CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
March 26, 2024 - WORK SESSION

Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

55 South State Street
Third Floor
Clearfield, Utah

6:00 P.M. WORK SESSION

Discussion on a zoning text amendment request by Clearfield City to amend the transition setback in the Downtown Form Based Code

Discussion regarding the North Davis Fire District's (NDFD) request for a refund of building permit fees for the new fire station

Discussion on Clearfield City Resolution 2024R-07 regarding the Wasatch Integrated Recycling Mandate

Discussion on Fiscal Year 2025 Proposed Budget

(Any item not fully addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)

*****ADJOURN THE CITY COUNCIL WORK SESSION*****

Posted March 20, 2024.

/s/Chersty Titensor, Deputy City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 801-525-2714, giving her 48-hour notice.

The complete public notice is posted on the Utah Public Notice Website - www.utah.gov/pmn/, the Clearfield City Website - clearfield.city, and at Clearfield City Hall, 55 South State Street, Clearfield, UT 84015. To request a copy of the public notice or for additional inquiries please contact Nancy R. Dean at Clearfield City, nancy.dean@clearfieldcity.org & 801-525-2714

STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Brad McIlrath, Senior Planner

MEETING DATE: Tuesday, March 26th, 2024

SUBJECT: Discussion on **ZTA 2024-0205**, a zoning text amendment request by Clearfield City to amend the transition setback in the Downtown Form Based Code.

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council review the proposed zoning text amendment for the transition setback in the Downtown Clearfield Form Based Code as forwarded by the Planning Commission.

PLANNING COMMISSION RECOMMENDATION

On March 6th, 2024, the Planning Commission forwarded a recommendation of approval for the proposed amendment as reflected in the attachment.

BACKGROUND & ANALYISIS

The transition setback in the Downtown Clearfield Form Based Code (FBC) is intended to provide compatibility of new development with adjacent lower density neighborhoods. The transition setback applies to any building type permitted by the FBC that is adjacent to an existing single-family home or single-family residential zone. Based upon literal enforcement of this standard, staff has identified the need to change the applicability of the transition setback to address new buildings adjacent to single-family zoned properties, but not to existing single-family homes.

By applying the transition setback to existing single-family homes that are not located in a single-family zone, this creates an impediment to economic growth by burdening redevelopment with additional development impacts, in an area that is planned for commercial and mixed-use growth. By requiring new development to setback further from a single-family home that is a legal non-conforming use in a non-single-family residential zone, only further limits redevelopment efforts of properties, that have been historically used as residential. In the event that the property the home is located on is redeveloped in the future, the same exaction would not apply leaving the first property with an additional setback and impact, that is not necessary. Therefore, to ensure that appropriate buffering is maintained between new development and single-family residentially zoned properties and to encourage the fair and equitable treatment of new development within the FBC area, staff recommends the removal of the reference to existing single-family homes that are not located in single-family zones from the transition setback.

GENERAL FINDINGS – ZONING ORDINANCE TEXT AMENDMENT

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff's evaluation are outlined below:

	Review Consideration	Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed amendments are in accordance with the General Plan which encourages continual evaluation and modifications to adopted ordinances as circumstances require. The proposed amendments provide greater flexibility for redevelopment and the city's economic development efforts within the Downtown Clearfield Form Based Code area.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	As part of the continual evaluation of the Form-Based Code and to accommodate market demands the proposed amendment improves the ability redevelopment and economic development within the downtown area.

FINDINGS AND CONCLUSION

Based upon a review of the existing and proposed ordinance standards Staff concludes the following:

1. The Downtown Clearfield Form Based Code should be continually evaluated to address local and market needs identified through code implementation and downtown redevelopment.
2. The proposed change encourages fair and equitable treatment of properties within the same zoning district.
3. The proposed change will impact existing non-conforming single-family homes located in a Downtown Clearfield Form Based Code zone or other nonresidential zone.
4. The proposed change encourages compatibility of new development with adjacent single-family residentially zoned properties.

CORRESPONDING POLICY PRIORTIES

- *Providing Quality Municipal Services*
  Clearfield City Planning Staff with this amendment and others to the Form Based Code seeks continuous improvement with innovative solutions and adjustments that meet city and development needs.
- *Improving Clearfield's Image, Livability, and Economy*
  The proposed amendment encourages redevelopment and in turn, economic development investment into Clearfield City along these corridors that have been underutilized with long-standing commercial and now mixed-use zoning.

FISCAL IMPACT

None.

ALTERNATIVES

The City Council may deny the requested amendments or make additional changes prior to approval of the amendments.

SCHEDULE/TIME CONSTRAINTS

The amendment request is scheduled for a public hearing in the City Council Policy Session on April 9th, 2024. If the City Council chooses to table this item, it will need to be tabled to a specific future date and time.

LIST OF ATTACHEMENTS

- Transition Setback Amendment

3. Building Location

(1) Multiple Principal Structures. The allowance of more than one principal structure on a lot.

(2) Front Build-to Zone. The build-to zone defines the minimum and maximum building setback parallel to the front property line. Building components, such as awnings or signage, are permitted to encroach out of the build-to zone, including over the public right of way, if they meet clearance standards.

(a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.

(3) Corner Build-to Zone. The build-to zone or setback parallel to the corner property line.

(a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.

(4) Occupation of Corner. A principal structure shall occupy the intersection of the front and corner build-to zones.

(5) Front Property Line Coverage. This Measurement defines the minimum percentage of building facade required to be along the front property line. The measurement is calculated by dividing the width of the principal structure(s) (as measured within the front build-to zone) by the width of the front build-to zone (BTZ).

(a) Certain buildings may have a second measurement in order to allow the development of a courtyard or plaza along the front property line.

(b) When a driveway is permitted from the street, the driveway width is excluded from the measurement calculation.

(6) Minimum Side Yard Setback. The minimum required setback along a side property line.

(7) Minimum Rear Yard Setback. The minimum required setback along a rear property line.

(8) Transition Setbacks. To provide compatibility with adjacent lower density neighborhoods, additional setback distances and height transitions shall be required for lots directly adjacent to these neighborhoods. See Figure 6.3 (6).

(a) Distance Transition. Any building type in any district adjacent to a~~n existing single-family home or~~ single-family residential zone shall have a minimum 20 foot setback from the adjacent lot.

(b) Height Transition. The maximum height for the building within 30 feet from the property line shall be 35 feet. The height can transition beginning at 30 feet from the property line, with one foot of additional vertical building height allowed for every two feet in additional horizontal distance from the property line.

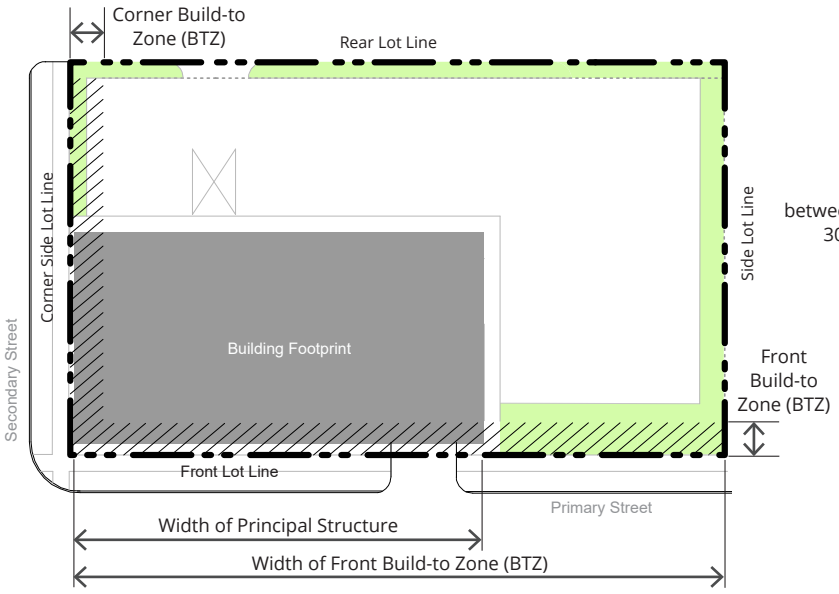


Figure 6.3 (5). Build to Zones.

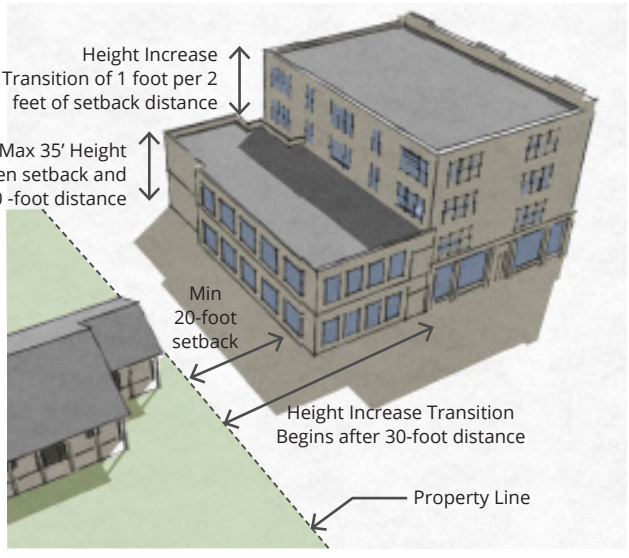


Figure 6.3 (6). Building Transition Setback Requirements.

STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Spencer Wayne Brimley, Community Development Director

MEETING DATE: March 26, 2024

SUBJECT: Discussion Regarding the North Davis Fire District (NDFD) Request for a refund of Building Permit Fees for new fire station

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RECOMMENDED ACTION

Obtain direction from the council regarding a request made by the NDFD for the refund of applicable fees that were requested as a "waiver" of the building permit fees set forth in the City's Consolidated Fee Schedule and set date for public hearing to process and consider the amount approved for a refund.

DESCRIPTION / BACKGROUND

As you are aware, the NDFD demolished the existing fire station located at 88 East Center Street and is in the final stages of the construction of a new state of the art fire station to help better serve their residents of Clearfield, West Point and Sunset as well as improve the physical work environment for their employees. The NDFD and Staff are working collaboratively to ensure the project is successful and completed in a timely manner.

May 17, 2022, Work session
The discussion for the waiving of fees took place during a work session on May 17th, 2022. During this meeting staff provided the legal basis for refunding, as opposed to waiving fees as requested. Staff provides the following analysis of the legal processes currently outlined within those applicable codes related to such a request. This legal analysis has been provided as an attachment to this report. During discussions for the project the NDFD acknowledged and accepts that they will pay for all additional costs the city incurs from outside third parties during the review and approval of the building permit.

Permit Fees Discussion:

- Total permit fees charged $72,422.74
- Permit fees paid $53,824.81.
- Remaining fees to be paid $18,597.93(commercial plan check fee)

- At this time the fee has not been paid as WC3 wanted to make sure the reviews would not exceed this calculated amount prior to collecting this fee for plan review. If reviews exceed a certain number, additional fees would have been charged by WC3 to cover the associated costs (time and resources from the 3rd party review). No additional reviews, other than those included in the above included fee were required,
    - $12,055.63 of the outstanding $18,597.93 would be kept to cover costs for the plan review completed by WC3.
    - Additionally, the city collected fees for meters, and impacts that will not be required or installed. This equates to approximately $1,260.00
    - Total prospective refund of fees is $48,354.15
    - This amounts to be refunded are a result of fees paid to the city for the permit and costs associated with building permits fees, third party plan review and all other applicable fees. NDFD is not requesting all fees paid be refunded, but only those that are applicable and appropriate. NDFD acknowledges the costs of doing business and is hoping for the max amount, given this understanding.

Permit fees are accounted for in the following manner:

1. Total fees for permit: $72,422.74
2. Total fee paid: $53,824.81
3. Fees to be refunded: $1,260.00
    a. These are meters that were no longer needed but were paid for with the permit fees. These are being shown separately as they did not apply when staff began the original analysis.
4. Fees outstanding: $18,597.93

Next Steps:
Although the city is under no legal obligation to consider or grant a refund of any type, Staff seeks to provide timely and clear direction to the NDFD regarding the will of Council so that the NDFD can proceed as they so desire.

1. Title 10, Chapter 1, Building Code and Regulations

- Clearfield City Municipal Code §10-1-3 makes a building permit required for any excavation, grading, fill or construction in the community.
    - As such, the NDFD is required to be issued a building permit.
- Clearfield City Municipal Code §10-1-1A adopts the International Building Code (IBC).
    - As such, the NDFD and the city are required to follow those codes and regulations found within the IBC.

2. IBC, Section 109

- Section 109.2 of the IBC requires that a fee for each permit be paid as required and in accordance with the fee schedule established by the city.
- Section 109.6 of the IBC allows for the building official to establish a refund policy.
    - Clearfield City Municipal Code §2-4-1 et. seq., City Donation, acts as a "refund policy" in that it allows for the appropriation of city funds by the Council for any purpose that, in the judgment of the Council, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the city.
      § Note: any such donation requires a public hearing and supporting study prior to the donation being made.
    - The building official may only refund building permit fees pursuant to IBC Section 109.6 after a determination is made by the Council to donate the fees collected and appropriate them back to the NDFD.

3. City's Consolidated Fee Schedule

- Pursuant to Clearfield City Municipal Code § 2-5-1, the staff's best estimated amount of the building permit fees anticipated to be paid by the NDFD is approximately $50,000 dollars.
    - Building permit fees are used to offset the internal city costs for performing inspections, plan review, etc.
    - Actual Permit fees for this project totaled more $72,422.74, a portion has been paid.

4.Utah Code Ann. §15A-2-209

- The state requires that the city charge a 1% surcharge on all building permits.
    - The surcharge collected by the State is primarily used to (1) provide education to building inspectors, (2) provide education to individuals licensed in construction trades or related professions through a construction trade association or a related professional association, and (3) provide education and training through the Office of the Property Rights Ombudsman

CONCLUSION

As established during the meeting in 2022, the City cannot grant a "waiver" of the required building permit fees. However, the city may "refund" up to 99% of the total building permit fee paid to the city through the authority granted to the building official after the City Council has taken the steps required to appropriate funds through a donation. City policy allows for a donation of the funds, as opposed to a refund of permit fees.

CORRESPONDING POLICY PRIORITIES

- Providing Quality Municipal Services

HEDGEHOG SCORE

N/A

FISCAL IMPACT

Refunding the building permit fees to be paid by the NDFD could be viewed as a loss of revenue to the city, depending on the total amount refunded. The fees are collected to generally cover inspections fees and other incidental work required by staff.

ALTERNATIVES

Subject to alternative direction given by Council, Staff presents the following alternatives:

1. Direct Staff to inform the NDFD that a refund of all applicable building permit fees is possible, and that the Council will seek to refund any of the building permit fees to be collected by the city, including those that were collected, but no longer applicable, up to approximately $48,000.

2. Direct Staff to inform the NDFD that a refund of the building permit fees is possible, but that Council will refund fees that are a proportionate share of Clearfield's cost. A proportionate share pertaining to West Point and Sunset will be retained to cover city related costs for the NDFD building.

3. Provide staff with alternative direction.

SCHEDULE / TIME CONSTRAINTS

Although the city is under no legal obligation to consider or grant a refund of any type, Staff seeks to provide timely and clear direction to the NDFD regarding the will of Council so that the NDFD can proceed as they so desire. The Fire District would like to use an refund for some minor security and other design considerations, and although not pressing is something they would like to understand in order to proceed with plans.

LIST OF ATTACHMENTS

- Clearfield City Municipal Code, §10-1-1 et. seq., Building Code and Regulations
- International Building Code, Section 109
- City's Consolidated Fee Schedule (building permit only)
- Clearfield City Municipal Code §2-4-1 et. seq., City Donation
- NDFD Permit Fee Breakdown

Clearfield City Municipal Code, §10-1-1 *et. seq.*, Building Code and Regulations

TITLE 10
BUILDING REGULATIONS

CHAPTER 1
BUILDING CODE AND REGULATIONS

SECTION:

10-1-1: Codes Adopted

10-1-2: Administrative Code

10-1-3: Building Permit

10-1-4: Subsurface Water

10-1-5: Off Site Improvements

10-1-6: Appeals

10-1-7: Penalty

10-1-1: CODES ADOPTED:

The following codes are hereby adopted as the rules, regulations and standards for the construction, occupancy, alteration, repair, remodeling and maintenance of all structures and buildings, all of which have been printed as a code, in book form, and at least one copy of which has been filed for use and examination by the public in the office of the city recorder:

A. The most current edition of the international building code (IBC), including appendix J, promulgated by the International Code Council (ICC), and amendments adopted under the Utah building standards act rules ("rules") together with standards incorporated into the IBC by reference, including, but not limited to, the most current edition of the international energy conservation code (IECC) promulgated by the ICC and the most current edition of the international residential code (IRC) promulgated by the ICC and adopted by the state of Utah;

B. The most current edition of the national electrical code (NEC), as published and promulgated by the National Fire Protection Association and adopted by the state of Utah;

C. The most current edition of the international mechanical code (IMC), as published and promulgated by the ICC, together with all applicable standards set forth in the most current international fuel gas code (IFGC) and adopted by the state of Utah;

D. The most current edition of the international plumbing code (IPC), as published and promulgated by the ICC and the amendments adopted under the rules in section R156-56-707 and adopted by the state of Utah;

E. The most current edition of the international property maintenance code (IPMC), as published and promulgated by the ICC and adopted by the state of Utah;

F. The most current edition of the international fire code (IFC), as published and promulgated by the ICC and adopted by the state of Utah. The language hereinafter is in addition to the language in the published codes:

1. Flammable Or Combustible Liquids: The limits referred to in section 3404 of the 2006 international fire code in which the storage of flammable or combustible liquids is restricted are hereby established as follows:

a. The storage, use or dispensing of flammable or combustible liquids in outside aboveground tanks is prohibited within the following limits:

(1) All residential areas within the city limits.

(2) Amounts greater than two thousand one hundred (2,100) gallons of class I, II, IIIA, and IIIB liquids is prohibited in all commercial and agricultural zones within the city. Amounts less than two thousand one hundred (2,100) gallons shall be stored, used or dispensed in accordance with section 3404 of the 2006 international fire code, as amended.

2. Liquefied Petroleum Gases: The limits referred to in section 3809 of the 2006 international fire code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

a. One hundred twenty five (125) gallons' water capacity in all residential zones within the city limits.

b. One thousand (1,000) gallons' water capacity in all commercial and agricultural zones within the city.

c. Two thousand (2,000) gallons' aggregated water capacity at any one installation in any industrial/manufacturing zone within the city limits.

3. Explosives And Blasting Agents: The limits referred to in section 3304 of the 2006 international fire code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

a. No blasting agents or explosives may be stored, used, manufactured or dispensed, except as provided for by chapter 33 of the 2006 international fire code.

4. New Materials, Processes Or Occupancies: The building official, the fire chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the international fire code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons;

G. The most current international existing building code (IEBC), as published and promulgated by the ICC and adopted by the state of Utah;

H. The 1997 uniform code for the abatement of dangerous buildings, as published and promulgated by the International Conference of Building Officials; and

I. All other amendments to the above codes promulgated in the Utah uniform building standards act rules by the state building codes commission and the state fire prevention board. (Ord. 2008-05, 7-22-2008)

10-1-2: ADMINISTRATIVE CODE:

A. Adopted: Except as amended herein, the 1997 uniform administrative code is adopted establishing rules, regulations and standards for the administration and enforcement of all codes mentioned in this title, all of which rules and regulations have been printed as a code, in book form; one copy thereof has been filed for use and examination by the public in the office of the city recorder.

B. Fees: All building and other applicable fees shall be assessed as adopted in the most recent consolidated fee schedule for Clearfield City. (Ord. 2008-05, 7-22-2008)

10-1-3: BUILDING PERMIT:

A. Required: The building official shall require the issuance of a permit for any excavation, grading, fill or construction in the community.

B. Review: The building official shall require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides. If a proposed site and improvements are in a location that may have mudslide hazards, a further review must be made by persons qualified in geology and soils engineering and the proposed new construction, substantial improvement or grading must: 1) be adequately protected against mudslide damage; and 2) not aggravate the existing hazard. (Ord. 2008-05, 7-22-2008)

10-1-4: SUBSURFACE WATER:

A. Administration: The administration of this section will be the responsibility of the building official or his designated representative and his approval will be a condition precedent to the issuance of any building permit. It will be the duty of the building official or his representative to investigate the standards set forth in this section, together with any and all other standards which may be included in the future pertaining to drainage of subsurface waters and to recommend in writing to the city council whether the proposed improvements should be allowed upon the said properties and shall further recommend any additional requirements which he believes to be in the best interests of the city to ensure that there is no damage to persons or property within the area of the proposed improvement. Such recommendations might include the use of subdrains to lower the water table or other methods which the building official or his designated representative determines would be in the best interest of the residents of the city, said residents to include both those in the area at the present time as well as others who may be in this area at some time in the future.

B. Permission Required For Improvements: It shall be unlawful for any person to make any improvements upon their ground where subsurface water exists without obtaining the written permission of the building official. This requirement shall include, but not be limited to, subdividers, persons developing ground for industrial and/or commercial purposes and homeowners constructing improvements upon their own property.

C. Minimum Standards Maintained: Before written permission is issued, the building official shall ensure that the following minimum standards are maintained:

1. Test Holes: All persons shall dig test holes upon said properties to a depth sufficient to determine the extent of the subsurface water table in the proposed development, to include the depth thereof and any other information regarding same which may be required by the city.

2. Footings: All footings shall be at least two feet (2') above the highest water table elevations and the type of house construction or other development shall be governed by this standard. Otherwise, a foundation drain shall be installed around footings and drained into a positive drainage system.

3. Inspection Of Table: In areas where soil conservation maps indicate high water tables and in all other questionable areas that might be designated as high water tables by the building official, no building permits will be issued without water table inspection during high water table season.

4. Table Elevations: All applications must supply data as to water table elevations.

5. Land Developers:

a. Drainage Easements: The land developer shall provide drainage easements along side or front lot lines as may be required for drainage purposes; the size of said easement shall be determined by the building official and shall, in all events, be a minimum of seven feet (7'). The building official shall recommend whether the drainage easement shall be separated from other utility easements or shall be used concurrently with said easements.

b. Drainage: The building official shall require the land developer to provide for adequate and proper drainage of subsurface water from the land being developed. A registered engineer must engineer and plan all subsurface drain lines and two (2) copies of the plan for such drain lines must be submitted to the building official for his approval and for approval by the city engineer. No ditch or canal shall be approved as suitable for the use of subsurface water drainage without the written permission of the appropriate canal company or of the water users for such use. No ditch or canal shall be used for subsurface water drainage unless adequately improved to handle such water as might be reasonably expected to flow from the canal and ditch water, subsurface runoff water, subsurface water drainage and other water expected to reach such canal or ditch. No ditch, canal or other open waterway shall be permitted within property dedicated or to be dedicated for public use. The land developer shall remove such waterways from property to be so dedicated before the submission of the final plat.

6. Grading: All grading of any kind shall be done so as to ensure that the drainage is away from the proposed improvements and in such a manner as to prevent any conveying or trapping of water adjacent to the basement and foundation walls of the improvement.

D. Failure To Comply: The building official is hereby given authority to revoke any building permits and/or certificates until the applicant shall comply with the provisions of this section. (Ord. 2008-05, 7-22-2008)

10-1-5: OFF SITE IMPROVEMENTS:

A. Purpose: The purpose of this section shall be to promote the health, safety, convenience and general welfare of the present and future inhabitants of the city to facilitate orderly growth and development of the city; and to establish the rights, duties and responsibilities of subdividers, contractors, builders and owners with respect to land, subdivisions, buildings and construction of streets, gutters, sidewalks, curbs, sewers, culinary water facilities, storm drains and other off site improvements.

B. Conditions For Permit Or License: Conditions for a permit or license for building or improvements must include establishing a bond for off site improvements.

C. Granting Permit Or License: No city officer or agent shall grant any permit or license in any commercial, residential, industrial, manufacturing or other zone for the construction of any building or the commencement of any improvements to any lot, tract or property where the same would be in violation of title 12, chapter 9 of this code.

D. Fees: A fee shall be charged for installation of off site improvements in accordance with the city's current consolidated fee schedule. The full amount shall be collected when the permit

is issued and shall be paid in cash or check. The contractor shall have one year from completion of the project to have all off site improvements installed and accepted by the city. Failure to do so will result in the forfeiture of the fee. (Ord. 2008-05, 7-22-2008)

10-1-6: APPEALS:

Any person disputing the building official's application or interpretation of any code adopted by this chapter shall have a right of appeal pursuant to the provisions of this section.

A. Filing; Information: The person filing the appeal (appellant) shall file an appeal with the city recorder. The appeal must be in writing and must include:

1. The name, address and daytime telephone number of the appellant;

2. The date of the decision from which the appeal is made;

3. A description of all facts and circumstances giving rise to the decision and the appeal, including all relevant documents, plans and drawings submitted to the building official and all relevant documents, plans and drawings received from the building official;

4. A copy of the written decision from which the appellant is appealing. If no written decision exists, the appellant shall submit an affidavit describing the decision; and

5. A description of the relief requested, including a description of the decision the appellant feels should have been made.

B. Time Limit For Filing: Appeals must be filed within thirty (30) days of the date of the decision from which the appeal is taken.

C. Incomplete: Appeals which do not contain all of the information described in subsection A of this section shall be deemed incomplete and shall be returned to the appellant. The appellant shall then have an additional thirty (30) days to submit a complete appeal.

D. Notification; Response: Upon receiving an appeal, the city recorder shall notify the building official that an appeal has been filed and the building official shall have twenty (20) days to respond. Responses shall be in writing and may be accompanied by any additional documents, plans or drawings which were not submitted with the original appeal and which the building official believes will be beneficial in explaining the original decision. The response, if any, shall be submitted to the city recorder.

E. Failure To Respond: If the building official fails to submit a response within twenty (20) days of receiving notice of the appeal, the city recorder may presume that the building official will not file a response.

F. Referral To Planning Commission: Within thirty (30) days of receiving an appeal, the city recorder shall refer the appeal and any response to the planning commission for a hearing. The planning commission shall convene a hearing on the appeal within thirty (30) days after the matter is referred to them by the city recorder.

G. Hearing Notice: The planning commission shall give the appellant at least ten (10) days' notice of the time and place of the hearing.

H. Hearing Procedure: At the hearing on the matter, the appellant shall have a right to: 1) be represented by an attorney at his own expense; 2) present evidence and call witnesses regarding the appeal; and 3) cross examine any witnesses called by the city in support of the original decision.

I. Written Decision: The planning commission shall issue a written decision to the appellant, building official, and city recorder regarding the appeal within thirty (30) days of the date of the hearing.

J. Limited Authority Of Planning Commission: The planning commission shall have no authority to hear appeals regarding the administrative provisions of the codes. The planning commission shall have no authority to waive any of the requirements of any of the codes.

K. Fee Required: The appellant shall be required to pay the fee specified by the city's fee schedule at the time the appeal is filed with the city recorder. If the planning commission overturns the original decision of the building official, the fee shall be refunded to the appellant. (Ord. 2008-17, 12-9-2008)

10-1-7: PENALTY:

A. Misdemeanor: Any person who shall violate any of the provisions of the codes and standards hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or any certificate or permit issued thereunder and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a class B misdemeanor, punishable as provided in section 1-4-1 of this code. The imposition of one penalty for a violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. Applicability: The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 2008-05, 7-22-2008)

International Building Code, Section 109

SECTION 109 FEES

[A]109.1 Payment of fees

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

(AJ109.2Schedule of permit fees.

On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit,* a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[AJ109.3Building permit valuations.

The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and pennanent systems. If, in the opinion of the *building official,* the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official.* Final building *permit* valuation shall be set by the *building official.*

(AJ109.4Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees.

[AJ109.5Related fees.

The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

[Al109.6Refunds.

The *building official* is authorized to establish a refund policy.

City's Consolidated Fee Schedule
(building permit only)

BUILDING PERMIT AND DEVELOPMENT FEES	
The City may reduce building permit and development fees for public infrasturcture projects for local governental entities upon request to the Community Development Director. Fees charged should, at a minimum, cover administrative and direct costs incurred as determined by the Community Development Director.	
General - building valuation:	
From $1 to $500	$23.50
From $501 to $2,000	$23.50 plus $3.05 each additional $100 or fraction thereof
From $2,001 to $25,000	$69.25 plus $14.00 each additional $1,000 or fraction thereof
From $25,001 to $50,000	$391.75 plus $10.10 each additional $1,000 or fraction thereof
From $50,001 to $100,000	$643.75 plus $7.00 each additional $1,000 or fraction thereof
From $100,001 to $500,000	$993.75 plus $5.60 each additional $1,000 or fraction thereof
From $501,000 to $1,000,000	$3,233.75 plus $4.75 each additional $1,000 or fraction thereof
From $1,000,001 up	$5,608.75 plus $3.65 each additional $1,000 or fraction thereof
Pools, tubs and spas:	
Public	$150 each
Private	$47 each
Landscape sprinkling system	$47 each
Plan check fee:	
Commercial:	
65% of the building permit fee for building value of $1 - $100,000	
60% of the building permit fee for building value of $100,001 - $500,000	
50% of the building permit fee for building value of $500,001 and greater	
Use of outside consultants for plan checking	Actual Cost. Actual costs include administrative and overhead costs
Residential and pools	20% of the building permit fee
Residential "Identical Plans"	$47
Plan check deposit required for new construction:	
Residential	$100
Commercial	$250
Off-site Bonds:	
Residential	$2,000
Commercial	As per City Engineer's cost estimate
Permit inspection fees:	
Outside normal business hours (minimum charge of two hours)	$47 per hour
Re-inspection	$47 per hour
Inspections for which no fee is specifically indicated (minimum charge of .5 hours)	$47 per hour
Additional plan review required by revisions (minimum charge of .5 hours)	$47 per hour
Home daycare or preschool plan check and inspection fee	$25 each
Street Cut Permit (Excavation Permit):	
Lateral excavation (roads older than 1 year)	$60 / lane cut
Lateral excavation (roads newer than 1 year)	$120 / lane cut
Longitudinal excavation (roads older than 1 year):	
First 660 lineal feet	$120
Each additional 660 lineal feet or fraction thereof	$240
Longitudinal excavation (roads newer than 1 year)	
First 660 lineal feet	$240
Each additional 660 lineal feet or fraction thereof	$240
Excavations off improved right-of-ways	$60

BUILDING PERMIT AND DEVELOPMENT FEES			
	Bond per lateral excavation		$1,000
	Bond per unlimited number of lateral excavations		$15,000
	Bond for longitudinal excavation for 100 lineal feet or fraction thereof		$2,000
Demolition permit (including inspections)			$150
State Surcharge			A 1% state surcharge may be applicable to building permit fees
Water Meter Fees:		**Cost**	**Installation Fee**
	5/8" x 3/4" Meter	$208	$25
	1" Meter	$292	$25
	1-1/2" Meter	$530	$25
	2" Meter	$700	$25
	2" Compound Series Meter w/2 Orion Transmitters	$1,945	Per City Public Works Hourly Rate
	3" Compound Series Meter w/2 Orion Transmitters	$2,263	Per City Public Works Hourly Rate
	4" Compound Series Meter w/2 Orion Transmitters	$3,528	Per City Public Works Hourly Rate
	6" Compound Series Meter w/2 Orion Transmitters	$4,927	Per City Public Works Hourly Rate
	1-1/2" Turbine Meter	$800	Per City Public Works Hourly Rate
	2" Turbine Meter	$875	Per City Public Works Hourly Rate
	3" Turbine Meter	$987	Per City Public Works Hourly Rate
	4" Turbine Meter	$1,448	Per City Public Works Hourly Rate
	6" Turbine Meter	$3,413	Per City Public Works Hourly Rate
Telecommunications franchise application fee			$500
Sewer Connection Fees			
	Each connection to the city sanitary sewer system including each new subdivision, mobile home park, trailer park, camping park or any other multiple use operation		$500
	Additional connection fee per lot within the subdivision, mobile home park, trailer park, camping park or other multiple use operation		$25
Building Permit - New Construction Water Fee			
	Fee for water usage during construction of new residential units, fee charged per unit		$50

Clearfield City Municipal Code §2-4-1 *et. seq.*, City Donation

CHAPTER 4
CITY DONATIONS

SECTION:

2-4-1: Purpose

2-4-2: Net Value

2-4-3: Criteria

2-4-4: Intangible Benefits

2-4-5: Public Hearing

2-4-6: Study Required

2-4-7: Exemption

2-4-8: Appeals

2-4-1: PURPOSE:
It is considered a Clearfield City purpose to appropriate money for any purpose that, in the judgment of the City Council, provides for the safety, health, prosperity, moral well being, peace, order, comfort, or convenience of the inhabitants of the City subject to the following sections of this chapter. (Ord. 2006-13, 9-26-2006)

2-4-2: NET VALUE:
The net value received for any money appropriated shall be measured on a project by project basis over the life of the project. (Ord. 2006-13, 9-26-2006)

2-4-3: CRITERIA:
The criteria for a determination under this section shall be established by the City Council. A determination of value received, made by the City Council, shall be presumed valid unless it can be shown that the determination was arbitrary, capricious, or illegal. (Ord. 2006-13, 9-26-2006)

2-4-4: INTANGIBLE BENEFITS:
The City may consider intangible benefits received by the City in determining net value received. (Ord. 2006-13, 9-26-2006)

2-4-5: PUBLIC HEARING:
Except those donations that qualify as exempt pursuant to section 2-4-7 of this chapter, prior to the City Council making any decision to appropriate any funds for a purpose under this section, a public hearing shall be held. Notice of the hearing shall be published in a newspaper of general circulation at least fourteen (14) days prior to the date of the hearing, or, if there is no newspaper of general circulation, by posting notice in at least three (3) conspicuous places within the City for the same time period. (Ord. 2019-08, 3-12-2019)

2-4-6: STUDY REQUIRED:

Except those donations that qualify as exempt pursuant to section 2-4-7 of this chapter, a study shall be performed before notice of the public hearing is given and shall be made available at the City for review by interested parties at least fourteen (14) days immediately prior to the public hearing, setting forth an analysis and demonstrating the purpose for the appropriation. In making the study, the following factors shall be considered:

A. What identified benefit the City will receive in return for any money or resources appropriated;

B. The City's purpose for the appropriation, including an analysis of the way the appropriation will be used to enhance the safety, health, prosperity, moral well being, peace, order, comfort, or convenience of the inhabitants of the City; and

C. Whether the appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of the City in the area of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose. (Ord. 2019-08, 3-12-2019)

2-4-7: EXEMPTION:

A donation that is included in a final adopted budget that is made pursuant to the Uniform Fiscal Procedures Act, title 10, chapter 6, Utah Code Annotated, which includes the name or other specific description of the donation shall be deemed to have been given the consideration and a public hearing as described above, and thus exempt of the required public hearing and study outlined in sections 2-4-5 and 2-4-6 of this chapter. (Ord. 2019-08, 3-12-2019)

2-4-8: APPEALS:

An appeal may be taken from a final decision of the City Council, to make an appropriation. The appeal shall be filed within thirty (30) days after the date of that decision, to the District Court. Any appeal shall be based on the record of the proceedings before the legislative body. A decision of the City Council shall be presumed to be valid unless the appealing party shows that the decision was arbitrary, capricious, or illegal. (Ord. 2006-13, 9-26-2006; amd. Ord. 2019-08, 3-12-2019)

NDFD Fire Station Fee

Fee Description	Permit Fee	Upaid	Refundable
Building Permit Tier 8	$37,195.85		$37,195.85
Commercial Plan Check 3 - 50%	$18,597.93	$18,597.93	$6,542.30
State Surcharge	$371.96		
Non Residential Water Impact 1"-1 1/2"	$705.00		$705.00
2" Compound Meter w/2 Orion Transmitter	$1,945.00		$1,945.00
2" Compound Meter w/2 Orion Transmitter	$1,945.00		
1- 1/2 " Meter	$555.00		$555.00
Sewer Connections	$1,000.00		
2" Water impact fee	$1,411.00		$1,411.00
2" Water impact fee	$1,411.00		
2" Sewer Impact Fee	$6,812.00		
NDSD Impact Fee	$0.00		
Stormwater Impact Fee Per ESU	$473.00		
Subtotal	**$72,422.74**	**$18,597.93**	**$48,354.15**
Amount Paid	**$53,824.81**	**$0.00**	
Amount to be Paid	**$18,597.93**	**$18,597.93**	
Total Due	**$18,597.93**	**$18,597.93**	

KIRTON | McCONKIE

Larry S. Jenkins
50 E. South Temple, Suite 400
Salt Lake City, UT 84111
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801-350-7632

February 6, 2024

To: Nathan Rich, Wasatch Integrated Waste Management District

Re: **Authority of District to Adopt Resolution 23-15**

You have requested our opinion regarding the authority of the Administrative Control Board (the "Board") of Wasatch Integrated Waste Management District (the "District") to adopt Resolution 23-15, which established a District-wide bundled recycling program. In sum, the District has been given and has assumed the power to "supervise and regulate the collection, transportation, and disposition of solid waste" and "control the right to collect, transport, and dispose of solid waste generated within its jurisdiction." Utah Code Ann. § 19-6-503(1)(a) and (g). These broad powers give the District the authority to adopt and implement Resolution 23-15.

1. The Creation of the District and Delegation of Authority to the Board.

Pursuant to the Utah Special Service District Act, on September 24, 1984, the Davis County Board of County Commissioners adopted Resolution 84-200, which created the District. Pursuant to Section 3 of Resolution 84-200, the District was "created for the purpose of providing garbage services within the area included within its boundaries, through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift, condemnation or any combination thereof." The District, moreover, was created as "a separate body politic and corporate and a quasi-municipal public corporation distinct from Davis County, Utah, and each municipality in which the District is located." Resolution 84-200, Section 6. Pursuant to Resolution 84-200 and some subsequent resolutions, all of Davis County, each city in Davis County, except Bountiful City, Morgan County, and Morgan City form the District.[1]

Resolution 84-200 also created the Board to govern the District, *see* Section 7, and gave the Board "full power and authority to exercise any of the rights, powers and authority of a service district, including without limitation, all or any of the powers provided in [the Special Service District Act], Utah Code Annotated 1953, as amended," except the

[1] A municipality may only be included in a special service district created by a county if the municipality consents to the inclusion. Utah Code Ann. § 17D-1-202(2)(d). Each municipality currently included within the District specifically consented to inclusion.

Board was not given power to levy a property tax or issue bonds secured by taxes. Resolution 84-200, Section 9.

2. <u>District Powers</u>.

Under Utah Code Ann. § 17D-1-201(5), a special service district can be created to provide "garbage collection and disposal" services. And, "[a]fter its creation, a special service district may provide the service or services . . . specified in the resolution or ordinance creating the special service district." Utah Code Ann. § 17D-1-210(1). The Special Service District Act also provides vast general powers for the District. *See* Utah Code Ann. § 17D-1-103.

Special service districts established to provide garbage collection and disposal services are given additional powers by the Solid Waste Management Act, Utah Code Ann. § 19-6-501, *et seq.* (the "SWM Act"). A special service district such as the District is defined as a "public entity" for purposes of the SWM Act. Utah Code Ann. § 19-6-502(13). "Solid waste management" is defined as the "purposeful and systematic collection, transportation, storage, processing, recovery, or disposal of solid waste," but does not include "advanced recycling." Utah Code Ann. § 19-6-502(22).[2]

The District is empowered by the SWM Act to, among many other things, "supervise and regulate the collection, transportation, and disposition of solid waste generated within its jurisdiction" and "control the right to collect, transport, and dispose of solid waste generated within its jurisdiction." Utah Code Ann. § 19-6-503(1)(a) and (g). Pursuant to these broad powers, in about 1995 the District assumed "control [of] the right to collect, transport, and dispose of solid waste generated within its jurisdiction," and to "supervise and regulate the collection, transportation, and disposition of solid waste generated within its jurisdiction." District Code § 4-7-101(1).

At about the same time, the District adopted the Household Use Fee program, which is now found in Title 4, Chapter 3 of the District Code. All cities and counties in the District have complied with this program and it has operated well for nearly 30 years. The Household Use Fee program imposes a monthly fee on the cities and counties for each Household within their jurisdictions. Given the broad powers the District has been granted and has assumed, the District could physically take over all solid waste responsibilities in its jurisdiction, including collection, transportation, and disposal. Working with the cities and counties, however, in 1995 it was determined the best approach would be for the District to legally control solid waste collection, transportation, and disposal, but allow each city and county to implement the program so as to maintain their relationships with their haulers,

[2] The District does not engage in or propose to engage in "advanced recycling" as defined by the SWM Act. The bundled recycling program adopted by Resolution 23-15 is not an "advanced recycling" program.

among other reasons. That determination resulted in the current structure and handling of the Household Use Fee.

Resolution 23-15 builds on this. The operative provisions dealing with the bundled recycling program have been placed in Title 4, Chapter 3 of the District Code to piggyback on and enhance the Household Use Fee program. It does not increase the Household Use Fee but requires a recycling can be provided to each Household in the District and separate collection of Commingled Recyclable Materials. The Household Use Fee would increase for cities or counties that do not implement a bundled recycling program.

We are of the opinion that Resolution 23-15 was properly adopted pursuant to the powers delegated to the District's Board by the Davis County Board of County Commissioners and pursuant to the powers provided by the Special Service District Act and the SWM Act set forth herein.

Sincerely,

Larry S. Jenkins

Larry S. Jenkins

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RESOLUTION 24-04

RESOLUTION OF THE LAYTON CITY COUNCIL IN SUPPORT OF A CONTINUED RECYCLING PROGRAM, AFFIRMING EFFORTS TO INCREASE PARTICIPATION IN RECYCLING IN THE CITY AND OPPOSING A RECENT DECISION BY THE WASATCH INTEGRATED WASTE MANAGEMENT SPECIAL SERVICE DISTRICT TO MANDATE RECYCLING AND IMPOSE A RECYCLING FEE AND ESCALATING PENALTIES FOR NONCOMPLIANCE ON LAYTON CITY RESIDENTS.

WHEREAS, the Wasatch Integrated Waste Management Special Service District (the District), encompassing 17 member jurisdictions, was established in 1984 (with Layton City joining in 1986) to provide "garbage services" to the residents of these jurisdictions; and

WHEREAS, since its formation, the District has expanded its services and operations beyond the initial scope originally envisioned and agreed upon by its membership; and

WHEREAS, in 2023, the District held a meeting with City Managers and officials from member jurisdictions to discuss a variety of approaches toward recycling; and

WHEREAS, no decisions were made during the meeting and it was agreed that ongoing discussions would be held to address landfill longevity through recycling and other efforts; and

WHEREAS, in November 2023, the District enacted a resolution that would mandate recycling for all member jurisdictions, and obligate and impose a duty and recycling fee on every household within the City and implement penalties for noncompliance; and

WHEREAS, the District did not collaborate with or seek consent of the elected bodies of its member jurisdictions regarding the mandatory recycling program and its accompanying fees and penalties; and

WHEREAS, a mandatory recycling program would have a significant impact on the City's residents as it is anticipated that the mandatory recycling program fee would be approximately $6.50/month, which is the equivalent of an approximate 25% tax increase on a home valued at $500,000; and

WHEREAS, a mandatory recycling program would have significant additional legal, financial, and operational impacts on the City including, but not limited to the need to hire additional full-time staff to support the program; and

WHEREAS, decisions with significant legal, financial, and operational impacts on the City and its residents should be considered and voted upon by their elected representatives; and

WHEREAS, the City currently operates a voluntary recycling program with approximately 32% participation of residents which has been achieved without any efforts to educate or encourage participation; and

WHEREAS, the City is committed to an aggressive and robust approach to educating its citizens regarding the benefits of recycling and extending the life of the landfill and encouraging its residents to voluntarily participate; and

WHEREAS, through such efforts the City expects a significant increase in recycling participation rates similar to what other member jurisdictions have achieved; and

WHEREAS, an aggressive and robust recycling program that encourages voluntary participation is consistent with the City's goals and values and provides a cleaner, more efficient, and marketable recycling product which is in the best interests of and consistent with the District's goals and values; and

WHEREAS, the City is dedicated to environmental responsibility and landfill preservation and supports a City recycling program but strongly opposes external entities dictating mandates to its residents; and

WHEREAS, the City desires to collaborate and partner with the District to accomplish both the City's and the District's goals regarding recycling and the landfill; and

WHEREAS, despite the City's efforts to articulate the City's position regarding support for recycling but opposition to the mandated, one size fits all approach, the District has not been receptive.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

1. The City affirms its commitment to responsible waste management practices, its desire to implement a robust recycling program, and implementation of educational programs to increase recycling participation.
2. The City affirms its desire to collaborate and partner with the District to increase recycling in Layton City in a manner deemed appropriate by the City's elected representatives.
3. The City formally opposes the District's resolution mandating recycling and imposing penalty fees and strongly emphasizes the importance of local autonomy and decision-making, and asserts that decisions of significant magnitude impacting its residents are to be considered and voted on by their duly elected officials.
4. The City respectfully requests that the Board rescind or amend the mandatory recycling resolution to provide for the ability of its membership to determine the course of action they would like to take regarding recycling and to further the goals of the District, and requests renewed efforts to enhance open communication and collaboration between the City, the District, and other member jurisdictions.
5. The City affirms its support to further the District's goals regarding recycling and extending the life of the landfill and asserts that the best approach to accomplish those goals is through collaboration with its member jurisdictions and cautions that a "one size fits all" approach is not appropriate or beneficial and each individual member jurisdiction should determine and implement a program in the way that meets the needs of the individual City.
6. The City affirms its desire to work with the District to find recycling solutions and authorizes its staff to take any necessary actions to safeguard the interests of its citizens, including but not limited to negotiation, mediation, legislation, and litigation.
7. The City asserts that this Resolution is not intended to constitute an exhaustive recitation of facts or legal arguments or remedies available and expressly retains the right to pursue, as deemed necessary, any and all legal claims, causes of action, and other remedies available.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **6th day of February, 2024**.



JOY PETRO, Mayor

ATTEST:

KIMBERLY S READ, City Recorder

CLEARFIELD CITY RESOLUTION 2024R-07

OPPOSITION OF RESOLUTION 23-15 OF THE WASATCH INTEGRATED WASTE MANAGEMENT SPECIAL SERVICE DISTRICT AND THE RESULTING AUTHORIZATION OF THE DISTRICT TO PENALIZE CITY AND COUNTY MEMBERS THROUGH INCREASED COSTS FOR SERVICES

WHEREAS, the city has enjoyed a congenial positive working relationship with the Wasatch Integrated Waste Management Special Service District (the District) since 1987; and

WHEREAS, the city has continuously appointed a council member or mayor to the Administrative Control Board (the "Board") of the District; and

WHEREAS, in November 2023, the District moved to adopt Resolution 23-15, which created a "punishment," "penalty," "sanction," or "fine" mechanism to employ against city or county members for failure to implement a newly adopted District requirement; and

WHEREAS, the District PowerPoint from November 2023 in support of Resolution 23-15 included multiple references to both "incentives" and "encouragement" with phrases such as "Differential Fee Schedule to Encourage Participation" or "Incentivized pricing;" and

WHEREAS, Resolution 23-15 was presented to the Board stating that "changes to the District code that…. would **incentivize** each member city and county to…." (emphasis added); and

WHEREAS, terms used within a resolution should be clear and unambiguous or else construed against the drafter (contra proferentem); and

WHEREAS, the District's use of the term "incentivize" in Resolution 23-15 is not clear and unambiguous because unlike a clear word with a singular meaning, such as "punish," "penalize," "sanction," or "fine," the word "incentive" has two meanings which can be either "positive" (more commonly inferred form the word "incentive") or a "negative" (less likely inferred form the word "incentive"); and

WHEREAS, the use of the term "incentivize" in Resolution 23-15 along with the repeated use of "encourage" and "encouragement" within the November 2023 supporting PowerPoint impacted or persuaded, in whole or in part, the Board to adopt a resolution that allows for penalties and graduated sanctions against fellow city and county members of the District; and

WHEREAS, no city or county member of the District has been or should be able to define, administer, or punish through sanctions, fines, fees, or otherwise, such penalties against another city or county member; and

WHEREAS, Resolution 23-15 fails to outline, reference, or address the District's post-November 2023 interpretation of Resolution 23-15 to require city and county members paying in

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part or in full for the hard costs associated with the educational and implementation of the requirements set forth in Resolution 23-15.

NOW, THEREFORE, BE IT RESOLVED BY THE CLEARFIELD CITY COUNCIL:

1. The city respectfully requests that the Board rescind or amend Resolution 23-15 to eliminate the newly defined potential imposition of penalties, fines, fees, or sanctions against city or county members.

2. The city respectfully requests that the Board rescind or amend Resolution 23-15 to allow for the Board to discuss and consider how the hard costs associated with the educational and implementation of the requirements set forth in Resolution 23-15 might be addressed between the District and the city and county members.

3. The city affirms its desire to continue to collaborate and partner with the District to provide sustainable, cost-effective, and environmentally sound waste management to the residents of the city.

4. The city asserts that this Resolution is not intended to constitute an exhaustive recitation of facts or legal arguments or remedies available and expressly retains the right to pursue, as deemed necessary, all legal claims, causes of action, and other remedies available.

PASSED AND ADOPTED by the Clearfield City Council, Utah, this __ day of _____, 2024.

_____
MARK SHEPHERD, Mayor

ATTEST:

_____
NANCY DEAN, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

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