

CLARKSTON TOWN

ORDINANCE NO. 21-09

AN ORDINANCE AMENDING THE CLARKSTON TOWN CODE CEMETERY RULES AND REGULATIONS TITLE 7 CHAPTER 5 SECTION 17; USE OF AMPHITHEATER

WHEREAS, Clarkston Town owns an amphitheater that is part of Clarkston's cemetery and it is the desire of Clarkston's Town Council to protect the tranquility of the cemetery and ensure that all use complies with this objective; and

WHEREAS, the town of Clarkston has entered into a lease agreement with The Church of Jesus Christ of Latter-day Saints (Church) to grant use of the property and other areas within the property in connection with certain amphitheater productions and commemorations; namely the Martin Harris Pageant and Aaronic Priesthood Commemorations. And the Church desires to exercise their lease option until July 1, 2035; and

WHEREAS, the Church of Jesus Christ of Latter-day Saints has permanently cancelled the production known as the Martin Harris Pageant but still ~~intends~~ **plans** on holding the annual Aaronic Priesthood Commemoration; and

WHEREAS, the lease stipulates that each year the Church shall designate which calendar days it wishes to use the Property and provide notice to the Town before March 10th; and

WHEREAS, there is a strong likelihood that this venue could be used for other purposes and productions;

NOW, THEREFORE, BE IT ORDAINED, by the Council of Clarkston Town, Cache County, State of Utah, in order to protect the sacredness of Clarkston's cemetery and ensure any and all activities comply with the values of our community the following regulations will be used to govern the use of this venue:

1. **No political events, rallies, movies, musical or theatrical productions will be allowed.**

2. ~~The Church will provide notice by March 10th of the dates it will be using the amphitheater for the Aaronic Priesthood Commemoration; and~~

3. All other requests will require a ~~written~~ detailed description outlining ~~production~~ content, purpose of gathering, and duration. This information must be **submitted** ~~presented~~ to **Clarkston's** the Town Council for approval thirty-days prior to ~~desired usage date~~ **scheduled start date**. Clarkston Town reserves the right to reject any request that does not meet the Town's objective **to maintain the sanctity of the cemetery** and is not approved by majority vote of the Town Council.

4. All usage of this ~~venue-site~~ will require: **1) a permit authorizing use of amphitheater, and 2) a Hold Harmless agreement between the Town of Clarkston and those requesting use before any event is allowed.**

5. Since this area is not regularly maintained fees will be imposed for clean-up prior to and after scheduled events. **In the event of a large gathering fee assessment will be proportionate to size of gathering.**

This ordinance shall become effective immediately upon publication or posting as set forth by State law.

Adopted and approved by motion from Councilmember and seconded by Councilmember.

Dated this 7th day of September, 2021.

Voting:

Mayor Hidalgo	<u> </u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember D. Smith	<u> </u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember M. Fawcett	<u> </u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember N. Sparks	<u> </u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent
Councilmember J. Buttars	<u> </u> Aye	<u> </u> No	<u> </u> Abstain	<u> </u> Absent

CLARKSTON TOWN

ATTEST:

By: _____
Mayor

Town Recorder

Posting Date: _____

Attachment A

CLARKSTON TOWN ANNEXATION POLICY PLAN

A. GENERAL ANNEXATION CRITERIA OF CLARKSTON TOWN

In accordance with the provisions of 10-2-401.5, Utah Code Annotated, the Town of Clarkston hereby adopts the following criteria for consideration of possible future annexations. This Annexation Policy Plan is intended to incorporate by reference all of the criteria required and suggested by Sections 10-2-401 et seq., Utah Code Annotated.

1. As part of its ongoing effort to plan and prepare for responsible growth, Clarkston Town has identified territory adjacent to its present town boundaries that could at some time in the future be a part of Clarkston Town. The areas proposed for future annexation are not bordered by other municipalities, nor are they within one half (1/2) mile of another municipality. Areas to be annexed must fall within the areas designated for future annexation in the Annexation Policy Plan of Clarkston Town and shown on the attached expansion area map, which by this reference is made a part hereof. Even though property proposed for annexation is located within the annexation expansion area, there is no guarantee that the annexation request will be approved by Clarkston Town.
2. The character of the community is mixed residential, agricultural and very little commercial. Areas to be annexed should be compatible with this character and in accordance with the Clarkston Masterplan.
3. Areas to be annexed must be contiguous to the corporate limits of Clarkston Town at the time of submission of an annexation request.
4. Areas to be annexed shall not be located within the corporate limits of another incorporated city or be part of a previously filed annexation petition that has not been either denied, accepted, or approved.
5. When feasible, the Town favors annexation along boundaries of water and sewer improvements, or special service districts.

The Town also favors:

- (a) eliminating and/or not creating islands and peninsulas of unincorporated territory;
- (b) consolidating overlapping functions of government;
- (c) promoting efficient delivery of services;
- (d) encouraging the equitable distribution of community resources and obligations; and
- (e) giving consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within the

municipality in order to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers within the municipality.

The Town does not favor the annexation of areas for which it does not have the capability nor the intention to provide municipal services.

6. It is not Clarkston Town's intent to annex territory for the sole purpose of acquiring revenue.
7. The annexation petition must comply with the requirements of section 10-2-403, Utah Code Annotated.

B. PROCEDURES FOR SUBMISSION OF AN ANNEXATION REQUEST

1. An annexation petition shall be reviewed, processed and finally handled in accordance with the provisions of the Utah State Annexation Law found at Sections 10-2-401, et seq., Utah Code Annotated, 1953, as currently existing and as may be amended in the future.
2. To include tax estimate at the time of annexation petition.

C. EXTENSION OF NEEDED MUNICIPAL SERVICES IN DEVELOPMENT, DEVELOPING AND UNINCORPORATED AREAS AND PAYMENT OF THE SAME

1. In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all town ordinances and policy criteria and will be paid for by the individual developer or property owner.
2. An annexation agreement will be prepared between Clarkston Town, the person(s) requesting annexation, and/or all proposing future individual dwellings or developments consisting of multiple dwellings, outlining specific circumstances relating to water, waste disposal sewage, natural gas, streets, and other specific improvements and services prior to annexation approval. Final approval of proposed annexation will be a majority vote of the Clarkston Town Council. Three (3) "yes" votes being required for affirmative action to occur.

All, or a portion of, (amount to be determined during the annexation process), existing water rights, of the type and quantity acceptable to Clarkston Town, suitable for use as water rights (culinary and/or secondary) shall be required to be conveyed to the municipality of Clarkston Town as a condition of annexation in to the Clarkston Town limits. This condition shall apply to all properties, developed or undeveloped. It is the intent that land annexed to Clarkston Town is to be accompanied by water rights sufficient to accommodate the needs to the existing and potential occupants of said land when development occurs, which water rights shall be transferred to Clarkston Town.

Water requirements, as referenced by the previous paragraph, will be established on a case-by-case basis utilizing, among other things, Division of Drinking Water standards. Specific requirements will be contained in the annexation agreement and/or annexation Ordinance, but the general guideline of one (1) acre foot of water per residential building permit will be a minimum standard.

The annexation will allow developers of the annexed property access to culinary water, and other services, provided all developments meet Town specifications and comply with all applicable development ordinances and all improvements are installed pursuant to Clarkston Town standards.

Property taxes with increased valuation of property and sales tax will contribute to the general fund to help defray the added expenses the Town may incur by annexing these properties. Impact fees may also be adopted and improved. In summary, the newly annexed, developing areas shall finance the extension of needed municipal services, such as new utilities, streets, curb and gutters, sidewalks and other capital improvements as development occurs.

Upon annexation, the newly annexed areas shall receive the following services, unless agreed otherwise:

- (a) Fire Protection
- (b) Police Protection
- (c) Planning and Zoning
- (d) Snow removal and street maintenance on deeded, publicly dedicated and accepted streets
- (e) Curbside garbage collection
- (f) Other services provided by the Town.

It is not anticipated that the annexation will cause any adverse consequences to the residents in the Town or in the area annexed, except there may be a slight reduction in general services to the Town residents in the present Town limits as general services are expanded into the newly annexed territory.

It is anticipated that the residents in the territory to be annexed will experience an increase in their property tax because of the difference in the certified tax rates in the County and Clarkston Town. It is further anticipated that as property taxes are received by the Town, from a newly annexed territory, the Town will increase the total level of services within the total community, thus offsetting any slight reduction that might occur. Additional persons in the newly annexed territory may experience reduction in their fire insurance rates and property insurance rates.

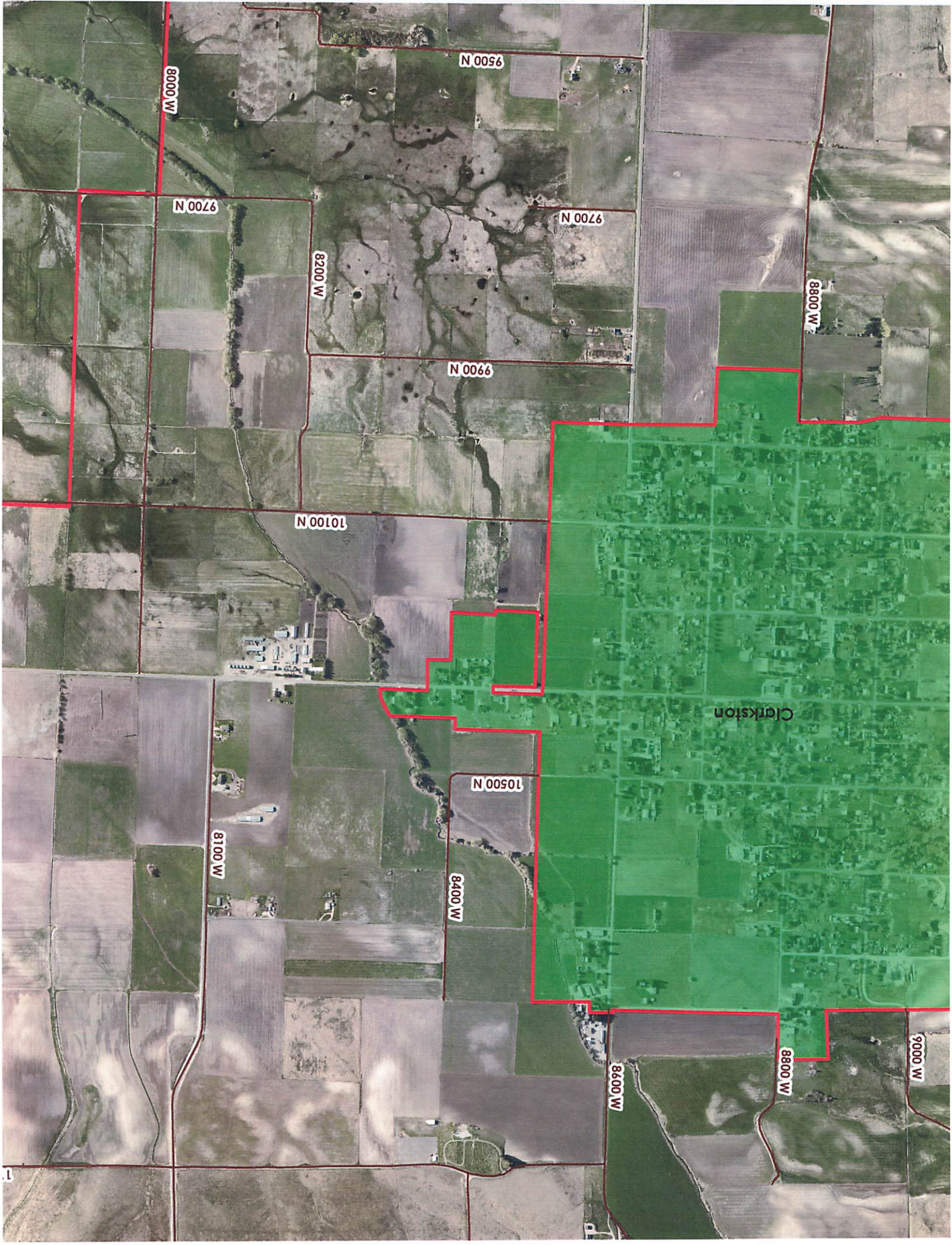
As areas become more densely populated, demand for services increases. Once this policy plan is adopted and areas begin to develop, continual planning by Clarkston Town should allow development to occur in an economical manner, since homes, buildings, streets and other amenities will be developed in accordance with Clarkston Town specifications. The plan and time frame for the extension of municipal services may also

be influenced and/or determined by the interest of the property owners to subdivide their property.

D. AFFECTED ENTITIES

It is not expected that the interests of any currently affected entity will be adversely affected as they currently consist of Cache County Corporation; and Cache County School District. All property shown on the expansion area map will remain in Cache County and within the boundaries of the Cache County School District. Future concerns that may arise will be handled on a case-by-case basis.

DRAFT





UTAH STATE

LEGISLATURE



- (ix) submit the planning commission's recommended annexation policy plan to the municipal legislative body; and
- (b) the municipal legislative body shall:
 - (i) hold a public hearing on the annexation policy plan recommended by the planning commission;
 - (ii) provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;
 - (iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and
 - (iv) adopt the recommended annexation policy plan, with or without modifications.

Report Criteria:

Invoices with totals above \$0.00 included.
Only paid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
GENERAL FUND							
ADMINISTRATION							
10-44-210 INSURANCE							
215	UTAH LOCAL GOVERNMENTS T	1591893	ANNUAL AUTO POLICY	07/13/2021	1,305.52	1,305.52	08/03/2021
215	UTAH LOCAL GOVERNMENTS T	1591894	ANNUAL LIABILITY POLICY	07/13/2021	11,398.00	11,398.00	08/03/2021
215	UTAH LOCAL GOVERNMENTS T	1591895	ANNUAL PROPERTY POLICY	07/13/2021	2,338.98	2,338.98	08/03/2021
10-44-220 MILEAGE							
440	KRISTI HIDALGO	082321	Mileage	08/23/2021	135.70	135.70	08/23/2021
10-44-240 OFFICE SUPPLIES & EXPENSE							
206	STAPLES CREDIT PLAN	30277	supplies	07/21/2021	19.46	19.46	08/23/2021
10-44-270 UTILITIES							
657	ALLTECH	ATD-20285	PHONE SERVICE - TOWN HALL	08/16/2021	36.48	36.48	08/23/2021
657	ALLTECH	ATD-20285	FAX SERVICE	08/16/2021	25.00	25.00	08/23/2021
246	COMCAST	080321	INTERNET	07/22/2021	69.79	69.79	08/03/2021
189	DOMINION ENERGY	081821	UTILITIES	07/27/2021	7.20	7.20	08/23/2021
219	ROCKY MOUNTAIN POWER	081821	UTILITIES	08/12/2021	64.66	64.66	08/23/2021
10-44-280 PLANNING & ZONING							
826	DAREN MICHAELIS	081821	RESIDENTIAL BUILDING BOND	08/18/2021	1,000.00	1,000.00	08/23/2021
680	HYDE PARK CITY	CL2021-01	BUILDING INSPECTIONS	08/18/2021	3,688.93	3,688.93	08/23/2021
10-44-305 LEGAL/PROFESSIONAL							
184	OLSON & HOGGAN, PC	188075	LEGAL SERVICES- MISC.	07/31/2021	180.00	180.00	08/23/2021
272	STEVEN R. MISENER, CPA	50312	QUARTERLY REPORTS	07/07/2021	175.00	175.00	08/23/2021
10-44-320 E911 FEES							
685	LOGAN CITY	081821	911 FEE	08/18/2021	813.00	813.00	08/23/2021
10-44-330 SANITATION COLLECTION FEES							
685	LOGAN CITY	081821	SANITATION	08/18/2021	5,050.31	5,050.31	08/23/2021
10-44-620 MISC SUPPLIES/SERVICES							
657	ALLTECH	AT-20306	MISC. PARTS	08/19/2021	11.99	11.99	08/23/2021
10-44-650 MAYOR - MISCELLANEOUS							
869	CARDMEMBER SERVICE	063021	PROJECTOR	06/30/2021	872.03	872.03	08/03/2021
Total ADMINISTRATION:					27,192.05	27,192.05	
FIRE & RESCUE							
10-53-240 FIRE SUPPLIES & EXPENSE							
869	CARDMEMBER SERVICE	063021	PONY EXPRESS DAYS	06/30/2021	676.74	676.74	08/03/2021
10-53-270 FUEL/OIL & UTILITIES							
657	ALLTECH	ATD-20285	PHONE SERVICE - FIRE DEPT.	08/16/2021	36.48	36.48	08/23/2021
869	CARDMEMBER SERVICE	063021	FIRE DEPT MISC.	06/30/2021	106.00	106.00	08/03/2021
246	COMCAST	080321	INTERNET	07/22/2021	69.79	69.79	08/03/2021
189	DOMINION ENERGY	081821	UTILITIES	07/27/2021	11.00	11.00	08/23/2021
234	R. L. MILLER ENTERPRISES IN	07899	Fuel Usage	08/30/2021	90.11	90.11	08/23/2021
234	R. L. MILLER ENTERPRISES IN	2419	Fuel Usage	07/21/2021	92.31	92.31	08/23/2021
219	ROCKY MOUNTAIN POWER	081821	UTILITIES	08/12/2021	218.43	218.43	08/23/2021
Total FIRE & RESCUE:					1,300.86	1,300.86	
ROADS & STREETS DEPARTMENT							
10-60-255 FUEL & OIL							
189	DOMINION ENERGY	081821	UTILITIES	07/27/2021	7.20	7.20	08/23/2021
489	HALL OIL INC.	A099433	FUEL	07/17/2021	2,298.22	2,298.22	08/23/2021
10-60-420 ROAD UTILITIES/STREET LIGHTS							
219	ROCKY MOUNTAIN POWER	081821	UTILITIES	08/12/2021	544.38	544.38	08/23/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total ROADS & STREETS DEPARTMENT:					2,849.80	2,849.80	
PARKS & RECREATION							
10-70-250 PARK GENERAL							
869	CARDMEMBER SERVICE	063021	PARKS MISC.	06/30/2021	108.89	108.89	08/03/2021
219	ROCKY MOUNTAIN POWER	081821	UTILITIES	08/12/2021	19.81	19.81	08/23/2021
348	THE CLEAN SPOT	67260	JANITORIAL SUPPLIES PARKS	08/17/2021	195.06	195.06	08/23/2021
10-70-430 YOUTH COUNCIL							
869	CARDMEMBER SERVICE	063021	YOUTH COUNCIL FUND RAISE	06/30/2021	566.00	566.00	08/03/2021
10-70-440 PONY EXPRESS							
869	CARDMEMBER SERVICE	063021	PONY EXPRESS DAYS	06/30/2021	1,855.25	1,855.25	08/03/2021
10-70-480 NATIONAL NIGHT OUT							
869	CARDMEMBER SERVICE	063021	MACHINE RENTAL	06/30/2021	204.89	204.89	08/03/2021
10-70-820 CIVIC CENTER UTILITIES							
189	DOMINION ENERGY	081821	UTILITIES	07/27/2021	7.99	7.99	08/23/2021
219	ROCKY MOUNTAIN POWER	081821	UTILITIES	08/12/2021	62.47	62.47	08/23/2021
10-70-840 CIVIC CENTER SUPPLIES/MAINT							
869	CARDMEMBER SERVICE	063021	CIVIC CENTER MISC.	06/30/2021	10.68	10.68	08/03/2021
Total PARKS & RECREATION:					3,031.04	3,031.04	
Total GENERAL FUND:					34,373.75	34,373.75	
WATER FUND							
WATER DEPARTMENT							
51-81-240 OFFICE SUPPLIES & EXPENSE							
869	CARDMEMBER SERVICE	063021	CERTIFIED MAILINGS	06/30/2021	13.00	13.00	08/03/2021
251	DAWSON, GAIL	081821	WATER ACCOUNT CREDIT	08/18/2021	32.31	32.31	08/23/2021
51-81-250 WATER DEPT EQUIP-SUPPLY/MAINT							
175	LOWES	901011	WATER PARTS	07/11/2021	75.92	75.92	08/03/2021
175	LOWES	901050	WATER PARTS	07/20/2021	35.59	35.59	08/03/2021
51-81-270 UTILITIES							
219	ROCKY MOUNTAIN POWER	081821	UTILITIES	08/12/2021	86.37	86.37	08/23/2021
51-81-370 WATER SAMPLING							
114	BEAR RIVER HEALTH DEPT.	212240	WATER SAMPLING	08/08/2021	20.00	20.00	08/23/2021
51-81-720 WATER SYSTEM REPAIRS & MAINT							
594	PETERSEN PLUMBING SUPPLY	2653922	WATER SUPPLIES	07/23/2021	2,085.32	2,085.32	08/03/2021
51-81-741 CAPITAL OUTLAY - EQUIPMENT							
140	DOUBLE C CONSTRUCTION	1280	WATER METER REPAIR	06/30/2021	3,060.00	3,060.00	08/03/2021
Total WATER DEPARTMENT:					5,408.51	5,408.51	
Total WATER FUND:					5,408.51	5,408.51	
PERPETUAL CARE FUND							
PERPETUAL CARE DEPARTMENT							
71-40-610 BURIAL FEES							
140	DOUBLE C CONSTRUCTION	1279	BURIALS	08/02/2021	380.00	380.00	08/03/2021
71-40-710 MAINTENANCE							
175	LOWES	909739	CEMETERY MISC	07/13/2021	108.64	108.64	08/03/2021
175	LOWES	918026	CEMETERY MISC	07/19/2021	71.12	71.12	08/03/2021
834	RANDY SMITH	080321	CEMETERY SUPPLIES REIMBU	08/02/2021	53.34	53.34	08/03/2021
535	STEVE REGAN COMPANY	1227301	WEED SPRAY	07/13/2021	59.97	59.97	08/23/2021
535	STEVE REGAN COMPANY	1227746	FERTILIZER	07/15/2021	252.00	252.00	08/23/2021
71-40-810 MISC/IMPROVEMENTS							
873	TOP JOB ASPHALT	063021	CEMETERY ROAD REPAIRS	06/30/2021	4,215.00	4,215.00	08/03/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
71-40-850 CONTRACT SERVICES							
820	ERIK RAVSTEN	21	CONTRACT SERVICES - CEMET	08/08/2021	240.00	240.00	08/23/2021
Total PERPETUAL CARE DEPARTMENT:					5,380.07	5,380.07	
Total PERPETUAL CARE FUND:					5,380.07	5,380.07	
Grand Totals:					45,162.33	45,162.33	

Dated: 7 Sept 2021Mayor: N. Craig HodelCity Council: via phone Councilmember FawcettBurtas
Randy Sparks
Doh

City Recorder: _____

Report Criteria:

Invoices with totals above \$0.00 included.

Only paid invoices included.