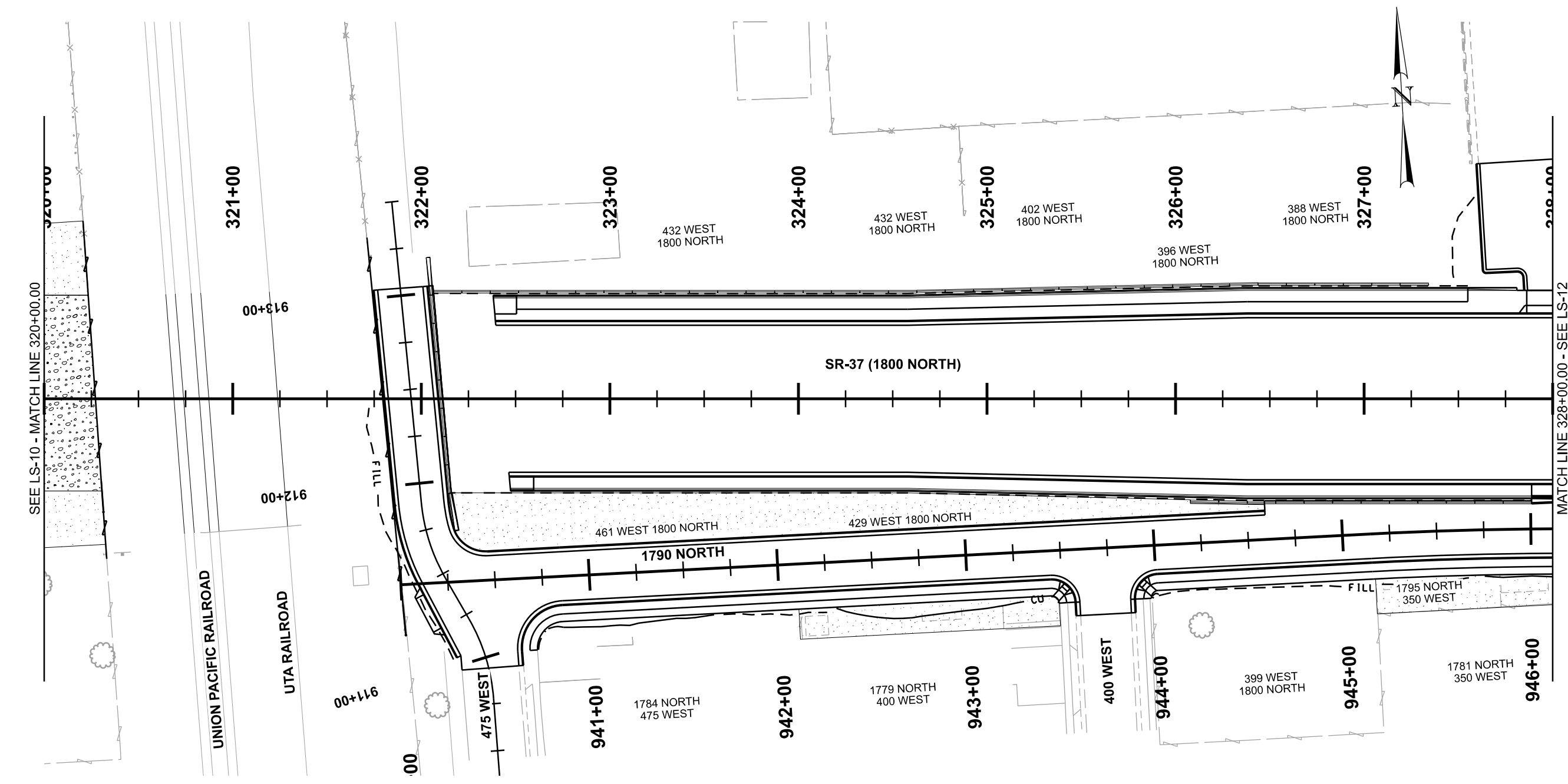
-  UNTREATED BASE COURSE (PLAN QUANTITY) REQ'D (4") (SEE RD SHEET FOR CALLOUTS)
-  ROCK MULCH REQ'D
-  BROADCAST SEED REQ'D



NOTES:
1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

UTAH DEPARTMENT OF TRANSPORTATION J-U-B ENGINEERS, INC.		DRAWN BY JEW	QC CHECKED BY SRP	DATE 1/30/2024	APPROVED BY	REMARKS
PROJECT I-15; 1800 NORTH INTERCHANGE	PROJECT NUMBER S-115-8(157)336	PIN 15682	PROFESSIONAL ENGINEER	DATE 1/30/2024	APPROVED BY	REMARKS
SHEET NO. LS-10						

EXHIBIT A

3-JAN-2024 D:\DOT\Projects\15682\15682_15_1800_NORTH_INTERCHANGE\Region 1\Projects\15682\15_1800_NORTH_INTERCHANGE\Landscapes\15682_LS-08-14_1800N_Sea2_&_Sea3.dgn

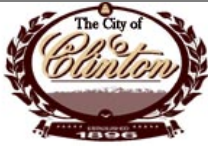


-  UNTREATED BASE COURSE (PLAN QUANTITY) REQ'D (4") (SEE RD SHEET FOR CALLOUTS)
-  BROADCAST SEED REQ'D

BROADCAST SEED REQ'D
 322+14.07 RT 50.34 TO
 326+47.37 RT 59.13
 324+01.08 RT 127.59 TO
 325+38.97 RT 120.38
 327+07.01 RT 114.09 TO
 MATCH LINE RT 109.22

NOTES:
 1. SEE RD SHEETS FOR STAMPED CONCRETE REQUIREMENTS

PROJECT		I-15; 1800 NORTH INTERCHANGE	
PROJECT NUMBER		S-115-8(157)336	
PIN		15682	
LANDSCAPE		LANDSCAPE	
APPROVED			
PROFESSIONAL ENGINEER		DATE	
UTAH DEPARTMENT OF TRANSPORTATION		J-U-B ENGINEERS, INC.	
DRAWN BY		DATE	
QC CHECKED BY		DATE	
SRP		DATE	
APPROVED BY		DATE	
REMARKS		DATE	



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

**MAYOR
Brandon Stanger**

**CITY COUNCIL MEMBERS
Marie Dougherty
Gary Tyler
Dane Searle
Spencer Arave
Austin Gray**

Date of Meeting	April 9, 2024	Call to Order: 6:00 PM
City Council & Staff Present	City Manager Trevor Cahoon, Fire Chief David Olsen, Recreation Director Brooke Mitchell, Public Works Director David Williams, IT Specialist Dereck Bauer, JUB Engineer Bryce Wilcox, Treasurer Steve Hubbard and Lisa Titensor recorded the minutes.	
Attendees who signed the record	Jennifer Rutkowski, Ben Rutkowski, Luke Rutkowski, Laretta Beesley, Cindy Arave, Russell Arave, Kellie Cowley, Kathy Ostberg, Becka McAllister	
Invocation or Thought & Pledge of Allegiance	Councilmember Arave	
Roll Call & Attendance Of City Council	Mayor Stanger, Spencer Arave, Marie Dougherty attended electronically , Austin Gray, Dane Searle, and Gary Tyler	
Public Input	There was none.	

A. FIRST QUARTER 2024 EMPLOYEE SERVICE AWARDS

Petitioner	City Manager Trevor Cahoon			
Discussion	Public Works	Jensen, Kasey R	01/15/2014	10 Years
	Police	Tippetts, Wesley	01/09/2019	5 Years
	Police	Beazer, Kelvin	02/11/2019	5 Years
	The Council expressed their appreciation for the service of these individuals.			

B. RFP FOR FIREWORKS

Petitioner	Fire Chief David Olsen
Discussion	Clinton City, Utah issued an official Request for Proposals (RFP) seeking qualified firework vendors to submit proposals for the annual Clinton City Heritage Days Celebration. This year's celebration will take place on Saturday June 8, 2024, at the Civic Center Park.
	Scope of Work: A dynamic 20-25 minute aerial fireworks display, choreographed to a patriotic musical theme. Due to limited space for a safe fallout area/zone we limited the fireworks to 4" diameter or smaller. All Vendors must have at least 5 years of experience in conducting large-scale fireworks displays and evidence of previous successful events. They must hold a minimum of \$1 million in liability insurance (State of Utah minimum requirement) They are also responsible for setup and cleanup, ensuring minimal environmental impact. Compliance with all Utah State fireworks safety regulations is mandatory and they must have a current Utah State Fireworks Outdoor Display Fireworks Operator License or any other applicable licenses/permits.
	Clinton City has allocated a budget of up to \$20,500.00 for this fireworks display. All proposals were to be submitted by March 22, 2024, via email or mail to Fire Chief David Olsen. Three proposals were received.

	<ul style="list-style-type: none"> • Dragon Dynamite Displays LLC • Fireworks West Internationale • Acme Pro Pyro <p>All proposals were reviewed by the Heritage Days Celebration Committee. By far the majority of the committee selected Fireworks West Internationale. The reasoning behind their decision was that Fireworks West Internationale has worldwide experience and a personal history; Clinton has used them for the last 25 plus years. The majority of the committee felt like they have provided Clinton City with a great fireworks show over the years, and was impressed with their proven safety record. We have always received positive feedback on the fireworks shows done by Fireworks West Internationale.</p> <p>Two of the committee members voted for Acme Pro Pyro based on total shots. Acme Pro Pyro proposals does offer more total shots, the majority of those shots are smaller shells and affects that may only be visible to people on the ground at Civic Center Park. These two committee members felt it was worth a try to see what another company can do.</p> <p>A majority of the Heritage Days Celebration Committee would like to recommend Fireworks West Internationale to provide fireworks at this year’s celebration. However, they recognize that the ultimate decision is made by the City Council.</p> <p>Councilmember Arave stated he has enjoyed the shows that Fireworks West has provided for Clinton in the past.</p>
CONCLUSION	<p><i>Councilmember Gray moved to approve Acme Pro as the Vendor for Heritage Days Fireworks Show for 2024. Councilmember Searle seconded the motion. Voting by roll call is as follows: Councilmember Arave, no; Councilmember Dougherty, no; Councilmember Gray, aye; Councilmember Searle, aye and Councilmember Tyler, no.</i></p> <p><i>The motion failed.</i></p> <p><i>Councilmember Arave moved to approve Fireworks West Internationale as the Vendor for the 2024 Heritage Days Fireworks show at a cost of \$20,500.00. Councilmember Tyler seconded the motion. Voting by roll call is as follows: Councilmember Arave, aye; Councilmember Dougherty, aye; Councilmember Gray, aye; Councilmember Searle, aye and Councilmember Tyler, aye.</i></p>
C. UDOT LAND PURCHASE PARCEL 99	
Petitioner	City Manager Trevor Cahoon
Discussion	<p>The Utah Department of Transportation (UDOT) has presented an offer to purchase a property owned by the City of Clinton, identified by Parcel No. 99 and 99:E, located at 1796 North 550 West, Clinton, UT 84015. This acquisition is part of UDOT’s I-15; 1800 North Interchange project, aiming to enhance transportation infrastructure and efficiency within the region. UDOT Project No. is S-I15-8(157)336, with an assigned PIN No. 15682. This is the first of two parcels that will be purchased for the project. Parcel 63 will be presented to the council once final negotiations have concluded.</p> <p>Offer Details: UDOT has proposed a purchase price of \$44,900.00 for the subject property. This offer is based on standard valuation methods and aims to ensure just compensation for the city's property and has been reviewed by the City Engineer for accuracy. UDOT has outlined a detailed process for the acquisition,</p>

	emphasizing the department's willingness to negotiate fairly and transparently.
CONCLUSION	<i>Councilmember Searle moved to approve the offer for Acquisition of City-Owned Property by Utah Department of Transportation (Parcel No. 99 and 99: E) for \$44,900.00. Councilmember Gray seconded the motion. Voting by roll call is as follows: Councilmember Arave, aye; Councilmember Dougherty, aye; Councilmember Gray, aye; Councilmember Searle, aye and Councilmember Tyler, aye.</i>
Approval of Minutes	<i>Councilmember Arave moved to approve the minutes of the March 26, 2024 CC Meeting and the March 22, 2024 Special Work Session Budget Retreat. Councilmember Searle seconded the motion. Voting is as follows: Councilmember Arave, aye; Councilmember Dougherty, aye; Councilmember Gray, aye; Councilmember Searle, aye; and Councilmember Tyler, aye.</i>
Accounts Payable	<i>Councilmember Tyler moved to authorize the payments for March 27, 2024, April 5, 2024 accounts payable. Councilmember Searle seconded the motion. Council members' Arave, Dougherty, Gray, Searle and Tyler voted in favor of the motion.</i>
Planning Commission Report	<ul style="list-style-type: none"> • The Planning Commission will meet on April 17, 2024
City Manager Reports	<ul style="list-style-type: none"> • Office 365 will be installed on City computers soon. • May 6 – 10 will be employee appreciation week.
Staff reports	<ul style="list-style-type: none"> • Fire Chief Olsen reported the HAFB Air Show is June 29 & 30. The City Fire Department will be supporting the event.
Councilmember Arave	<ul style="list-style-type: none"> • Nothing at this time.
Councilmember Dougherty	<ul style="list-style-type: none"> • Nothing at this time.
Councilmember Gray	<ul style="list-style-type: none"> • The Youth Council is getting ready to support Heritage Days.
Councilmember Searle	<ul style="list-style-type: none"> • The Sewer District is making some changes at Antelope Island Causeway; they are changing where they discharge their water so it does not go into Farmington Bay.
Councilmember Tyler	<ul style="list-style-type: none"> • Nothing at this time.
Mayor Stanger	<ul style="list-style-type: none"> • Nothing at this time.
ADJOURNMENT	<i>Councilmember Searle moved to adjourn. Councilmember Gray seconded the motion. Council members' Arave, Dougherty, Gray, Searle and Tyler voted in favor of the motion. The meeting adjourned at 6:32 pm.</i>

*Reviewed & approved by the Clinton City Council on this 23rd day of April 2024
/s/Lisa Titensor, Clinton City Recorder*



**SPECIAL WORK SESSION
2267 N 1500 W
CLINTON UT 84015**

City Council Members
Mayor Brandon Stanger
Council
Marie Dougherty
Dane Searle
Gary Tyler
Spencer Arave
Austin Gray

Date of Meeting	April 9, 2024	Call to Order	6:45 p.m.
Staff Present	City Manager Trevor Cahoon, Peter Matson, Police Chief Stoker, Keaton Jones and Lisa Titensor recorded the minutes.		
Roll Call/Attendance	Present were Mayor Stanger, Councilmembers Marie Dougherty, Dane Searle, Gary Tyler attended electronically, Spencer Arave and Austin Gray		
Declaration of Conflicts	There were none.		
DISCUSSION ON ADMINISTRATIVE CODE ENFORCEMENT			
Petitioner			
Discussion	The City Council reviewed the proposed ordinance which is included as Attachment A. They agreed there are a few changes that are still necessary. The items are identified in yellow in Attachment A.		
DISCUSSION ON SUBDIVISION CODE AMENDMENTS			
Petitioner			
Discussion	<p>SB 174 and HB 406 from the 2023 General Legislative Session require all local governments to, among other things, modify their subdivision ordinances to comply with the process described in the statute. More specifically, the proposed changes are intended to meet the requirements of Utah Code Annotated Title 10, Chapter 9a, Part 6 Section 508 and Section 604.</p> <p>PROPOSED CHANGES FOR CONSIDERATION:</p> <ul style="list-style-type: none"> ▪ Local governments must designate an administrative land use authority (<i>maybe planning commission for preliminary review, cannot be planning commission for final review</i>). ▪ All subdivision approval must conform to a two-step administrative process as outlined below. <ul style="list-style-type: none"> • Preliminary subdivision application review <ul style="list-style-type: none"> ○ The administrative land use authority (<i>municipal staff or planning commissioners</i>) must review the subdivision application within 15 business days of receiving a complete application. ○ The administrative land use authority may receive public comment and conduct one public hearing. ○ If the application complies with applicable local regulations, it shall be approved and proceed to the second step. • Final subdivision application review <ul style="list-style-type: none"> ○ Local governments must complete a review of applications at this stage within 20 days. 		

	<ul style="list-style-type: none"> ○ Local governments may perform up to four review cycles on a given application. ○ A review cycle is not considered complete until the applicant has adequately addressed all redlines identified by the municipality. ○ Local governments may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law. ○ If the subdivision application complies with the requirements of the Utah Land Use Development and Management Act (LUDMA), applicable local ordinances, and the preliminary subdivision approval granted, the local government shall approve the application. <p>Staff is working on the specific text modifications to the Subdivision ordinance, which will be the subject of an upcoming public hearing where the Planning Commission will be tasked with preparing a recommendation for the City Council. The Planning Commission discussed this ordinance amendment during their March 9th meeting. The Commission indicated support for them to be the administrative land use authority for preliminary plats and Staff for review and approval of final plats.</p>
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DISCUSSION ON ANNEXATION

Petitioner	
Discussion	<p>Last Summer, the applicant (Mike Hatch/Landd) submitted an annexation petition to the City. The petition was approved by the City Council but the annexation itself, including the annexation agreement and rezone, has yet to be finalized. With the R-M/PRD ordinance recently approved, the applicant submitted a first draft annexation agreement for staff review and comment. City staff is still reviewing the details to determine consistency with applicable city ordinances and standards. This work meeting review is to make the Council aware of the major issues under consideration and what should be taken into account moving forward.</p> <p>The Trailside development is a total of 34.90 acres of which 19.44 acres are proposed for annexation. The developer is proposing a total of 376 units that includes eight single family units and 368 townhome units (253 front-loaded and 115 rear-loaded). This equates to a density of 10.77 units per acre which would require the developer to achieve a 35% density bonus. Attachment B includes the slides which identifies a base map of the annexation and development areas, a concept plan showing the proposed layout and housing types, density and bonus density estimates, and a proposed site amenities map.</p> <p>MAJOR ITEMS FOR CONSIDERATION:</p> <p>Although early in the review process, there are some high-level items for the Council to be aware of prior to the annexation, rezone and annexation agreement move into the public hearing portion of the process.</p> <ul style="list-style-type: none"> • <u>General Plan update and west side small area plan process</u> – Funding will be available to start this project in July, and it is anticipated that the majority of the data collection/analysis and public outreach will occur through the end of the year. This annexation is at the heart of the +-200-acre west Clinton small area plan study area. The process may yield concepts and recommendations that could impact how this property should be planned. Should the City hold off annexing this property until this planning process is complete? On the other hand, the applicant waited for the R-M/PRD ordinance to be approved before submitting the draft agreement so perhaps the new code is sufficient to move this annexation forward at this time. • <u>Conformance to provisions of the R-M/PRD overlay zone</u> – Staff is reviewing the draft agreement, but it appears the concept plan and supporting information is generally consistent with the PRD overlay ordinance. The first round of staff comments should be finalized next week at which time we will sit down with the applicant to review comments and discuss issues. • <u>General infrastructure supply and capacity</u> – There are some interlocal issues that need to be

	<p>sorted out with the County, Hooper Water and West Point City. Staff is working through these items with meetings and correspondence details in the works.</p> <p>The Council reviewed the design concept presented by Mike Hatch which is included as Attachment B.</p> <p>Mr. Hatch presented the Council with a concept of the development he is+++ proposing.</p> <p>The Council agreed important items for consideration are:</p> <ul style="list-style-type: none"> • The zone/buffer entering the development from 4500 to the canal; • The road entering the development should be six ft wide; • The type of fencing along the canal; • Trail • Setbacks; • Discuss the possibility of a development agreement; • Development will meet or exceed code requirements regarding architectural guidelines; • Discuss architectural design on buildings that are along the canal;
DISCUSSION ON BUDGET	
Petitioner	Trevor Cahoon
Discussion	<p>The Council reviewed the draft budget as included as Attachment C.</p> <p>Mr. Cahoon explained that some information has been adjusted based on a close review of the former budget and also final numbers that have been identified including sales tax revenue and the insurance costs for the next fiscal year.</p> <p>The Council asked staff to look into the proposed budget and look for any cuts that can be made. They explained they would like to get on a path of having an estimated budget going up to five years in the future.</p>
ADJOURNMENT	<p><i>Councilmember Gray moved to adjourn. Councilmember Searle seconded the motion. Council members Arave, Dougherty, Gray, Searle and Tyler voted in favor of the motion. The meeting adjourned at 9:10pm.</i></p>

*Reviewed & approved by the Clinton City Council this 23 day of April 2024
/s/Lisa Titensor, City Recorder*

ATTACHMENT A

2-16 Establishment of Administrative Code Enforcement Program**2-16-1 Establishment of Administrative Code Enforcement Program**

There is hereby established in Clinton City the Administrative Code Enforcement Program (“ACE Program”). The procedures to be followed in the administration of this program are located in Title 2, Chapter 16 of the City Code. The ACE Program may be used by the City for the administrative enforcement of City Code violations in accordance with the procedures outlined in this Chapter.

2-16-2 General Provisions

This Chapter shall be known as “Administrative Code Enforcement.” This Chapter shall also be known as Title 2, Chapter 16 of the Clinton City Code. It may be cited and pleaded under either designation.

- A. Declaration Of Purpose. The City Council of Clinton City finds that the enforcement of the Clinton City Code throughout Clinton City is an important public service. Code enforcement is vital to the protection of the public’s health, safety, welfare, and quality of life. A comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gaining compliance with City ordinances.
- B. Scope. The provisions of this Chapter may be applied to all violations of the City Code. ~~It has been designed as an additional remedy for the City to use in achieving compliance with its ordinances and regulations.~~ The provisions of this Chapter do not invalidate any other title, chapter, or ordinance, but shall be read in conjunction with those titles, chapters, and ordinances as an additional remedy available for enforcement of those ordinances.
- C. Criminal Prosecution Right. The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The enactment of this administrative remedy shall in no way interfere with the City’s right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. ~~Although most minor City Code violations should be enforced through this Chapter, the City may choose to file a criminal prosecution under any of the following circumstances:~~
- ~~1. The violator has one prior violation of the City Code within the last year;~~
 - ~~2. The violation caused bodily injury, substantial bodily injury, or serious bodily injury to an individual, all of which shall have the same definition in Utah Code Annotated § 76-1-601;~~
 - ~~3. The violator, in a single criminal episode, violated one or more provisions of the Utah Criminal Code as well as one or more provisions of the City Code, and all violations are being charged as a single criminal episode as defined in Utah Code Annotated § 76-1-401;~~
 - ~~4. The violation caused a significant health or safety risk to the public.~~
- ~~D.C.~~ _____ No Mandatory Duty - Civil Liability. It is the intent of the City Council that in establishing performance standards or establishing the authority to act by a City officer or employee, these standards shall not be construed as creating a mandatory duty if the officer or employee fails to perform his or her directed duty or duties.
- ~~E.D.~~ _____ Acts Include Causing, Aiding, Or Abetting. Whenever any act or omission is made unlawful in this Chapter, it shall include causing, permitting, aiding, or abetting such act or omission.
- ~~F.E.~~ _____ Service of Process.
1. Whenever service is required to be given under this Chapter for enforcement purposes, a Code Enforcement Officer or the Code Enforcement Coordinator (or designees) shall serve the document by any of the following methods, unless otherwise provided:
 - a. Regular mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s);
 - b. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as described in (a) above;

- c. Personal service pursuant to Rule 4 of the Utah Rules of Civil Procedure. Utah Rules of Civil Procedure 4; or
- d. ~~Published in a newspaper of general circulation where the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe that the person to be served is avoiding service of process.~~
2. For violations of Title 28, or any land use ordinance as defined in Utah Code Annotated Section 10-9a-102, whenever service is required to be given under this Title for enforcement purposes, the document shall be served in accordance with Utah Code Annotated § 10-9a-803, as amended, which requires written notice, by mail or hand delivery, of each ordinance violation to the address of the owner of record on file in the office of the county recorder or person designated in writing by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation.
- a. Service by regular mail in the manner described above shall be deemed served three business days, not including the day it was mailed, after the date of mailing.
- b. If service complies with the requirements of this Section, it shall be deemed a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Chapter.
- c. The failure to serve all responsible person(s), if one responsible person is served, shall not affect the validity of any proceedings.

~~G.F.~~ F. Constructive Notice of Recorded Documents. Whenever a document is recorded with the County Recorder as authorized or required by this Chapter or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

2-16-3 Definitions

The following words and phrases, whenever used in this Chapter, shall be ~~construed~~constructed as defined in this Section, unless a different meaning is specifically defined elsewhere in this Chapter and specifically stated to apply:

Abatement: Any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, repair, boarding, and securing or replacement of property.

Administrative Citation: A citation issued to a responsible person, which gives notice of a violation and the civil fee for such violation. Administrative Citations are typically used for minor violations.

City: The area within the territorial city limits of Clinton City.

City Code: Any ordinance passed by the City Council and any other title, chapter, ordinance, regulation, or amendment lawfully codified pursuant to Utah law including Utah Code Annotated § 10-3-707.

City Council: Any ordinance passed by the City Council and any other title, chapter, ordinance, regulation, or amendment lawfully codified pursuant to Utah law including Utah Code Annotated § 10-3-707.

Code Enforcement Coordinator: The person who has been designated by the City Manager of Clinton City to coordinate and schedule hearings, mail out notices of hearings, send out notices of costs and itemized bills, and perform other duties as specified in this Chapter.

Code Enforcement Officer: Any person designated by the City Manager with the responsibility to enforce the City Code and ordinances passed by the City Council and who performs the duties specified herein. The Code Enforcement Officer may or may not be a member of the Clinton City Police Department. Code Enforcement Officers include the City Manager, City Building Official, Public Works Director, Community Development Director, City Engineer, City Fire Chief, City Police Chief, and their designees.

Code Enforcement Performance Bond: A bond posted by a responsible person to ensure compliance with the City Code, applicable state law, a judicial action, or a Hearing Officer Order.

Code Enforcement Tax Lien: A lien recorded to collect outstanding civil penalties, administrative fees, and costs.

Financial Institution: Any person that holds a recorded mortgage or deed of trust on a property.

Good Cause: Incapacitating illness, death, lack of proper notice, unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance, imminent and irreparable injury, and acts of nature adverse to performing required acts.

Hearing Officer: The Hearing Officer presiding over the Administrative Code Enforcement Program established pursuant to Title 2, Chapter 16 of the City Code.

Hearing Officer Order: An order issued by a Hearing Officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Chapter and City ordinances.

Imminent Life or Safety Hazard: Any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

Legal Interest: Any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.

Minor Violation: An isolated violation not causing injury, ~~or creating a public nuisance, or rising to the level of criminal behavior~~ for which no abatement or remedial action is required.

Notice of Compliance: A document issued by the City representing that a property complies with the requirements outlined in a notice of violation, administrative citation, or Hearing Officer Order.

Notice of Satisfaction: A document or form that indicates that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

Notice of Violation: A written notice prepared by a Code Enforcement Officer that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

Oath: Includes affirmations and oaths.

Person: Any person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

Property Owner: The record owner of real property based on the county recorder's records.

Public Nuisance: Any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. Also has the same meaning as set forth in Clinton City Code, the Utah Code, or Utah common law.

Responsible Person: A person including the property owner and any person or entity, whether as owner, agent, or occupant, who commits, aids in committing, contributes to, causes, supports, retains, or permits a City Code violation in the City, regardless of whether that violation occurs on real property. Every successive owner or tenant of a property or premises who fails to correct a City Code violation upon or in the use of property or premises caused by a former owner or tenant is also a responsible person. In cases where there is more than one responsible person, the City may proceed against one, some, or all of them.

Substantial Evidence: Relevant, reliable, factual, and credible evidence that is sufficient to convince a reasonable mind that a violation of the City Code has been committed. Substantial evidence does not mean that all or the majority of the evidence is in support of the decision made.

Written: Includes handwritten, typewritten, photocopied, computer printed, or facsimile.

2-16-4 General Authority and Offenses

A. General Enforcement Authority.

1. Whenever a Code Enforcement Officer finds that a violation of the City Code or City ordinances has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this Chapter.
 2. So long as authorized in this Chapter, a Code Enforcement Officer has the authority and power necessary to investigate and ~~to take authorized measures to secure gain~~ compliance with the provisions of the City Code and City ordinances. These powers may include the power to issue notices of violation and administrative citations, inspect public and private property, abate violations on public and private property, and use whatever judicial and administrative remedies are available under the City Code or applicable state law.
- B. Adoption Of Policy and Procedures. The Hearing Officer is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, and subpoena powers subject to the requirements of this Chapter, City Code, and state law. The City Council shall determine other matters relating to the Administrative Code Enforcement Hearing Program.
- C. Authority to Inspect.
1. A Code Enforcement Officer is authorized to enter upon ~~any property or premises~~ to ascertain whether the provisions of the City Code or City ordinances are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence.
 2. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. Except as otherwise authorized in this Chapter, if the responsible person refuses to allow a Code Enforcement Officer to enter the property, then the Code Enforcement Officer shall obtain a search warrant or other judicial order.
- D. Power To Cite. Each Code Enforcement Officer is authorized to cite any person whenever there is substantial evidence to believe that the person has committed a violation of the City Code or City ordinances.
- E. False Information or Refusal Prohibited. It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a city employee when in the performance of his or her official duties under the provisions of this Chapter.
- F. Failure To Obey a Subpoena. It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as an infraction.

2-16-5 Administrative Code Enforcement Procedures

- A. Authority. Any condition caused, maintained, or permitted to exist in violation of any provisions of the City Code or City ordinances that constitutes a violation may be abated by the City pursuant to the procedures set forth in this Chapter.
- B. Notice of Violation; Administrative Abatement. [KJ1]
1. Whenever a Code Enforcement Officer determines that a violation of the City Code or City ordinances has occurred or continues to exist, the Code Enforcement Officer may choose to proceed under these administrative abatement procedures.
 2. **If** the administrative abatement procedure is used, a notice of violation shall be issued to the responsible person(s). The notice of violation shall include the following information:
 - a. Name of responsible person(s);
 - b. Street address or location of violation;
 - c. Date violation observed;
 - d. All codes or ordinances violated and an explanation as to how the code or ordinance was violated;
 - e. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
 - f. **Specific date to correct the violations listed in the notice of violation, which date shall be at least ten (10) calendar days from the date of service;**
 - g. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may

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- include criminal prosecution, civil penalties, administrative citations, revocation of permits, recordation of the notice of violation on the property, withholding of future municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies;
 - h. A statement that civil penalties will begin to accrue or be imposed immediately on expiration of the date to correct violations;
 - i. The amount of the civil penalty on each violation and a statement as to whether the penalty will accrue daily until the property is brought into compliance;
 - j. That only one notice of violation is required for any 12-month period, and that civil penalties or fines will begin or be imposed immediately upon any subsequent violations of the notice; and
 - k. Procedures to request a hearing as provided in this Chapter and consequences for failure to request one.
3. The responsible person may request a hearing on renewed violations by following the same procedure as provided for in the original notice.
 4. The notice of violation shall be served by one of the methods of service listed in this Chapter.
 5. More than one notice of violation may be issued against the same responsible person if it encompasses different dates or different violations.
- C. Failure To Bring Property Into Compliance. If the responsible person fails to bring a violation into compliance within the time specified in the Notice of Violation, civil penalties as provided in this Chapter shall be owed to the City. D. Inspection.
1. It shall be the duty of the responsible person served with a Notice of Violation to request an inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested.
 2. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued.
 3. Reinspection fees shall be assessed if more than one inspection is necessary. E. Emergency Abatement.
1. Authority. Whenever the City Manager, Building Official, or Fire Marshal determines that an imminent life or safety hazard exists that requires immediate correction or elimination, the City may exercise the following powers without prior notice to the responsible person:
 - a. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
 - 1) Post the premises as unsafe, substandard, or dangerous;
 - 2) Board, fence, or secure the building or site;
 - 3) Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
 - 4) Make emergency repairs as necessary to eliminate any imminent life or safety hazard; or
 - 5) Take any other action appropriate to eliminate the emergency.
 - b. The City has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.
 - c. The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Chapter.
 2. Procedures.
 - a. The City shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in this Chapter.
 - b. The City may also pursue any other administrative or judicial remedy to abate any remaining violations.
 3. Notice of Emergency Abatement.
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- a. After an emergency abatement, the City shall notify the owner or responsible person of the abatement action taken.
- b. The notice shall be served within ten days of completion of the abatement. F. Demolitions.
1. Authority. Whenever the City Manager, Building Official or Fire Marshal determines that a property or building requires demolition, any one of them may, subject to the applicable Uniform Code provisions, order demolition or removal of the offending structure, or exercise any or all of the powers listed in this Chapter, once upon appropriate notice ~~has been given~~ to a responsible person pursuant to applicable building codes, fires codes, and state law. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Chapter.
2. Procedures. Once all the notice requirements of the applicable laws have been met, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued. G. Administrative Citations.
 1. Declaration of Purpose.
 - a. The City Council finds that there is a need for an alternative method of enforcement for minor violations of the City Code. The City Council further finds that an appropriate method of enforcement for minor violations is an administrative citation program.
 - b. The procedures established herein shall be in addition to criminal, civil, administrative, or any other legal remedy established by law that may be pursued to address violations of the City Code or City ordinances.
 2. Authority.
 - a. Any person violating any provision of the City Code or City ordinances may be issued an administrative citation by a Code Enforcement Officer as provided in this Section.
 - b. A civil penalty shall be assessed by means of an administrative citation issued by the Officer and shall be payable directly to Clinton City.
 - c. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Chapter.
 3. Procedures.
 - a. Upon discovering any violation of the City Code or City ordinances, a Code Enforcement Officer may issue an administrative citation to the responsible person in the manner prescribed in this Section.
 - b. The administrative citation shall be issued on a form meeting the requirements of this Chapter.
 - c. Once the responsible person(s) has been located, the Code Enforcement Officer shall attempt to obtain the signature of that person(s) on the administrative citation. If the responsible person(s) refuses or fails to sign the administrative citation, the failure or refusal shall not affect the validity of the citation and subsequent proceedings. If the Code Enforcement Officer is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person(s) in the manner prescribed in this Chapter.
 - d. Except for violations of Title 28 of Clinton City Code, if no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person(s) in the manner prescribed in Section 2-16-2 of this Chapter.
 - e. The administrative citation shall also contain the signature of the Code Enforcement Officer.
 - f. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part, except for violations of Title 28 as specified in Section 2-16-2 of this Chapter.
 4. Contents of Administrative Citation. An administrative citation shall include:
 - a. The date and location of the violations and the approximate time the violations were observed.
 - b. The Code sections violated and the subject matter of those sections;
 - c. The amount of penalty imposed for the violations;
 - d. An explanation as to how the penalty shall be paid, the time period by which the

- penalty shall be paid, and the consequences of failure to pay the penalty;
- e. Notice of the right and the procedures to request a hearing;
 - f. The signature of the Code Enforcement Officer and the signature of the responsible person, if he or she can be located, as outlined in this Chapter; and
 - g. Any other information deemed helpful or necessary by the Code Enforcement Administrator.

H. Civil Penalties, Fines, And Fees.[KJ2]

1. In General. As specified in the notice of violation or administrative citation, civil penalties may be assessed daily until the violation is corrected or immediately if an administrative citation is issued. Interest shall be assessed per City policy on all outstanding civil penalties balances until the case has been paid in full. The City may use one form for both notices of violation and administrative citations. Payment of the penalties, fines, and fees shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City if the violation is not corrected.
2. Amount. Unless specified otherwise in the more specific section of the City Code or the City's Consolidated Fee Schedule, the minimum penalties shall be as follows:
 - a. Fees for General City Code Violations: 1)
 - Administrative Citations:
 - A. First Offense: \$100
 - B. Second Offense (within one calendar year from first offense): \$200
 - C. Third (or more) Offense (within one calendar year from first offense): \$400
 - 2) Civil Penalties per Notice of Violation or Hearing Officer Order:
 - A. \$100 per day per violation, accruing until the violation is brought into compliance.
 - b. Hearing Fee for Default Hearings or Administrative Code Enforcement Hearings: \$100 if Responsible Person is unsuccessful or fails to appear after proper notice.
3. At the discretion of the Code Enforcement Officer or Hearing Officer, the City may impose penalties up to the maximum allowed by Utah Code Annotated § 10-3-703, as amended.
4. Non-Payment of Citation.
 - a. If the responsible person fails to make any payments within the time period specified in the notice, the City may send additional notices, file a small claims action, refer the matter to a collection agency, or pursue any remedy in law or equity.
 - b. Interest may be assessed on all outstanding amounts at a rate of up to 20% per annum.
 - c. The City has the authority to collect all costs associated with the filing of such actions, including administrative fees and service costs.
5. Modification of Civil Penalties.
 - a. Upon completion of the required action pursuant to the notice of violation, administrative citation, or administrative enforcement order, the Hearing Officer may modify the civil penalties on a finding of good cause as defined in this Chapter.
 - b. Civil penalties may be waived or modified by the Hearing Officer if there is a finding of good cause based on the responsible person's claim of nonconforming use, as defined per state law, or conditional use, as defined by the City Code, and:
 - 1) The City's ability to verify the claim; or
 - 2) The responsible person's filing of an application for either use before the date of the Notice of Violation or Administrative Citation.
 - c. Reductions and Waivers for Animal Violations.
 - 1) The Code Enforcement Coordinator and Hearing Officer may grant reductions and waivers of fines for animal violations under the following circumstances:
 - A. \$25.00 reduction may be given for first time offenders with good cause.
 - B. Offenders with a history of non-payment should generally not receive a reduction or waiver of fines or fees.
 - C. At the City's discretion, flexible monthly plans may be set up according to responsible person's needs.

2-16-6 Hearing Office

- A. A Hearing Officer shall preside over hearings and proceedings for the ACE Program in the City.
- B. The City Manager shall act as the Hearing Officer unless the position is otherwise appointed by the City Manager. If the position of the Hearing Officer is appointed, the City Manager shall determine, if any, the salary, compensation, and benefits of the Hearing Officer.
- C. The Hearing Officer position may be a merit, volunteer, or contract position and is subject to all personnel rules.
- D. The Hearing Officer may not be disciplined for any decision made while conducting a hearing if the decision is lawful and made in accordance with City ordinances, City policy and procedure, and policies and ordinances pertaining to the ACE Program.
- E. The Hearing Officer shall be trained and knowledgeable in the City Code, due process, rules of evidence, civil procedure, administrative law and procedure, nuisance law, and zoning law.
- F. The Hearing Officer position is not a supervisory position. The Hearing Officer is supervised by the City Manager or designee.

2-16-7 Hearing Procedures; Administrative and Judicial Remedies.

- A. Declaration Of Purpose. The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to this Chapter. It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing including the opportunity to call witnesses, present evidence, and cross-examine witnesses, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.
- B. Policies And Procedures of Hearings. The Hearing Officer may develop policies and procedures to regulate the hearing process for any violation of the City Code that is handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures. Such policies and procedures shall be consistent with this Chapter and other City ordinances and codes.
- C. Powers Of the Hearing Officer.
 - 1. The Hearing Officer has the authority to hold hearings, determine if violations of City ordinances exist, order compliance with City ordinances, and enforce compliance as provided in this Chapter on any matter subject to the provisions of the Chapter.
 - 2. The Hearing Officer may continue a hearing based on good cause-as defined in this Chapter-shown by one of the parties to the hearing. The Hearing Officer must enter on the record the reason for granting a continuance.
 - 3. The Hearing Officer may issue subpoenas for witnesses, documents, and other evidence where such is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Hearing Officer shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs. In the absence of any adopted policies, the Hearing Officer shall follow the Utah Rules of Civil Procedure.
 - 4. The Hearing Officer has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the following purposes:
 - a. Granting a continuance;

b. Ordering compliance by issuing a Hearing Officer Order using any remedies available under the law; and

c. Ensuring compliance of that Order, which includes the following powers:

1) To authorize the City to enter and abate a violation,

2) To modify an Order issued by the Hearing Officer Order, or 3) To grant a new hearing where extraordinary circumstances exist.

5. The Hearing Officer has the authority to require the responsible person to post a code enforcement performance bond to ensure compliance with an Order issued by the Hearing Officer.
6. The Hearing Officer is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. Rules and procedures for disqualification and replacement shall be in accordance with the Utah Rules of Civil Procedure.

D. Request For Administrative Code Enforcement Hearing.

1. A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the request is filed within ten calendar days from the date of service:
 - a. Notice of violation;
 - b. Notice of itemized bill for costs;
 - c. Administrative citation; or
 - d. Notice of emergency abatement.
2. The request for hearing shall be made in writing and filed with the Code Enforcement Coordinator, who then shall provide a copy of the request to the Hearing Officer and serve the request to all parties. The request shall contain the case number, the address of the violation, the signature of the responsible party, and the reason for the hearing including justifications for the offense, defenses, and requests for waiver or reduction in fines.
3. As soon as practicable after receiving the written notice of the request for hearing, the Code Enforcement Coordinator shall schedule a date, time, and place for the hearing.
4. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

E. Notification Of Administrative Code Enforcement Hearing.

1. Written notice of the date, time, and place of the hearing shall be served by the Code Enforcement Coordinator or Code Enforcement Officer to the responsible person as soon as practicable prior to the date of the hearing.
2. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the Hearing Officer. In the absence of such rules, the format and contents of the hearing shall be drafted by the Code Enforcement Coordinator to be consistent with this Chapter.
3. The notice of hearing shall be served by any of the methods of service listed in this Chapter.

F. Default Hearings And Orders.

1. If the responsible person fails to request an administrative code enforcement hearing before the expiration of the ten-day deadline, the case shall be set for a default hearing by the Code Enforcement Coordinator. The Code Enforcement Coordinator shall notify the responsible person of the date, time, and place of the hearing by one of the methods listed in this Chapter.
2. A default hearing shall also be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees, or costs due to the City before collection, if a hearing on that case has not already been held.
3. At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Chapter, to do one or more of the following:
 - a. Waive or reduce the fines which have accumulated;
 - b. Postpone an abatement action by the City; or
 - c. Excuse the responsible person's failure to request a hearing within the ten-day

period.

4. If the evidence shows that the violations existed, the Hearing Officer shall enter an order requiring abatement of the violations and the payment of all fines, costs, and fees. Fines and costs shall run until the City issues a notice of compliance stating when the violations were abated. The order by the Hearing Officer shall not suspend further accrual of fines and costs unless specifically stated.

G. Procedures At Administrative Code Enforcement Hearings.

1. Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request for discovery must be in writing and filed at least ten (10) business days before the hearing. Failure to request discovery shall not be a basis for a continuance.
2. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing.
3. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Hearing Officer.
4. The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or City ordinances.
5. The standard of proof to be used by the Hearing Officer in deciding the issues at an administrative hearing is whether there is substantial evidence in the record that the violations exist and that the person before the Judge is the responsible person.
6. Hearsay evidence, as defined by the Utah Rules of Evidence, is may, in the discretion of the Hearing Officer, be admissible so long as such hearsay evidence has independent indicia of reliability. ~~is not the only evidence relied upon by the Hearing Officer.~~
7. Each party shall have the opportunity to cross-examine witnesses that are in attendance and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance so long as the declaration is not the only evidence relied upon by the Hearing Officer. Testimony may be given by telephone or other electronic means in the discretion of the Hearing Officer. ~~so long as the testimony by telephone or electronic means is not the only evidence relied upon by the Hearing Officer.~~
8. All hearings are open to the public. They shall be recorded by audio recording.
9. Hearings may be held at the location of the violation if the Hearing Officer so chooses, and means are provided for an audio recording of the proceeding.
10. The responsible person has a right to be represented by an attorney.
11. No new hearing shall be granted, unless the Hearing Officer determines that extraordinary circumstances exist which justify a new hearing.

H. Failure To Attend Administrative Code Enforcement Hearings.

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to have waived the right to a hearing, which will result in a default judgment for the City provided that proper notice of the hearing has been provided. The City shall not be required to put on evidence or prove that a violation was committed by the Responsible Person in such an event, and an entry of a default judgment shall have the same effect as if there was a judgment on the merits of the case.

I. Hearing Officer Order.

1. The parties may enter into a stipulated agreement, which must be signed by both parties or verbally stipulated on the record during the administrative code enforcement hearing. This agreement or stipulation shall be entered as the Hearing Officer Order. Entry of this agreement or stipulation shall constitute a waiver of the right to a hearing and the right to appeal.
2. Once all evidence and testimony are completed, the Hearing Officer shall issue a Hearing Officer Order that affirms, modifies, or rejects the notice, citation, or action by the Code Enforcement Officer. The Hearing Officer may increase or decrease the total amount of civil penalties and costs that are due pursuant to the City's fee schedule and the procedures in this Chapter.
3. The Hearing Officer may order the City to enter the property and abate all violations, which may include removing animals kept in violation of the City Code.

4. The Hearing Officer may revoke a kennel permit, an animal license, or the right to possess animals as provided in the City Code.
 5. As part of the Hearing Officer Order, the Hearing Officer may reduce or stay civil penalties on the condition that the responsible person achieve compliance by specified deadlines.
 6. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Hearing Officer Order.
 7. The Hearing Officer may order the responsible person to post a performance bond to ensure compliance with the order.
 8. The Hearing Officer Order shall become final on the date of the signing of the Order.
 9. The Hearing Officer Order shall be served on all parties by any one of the methods listed in this Chapter.
- J. Failure To Comply with Order.
1. After the Hearing Officer issues a Hearing Officer Order, the Code Enforcement Officer and Hearing Officer may monitor the violations and determine compliance.
 2. Upon the failure of the responsible person to comply with the terms and deadlines set forth in the Hearing Officer Order, the City may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.
- K. Administrative Enforcement Appeals.
1. Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order to district court within thirty (30) days after the decision is rendered.
 2. No person may challenge in district court the Hearing Officer's decision until that person has exhausted his or her administrative remedies herein.
 3. ~~Unless otherwise provided by the Utah Rules of Civil Procedure or local court rules, within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Code Enforcement Coordinator shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition, unless otherwise provided by the Utah Rules of Civil Procedure or local court rules.~~
 4. ~~If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Hearing Officer for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need clarification.~~
 5. ~~The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.~~
 6. ~~The courts shall:~~
 - a. ~~Presume that the Hearing Officer's decision and orders are valid; and~~
 - b. ~~Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.~~

2-16-8 ORDERS, ABATEMENT, AND COST RECOVERY:

- A. Recordation of Notices of Violation And Hearing Officer Orders.
1. Declaration of Purpose.
 - a. The City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and City ordinances that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation and Hearing Officer Orders.

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- b. The procedures established in this shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or City ordinances.
 2. Authority. Whenever a Code Enforcement Officer or Code Enforcement Coordinator determines that a property or violation has not been brought into compliance as required in this Chapter, the Code Enforcement Coordinator has the authority to record the notice of violation or Hearing Officer Order with the Recorder's Office of Davis County.
 3. Procedures for Recordation.
 - a. If a Code Enforcement Officer issues a notice of violation or administrative citation to a responsible person, and the property remains in violation after the deadline established in the notice of violation or is not corrected after the administrative citation is issued, and no request for an administrative hearing has been filed, the Code Enforcement Coordinator shall record a notice of violation with the Recorder's Office of Davis County.
 - b. If an administrative hearing is held, and an order is issued in the City's favor, the Code Enforcement Coordinator shall record the Hearing Officer's Hearing Officer Order with the Recorder's Office of Davis County.
 - c. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, a copy of the notice of violation, administrative citation, or order, and any other relevant information.
 - d. The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.
 4. Service of Notice of Recordation. A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in this Chapter.
 5. Failure to Request. The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.
 6. Notice of Compliance-Procedures.
 - a. When the violations have been corrected, the responsible person or property owner may request an inspection of the property from a Code Enforcement Officer.
 - b. Upon receipt of a request for inspection, the Code Enforcement Officer shall reinspect the property as soon as practicable to determine whether the violations listed in the notice of violation, administrative citation, or the order have been corrected, whether all necessary permits have been issued, and/or whether final inspections have been performed.
 - c. The Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve a notice of compliance to the responsible person or property owner in the manner provided in this Chapter if the Code Enforcement Officer determines that:
 - 1) All violations listed in the recorded notice of violation or order have been corrected;
 - 2) All necessary permits have been issued and finalized;
 - 3) All civil penalties, fines, and costs assessed against the property have been paid or satisfied; and/or
 - 4) The party requesting the notice of compliance has paid all administrative fees and costs.
 - d. If a request to issue a notice of compliance is denied, then, upon request, the Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve the responsible person with a written explanation setting forth the reasons for the Code Enforcement Officer's denial. The written explanation shall be served by any of the methods of service listed in this Chapter.
 7. Withholding the Issuance of Municipal Permits and Business Licenses.
 - a. The City may withhold permits and business licenses until a notice of compliance has been issued by a Code Enforcement Officer.
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- b. The City may withhold business licenses, permits for kennels, permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, and any permits pertaining to the use and development of the real property or the structure.
 - c. The City may, in its sole discretion, issue permits or business licenses that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations.
8. Cancellation of Recorded Notice of Violation or Hearing Officer Order.
- a. In conjunction with the Code Enforcement Officers, the Code Enforcement Coordinator shall record the notice of compliance with the County Recorder's Office. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of violation, administrative citation, or recorded Hearing Officer Order but shall not cancel any outstanding fines, fees, or costs.
- B. Abatement of Violation. 1. Authority to Abate.
- a. A Code Enforcement Officer is authorized to enter upon any property or premises to abate the violation of the City Code and City ordinances.
 - b. A Code Enforcement Officer is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs.
 - c. If additional abatement is necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement.
2. Procedures for Abatement.
- a. Once the procedures set forth in this Chapter have been complied with, the violation may be abated by City personnel or by a private contractor acting under the direction of the City.
 - b. These City personnel or private contractors may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or Hearing Officer Order.
 - c. If the responsible person abates the violation before the City performs the actual abatement pursuant to a notice of violation, administrative citation, or Hearing Officer Order, a Code Enforcement Officer may still assess all costs incurred by the City against the responsible person.
 - d. When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Code Enforcement Officer overseeing the abatement. The report shall contain the names and addresses of the responsible persons of each parcel and the tax parcel numbers.
 - e. The Code Enforcement Coordinator shall serve the notice of costs and the itemized bill of costs through any of the means in Section ~~20-01-092-16-02~~. The notice demands full payment within twenty days to the City Treasurer. C. Recovery of Costs.
2. Declaration of Purpose.
- a. The City Council finds that there is a need to recover costs incurred by Code Enforcement Officers and other City personnel who spend considerable time inspecting and reinspect properties throughout the City to ensure compliance with the City Code or City ordinances.
 - b. The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by the City for each individual case.
 - c. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the City Code or City ordinances.
3. Authority.
- a. Whenever actual costs are incurred by the City on a property to obtain
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- compliance with provisions of the City Code and City ordinances, a Code Enforcement Officer or Code Enforcement Coordinator may assess costs against the responsible person.
- b. Once a notice of violation has been issued, the property shall be inspected one time if the responsible person requests an inspection in writing. Any additional inspections shall be subject to reinspection fees pursuant to the City fee schedule.
4. Notification of Assessment of Reinspection Fees.
 - a. Notification of reinspection fees may be provided in the notice of violation served to the responsible person.
 - b. Reinspection fees assessed or collected pursuant to this Section shall not be included in any other costs assessed.
 - c. The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any other fees imposed under this Section.
 5. Failure to Timely Pay Costs. The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to City ordinances.
- D. Administrative Fees. The Code Enforcement Officers and Code Enforcement Coordinator are authorized to assess administrative fees for costs incurred in the administration of the code enforcement program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set forth in this Chapter or in the City fee schedule.
- E. Injunctions. In addition to any other remedy provided under the City Code or state codes, including criminal prosecution or administrative remedies, any provision of the City Code may be enforced by injunction issued in the Second District Court upon a suit brought by the City.
- F. Performance Bonds.
1. As part of any notice, order, or action, the Hearing Officer has the authority to require any responsible person to post a performance bond to ensure compliance with the City Code, City ordinances, or any judicial action.
 2. If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the City.
- G. Code Enforcement Tax Liens.
1. Declaration of Purpose. The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders and lessen the cost to City taxpayers of code enforcement. The City Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The procedures established in this Section shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the City Code or City ordinances.
 2. Tax Liens for Abatement Costs.
 - a. Once the City has abated a property for weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Code Enforcement Coordinator shall prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the City Treasurer within ten days after completion of the work of removing the violations.
 - b. The Code Enforcement Coordinator shall serve the Responsible Person by any of the methods in this Chapter a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for actual costs of abatement. Payment shall be due within twenty calendar days from the date of mailing.
 - c. Upon receipt of the Itemized Statement of costs, the City Treasurer shall record a Code Enforcement Tax Lien against the property with the county treasurer's office.
 - d. The failure of any person with a financial interest in the property to receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.
 3. Tax Liens for Judgments. Once a judgment has been obtained from the appropriate court imposing costs, fines, or fees against the responsible person, the Code Enforcement Coordinator may record a code enforcement tax lien against any real property owned by the responsible person.
 4. Cancellation of Code Enforcement Tax Lien.
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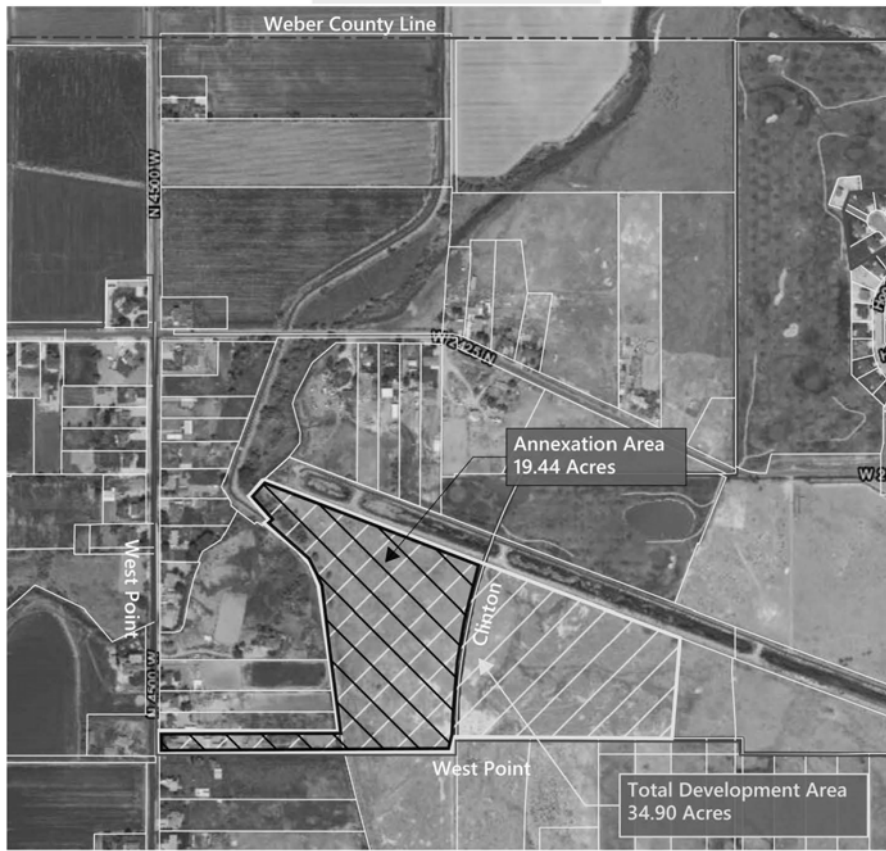
- a. Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Code Enforcement Coordinator shall either record a notice of satisfaction of judgment, or provide the property owner or financial institution, through any of the means of service in Section 20.01.09, with the notice of satisfaction of judgment so that it can record this notice with the county recorder's office.
 - b. The notice of satisfaction of judgment shall include the same information as provided for in the original code enforcement tax lien.
 - c. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.
- H. Recover Of Costs By Writ of Execution. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.
- I. Recovery Of Costs By Writ of Garnishment. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

ATTACHMENT B

**TRAILSIDE / LANDD
ANNEXATION AGREEMENT**



BASE MAP



CONCEPT PLAN



AREA	34.9
GENERAL LAYOUT	
SINGLE FAMILY UNITS	8
FRONT LOAD TOWNS	253
REAR LOAD TOWNS	<u>115</u>
TOTAL UNITS	376
CURRENT UNITS PER ACRE	10.77
BONUS DENSITY REQUIRED	35%

BONUS DENSITY EARNED	
SITE AMENITIES	20%
CITY AMENITIES	
DONATION OF APPROXIMATELY 1.3 ACRES FOR CITY TRAIL	15%
FENCING MATERIALS	
VINYL WITH WOOD TEXTURE IN COLOR AND APPEARANCE	10%
OPEN SPACE DENSITY BONUS	11.4%
BASE OPEN SPACE - 2.62 ACRES	
PROVIDED OPEN SPACE - 6.58 ACRES	
ADDITIONAL OPEN SPACE PROVIDED - 3.96 ACRES	

PROPOSED SITE AMENITIES

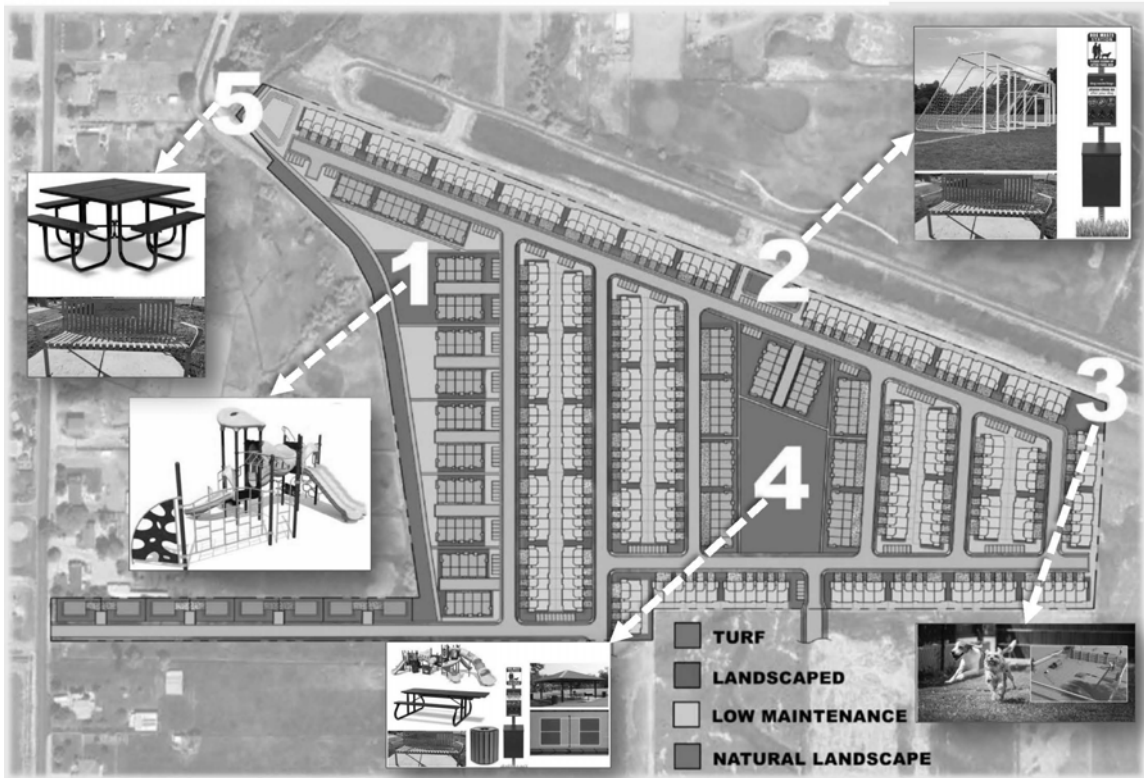


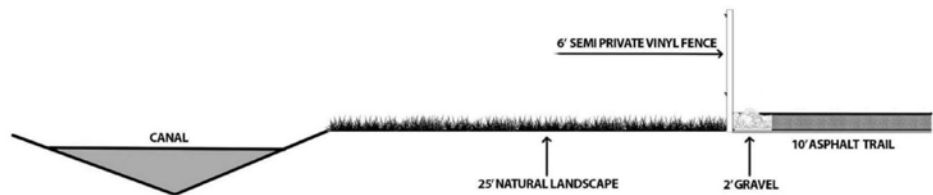
Exhibit E

EMIGRATION TRAIL

- APPROXIMATELY 1.3 ACRES DEDICATED TO THE CITY FOR FUTURE CONSTRUCTION OF EMIGRATION TRAIL



TRAIL CORRIDOR DEDICATED TO CITY



TRAIL POINT

AMENITY OFFERING

ATTACHMENT C

DRAFT BUDGET

Fiscal Year 2024-2025
GENERAL FUND REVENUE
ACCOUNT #: 10

ACCOUNT NUMBER	ACCOUNT NAME	FY 21-22 2021 ACTUAL	FY 22-23 2022 ACTUAL	FY 23-24 2023 ESTIMATED	FY 24-25 2024 PROPOSED
TAXES:					
3110	Current Property Tax	2,870,786	2,891,432	2,987,506	3,250,000
3115	Vehicle Fee	165,697	168,989	180,650	180,000
3120	Prior Property Taxes	3,818	3,323	4,230	5,000
3130	Sales Tax	5,125,848	5,335,139	5,395,354	5,400,000
3140	Franchise Taxes	969,418	1,011,240	1,093,780	1,100,000
3199	Total Taxes	9,135,567	9,410,123	9,661,520	9,935,000
LICENSES AND PERMITS:					
3210	Business Licenses	62,806	63,540	65,660	60,000
3219	Bldg Constr Permits	473,684	283,866	334,300	300,000
3221	State Fees	662	520	530	600
3222	Plan Check Fees	139,039	103,098	106,840	105,000
3224	Tech Fees	4,960	4,250	3,260	3,250
3299	Total Licenses & Permits	681,151	455,274	510,590	468,850
INTERGOVERNMENTAL REVENUES:					
3355	Gas Sales Tax (Prop 1)	377,959	479,252	423,560	460,000
3356	Class "C" Roads	574,593	998,474	970,780	1,000,000
3358	State Liquor Allotment	15,159	18,782	18,670	18,000
3362	Law Enforce Grant	5,909	3,182	4,850	2,000
3363	EMS/Fire Grants	-	-	41,370	3,000
3366	Youth Council	1,952	1,353	1,420	1,400
3368	CDBG funds	-	-	-	-
3390	Misc Govt Grants	2,082,648	-	-	-
3399	Total Intergovern.	3,058,220	1,501,042	1,460,650	1,484,400

CLINTON CITY COUNCIL AGENDA ITEM

SUBJECT: Drone Presentation	AGENDA ITEM: 1
PETITIONER: Police Chief Shawn Stoker	MEETING DATE: 04232024
RECOMMENDATION: That council attend a special demonstration of the police drone outside of City Hall.	TYPE OF VOTE: NONE
ATTACHMENTS: None	