



NORTH OGDEN CITY

— SETTLED 1851 —

CITY COUNCIL MEETING AGENDA
JULY 25, 2023 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414

PUBLIC CAN ATTEND:

In person OR:

Click the link below to join the webinar: <https://us02web.zoom.us/j/84860260343> Webinar ID: 848 6026 0343

Or Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782

YouTube: <https://www.youtube.com/channel/UCrigbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation/Thought & Pledge of Allegiance: Council Member Cevering

PRESENTATIONS

1. Presentation from Sewer Board
Presenter: Kevin Hall & Camille Cook
2. Presentation on Frisbee Golf
Presenter: Blake Cevering
3. Presentation by Weber CTC (Communities That Care)
Presenter: Madeline Rosewood & Phil Swanson

CONSENT AGENDA

4. Call for conflict of interest disclosure
5. Discussion and/or action to consider May 2, 2023, City Council meeting minutes
6. Discussion and/or action to consider May 9, 2023, City Council meeting minutes
7. Discussion and/or action to consider May 23, 2023, City Council meeting minutes

ACTIVE AGENDA

8. Public Comments*
9. Discussion and/or action to consider a donation in support of Junior Livestock Program
Presenter: Weber FFA Junior Livestock Association
10. Discussion and/or action on an Agreement with Urban and Main Consulting
Presenter: Robert Sant, Urban and Main Consulting
11. Discussion and/or action to consider deferring the sidewalk widening improvements for the frontage of 2251 North and 2284 North Washington Boulevard as part of the Lomond View Subdivision Lot 1 Amendment
Presenter: Scott Hess, Community and Economic Development Director

****Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 21st day of July, 2023 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2023 meeting schedule was also provided to the Standard Examiner on December 16, 2022. Susan L. Nance, MMC, City Recorder

12. Discussion and/or action to consider a Development Agreement for property at approximately 1651 North Washington Boulevard
Presenter: Scott Hess, Community and Economic Development Director
 13. Discussion and/or action to adopt Fire Code
Presenter: Ryan Barker, Council Member
 14. Discussion and/or action to consider an Agreement with TecServ for Computer Services
Presenter: Jon Call, City Manager/Attorney
 15. Council Department Reports:
 - a. Council Member Cevering - Police
 - b. Council Member Ekstrom - Public Works
 - c. Council Member Barker – Parks & Recreation
 16. Public Comments*
 17. Mayor/Council/Staff Comments
 18. Adjournment
-

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and city residing in.
- c. Citizens will be asked to limit their remarks/questions to five (5) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

Memo

To: Board of Trustees
From: Kevin Hall & Camille Cook
Date: June 21, 2023
Subject: Legislative Reporting Criteria

On June 12, 2023, the Central Weber Sewer Improvement District (District) Board of Trustees declared an intent to increase property tax above the certified rate. During this discussion, a request was made of Trustees to report to their legislative bodies. This report is intended to comply with a recent addition to Utah Code (17B-1-1003). To be compliant, this report should be heard before July 31, 2023. The notice attached to this memo contains the required elements of this report.

In addition, some of you requested that we include supporting information that was shared with you during the meeting. This may be helpful in making your reports.

Supporting Information

The District treats wastewater from 16 municipal entities, which collectively produced 30 million gallons per day (30 MGD) in 2023. There are 4 comparable District's along the Wasatch Front with a similar scope of responsibility. A recent comparison of the District to these peers is shown in Table 1. The District seeks to convey and treat wastewater from member entities in a cost efficient manner. The District has lower than average operating expenses when compared to these peer facilities.

The District went through the truth in taxation process in 2021, but due to increased property valuations, the District has not increased the property tax rate since 2012 and has sought to continue to operate efficiently but must respond to increasing operating expenses due to inflation in the cost of essential operating inputs such as chlorine which has increased 184% since June of 2021 and natural gas, which has increased 13.74% over the past year.

Table 1. Comparison to other Facilities

Facility	Miles of Collection Pipe	Average Flow, MGD	Number of FTEs	Employees per MG	Total Operating Expenses	\$ Per MG
Central Weber Sewer Improvement District	57	30.7	34	1.1	\$17,476,000	\$569,251
Average	36.7	27.4	54	2.0	\$21,878,797	\$896,422

NOTICE OF PROPOSED TAX INCREASE

Central Weber Sewer Improvement District

The Central Weber Sewer Improvement District is proposing to consider increasing its property tax revenue.

The Central Weber Sewer Improvement District tax on a \$477,000 residence would increase from \$126.19 to \$142.19, which is \$16.00 per year.

The Central Weber Sewer Improvement District tax on a \$477,000 business would increase from \$229.44 to \$258.53, which is \$29.09 per year.

If the proposed budget is approved, Central Weber Sewer Improvement District would increase its property tax budgeted revenue by 12.87% or \$1,355,000 above last year's property tax budgeted revenue excluding eligible new growth.

All concerned citizens or legislative entity representatives are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: 08/14/2023 at 6:00 p.m.

Location: Admin Building, District Offices
2618 West Pioneer Road
Marriott-Slaterville, UT.

To obtain more information regarding the tax increase, citizens may contact Central Weber Sewer Improvement District at 801-731-3011 or visit www.centralweber.com.

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 2, 2023

The North Ogden City Council convened in a Council meeting at 6:01 p.m. on May 2, 2023, at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube:

<https://www.youtube.com/channel/UCrigbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on April 27, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Jay D Dalias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member/Mayor Pro Temp	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Jami Jones	Finance Director	
	Scott Hess	Community and Economic Development Director	
	Dave Espinoza	Assistant City Manager/Public Works Director	
	Dirk Quinney	Chief of Police	
	Bryce Nelson	Administrative Services Officer/Treasurer	
	Nate Davis	Building Official	
VISITORS:	Brenda Ashdown	Alan Kerbs	Stefanie Casey
	Sandy Cochran	Melanie Ewing	Spencer Stephens
	Brett Hamblin	Chris Pulver	Kevin Burns
	Doug Anderson	Susan Kilborn	

Mayor Berube called the meeting to order. Council Member Swanson offered the thought and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. No declarations were made.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Sandy Cochran, North Ogden resident, stated she is opposed to raising the budget for Cherry Days this year; she volunteered to help with the Cherry Days celebration last year and she believes the group that produced the event did a great job with the money they had. They already have more than they had last year due to the fact they have secured donations. She reminded the Mayor and Council that citizens were very upset last year by the fact that property taxes were being increased in the City and she does not believe spending more money on Cherry Days will make anyone happy if it results in an additional tax increase.

Brenda Ashdown, North Ogden resident, stated she is a member of the City's budget sub-committee, and she is also opposed to increasing the funding for Cherry Days.

Brett Hamblin, North Ogden resident, stated that he has had a problem with off-leash dogs in City parks. The nuisance seems to be increasing and he and his golden retriever have been attacked four different times by off-leash dogs. He walks his dogs twice a day and he never sees the owners of off-leash dogs clean up after their dogs. He has spoken to people with off-leash dogs to try to address the issue on his own, but the practice still continues. He stated his dogs are not on leash 100 percent of the time when they are outside with him on his own property, but when he visits public property, his dog is always on a leash. He has even seen an off-duty North Ogden Police Officer with an off-leash dog at a park. There may be a misunderstanding of the City's animal control ordinances and it may be helpful to educate everyone on those laws to try to address these issues.

Council Member Swanson motioned to move Agenda item #3 until after Cherry Days Budget discussion. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO APPROVE THE CHERRY DAY'S BUDGET

City Manager/Attorney Call stated this is a follow-up for the discussion that originally took place at the last City Council meeting regarding a request to increase the Cherry Days budget to a total of \$117,000; this includes the \$40,000 that the Cherry Days committee will raise through private donations and the City's contribution increasing to \$75,000. He does not have a presentation on this matter and expected the Mayor and Council to discuss the request with the members of the Cherry Days Committee.

Council Member Barker stated that as the liaison to the Parks and Recreation Department, he believes that the Committee needs additional funding for the event, but he does not believe that property taxes should be increased to provide that funding.

Council Member Ekstrom stated it was her understanding from the presentation last week that the Committee would be repaying the City as revenues are generated throughout the celebration. She asked for clarification on that matter. Mayor Berube stated that was not how he interpreted the request made by the Committee. He understands that the money provided by the City will be kept by the Committee to use on the 2023 or future Cherry Days celebrations.

Alan Kerbs, a member of the Cherry Days Committee, stated that the Committee felt it would be simpler for the Committee to borrow the money from the City. If the City wishes the Committee to pay the money back, that can be arranged, or the Committee can hold onto the money to use next year. He noted the Committee has already raised significant funding to help support the Event, but there are other donors waiting to commit to providing funding until they understand there is seed money available for the celebration.

Council Member Ekstrom stated she is comfortable 'fronting' the committee the money with the understanding that it will be repaid. Mayor Berube asked what will happen if the Committee does not raise sufficient funds to repay the loan. Council Member Ekstrom stated she has faith they will raise the money.

Council Member Delpias asked if the City somehow failed in communicating to the Committee that the amount of funding to be given from the City would be \$25,000. He stated it is out of the question to raise property taxes to fund an increase to the budget. He is comfortable with a small increase to the budget, but not as large an increase that has been requested. Mayor Berube stated that he attended the first several meetings between the City and the Committee and he believes it was very clear that the City would be contributing \$25,000 to the Committee.

Council Member Cevering stated he is also not comfortable with increasing property taxes to increase the funding for the Cherry Days celebration. He referenced an email sent by Council Member Swanson about options the Council can consider to increase the funding, one of which being adjusting the City's sales tax revenue projection, but there is no way to ensure the City will receive that money. He stated that he is nervous about making a formal commitment until solid funding is available. He does not think there are other areas of the budget that can be cut; he is

comfortable offering a small increase to the budget, but otherwise it may be necessary to adjust the celebration to reduce costs.

Council Member Swanson then discussed the options he feels are available to the Council for increasing funding for Cherry Days. He also is not comfortable with a property tax increase. A sales tax revenue projection increase could also be done, but he is not sure the City will actually receive that money. He agreed that other areas of the budget cannot be cut to find additional funding for Cherry Days and in his mind the most solid option available would be to use \$25,000 from the City's General Fund Fund Balance to contribute a total of \$50,000 to the Committee with the understanding that \$25,000 will be repaid to the City.

Mayor Berube stated he does think it is a good idea to start seeding the celebration for the long term; he spoke to the value of the Cherry Days celebration as the largest gathering in the City, but he is not willing to support a property tax increase to provide the increased funding. He proposed that any revenues generated by the event be split between the City and the Committee in an effort to repay the funding provided over the original \$25,000 commitment. Before agreeing to provide additional funding, the Council must have faith that the Committee will be able to raise funding to repay the funding. He would like for the Committee to eventually be a 501(c)3 entity that is independent from the City because he is somewhat uneasy about revenue being generated from the use of funding initially provided by the City. He added that later in the meeting the City will consider a contract for inflatable rentals for the event and if the City authorizes that agreement and executes it, the City will ultimately be liable to pay the costs included therein. Mr. Call noted that the cost of the agreement is roughly \$44,000. Melanie Ewing, Cherry Days Committee member, stated that the scope of the agreement can be adjusted to reduce the cost if the City is not comfortable with the amount.

The Mayor, Council, and staff then engaged in philosophical discussion and debate about whether to increase funding for the Cherry Days celebration; Council Member Swanson reiterated his proposal to provide an additional \$25,000 in funding from the City's General Fund Fund balance. The Council debated whether to require the additional \$25,000 to be repaid. Council Member Barker stated that he is of the opinion that if the Committee does not create a 501(c)3 entity, they should repay the full amount this year; if they can create the entity, they can retain some money as seed money for future events. The Council supported this thought.

Council Member Swanson motioned to provide an additional \$25,000 to the Cherry Days Committee, funded from the General Fund Fund Balance, increasing the total City funding amount to \$50,000 and directing City Administration to negotiate repayment terms of the additional \$25,000. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye

Council Member Ekstrom aye
Council Member Swanson aye

The motion passed unanimously.

There was brief discussion between the Mayor, Council, and Ms. Ewing and Mr. Kerbs regarding the total commitment from the City.

Ms. Ashdown stated that in past discussions about Cherry Days, the existing Committee members have indicated they do not plan to create a 501(c)3 and she wondered if existing Committee members plan to serve for more than one year. Mayor Berube stated that this is something of a trial program and it may be that not all Committee members will participate in future years; however, the Committee has been created to ensure that there will be adequate membership in the Committee in future years.

**3. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH
BOUNCIN' BINS INFLATABLE RENTALS FOR CHERRY DAYS**

City Manager/Attorney Call summarized the terms of the proposed contract with Bouncin' Bins Inflatable Rentals. The Company is providing the service and the City is providing a location and the Committee has negotiated with the Company to provide additional employees to staff each ride in order to reduce the City's liability for any damages or injuries. The proposed location is the main baseball field at North Ogden park, the only concern being allowing rides with water at that location. He asked the Mayor and Council to discuss those issues and provide some direction. He also advised them of the total number of rides and operators, with the total cost being approximately \$44,000; if the Council eliminates some rides, that cost will be further reduced, and the Committee can negotiate a new agreement to finalize the terms.

Melanie Ewing then stated that there are a few rides she would like to consider removing from the event in order to bring a petting zoo to the park. She noted that there are three or four rides that do have water and they can be placed strategically to help mitigate any potential damage caused by the water. Kids enjoy the water rides, especially during the heat of July. She noted that she can work with the Company to modify the agreement even if the Council takes action tonight to approve it in its current form. She stated that she does need some authorization from the Council tonight in order to provide a deposit for the rides.

The Council indicated they are willing to approve an 'up to' amount for the agreement to give the Committee the ability to negotiate the number and types of rides that will be included.

Council Member Delpias moved to approve Agreement A06-2023 with a 'not to exceed' amount of \$37,500.

There was no second and the motion died for lack of a second.

Mayor Berube reminded the Council that the most important part of the event to the citizens is the fireworks show and he hopes that the Committee takes that desire seriously and is committed to ensuring there is adequate funding.

Council Member Barker stated that the Council just voted to increase the budget to \$50,000 and he does not believe the City should micromanage how they are using the funding. He would like to approve the agreement with the 'up to' amount of \$44,000 and let the Committee decide if that is really how they want to spend their money. Mayor Berube stated it is important for the Council to be involved because elected officials will 'take the heat' if the event does not meet the desires of the residents. There are two things that the City is counting on: the parade and the fireworks and everything else could be left undone with no major outcry from residents.

Council Member Barker motioned to approve Agreement A06-2023 for up to \$44,000 with Bouncin' Bins Inflatable Rentals for Cherry Days. Council Member Swanson seconded the motion.

Council Member Swanson stated that his vote on this issue is an expression of his faith in the Committee that has been assembled to produce the Cherry Days Celebration. He believes they are able to get things done and he is willing to accept responsibility for authoring this contract and increasing funding for the celebration.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	nay
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed 4-1.

Council Member Delpias stated that he is also very confident in the Committee, but his opposing vote is an effort to try to limit the City's liability associated with the Celebration.

5. DISCUSSION ON FISCAL YEAR 2023-2024 BUDGET

Mayor Berube thanked City Manager/Attorney Call and Finance Director Jones for their efforts on the Fiscal Year (FY) 2023-2024 budget; he also thanked the citizens budget sub-committee for their review of the tentative budget and for the input they have provided. He stated that he is pleased to present a budget that provides the City the ability to maintain current levels of service, and that does not include a tax increase. He advised the Council to look to the future to plan for growth of the City; primary drivers of the budget are fairly static, but there is some uncertainty

related to the economy in the near future due to escalating inflation and operational costs. He stated he does not think the City is ready for a zero-based budgeting approach. There are some uncertainties in the coming months that will impact the budget, including the following:

- Whether the City will replace the Parks and Recreation Director or leave that position vacant and unfunded;
- A vacant position in the Planning Division of the City (included in the budget);
- A request for a 23rd Officer in the Police Department (not included in the budget);
- Direction regarding the use of any increase in property tax revenue;
- Some personnel realignments;
- Sales tax revenue projections;
- Increased costs of snow removal over the winter of 2022-2023;
- Expenses associated with flooding on 1700 North;
- Building the capital improvements fund;
- Capping property tax increases;
- Large equipment purchases (all requests of Departments are included in the budget);
- RAMP Grant matches; and
- Public Safety Impact Fee.

Ms. Jones then summarized the changes that have been made to the tentative budget since the Council's last review, emphasizing that the budget is balanced, and levels of service will be maintained if it is adopted. She discussed efforts to refine and reduce costs, including staffing adjustments and non-departmental expenses. She noted an additional drone for the Police Department has been removed from the budget. The Mayor and Council discussed this adjustment and concluded they would like to include the needed \$3,500 for the drone in the budget given it is vital to investigative operations of the Department. Ms. Jones concluded she is appreciative of the efforts of each Department as well as the citizens budget sub-committee. She feels confident in recommending acceptance of the tentative budget for the General Fund of the City.

Mayor Berube inquired as to the total increase in expenses in the City. Ms. Jones stated that last year the budget was \$10.8 million and this year it is \$10.7 million; however, this is due largely to fluctuations in personnel rather than reduced expenses. Expenses have increased, but that increase is offset by reduced personnel costs. Mr. Call added that he feels the City can operate under the budget that has been proposed; some areas he will keep a close eye on include the Departments that have reduced staffing and if additional revenues come available and there is a need to increase staffing, he will make that proposal.

Ms. Jones then discussed the City's enterprise fund budgets; there is a proposal to increase utility fees slightly to cover increased employee support for utilities. She also discussed the administrative transfer from the General Fund to enterprise funds to cover administrative support for utilities. She added that a five-year plan has been developed for the City's enterprise fund and while the \$2.60 increase in utility fees will cover operations for this year, it will be necessary to increase water utility rates to provide additional funding for water infrastructure projects. Depreciation of utility infrastructure has not been adequately funded and Administration will

work to identify utility lines that have been listed on the depreciation schedule to be appropriately accounted for. This led to high level philosophical discussion and debate among the group regarding the importance of depreciation funding, other opportunities for providing funding for needed capital projects in the City, and a brief focus on prioritization of capital projects needed in the City. Continued discussions of the proposed utility fee increases, and depreciation funding will be held in future meetings.

Mayor Berube drew the Council's attention to the use of \$175,000 from the Redevelopment Agency (RDA) fund to help the North Shore Aquatic Center break-even; he knows that City staff is working on different programs for increasing revenue at the Center, but the Council should be considering other opportunities for replacing the funding from the RDA when access to that funding mechanism expires. Council Member Swanson stated that the Council needs to have a broad discussion about the expiration of the RDA, and he is hopeful that discussion can be scheduled for some time in the coming months.

Ms. Jones presented a color-coded five-year capital improvement plan that identifies funding sources for each of the projects; the Council discussed the scope of various different projects included on the list and the type of rate increases that would be needed each year for the next five years to fund all projects.

6. PUBLIC COMMENTS

Sandy Cochran, North Ogden resident, stated she is not opposed to the Cherry Days Celebration growing this year to add a few more activities, but she is unsure why it is necessary for the event to 'explode' this year rather than grow gradually. She stated that the Committee has not explained how the additional money will be used and she suggested that the Council may not care about that matter. She stated that she is a member of the budget sub-committee, and each Department Head was required to visit with that sub-committee and explain where every penny of their budget would be spent, but the same logic has not been required of the Cherry Days Committee. She is surprised that the Council did not say no to the request or ask for more information at least.

Mayor Berube stated that he and each member of the Council has seen the detailed budget for Cherry Days, even if that information was not discussed tonight. The Council did tell them no to the full request; they granted the \$25,000 that was originally budgeted, \$6,000 left over from last year, and an additional \$19,000 that will need to be repaid. If the Cherry Days Committee cannot raise the money to repay that funding, there will be a strong message sent about the issue. He stated he does not want anyone to believe that the Council flippantly acted on the request without sufficient information. Mr. Call added that the budget has been presented to the Council and it can be made available to the sub-committee.

Brenda Ashdown, North Ogden resident, stated that her husband watched a video recently on sewer lining options that can help to save cities money; that may be something appropriate for North Ogden to consider. She noted she also does not agree with the action taken regarding the

Cherry Days Budget, she feels it is ‘too much too fast’. She noted she feels sorry for Department Heads who have been told to keep their budgets in check while the Council makes efforts to find money to give the Cherry Days Committee more than they were told they could spend. She noted the budget sub-committee will meet tomorrow and she asked that someone from the Council attend to provide information about the details of the Cherry Days budget. She then referenced a project being completed by John Hansen, which has been approved by the City; the City put a deadline on development of a park included in the project, but she asked what will happen if the homes are not built and, therefore, there is no money to build the park by that deadline.

Mr. Call stated that Mr. Hansen must start work and record his project within one year of receiving final approval; Mr. Hansen is aware the City expects the money for the park according to the terms of the agreement regardless of whether the residential development starts on schedule.

Mayor Berube stated that he has only missed one meeting of the budget sub-committee; he is not available tomorrow and he had not planned to say where he will be, but he disclosed that he and Mr. Call and the Police Chief are going to visit with the three officers who were involved in a recent shooting event in the community. He will prioritize that visit over the meeting with the budget sub-committee to go over papers for two hours. If he makes it back, he will attend the meeting, but he may not. Ms. Ashdown stated that she understands, but someone needs to be available to answer questions about the Cherry Days budget. She then asked if the City is going to build the park once it receives the money from John Hansen. Mayor Berube stated that the City cannot delay the project too long because there is a RAMP grant for it, and it must be completed by a deadline in order to prevent losing that money.

Chris Pulver, North Ogden resident, stated he has tried to follow the money associated with the Cherry Days celebration; he can only see expenses, but no revenue lines. Ms. Jones identified the location in the budget where revenues in the FY22-23 budget are identified. Mr. Pulver thanked the Mayor and Council for their efforts to review all budget information and make wise decisions for the City in the future.

7. MAYOR/COUNCIL/STAFF COMMENTS

Finance Director Jones stated she wanted everyone to be aware that the action to be taken by the Council next week is consideration of accepting the tentative budget for continued review; the public hearing and final action will not be taken until June 13, so the Mayor, Council, staff, and the public have additional time to review and discuss the budget until that date.

Council Member Ekstrom stated that as a resident, she is very hesitant about relying upon sales tax revenue to fund so many things in the budget; she feels that it is more appropriate to consider appropriate property tax increases to fund the needs of the City.

Mr. Call noted that the City's inspectors have been doing a good job at inspecting various development projects in the City and requiring developers to clean up their projects; he advised the Mayor and Council that they may be hearing from angry developers and that is why. He then stated Administration will be bringing an ordinance to the Council to consider regarding turf changes and water conservation responsive to mandates from the Utah government. Mayor Berube added that Administration will also recommend retraction of the emergency water declaration from last year, which will mean that residents will need to install yards on a timely basis and the Council can debate that matter when it is presented to them.

Mayor Berube then reported the City's Public Works Department is aware of damage on various roads throughout the City as a result of a heavy snow year and recent flooding; they are working to respond to those problems in a timely manner and he asked that residents of the City be patient.

8. ADJOURNMENT

Council Member Ekstrom motioned to adjourn the meeting.

The meeting adjourned at 8:56 p.m.

S. Neal Berube, Mayor

Joyce Pierson
Deputy City Recorder

Date Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 9, 2023

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on May 9, 2023 at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube:

<https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on May 4, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	arrived at 7:40 pm
	Blake Cevering	Council Member	via Zoom
	Jay D Dalpias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Jami Jones	Finance Director	
	Scott Hess	Planning Director	
	Bryce Nelson	Administrative Services Manager/Treasurer	
	Dirk Quinney	Police Chief	
	Clark Crowther	Police Lieutenant	
VISITORS:	Ricky Hatch	Sandy Cochran	Reed Miller
	Sue Birch	Randy Winn	Kevin Burns
	Brenda Ashdown	Chris Pulver	

Mayor Berube called the meeting to order. Council Member Swanson offered the thought and led the audience in the Pledge of Allegiance.

PRESENTATION

1. WEBER COUNTY ELECTION SECURITY INFORMATION AND UPDATES

Ricky Hatch, Weber County Clerk/Auditor, provided the Mayor and Council with a presentation regarding security updates for the upcoming 2023 Municipal Election and the 2024 Presidential Election. His presentation touched on the importance of records management and keeping updated voter registration records; ballot security; security of election tabulation equipment; and the by-mail election process.

Mayor Berube thanked Mr. Hatch for his presentation and for all that his office does to assist North Ogden with its elections; he also encouraged any resident with any questions about elections to contact Mr. Hatch or his staff and indicated that they are very responsive and helpful.

CONSENT AGENDA

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. Council Member Ekstrom stated that during the Redevelopment Agency (RDA) meeting, there will be a discussion about possible uses of RDA funds and one potential project is at the North Ogden Plaza where she owns a business. She will recuse herself from discussion and action on voting on the budget if there is discussion of spending money in that project area.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE MARCH 28, 2023, CITY COUNCIL MEETING MINUTES

Council Member Delpias provided a few grammatical corrections for the minutes.

Council Member Ekstrom motioned to approve March 28, 2023, City Council Meeting minutes as amended. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	absent
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

4. PUBLIC COMMENTS

Reed Miller, North Ogden resident, stated that when he became an officer in the United States Army, he took an oath to support and defend the Constitution of the United States. He considers that a solemn oath that he wishes to uphold at all times, not only as an officer, but as a citizen as well because the Constitution is the supreme law of the land and all laws at every level of government should be in line with the Constitution. He hopes that the North Ogden City Council always takes care to ensure that its laws are in line with the Constitution in an effort to secure freedom. The role of government is to uphold the people's rights that are found in the Constitution and the Declaration of Independence. He acknowledged two local elementary school students who participated in a Constitution League; they were part of a team of five who competed against 14 other teams from Draper to North Ogden. They studied the Constitution and the Bill of Rights and took second place in the competition, and they received a silver medal and a \$50 award. The City should be proud of them and recognize them: Sam Kimball and Connor Tool. He hopes that next year there will be more involvement in the competition.

Mayor Berube asked Mr. Reed to provide that information to the City Recorder; he would like to include recognition of this achievement in the City's monthly Connection Magazine.

Randy Winn, North Ogden resident, thanked Mr. Hatch and the other employees in his office; a few years ago, he was involved a very close election in North Ogden, and he was comforted by the training and tour of the County Clerk's Office that Mr. Hatch provided in order for him to have confidence in the integrity of the election processes in the community.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING FISCAL YEAR 2022-2023 TENTATIVE BUDGET

Mayor Berube stated there are three outstanding issues with the budget: first is that the Council is awaiting final recommendations from the citizen budget sub-committee; second are fluctuations in sales tax revenue and it may be appropriate for the Council to consider an adjustment to the projection included in the tentative budget; third is that the City Recorder has provided her notice of resignation and there is some uncertainty about the filling of that vacancy and any potential for the personnel costs associated with that position to change.

Finance Director Jones then noted she had nothing to add to Mayor Berube's comments; she noted that there have been no changes to the budget document since the Council's last review. Mayor Berube noted one additional item is the Council's desire to participate in continued discussion of funding of needed water capital projects, which could impact water utility rates in the next five years.

Council Member Ekstrom inquired as to the timeline for final budget adoption and if the Council is required to act to accept the tentative budget tonight. Ms. Jones indicated that the tentative budget must be adopted tonight, and the final budget must be adopted by June 22, unless the Council decides to consider a property tax increase, which would require a truth in taxation process and hearing and final adoption of the budget in August. The proposed certified tax rate has not yet been provided by Weber County. Council Member Ekstrom stated that she has voiced

her concerns, but reiterated she feels that the City should consider a property tax increase to adequately fund the City's budget. City Manager/Attorney Call noted that if the Council decides to consider a property tax increase, the tentative budget could be adopted as the operating budget in June, and it would be in effect until the truth in taxation process concludes and a final budget is adopted in August.

Council Member Swanson expounded on changes in sales tax revenues and noted he feels the Council has more work to do before determining the final projection to be included in the budget.

Council Member Delpias stated he is comforted by the fact there have been no major changes to the budget since the Council's last review and he is prepared to adopt it this evening.

Mayor Berube stated he has full confidence the Council will be able to work through any outstanding issues with the budget and he is comfortable standing behind the budget that has been prepared based upon the fact that it is balanced and conservative.

a. Public Comments

There were no public comments.

b. Discussion and/or action to consider an Ordinance approving Fiscal Year 2023-2024 Tentative Budget

Council Member Ekstrom motioned to approve Ordinance 2023-10 for Fiscal Year 2023-2024 Tentative Budget. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	absent
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

Council Member Swanson noted that the public comment period was not opened, and he asked if there were any public comments on the tentative budget.

Randy Winn, North Ogden resident, stated he has been serving as a member of the citizens budget sub-committee; the sub-committee has generally been impressed by the various Department Heads of the City and the manner in which they have developed their budget proposals. They have done a good job at utilizing the resources available to them and have been conservative.

- c. **Discussion and/or action to recess the City Council meeting and convene in the Redevelopment Agency (RDA).**

Council Member Swanson motioned to recess the City Council Meeting and convene in the Redevelopment Agency (RDA). Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	absent
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The City Council Meeting recessed at 6:46 p.m. and the RDA meeting convened at 6:46 p.m.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING THE RDA FISCAL YEAR 2022-2023 TENTATIVE BUDGET

Finance Director Jones reported the RDA revenues will be held constant when compared to last year's fiscal year budget and no projects are budgeted in either the RDA or CDA fund. There is a \$875,000 transfer from the RDA to the North Shore Aquatic Center to help cover operating costs of that facility. Administration is preparing for a fall retreat meeting to discuss how to program the RDA funds.

Mayor Berube stated he is very concerned about the amount of money being transferred from the RDA to the Aquatic Center; the RDA will eventually expire, and those funds will not be available and if the Aquatic Center is not breaking even at that time, the funding will need to come from the General Fund of the City and there is insufficient revenue in the General Fund for that purpose. He noted that City Manager/Attorney Call has notified him that the \$875,000 is simply a placeholder and not all of that money has been spent in the past, but it is concerning that there may be a similar placeholder in the General Fund in the future.

a. Public Comments

Kevin Burns, North Ogden resident, stated that the City has had the discussion about the expiration of the RDA several times and it feels as if the issue has been 'kicked down the road' rather than trying to develop a real plan for funding the Aquatic Center in the future.

Mayor Berube stated that some progress has been made relative to funding the Aquatic Center; the debt associated with the facility has been paid off and the manager of the Aquatic Center is always looking for opportunities to decrease costs and increase revenues to make the facility self-sufficient. However, there are some needed repairs and renovations at the facility and the City needs to have a clear understanding of the potential costs of those projects.

Reed Miller, North Ogden resident, stated that he wanted to emphasize the need to provide for the needs of the community and to adopt a balanced budget; further taxation is a very tender subject for North Ogden residents. He concluded the residents do not want to be taxed to death.

Mayor Berube stated the last three years have been very unique; the nation has endured a pandemic followed by the highest inflation period in the last 40 years and the Council has been very careful to consider these issues when developing an annual budget.

b. Discussion and/or action to consider an Ordinance approving the RDA Fiscal Year 2022-2023 Tentative Budget

Committee Member Swanson motioned to approve Ordinance RDA 2023-11 for RDA Fiscal Year 2022-2023 Tentative Budget. Committee Member Ekstrom seconded the motion.

Voting on the motion:

Committee Member Barker	absent
Committee Member Cevering	unavailable
Committee Member Dalpiaz	aye
Committee Member Ekstrom	aye
Committee Member Swanson	aye

The motion passed with a 3-0 vote.

c. Discussion and/or action to adjourn the RDA meeting and convene in the City Council Meeting

Committee Member Ekstrom motioned to adjourn the RDA meeting and convene in the City Council Meeting. Committee Member Swanson seconded the motion.

Voting on the motion:

Committee Member Barker	absent
Committee Member Cevering	aye

Committee Member Dalpias	aye
Committee Member Ekstrom	aye
Committee Member Swanson	aye

The motion passed unanimously.

The RDA meeting adjourned at 6:55 p.m. and the City Council Meeting re-convened at 6:55 p.m.

7. DISCUSSION AND OR ACTION TO CONSIDER A REZONE OF SEVERAL CITY OWNED PROPERTIES TO THE CIVIC ZONE (C)

Community and Economic Development (CED) Director Hess reported North Ogden City is the applicant for these zone changes; there are several parcels in the City for which a zoning change to the Civic Zone is requested. He reported the proposed zoning adjustment meets the requirements of applicable North Ogden zoning ordinances and conforms to the North Ogden City General Plan. The General Plan map identifies Lomond View Park and Equestrian Center as “Parks” which are essentially a Civic Use. The remaining parcels are indicated as low intensity single-family zoning. He summarized the general guidelines for the City’s zoning and land use policies, concluding the Planning Commission found that this application is consistent with the General Plan, and unanimously recommended approval of the rezone areas from R-1-8AG, R-1-8, R-1-12.5, RE-20 zones to the Civic Zone (C).

Mayor Berube discussed the purpose of the creation of the Civic Zone, and he feels that these zone changes are an attempt to follow the City’s zoning and land use rules related to City owned property.

Council Member Ekstrom referenced the map of the Lomond View Park property and asked if the small portion that is carved out is privately or publicly owned. Mr. Hess stated there are four homes near the access road for the Park and those homeowners own the property that abuts the park. The property is an unincorporated island of property. Council Member Ekstrom asked if there is any talk of annexing the property and possibly making it part of the park. Mr. Hess stated the property is privately owned and they have not considered annexation; that decision would likely be based upon whether the owner can secure approval of any development plans.

Council Member Dalpias also referenced the Lomond View property; he asked if the north end carve-out is used for storm water retention and he asked if it makes sense to change the zoning to Civic Zone for that section. Mr. Hess identified the storm water detention area, the four homes, and the unincorporated property to orient the Council to the relationship between all properties adjacent to the park. Council Member Dalpias stated that his question is not applicable given that explanation.

Council Member Dalpias motioned to approve rezone of several City owned properties to the Civic Zone (C). Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	absent
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR COSTS RELATED TO INSTALLATION OF STORM DRAIN IMPROVEMENT IN NORTHWOOD HILLS SUBDIVISION

City Manager/Attorney Call reported the Developer of the Northwood Hills subdivision was approached by the City about rerouting some storm water through their subdivision to assist in spreading the storm water drainage into different channels as it comes down the North Ogden drainages. The requested increase in compensation was for an additional \$13,795.45 but after some discussion with the developer staff is recommending an increase of \$10,345.45 after the elimination of some items that staff felt were more development related and not as much related to the City's request to reroute storm water. Staff recommends the cost adjustment from \$67,822.63 to \$78,168.08.

Mayor Berube stated he believes the developer was able to capture the money needed to cover their costs by increasing the price of their building lots; the City does not have that same ability and he wished for the record to reflect the difference between the City and the developer in terms of responding to inflation. Mr. Call agreed.

Council Member Dalpias stated he does not blame the developer for asking for this consideration, but he does not believe the City should pay for a portion of the necessary storm drain improvements. Council Member Ekstrom agreed; she believes the developer benefited from the inflation as much as they may have been a victim of it.

Council Member Cevering stated he shares the same position as Council Member Dalpias and Ekstrom. Council Member Swanson stated he is grateful to the developer for partnering with the City and working to find creative solutions to directing storm water appropriately; he is also grateful for the system whereby they are able to sell lots and make money.

Mayor Berube called for a motion on the requested amendment to the development agreement.

Mr. Call stated that it is an option for the Council to deny the amendment and that would mean that the only way for the matter to be raised again would be for someone voting on the prevailing side of the motion to ask for reconsideration.

Council Member Swanson motioned to deny the request to amend the Development Agreement A02-2020 for costs related to installation of Storm Drain improvement in Northwood Hills Subdivision. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	absent
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION WHETHER OR NOT TO RESCIND A CRITICAL WATER EMERGENCY DECLARATION RELATED TO THE DROUGHT

City Manager/Attorney Call reported the Mayor and Council approved an emergency water declaration that limited the watering of landscaping and allowed for the use of culinary water, while also limiting the installation of landscaping for new homes. With the water available this year for irrigation there should be a full season of irrigation available so it may be the right time to go back to the normal rules and allow for the newer homes to complete the installation of their landscaping, while also removing the ability for individuals to utilize culinary water on trees, shrubs and gardens. If the Council rescinds the emergency declaration, then the Council should also establish a timeline for individuals to complete the installation of landscaping so that code enforcement has a firm deadline to work with. There are many options on this, however the easiest for code enforcement to manage is to require individuals to install their landscaping by a certain date for all the homes who have already received an occupancy permit. Staff recommends the emergency declaration be rescinded and that homeowners be given a specific amount of time to come into compliance with the ordinances.

Council Member Delpias stated that he would lean towards extending the declaration for an additional year; he does not believe anyone anticipated the drought to be over after just one year and they may have thought they have more time to get their landscaping installed. Mayor Berube stated that the declaration did not suspend the requirement to install landscaping. Mr. Call stated that is correct; it only allowed for using culinary water for landscaping. He will research the Council's action further because it may be that the suspension of the requirement was part of the Council's motion to approve the declaration; he will review the minutes to determine the final action by the Council. Council Member Delpias stated that he recalls that there was a discussion

about specifically suspending the requirement to install landscaping. Mr. Call agreed and stated it may be that there is language in the City Code that triggers the suspension of the requirement when there is a declaration of emergency. Council Member Ekstrom stated that if that is the case, the City needs to notify residents who were impacted by the suspension that they will need to install their landscaping.

Council Member Ekstrom motioned to rescind A Critical Water Emergency Declaration related to the drought. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	absent
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

Mr. Call stated that he found the code citation; Section 5-7-1 states that when the Mayor declares a critical water emergency, the requirement to install landscaping is delayed by 12 months.

10. DISCUSSION AND/OR ACTION TO CONSIDER A DECLARATION FOR A STATE OF EMERGENCY AND INVOKING EMERGENCY POWERS FOR NORTH OGDEN CITY

City Manager/Attorney Call reported that this declaration is related to recent flooding events throughout the City and the potential for ongoing flooding; the declaration will make it possible for the City to apply for federal funding to help cover the costs of responding to the flooding. He then reviewed the language in the declaration and discussed the implications of adopting the declaration. The declaration will be for 30 days and, if necessary, it can be extended beyond that 30-day period.

Council Member Ekstrom motioned to accept a Declaration for a State of Emergency and invoking emergency powers for North Ogden City. Council Member Dalpias seconded the motion.

Voting on the motion:

Council Member Barker	absent
Council Member Cevering	aye
Council Member Dalpias	aye

Council Member Ekstrom aye
Council Member Swanson aye

The motion passed unanimously.

11. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER CEVERING - POLICE

Council Member Cevering stated that the Police Chief asked that he remind the residents that any dog that is outside the home or a fenced enclosure to be on a leash. He also wished to express appreciation to the community for their support following the recent police involved shooting incident.

Mayor Berube thanked Council Member Cevering for assisting in organizing the candlelight vigil following the tragic event.

b. COUNCIL MEMBER EKSTROM – PUBLIC WORKS

Council Member Ekstrom stated the Public Works Department has announced that spring cleanup is underway at the Green Waste Pit and will run through Saturday. They also reported that all creeks are flowing, but under control at this time.

c. COUNCIL MEMBER BARKER – PARKS & RECREATION

Council Member Barker was absent. Mr. Call briefly noted that the City is looking for seasonal employees in the Parks and Recreation Department and he encouraged residents to review the job announcements and encourage those qualified to apply. He added that the Cherry Days Committee has moved forward with planning the annual celebration; they are actively working to raise funds for the event, and they are doing quite well.

12. PUBLIC COMMENTS

Randy Winn, North Ogden resident, stated that one of the most wonderful services the City offers is its annual spring cleanup; he thanked the City for continuing to provide the service.

Sue Birch, North Ogden resident, asked Council Member Barker how residents can provide public input on the best location of pickleball courts at Lomond View Park. Council Member Barker stated the project is already designed and the installation process has started. Ms. Birch stated that is the reason for her question; she asked why the City is removing an existing landscaped area with established trees and turf, as well as a sprinkler system. There is another location of the park that has been consumed by weeds for 35 years and there was no consideration about putting the pickleball courts there. She added that the current location is

right underneath bedroom windows of nearby homes, and this will create a nuisance for residents. Council Member Barker stated he is willing to pass that feedback and questions on to those working on the project.

13. COUNCIL/MAYOR/STAFF COMMENTS

City Manager/Attorney Call stated that the City has received more questions about a flip the strip program and Administration will include a discussion item on a future agenda for continued discussion. He added that the City's inspection staff is nearing completion on closing out all escrow accounts for development improvements. He provided a report on the arrangement between the Senior Center and the community band; it appears that the friction on the use of the Senior Center has been resolved. He added that when Council Members receive complaints from residents, he would like for them to give staff a chance to correct the issue before recommending that they come to the City Council meeting to voice their complaint.

Council Member Barker provided a brief update on parks; the swimming pool will be opening soon. Youth recreation baseball started yesterday and there are 12 teams in just the 3/4th grade league. There are many kids in the community playing sports. All restroom facilities have been opened at City parks and residents who observe any vandalism of those facilities is asked to report it to the City.

Mayor Berube inquired as to the City's ordinance regarding panhandling. Mr. Call stated that the State Court has applied first amendment protections to panhandling; the only thing the City can do is keep people out of travel lanes so they can only be asked to relocate if they are obstructing the flow of traffic. Mayor Berube then asked who owns the Coldwater Creek flow. Mr. Call stated that the City does not own private water rights in Coldwater Creek, and he will need to research that matter further. Mayor Berube then noted he has been told that the Follow the Flag group has been denied access to the trail to hang their flag in the canyon; he was told that access could not be restricted, and he asked Mr. Call to address that issue. Mr. Call stated that the State law states that if a trail or access has been used for public purposes for more than 10 years, it becomes dedicated to a public use trail. This battle has been fought in many jurisdictions and anyone seeking to litigate that matter has extensive case law to rely upon.

14. ADJOURNMENT

Council Member Ekstrom motioned to adjourn the meeting.

The meeting adjourned at 7:52 p.m.

S. Neal Berube, Mayor

Joyce Pierson
Deputy City Recorder

Date Approved

Not approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 23, 2023

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on May 23, 2023 at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube:

<https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on May 18, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Jay D Dalpias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Jami Jones	Finance Director	
	Scott Hess	Planning Director	
	Bryce Nelson	Administrative Services Manager/Treasurer	
	Dave Espinoza	Assistant City Manager/Public Works Director	
	Dylan Hill	Public Works Inspector	
	Nate Davis	Building Official	
VISITORS:	Keith Ashdown	Brenda Ashdown	Chris Pulver
	Doug Anderson	Sandy Cochran	Stefanie Casey
	Reed Miller	Kevin Burns	

Mayor Berube called the meeting to order. Council Member Swanson offered the thought and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. No declarations were made.

2. **DISCUSSION AND/OR ACTION TO CONSIDER THE APRIL 11, 2023, CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve April 11, 2023, City Council Meeting minutes as presented. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

3. **DISCUSSION AND/OR ACTION TO CONSIDER THE APRIL 15, 2023, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias offered a few corrections to names listed in the public comment portion of the meeting.

Council Member Cevering motioned to approve April 15, 2023, City Council Meeting minutes as amended. Council Member Dalpias seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF SPRING MEADOWS SUBDIVISION**

Public Works Inspector Hill explained that conditional inspection of the Spring Meadows Subdivision has been completed and it has been found to be in compliance with City Code and standards. The original sum of the escrow is \$147,356.27 for improvement costs, which have been released throughout the improvement process. Escrow releases show a remaining

\$51,498.97. A total of \$51,498.97 shall remain with the escrow agent through the one-year period after conditional acceptance by the City Council.

Mayor Berube asked if there were wetland issues associated with this project. Mr. Hill answered yes and indicated the City Engineer has been in communication with the Army Corps of Engineers regarding those matters.

Council Member Ekstrom motioned to approve Conditional acceptance of Spring Meadows Subdivision. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

5. PUBLIC COMMENTS

Keith Ashdown, North Ogden resident, reported that he walks his grandson to school each day and he has observed a safety issue on Pleasant View Drive at 300 East. He asked that a school crossing zone be implemented at that location because it is a very busy intersection for children to be navigating.

Mayor Berube asked the City Manager to make note of the recommendation and confer with the Police Chief on the matter.

6. PRESENTATION BY BUDGET REVIEW SUBCOMMITTEE MEMBERS

Doug Anderson provided an introduction for this agenda item; last year the City Council considered a property tax increase, which required that the City follow the Truth in Taxation process identified in State Law. He noted 103 people attended the Truth in Taxation hearing and over 40 spoke against the proposed tax increase while none spoke in favor. Toward the end of the meeting, a motion was made to create a citizens Budget Review Subcommittee to aid the City in reducing expenses. Later, many residents volunteered to join the Subcommittee, and several were eventually appointed. There have been many ideas raised during the Subcommittee meetings and all were given consideration; some were good enough to be included in the recommendations to the City Council, while others were voted down. All ideas have been

presented to the City Council regardless of whether the Subcommittee supported them. The Subcommittee realizes they have no control over the final budget document and that their only power is that of suggestion.

Chris Pulver then used the aid of a PowerPoint presentation to summarize the Budget Review Subcommittee's review of the Fiscal Year (FY) 2023-2024 budget; the Subcommittee received training on the City's budget process and laws that the City must comply with regarding budget adoption. The following documents were provided to the Subcommittee for review:

- Department Yellow sheets – very detailed listing of expenses minus personnel costs
- Financial Statements with Auditor's Report, 6/30/2022
- Full budget breakdown for FY2023/24 with prior year comparisons

The Subcommittee was briefed by each Department Head regarding the specifics of their budget; each line of the yellow sheet was discussed and any increases/decreases from the previous budget year was noted/explained. The Subcommittee came away from the budget review process with the following impressions:

- City budgeting is complicated since revenue is not stable:
 - Sales tax fluctuate year to year and month to month; and
 - Grant monies are never certain,
- City employees actively work to reduce costs:
 - Several employee initiatives have reduced costs; and
 - Forward looking helps to anticipate needs to avoid unbudgeted expenses.
- Many big expenses are straight pass throughs (not controlled by city):
 - County/State fees – e.g., garbage dumping, Weber County elections and services; and
 - Insurance and employee benefits increase.
- Final committee recommendations were based on majority vote and were not necessarily 100 percent unanimous.

Subcommittee recommendations were sorted into five categories: savings quantified, savings general, savings natural, cost increases, and proposed ideas that were not accepted.

- Savings – Quantified:
 - Stick to budget and don't add cost to budget unless urgent need:
 - The city council spent \$111,000 extra over the past year.
 - Sound/lights at Barker Park Amphitheater – current city budget \$150K – reduce to \$75k by pushing for donations, “right sizing” the need, or reducing the overall scope.
 - Remove/Return Flock cameras – current city budget \$30k - \$30k saved.
- Savings – General:
 - With fiber optic coming to North Ogden, investigate a competitive bidding process to provide for all city internet services including all available providers such as Comcast, CenturyLink, All West, etc.
 - Implement an “idle free” policy for all city vehicles.
 - Continue to maximize interest income from high interest rates.

- BYOB – have folks bring their own beverages to city meetings – minimizes bottled water/environmental impact.
- Savings – Neutral:
 - Review depreciation log to ensure future major acquisitions are being covered.
 - Create/maintain a “triage” of the city budget if any 2008 like crash happens where sales tax revenue drops significantly:
 - Committee understands the city maintains a rainy-day fund and encourages this practice.
 - Use free energy reviews from RMP and Dominion to prioritize building upgrades to reduce utility bill.
 - Maintain retention expenses to avoid time spent hiring/retraining:
 - Hiring/retention struggles drive biggest cost (personnel/benefits).
 - Continue to press for all County/State/Federal grants to minimize city projects costs to citizens.
 - Continue with Granicus transfer from current outsourcing of minutes.
- Cost increase
 - Increase transparency to citizens as property taxes may increase due to inflation.
 - Consider a specific city council meeting to discuss property taxes.
 - Review Police Dept growth balancing both national average and response time.

The following are ideas that were proposed but were not accepted by the Subcommittee:

- Street sweeper – current city budget \$50K – reduce by 50% and have citizens clean in front of their homes.
 - Can’t do it due to state/EPA requirements.
- Connections magazine –current city budget \$10K – reduce to quarterly or go online if there is cost reduction.
 - Too many unknowns – and info still needs to get to citizens.
- Stop printing meeting agendas – current cost 6.5 cents a color copy –maybe \$100 per year savings.
 - People still use the paper handout.
- Raise the cost of second garbage can or charge residents for each tip.
 - The overall goal was to reduce garbage weight – but since this is a straight pass through to residents, it really is not a savings to city.
- Review cost trade-off of hiring extra code enforcement to increase fine revenue – also avoids neighbors being the direct “snitch”.
- Ensure capital projects are the correct ones – i.e., what do most citizens want - Flashvote Survey software may help.
- Review bank fees when the next contract is considered – if possible, switch to lower cost structure.
 - Limited qualified banks and city already does this.
- Give local companies a chance to match funding for city supplies.
- Reduce HR budget for major events.
- Regular yearly truth in taxation public hearing – regardless of tax increase.
 - Not really cost related.

- HR to consider all options for major parties.

Sandy Cochran then thanked the City Council for creating the Subcommittee and she named the total membership of the group; she then noted the most gratifying aspect of their undertaking was seeing how little was actually in the budget that could be cut. Department Heads have determined what they need to do their job and the most cost-effective way of doing so. The Subcommittee wishes to specifically thank many individuals who were instrumental in helping them carry out their objectives; all Department Heads were exceptionally prepared and helpful. The Mayor and Council Member Swanson, and other Council Members, attended Subcommittee meetings. Community and Economic Development (CED) Director Hess was always willing to help the Subcommittee. Finance Director Jones, City Manager/Attorney Call, and Public Works Director Espinoza went above and beyond; they thoroughly explained the budget process over and over. She again thanked the City Council for allowing the group to participate in this process, it has been enlightening and enjoyable.

Council Member Barker asked the Subcommittee if they wished to continue and participate in the next FY budget process. Ms. Cochran answered yes; she noted that some of the current members would like to remain on the Subcommittee, but they have had discussions with the Mayor about recruiting additional members to get more residents involved.

Council Member Ekstrom thanked the Subcommittee members for their time and interest in the budget process. Mayor Berube echoed Council Member Ekstrom's gratitude and noted he plans to write an article for the next edition of the Connection Magazine regarding the involvement of the Subcommittee in the budget process.

Council Member Dalpiaz also thanked the Subcommittee and noted that he watched all of their meetings.

7. DISCUSSION ON NORTH OGDEN PARK TENNIS COURTS

Council Member Barker stated that over the past few weeks, City staff has learned that the Lomond View Pickleball Courts will not be completed on schedule and the earliest they will be done is August. He asked for input from the Council regarding painting pickleball lines on the North Ogden Park tennis courts and using portable pickleball nets at that location. Public Works Director Espinoza discussed the specifics of the proposal; two pickleball courts could be accommodated at North Ogden Park while also preserving one tennis court. A tournament will be held in the community at the end of the summer, and it will be necessary to rent pickleball courts at Pleasant View Park for the event.

There was brief discussion among the Council and staff regarding the anticipated completion of the Lomond View courts; the demand for pickleball and the option of making the conversion of a tennis court at North Ogden Park permanent; the current amount of use of the tennis courts; and the cost of the converting one tennis court to pickleball courts. Council Member Barker stated that painting new lines is inexpensive, and people can bring their own nets to the court to use as

they desire. Mayor Berube suggested proceeding with painting the lines since the cost is minimal, but he would like for the Council to be presented with detailed information about total costs of expanding the pickleball projects in the community. Council Member Dalpiaz stated that this item feels rushed to him and there are still some in the community who want access to tennis courts; he is comfortable with a temporary solution at this point, but would like more discussion before final modifications are made to the tennis courts.

8. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpiaz reported that the City is trying to hire a full-time Planner and any qualified individuals are encouraged to apply. He then offered a year-to-date comparison of plan check fee revenues; last year the City had received \$39,415 and this year the City has received \$24,205. This trend is related to the slowing of the development market due to increased interest rates. The FY 2023-2024 revenue line items have been adjusted responsive to this trend. He then noted that last year the City had received \$437,000 in total building permit revenues and this year, the City has received \$293,000, which is about \$150,000 under budget. The Department is hopeful that larger building projects will commence before the end of the current FY budget in order to impact those revenue line items in the budget, or that money will be frontloaded in the next FY budget.

b. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson noted the City has not received the March sales tax revenue from the State of Utah. He added that Departments continue to be conservative in their budget spending and they are under budget at this time. He asked for the opportunity to report during the next City Council meeting as he believes that the City will have received the March sales tax report by that time, and it will be clear if the downward trends are persisting.

9. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, stated that she was also a member of the Budget Review Subcommittee and she noted that anyone who has questions about the work done by that group can view the recordings of all of their meetings online. She offered some clarification to the information provided in the presentation about the \$111,000 amount that the City was over budget and she noted that overage was a result of the decisions of the City Council; \$5,000 was related to the Chalk It Up event, \$25,000 was the additional money given to the Cherry Days Committee, \$75,000 for the Barker Park Amphitheater was supposed to be collected through fundraising efforts, and \$6,000 was for the additional drone for the Police Department that was not originally included in the budget. And now tonight the Council is discussing additional

expenses for pickleball, which also was not included in the budget. She stated she anticipates she will not be asked to continue as a member of the Subcommittee due to these comments, and she is fine with that. She then asked a question regarding commitments made by a developer; if a developer does not follow through with promises made relating to a certain project, can the City do anything about that failure. City Manager/Attorney Call noted the City can only require a developer to follow through on a promise if that promise is clearly stated in a development agreement for the project. All other matters would be civil and would need to be handled privately. Ms. Ashdown stated that does not seem fair to her. Mr. Call stated that when it comes to real estate, if a commitment is not in writing, it is not enforceable. Ms. Ashdown asked if there is a requirement for a developer to document the promises they have made to neighboring property owners. Mr. Call answered no; only promises made to the City Council are included in a development agreement, but a development agreement is not required for all developments in the community. Ms. Ashdown suggested a change to laws to require all developers to enter into a development agreement when they are pursuing a project in the City. She cited specific promises that a developer has made to neighboring property owners; she asked if the only option available to residents is to come to the City and ask for these types of things to be included in a development agreement. Mr. Call stated that residents could also ask a developer to document the commitments they are making to other property owners; that documentation could be used in litigation of the matter.

Chris Pulver, North Ogden resident, asked if the City has a forester employee. Mr. Call stated that the City lost its certified arborist and has been working to get another employee certified in that area. Mr. Pulver then cited a dangerous spot on 3550 North between 575 East and 600 East where there is a dip in the road, and it is difficult to see oncoming traffic; he asked that the City examine that area and consider options for increasing safety for motorists. He then reported a trailer that has been located on the hillside that should be removed as it is parked illegally. He also cited a property with weeds that violate the City's ordinances, and he asked that code enforcement personnel be dispatched to the property.

Doug Anderson, North Ogden resident, stated he would be interested in feedback from the Council responsive to the recommendations and information provided to the City Council by the Budget Review Subcommittee. Mayor Berube suggested an additional meeting would be helpful and the Council could provide feedback after having time to thoroughly review the Subcommittee's report.

10. COUNCIL/MAYOR/STAFF COMMENTS

Mr. Call stated that the City has been receiving complaints from residents who have experienced damage to the infrastructure in their park strip as a result of installation of a fiber network. The work has been performed by a private contractor and the City did not enter into a contract with them; therefore, residents should reach out to the contractor directly and he provided their phone number to Council Members in order for them to provide it to their constituents. He noted he is aware that the project is moving fairly quickly and should be completed by August in order for connections to homes to be made in October. He then stated that he and Mr. Espinoza would like

to have a discussion with the Council in the near future regarding the City's no-fault insurance policy and the option of increasing insurance limits. He then provided a report of ongoing flooding issues in the community; water is still flowing from strange areas and residents are advised to keep sandbags in place until the flooding risk is no longer an issue.

Council Member Cevering stated he has spoken with a representative of All West Communications, the fiber contractor, and he was very responsive and helpful. He advised residents to contact the company to get assistance with restoring their landscaping.

Council Member Swanson thanked the Budget Review Subcommittee for their efforts to participate in the budget process. He added that if he has any say, Ms. Ashdown will remain on the Subcommittee. Mayor Berube stated he hopes that the creation of the Subcommittee is evidence of the City's commitment to transparency; he also thanked the Subcommittee for their efforts.

11. ADJOURNMENT

Council Member Ekstrom motioned to adjourn the meeting.

The meeting adjourned at 7:04 p.m.

S. Neal Berube, Mayor

Joyce Pierson
Deputy City Recorder

Date Approved

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a request to defer the sidewalk widening improvements for the frontage of 2251 N. Washington Blvd. and 2284 N. Washington Blvd. as part of the Amended Lomond View Subdivision Lot 1 Amended.

Agenda Date: July 25, 2023

Applicant: Rich Wangsgard and Tate Secrist

File Number: SUB 2021-14

PUBLIC NOTICE:

Mailed Notice: None

Newspaper: None

City Website: July 21, 2023

STAFF INFORMATION

Scott A. Hess
shess@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden City Zoning Ordinance 11-24-6: Deferment of Sidewalk Installation Option

TYPE OF DECISION

When the City Council is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved the City Council if the application demonstrates compliance with the approval criteria.

BACKGROUND

The applicant is requesting that the City Council grant a deferral from installing additional sidewalk to widen an existing sidewalk from 5 feet to 10 feet along the frontage of their businesses on Washington Blvd.

The Lomond View Subdivision Lot 1 Amended was approved by Planning Commission on March 17, 2023. As part of the approval, the subdivision was required to meet the City Ordinances and Streetscape Standards. Washington Blvd. has an updated sidewalk standard that requires 10 foot sidewalks for new developments and subdivisions. There is an existing sidewalk, so this requirement would be for a widening of the existing infrastructure.

The applicant noted the large cost of this improvement as it relates to a minor subdivision and building expansion, and has requested a deferral from the City Council. The applicants Rich Wangsgard and Tate Secrist are requesting that the City Council grant a deferral.

The City Council heard information on this deferral in February 2022. At that time there were several options including: have the applicant build the sidewalk, defer to a time-dependent date, review the Code to make sidewalk enhancements only relate to new development, or review the Public Works Standards to determine if wider sidewalks are necessary along Washington Blvd.

Since that time, the subdivision application was updated, approved, and the applicants are now making a formal request for deferral.

Staff has been on site, spoken with the applicant, and considered the future of Washington Blvd.. It is clear that there is a need for this corridor to operate multi-modally and provide safe alternatives for vehicles, public transportation, pedestrians, and bikes. There are other developments in the City that have been required to meet the wider sidewalk installation requirement, so this is not an unprecedented request. The City is in the beginning stages of an Active Transportation Plan which will review appropriate pedestrian and bike infrastructure along this high-speed transportation corridor.

Staff's opinion is that Washington Blvd. should be a multi-modal corridor that meets the needs of all users. The Active Transportation Plan will be a public process allowing the voice of North Ogden Residents to be heard for what their future transportation needs are.

Staff recommends that a sidewalk deferral be provided for this project to a time-dependent date. The Active Transportation Plan will assist with a future plan for this corridor and will guide the City on whether it makes more sense to focus on sidewalk installation as a City versus improving sections piece by piece over time.

The City Council makes the decision on granting deferrals. There are no specific criteria for granting a deferral.

SUMMARY OF CITY COUNCIL CONSIDERATIONS

- Is there sufficient justification to grant a sidewalk deferral for the Lomond View Subdivision Lot 1 Amendment?
- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning Ordinances?

CONFORMANCE TO THE GENERAL PLAN

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as Commercial.

RECOMMENDATION

Minor subdivisions are approved by Administrative staff. This is a policy decision for the City Council to determine whether or not to grant a sidewalk installation deferral.

EXHIBITS

- A. Application
- B. Preliminary Plat
- C. Engineer Report
- D. Notice of Decision

MAP





Land Use Development Application

Date: 03/17/2023

Applicant / Owner

Applicant Name:	Richard Wangsgard, Tate Secrist	Same as Applicant:	☒
Company:	Wangsgard Family Dental, Tate Secrist Insurance	Owner Name:	Richard Wangsgard, Tate Secrist
Address:	2251 North 400 East	Address:	2251 North 400 East
City, State, Zip:	2251 North 400 East	City, State, Zip:	North Ogden, Utah, 84414
Phone:	801-782-9544	Phone:	801-782-4918
Email:	rwangsgard@hotmail.com, tate.secrisat@fbfs.com	Email:	rwangsgard@gmail.com, tate.secrisat@fbfs.com

Contractor Information

Contractor:	Phone:
Address:	Email:
City, State, Zip:	

Project

Project Name:	Wangsgard Family Detal, Tate Secrist Farm Bureau Financial Service	Acreage:
Address:	2254 North 400 East	Current Zoning:
City, State, Zip:	North Ogden, Utah, 84414	Proposed Zoning:
Parcel:		# of lots:
Subdivision:		Existing Sq.Ft.:
Lot #:		Proposed Sq.Ft.:
		Land Serial #:

Project Description: [Description]

Application Type

Subdivision:	☐	Variance:	☐
Preliminary Approval:	☐	Conditional Use Permit:	☐
Final Approval:	☐	City Fee (With Review):	☐
Special Exception:	☐	City Fee (No Review):	☐
Minor Subdivision:	☐	Planned Residential Unit:	☐
Subdivision without Review:	☐	Subdivision Extension:	☐
Amendment or Vacation:	☐	Fence:	☐
Boundary Line Adjustment:	☐	Fence Interior Lot:	☐
Site Plan Review:	☒	Fence Corner Lot:	☐
With Technical Review:	☐	Patio:	☐
No Technical Review:	☐	RV PADS/Expand Driveway:	☐
Zoning Amendment:	☐	New Structure:	☐
Text:	☐	Shed:	☐
Map:	☐	Other Structure under 200 sq. ft:	☐
Annexation City:	☐	Deck:	☐
Hearing Officer:	☐	Other:	☐

Vacation Request

Easement: ☐
 Road: ☐

Subdivision: ☐
 Subdivision Lot: ☐

Conditional Use Permit

Please explain the measures that will take place so that heavy traffic generated by the proposed use will not adversely affect the general traffic patterns of the area.

What measures are going to take place to assure that the building location will not create a pedestrian traffic hazard by causing approaches to sidewalks?

Please explain how the building design is compatible with, or complimentary to, already established adjacent structures.

If the development is adjacent to a residential zone or use, please explain how the building location, lighting, parking, or traffic circulation will not adversely affect the adjacent residential uses.

Please explain how the signage will be complementary to the development and overall aesthetic nature of the immediate area.

Please explain which proposed toxic materials and pollutants would be used in the proposed use and how such materials and pollutants will be handled, stored, and disposed of.

Please explain what measures will take place to avoid adverse effects on the adjacent residential, commercial, and manufacturing uses.

Residential Conditional Use Permit

What traffic will be generated by this proposed use?

Please explain how the proposed development / use will not overload the carrying capacity for which local streets were designed.

What measures are you taking to assure that the internal traffic circulation will not adversely affect the adjacent residential property?

How is the proposed structure and parking facilities complimentary to the aesthetics of the general area?

Please explain how the proposed sign(s) will not adversely affect the development itself or the overall aesthetics of the immediate area?

Please explain how the proposed landscaping will be sufficient to enhance the aesthetics of the development and area.

Special Exception

Explain how literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the City Ordinance. (The hardship cannot be self-imposed or an economic hardship.)

Explain what is unique to, or the special circumstances attached to the property that does not generally apply to other properties in the city.

Explain how the granting of the special exception is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Explain how the special exception will not substantially affect the general plan and will not be contrary to the public interest.

Explain how the spirit of the Zoning Ordinance is observed and substantial justice is done.

Zoning Ordinance Amendment

STATE THE PHYSICAL DESCRIPTION OF THE AREA PROPOSED TO BE REZONED:

STATE THE LEGAL DESCRIPTION OF AREA PROPOSED TO BE REZONED:

PROPOSED TEXT (attach additional sheets, if needed):

Variance

Explain how literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. (The hardship cannot be self-imposed or an economic hardship.)

Explain what is peculiar to, or the special circumstances attached to the property that does not generally apply to other properties in the same district.

Explain how the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Explain how the variance will not substantially affect the general plan and will not be contrary to the public interest.

Explain how the spirit of the Zoning Ordinance is observed and substantial justice is done.

I do hereby certify that the information contained herein is true and correct.

Richard Wangsgard

Name

03/17/2023

Date

LOMOND VIEW SUBDIVISION

Amending Lot 1 of K. Allred Subdivision and all of Amended
Coldwater Business Park Condominiums,
A part of the East half Section 32, T7N, R1W, SLB&M, U.S. Survey
North Ogden City, Weber County, Utah
March 2023

SURVEYOR'S CERTIFICATE

I, Joshua Gore, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 13086382 in accordance with Title 58, Chapter 22, of the Professional Engineers and Professional Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described hereon in accordance with Section 17-23-17, and that I have verified all measurements shown hereon this plat of Lomond View Subdivision in North Ogden City, Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat.
Signed this _____ day of _____, 2023.

13086382

License No.

Joshua Gore

NARRATIVE

This property survey was requested by Richard Wangsgard for the purpose of preparing a subdivision plat. The purpose of this plat is to Adjust the common line between K. Allred Subdivision & Amended Coldwater Business Park Condominiums. Brass Cap monuments were found at the East Quarter and the Center of Section 32, T7N, R1W, SLB&M. A line Bearing North 89°55'37" West between the East Quarter and the Center of the Section, was used as the Basis of Bearings. See Record of Survey on file with the Weber County Surveyors Office, File # _____. The Property Corners were set with a Rebar and Cap stamped Great Basin Engineering

OWNER'S DEDICATION

We, the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into lots and Parcels as shown on this plat, and name said tract Lomond View Subdivision, and hereby dedicate, grant, and convey To North Ogden City, Weber county, Utah, all those parts or portions of said Tract of land designated as Easements for public utility as shown hereon, the same to be used for the installation, maintenance and operation of Public Utility, and Drainage, Service lines and above ground Drainage as may be authorized by North Ogden City.

Signed this _____ day of _____, 2023.

~ Allmac LLC ~

Richard Wangsgard

Kirk Allred

Signed this _____ day of _____, 2023.

~ Maadd Properties LLC ~

Tate Secrist

Signed this _____ day of _____, 2023.

~ Common Area Within Coldwater Business Park Condominiums Amended ~

Tate Secrist

ACKNOWLEDGMENT

State of _____ } ss
County of _____ }

The foregoing instrument was acknowledged before me this _____ day of _____ 2023 by Allmac LLC

Residing At: _____

A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____

Print Name

ACKNOWLEDGMENT

State of _____ } ss
County of _____ }

The foregoing instrument was acknowledged before me this _____ day of _____ 2023 by Maadd Properties LLC

Residing At: _____

A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____

Print Name

ACKNOWLEDGMENT

State of _____ } ss
County of _____ }

The foregoing instrument was acknowledged before me this _____ day of _____ 2023 by Common Area Within Coldwater Business Park Condominiums Amended

Residing At: _____

A Notary Public commissioned in Utah

Commission Number: _____

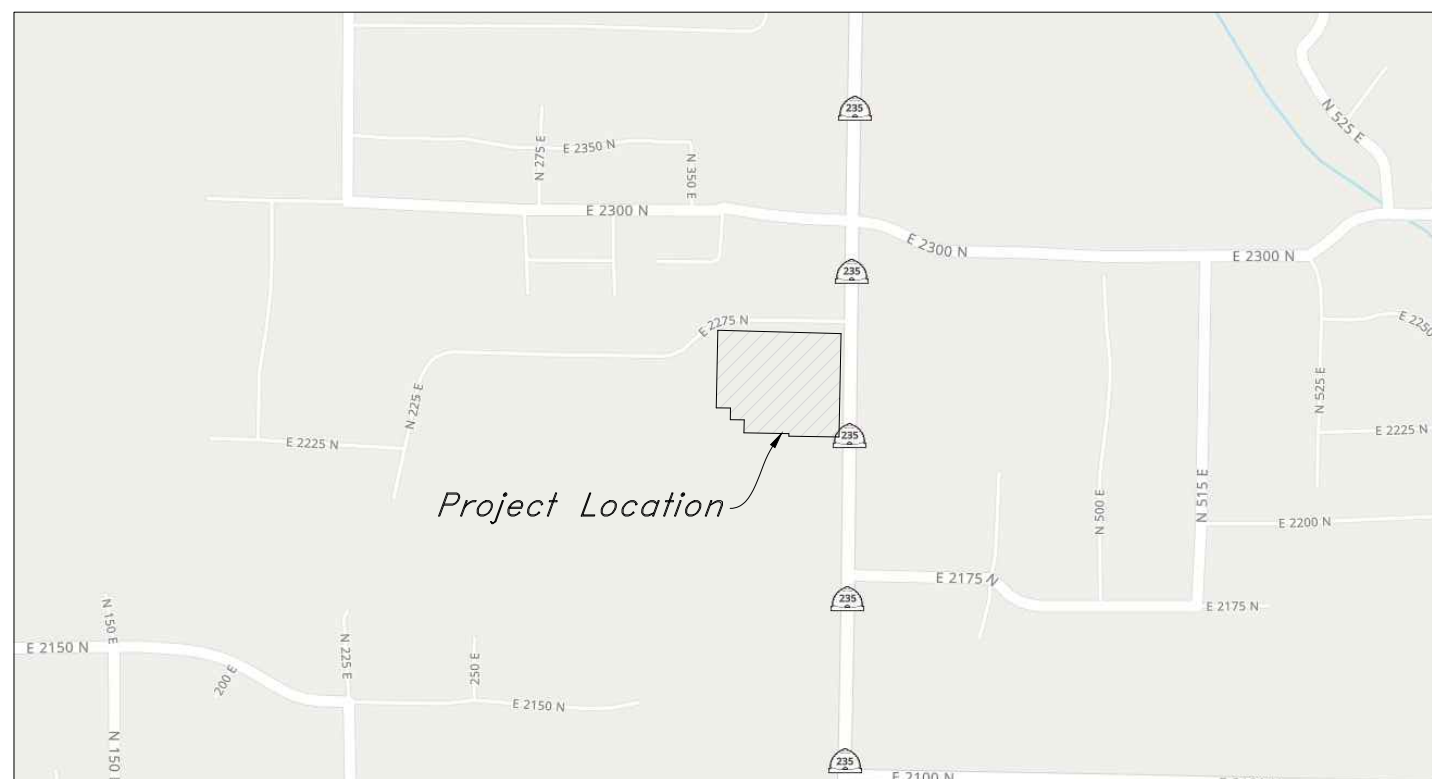
Commission Expires: _____

Print Name

BOUNDARY DESCRIPTION

A Part of the East Half of Section 32, Township 7 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey and a part of Lot 54, Plat B, North Ogden City Survey: Beginning at a point on the Westerly right of way line of Washington Boulevard, said point being 622.12 North 89°55'37" West along the Section line and 49.05 Feet North 1°09'29" East along said Westerly right of way line, from the East Quarter of said Section 32 and running thence along said right of way line South 1°09'29" West 109.83 feet to the North line of Lot 2, K. Allred Subdivision, and running thence along said Northerly line of Lot 2 the following five (5) courses, (1) North 89°05'31" West 104.34 feet (2) North 1°09'29" East 5.50 feet (3) North 89°05'31" West 93.80 (4) North 1°09'29" East 27.00 feet (5) 89°05'31" West 29.00 feet to a point on the West line of said K. Allred Subdivision, thence North 1°09'29" East along the said West Line 24.13 feet, to a point in common with Lot one of said K. Allred Subdivision and the Southerly line of Amended Coldwater Business Park Condominiums; thence along the South, West, North, and East lines of said Amended Coldwater Business Park Condominiums the following four (4) Courses, (1) North 88°54'14" 29.75 feet (2) North 1°09'29" East 161.55 feet to a point on the Southerly right of way line of 2275 North Street, thence (3) South 88°27'05" East 256.89 feet along said right of way line of 2275 South Street to a point on the Westerly right of way line of said Washington Boulevard; thence (4) South 01°09'29" West 105.58 feet along said Westerly right of way line to the point of beginning.

Contains 52,559 sq.ft.



Vicinity Map
(Not to Scale)

David Hull
18-056-0014

Hong Zhang
18-056-0027

2275 North
(Public Street)

Washington Blvd.
(Public Street)

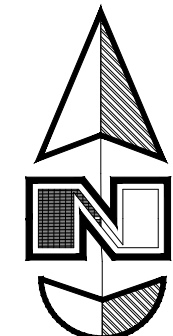
NOTES

The interested parties representing Parcel 1 and Parcel 2 hereby grant and convey perpetual, non-exclusive, mutual cross access easements for purposes of vehicular and pedestrian ingress and egress on, over, upon, and across the areas defined in the Easement Areas

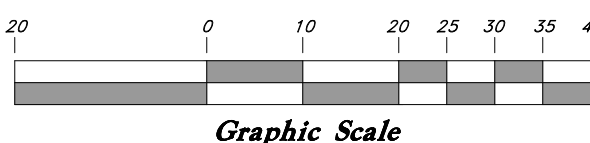
Ranch View Townhomes Owners
Association
18-126-0015

Legend

- Set Nail & Washer
- Set Rebar & Cap w/ Fencepost
- Set Hub & Tack
- Monument to be set
- (Rad.) Radial Line
- (N/R) Non-Radial Line
- (W.C.S.) Weber County Surveyor Inf. Intersection
- Public Utility Easement
- Building Setback Line
- Set 5' 0" X 24" Long Rebar & Cap w/ Lathe



Scale: 1" = 20'



GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C. (801)521-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM

LAND USE AUTHORITY

This is to certify that this plat and the dedication of this plat along with the dedication of all easements were duly approved and accepted by the Land Use Authority of North Ogden City this _____ day of _____, 2023.

by: _____ Chairman

Attest: _____ Secretary

NORTH OGDEN CITY APPROVALS

This plat was approved by the City Engineer and the Planning Director.

City Engineer _____ Date _____

Planning Director _____ Date _____

NORTH OGDEN CITY ATTORNEY

I certify that the requirements of all applicable statutes and ordinances prerequisite by the state of Utah and the ordinances of North Ogden City of the foregoing plat and dedications have been complied with.

Signed this _____ day of _____, 2023.

City Attorney _____

Eric Casperson, PE
City Engineer

DESIGN REVIEW MEMORANDUM

TO: Scott Hess, Planning Director

CC:

FROM: Eric Casperson, P.E, City Engineer

RE: Wangsgard/Secrist Subdivision

Preliminary Review

DATE: April 26, 2023

DESCRIPTION:

2 Lot. The subdivision is located at approximately 400 East and 2251 North, North Ogden, UT.

Comments:

Status as of April 26, 2023

General:

Additional roadway dedication may be required as part of this subdivision.

- | | | |
|---|--|----------|
| 1 | Once preliminary approval is granted submit final plat, required studies and improvement plans for review and approval. | Complete |
| 2 | Survey boundary closure within acceptable limits | Complete |
| 3 | Provide a Geotechnical Study. | Pending |
| 4 | Provide Will Serve Letters from Pineview Irrigation and Central Weber Sewer Improvement District. | Pending |
| 5 | Show location of existing features within and contiguous to the proposed Site Plan including existing utilities including power lines/poles, cable, gas, fiber, irrigation ditches, culverts, drainage channels, etc. Indicate if they are to be relocated or will remain in place. If they are to be relocated, show the proposed location. | Complete |

Plat:

- | | | |
|---|--|----------|
| 6 | Provide plat for subdivision with description and name of site. | Complete |
| 7 | Provide an AutoCAD file of the subdivision plat to the City Engineer. This will be used to assign addresses. | Pending |

- | | | |
|---|--|----------|
| 8 | Include assigned address on the Plat. | Complete |
| 9 | Provide a note on the Plat with specific reference to the Geotechnical Study(s). | Pending |

Improvement Plans:

- | | | |
|----|--|----------|
| 10 | Include location and height and type of existing fence lines within and contiguous to Site Plan. | Complete |
| 11 | Include location and height and type of new fencing, berming, or other buffering to be installed as part of the development including any required fencing by North Ogden City Ordinance. | Pending |
| 12 | Location and extent of all cuts and fills exceeding (3) three feet anywhere on the project site and any associated retaining walls, if any. | Pending |
| 13 | Location of proposed easements including any required easements for water, sewer, drainage or irrigation, steep slopes, and temporary turnaround easements. | Complete |
| 14 | Storm Water piping will be required and detention facilities for this phase. | Complete |
| 15 | Show the location of existing roads, including names and dimensions. Label any private roads as private. | Complete |
| 16 | Show the location and width of all existing and proposed entrances onto adjacent roadways. | Complete |
| 17 | Show location of all existing and proposed curb, gutter, and sidewalk with the Site Plan including an indication of the grades. Be sure to specify any reverse slope curbing, label private curbs as private and include a typical detail. | Pending |
| 18 | This development is adjacent to Washington Blvd (SR-235), which is owned and maintained by UDOT. Specify any future access size and location, if any. | Pending |
| 19 | Show location and size of existing and proposed culinary water mains including existing lines adjacent to and/or affected by the proposed Site Plan. Include location of existing and proposed fire hydrants, valves, and blowoffs. | Complete |
| 20 | Show location and size of existing and proposed sewer mains including existing lines adjacent to and/or affected by the proposed Site Plan. | Complete |
| 21 | Show location and size of existing and proposed storm mains including existing lines adjacent to and/or affected by the proposed Site Plan. A written statement from the appropriate agency or landowner accepting responsibility for all surface and subsurface drainage, which is directed into channels owned, by the agency/owner (such as irrigation companies, private land owners, etc.). | Complete |

22	Drainage Report with system calculations and an explanatory narrative, stamped and signed by a licensed professional engineer, with North Ogden City rainfall intensity curves attached. For detention/retention basins, submit calculations to justify sizing based on 100 year design storm.	Pending
24	Existing and proposed storm drainage improvements including major drainage facilities, outfalls, and discharge.	Complete
25	Flow arrows showing direction of storm water surface flows within Site.	Complete
26	Sanitary sewer and storm drain systems within property are to be private. Provide note on plans and plat.	Pending
28	Identification of natural features or sensitive lands including wetlands, floodplains, floodways, and areas which would be covered in water in a 100 year storm event, areas where high groundwater is present within 2 feet of ground surface, slopes exceeding 30 percent.	Pending
29	A Land drain system may need to be installed within this subdivision. Based on the recommendations of the Geotechnical report.	Pending
31	Location of parking lot lights and type of lights	Pending
32	All sanitary sewer and land drain laterals shall be placed at the lower end of each lot being served.	Pending
33	Improvement plans shall contain 100' of existing plan and profile design as well as 300' of future plan and profile design.	Complete
35	All ADA ramps must conform to ADA guidelines and requirements.	Complete
36	Please add note to cover sheet of plans which reads, "All work will conform to North Ogden City Standards and Specifications."	Complete
37	Include notes on plans showing the total acreage of site, amount of landscaping in square feet as well as percent of total acreage, square footage of all impervious surfaces (including the roof top of buildings, roads and parking facilities, curb and gutters, walks, loading areas, and asphalt and concrete aprons for solid waste containers, or outdoor mechanical equipment.)	Pending
39	A 10' wide sidewalk to be installed along Washington Blvd (SR-235) for the width of subdivision frontage following details on Sheet RD-08 of North Ogden City Standards.	Pending
40	Any necessary deeds, boundary line agreements or road dedication necessary for approval of the Site Plan.	Pending
41	Any required UDOT approvals for access or other improvements along a State road.	Pending
42	An engineer's estimate of costs for construction of all required public and site improvements.	Pending

Should you have any questions, please feel free to contact me.

Notice of Decision

April 25, 2023

Richard Wangsgard, Tate Secrist
2251 N. 400 E.
North Ogden, UT 84414

Re: Lomond View Subdivision

Mr. Wangsgard and Mr. Secrist,

The North Ogden City Planning Department has reviewed the Lomond View Subdivision revised application dated March 17, 2023. This plat adjusts parcel boundaries amending Lot 1 of the K. Allred Subdivision and all of the Amended Coldwater Business Park Condominiums. The subdivision relates to parcels: 18-107-0001, 18-125-0013, (condo parcels: 18-125-0005, 0006, 0007, 0008).

The requirements for approval of an Amended Subdivision Plat follow North Ogden City Code, Title 11, Chapter 2, Section 14: Subdivision Amendment. While this is technically a Plat Amendment, it is in practice a Boundary Line Adjustment, so it has also been reviewed against North Ogden City Code, Title 11, Chapter 2, Section 10: Boundary Line Adjustments.

The Amended Plat as drawn meets the requirements of a Final Plat and Boundary Line Adjustment. The requested amendment does not result in the creation of a new lot of parcel, and the property line change conforms to all zoning requirements for the Commercial C-2 zone.

The North Ogden City Planning Department has approved the Lomond View Subdivision subject to the following conditions:

- Requirements of the North Ogden City Engineer's Report, must be met prior to final plat approval (unless superseded in this report).
- Provide an AutoCad file to the City.

- The two “Building Foundation to Be Demolished” as indicated on the Plat must be removed, or the cost of removal must be escrowed for and filed with the City, prior to recording the subdivision Plat.

Once a Final Plat has been drafted meeting the requirements above, you may submit it to the City for final review and signature prior to recordation with Weber County.

If you have any questions, please contact the Planning Department at (801) 782-7211.

Regards,

Scott A. Hess,



Planning Director
North Ogden City
505 East 2600 North
North Ogden, UT 84414
shess@nogden.org
(801) 737-9841



WHEN RECORDED, RETURN TO:

North Ogden City
Attn: City Recorder
505 East 2600 North
North Ogden, UT 84414

**DEVELOPMENT AGREEMENT
FOR THE
*PROPERTY AT APPROXIMATELY 1651 N. WASHINGTON BLVD.***

THIS AGREEMENT is made and entered into as of the 25th day of July 2023 by and between NORTH OGDEN CITY, a Utah municipal corporation, hereinafter referred to as the "City" and Terry Cevering, hereinafter referred to as "Developer."

RECITALS:

A. Developer is the owner of the property with Tax IDs: 11-014-0022 and 11-014-0068, more particularly described on the Draft Site Layout labeled Exhibit A, attached hereto and incorporated herein by the reference (the "Property").

B. Developer desires to develop the Property as a planned mixed use development consisting of 50 residential units and 7 commercial/industrial building on approximately 4.78 acres with integrated open space and related amenities in accordance with the applicable City Ordinances and as more particularly set forth on Exhibit A.

C. Pursuant to City Ordinances, the Developer has submitted to the City the required applications to rezone the Property to R4 and C-1 Commercial.

D. All approvals for development of the property and for the planned Development are subject to specific conditions imposed by the Planning Commission and City Council. This Agreement includes various conditions and requirements which must be satisfied by Developer in the development of the Property. Except as otherwise specifically provided herein, both the Property and the planned residential development are subject to, and shall conform, with this Agreement, as well as all ordinances, rules and regulations adopted by the City, including but not limited to the provisions of the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and all other applicable ordinances, standards, specifications, fees, regulations and codes, collectively referred to herein as the "City Ordinances."

E. The purpose of this Agreement is to reduce to writing the respective agreement and understanding of the parties regarding the development of the Property in conformance with the City

Ordinances and the specific approvals granted by the City for the Property and the planned residential development. The City and Developer, as well as any successors and assigns as more particularly defined herein, agree to be bound under the terms and conditions of this Agreement as more particularly set forth herein. Any person or entity hereinafter developing the Property, or any portion hereof shall comply with the terms of this Agreement. And to comply with the North Ogden City Zoning Code.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. *INCORPORATION OF RECITALS.* The foregoing Recitals are hereby incorporated into this Agreement.
2. *REZONE.* The City agrees to rezone the Property to R-4 and M-1 Manufacturing.
3. *INTENDED USE.* Developer shall develop the property as a mixed - use development, consisting of 7 townhome buildings (50 units) and 7 commercial/industrial buildings to be used for self storage.
4. *MASTER PLAN APPROVAL.* The North Ogden City Council has approved the Developer's proposed Master Plan and has entered into this agreement to facilitate the Developer to develop the Property as proposed.
5. *PROPERTY DEVELOPMENT.* The Property and the planned development shall be developed in strict accordance with the terms and conditions of this Agreement and the City Ordinances. All development and use of the Property shall be subject to and shall comply with the terms and conditions of the North Ogden City Code. In addition, in accordance with the regulations of the City, the development shall implement those regulations of the City General Plan, have an overall architectural design theme, and allow the open spaces to be integrated with the residential uses in a mutually compatible manner. No additional property may be added to the Property or the development described herein for the purposes of this Agreement, except by written amendment to this Agreement, approved and executed by the parties.
6. *LANDSCAPING, COMMON AREAS AND AMENITIES.* All landscaping, common areas and amenities shall be provided by the Developer in accordance with the approved plans for the project. Developer hereby agrees to construct at a minimum, the following amenities:
 - a. Playground or other similar community feature.
7. *COMMERCIAL BUILDING.* Developer shall complete a building which is similar in materials to the one shown on Exhibit B, with the same percentages of rock/brick and stucco/EFIS on

all sides of the building. The stone and rock shall wrap each corner of the building as shown on the example a minimum distance of 5 feet.

- a. The entire self storage area shall be surrounded by a block or cement fence with articulation features every 40 feet as outlined in North Ogden City Code.
- b. Landscaping around the perimeter of the fencing area shall include trees every 60 feet. Staggering with the articulating fencing or articulating building facades.
- c. Developer shall install a 10 foot sidewalk along the frontage for Washington Blvd. and a 6 foot sidewalk along 1700 N.

8. *DEVELOPMENT STANDARDS.* The Parties agree that no amendments to the existing ordinances have been made as part of this development agreement, but if there is a land use code or other code which prohibits the number of buildings, residential units, or other structure identified during the approval process the code shall take precedence over this agreement.
9. *LANDSCAPING.* The landscape shall be installed in compliance with North Ogden City code for the individual zones.
10. *OUTDOOR LIGHTING.* Street lighting will be required along Washington Boulevard and 1700 North and shall be paid for by the developer. UDOT approved lights will be installed along Washington Blvd in the same frequency as other projects along Washington blvd.. All lighting on the project shall be full cut off lighting, such that no filament shall be viewable from the property line. General flood lighting shall not be installed.
11. *PARKING.* A minimum of 3 stalls per residential unit shall be required in the residential portion. Tandem visitor parking is allowed under the requirements found in 11-19-4 of the North Ogden Code. The commercial portion shall be parked based on the appropriate tables in the North Ogden Code.
12. *ACCESS.* The City will allow access to 1700 North as determined by the city engineer and with appropriate distances from Washington as approved by UDOT. UDOT is required to approve any access to Washington Blvd. The City does not have any restrictions on access to 1700 North which would inhibit development where developer's property directly adjoins the Right of Way.
13. *UTILITIES AND INFRASTRUCTURE.* Developer shall install or cause to be installed natural gas, electrical service, telephone, storm water, sanitary sewer and water systems, both culinary and secondary, and all required utility and street improvements (the "Utilities and Infrastructure") for the Development. Utilities and Infrastructure construction and installation to be built in the city right of way shall be done in accordance with City Ordinances and applicable design and construction standards of the utility providers and the City. All plans and construction for water, sewer, street and storm drainage improvements shall be reviewed and approved by the City Engineer. All Utilities and Infrastructure shall comply with applicable City Ordinances, including, but not limited to the City Subdivision

Ordinance and applicable Subdivision Standards and Specifications. The City agrees to provide water, storm water, and sewer service to the development. Developer is responsible for any utility service upsizing directly related to Developer's need for the project. Developer shall not bear the costs of upsizing offsite improvements for other projects.

14. *SUBDIVISION*. Developer must complete a subdivision application and all necessary site plans and infrastructure.
15. *SECURITY FOR PUBLIC IMPROVEMENTS*. In accordance with City Ordinances, including, but not limited to Sections 8-2-3 of North Ogden Municipal Code, the Developer shall enter into a Bond Agreement in the standard form acceptable to the City and provide security to guarantee the installation and completion of all public Utilities and Infrastructure, and all public improvements to be constructed, installed, reviewed or provided by Developer pursuant to the Agreement or in connection with the Planned Development or located within the Property, or any portion thereof, and any other public improvements shall be constructed and installed at the Developer's sole expense in accordance with the City's construction and engineering standards and the City Ordinances. All public improvements shall be warranted for one (1) year in accordance with the applicable State Statutes and City Ordinances after conditional acceptance has been received from the City.
16. *EASEMENTS*. Appropriate easements including satisfactory perpetual public utility easements required by the City shall be conveyed by Developer to the City in conjunction with final subdivision plat approval and recording. The utility easements shall consist of property adjacent to and along the public rights-of-way within and adjacent to the Property and around subdivision lot lines as are needed for public and/or private utilities. Additional easements may be required of Developer or property owner with the development of any particular lot, building, phase, or plat within the Planned Development and public improvements required in connection with the same. All required easements shall be noted on the final subdivision plat.
17. *DEDICATION OR DONATION*. Developer shall dedicate and convey to the City, at no cost to the City, all required public utility easements for the purpose of constructing, installing, operating, and maintaining public utilities and improvements of every nature and kind as determined and required by the City. Fee title to all public improvements required by the City in connection with the Property along with the appurtenant easements and rights-of-way, and the City's portions of water systems and storm drainage system and their related easements and rights-of-way. All public improvements and rights-of-way intended for public dedication shall be dedicated in fee in conjunction with the final plat. Prior to the time of dedication, Developer shall take such action as necessary to obtain a release of any encumbrance on any property to be dedicated to the City. The City shall have the right to inspect all such improvements prior to acceptance of the conveyance thereof. Developer is making the dedications and donations provided in this Agreement voluntarily and as a

contribution to the City and hereby waives and releases any claims for compensation therefor.

18. *VESTED RIGHTS.* Subject to the terms and provisions of this Agreement, by reason of the Developer's completed application for the City's approval of the Preliminary Plat and Master Site Plan, the parties hereby acknowledge certain vested rights of Developer to develop the Property in accordance with such approved plans, plat, and permits. Nothing herein shall be construed to provide Developer with any further or additional vested rights than those recognized by Utah law. Such vested rights shall be subject to all recognized exceptions, including, but not limited to the pending ordinance, procedural modes and form, clarifying ambiguity, and completing public interest doctrines. Except as otherwise provided herein, development of the Property shall be permitted in accordance with the approved plans, plats, and permits for the Property, the terms and conditions of this Agreement, and all applicable City Ordinances which are in effect on the date of this Agreement. Notwithstanding the foregoing, development of the property shall be subject to subsequent amendments to City Ordinances regarding fees, procedures, and police power provisions as may be allowed under applicable vested rights law in the State of Utah. For instance, any amendments to the site plan approval procedures shall require subsequent site plan applications to comply with the procedural requirements of the City Ordinances in place at the time of the application for site plan approval or amendment is submitted. Fees required in connection with any development within the Planned Development shall be paid in accordance with the fee schedule in place at the time the fees are due and paid. Development of the Property shall also be subject to subsequent City Ordinances enacted under the City's police power to protect the public health, safety, and welfare as may be allowed under applicable vested rights law in the State of Utah.
19. *RESERVED LEGISLATIVE POWERS.* Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the City all of its police power preserved by law.
20. *PAYMENT OF FEES.* Developer shall pay to the City all required fees in a timely manner which are due, or which may become due pursuant to the City Ordinances in connection with development of the Planned Residential Development or any portion thereof and in such amounts as are required by City Ordinances at the time such fees are actually paid to the City. Developer shall pay all required impact fees for all development on the project.
21. *PROVISION OF MUNICIPAL SERVICES.* Subject to Developer complying with all of the City's Ordinances and the provisions of this Agreement, the City agrees to provide standard municipal services to the Property equal to those generally provided to other areas by the City, subject to payment of all reasonable fees and charges charged or levied therefor by the City.

22. **DEFAULT.** The City may pursue any enforcement action deemed necessary and appropriate for any violation of City Ordinances in accordance with applicable enforcement provisions as set forth in City Ordinances or otherwise permitted by law. Notwithstanding and in addition to the City's right to pursue any enforcement action for violation of City Ordinances, in the event any party fails to perform its obligations hereunder or to comply with the terms of this Agreement, the non-defaulting party may have the following enforcement remedies. Prior to the invoking the remedies provided herein, the non-defaulting party shall provide the defaulting party written notice of default and a twenty (20) day cure period. All notices of default shall be provided in accordance with the Notice provisions set forth in Section 41. In the even the non-defaulting party does not cure the default within the required twenty (20) day cure period or enter into a written agreement for curing the default within the reasonable time, acceptable to the non-defaulting party in its reasonable discretion, the non-defaulting parting may, at is election, have the following remedy or remedies:

- i. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.*
- ii. The right to withhold all further approvals, licenses, permits, or other rights associated with the Property until such default has been cured.*
- iii. The right to draw on any applicable security posted or provided in connection with the Planned Development.*
- iv. The right to terminate this Agreement*
- v. The rights and remedies set forth herein above shall be cumulative.*

Developer shall also be in default under the terms of this Agreement under the following circumstances if not cured within thirty (30) days after notice of default is given:

Insolvency - Developer shall be adjudicated bankrupt or makes any voluntary or involuntary assignment for the benefit of creditors, or bankruptcy, insolvency, reorganization, arrangement, debt adjustment, receivership, liquidation or dissolutions proceedings shall be instituted by or against Developer; and if instituted adversely, the one against whom such proceedings are instituted consents to the same or admits in writing the material allegations thereof, or said proceedings shall remain undismissed for 150 days.

Misrepresentation - Developer has made a materially false representation or warranty in any agreement with, or application to the City.

23. **ASSIGNMENT.** Developer shall not assign its obligations under this Agreement or any rights or interest herein without giving prior written notice to the City. Any future assignee shall consent in writing to be bound by the terms of this Agreement as a condition precedent to the assignment. No party shall transfer, assign, sell, lease, encumber, or otherwise convey its rights and obligations under this Agreement separate from the party's interest in the Property except for the sale of lots or lease of buildings within the Planned Residential Development. In the event of a sale or transfer of the Property, or any portion thereof, the

buyer or transferee ("Subsequent Developer") shall be liable for the performance of each of the obligations contained in this Agreement as it relates to that portion of the Property it is buying, and acceptance of a deed to any portion of the Property shall constitute an agreement to assume and to be bound by the provisions of this Agreement as it relates to the Property covered by the deed. Each buyer or transferee shall sign an assignment and assumption agreement in a form reasonably acceptable to the City agreeing to be bound by the terms and conditions of this Agreement as provided herein. Any reference to Developer herein shall be construed to refer to any Subsequent Developer with respect to the portion of the Property owned by such Subsequent Developer.

24. **OWNERSHIP.** Developer hereby warrants and represents that it is the legal owner of record of the Property, it has the right to develop the Property, and it has full authority to enter into the terms of this Agreement encumbering the Property.
25. **NOTICE.** All notices required or desired to be given hereunder shall be in writing and shall be deemed to have been provided on the date of personal service upon the party for whom intended or upon receipt if mailed, by certified mail, return receipt requested, postage prepaid, and addressed to the parties at the following addresses:

To the City:

North Ogden City
Attn: City Manager
505 East 2600 North
North Ogden, UT 84414

To the Developer:

Terry Cevering
5722 W. 2050 N.
Plain City, UT 84404

Any party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

26. **ENTIRE AGREEMENT.** This Agreement, together with the Exhibits attached hereto, documents reference herein, and all regulatory approvals given by the City for the Property and Planned Development, contains the entire agreement of the parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the parties which are not contained in such agreement, referenced documents, regulatory approvals and related conditions. It is expressly agreed by the parties that this Agreement is intended to and shall govern the development of the Property pursuant to the City Ordinances, including, but not limited to, all planning, zoning, and subdivision issues.
27. **BINDING EFFECT.** This Agreement shall be binding upon the parties hereto and their respective officers, agents, employees, successors and assigns, as permitted herein. The

covenants contained herein shall be deemed to run with the Property and a copy of this Agreement shall be recorded in the office of the Weber County Recorder, State of Utah.

28. *NON-LIABILITY OF CITY OFFICIALS, EMPLOYEES, AND OTHERS.* No officer, representative, agent, or employee of the City shall be personally liable to the Developer or any successor in interest or assignee of the Developer in the event of any default or breach by the City, or for any amount which may become due to Developer, or its successors or assigns, or for any obligation(s) arising under the terms of this Agreement.
29. *TERMINATION.* In addition to any other enforcement right or remedy provided herein, and notwithstanding anything in this Development Agreement to the contrary, it is hereby agreed by the parties hereto that in the event the Planned Residential Development, including all phases thereof, is not completed within either (8) years of the date of this Agreement, or in the event the Developer does not comply with the provisions of this Agreement, the City shall have the right, but not the obligation, at the sole discretion of the City, to terminate this Agreement and/or to not approve any additional phases for the Planned Residential Development. Any termination may be in effect by the City by giving written notice of intent to terminate to the Developer at its last known address, as set forth herein. Whereupon the Developer shall have sixty (60) days during which the Developer shall be given the opportunity to correct any alleged deficiencies and to take appropriate steps to commence and/or complete the Planned Residential Development. In the event the Developer fails to correct the alleged deficiencies or to take appropriate steps to commence or complete the Planned Residential Development as provided herein, the City shall be released from any further obligations under this Agreement and may terminate the same by written notice to the Developer. The parties expressly recognize and acknowledge that the development of the Planned Residential Development is a phased Planned Mixed - Use Development. It is also recognized that it is critical to the City that certain development occurs within a reasonable time for the date of this Agreement. It is expressly acknowledged by the parties that the Planned Residential Development is intended to be developed in reasonably staged phases and that Developer shall use its best efforts to proceed with the Planned Residential Development in a timely fashion. The release and indemnification provisions of Section 21 and Section 36 shall survive any termination of this Agreement.
30. *GOVERNING LAW AND JURISDICTION.* The provisions of this Agreement shall be governed by and interpreted in accordance with the laws of the State of Utah. The parties to this Agreement agree that any judicial action associated with the Agreement shall be taken in the Second Judicial District Court of the State of Utah.
31. *SEVERABILITY.* If any portion of this Agreement is held to be unenforceable by court of competent jurisdiction, any enforceable portion thereof and the remaining provisions shall continue in full force and effect.

32. *AMENDMENT.* This Agreement may be amended only in writing signed by the parties hereto. Any amendments to the Planned Residential Development documents, including, but not limited to the plans, plats, and Exhibits attached hereto, must be approved by the City in accordance with applicable City Ordinances in addition to required amendments to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

"CITY"
NORTH OGDEN CITY

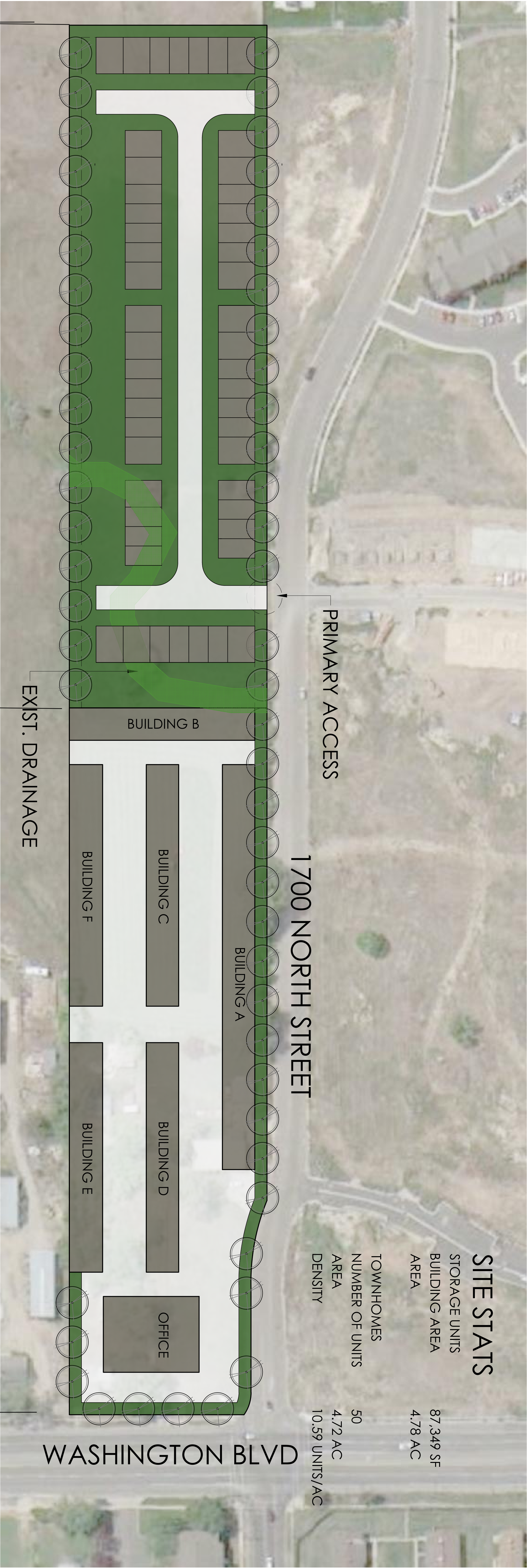
ATTEST:

Recorder

By:_____

"DEVELOPER"
Terry Cevering

By:_____



N.E. 1/4 OF
SECTION 5, T.6N., R.1W., S.L.B. & M.

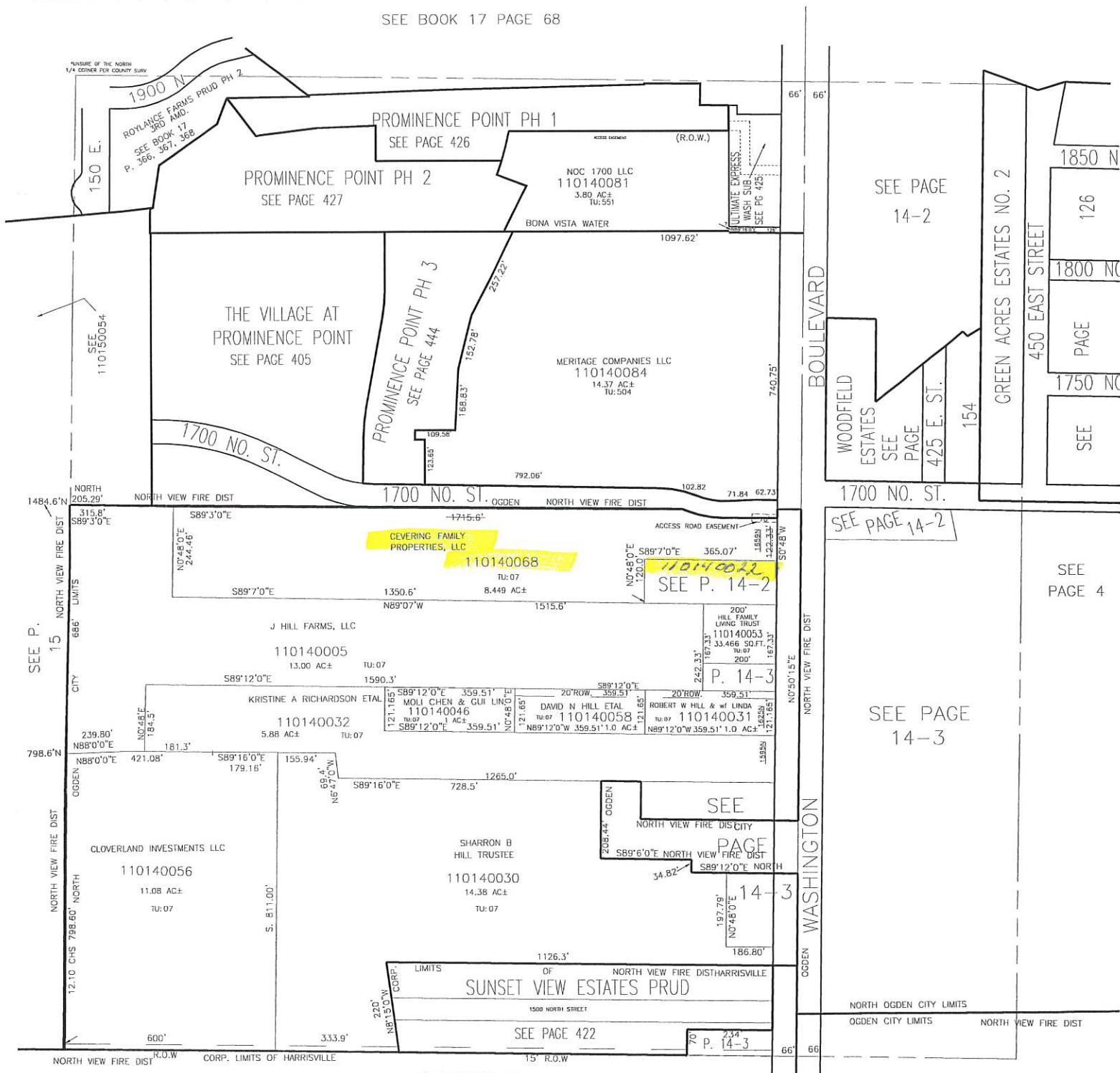
IN NORTH OGDEN CITY, HARRISVILLE CITY, NORTH OGDEN DISTRICT

TAXING UNIT: 7, 10, 12, 433, 450, 504, 551

SCALE 1" = 200'

ALSO SEE PAGES 14-2 ,14-3

SEE BOOK 17 PAGE 68





ORDINANCE NO.

AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL FOR AMENDING CHAPTER 10-2 FIRE CODE FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2021 VERSION WITH APPENDICES.

WHEREAS North View Fire District has made recommendation for the adoption of the 2021 International Fire Code with Appendices;

WHEREAS North View Fire District provides the fire public safety services for North Ogden City;

WHEREAS North Ogden City finds that such an amendment is in the best interest of the City.

NOW, THEREFORE, be it ordained by the North Ogden City Council the following:

SECTION ONE: The Section 10-2-1 of the North Ogden City Municipal Code shall be and hereby amended to the following:

10-2-1-A Adopted. Fire Code: There is adopted by the City of North Ogden for the purpose of prescribing regulation governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the International Fire Code (IFC), 2021 Edition including appendices, as promulgated by the International Code Counsel; save and except such portions as are deleted, modified or amended by CCNO 10-2-5 of this chapter, are adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provision thereof shall be controlling within the limits of the city.

10-2-1-B Adopted. Appendices:

1. The blanks in the following sections of the 2021 international fire code are filled in as follows:
 - a. The blank in section 101.1 should read "North Ogden City";
 - b. The first blank in section 1012.4 should read "misdemeanor";
 - c. The second blank in section 1012.4 should read "\$299.00";
 - d. The third blank in section 1012.4 should read "180 days"; and
 - e. ~~Both blanks in section 111.4 should read "\$599.00".~~
2. Adoption of Appendices to the International Fire Code. The following Appendices to the International Fire Code are hereby adopted as if they were fully integrated into the International Fire Code. Any activity which is governed by the terms of the International Fire Code shall also comply with the terms of these Appendices:
 - a. Appendix A: Board of Appeals
 - b. Appendix B: Fire-flow Requirements for Buildings
 - c. Appendix C: Fire Hydrant Locations and Distribution
 - d. Appendix D: Fire Apparatus Access Road -Appendix D to the International Fire Code is also hereby adopted, provided that if the terms of Appendix D are found

to be in conflict with the grading and road standards of the City’s Public Works Standards or any equivalent document, the provisions of the Public Works Standards shall control.

10-2-5 Adopted. Amendments

The international fire code is amended and changed in the following respects to meet the requirements set forth by the Utah state fire marshal's office in section R710-9-3 of the state fire rules and regulations. The following international fire code standards are amended as follows:

- A. International fire code standard 10-1, selection, installation, maintenance, and testing of portable fire extinguishers is amended to adopt NFPA, standard 10, 2022 edition.
- B. International fire code standard 10-2, installation, maintenance and use of fire protection signaling systems is amended to adopt NFPA, standard 72, 2019 edition.
- C. International fire code standard 52-1, compressed natural gas (CNG) vehicular fuel systems is amended to adopt NFPA, standard 52, 2019 edition.
- D. International fire code standard 79-1, foam fire-protection systems is amended to adopt NFPA, standard 11, 2021 edition.
- E. International fire code standard 82-1, liquefied petroleum gas storage and use is amended to adopt NFPA, standard 58, 2020 edition.

SECTION TWO: The ordinance shall take effect immediately upon posting.

APPROVED this 25th day of July, 2023.

S. Neal Berube, Mayor

Attest:

Susan Nance MMC , City Recorder

This resolution passed by the following roll call vote of the North Ogden City Council:

- Council Member Barker: _____
- Council Member Cevering: _____
- Council Member Dalpias: _____
- Council Member Ekstrom: _____
- Council Member Swanson: _____

AGREEMENT NO _____

FOR COMPUTER SERVICES AND SUPPORT

Monthly Network Services Agreement

This agreement dated 06/29/2023 is made by and between North Ogden City (Client) whose address is 505 E 2600 N, North Ogden City, UT 84414 and TecServ, Inc (Consultant) whose corporate address is 358 Rio Grande St. Suite150 Salt Lake City, Utah 84101.

1. *Consultation Services.* Client hereby employs the Consultant to perform the following services in accordance with the terms and conditions set forth in this agreement. The Consultant will perform computer network maintenance activities for Client, and will consult with the offices and employees of Client concerning matters relating to the management of Client's computer network. The Scope of Work to be performed by Consultant is defined in Attachment A.
2. *Terms of Agreement.* This agreement will be in effect from August 1, 2023 to June 30, 2024.
3. *Time Devoted by Consultant.* The term of this contract is based upon Consultant committing to perform activities to maintain Client computer network and handle computer network emergencies. Consultant will spend 4.5 hours every week of consulting services on Client's behalf for computer network maintenance activities.
4. *Schedule.* The work performed by Consultant will be for on-site services at Client's facilities and may occasionally include remote connectivity to Client's network. These hours will be on Tuesdays. Schedule may be altered with mutual agreement from both parties.
5. *Additional Time.* Consultant will respond to Client emergencies and spend sufficient time to resolve such emergencies. Emergencies are defined as computer network issues that directly prevent the operation of business by Client. Computer network issues that do not prevent business operations shall be handled during the on-site maintenance service schedule. If Client requests maintenance services outside the maintenance schedule, and these services are clearly not emergencies, Consultant will bill Client for these hours at the standard client rate. This includes computer network projects that cannot be completed within the regularly scheduled time.
6. *Payment to Consultant.* The amount paid to Consultant for this contract shall be \$3022.50 per month. Payment is due upon receipt of invoice and no later than the last day of the month in which the client received the invoice.

Additional project work is not covered within this scheduled maintenance contract. This additional time will be billed at \$175 per hour. Product purchases are not considered part of monthly contracts or other consulting services. Terms on Product Sales are considered "due upon receipt".
7. *Independent Consultant.* Both Client and the Consultant agree that the Consultant will act as an independent agency in the performance of its duties under this contract. Accordingly, the Consultant shall be responsible for payment of all taxes including Federal, State and local taxes arising out of the Consultants activities in accordance with this contract, including by way of illustration but not limitation, Federal and State income tax, Social Security tax, Unemployment.
8. *Confidential Information.* The Consultant agrees that any information received by the Consultant during this contract, which concerns the personal, financial or other affairs of Client and its agents and employees will be treated by the Consultant in full confidence and will not be revealed to any other persons, firms or organizations.

9. *Employment of Others.* Client may from time to time request that the Consultant arrange for the services of others outside of the employ of TecServ. All costs to the Consultant for those services will be paid by Client, but in no event shall the Consultant employ others without the prior authorization of Client.
10. *System Access.* Only Consultant's employees that are assigned to support Client will have login credentials and access to Client's systems. Temporary access for any outside contractor will only be provided after written permission from Client.
11. *E-Verify Clause.* Consultant will provide Client with proof of E-Verify for all employees and contractors providing any service on Consultants behalf.
12. *Change of dedicated personnel.* If for any reason there is going to be a change of the dedicated technical resource Client will have the opportunity to interview this person. If Consultant is unable to find a suitable replacement Client may opt out of remainder of contract.
13. *Non-Solicitation of Employees.* Client agrees that it will not solicit TecServ's employees to seek full or part time employment or other contractual arrangement with its company during the term of this Agreement or for eleven (11) months after the last invoice date from TecServ to Client. Client agrees that TecServ employees are not "contract for hire". Client shall not attempt to engage, contract or hire TecServ employees, independently of this Agreement without prior written consent from TecServ.

Client may be released from such restriction under the following terms and with written approval from TecServ:

- The payment of \$50,000.00 to TecServ for each employee hired by Client, and
- Each TecServ employee hired by Client has performed services for Client under this Agreement for twelve (12) consecutive months or more.

_____ Initial of Client demonstrating that Client understands and fully accepts the Non-Solicitation Covenant and terms and agrees to such terms should Client seek to hire or directly contract TecServ employees.

14. *Liability.* With regard to the services to be performed by the Consultant pursuant to the terms of this agreement, the Consultant shall not be liable to Client, or to anyone who may claim any right due to any relationship with the Corporation, for any acts or omissions in the performance of services on the part of the Consultant or on the part of the agents or employees of the Consultant, except when said acts of omissions of the Consultant are due to willful misconduct or gross negligence. Client shall hold the Consultant free and harmless from any obligations, costs, claims, judgments, attorneys' fees, and Client pursuant to the terms of this agreement or in any way connected with the rendering of services, except when the same shall arise due to the willful misconduct or gross negligence of the Consultant and the Consultant is adjudged to be guilty of willful misconduct or gross negligence by a court of competent jurisdiction.
15. *Venue.* This agreement and its performances there under shall be governed by the laws of the state of Utah. In the event that litigation results from or arises out of this Agreement or the performance thereof, the parties agree to reimburse the prevailing party's reasonable attorney's fees, court costs, and all other expenses, whether or not taxable by the court as costs, in addition to any other relief to which the prevailing party may be entitled.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement.

By: _____ Date: _____

TecServ Managing Partner
Charles VanAusdal

North Ogden City

By: _____ Date: _____

Mayor, S. Neal Berube

By: _____ Date: _____

City Manager / Attorney
Jonathan W. Call

By: _____ Date: _____

Jami Jones, Finance Director

ATTEST:

Susan Nance, MMC
City Recorder

Attachment A Scope of Work

Program Definition:

- 4.5 hours onsite maintenance every week for applying software patches, checking backups, updating virus definitions, and troubleshooting problems.
- Remote monitoring of servers and routers 24 hours a day 7 days a week..
- Guaranteed response time of thirty minutes for remote work.
- Access to TecServ's extensive knowledge base and technical staff.

Additional projects and emergency work beyond the allotted hours will be billed at a discounted rate of \$175 per hour with a one hour minimum for onsite work. Emergency work performed between 6:00 PM and 7:00 AM weekdays or anytime on weekends will be billed at \$262.50 an hour. After hours help desk support is available 24 hours a day, 7 days a week. Each call will be billed at the hourly rate in 15 minute increments.