



**CITY COUNCIL**  
 2267 N 1500 W  
 CLINTON UT 84015  
 Phone: (801)-614-0700  
 Fax: (801) 614-0752  
 www.clintoncity.net

**CI GPFC"**  
 Qevdgt"35."4237"

Mayor  
*L. Mitch Adams*

City Council  
*Anna Stanton*  
*Mike Petersen*  
*Karen Peterson*  
*Barbara Patterson*  
*TJ Mitchell*

**K0 TGI WNCT'UGUUKQP '6'9-22'RO 0'**

- 30 Ecm'vq"Qtf gt"
- 40 Rrgf i g"qh'Crngi kpep"
- 50 Kpxqecvqp"qt"Vj qwi j v"
- 60 Tqm'Ecm'

"

**C0** Go r m{ gg'qh'yj g'O qpjy 'hqt'Ugr vgo dgt'4237"o'Uctcj "Tgcf .Tgetgcvkp"  
**D0** F gr ctvo gpvJ gcf "qh'yj g'5<sup>ff</sup>'S wctvgt'4235"o'O kng'Ej kf .Rwdrle"Y qtm"  
**E0** Go r m{ gg'Ugtxleg'Cy ctf u'o'5<sup>ff</sup>'S wctvgt'4237"  
**F0** **Tguqmwkqp'45/37.**Tgegtvkecvkqp"qh'Erkvqp"Uwvleg'Eqwv"  
**G0** **Vq'Dg'Vcdngf '7'9-37'RO 'Rwdrle'J gct lpi . 'Tguqmwkqp'44/37/'HpcnRrvvCrr tqxcn'qh'**  
 Rcwguqp"J qo gungcf "Uwdf kxkqp"\*Nqecvgt'cv'cr r tqz047: 2'P "qp"y g'gcu'ukf g'qh'5222"Y +"  
**H0** Etcem'Ugcn'Dkf "Cy ctf "  
**I 0** **Vq'Dg'Vcdngf '7'9-52'RO 'Rwdrle'J gct lpi . 'Qtf kpepeg'37/2:** \ "/Tgl ppg'Tgs wguv'ht'Rtqr gtv "  
 Nqecvgt'cv'Cr r tqz03822"Y '822'P 'Itqo 'Ci tlewnwtg"\*C/3+'cpf 'T/3/; "vq'Rcvkq"J qo g'\*RJ +"  
**J 0** Tcvkecvkqp"qh'Rqm'Y qtngtu'hqt'P qxgo dgt'5<sup>ff</sup>'4237'I gpgtcn'Grgevkp"  
**K0** **Qtf kpepeg'37/:** .Co gpf lpi "Vkrq'46/6/3\*39+'e+/'Eco r cki p'Uki p'Rqukpi 'Tgi wvkvkpu"  
**L0** **9-62'RO 'Rwdrle'J gct lpi '6'Qtf kpepeg'37/29.** .Co gpf lpi "Vkrq'4: \ qplpi 'cpf 'Tgcn'Rtqr gtv "  
 Cff lpi "J qo g'Qhkeg"  
**M0** Cy ctf "Rwtej cug'qh'Cur j cnke"Uwthceg'Tqngt "\*\*\*\*\*"  
**N0** **9-72'RO 'Rwdrle'J gct lpi '6'Qtf kpepeg'37/28\ '7'Co gpf lpi "y g'Erkvqp'Ekw{\ qplpi 'Qtf kpepeg'**  
 4: /6/37\*6+."Ceegu'vq'tgukf gpvkn'Rtqr gtv "Kpwnf lpi "Hqwt"qt'Nguu'F y gnrpi u'd{ 'cfff lpi 'dcemlkp"  
 uwdugevkp"\*e+'wplkvkqpvcml'igh'qww'qh'yj g'r t gxlqwu'Qtf kpepeg'Co gpf o gpv"  
**O 0** Uwdf kxkqp"Hpcn'Ceegr vpep'6'Xq{ ci g'Cecf go { "

**K00 OVJ GT'DWUK GU'**

- c0 Cr r tqxcn'qh'Ekw'Eqwpeki'O ggkpi "O kpwgu'ht'Ugr vgo dgt'44."4237"
- d0 Ceeqwpw'Rc{cdrg"
- e0 Rrppkpi 'Eqo o kukqp"Trgr qt v"
- f0 Ekw' "O cpci gtau'Tgr qt v"
- g0 Oc{qtai'Tgr qt v"
- h0 Eqwpeki'Tgr qt w'qp"Ctgc'u'qh'Tgur qpukdkkw "
- i0 Cevkqp"Kgo "Tgxlg y "

**K30 CFLQWTP"**

**Dennis W. Cluff**  
 Tgeqtf gt"

Ki{qw'cwpgf "y ku'o ggkpi 'cpf .f w'vq'c'f kucdkkw{ .y knlpggf "cuukncpeg'lp'wfp gtucvfp kpi "qt'r ctvlek cvkpi "y gtgkq.'r rncug'pqwh{ 'y g' Ekw'cv'rgcu'gkij vj qwtu'r thqt "vq'yj g'o ggkpi 'cpf 'y g'y knluggn'vq'r tqxkf g'cuukncpeg0"Vj g'qtf gt'qh'ci gpf c'kgo u'o c{ 'dg'ej cpi gf " qt'vko gu'ceegnrcvgt'cu'vko g'r gto ku'y kj "y g'gzegr vkqp'qh'r wdrle"j gctkpi 0"

# ENK VQP 'EKV[ " EQWPEK'CI GPFC'KGO "

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<b>UWDLGEV</b> <Go r m{ gg'qh'y g'O qpy 'hqt'Ugr vgo dgt'4237/"Uctej "Tgcf "	<b>CI GPFC'KGO &lt;'C</b> "
<b>RGVVKQP GT</b> <F gppku'Enwh'Dtweg'Nqi cp"	<b>O GGVPI 'FCVG&lt;</b> "
<b>TGEQO O GPFCVQKQP</b> <Vj cvEqwpekltgeqi pk g'Uctej "Tgcf "cu" Go r m{ gg'qh'y g'O qpy 'hqt'Ugr vgo dgt'42370'	<b>TQNN'ECNN'XQVG&lt;</b> ".....'p Q"

**HKUECN'KO RCEV<**

**DCEMI TQWPF**<'Kco "tgeqo o gpf kpi "Uctej "Tgcf "hqt"Go r m{ gg'qh'y g'O qpy 0'Uj g'ku"qpg"qh"qwt"  
Tgetgcvkp"Rtqi tco o gt "IUr gtxkuqtu0'Uctej "j cu"ci tgecv'cwkwf g"cpf "ku"xgt { "vr dgecv'cpf "r qukkxg0'Uj g"  
eqpxg{u'c'r tqhguakpenci g'y j kg'lp'y g'qhleg"cpf "c'r qukkxg'gpy wukwke"o cppgt'qww'qp'y g'hgnf 0'Uj g"  
ku'y qtqwi j .y gm'qti cpk gf ."cpf "j cu"i qqf "y qtm'j cdku0'Hqt"gzco r ng."y kj "y g'I knu'Hcu'r ke j "uqhdcm'  
r tqi tco "uj g"i qgu"y c{ "qw'qh"j gt"y c{ "vq"o cng"uwg"y g"vgo u'ctg"lphqto gf "qh'y g'y j gpau."j qy au"cpf "  
y j gtgau0'Uj g'ku"xgt { 'i qqf "cv'f gcnkpi "y kj "eqcej gu'cpf "r ctgpu'lp'y g"qwj "ur qtv'r tqi tco u'cpf "ghgevkxgn"  
j cpf ngu'eqphleu'y tqwi j "tguqkpi "ukwcvkpu'lp"ceqwtvqwu."eqqr gtcvkxg"cpf "vko gn{ "o cppgt0'Uj g'ku'cuq"  
o kpf hwi'qh'y g'dwf i gv'uj g'j cu'vq'y qtnly kj 0"

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Uctej "ku"xgt { 'kppqxcvkxg"cpf "etgcvkxg'y kj "kf gcu0'Uj g'i qgu'qww'qh'j gt"y c{ "vq" f geqtcvg'y g'qhleg'hqt "  
y j cvxgt "ur qtv'y go g'tgrv'v'vq'qwt'ewtgpvr' tqi tco 0'Uctej "ku"xgt { 'i qqf "cv'r rppkpi "cpf "uj g'ghgevkxgn{ <  
qti cpk gu'y qtm'guvednkuj gu'r tkqtkgu'vq"o cpci g'vko g=ku'ceewtcvg"cpf "pgcv'lp"j gt"y qtn0'lp"cf f kkp'vq'cm'  
y ku.'uj g'j cu'vq'eqttgrv'g"cpf "dcrcpeg"j gt"vko g'dgy ggp'y qtnkpi "j gtg"cpf "j gt'uej qqr'uwf lgu0"

"

Uctej "ku'c'twg'r wdne'ugt xcpv0'Uj g'ku'r cuukpvcg'cdqw'qwt'F gr ctvo gpv'y ku'Ekv{ "cpf "j gt'ho kn{ 0J wo kkv{ ."

f gr gpf cdkkv{ . 'tgr qpukdkkv{ . 'j qpguv{ . 'kpkcvkxg.'r gtugxgtcpeg"cpf "f kki gpeg'cm'eqpvtkdwg'vq'y g'ghgevkxg"  
ugt xleg'uj g'tgpf gtu'Enkvqp'Ekv "Tgetgcvkp0'

"

Kcpf "y g'uchh'qh'Enkvqp'Ekv "Tgetgcvkp"ctg'i tcvghwi'vq"Uctej "cpf "f q"j ki j n{ 'tgeqo o gpf "Uctej "hqt"  
Go r m{ gg'qh'y g'O qpy "qh'Ugr vgo dgt'42370'

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**CVVCEJ O GPVU<**

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# ENK VQP 'EKV[ " EQWPEK'CI GPFC'WGO "

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<p>UWDLGE V&lt;F gr v'J gcf "qh'vj g"5<sup>tf</sup> "S wctvgt "qh'4237"/"O knq'Ej kf "</p>	<p><b>CI GPFC'WGO &lt;'D</b> "</p>
<p>RGVVKQP GT &lt;F gppku'Enwhh"</p>	<p><b>O GGVPI 'FCVG&lt;"</b> " "Qexqdt'35.'4237"</p>
<p>TGEQO O GPFCVIQP &lt;Vj cvEqwpekltgeqi plq g'O knq'Ej kf "cu'vj g'F gr v' J gcf "qh'vj g"5<sup>tf</sup> "S wctvgt "qh'4237"</p>	<p><b>TQNN'ECNN'XQVG&lt;'</b> "P Q"</p>
<p><b>HKUECN'KO RCEV&lt;""</b></p>	
<p><b>DCEMI TQWPF &lt;""O knq'j</b> cu'dggp"go r nq{ gf "d{ 'y g'Ek{ 'hqt "qxtg'55"{ gctu0J g'ku'vj g'Ek{ au'Rwdrle "          Y qtm'F kgevt "cpf "qxtguggu'pkpg'f khtgpv'f kxkukqpu'qh'y qtnr'wdrle'y qtm'cf o kp=y cvgt=ugy gt=uxto "          f tclp=urkf "y cug=utggw"Encuu'E=r ctm=ego gvt { =cpf . "o qvt'r qqr0"J g'cpf 'j ku'etgy u'j cxg'j cf "uqo g"          f kkw'ej cmgpi gu'vj ku'r cuv"{ gct'y kj "y cvgt "eqpco kpcvqp. "kpg"dtgcm'cpf "c"o wkwf g'qh'r tqlgeu'cpf "          ko r tqxgo gpw0"Vj ku'kp"cf f kkp"vq'vj g'eqpvkpcr'o clpvpcpeg"cpf "qr gcvkqpu'qh'vj g'guagpvcn'wkrk "          hwpvqpu'qh'vj g'Ek{ 0""</p> <p>""Kf gr gpf "qp'O knq'urkg"cy kf g'xctkv "qh'r j { ulecn'kuwgu'vj cv'qewt "y kj kp'vj g'Ek{ 0"J ku'gzt gkgep "          cpf "npqy rgi g'qh'vj g'Ek{ 'ku'gzvgo gn' 'xcnwdng"cpf 'j ku'cf xleg'kp'vj gug'ctgcu'j gr u'o g'kp'vj g'htgs wgpv "          cpf "o wkr ng'f gekukqpu'vj cv'pggf "v'dg'o cf g'qp'dgj ch'qh'vj g'Ek{ 0"J g'cnuq'j cu'dggp'eqqtf kpcvpi "y g"          o cp{ 'utggv'r tqlgeu'y g'j cxg'j cf "y ku"{ gct0"O knq'cnuq'uku'qp'ctgc'y kf g'cf xkuqt { "i tqw u.'tgr tguagpki "          Enkvpq'Ek{ au'kpgt guu0'</p> <p>""O knq'ku'c'i tgevr'gtuqp'y kj "y j lej "v'y qtn0"J g'j cu'cp'gcu{ 'i qkpi "o cpgt'y j lej "cnuq'j gr u'j ko "kp "          f gcnpi "y kj "y g'r wdrle0"J g'ku'c'tgen'cuugv'vq'vj g'Ek{ 0"Kcr r tgekv'j ku'y qtn'gvy le'cpf 'r qukkxg'cwkfw g0'</p>	
<p><b>CVVCEJ O GPVU&lt;""</b></p>	

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# ENK VQP 'EKV[ " EQWPEK'CI GPFC'KGO "

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UWDLGEV<Go r m{ gg"Ugtxleg"Cy ctf u/Vj kf "S wctvgt"qh'4237"	CI GPFC'KGO <'E" "
RGVVKQP GT<"F gppku'Emwh'O c{qt"Cf co u"	O GGVPI 'FCVG<" "                 Qexqdt'35.'4237"
TGEQO O GPFCVIQP <Vj cvEqwpekltgeqi pl g'vj g'dgmy 'rkvgf " go r m{ ggu'hqt'vj gk'f gf kcvgf "ugtxleg'v'vj g'Ek{ 0'	TQNN'ECNN'XQVG<'                 ".....'p Q"
HKUECN'KO RCEV<	
DCEMI TQWPF <Hqt'vj ku'r cuvS wctvgt'vj gtg'ctg'ukz"go r m{ ggu'grki kdrh'ht"cy ctf u0"Vj g{ "ctg<                 Ht g/'Lwmp'Dgpcxlf gu/'37'{ gct u'                 Ht g/'Vlo qvj { 'Xgi c/'37'{ gct u'                 Ht g/'Uj cwp'Uo kj /'37'{ gct u'                 Rqleg/'V{ rgt'Ewpplpi j co /'7'{ gct u'                 Rqleg/'Dt { cp'Ht ggo cp/'7'{ gct u'                 Vtgcwmtgt /'Uj cpf tc'Dgetch/'7'{ gct u'                 "	
"CVVCEJ O GPVU<"	

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# ENK VQP 'EKV[ " EQWPEKN'CI GPFC'KWGO "

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<p>UWDLGE V&lt;T guqmwkqp"45/37."T gegt vkhlecwqp"qh'Erikvqp"Lwuleg'Eqwtv'</p>	<p>CI GPFC'KWGO &lt;F" "</p>
<p>RGVVKQP GT&lt;Lwf i g'Ecyj gtlpg"J quinkpu."Uj cppqp'O wrkpu"</p>	<p>O GGVKPI 'FCVG&lt;" " "Qexqdg"35."4237"</p>
<p>TGEQO O GPFCVWQP &lt;Vj cvEqwpekl'cf qr v'T guqmwkqp"45/37" T gegt vkh lpi 'vj g'Erikvqp"Lwuleg'Eqwtv'ht"cpqj gt"6"{ gct"vgo ."gpf lpi "Hgd" 5."42420'</p>	<p>TQNN'ECNN'XQVG&lt;' ".....[ GU'</p>
<p><b>HUECN'KO RCE V&lt;""</b></p>	
<p><b>DCEMI TQWPF &lt;""</b>Vj g'Ucvg'f gukt gu'vj g't gegt vkhlecwqp'f qpg'o qpj u'lp'cf xcpeg'qh'vj g'vgo "gpf 'fcvg." lwu'lp'ecug'c'Ekv'f gekf gu'v'q'tgnps wkj 'ku'eqwtv'u{ ugo "v'vj g'Eqwv{ 0Vj g'o wplek cn'iwuleg+eqwt' lwf i g'ku'pqy "grgevgf 'cpf 'pq'wpi gt'cr r qkvgf 'd{ 'vj g'Eqwpekl'Qwt'Lwuleg'Eqwtv'j cu'y qtngf 'y gm'cpf 'ku' rtxkf lpi 'vj g'Ekv' 'y kj 'mecn'icy 'lwf lekcn'gphqtego gpv'cu'y gmi'cu'c'tgxgpgw'wtgco "v'j gr 'qhh'ugv'vj g' equu'qh'vj g'eqwtv'Y g'uj qwf "eqv'pvg'qwt'Lwuleg'Eqwtv'</p> <p>"</p>	
<p><b>CVVCEJ O GPVU&lt;""</b>T guqmwkqp"45/37"."Ngwt'htqo 'Ekv' 'Cwqtpg{ '( 'Eqwtv'Chkf cxk'</p>	

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# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

August 22, 2015

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

Mayor Mitch Adams  
City Hall  
2267 N. 1500 W.  
Clinton, UT 84015

Dear Mayor Adams,

State statute requires that municipal justice courts be recertified by the Utah Judicial Council every four years, and the certification for your municipal justice court expires this coming February. Enclosed please find a recertification packet that includes an application for certification. Copies of this packet are also being sent to your justice court judge and city attorney. A copy is available for review on the courts' web site as well at: <http://www.utcourts.gov/courts/just/resources.html>. In order to be recertified, a municipality must submit a resolution adopted by your municipal legislative body that requests recertification and agrees to continue to comply with the operational standards for the term of recertification, an opinion letter from the city attorney, and a completed and signed affidavit submitted by the municipal justice court judge. All three items are described in more detail in the application for recertification.

**All three components of the recertification application are due at the Administrative Office of the Courts by October 30, 2015. The completed packet should be mailed to: Justice Court Standards Committee, Attention: Richard Schwermer, Administrative Office of the Courts, P. O. Box 140241, Salt Lake City, UT 84114-0241.**

Thank you for your continued commitment to a quality local judiciary, and please call me if you have any questions about this recertification process.

Sincerely,



Richard H. Schwermer  
Assistant State Court Administrator

nm

Enclosure

cc: Municipal Justice Court Judge  
City Attorney

**The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

## CHECKLIST

Please be sure that your application for recertification includes each of the following:

1.  Court Certification Affidavit completed and signed by the judge.
2.  A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.
3.  A copy of a duly passed resolution of the sponsoring governmental entity that
  - a. requests recertification of the court, and
  - b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.
4.  A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since last submitted. *(Has Not Changed)*

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE  
JUSTICE COURT STANDARDS COMMITTEE AT THE ADDRESS BELOW BY:  
OCTOBER 30, 2015.**

Utah Judicial Council  
Attention: Richard Schwermer  
Administrative Office of the Courts  
P. O. Box 140241  
Salt Lake City, Utah 84114-0241

**COURT CERTIFICATION AFFIDAVIT**

Court Location: Clinton City Justice Court

Judge: Catherine J. Hoskins

Address: 2267 North 1500 West Clinton City, Utah 84015

Telephone: 801-614-0760

Level of Court (Circle one): I II **III** IV

Average Case Filings Per Month: 180

Daily Court Hours: 8 hours

Number of Full-time Clerks: 2  
# Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 0  
# Hours Worked Per Week Per Clerk: \_\_\_\_\_

This form is divided into two parts. Section I contains those requirements that are statutory and are **not** waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

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Comes now Judge Catherine J. Hoskins,

Justice Court Judge for Clinton City Justice Court

\_\_\_\_\_ and,

except as specifically noted below, certifies as follows:

## SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.  
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. Yes
2. Court is open daily. Yes
3. The hours of court operation are posted conspicuously. Yes
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. Yes
5. The judge is compensated at a fixed rate, within the statutory range. Yes
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. Yes
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. Yes
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. Yes
9. The responsible governmental entity provides the Court with:
  - a. Sufficient prosecutorial support Yes
  - b. Funding for attorneys for indigent defendants, as appropriate Yes
  - c. Sufficient local law enforcement officers to attend court as provided by statute Yes
  - d. Security for the court as provided by statute Yes
  - e. Witness and juror fees Yes
  - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Yes

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. Yes
11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).  
Yes
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.  
Yes

## SECTION II

**Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.**

Please indicate **YES or NO** to each of the following:

1. Court is open each day as appropriate for the classification of the court. Yes
2. The judge is available to attend court and to conduct court business as needed. Yes
3. Minimum furnishings in the courtroom include:
  - a. Desk and chair for the judge Yes
  - b. A six inch riser Yes
  - c. Desk and chair for the court clerk Yes
  - d. Chairs for witnesses Yes
  - e. Separate tables and appropriate chairs for plaintiffs and defendants Yes
  - f. A Utah State flag Yes
  - g. A United States flag Yes
  - h. A separate area and chairs for at least four jurors Yes
  - i. A separate area with appropriate seating for the public Yes
  - j. An appropriate room for jury deliberations Yes
  - k. An appropriate area or room for victims and witnesses which is separate from the public Yes
  - l. A judicial robe Yes
  - m. A gavel Yes
  - n. Current bail schedules Yes
  - o. A copy of the Code of Judicial Administration Yes

- p. Necessary forms and supplies Yes
  - q. Office space for the judge Yes
  - r. Office space for the court clerk Yes
  - s. Secure filing cabinets Yes
  - t. Appropriate office supplies Yes
  - u. A cash register or secured cash box Yes
  - v. At least one computer with internet access Yes
  - w. Access to a copy machine Yes
4. The appropriate number of clerks as required by the classification of the court are present during the time court is open each day and as needed during court sessions. Yes
5. Does the applicant have a law enforcement department? Yes
6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
7. A security plan has been filed consistent with C.J.A. Rule 3-414. Yes
8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Yes
9. If the court is a **Class I** court:
- a. Judge is employed on a full-time basis \_\_\_\_\_
  - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council \_\_\_\_\_
  - c. Court has a jury deliberation room \_\_\_\_\_
  - d. Judge's chambers, clerk's office, and courtroom are in the same building \_\_\_\_\_
  - e. Judge has his or her own private chambers \_\_\_\_\_
  - f. Clerk's office is separate from any other entity \_\_\_\_\_

- g. Court is open during normal business hours \_\_\_\_\_
10. If the court is a **Class II** court:
- a. Court is open (check one)
- \_\_\_\_\_ 1. 201-300 average monthly filings: at least 4 hrs./day  
 \_\_\_\_\_ 2. 301-400 average monthly filings: at least 5 hrs./day  
 \_\_\_\_\_ 3. 401-500 average monthly filings: at least 6 hrs./day
- b. Trial calendar is set at least weekly \_\_\_\_\_
- c. Courtroom configuration is permanent \_\_\_\_\_
- d. Courtroom, judge's chambers, and clerk's office are within the same building \_\_\_\_\_
- e. Judge has his or her own private chambers \_\_\_\_\_
11. If the court is a **Class III** court:
- a. Trial calendar is set at least every other week Yes
- b. Court is opened (check one):
- \_\_\_\_\_ 1. 61-150 average monthly filings: at least 2 hrs./day  
X 2. 151-200 average monthly filings: at least 3 hrs./day
12. If the court is a **Class IV** court:
- a. Trial calendar is set at least monthly \_\_\_\_\_
- b. Court is open at least 1 hour per day \_\_\_\_\_
13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).



I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 28 day of September, 2015.

Catherine J. Hashem  
Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 28 day of September 2015.

Michele Rowley



## Helgesen, Houtz & Jones

5732 South 1475 East, Suite 200

South Ogden, UT 84403 • 801.479.4777 • Fax: 801.479.4804

Direct Email Address: [mike@utahattorneys.com](mailto:mike@utahattorneys.com)

September 30, 2015

Mayor Mitch Adams  
Clinton City Council  
2267 North 1500 West  
Clinton, Utah 84015

RE: Justice Court Recertification

Dear Mayor Adams and members of the City Council:

I have been asked to write a letter concerning the justice court standards of operation so the City's Justice Court can be recertified. I have specifically been asked to advise you of the requirements for the operation of a justice court and the feasibility of maintaining a court. As you know, the City has operated a Justice Court in Clinton City for many years so it is feasible to maintain a court. I learned from Dennis Cluff that there are about 180 court filings per month.

The provisions for creating and operating justice courts are generally found in Utah Code Ann. § 78A-7-101 et seq. The requirements are as follows:

1. All official court business shall be conducted in a courtroom located in a public facility which is conducive and appropriate to the administration of justice. See Utah Code Ann. § 78A-7-213. Court is held in the city office building, and the room is conducive to the administration of justice.
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (Utah Code Ann. § 78A-7-213) although the judge is not required to be present during all hours that the court is open.
3. The hours the justice court is open shall be posted conspicuously at the court and in local public buildings. See Utah Code Ann. §78A-7-213. The hours for the court in Clinton are posted at the court.

Clinton Justice Court Recertification

September 30, 2015

Page 2

4. The judge and the clerk of court shall attend court at regularly scheduled times. See Utah Code Ann. § 78A-7-213. In Clinton, court is held at regularly scheduled times and the judge and the clerk are present.
5. The City that creates the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court. See Utah Code Ann. § 78A-7-206 and § 78A-7-207.
6. The City that creates the Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training. See Utah Code Ann. § 78A-7-205.
7. The City that creates the Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the judicial counsel. See Utah Code Ann. § 78A-7-103.
8. The City that creates the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution. See Utah Code Ann. § 78A-7-103.
9. The City that creates the Justice Court shall provide adequate funding for attorneys where persons are indigent as provided by law. See Utah Code Ann. § 78A-7-103.
10. The City creating the Justice Court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court. See Utah Code Ann. § 78A-7-103. The City has always had an officer present to provide security.
11. Witnesses and jury fees required by law shall be paid by the City which creates the justice court. See Utah Code Ann. § 10-7-76 and § 17-50-319.
12. Any fine, surcharge, or assessment which is payable to the State must be forwarded to the State as required by law. See Utah Code Ann. § 78A-7-120 and § 78A-7-121.
13. The City creating a court shall pay the judge of the court a fixed compensation, within the range provided by statute. See Utah Code Ann. § 78A-7-206.

14. Court shall be held within the jurisdiction of the court except as provided by law. See Utah Code Ann. § 78A-7-212.

15. The City creating the court shall provide and keep current a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material. See Utah Code Ann. § 78A-7-103.

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant Utah Code Ann. § 78A-7-215.

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council. See Utah Code Ann. § 78A-7-213.

These requirements are directly mandated by state statute. In addition to these statutory requirements, the Judicial Council has provided minimum requirements for the creation and certification of Justice Courts. The requirements that have been adopted by the Judicial Council are as follows:

1. The Justice Court must be open for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in the Code of Judicial Administration Rule 9-105.

2. The judge must be available to attend court and conduct court business as needed.

3. The minimum furnishings for a courtroom include: a desk and a chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate area for the public, and an appropriate area or room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.

4. The City must provide a judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and any other necessary forms and supplies.

5. The City must provide office space for the judge and clerk. The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

6. The court clerk must be present during the time the court is open each day and during court sessions as required by the judge.

7. The City must have at least one peace officer present in court.

8. A court security plan must be submitted that is consistent with the Rules of Judicial Administration Rule 3-414.

9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division (DLD) and the Bureau of Criminal Identification (BCI), as defined by the reporting and retrieval standard promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts. Justice Courts must use CORIS case management system. See Utah Code Ann. § 78A-7-213.

10. The court shall report required case disposition information to DLD, BCI, and the Administrative Office of the Courts electronically, as described in number 9 above.

It is my opinion that it is feasible for the City to continue to operate and maintain a Justice Court. Operation of a Justice Court in the City is also in the best interest of the citizens. If you have any questions please let me know.

Sincerely,

HELGESEN, HOUTZ, & JONES



Michael V. Houtz





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 " EQWPEKN'CI GPFC'WGO "

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<p>HKUECN'KO RCEV&lt;""</p>	
<p>DCEMI TQWPF &lt;"EtceniUgcn'pi 'qh'wtggv'ku'kf gcm{ 'r gthqto gf 'kp'yj g'Hcm'cu'yj g'y gcvj gt'eqqn0"Y g"  j cxg'c'rti g'co qwpv'qh'etcentugcn'pi 'r nppgf 'hqt 'yj ku' { gct0"Y g'j cf 'yj tgg'r tqr qucn'hqt'etcentugcn'pi &lt;  O qti cp'Rcxgo gpv'""&amp; ; . ; ; 0 ; ""64077'vqu'B "&amp;4572098 kqp"  O ( O 'Cur j cm'Ugtxlegu""&amp;343.72202""67'vqu'B "&amp;4.922 kqp"  I tgev'Dculp ""&amp;346.54202""64'vqu'B "&amp;4.; 82 kqp"  ""Y g'tgeqo o gpf 'yj g'ny 'dkf gt.'O qti cp'Rcxgo gpv.'pqv'qpn{ 'hqt'vj gk'ny gt'dkf . 'dw'cnuq'f wg'vq'vj gk"  r cu'gzegngpv'y qtnihqt'vj g'Ek{ 0'  "</p>	
<p>CVVCEJ O GPVU&lt;""dkf u" "</p>	

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**Morgan Pavement**  
 Remit to: PO Box 190  
 Clearfield, UT 84089  
 625 S. Main Street  
 Clearfield, UT 84015



Phone: (801) 544-5947  
 Fax: (801) 416-8061  
 MorganPavement.com

Mastic Asphalt Treatment-Excavation & Grading-Asphalt Paving-Patching-Sealcoat-Slurry-Crackseal-Striping-Consulting

<b>To:</b> CLINTON CITY	<b>Contact:</b> GREG FOLK
<b>Address:</b> 2267 NORTH 1500 WEST CLINTON, UT 84015	<b>Phone:</b> (801) 941-1133
	<b>Fax:</b>
<b>Project Name:</b> CLINTON CITY CRACKSEAL 2015	<b>Bid Number:</b>
<b>Project Location:</b> VARIOUS STREEST, CLINTON, UTAH	<b>Bid Date:</b> 8/20/2015

Item Description	Estimated Quantity	Unit	Unit Price	Total Price
<b><u>Crackseal W/Perimeters. Billed At \$2,350.00 Per Ton</u></b>	42.55	TON	\$2,350.176	\$99,999.99
Blow Cracks Free Of Dirt And Debris				
Fill Cracks With Hot Rubber Crack Sealant				
Includes Perimeter Seams Against Concrete Curbs And Gutters.				

**Total Bid Price: \$99,999.99**

**Notes:**

- Unless specified otherwise, the Buyer assumes responsibility for traffic control and any barricading necessary, as well as assuring traffic is not permitted on the new surface until material is set.
- Temperature is a factor in the ability to apply certain asphalt products and obtain adhesion. In order for warranty to apply, temperatures must fall within certain parameters for that specific scope of work. Please call to verify the temperature parameters of the proposed work.
- Please turn off all sprinklers and remove obstructions( i.e. dumpsters or cars) from work site prior to performance of work. Morgan Pavement will not be held liable for areas that are wet or blocked on the day that the crews arrive. If it is necessary to return to touch up areas so affected, there will be additional charges.
- If this contract contains unit prices, job will be measured and billed upon completion at unit prices listed on contract.
- Exclusions unless noted on scope of work: Bonds, fees, permits, material or compaction testing, traffic control and/or barricades, prime coat, soil sterilant, subgrade stabilization, concrete, sawcutting, earthwork, engineering, survey, construction staking, third party billing fees

**Payment Terms:**

Payment is due at completion of project without any retention being withheld, Invoices are subject to 2% interest per month beginning 30 days following the due date. In the event it becomes necessary for Morgan Pavement to file suit to collect any money due, hereunder or for breach thereof, the owner agrees to pay in addition to the amount due, all costs of enforcement including reasonable attorney fees.

<p><b>ACCEPTED:</b>          The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b>  <b>Morgan Pavement</b></p> <p><b>Authorized Signature:</b> </p> <p><b>Estimator:</b> BRIAN ALLEN          (801) 430-0854 ballen@morganpavement.com</p>
--	---

**PROPOSAL & CONTRACT**



**ASPHALT SERVICES**

5464 West Leo Park Road, West Jordan, Utah 84081 • Phone(801) 280-9400 • Fax(801)280-3526

**Seal Coating • Crack Sealing • Slurry Seal • Asphalt Repairs**

<b>SOLD TO</b>	Clinton City 2267 North 1500 West Clinton, UT 84015 Mike Child	<b>JOB SITE</b>	Clinton City Various Locations Clinton, UT
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- Crackseal: \$ 121,500.00  
 Details: Apply rubberized crackseal to all cracks 1/8 inch and larger to roads specified by city. Price based on 45 tons of material. \$2700 per ton.

Terms of Payment: Upon Completion

**Total Contract Price \$ 121,500.00**

**We hereby agree to furnish all labor, material and equipment for the completion, in a good and workmanlike manner, of the work described above.**

Date \_\_\_\_\_

By \_\_\_\_\_

**ACCEPTANCE**

**The above mentioned proposal is accepted. You are authorized to perform the work described herein. It is agreed that you shall be paid according to the terms set forth herein. All of the terms on the reverse side are incorporated herein and made a part hereof.**

Date \_\_\_\_\_, 20\_\_\_\_

Company \_\_\_\_\_

By \_\_\_\_\_ Title \_\_\_\_\_

# Proposal and Contract



Job Name: **CLINTON CITY CRACK SEAL 2015**

Job Address: Various City Streets  
Clinton, UT

Phone:

Mobile:

e-mail: [mchild@clintoncity.com](mailto:mchild@clintoncity.com)

Your Contact: **JOSHUA CALLISTER**

Phone: **(801) 928-4146**

e-mail: [josh.callister@gmail.com](mailto:josh.callister@gmail.com)

Customer Name: **CLINTON CITY**

Billing Address: 2267 N. 1500 W.  
CLINTON, UT 84015

Date: **September 28, 2015**

ATTN: **Mike Child**

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## **CRACK REPAIR**

42 TON @ \$2960.00/TON

\$124,320.00

Blow cracks free of dirt and debris

Fill cracks with hot rubber crack sealant

Includes perimeter seams against concrete curbs and gutters

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**TERMS: Payment due upon completion unless specified as follows:** \_\_\_\_\_ Invoices are subject to 2% interest per month beginning 30 days following the due date. In the event it becomes necessary for the contractor to file suit to collect any money due, hereunder or for breach of thereof, the owner agrees to pay, in addition to the amount due, all costs of enforcement including reasonable attorney fees.

## **ACCEPTANCE OF PROPOSAL**

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do work as specified. I understand that Great Basin Asphalt is not liable for conditions beyond their control or Acts of God which delay completion of a specified job.

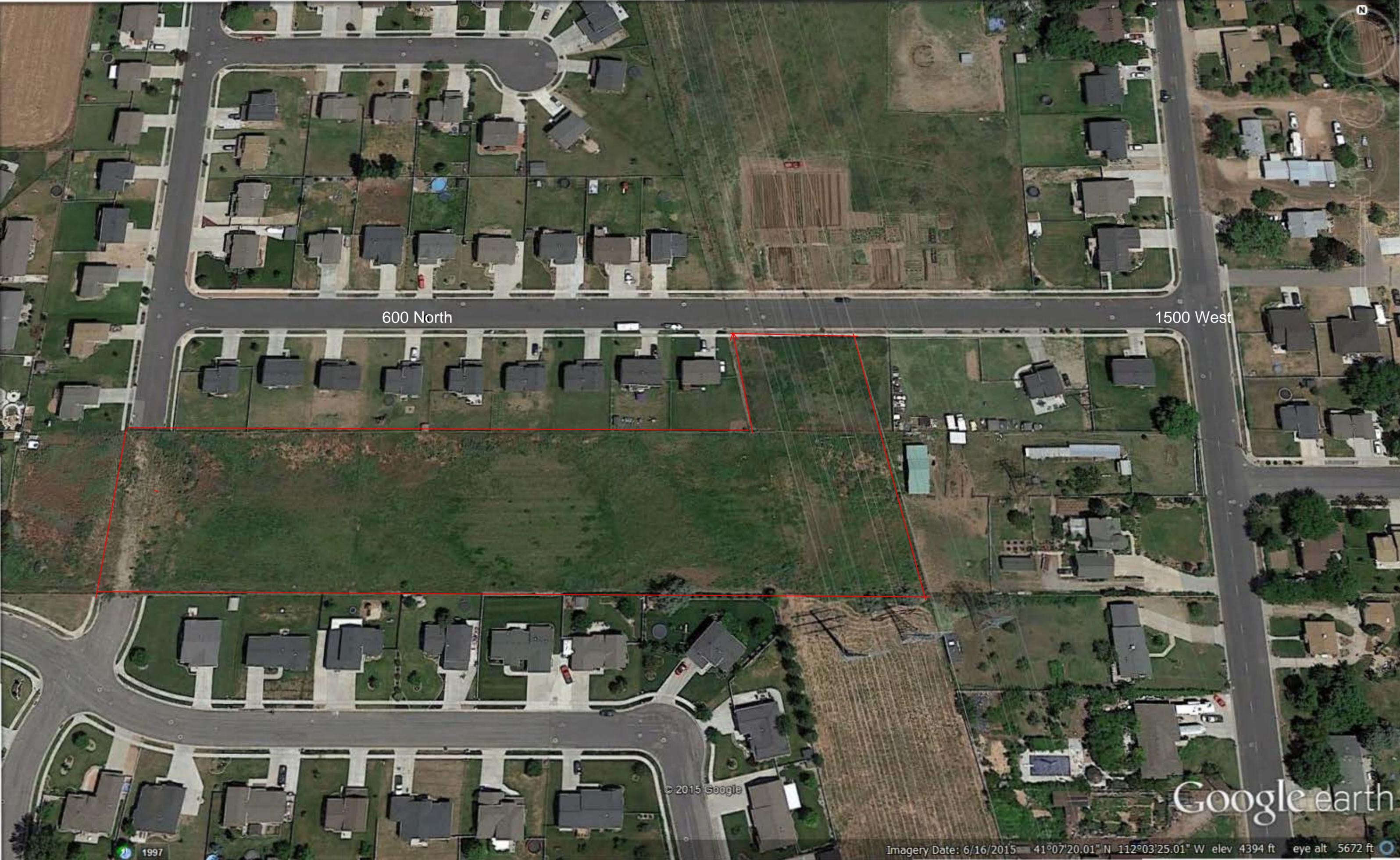
Date \_\_\_\_\_ Customer Signature \_\_\_\_\_ Customer Title \_\_\_\_\_

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

<b>SUBJECT:</b> <b>7:30 PM Public Hearing - Ordinance 15-08Z</b> - Review and recommendation to the City Council upon a request from Doug Hamblin and Robert and Diane Voigt, owners represented by Jason Hamblin for a rezone of the property located at 1600 West 600 North on the south side of 600 North from A-1 and Residential (R-1-9) to PH Patio Homes, more accurately described in the ordinance. <i>I recommend this item be tabled to November 10, 2015 to allow developer time to acquire property for access purposes for the proposed subdivision as currently designed.</i>	<b>AGENDA ITEM: G</b>		
<b>PETITIONER:</b> Jason Hamblin for Doug Hamblin and Robert and Diane Voigt	<b>MEETING DATE:</b>		
<b>ORDINANCE REFERENCES:</b> Zoning Ordinance 28-15, Zoning Map and 28-22, Patio Home Zone (PH)	<b>ROLL CALL VOTE:</b> <table style="margin: auto; border: none;"> <tr> <td style="padding: 0 10px;">YES</td> <td style="padding: 0 10px;">NO</td> </tr> </table>	YES	NO
YES	NO		
<b>BACKGROUND:</b> <ul style="list-style-type: none"> <li>• The request is for a rezone from Agricultural (A-1) and a portion of Residential (R-1-9) to PH (Patio Home) Zone.</li> <li>• Request meets the criteria for infill development provided in Section 28-22-3 Infill Site Development Characteristics, specifically subsection 2 with acreage of less than 5 acres and surrounding property developed.</li> <li>• Conceptual design for lots meets minimum average of 6,300 square feet and frontage requirements.</li> <li>• There is adequate infrastructure to accommodate this request in the area for this development.</li> </ul>			
<b>ALTERNATIVE ACTIONS:</b>			
<b>ATTACHMENTS:</b> Ordinance 15-08Z Map			
<b>SEPARATE DOCUMENTS:</b>			

Respectfully submitted,

Will Wright, Director  
Community Development



600 North

1500 West

© 2015 Google

Google earth

Imagery Date: 6/16/2015 41°07'20.01" N 112°03'25.01" W elev 4394 ft eye alt 5672 ft

1997

# ORDINANCE NO. 15-08Z

## REZONE

AN ORDINANCE BASED UPON A REQUEST BY DOUG HAMBLIN AND ROBERT AND DIANE VOIGHT, OWNERS OF THE PROPERTY, REPRESENTED BY JASON HAMBLIN, TO AMEND THE ZONING MAP OF CLINTON CITY

**WHEREAS,** Clinton City has established a standard for land use and land use density through its zoning powers; and,

**WHEREAS,** The Clinton City Planning Commission has convened a public hearing and based upon established planning principles and public input forwarded a recommendation to the City Council

**NOW THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

**BY MOTION** The Clinton City Council voted to (adopt) (reject) this petition for rezone.

### SECTION 1. Petition

Petitioner has requested the property located at approximately 1600 West 600 North on the south side of 600 North, more accurately described below, shall be rezoned from A-1 and a portion zoned R-1-9 to Patio Homes (PH) Zone based upon the request from the stated property owner (based upon the finding stated).

### SECTION 2. Legal Description

PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST, S.L.B. & M., U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF WEST FAIRFIELD ESTATES PHASE 2, SAID POINT BEING S00°08'53"W 1142.79 FEET AND N89°54'56"W 531.95 FEET FROM THE CENTER OF SAID SECTION 34 AND RUNNING THENCE N89°54'56"W ALONG SAID SOUTH LINE OF SAID WEST FAIRFIELD ESTATES PHASE 2 789.18 FEET TO THE EAST LINE OF FREW ESTATES NO. II; THENCE S00°06'55"W ALONG SAID EAST LINE 179.92 FEET TO THE EXTENSION OF THE NORTH LINE OF WESTRIDGE SUBDIVISION PHASE 1; THENCE S89°54'56"E ALONG SAID NORTH LINE 832.18 FEET; THENCE N13°19'41"W 184.97 FEET TO THE POINT OF BEGINNING.  
CONTAINING 145,860 S.F. OF 3.35 ACRES

### SECTION 3. Map

A map is attached to the ordinance by reference, however if a discrepancy exists between the map and legal description the legal description takes precedence.

**SECTION 4. Planning Commission Action**

Reviewed in a public hearing the 6<sup>th</sup> day of October 2015, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings.

**For Favorable Action (Adoption):**

- Zoning Ordinance, Compliance
- City Utilities, Compatible

September 16, 2015  
NOTICE PUBLISHED

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DAVID C. COOMBS  
CHAIRMAN

**SECTION 5. Severability.** in the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

**SECTION 6. Effective date.** This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 13<sup>th</sup> day of October, 2015.

September 16, 2015  
NOTICE PUBLISHED

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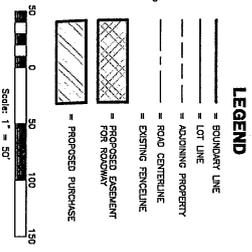
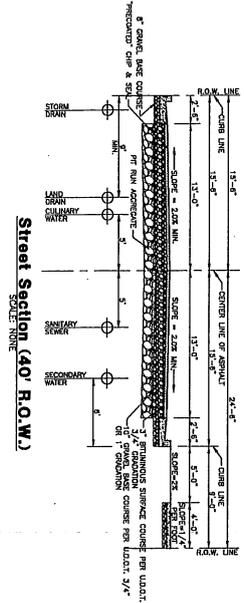
L. MITCH ADAMS  
MAYOR

ATTEST:

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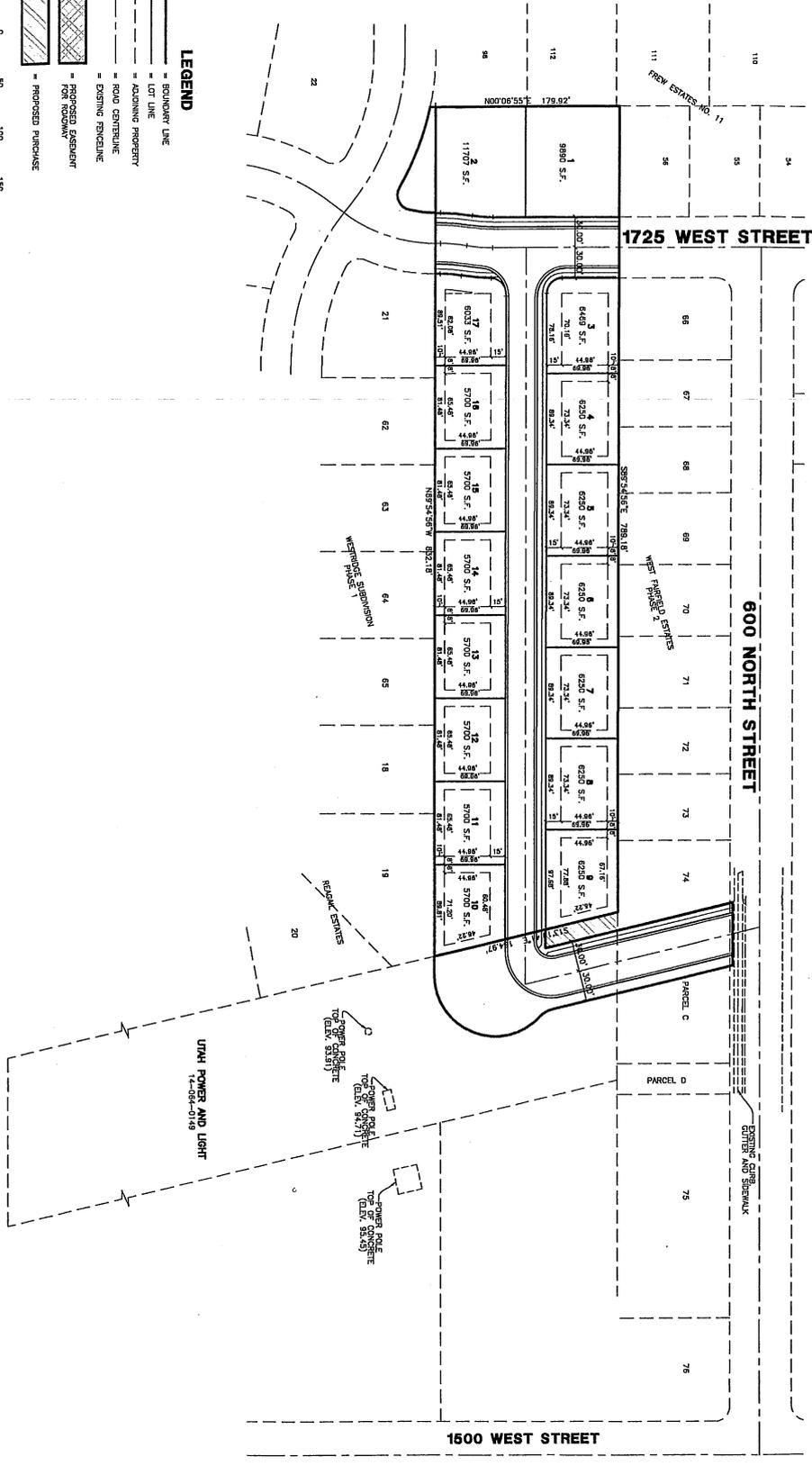
DENNIS W. CLUFF  
CITY RECORDER

Posted: \_\_\_\_\_



# Westridge Subdivision Phase 3

Clinton City, Davis County, Utah



THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC. 323 CHAMBERS STREET, SUITE 14, COOK, ILL. 60460. THESE PLANS AND SPECIFICATIONS ARE TO BE USED IN ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY IDENTIFIED HEREIN. WITHOUT THEIR WRITTEN PERMISSION, THE OWNER AND ENGINEER OF REEVE & ASSOCIATES, INC. CANNOT AND WILL NOT BE HELD RESPONSIBLE FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREBY WITHOUT THEIR CONSENT.

Revised: Sept. 21, 2015

<p><b>West Fairfield Phase 3</b> CLINTON CITY, DAVIS COUNTY, UTAH</p> <p><b>Concept Plan</b></p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	DESCRIPTION							<p><b>Reeve &amp; Associates, Inc.</b> 323 CHAMBERS STREET, SUITE 14, COOK, ILL. 60460 TEL: (815) 461-2100 FAX: (815) 461-2999 www.reeveandassociates.com ARCHITECTS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS</p>
DATE	DESCRIPTION										
<p><b>Project Info</b></p> <p>Surveyor: R. KINZ</p> <p>Designer: G. COLE</p> <p>Sign: D. COLE</p> <p>Name: WEST FAIRFIELD 3</p> <p>Number: 242-242</p>	<p>Sheet: <b>1</b></p> <p>Sheets: <b>1</b></p>	<p>Revised: Sept. 21, 2015</p>									

# CLINTON CITY COUNCIL AGENDA ITEM

<b>SUBJECT:</b> Poll Workers for November 3 <sup>rd</sup> General Election	<b>AGENDA ITEM: H</b>												
<b>PETITIONER:</b> Dennis Cluff	<b>MEETING DATE:</b>  October 13, 2015												
<b>RECOMMENDATION:</b> That Council approve the below listed persons as poll workers for the upcoming November 3 <sup>rd</sup> General Election and authorize the City Manager/Recorder to make any adjustments necessary	<b>ROLL CALL VOTE:</b>  NO												
<b>FISCAL IMPACT:</b>													
<p><b>BACKGROUND:</b></p> <p>As you recall, the City is contracting with Davis County for General Election services. The County has identified the following persons as poll workers for the November 3<sup>rd</sup> election. By law, the City Council needs to approve the poll workers. Even though these are identified, sometimes cancellations happen due to unanticipated circumstances. If that happens, substitutes will be provided. The Poll Workers are:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Dana Austin</td> <td>Poll Book Clerk</td> </tr> <tr> <td>Debra Takacs</td> <td>Poll Book Clerk</td> </tr> <tr> <td>Laretta Beesley</td> <td>Poll Manager</td> </tr> <tr> <td>Maile Loveland</td> <td>Receiving Clerk</td> </tr> <tr> <td>Brenda Moore</td> <td>Receiving Clerk</td> </tr> <tr> <td>Melinda Scott</td> <td>Provisional Clerk</td> </tr> </table>		Dana Austin	Poll Book Clerk	Debra Takacs	Poll Book Clerk	Laretta Beesley	Poll Manager	Maile Loveland	Receiving Clerk	Brenda Moore	Receiving Clerk	Melinda Scott	Provisional Clerk
Dana Austin	Poll Book Clerk												
Debra Takacs	Poll Book Clerk												
Laretta Beesley	Poll Manager												
Maile Loveland	Receiving Clerk												
Brenda Moore	Receiving Clerk												
Melinda Scott	Provisional Clerk												
<b>ATTACHMENTS:</b>													

# CLINTON CITY COUNCIL AGENDA ITEM

<b>SUBJECT:</b> Ordinance 15-8, Campaign Sign Posting Regulations	<b>AGENDA ITEM: K</b>
<b>PETITIONER:</b> Dennis W. Cluff	<b>MEETING DATE:</b>  October 13, 2015
<b>RECOMMENDATION:</b> That Council approve Ordinance 15-8, amending Section 24-4-1(17)(c) of the City Code	<b>ROLL CALL VOTE:</b>  <b>YES</b>
<b>FISCAL IMPACT:</b>	
<p><b>BACKGROUND:</b> With the current use of “vote by mail”, we no longer have early voting and the mailed ballots are sent out about 26 days prior to the election. The current campaign sign posting time limits were set up with a 45 day prior to the election time line. Yet now people can vote and send in their ballots anytime within the nearly 3½ weeks prior to the actual election day. Allowing 60 days prior to the election date will provide time for campaign signs to be posted and observed. Below are the changes to subsection (c) of City Code 24-4-1(17):</p> <p>(17) Political and Campaign Signs shall meet the following requirements:</p> <p>(a) Posting on public right-of-way. It shall be unlawful for any person to post a campaign sign in a public right-of-way.</p> <p>(b) Prior to posting of any campaign signs the candidate, a representative of the candidate or representative of the campaign shall provide to the Code Enforcement Officer the name and number of a contact person for the candidate or campaign.</p> <p>(c) Posting time limits. It shall be unlawful for any person to post a campaign sign more than <del>thirty (30) days prior to the start of Early Voting for which the sign is posted</del> <b>sixty (60) days prior to the Primary Election</b>, and it shall be unlawful to fail to remove a campaign sign within five (5) days after the election. <del>for which the sign was posted</del>. However, candidates that advance from a Primary Election to the General Election may leave their signs in place until the General Election. <b>In elections where no Primary Election is required, campaign signs may be posted the day after the date fro the Primary Election.</b></p>	
<b>ATTACHMENTS:</b> Ordinance 15-8	

**ORDINANCE NO. 15-8**

AN ORDINANCE AMENDING SUBSECTION 1(17)(C) OF CHAPTER 24-4 OF THE CLINTON CITY CODE BY AMENDING CAMPAIGN SIGN POSTING REGULATIONS.

**WHEREAS**, the City has established extensive regulations dealing with the placement and use of signs with the City boundaries; and,

**WHEREAS**, Clinton City one area of these regulations pertains to election campaigning signs, their allowed location and timing of placement; and,

**WHEREAS**, new election “vote by mail” procedures affect the current campaign sign placement timelines; and,

**WHEREAS**, it is the City Council’s intent to allow a fair time period of election campaign sign advertising.

**NOW THEREFORE**, BE IT HEREBY ORDAINED BY THE CLINTON CITY COUNCIL AS FOLLOWS:

SECTION 1: Chapter 24-4, Section 1(17)(c) is rescinded and a new subsection (c) is added as follows:

24-4-1 (17) (c) Posting time limits. It shall be unlawful for any person to post a campaign sign more than sixty (60) days prior to the Primary Election, and it shall be unlawful to fail to remove a campaign sign within five (5) days after the election. However, candidates that advance from a Primary Election to the General Election may leave their signs in place until the General Election. In elections where no Primary Election is required, campaign signs may be posted the day after the date of the Primary Election.

SECTION 2: Severability

Provisions of this ordinance are severable. If any part of this ordinance is or shall be declared by a court of competence jurisdiction to be invalid, such invalidity shall not affect the remainder of this ordinance.

SECTION 3: Effective Date

This ordinance shall take effect upon its adoption and posting.

PASSED, ADOPTED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CLINTON, UTAH, THIS 13<sup>th</sup> DAY OF OCTOBER, 2015.

CLINTON CITY  
A MUNICIPAL CORPORATION

ATTEST:

\_\_\_\_\_  
MAYOR L. MITCH ADAMS

\_\_\_\_\_  
DENNIS W. CLUFF, CITY RECORDER

POSTED:\_\_\_\_\_

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

<b>SUBJECT:</b> <b>Ordinance 15-07Z</b> - Review and action upon a request to amend the Clinton City Zoning Ordinance 28-15-2, Residential Multi-Family, Permitted Uses, to allow for “Home Office” businesses.	<b>AGENDA ITEM: J</b>		
<b>PETITIONER:</b> Community Development	<b>MEETING DATE:</b>		
<b>ORDINANCE REFERENCES:</b> Zoning Ordinance 28-15-2	<b>ROLL CALL VOTE:</b> <table style="margin: auto; border: none;"> <tr> <td style="padding: 0 10px;"><b>YES</b></td> <td style="padding: 0 10px;"><b>NO</b></td> </tr> </table>	<b>YES</b>	<b>NO</b>
<b>YES</b>	<b>NO</b>		
<b>BACKGROUND:</b> <p>The existing ordinance does not currently allow for any type of home business in Residential Multi-Family.</p> <p>The definition of a “Home Office” as defined in 15-1-8 of the Clinton City Code of Revised Ordinances states the following: <b>“Home Office”</b> means a portion of a private residence being used by the owners/residents conducting a business that the average neighbor, under normal conditions, WOULD NOT be aware of its existence. The use of a portion of a dwelling as an office, studio or work room for businesses which are customarily conducted in the home and are incidental to the primary use as a home or residence. Home Offices shall be in compliance with the regulations and provisions contained in Chapter 2 of this Title.</p> <p>Because of the low impact of “Home Office” businesses to the community staff recommends amending the ordinance to add “Home Office” as a permitted use. Home Office businesses are currently allowed in all other zones within Clinton City and are regulated under Title 15 of the Clinton City Code of Revised Ordinances.</p>			
<b>ALTERNATIVE ACTIONS:</b>			
<b>ATTACHMENTS:</b> Ordinance 15-07Z			
<b>SEPARATE DOCUMENTS:</b>			

Respectfully submitted,

**Will Wright, Director**  
**Community Development**

# ORDINANCE NO. 15-07Z

## AN ORDINANCE AMENDING TITLE 28, ZONING AND REAL PROPERTY

**WHEREAS,** Clinton City has an existing Title 28, Chapter 15 dealing with Residential, Multi-Family (R-M) Zone

**WHEREAS,** The City Council has found that changes are required; and,

**WHEREAS,** Clinton City has an obligation to provide for the health, safety, and general welfare of its citizens.

**NOW THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

**BY MOTION** The Clinton City Council voted to (adopt) (reject) this ordinance.

### **SECTION 1. Changes**

#### **ADD:**

**28-15-2 Permitted Uses.** <sup>193</sup>

(11) Home Office.

**SECTION 1. Planning Commission Action.** Reviewed in a public hearing the 6<sup>th</sup> day of October 2015, by the Clinton City Planning Commission and recommended for (approval) (rejection) through a motion passed by a majority of the members of the Commission based upon the following findings.

- Proposed changes do affectively clarify the intent of the ordinance.

September 16, 2015  
NOTICE PUBLISHED

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Bob Buckles  
VICE CHAIRMAN

**SECTION 3. Severability.** In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

**SECTION 4. Effective date.** This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 13<sup>th</sup> day of October, 2015.

September 16, 2015 \_\_\_\_\_  
NOTICE PUBLISHED

\_\_\_\_\_  
L. MITCH ADAMS  
MAYOR

ATTEST:

\_\_\_\_\_  
DENNIS W. CLUFF  
CITY RECORDER

Posted: \_\_\_\_\_

# CLINTON CITY COUNCIL AGENDA ITEM

<b>SUBJECT:</b> Award Purchase of Asphaltic Surface Roller	<b>AGENDA ITEM: K</b>						
<b>PETITIONER:</b> Dennis W. Cluff, Mike Child	<b>MEETING DATE:</b>  October 13, 2015						
<b>RECOMMENDATION:</b> That Council award the Roller purchase to the low bidder, Cate Equipment Company for \$15,160	<b>ROLL CALL VOTE:</b>  <b>NO</b>						
<b>FISCAL IMPACT:</b> Budgeted amount is \$15,000.							
<p><b>BACKGROUND:</b></p> <p>One of the items budgeted for purchase this fiscal year is a new asphalt roller to assist in compacting patching streets. We received 3 bid proposals for the specified Wacker Neuson RD12A-90 model Roller. They are:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Cate Equipment Company (of Utah)</td> <td style="text-align: right;">\$15,160</td> </tr> <tr> <td>Cate Equipment Company (of Idaho)</td> <td style="text-align: right;">\$15,510</td> </tr> <tr> <td>AT Rental, LLC</td> <td style="text-align: right;">\$16,060</td> </tr> </table> <p>We recommend purchase from Cate Equipment Company (of Utah) who has the lowest bid and the shortest delivery time.</p>		Cate Equipment Company (of Utah)	\$15,160	Cate Equipment Company (of Idaho)	\$15,510	AT Rental, LLC	\$16,060
Cate Equipment Company (of Utah)	\$15,160						
Cate Equipment Company (of Idaho)	\$15,510						
AT Rental, LLC	\$16,060						
<b>ATTACHMENTS:</b> Bid Proposals and Asphaltic Roller Specifications							

# WACKER NEUSON RD12



15,160.00

## Technical specifications

	RD12-90	RD12A-90
<b>Operating data</b>		
Operating weight w/175 lb operator lb	2,689	2,689
L x W x H in	72 x 41 x 91	72 x 41 x 91
Drum width in	35.4	35.4
Drum diameter in	22	22
Side clearance Right in	1.9	1.9
Side clearance Left in	3.9	3.5
Curb clearance Right in	15.7	15.7
Curb clearance Left in	8.2	8.2
Centrifugal force Dynamic (Front Drum) lbf	3,400	3,400
Frequency Hz	70	70
Linear force Static (Front/Rear) lb/in	28/41	28/41
Linear force Dynamic (Front) lb/in	96	96
Travel speed Forward mph	5.4	5.4
Travel speed Reverse mph	5.4	5.4
Surface capacity Area ft <sup>2</sup> /h	84,281	84,281
Gradeability Maximum %	30	30
Turning radius Outside in	96.5	96.5
<b>Engine / Motor</b>		
Engine / Motor type	air-cooled, 2-cylinder, gasoline engine	air-cooled, 2-cylinder, gasoline engine
Engine / Motor manufacturer	Wacker WM 650	Honda GX 630
Displacement in <sup>3</sup>	39.9	42
RPM / speed Operating Speed rpm	3,100	3,100
Operating performance Max Rated at 3600 rpm hp	20.5	20.3
Fuel consumption US gal/h	1.35	1.6
Tank capacity Fuel US gal	6.1	6.1
Tank capacity Water US gal	26.4	26.4



**CATE EQUIPMENT COMPANY**  
**CONSTRUCTION, MINING, INDUSTRIAL EQUIPMENT**  
 2055 SOUTH PIONEER ROAD · SALT LAKE CITY, UT 84104  
 PHONE (801) 973-2900 · FAX (801) 973-2940  
 www.cateequipment.com

Date: 5/26/15  
 To: Clinton City  
 2267 North 1500 West  
 Clinton City, UT 84015  
 Attn: Gregg Folk  
 Phone: (801) 614-0870  
 E-mail: gfolk@clintoncity.com  
 From: Blaine Richards, Territory Manager  
 Myke Thurman, General Manager  
 Re: Double Drum Asphalt Roller Offer(s)

Customer Number: 03516  
 Offer Expiration Date: 6/26/15

Cate Equipment Company is pleased to offer you the following equipment for your review and consideration, all existing terms & conditions to apply. Prices are subject to change without notice – a steel surcharge may apply for new equipment purchases. **All equipment is subject to prior sale & availability.** All offers are subject to State and Federal taxes where applicable. All freight is F.O.B. Salt Lake City, UT unless otherwise stated. Cate Equipment Company reserves the right to correct all clerical and verbal quote errors.

**NEW:**

One (1) each Wacker Neuson model RD12A-90 “Honda” Gasoline Engine Driven, Double Drum, Vibratory Asphalt Roller – *Front Drum Vibration Only* (35.4” drums / 1.4 ton / 20.3 HP), New 2015 model from the factory. Standard equipped, see spec sheet for details:

PURCHASE PRICE:	DISCOUNTED CASH PRICE.....	\$	15,160.00
LEAD-TIME:	APPROX. 4-6 WEEKS AFTER RECEIPT OF AN ORDER		

*Prices in this quote apply only to the specific model and tier engine stated and are subject to availability of the specific model and tier engine. All price quotes are time bound and subject to prior sale; i.e., when all of the model with the emission engine quoted are sold, no more will be available. Cate Equipment Company assumes no liability for obsolescence of a machine due to emission tier change. There will be NO quote supersession to higher engine emission tier level models. It is possible that some models will be sold out before the replacement model is available, in which case new prices and lead time will be quoted and applied.*

We appreciate this opportunity to gain your business. Please contact us should you have any additional questions.

Sincerely,

Blaine Richards



Myke Thurman



SALES

RENTALS

PARTS

SERVICE





# CATE IDAHO EQUIPMENT COMPANY

CONSTRUCTION, MINING, INDUSTRIAL EQUIPMENT

2747 GARRETT WAY · POCATELLO, ID 83205

PHONE (208) 232-7001 · FAX (208) 232-7062

www.cateequipment.com

Date: 5/26/15  
 To: Clinton City  
 2267 North 1500 West  
 Clinton City, UT 84015  
 Attn: Gregg Folk  
 Phone: (801) 614-0870  
 E-mail: gfolk@clintoncity.com  
 From: Scott Kearl, Territory Manager  
 Re: Double Drum Asphalt Roller Offer(s)

Customer Number: 03516  
 Offer Expiration Date: 6/26/15

Cate Equipment Company is pleased to offer you the following equipment for your review and consideration, all existing terms & conditions to apply. Prices are subject to change without notice – a steel surcharge may apply for new equipment purchases. **All equipment is subject to prior sale & availability.** All offers are subject to State and Federal taxes where applicable. All freight is F.O.B. Pocatello, ID unless otherwise stated. Cate Equipment Company reserves the right to correct all clerical and verbal quote errors.

**NEW:**

One (1) each Wacker Neuson model RD12A-90 “Honda” Gasoline Engine Driven, Double Drum, Vibratory Asphalt Roller – *Front Drum Vibration Only* (35.4” drums / 1.4 ton / 20.3 HP), New 2015 model from the factory. Standard equipped, see spec sheet for details:

PURCHASE PRICE:	DISCOUNTED CASH PRICE.....	\$	15,510.00
LEAD-TIME:	APPROX. 5-7 WEEKS AFTER RECEIPT OF AN ORDER		
	F.O.B. POCATELLO, ID		

*Prices in this quote apply only to the specific model and tier engine stated and are subject to availability of the specific model and tier engine. All price quotes are time bound and subject to prior sale; i.e., when all of the model with the emission engine quoted are sold, no more will be available. Cate Equipment Company assumes no liability for obsolescence of a machine due to emission tier change. There will be NO quote supersession to higher engine emission tier level models. It is possible that some models will be sold out before the replacement model is available, in which case new prices and lead time will be quoted and applied.*

We appreciate this opportunity to gain your business. Please contact us should you have any additional questions.

Sincerely,

Scott Kearl



SALES

RENTALS

PARTS

SERVICE



# AT RENTAL, LLC

P.O. BOX 27073, SALT LAKE CITY, UT 84127

PHONE (801) 505-4421

FAX (801) 886-0749

**To:** Gregg Folk  
Clinton City  
2267 N 1500 W  
Clinton City, UT 84015  
**Phone:** 801-614-0870  
**E-mail:** gfolk@clintoncity.com

**Date:** 5/27/15  
**From:** James deWaal

**Re:** Wacker Neuson RD12A-90 Roller

Dear Gregg,

Please accept the following quote for (1 qty.) new 2015 Wacker Neuson model RD12A-90 double drum roller. Machine is standard equipped.

Price (delivered to Clinton City):

**\$ 16,060.00**

- Terms are cash in full in advance.
- Delivery is estimated 6-8 weeks after receipt of an order.

Please let me know if you have any questions.

Best Regards,



James deWaal

# CLINTON CITY COUNCIL AGENDA ITEM

<p><b>SUBJECT: PUBLIC HEARING –Ordinance 15-06Z -</b> Amending the Clinton City Zoning Ordinance 28-4-15(4), Access to residential Property Including Four or Less Dwellings by adding back in subsection (c) accidentally left out of the previous Ordinance Amendment.</p>	<p><b>AGENDA ITEM: L</b></p>
<p><b>PETITIONER:</b> Dennis W. Cluff, Will Wright</p>	<p><b>MEETING DATE:</b> October 13, 2015</p>
<p><b>RECOMMENDATION:</b> Adopt Ordinance No. 15-06Z, adding in a new subsection “(c)” to the Clinton City Zoning Ordinance 28-4-15(4), Access to Residential Property Including Four or Less Dwellings which was accidentally left out of Ordinance 15-05Z adopted on August 11, 2015</p>	<p><b>ROLL CALL VOTE:</b> <b>YES</b></p>
<p><b>FISCAL IMPACT:</b></p>	
<p><b>BACKGROUND:</b> The Ordinance adopted on August 11<sup>th</sup> was basically to allow corner lots to have access to the rear yard. This did not change restrictions established on lots on Collectors and Arterial streets. In that revision process, a paragraph was accidentally left out of the August 11<sup>th</sup> Ordinance amendment. This new Ordinance simply re-instates the pre-existing lost paragraph which states “(c) <i>Additional accessory parking may be established behind a solid fence, adjacent to the dwelling on the same side as the driveway, constructed of a dust and weed free gravel, or similar surface.</i>”</p>	
<p><b>ATTACHMENTS:</b> Ordinance 15-06Z</p>	
<p> </p>	

**ORDINANCE NO. 15-06 Z**

**AN ORDINANCE AMENDING CHAPTER 28-4, PARKING AND LOADING SPACE,  
VEHICLE TRAFFIC AND ACCESS REGULATION BY ADDING A NEW  
SUBSECTION 28-4-15 (4)(c)**

**WHEREAS,** Clinton City has an existing Title 28, dealing Access to Residential Property Including Four or Less Dwellings; and,

**WHEREAS,** A significant paragraph was accidentally omitted at the time of the most recent amendment of Chapter 28-4; and,

**WHEREAS,** Clinton City wishes to re-instate the accidentally omitted Subsection

**NOW  
THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS  
COUNTY, STATE OF UTAH:

**BY MOTION** The Clinton City Council voted to adopt this ordinance.

**SECTION 1. (Changes marked in italics)**

**AMEND:** Add a new subsection (c) and re-sequence subsequent subsections.

**28-4-15 (4) (c) Accessory to Residential Property Including Four or Less Dwellings**

(4) Driveways and Accessory Parking:

(c) *Additional accessory parking may be established behind a solid fence, adjacent to the dwelling on the same side as the driveway, constructed of a dust and weed free gravel, or similar surface.*

**SECTION 2. Planning Commission Action.** Reviewed in a public hearing the 6<sup>th</sup> day of October 2015, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings.

- Proposed change does effectively clarify the intent of the Ordinance.
- Proposed change does not adversely affect the effectiveness of the Ordinance and is in line with the intent of the General Plan.

\_\_\_\_\_  
NOTICE PUBLISHED

\_\_\_\_\_  
DAVID T. COOMBS, CHAIRMAN

**SECTION 3. Severability.** In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

**SECTION 4. Effective date.** This Ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 13<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
NOTICE PUBLISHED  
ATTEST:

\_\_\_\_\_  
L. MITCH ADAMS, MAYOR

\_\_\_\_\_  
DENNIS W. CLUFF, CITY RECORDER

Posted: \_\_\_\_\_

# CLINTON CITY COUNCIL AGENDA ITEM

<b>SUBJECT:</b> Subdivision Final Acceptance Voyage Academy	<b>AGENDA ITEM: M</b>
<b>PETITIONER:</b> Mike Child, Voyage Academy	<b>MEETING DATE:</b> October 13, 2015
<b>RECOMMENDATION:</b> That Council grant final acceptance of all City public improvements installed in conjunction with the Voyage Academy School	<b>ROLL CALL VOTE:</b> <b>NO</b>
<b>FISCAL IMPACT:</b>	
<b>BACKGROUND:</b> Public Works inspections have been completed.	
<b>ALTERNATIVE ACTIONS:</b>	
<b>ATTACHMENTS:</b> Public Works Inspection	

Date: 9/30/2015

CLINTON CITY SUBDIVISION  
INSPECTION  
FINAL ACCEPTANCE

<b>SUBDIVISION</b>		<b>Voyage Academy</b>		
<b>REQUIRED INSPECTIONS</b>	<b>INSPECTIONS REQUIRED</b>	<b>DATE</b>	<b>INITIALS</b>	<b>COMMENTS</b>
<b>BLUE PRINT INSPECTIONS</b>				
REVIEW OF PRELIMINARY PLANS		11/20/2012	GF	
REVIEW OF AS BUILTS		9/30/2015	GF	
WIRING DIAGRAMS/STREET LIGHTS		9/30/2015	ZM	
<b>CONSTRUCTION INSPECTIONS</b>				
<b>SEWER</b>				
MANHOLES	X	9/30/2015	GF	
VIDEO		9/30/2015	GF	
<b>LAND DRAINS</b>				
VISUAL PIPE INSPECTION	X	9/30/2015	GF	
MANHOLES	X	9/30/2015	GF	
SMOKE TEST	X	9/30/2015	DW	
<b>WATER</b>				
CHLORINE TEST		1/28/2013	GF	
BACTEIRA TEST		1/28/2013	GF	
PRESSURE TEST		1/29/2013	GF	
CONNECT TO EXISTING SYSTEM		2/2/2013	GF	
FLUSH		1/27/2013	GF	
HYDRANT CHECK (PRIOR TO HOME CONSTRUCTION)		1/29/2013	GF	
VALVE & VALVE BOXES	X	9/30/2015	GF	
FIRE HYDRANTS	X	9/30/2015	GF	
METER BOXES	X	9/30/2015	GF	
BLOW OFF HYDRANTS	X	9/30/2015	GF	
<b>STORM DRAINS</b>				
VISUAL PIPE INSPECTION	X	9/30/2015	GF	
MANHOLES	X	9/30/2015	GF	
COLLECTION BOXES	X	9/30/2015	GF	
<b>STREETS</b>				
SUB GRADE		4/18/2013	GF	
FINAL GRADE / ROADBASE		5/20/2013	GF	
ASPHALT	X	9/30/2015	GF	
CURB & GUTTER (PRE -POUR)		5/21/2013	TP	
CURB & GUTTER (POST-POUR)	X	9/30/2015	GF	
SIDEWALK (POST-POUR)	X	9/30/2015	GF	
COLLARS ON BOXES	X	9/30/2015	GF	
SLURRY SEAL	X	9/30/2015	GF	
<b>STREET LIGHTS</b>				
BASE INSPECTION		5/15/2013	GF	
PRE POWER INSPECTION		5/15/2013	GF	
POST POWER INSPECTION	X	9/30/2015	ZM	
<b>MISC INSPECTIONS</b>				
LOTS CLEANED UP	X	9/30/2015	GF	
WEEDS CUT TO 10 INCHES	X	9/30/2015	GF	
VACANT LOTS GRADED SMOOTH	X	9/30/2015	GF	
FENCE INSTALLED	X	9/30/2015	GF	

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

**MAYOR  
L. Mitch Adams**

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

City Council	September 22, 2015	Call to Order: 7:02 P.M.
<b>Staff Present</b>	City Manager Dennis Cluff, Community Development Director Will Wright, Public Works Director Mike Child, Recreation Director Bruce Logan, Fire Chief Dave Olsen, Police Chief Bill Chilson, Ron Wehrle, Steve Hubbard and Lisa Titensor recorded the minutes.	
<b>Citizens Present</b>	Tad Jensen, Representative Paul Ray, Zach Ray	
<b>Pledge of Allegiance</b>	Councilmember Barbara Patterson	
<b>Prayer or Thought</b>	Zach Ray	
<b>Roll Call &amp; Attendance</b>	<b>Present were:</b> Mayor Adams, Councilmember Mike Petersen, Councilmember Karen Peterson, Councilmember Barbara Patterson, Councilmember TJ Mitchell and Councilmember Anna Stanton	
<b>A. EMPLOYEE OF THE MONTH FOR AUGUST 2015 – RON WEHRLE</b>		
<b>Petitioner</b>	Dennis Cluff, Fire Chief Dave Olsen	
<b>Discussion</b>	<p>Chief Olsen recognized Captain Ron Wehrle as the August 2015 Employee of the Month. He reported that Captain Wehrle oversees the “B” shift in addition to many other responsibilities which include the following:</p> <ul style="list-style-type: none"> <li>• Vehicle Maintenance</li> <li>• Water Pump and Ladder Testing</li> <li>• Maps</li> <li>• EMS Supplies</li> <li>• Self-Contained Breathing Apparatus (SCBA)</li> <li>• Personal Protective Equipment (PPE) Turnout gear</li> <li>• (B Shift) Firefighter evaluations</li> <li>• Engine Company Business Fire Inspections</li> </ul> <p>Additionally, Captain Wehrle brings a lot of experience, hard work and dedication to the Fire Department. He is committed to improving service(s) for the Citizens. He is always willing to share his knowledge and experience and is a great example to everyone in the Fire Department. Chief Olsen expressed gratitude for the professionalism and positive attitude Captain Wehrle exhibits.</p> <p>Captain Wehrle said he appreciates receiving this recognition.</p> <p>Mayor Adams presented Captain Wehrle with an award and stated that he appreciates his positive attitude and good work ethic.</p>	
<b>B. SUNSET JR. HIGH DRUG AWARENESS ACTIVITY AND REQUEST FOR FUNDING OF “FUN RUN” ACTIVITY</b>		
<b>Petitioner</b>	Dennis Cluff	
<b>Discussion</b>	Mr. Cluff explained that Sunset Jr. High promotes a drug free environment through its annual Red Ribbon-Drug Awareness Week held the second week in October. For the past eight years, they have requested and Clinton City has contributed \$200 towards this program for the Fun Run/Walk activity which will be held on Friday October 9 <sup>th</sup> at 2:15 p.m. This is a positive and effective program for the students.	

<b>CONCLUSION</b>	<b>Councilmember Patterson moved to donate \$200 to Sunset Jr. High Drug Awareness Activity and Fun Run. Councilmember Stanton seconded the motion. All voted in favor of the motion.</b>
<b>C. <u>ORDINANCE 15-6, AMENDING CHAPTER 25-11 – SIDEWALKS</u></b>	
<b>Petitioner</b>	Dennis W. Cluff, Mike Child
<b>Discussion</b>	<p>Mayor Adams identified that in 2010 when the City revised the City Code, the following proposed language was unintentionally left out of the new revisions. This proposal reaffirms the property owner’s responsibility to maintain the sidewalk area around their property (adding subsection (6) to Chapter 25-11). In addition, the new proposed Section 25-11-7 details the process the City has been using for over 20 years.</p> <p><b>[25-11-6] ***Proposed new language***</b></p> <p><i>(6) To keep the public sidewalks immediately abutting their property in good order and repair from breaks, cracks, sunken or raised areas that could be trip hazards.</i></p> <p><b>25-11-7 <u>City Participation in Repairs.</u></b> <i>The City may assist property owners with damaged sidewalks, who wish to repair them, by sharing the costs of repair (50/50) on a first come basis, as it is convenient for the City and as funds are available for repairs. Written application for this City cost participation must be made with the City Public Works Department at least 10 days prior to the date of work commencement.</i></p> <p>Councilmember K. Peterson asked to modify the ordinance by removing “who wish to repair them, in 25-11-7.</p> <p>Councilmember Mitchell asked why the homeowner is responsible to maintain the sidewalk on City owned property.</p> <p>Mr. Child responded this has been the standard requirement for many years and it is the same standard other cities use as well.</p> <p>Mr. Cluff added that it also protects the city from a liability standpoint.</p>
<b>CONCLUSION</b>	<p><b>Councilmember Stanton moved to adopt an Ordinance 15-6, amending Chapter 25-11 of the City Code by adding 25-11-7(6) and the new section 25-11-7.</b></p> <p><b>Councilmember K. Peterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember K. Peterson, aye.</b></p>
<b>D. <u>ORDINANCE 15-8, AMENDING CHAPTER 19-10 – NO SMOKING ALLOWED</u></b>	
<b>Petitioner</b>	Dennis Cluff
<b>Discussion</b>	<p>Mr. Cluff explained that previously, the City adopted the Davis County Health Department’s Regulation on (no) Smoking in Outdoor Public Places. Since then E-cigarettes and vapor type inhalation devices have flooded the market. Such devices are banned from Public Indoor facilities (Utah Code 26-38, Utah Indoor Clean Air Act) and are declared to be more hazardous than cigarettes, yet neither the State nor County Health Departments have changed their laws and regulations to exclude this use in outdoor public places.</p> <p>State Code 26-38-6 (part of the Indoor Clean Air Act) allows local jurisdictions to enact smoking (or no smoking) standards for outdoor public places within their jurisdiction. The County did this earlier with their current regulation which Clinton City has adopted. However, they have not updated their regulation to officially include E-cigarettes, vapor and other similar devices. The State’s definition of “Smoking” includes these mentioned devices, yet they have not set up an outdoor smoking regulation, that has been left up to the “local jurisdictions”. The Davis County Health Department has adopted an “Electronic Smoking Device Regulation” specifying what it entails and setting up sale guidelines, but as of yet, has not added it to their Smoking in Outdoor Public Places regulation.</p> <p>Staff recommends the Council add the definition of E-cigarette/vapor devices from both the County Health Department and the State Indoor Clean Air Act to Chapter 19-10 of the City Code. This will make it clear that use of the E-cigarette and vapor devices are not allowed in any City Public Area.</p>

	<p>Mr. Cluff read the definition of E Cigarette in the Indoor Clean Air Act Utah State Code 26-38.</p> <p>As used in this chapter, E Cigarette means any electronic oral device that provides the vapor of nicotine or other substance; and, which simulates smoking through it’s use or through inhalation of the device and, includes an oral device that is composed of a heating element, battery or electronic current; and, marketed, manufactured, distributed or sold as an E Cigarette, E Cigar, E Pipe or any other product name or descriptor if the function of the produce meets the definition of subsection 1(a).</p> <p>1(a) says an electronic oral device that provides vapor, nicotine or other substance.</p> <p>He asked that this be included in the definition for outdoor smoking.</p> <p>Mayor Adams clarified the intent is to ban E Cigarettes from the parks.</p> <p>Tad Jensen stated he is the president of the local Smoke Free Association. He commented that a common misconception is that E Cigarettes are more dangerous than traditional cigarettes. The UK Health Dept. just released a study done over the past five years that says E Cigarettes are at least 95 % safer than traditional cigarettes. What is exhaled from the vapor is typically less volatile and cleaner than the air we breathe on a daily basis.</p> <p>He said that by encouraging the use of E Cigarettes in outdoor areas it would help reduce litter.</p> <p>Representative Paul Ray presented the City Council with a packet of information regarding E Cigarettes. He said he has researched the issue extensively and has contributed significantly to the laws in Utah regarding the Indoor Clean Air Act. E Cigarettes include formaldehyde benzene superheated with large doses of nicotine. He referred to the material he provided and reported that studies show that E Cigarettes are 5 to 15 times more likely to cause cancer. There are current law suits going on due to the cancer causing carcinogens in the devices. Several studies address second hand vapor. Nicotine is being omitted from the E Cigarettes.</p> <p>He said E Cigarette use by minors is at an epidemic level and is being sold illegally through smoke shops. The State will be implementing an E Cigarette tax this year.</p> <p>Definitions 59-14-802 and 28-38-2          Councilmember K. Peterson asked if it would be better to write a definition in the City ordinance or reference the State Code.</p> <p>Representative Ray said that by referencing the State Code it adds merit but how it is being proposed is effective as well.</p> <p>Representative Ray said that E-Cigs are as unhealthy as cigarettes but in different ways.</p> <p>Mayor Adams recommended treating E Cigarettes as a simulated smoking situation and ban them from public parks.</p>
<p><b>CONCLUSION</b></p>	<p><b>Councilmember K. Peterson moved to adopt Ordinance 15-07, amending Chapter 19-10 of the City Code an ordinance amending Chapter 19.10 of the Clinton City Code of Ordinances amending the no smoking in City outdoor public places to include all manner of e-cigarette and vapor type devices. Councilmember Patterson seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember M. Petersen, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember K. Peterson, aye.</b></p>
<p><b>E. PERSONNEL POLICY AMENDMENT – SICK LEAVE</b></p>	
<p><b>Petitioner</b></p>	<p>Mayor Adams, Dennis Cluff</p>
<p><b>Discussion</b></p>	<p>Mayor Adams explained that with a few employees retiring or considering retirement, he feels it appropriate to discuss the possibility of paying them a small percentage of their</p>

	<p>accrued sick leave upon their retirement.</p> <p>Mr. Cluff explained there are several employees who have accrued more than 700 hours. These are key personnel who have been fortunate enough to stay healthy and who are committed to their jobs and have not abused the benefit. This may be a way to encourage them to continue minimizing the use of their sick leave accrual. He clarified he has encouraged the employees to accrue a minimum of 480 hours of sick leave as a short term insurance policy because long term disability is only available after 3 months.</p> <p>The prudent use of sick leave of these individuals provides the City with key decision makers on a more regular basis. Their loyalty to the City and their work services are another reason to provide a small token of “thank you” upon their retirement.</p> <p>The following is being proposed to be added to the personnel policy:  <i>“Employees retiring from the City employment and from URS and have an accrued sick leave balance of over 480 hours, may sell back to the City any and all sick leave hours in excess of the 480 hours at a rate of 10% of the employee’s current per hour salary for each buy back sick leave hour.”</i></p> <p>The Council discussed the issue at length.</p> <p>Bruce Logan commented that Layton City has a policy to pay out sick leave to employees whether they quit or retire. They pay out some each year, and allow employees to roll over the rest.</p> <p>Mr. Cluff clarified Clinton City has a policy in place to allow employees to roll a specified amount of sick leave based on the accrued amount of sick leave over into vacation or have it paid out at the end of each calendar year.</p> <p>Mayor Adams said he feels this is an inexpensive option to show the appreciation of the City.</p>
<p><b>CONCLUSION</b></p>	<p><b>Councilmember Stanton moved to authorize a payment of 15% payout for sick leave over 480 hours to be added to the Personnel Policy for employees who retire. Councilmember Patterson seconded the motion. Voting by roll is as follows: Councilmember Stanton, aye; Councilmember Mitchell, no; Councilmember K. Peterson, aye; Councilmember Patterson, aye; Councilmember M. Petersen, no.</b></p> <p><b>The motion passed three to two.</b></p> <p><b>Councilmember’s M. Petersen and Mitchell said they are in favor of the 10% buy out but not the 15%.</b></p>
<p><b>Approval of Minutes</b></p>	<p><b>Councilmember Stanton moved to approve the August 25, 2015 City Council Minutes as written. Councilmember K. Peterson seconded the motion. All voted in favor of the motion.</b></p>
<p><b>Accounts Payable</b></p>	<p><b>Councilmember Mitchell moved to pay the bills. Councilmember M. Petersen seconded the motion. All voted in favor of the motion.</b></p>
<p><b>Planning Commission Report</b></p>	<p>Mr. Wright reported on the September 15, 2015 Planning Commission meeting as recorded in the minutes.</p>
<p><b>City Manager</b></p>	<ul style="list-style-type: none"> <li>• Fire Department Open House is October 1 at 6:00 p.m.</li> <li>• Fall Clean Up is Saturday, October 2 from 8 am to 1 pm.</li> <li>• Flu Shots will be available on Oct. 27.</li> <li>• The Columbus Day holiday is Monday, Oct. 12.</li> </ul>
<p><b>Mayor</b></p>	<ul style="list-style-type: none"> <li>• Mayor Adams reported that he and Mr. Cluff are in negotiation regarding the lease of Powerline Park with Rocky Mountain Power.</li> </ul>
<p><b>Councilmember Patterson</b></p>	<ul style="list-style-type: none"> <li>• Kestrel Park was filthy after the soccer games on Saturday morning.</li> <li>• Asked to be excused from the October 13 City Council Meeting.</li> <li>• Said she feels a Meet the Candidates Night would not be effective this year</li> </ul>

	because of Vote by Mail.
<b>Councilmember K. Peterson</b>	<ul style="list-style-type: none"> <li>• The Arts Council has started their Children’s Choir; they will have a few performances including the tree lighting on December 5.</li> <li>• The Recreation Dept. along with the Arts Council will host a pumpkin walk on Monday, August 26.</li> <li>• Asked to have the ordinance regarding election signs modified to accommodate for “Voting by Mail”, allow more time for signs to be out.</li> </ul>
<b>Councilmember M. Petersen</b>	<ul style="list-style-type: none"> <li>• Expressed concern about the traffic flow in Macy’s parking lot suggested signage to promote traffic safety.</li> </ul>
<b>Councilmember Stanton</b>	<ul style="list-style-type: none"> <li>• North Davis Sewer Update projects are ongoing.</li> <li>• Youth Council update – The Youth Council has volunteered every year for almost every event that GOAL Foundation hosts (Ogden Marathon, Hurt in the Dirt, Xterra, USA Cycling Championships) and were fortunate enough to be offered a grant from the GOAL Foundation this year. All the details are not available but the GOAL Foundation thought it important to recognize their commitment to helping their organization with these events that drive a great deal of tourism and publicity for the state of Utah and its recreational offerings. The Youth Council was fortunate enough to also be recognized publicly that day by Ogden City and hope to pair with them for additional events in the future as well as aid them in reestablishing their own Youth City Council program.</li> <li>• The Youth Council is working on dates for a Meet the Candidates Night.</li> </ul>
<b>Councilmember Mitchell</b>	<ul style="list-style-type: none"> <li>• Attended a RAB meeting; the program is expected to improve.</li> <li>• Expressed appreciation how 3000 W was handled.</li> <li>• Reported that water was left on too long at Powerline Park and asked staff to look into it.</li> <li>• HOA and solar restrictions – asked the Council to consider if government should intercede?</li> </ul>
<b>Road Project Update</b>	<ul style="list-style-type: none"> <li>• 1000 W will be paved on Tuesday Sept. 29</li> <li>• 2300 N will be completed on Fri. Sept. 25</li> </ul>
<b>ADJOURNMENT</b>	<b>Councilmember M. Petersen moved to adjourn. Councilmember Mitchell seconded the motion. All those present voted in favor. The meeting adjourned at 10:06 p.m.</b>
<b><u>ACTION ITEMS</u></b>	<ul style="list-style-type: none"> <li>• <i>Propose change to ordinance for election signs to be put out sooner to accommodate for Vote By Mail at next City Council Meeting</i></li> <li>• <i>Send a letter to the owners of the complex at Macy’s to look at traffic flow and signage.</i></li> </ul>