



## CITY COUNCIL WORK SESSION MEETING

FEBRUARY 06, 2024 AT 6:00 PM

505 EAST 2600 N. | NORTH OGDEN, UT 84414

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### AGENDA

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#### **PUBLIC CAN ATTEND:**

In-person OR: Click the link below to join the Webinar: <https://us02web.zoom.us/j/82626078252>

Webinar ID: 826 2607 8252

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

YouTube: <https://www.youtube.com/@northogdencity7620>

**Welcome:** Mayor Berube

**Invocation/Thought & Pledge of Allegiance:** Council Member Cevering

#### **CONSENT AGENDA**

1. Call for Conflict of Interest Disclosure
2. Discussion and/or action to consider the approval of the following City Council Meeting Minutes:
  - November 28, 2023
  - December 5, 2023
  - December 12, 2023
  - January 9, 2024
  - January 10, 2024

#### **ACTIVE AGENDA**

3. Annual Open and Public Meetings Act Training  
Presenter: Craig Call Attorney with Anderson Call & Wilkinson
4. Public Comments\*
5. Discussion on the Northview Estates Phase 9 proposed grading plan  
Presenter: Cecil Satterthwaite
6. Discussion on housing density on Century Farms  
Presenter: John Hansen

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

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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. The Council reserves the right to enter into a closed meeting at any time in accordance with 52-4-204. In compliance with the Americans with Disabilities Act, those 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 a 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 were posted within the North Ogden City limits on this 2nd day of February, 2024 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website at <https://www.utah.gov/pmn/>, and at <http://www.northogdencity.com>. The 2024 meeting schedule was posted on December 13, 2023.  
Rian Santoro, North Ogden City Recorder.

7. Public Comments\*
8. Mayor/Council/Staff Comments
9. Adjournment

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#### **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.

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

November 28, 2023

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on November 28, 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 November 27, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube Ryan Barker Blake Cevering Jay D Dalpiaz Charlotte Ekstrom Phillip Swanson	Mayor Council Member Council Member Council Member Council Member Council Member	arrived at 6:07 pm Excused
STAFF PRESENT:	Jon Call Joyce Pierson Jami Jones Scott Hess Dave Espinoza Dirk Quinney Laura Barker Michael Junk	City Manager/Attorney Deputy City Recorder Finance Director Planning Director Public Works Director/Assistant City Manager Chief of Police Court Clerk Justice Court Judge	
VISITORS:	Sandy Cochran Yaca Attwood Shauna Flinders Genevieve Payne Stefanie Casey Glenda Gantt Brett Hamblin Chad Zaugg Terry Millgate	Brenda Ashdown Chris Pulver Sariah Howell Mason Payne Becca Clements Christina Watson Korilyn Shelly Zaugg Brenda Millgate	Sloane Peterson Steve Flinders Susan Kilborn Jim Urry Mark Clements Larry Hill Treva Sisco Jeremiah Jones

Mayor Berube called the meeting to order. Council Member Ekstrom offered the invocation 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, a North Ogden resident, stated that there is a group of residents here from the Village at Prominence Point development; they recently participated in a meeting with the developer and there were surprising and concerning statements made by the developer that the residents would like to bring to the City's attention. The developer has indicated he plans to build just one pool in the project, even though the residents have been promised two. The developer indicated the Development Agreement does not mention two pools, but many residents have heard the commitment of two pools several times. It is not the job of the residents to ensure those commitments are included in the Development Agreement; that is the job of the staff. The developer also said they are unsure they will build pickleball courts because they believe some residents do not want them; however, many homeowners purchased their property knowing that the amenities would be included, and it is unfair that they will not be provided now. Three lots were turned into a small park; sod was laid, but the water was turned off the next day and the sod has died, and she is concerned that the developer will not replace it or will charge the homeowner's association (HOA) to improve it. The developer also is refusing to turn the HOA over to the residents until the entire development is complete, but that is not fair because at this time the residents have no say in what happens at the site. Ms. Cochran said she has stayed in touch with the Mayor and Council over the past few years and many of the commitments made for the project are not being fulfilled; the residents cannot rely upon the developer to do what they said they would do. Also, the carwash on Washington Boulevard has never paid into the HOA, though she was told they would be charged. When she told the developer about the problem, she was scolded. She and other residents are asking for the City to provide any help they can.

Sloan Peterson, North Ogden resident, stated he also lives in Village at Prominence Point, and he echoed Ms. Cochran's concerns; there is a lack of oversight for the project that dates back to 2017. The commitments that have been made to the residents are not being fulfilled. The former developer declared bankruptcy, but his wife was still a member of the HOA for the project, and she installed fiber internet, and each resident is required to use that service instead of choosing their own. This seems to be bypassing fairness laws for residents. The residents have no voting power or shareholder rights, and the amenities continue to be delayed. He emphasized that developers continue to lie to the public and misrepresent their intentions. He asked why the City continues to approve plans that cannot be enforced.

Jaka Attwood, a North Ogden resident, stated that she also lives in the Village at Prominence Point project, and she bought into the community because of the amenities that were promised; she echoed the concerns expressed by the previous speakers.

Jim Urry, a North Ogden resident, reported a traffic hazard on 1510 North. People are parking on the side of the road and when vehicles crest the hill, they cannot see oncoming traffic when trying to make a left-hand turn onto 2700 North. He suggested on-street parking be prohibited in that area.

Chris Pulver, a North Ogden resident, referenced the agenda item relating to the Interlocal Agreement with Weber County for delivering curbside waste to the transfer station; he asked if the City will be locked into the agreement in the event it is possible to pursue traditional curbside recycling in the future.

Trutha Siscoe, a North Ogden resident, stated she also lives at Village at Prominence Point; she attended the meeting where the new developer showed the Council his plans for the area and the Council voted to approve those plans. She asked if the Council is concerned that what they approved has since changed and she asked if the developer came to the Council to request a vote on their changes.

Steve and Shauna Flinders, North Ogden residents, stated they submitted a proposal to build townhomes in the City and it is their understanding that the City was waiting for approval of a use map before taking action on their proposal. Ms. Flinders stated the City Council has tabled the matter, but they are wanting to start construction on their project as soon as possible. Mr. Flinders noted the property is located at 2679 N. 450 E. and it shares a property line with the ten-plex near the skate park.

Sariah Howell, a North Ogden resident, stated her family also lives at Village at Prominence Point and she also expressed concerns that the commitments that were made by the developer, which was a selling point for her family, will not come to fruition. She feels deceived and the changes to the plans for the project have actually decreased her property value.

Susan Kilborn, a North Ogden resident, stated she sympathizes with the residents at the Village at Prominence Point because she also lives in a development managed by an HOA, and it can be frustrating at times. She then stated she was pleased with the civility in the recent Municipal Elections and thanked everyone who stepped forward to be of service. Those that did not get elected, she is hopeful they will stay involved. She also thanked everyone for voting.

Mr. Urry reapproached and thanked Council Member Swanson for his many years of service.

### **3. DISCUSSION AND/OR ACTION TO APPROVE RESOLUTION 07-2023 FOR NORTH OGDEN POLICE DEPARTMENT EVIDENCE DESTRUCTION**

Police Chief Quinney reviewed the list of properties that is included in the evidence destruction proposal. Any items that can be reused or have any value can be donated and items with little to no value will be destroyed.

Council Member Ekstrom asked where firearms are donated. Chief Quinney stated they are donated or transferred to licensed dealers.

**Council Member Barker motioned to approve Resolution 07-2023 for North Ogden Police Department Evidence Destruction. Council Member Ekstrom seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>excused</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**4. DISCUSSION AND/OR ACTION TO APPROVE RESOLUTION 08-2023 FOR THE RECERTIFICATION OF THE NORTH OGDEN JUSTICE COURT**

City Manager/Attorney Call reviewed a letter he included in the Council meeting packet regarding the proposal to recertify the North Ogden Justice Court. He also introduced the City's Justice Court Judge Junk and Court Administrator Barker, who provided detailed information regarding the status of the Court, day-to-day operations, increasing caseloads, and the fiscal stability of the Court. They asked for the Council's support of their request for recertification of the Justice Court for an additional four-year period. Ms. Barker clarified that the City has met the standards for achieving recertification of the Court.

There was a brief discussion among the Mayor, Council, and Judge Junk regarding the growth opportunities for the Justice Court due to the construction of a larger courtroom in the City's new Public Safety Facility.

**Council Member Ekstrom motioned to approve Resolution 08-2023 for the Recertification of the North Ogden Justice Court. Council Member Dalpiaz seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>excused</b>
<b>Council Member Delpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**5. DISCUSSION AND REVIEW OF NORTH OGDEN CITY CODE CHAPTER 4**

City Manager/Attorney Call explained that there are parts of the North Ogden Code Titles that need to be reviewed as part of the comprehensive update of the City Code. He further explained that the plan is to have a discussion on the proposed changes and talk about specifics as necessary so the Council can have a cleaner document for final approval in early 2024. The purpose is to get guidance on any additional needed changes to the North Ogden City Code. No vote will be taken on an official ordinance at this time. Significant proposed amendments include:

- 4-1-4 State Code covers the necessary bonds for the businesses we had identified. Those bonds are filed with the state now and take a burden off the city.
- 4-2-1 definition changes to align with state code.
- 4-4-4 recommended treating all individuals going door to door equally to avoid an argument that we are playing favorite for one religious group or another.

Mayor Berube asked Mr. Call to review the State Code regarding the definition of liquor; some grocery stores sell kombucha that may exceed the percentage of alcohol allowed due to fermentation. Mr. Call stated he would make a note of that issue and research it. He then facilitated a review of the specific text amendments that have been suggested and asked for direction from the Council regarding how they would like to proceed; no action is to be taken tonight, but staff is seeking feedback about additional changes they would like to see before an action item is scheduled. The Council referenced certain sections of the documents that they would like clarification on, including door-to-door solicitation regulations and sexually oriented businesses. Mr. Call concluded he will address those issues before the proposal is brought back to the Council for further consideration and action.

**6. DISCUSSION REGARDING SEWER BACKUP ON 750 EAST**

City Manager/Attorney Call explained in the spring of 2023 there was a sewer backup on 750 East which flooded the basement of one of the homes. The backup was caused by cement and

asphalt that had made their way into the sewer pipe. The resident has filed claims with various insurance companies but had all of them rejected. They would like a chance to discuss the situation with the Council to ask for relief from this issue and any assistance the City is willing to provide. The City's insurance company has also denied the claim because this pipe was cleaned and inspected recently with no issues noted. He noted the Council may make any decision they feel is appropriate, noting that legally the City is not required to participate because government immunity indicates the City has done nothing wrong.

Council Member Swanson asked when the line in question was inspected. Mr. Call stated that happened prior to any manhole work being completed in the area. Council Member Swanson stated he had heard a claim that the manhole work was done without a permit, and he asked if a separate permit was required for that work. Mr. Call stated that it is included in the development permit, but inspection is required.

Council Member Dalpiaz asked for information about the City's 'no fault' funding mechanism. Mr. Call stated that the Council created a policy and fund in the past to offer up to \$5,000 to assist residents who have been harmed by this type of thing, but no fault was found on the part of the City, and insurance claims have been denied.

Mayor Berube asked for confirmation that all pertinent inspections and maintenance of the line that caused the damage were performed. Mr. Call stated that is his understanding based upon records and the recollection of City employees.

Mayor Berube invited input from the residents. Genevieve and Mason Payne approached. Ms. Payne stated that this is their first home that they bought after several years of saving; they have lived there since 2021 and in the spring of 2023 the entire basement was flooded with sewage. This is half of the living space of their home, and they are asking that the City finance the mitigation and restoration of their home and pursue reimbursement through legal action if the City sees fit. She stated she knows the City cannot sue the developer on behalf of a resident, but can sue to recover expenses they cover. She noted the mitigation and restoration of the home has been quoted at \$54,762, which makes it clear how extensive the damage to the home was. She then reviewed a timeline of events to convey that the damages were caused by no fault of the Paynes, and it is related directly to the new development directly across the street from their home. She left a copy of the timeline with the Mayor, City Council Members, and Mr. Call. She noted she feels it is the role of City Government to protect residents from improper construction practices that led to this problem occurring and she and her husband are pleading for help in restoring their home; this situation has been emotionally draining for their family and would be financially devastating if they cannot get help. She asked the City to make the ethical choice to help them restore their home to what it was.

Mr. Call indicated this is a policy decision for the Council; if the decision is made to offer financial support to the Paynes, it will be necessary to amend the City's sewer budget.

Mayor Berube asked Ms. Payne if she received any money from her insurance company. Ms. Payne stated that they have been given \$10,000 by their homeowners insurance company, which means the outstanding amount is \$44,762.

Mayor Berube asked Mr. Call for his legal advice relating to how the City would recoup any money offered to the Paynes. Mr. Call stated that the matter is likely to be litigated and it is up to the City to decide whether to finance the restoration of the Payne's home and then file a suit to recover the amount spent on those efforts. He referenced case law and indicated cities that have done something like this have lost their lawsuit because they voluntarily stepped into the role requested by a resident. Essentially, cities cannot sue to recover something they have agreed to. He added that a precedent may be set if the City agrees to help the Paynes; in the future there may be a similar event, but it could impact many more homes and the City would not have sufficient funding to restore multiple homes.

Council Member Dalpiaz asked if the City could aid the Paynes in litigating the matter. Mr. Call stated that this could be problematic and could lead to the dismissal of the case due to procedural concerns.

Mayor Berube asked if the insurance company could be required to pay additional damages for denying a valid claim. Mr. Call answered yes, if the court decides in favor of the homeowner, the insurance company could be required to pay punitive damages.

The Mayor and Council engaged in high-level discussion with staff and the Paynes regarding communication that has taken place thus far with insurance companies and the contractors that have been performing work in the vicinity of their home. Mayor Berube suggested that the City offer the no-fault funding of \$5,000 and that funding be used to hire an attorney to reach out to the Paynes' insurance company asking for reconsideration of the matter. He noted he sympathizes with the Paynes, but suggested that other efforts be pursued. Mr. Call stated that he could write a letter on behalf of the City, and he agreed that a letter from a private attorney would also be helpful. The Council discussed the suggestion from Mayor Berube; Council Member Swanson stated he is concerned about taking an action that would indicate the City is assuming liability or is at fault, but he is in favor of providing the no-fault funding to the Paynes. Council Member Ekstrom agreed but indicated she feels an investigation is warranted to determine what caused the sewer backup. Council Member Dalpiaz stated he is concerned about setting a precedent; he also feels horribly for the Paynes, but he believes they will be successful in litigating the issue because of the extensive amount of evidence and documentation of the event. Council Member Barker stated that hearing that it is not possible to prove who was at fault, he feels the City should take responsibility. He noted that he supports helping them write a letter to their insurance company but giving the Paynes \$44,000 would be much less expensive than going to court.

**Council Member Swanson motioned to authorize the no-fault \$5,000 be given to the Paynes to use how they see fit. Council Member Dalpiaz seconded the motion.**

Council Member Swanson stated that the overarching concern he has is that when a Council Member takes office, they swear to uphold the Constitution of the United States and the State of Utah; this includes due process and the sentiment that everyone is innocent until proven guilty. Whoever is responsible for this event is entitled to due process and for the facts to be adjudicated in a court of law. This is the appropriate way to determine who is responsible and who should pay the expenses to restore the Paynes home. He added that different tests can be performed to determine where the material that blocked the sewer line came from.

Council Member Ekstrom stated that she feels it will be possible for the Paynes to use the money to hire an attorney and to seek arbitration with the insurance company.

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>excused</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**7. DISCUSSION AND/OR ACTION TO APPROVE RESOLUTION 09-2023 TO AMEND THE CONSOLIDATED FEE SCHEDULE**

Assistant City Manager/Public Works Director Espinoza summarized proposed Consolidated Fee Schedule amendments:

- **Administration Department:**
  - Adding to Fee Schedule: Military Banner for Hero's Boulevard at market rate.
- **Building Department:**
  - Increase the water meter fee for new connections as prices have increased.
    - Will include the cost when available before the council meeting
- **Police Department:**
  - New fee: Utah Criminal History report (background check) \$25.00
- **Water Fund:**
  - Increase water pumping energy costs
    - Zone 7 increased \$0.54
    - Zone 8-10 increased \$0.56
- **Impact Fee Summary:**
  - Add Impact Fee amounts for Additional Dwelling Units (ADU) as outlined

There was brief discussion about the items listed in the proposal; Council Member Swanson noted that the City has received commitment of donations to cover the costs of the Military Banners, but it is still necessary to include that cost in the fee schedule.

Mayor Berube added he has asked staff to conduct a study into all fees charged at the North Shore Aquatic Center and there will be a future proposed amendment to the Fee Schedule regarding those fees.

**Council Member Ekstrom motioned to approve Resolution 09-2023 to amend the Consolidated Fee Schedule. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>excused</b>
<b>Council Member Delpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**8. DISCUSSION AND/OR ACTION ON ENTERING INTO AN INTERLOCAL AGREEMENT FOR THE PURPOSE OF DELIVERING CURBSIDE WASTE TO WEBER COUNTY TRANSFER STATION**

Mayor Berube briefly discussed the termination clause for the proposed Interlocal Agreement; he noted he and City Manager/Attorney Call have reviewed the contract and are seeking approval.

**Council Member Swanson motioned to enter into Interlocal Agreement A19-2023 for the purpose of delivering curbside waste to Weber County Transfer Station. Council Member Delpias seconded the motion.**

Council Member Delpias stated he attended the Weber Area Council of Governments (WACOG) meeting where this matter was discussed, and the indication was that the County needs the support of all cities in the County in order to make this arrangement successful. If a private company decides to compete with the transfer station, it would be problematic for the County to continue to provide that service. Mayor Berube agreed.

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>excused</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

## **9. COUNCIL DEPARTMENT REPORTS:**

### **a. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING**

Council Member Dalpiaz noted a survey is being conducted regarding the South Town Center and he encouraged everyone to respond as soon as possible; the survey will close December 11, 2023, and there are currently over 300 surveys completed. He added there will be an open seat on the Planning Commission in February and he encouraged interested residents to apply.

### **b. COUNCIL MEMBER SWANSON – FINANCE**

Council Member Swanson provided a report of the City's financial condition for the period ending October 31, 2023, or 34 percent of the current fiscal year (FY). Mayor Berube indicated he read the financial summary from Finance Director Jones, and she expects the City will hit its projected sales tax revenue in the FY budget. Council Member Swanson stated that is correct. Mayor Berube briefly discussed the formula for sales tax revenue distribution in the State of Utah.

### **c. CITY MANAGER/ATTORNEY JON CALL – CAPITAL PROJECTS**

Mr. Call discussed the status, schedule, and scope of the following capital projects:

- 2550 Detention Basin;
- Lomond View Courts and Playground;
- Public Safety Building;
- Reservoir/two-million-gallon water tank project;
- Water works park near old Public Works facility.

Mr. Call then reminded the Council of a meeting scheduled for December 5, 2023, to discuss the projects in the City for which they would like to use Redevelopment Agency (RDA) funding.

## **10. PUBLIC COMMENTS**

Prior to accepting public comments, Mayor Berube asked staff to respond to questions raised during the public comment period at the beginning of the meeting; he asked Chief Quinney to respond to Mr. Urry's comments about on-street parking. Chief Quinney stated semi-trucks have been parking on the street on 300 East, south of 2600 North adjacent to the O'Reilly's auto store. Patrol officers have checked on the vehicles and found that they are legally parked according to State statutes and City ordinances. However, winter parking regulations went into effect on November 15 and vehicles should not be parked on the street overnight. Mayor Berube asked if the City could prohibit on-street parking legally. Chief Quinney stated the City can prohibit parking on any City street, but not on a State road. Mayor Berube stated 300 East is a City street and he suggested the Council may want to consider the matter in a future meeting. He has visited the area and agrees with Mr. Urry that the current practices are creating a safety issue.

Mayor Berube then referenced the comments made by Village at Prominence Point residents and stated he believes the Council cannot unilaterally change the Development Agreement that was entered into in 2017. City Manager/Attorney Call agreed both parties would need to agree to modifications. Mayor Berube stated he has reviewed the agreement, and it is vague in regard to the number of pools and amenities to be included in the project. He added that there is a limit on unit heights and design. He added the City has learned some lessons from the Village at Prominence Point project and will apply that knowledge to future projects.

Council Member Dalpias stated that some of the concerns expressed by residents of the Village at Prominence Point project are due to misrepresentation by other parties, such as real estate agents, and the City does not have the ability to govern that matter. However, he feels badly for those residents. He then addressed the comments made by the Flinders and indicated he would follow up with the Community and Economic Development (CED) Department to determine the status of that proposal. Mayor Berube stated that he believes that the project was put on hold due to plans to update the General Plan. CED Director Hess added that the General Plan shows a variety of uses allowed on the Flinders' property; he reviewed the minutes of the meeting from August of 2021 when the Flinders' proposal was discussed, and the Council made a motion to table that item pending the adoption of the updated land use map. In that time frame, he emailed Ms. Flinders about the options available to them, but he had not received communication from her until tonight. Mayor Berube asked if the General Plan allows the use of the Flinders desire. Mr. Hess answered yes; the General Plan identifies R-4 zoning as an allowed zone for the property, which would allow townhomes. He will discuss the process with the Flinders and help them proceed with their application.

Council Member Swanson again referenced the comments regarding the Village at Prominence Point project and asked if the commercial uses along Washington Boulevard are part of the HOA for that project. Mr. Call stated he is unsure, and he has not received the conditions, covenants, and restrictions (CCRs) for the HOA; it was his understanding that the commercial development was supposed to be part of the HOA, but that may have not been taken care of by the developer. Mayor Berube added that is a private matter and the City does not have any authority relative to the agreements and CCRs for the HOA.

Glenda Grant, a North Ogden resident, stated she is the mother of Genevieve Payne; she asked what position Dave Espinoza held in May of 2023. Mr. Call answered he was the Public Works Director and Assistant City Manager. Ms. Grant stated that she personally heard Mr. Espinoza, on two different occasions, assure her daughter that the damage to their home was not caused by them and that it was a City sewer line failure and for her not to worry because the City of North Ogden would take care of it. She stated her daughter was so relieved; she, herself, was also relieved because her daughter's family of four was living in their tiny apartment and they did not have enough space. She stated that what she heard tonight was a lot of platitudes from the City Council and an expression of how sorry they are for her daughter's situation. However, what is truly hard is sitting in the upstairs level of her daughter's home and listening to and smelling sewage rushing into the basement. She stated that the Paynes had nothing to do with this failure. It may be true that the cement that caused the blockage can be tested to see where it came from, and that someone can go after the developer that is building in the area, but at the end of the day, it was a City sewer line that caused the damage to her daughter's home. She stated their home is an older home that they have been working hard to improve and she is so disappointed in the discussion of the Council tonight and the basis for the decision that was made. She came tonight hopeful after listening to her daughter being comforted by Mr. Espinoza, but the Council has now told her daughter that she is on her own. She knows the Mayor and Council must look out for the entire City, but a city is made up of citizens and it could have been anyone that was personally harmed by the failure of City infrastructure. She is offended by the discussion and action that was taken tonight; her daughter's family is overwhelmed and has been sent off on their own without the means to fix the problems that were caused by the City. The City of North Ogden is responsible for what happened to their family, and she will be sure to tell everyone she knows how her family was treated by North Ogden. She asked the Mayor and Council to think about how they would feel if this situation had happened to one of their own children.

Charles (no last name given), a North Ogden resident, also discussed the situation at the Paynes' home; she feels the City must do everything in its power to investigate the matter and determine what caused the sewer backup. He understands that the City cannot be sued, but individual employees can and that will also cost the City money in the long run. He advised the Council to do what they can to take action immediately to save money on a lawsuit and to set a precedent so that developers and insurance companies do not do something like this in the future. He is sure that it is known who is at fault and that needs to be addressed immediately.

Becca Clements, a North Ogden resident, stated she lives in the new development near the Paynes' home, and she does not think the City has done right by them. She agreed with Ms. Grant and stated she was offended by how the Council treated Ms. Payne. They deserve much more than what was given to them tonight. They have been through so much and have been given the runaround, and the City has the responsibility to help them if it is not possible to prove that the City was not at fault. She is disappointed in the City Council.

Mark Clements, a North Ogden resident, stated the City has not shown that the sewer system was not at fault in the situation at the Paynes' home. He stated there was debris in the system, regardless of where it came from, and the onus is on the City to determine the cause of the debris.

If the City can investigate the matter and show that the debris came from a developer, that evidence can be used by the Paynes to litigate the matter. The City has the responsibility to take the first step to see what happened.

Jim Urry, a North Ogden resident, also addressed the Paynes' situation and asked if the City has an inspection report for the sewer line. He served on the Council for 12 years and can name a half dozen times when inspections were not performed correctly and that resulted in sewer damage in other homes in the City. When the City went after developers in those situations, the developer declared bankruptcy and the City had to cover the damages. He suggested that the City bring the developers in this situation before the Council to discuss the matter and hold them accountable for failure to do work as required. He asked if Ms. Payne's bid is for materials and labor or just materials; he suggested it may be possible to get residents of the community to volunteer to perform the labor if the materials can be bought. He concluded that he appreciates the service of the Mayor and Council and advised them to review the inspection reports for the sewer line that caused the damage.

Christina Watson, a North Ogden resident, echoed the comments about the event at the Paynes home; if the City is aware of the potential for a lawsuit, they should investigate the matter and she suggested that be started immediately. She also asked if the City Council could consider ordinances that would provide greater protection for the City in these types of situations in the future. She stated she appreciated Council Member Swanson's comments about due process, and Council Member Barker standing up for what he thinks is the right thing; that is a core value that City Council Members should possess. She also appreciates that the Mayor and Council were respectful of Council Member Barker's opinion, even if they did not agree with it. She suggested that the letter written by an attorney to the insurance company and developer have a deadline for a response within one week and if that response is not received, the matter should be discussed again with the Paynes in a City Council meeting. She hopes that this was not the last discussion the City will have about this situation.

Mayor Berube stated that he does not believe the Council was 'shutting the door' on the situation with the Paynes; however, the City does have governmental immunity according to State statute. The City would not be preparing for a lawsuit if it cannot be sued. He communicated the Council wants to do all they can to help the Paynes resolve the situation. The Council agreed.

Sandy Cochran, a North Ogden resident, addressed the Village at Prominence Point project; she understands the City cannot step into private property matters, but there are so many loopholes in the Development Agreement for the project and a partner of the former developer, Jack Berrett, is still involved in the project. The process needs to be reviewed to determine how the City can 'pin the developer down' and enforce the Development Agreement specific to the pools and other amenities to be built in the project. The developer does not want to work with the residents, but the priorities and needs of residents should be much more important than the priorities and needs of developers.

Mayor Berube reiterated that the Development Agreement for the Village at Prominence Point project was the first major Development Agreement for the City of North Ogden, and he acknowledged it was flawed; the City has been working to strike a balance between what the developer has the legal right to do and the desires of residents. He noted the developer will be coming back to the Council for continued discussion of the project and the Council can use this feedback to continue to converse with them.

Brenda Ashdown, a North Ogden resident, stated that she has experienced a sewer backup in her home as well and did not receive any support from her insurance company or the City; the damage was not as extensive as the Paynes have experienced and her heart breaks for them. She then stated that at the last City Council meeting she asked about the City's sign ordinance and flag signs specifically; she asked if the Council has investigated that matter. She stated that some businesses have tall flag signs, and they are ugly and fall into disrepair very easily. She would like for the City's sign ordinance to be reviewed to determine if those types of signs should be more heavily regulated than typical signs.

Council Member Swanson stated that flag signs are listed as permitted signs in the sign ordinance. Council Member Delpias stated that he will work with the CED Department to look into the sign regulations and report back to the Council.

Genevieve Payne, North Ogden resident, stated that she is not sure how she is supposed to prove that the City is at fault in order to get more consideration from the City or its insurance company. She also clarified that \$15,000 of the cost to restore her home is for clean-up; her basement was filled with human excrement, toilet paper, tampons, and other items that a professional remediation company has removed. She owes that payment right now and the \$5,000 provided by the City will cover just a portion of that cost. She stated that City employees witnessed unauthorized work being done by the developer on January 6 and she asked if they inspected the sewer line after they witnessed that. If an inspection was not done, it should have been.

Sloane Peterson, a North Ogden resident, also addressed the Village at Prominence Point project, which has been going on since 2017. It is unfortunate that the City will not follow up with the developer regarding the residents' concerns about matters that will impact their quality of life and property values. These are things that the City should not have approved initially; he understands that efforts have been made to improve the City's process regarding Development Agreement, but even last year when the new developer came to the City for the project, enough was not done to correct the outstanding problems and offer assistance to residents.

Mayor Berube stated that he owns a unit at Village at Prominence Point, and he is not trying to avoid the problems at the project; however, the City cannot unilaterally change the agreement that was approved in 2017. Whoever owns the majority of the units in the project will have control of the HOA and the City cannot interfere with the HOA and private property owners. The developer will be coming back to the Council for continued review of the Development Agreement and the City has not washed its hands of this matter.

Mason Payne, North Ogden resident, asked if his acceptance of the \$5,000 from the City will rid the City of any liability or future responsibility for the sewer damage to his home. He would also like a timeframe for when the City sends a letter regarding the matter and for when the item will be discussed by the Council again.

Mayor Berube stated the City is not sending a letter, but supports the sending of a letter. Mr. Payne asked how soon the matter can be included on a Council agenda after a letter is sent. Mayor Berube expects that the matter will enter into arbitration with the insurance company; he cannot commit to the timing of an agenda item until updated information is available.

## **11. COUNCIL/MAYOR/STAFF COMMENTS**

Mayor Berube thanked everyone for providing their input tonight; he understands that people are upset, but assured them that they have been heard and their input will be digested by the Council.

Council Member Dalpiaz stated that he is committed to reviewing the situation at the Paynes home in greater detail to be sure he is as informed as possible. This has been a very difficult meeting and he does not take the situation lightly.

Council Member Ekstrom stated that she did not mean for her comments and extension of sympathy to be offensive; if she could write the Paynes a check for \$55,000, she would. She offered to help clean the Paynes home and is also committed to helping however she can. She stated the Paynes are part of North Ogden, and they are in her prayers and heart. She stated she feels the matter will be resolved, though it may take longer than some would like.

## **12. ADJOURNMENT**

**Council Member Ekstrom motioned to adjourn the meeting.**

**The meeting adjourned at 8:57 p.m.**

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S. Neal Berube, Mayor

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Rian Santoro  
City Recorder

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Date Approved

DRAFT

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

December 5, 2023

The North Ogden City Council convened on December 5, 2023, at 6:00 p.m. at the North Ogden City North View Senior Center located at 485 E 2550 North. And also available electronically at YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6felhQ/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 November 28, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

### PRESENT:

S. Neal Berube	Mayor	Excused
Ryan Barker	Council Member	
Blake Cevering	Council Member	
Jay D Dalpiaz	Council Member	
Charlotte Ekstrom	Council Member	
Phillip Swanson	Council Member	Mayor Pro Tempore

### STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Jami Jones	Finance Director
Scott Hess	Community and Economic Development Director
Dave Espinoza	Public Works Director/Assistant City Manager
Ryan Nunn	Planner
Nate Davis	Building Inspector

### VISITORS:

Kevin Burns	Betsy Shaw
Chris Pulver	Bruce Christensen
Sandy Cochran	LuAnn Christensen
Christina Watson	Susan Kilborn
Stefanie Casey	

Mayor Pro Tempore Swanson called the meeting to order. Council Member Cevering offered the invocation and led the audience in the Pledge of Allegiance.

## **CONSENT AGENDA**

### **1. CALL FOR CONFLICT-OF-INTEREST DISCLOSURE**

Mayor Pro-Tem Swanson called for the declaration of any conflicts of interest. As a business owner in the South Town Plaza, Council Member Ekstrom expressed a conflict of interest regarding the discussion of the use of RDA Funds, agenda item four.

### **2. DISCUSSION AND/OR ACTION TO CONSIDER THE OCTOBER 10, 2023, CITY COUNCIL MEETING MINUTES**

Council Member Ekstrom motioned to approve the October 10, 2023, City Council Meeting Minutes. Council Member Cevering seconded the motion.

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Delpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

## **ACTIVE AGENDA**

### **3. PUBLIC COMMENTS**

Brenda Ashdown encouraged the Council members to speak loudly and into their microphones so that the audience can hear them.

### **4. CANVASS OF THE 2023 GENERAL ELECTION RESULTS**

City Recorder Santoro referenced the official canvass statistics and summary report for the 2023 Municipal General Election; if the results are accepted by the Council, acting as the Board of Canvass, they will become official. She stated there are 12,413 registered voters in North Ogden and 4,756 ballots were cast, which is a 31.04 percent turnout. She cited the reasons that 50 ballots were not counted, after which she reported the results:

- |                            |                              |
|----------------------------|------------------------------|
| • Christina Watson – 2,582 | • Phillip Swanson – 1,791    |
| • Ryan Barker – 2,337      | • Tim Billings – 1,663       |
| • Chris Pulver – 2,294     | • Merrill Sunderland – 1,266 |

She stated that the statistics for voter turnout by voting precinct has been provided to each Council Member, along with a precinct map. Of the six candidates for City Council, the top three are duly elected.

**Council Member Cevering motioned to approve the 2023 General Election Canvass Results. Council Member Dalpias seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**5. DISCUSSION AN/OR ACTION REGARDING THE USE OF REDEVELOPMENT AGENCY (RDA) FUNDS**

City Manager/Attorney Call reported the Council is being asked to determine the best way to utilize the existing RDA funds in order to program funding to benefit the RDA area and complete the requirements for the RDA program. Several items have been discussed among the Administration and the Council and the purpose of this agenda item is to narrow those items to the most important to the Council and then decide on a date for an RDA retreat to have detailed discussion regarding those priorities. Staff recommends consideration and prioritization of the following projects:

- Aquatic Center Rehabilitation \$1,710,000. This will include everything from parking lot repairs to upgrades to the pool pumps. The plan is to request RAMP funds to assist with this project. The \$1,710,000 is the expected total cost, not just the city's portion.
- Bicentennial Park and xeriscaping– \$210,000 – This is to help beautify the park and make it more robust to the abuse from the traffic caused by the ducks and the stump.
- 300 East Commercial Access - \$204,894.11. This is to help provide an improved commercial access point to 300 East from Lee's parking lot to help keep the plaza resilient from changes imposed on the streets by UDOT.
- South Towne Area Improvements - \$1,300,000 +/- . This is to assist landowners in the area with improvements. The recommended approach is to make sure the individuals know this money is available and then require them to submit requests to be reviewed and approved by the RDA Board for funding various projects in the area.

Mayor Pro-Tem Swanson then facilitated high-level discussion with the Council regarding the scope of each of the projects in an attempt to rank the projects; prioritization of the projects was determined as follows:

1. Aquatic Center
2. Bi-Centennial Park
3. 300 East commercial access (budget increased from \$205,000 to \$300,000)
4. RDA general projects, i.e., safe routes in the RDA area and grants to businesses in the RDA area.

They asked staff to develop an official recommendation regarding the prioritized projects, with updated budget numbers, in preparation for a more detailed discussion and vote during the Council's next business meeting.

## **6. PUBLIC COMMENTS**

Kevin Burns, a North Ogden resident, commended the Council on their discussion of priorities for the use of RDA funding.

Brenda Ashdown, a North Ogden resident, referenced the buildings in the South Town project area and asked if code enforcement is regularly inspecting the exterior and interior of the buildings to enforce property maintenance regulations on the businesses, similar to the regulations that are enforced on residents. Council Member Swanson asked Ms. Ashdown to provide specific complaints for investigation by the City. Mr. Call indicated the City is restricted in the types of enforcement actions they can take against property owners, specifically for the interior of a building, but he indicated he will review any information Ms. Ashdown sends to him.

Christina Watson, a North Ogden resident, also referenced the South Town project area; the study that was conducted regarding that area took into consideration the benefit for the entire City and it may be that the business owners in that project area do not care about participation in those projects. She would like to explore opportunities to encourage collaboration among businesses and property owners when trying to secure RDA funding or grants for property improvements. She noted that boosting the economy is very important and she suggested that RDA monies be reserved for that purpose.

Mitzi Shaw, a North Ogden resident, asked how many people have completed the South Town survey, to which Council Member Delpias answered 357 as of last week; it closes on December 11, and he hopes the response total is over 500 by then.

Susan Kilborn, a North Ogden resident, asked how the survey was advertised; she found it on Facebook, but not everyone uses Facebook. Mr. Call stated it was also advertised on the main page of the City's website. Ms. Kilborn then asked if a business interested in coming to North Ogden could ask for financial participation from the City's RDA.

Council Member Swanson answered yes; the City participated with Smith's Marketplace to make it possible for them to locate in North Ogden. Ms. Kilborn stated she would be reaching out to general managers of some of the businesses she would like to see in North Ogden to provide that information to them.

Bruce Christensen, a North Ogden resident, stated that bureaucracies grow and often they make decisions that irritate the population they oversee; sometimes the City spends money only to find out they no longer want to pursue a certain project or policy and that is ok. What is not ok is to throw good money after bad money.

## **7. MAYOR/COUNCIL/STAFF COMMENTS**

Council Member Barker addressed Ms. Ashdown's comments about citing businesses for code enforcement violations; he noted that in his role as the local Fire Marshal, he is unable to enter any business without cause and issue a citation. He must follow due process rules to determine that a visit to a business is warranted.

## **8. ADJOURNMENT**

**Council Member Ekstrom motioned to adjourn the meeting.**

### **Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 7:15 p.m.**

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S. Neal Berube, Mayor

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Rian Santoro  
City Recorder

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Date Approved

DRAFT

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

December 12, 2023

The North Ogden City Council convened on December 12, 2023 at 6:00 p.m. at the North Ogden City North View Senior Center located at 485 E 2550 North and also available electronically at YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6felhQ/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 December 7, 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	(Via Zoom)
Jay D Dalpiaz	Council Member	
Charlotte Ekstrom	Council Member	(Excused)
Phillip Swanson	Council Member	

### STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Jami Jones	Finance Director
Scott Hess	Community and Economic Development Director
Ryan Nunn	Planner
Nate Davis	Building Inspector

### VISITORS:

Christina Watson	Jason R Westbrook
Steve Flinders	Brenda Ashdown
Shauna Flinders	Christa Staheli
Jennifer Schowl	Derrick Staheli
Robert Smith	Stacie Sanchez
Della Smith	Leeann Lippert
Chris Pulver	Stefanie Casey
Ilene Tippetts	Kevin Burns
Dave H	Austen Seabolt
Karen Bell	Caleb Kap
Kent Bell	Dan Wheatley
Scott Sorenson	Debi Wheatley
Lindsey McGrin	Lonny Veater
Nathan Stoker	Gayla Veater
Denise Brough	Leticia Olsen

Jon Shupe  
 Jim Reeves  
 Jeremy Draper  
 Amy Demonja  
 Abigail Sjoblom  
 Stephanie Roberts  
 David McCurty  
 Susan McCurty  
 Myra Taylor  
 Joshua Taylor

Randall Fleming  
 Danielle Fleming  
 Gage Swarm  
 Stanley Staling  
 Brice Johnston  
 Josh Roberts  
 Bob Bleswell  
 Debbie Sanchez  
 Steve Sanchez  
 Susan Kilborn(Zoom)

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

### **CONSENT AGENDA**

#### **1. CALL FOR CONFLICT-OF-INTEREST DISCLOSURE**

Mayor Berube called for the declaration of any conflicts of interest. There were no declarations.

### **ACTIVE AGENDA**

#### **2. PUBLIC COMMENTS**

Jason Westbrook, North Ogden resident, stated he owns Big-O tire shop in North Ogden, and he no longer has sufficient parking space on his site, which has caused him to ask his employees to park on the street next to the business. Last week the Police came to his business and told him he needed to move the vehicles off the street. He stated that he has tried to secure additional space for off-street parking and has been unsuccessful for years and he asked if anything can be done to allow the business to continue to park on the street. He stated the vehicles are only there during the daytime hours, 6:00 a.m. to 6:00 p.m., so this should not be disruptive to snowplows since they usually work during the evening and overnight hours. He asked that the Council consider an amendment to the City's parking ordinance.

Mayor Berube asked Mr. Westbrook if he has discussed the issue with Community and Economic Development (CED) Director Hess. Mr. Westbrook answered yes; he will continue to work with him to determine if green space on the site in excess of the minimum green space required can be converted to parking space. Mayor Berube asked that the two continue to work together to see what can be done in order to keep the vehicles from parking on the street.

Leann Lippert, North Ogden resident, addressed agenda item three, a zone change for property on 450 East. She is opposed to the zone change because she wants to preserve the values of North Ogden. She feels there is a place for multi-family housing, but it is not in the middle of

single-family housing. She added that she was involved in the creation of the Residential City Center (RCC) zone, and she would like for it to be upheld for the property.

Kent Bell, North Ogden resident, also addressed agenda item three; all the families that live close to the subject property are opposed to the zone change. The proposed development does not fit the aesthetic of the neighborhood and asked that the Mayor and Council consider how they would feel if this project were proposed next to their home.

John Shupe, North Ogden resident, also addressed agenda item three; he spoke to the City's disregard for planning guidelines and principles that would be violated by the approval of the requested zone change.

Lindsay McGrin, North Ogden resident, addressed agenda item six; those that live around and near the subject property are concerned and opposed to the rezone. Many of them did not learn of this proposal until yesterday and they understood that it would be developed for single-family homes. She has two young children at home, and she lives on the corner of 1700 North; the area is already very busy, and traffic is increasing, and she does not think the proposed plan will benefit the area or address any of the current problems in the area. She also does not think it is a large enough project to warrant the creation of a homeowner's association (HOA). She has spoken with the CED Director, and he informed her of pressures from the State of Utah regarding affordable housing. However, she does not think this project will be affordable and that is just something the developer is hiding behind.

Steve Flinders, North Ogden resident, stated that he is the applicant for agenda item three. He respects his neighbors and understands their concerns, which stem from the development of a 10-plex several years ago, but the project he is proposing is not the same as that project. He added he shares a property line with that project and the damage has already been done to the block. He stated that he is planning to build single-family homes that will not be for rent. He understands that other residents are concerned about changes in their neighborhood, but the change has already occurred and the 10-plex will not be going away. He feels his development proposal is reasonable for the area.

Shauna Flinders, North Ogden resident, also the applicant for agenda item three, stated that she and her husband came to the City about this development about two years ago; it is five or six condominiumized homes that will be for sale as individual units. The property is bordered by a 10-plex on one side and trailer/prefabricated units on two other sides. She stated that they should not be expected to build something totally different than what her neighbors have been allowed to build.

Jim Reyes, North Ogden resident, spoke about agenda item six; he agreed with Ms. McGrin's concerns about the project. The area is entirely surrounded by single-family homes and there is not sufficient infrastructure to accommodate the increased density and population that is proposed for the area. All the residents who live in the previous phases of Waymont Place never believed that there would be multi-family homes in the project. He asked that the Council

consider how this project will impact the existing residents as well as the school system and infrastructure.

Chris Acosta, North Ogden resident, also spoke about agenda item six; he agreed with the comments made by Ms. McGrin and Ms. Reyes. There is not sufficient ingress/egress for the project. Utah has a housing shortage that needs to be addressed, but this is not the place to do it given the existing development immediately surrounding the property. It feels like an unsafe scenario for the neighborhood.

Ileen Tippetts, North Ogden resident, also spoke about agenda item six. She stated the traffic is already so bad in that area and the roads cannot handle additional traffic that will be created by the proposed project.

Debbie Sanchez, North Ogden resident, addressed item six; when she bought her home, it was at a premium price and there was never any indication that there would be multi-family homes next to hers. She stated Rainey Homes knew of the State Legislation regarding affordable housing well before they started previous phases of the Waymont Place development, and they are only using that legislation as an excuse in support of this current proposal. She added that the road configuration is not appropriate, and all of the new traffic associated with this proposal will flow through the existing neighborhoods. This is not what existing residents were sold on. The City must consider the impact on public safety services and the local schools.

Jill Fleming, North Ogden resident, stated she lives on 600 East, and she also paid a premium for their lot. She shares the concerns expressed about the impacts of multi-family homes. The roads area already very busy and there is no sidewalk on the south side of 1700 North. The schools are being overwhelmed and public safety resources will also be taxed by this project.

Stanley Staling, North Ogden resident, stated he lives on 550 East and the Rainey Homes project has impacted the neighborhood he lives in. He stated that Monroe Boulevard will eventually be extended and that will also increase traffic in the neighborhood. This is an unfair burden on the area; there are many kids who live in the area and this project will decrease safety for them. He suggested Rainey Homes accept the current zone they have, wait for Monroe Boulevard to be extended to improve traffic circulation, or redesign their project.

Chad Parkinson, North Ogden resident, addressed agenda item three and noted he is also opposed to changing the zoning for the property on 450 East. He stated that Ms. Flinders indicated her property is surrounded by double-wide trailers, but they are pre-manufactured homes, and they look fairly nice. He stated the neighborhood is not opposed to those units. He stated that this is an issue of money, and he understands that the Flinders want to make as much money as they can on their project, but that should not be allowed at the detriment of the rest of the community.

Austin Seabolt, North Ogden resident, addressed agenda item six. He asked for an elaboration on the open space that is going to be included in the project. Mayor Berube stated that CED Director Hess will discuss that matter in his presentation of the item.

Gayla Veater, North Ogden resident, addressed agenda item six; she asked that everyone in attendance to hear the City's decision on that item to raise their hand so the Council can see how many people are going to be impacted. She noted that many residents in the Rainey Homes development have been misled and they are now very disappointed with this new proposal. It is frustrating that they keep getting away with these types of things.

Amy Demonja, North Ogden resident, also addressed agenda item six. She bought her home in just the last six months and Rainey never mentioned this possible project to them. She feels deceived after paying such a high price for her home. There are many kids that live in the project and that is what she was looking for in a home and that is being ripped from her and many others at such a high cost. She stated it is hard to not feel violated by Rainey Homes. She does not believe that the people that will live in the multi-family homes are bad people, but that type of development was never included in previous concepts for the area and so many people feel let down. She hopes the City will keep the children of that project in mind because their safety is the most important thing.

Caleb Kap, North Ogden resident, addressed agenda item six. He lives in the Woodfield Farms subdivision, and he is very concerned about traffic in that area; 1700 North is in bad shape and has not been improved following extensive development of the area. It is not safe for kids to walk along that road or even cross it at some points. Increased traffic will only make that problem worse. He stated that Rainey Homes has lied to many residents who already live in the project area; they have taken advantage of people in an effort to maximize their profit, only to propose multi-family units at the cost of unsuspecting families.

Mayor Berube briefly noted that the City Council does not consider increased property tax revenues when acting on housing projects. He addressed State Legislation and attempts of the Legislature to take away land use authority from cities in order to address the housing shortage and to require cities to have more multi-family housing. He cited the term "Not In My Backyard" (NIMBY) and noted that many people have said they are supportive of multi-family housing, as long as it is not in their backyard. He noted that a decision will not be made on agenda item SIX tonight.

CED Director Hess announced there is an opening on the City's Planning Commission and he encouraged those present who are concerned about land use issues to consider applying.

**3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE THE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 2679 NORTH 450 EAST FROM RESIDENTIAL CITY CENTER (RCC) TO RESIDENTIAL MULTI-FAMILY (R-4)**

Community and Economic Development (CED) Director Hess provided background information on this application, which was tabled in August of 2021 in anticipation of an update to the General Plan. The applicant recently resubmitted their application and staff has sent an updated courtesy notice to residents who initially received a notice in 2021.

The rezone request is a change from Residential City Center (RCC) to Multi-Family Residential (R-4). The property consists of 0.5 acres with an existing home and accessory structures on site. The property is located on the same block as existing multi-family residential structures. In 2021, the Planning Commission held a public hearing and forwarded a negative recommendation to the City Council. However, staff does believe that the R-4 zone is appropriate for the area given its location in the City's town center, which is within walking distance to parks, schools, city services, shopping, and transit. He stated that he has questioned where would be an appropriate location for this type of development if this subject property is deemed unsuitable.

Council Member Swanson inquired as to the differences between the downtown mixed-use zone and the RCC zone. Mr. Hess stated that the downtown mixed-use zone is a General Plan designation; the General Plan identifies suitable uses for different areas of the City, but this is a 30,000-foot view of the City. He reviewed the boundary of the downtown mixed-use area in the General Plan, which is very large and encompasses nearly all of the City center of North Ogden. However, zoning is a 10,000-foot level and the subject parcel is on the western edge of the RCC zone. Council Member Swanson inquired as to the maximum density in the RCC zone. Mr. Hess stated that five units per acre are allowed in the RCC zone.

Council Member Dalpiaz stated that when the General Plan was updated in 2022, it identified this area as a transitory zone. He asked Mr. Hess to explain what that means. Mr. Hess discussed existing development in the area surrounding the subject property; many property owners expressed a desire to build duplexes on their property, but the General Plan Steering Committee felt that was a policy decision for the City Council to make.

Mayor Berube facilitated high level discussion among the Council regarding the implications of the zone change; Council Member Dalpiaz stated that he would like the Planning Commission to reconsider this application and update their recommendation based upon the General Plan that was adopted in 2022.

**Council Member Dalpiaz motioned to postpone Ordinance 2023-24 to rezone the property for land located at approximately 2679 North 450 East from Residential City Center (RCC) to Residential Multi-Family (R-4) and refer it to the Planning Commission for additional review and an updated recommendation. Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>nay</b>
<b>Council Member Dalpiaz</b>	<b>nay</b>

<b>Council Member Ekstrom</b>	<b>excused</b>
<b>Council Member Swanson</b>	<b>nay</b>

<b>Mayor Berube</b>	<b>nay</b>
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Mayor Berube noted that the City Council is the decision-making body on these types of matters; the Flinders have been waiting for a decision on this issue for over two years and he would like to render a decision tonight. Council Member Cevering agreed; he added that if the General Plan has been updated in a way that would support approval of this zone change, it is likely the Planning Commission would send a positive recommendation to the City Council.

**Council Member Cevering motioned to approve Ordinance 2023-24 to rezone the property for land located at approximately 2679 North 450 East from Residential City Center (RCC) to Residential Multi-Family (R-4). Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Delpias</b>	<b>nay</b>
<b>Council Member Ekstrom</b>	<b>excused</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**4. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-21 ANNEXING .123 ACRES LOCATED AT APPROXIMATELY 730 EAST 1750 NORTH, NORTH OGDEN (MACKLEY)**

City Recorder Santoro explained Paul Mackley, on behalf of himself and Karen Mackley owners of the property located at approximately 730 E 1750 N, containing .123 acres submitted an Annexation Petition on October 16, 2023. The annexation process begins with the Weber County Surveyor reviewing the annexation plat map and approving it on September 26, 2023. The next step is the City Council accepted the petition for annexation to begin the city's process, which was done by default on November 15, 2023. This property is within North Ogden City Annexation Declaration Policy. The petitioner was requesting the zoning of R-1-8, the Planning Commission recommended R-1-8 (AG) on November 15, 2023. The Utah State Code requires the City to give notice of an annexation for (3) consecutive weeks no later than 10 days after the City Council receives notice of certification which was certified by the City Recorder on November 1, 2023. A Public Hearing is required and was noticed on December 5, 2023. This annexation meets all the requirements from the Recorder's office to be annexed and before the City Council is an ordinance for your consideration annexing this property into North Ogden City.

Mayor Berube opened the public hearing at 7:14 p.m. There were no persons appearing to be heard.

**Council Member Swanson motioned to close the Public Hearing. Council Member Barker seconded the motion. All present voted aye.**

**Council Member Barker motioned to approve Ordinance 2023-21 annexing .123 acres located at approximately 730 East 1750 North, North Ogden (Mackley). Council Member Delpias seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Delpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>excused</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**5. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-22 FOR THE FINAL BUDGET FOR THE REDEVELOPMENT AGENCY (RDA) FISCAL YEAR 2023-2024.**

**Council Member Swanson motioned to recess the City Council Meeting and convene the Redevelopment Agency (RDA) Board. Council Member Barker seconded the motion. All Present voted aye.**

Finance Director Jones stated that this budget proposal is based upon the discussion of the Council during their December 5, 2023, Work Session meeting.

Board Member Delpias asked if the \$175,000 transfer to the Aquatic Center is a reasonable amount and if the same amount could be transferred for the next three years. Ms. Jones answered yes. Mayor Berube noted that the City Council has challenged the Aquatic Center to eventually be self-sufficient and he is hopeful that the \$175,000 transfer will not be needed on an annual basis.

**Mayor Berube opened the Public Hearing at 7:22 p.m.**

Kevin Burns, North Ogden resident, stated that he attended the work session on December 5, 2023, and he offered the Mayor and Council kudos on their efforts to develop a budget that uses the RDA funds in a reasonable manner.

There were no additional persons appearing to be heard.

**Board Member Swanson motioned to close the Public Hearing. Board Member Dalpiaz seconded the motion. All present voted aye.**

**Board Member Swanson motioned to approve Ordinance 2023-22 for the Final Budget for the Redevelopment Agency (RDA) fiscal year 2023-2024. Board Member Cevering seconded the motion.**

**Voting on the motion:**

<b>Board Member Barker</b>	<b>aye</b>
<b>Board Member Cevering</b>	<b>aye</b>
<b>Board Member Dalpiaz</b>	<b>aye</b>
<b>Board Member Ekstrom</b>	<b>excused</b>
<b>Board Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

Board Member Swanson thanked City Manager/Attorney Call and Ms. Jones for their efforts to develop creative solutions in terms of the use of RDA funds.

**Board Member Dalpiaz motioned to recess the Redevelopment Agency (RDA) Board and reconvene the City Council Meeting. Board Member Swanson seconded the motion. All Present voted aye.**

**6. DISCUSSION ON THE RAINEY HOMES DEVELOPMENT - WAYMENT PLACE CONCEPT - LOCATED APPROXIMATELY BETWEEN 600 EAST/700 EAST 1700 NORTH**

Community and Economic Development (CED) Director Hess explained Rainey Homes has been considering various concepts for the area east of Woodfield Farms in the southern/central portion of North Ogden City between 600 East and 700 East. The proposal today is a concept drawing called “Wayment Place”. This is a mixed-housing project with single-family and multi-family homes. The developer considered the City’s recommendation of open space preservation for increased density. In this case the property is 13.6 acres with a zoning density in the existing RE-20 zone of 74 total units which is approximately 5.4 dwelling units per acre. The Wayment Place concept has 102 total units and preserved 3.56 acres of open space. The density calculation is approximately 7.5 dwelling units per acre. This trade-off of density for open space can be part of the Legislative decision-making process that the Council must go through when considering land uses and zoning. The current General Plan map calls for this property to be developed as Low Density Residential. The recommended zoning districts in this area include the potential for Residential R-1-5 (5,000 sq. ft. lots) or approximately 8.7 dwelling units per acre.

A rezone request could be found to meet the current General Plan as well as the future General Plan adopted by the City Council. Staff recommends the Council consider the information presented, provide feedback and directions to the applicant.

Mr. Hess reviewed a conceptual plan presented by Rainey Homes to orient the Council to the unit layout, open space, and traffic configuration.

Mayor Berube asked Mr. Hess to explain why this matter was not first referred to the Planning Commission. Mr. Hess stated staff and the applicant wanted to get feedback from the Council before they spend a great deal of time and money on an application in order to submit it to the Planning Commission.

Mayor Berube invited input from the applicant.

Brock Johnston, Rainey Homes, stated that he asked that this application be submitted to the Council prior to going to the Planning Commission in order to understand if there would be any level of support from the Council before he spends money on the formal design. He stated there is a great deal of misconception about the proposed development of the property and he is willing to meet with residents to help them gain a better understanding of the project. He discussed the history of the development of Woodfield Farms and the surrounding property, noting that he feels the proposal is in line with the area. He stated that the dramatic changes in the housing market have dictated the types of projects that can be developed in a fiscally responsible manner. He stated that Rainey Homes typically builds high end homes, but the location of land and development costs dictate home prices. He noted the City will have say in the architecture of the project, density, open space, and aesthetics of the community through a Development Agreement. This product will provide homes in the \$500,000 price range, which is lower than the amount paid by people who live in the most recent phase of the project. The townhome units would be in the \$400,000 price range and there will be a homeowner's association (HOA) for the project.

Discussion among Mr. Johnston and the Council centered on public access to the HOA amenities; traffic circulation; enforceability of the Development Agreement; and the General Plan designation for the property.

Council Member Swanson stated there will be new members of the Council early in 2023 and he feels it would be inappropriate for this current Council to take a straw poll on this issue and make any type of commitment to Mr. Johnston. He also discussed the focus on housing at the State level and noted the City needs to take the communication from the Governor, Lieutenant Governor, and State Legislature very seriously. If cities are not willing to accept different housing projects than what have been built in the past, the risk of losing land use authority to the State is very real.

Mayor Berube stated that three Council Members can make a decision on behalf of the Council, and he did wish to proceed with a straw poll. This led to continued discussion among the Council regarding the appropriate zoning designation for the property. Council Member Dalpias stated

that he feels the concept plan for the area does have some very positive aspects, including the two acres of public open space that the existing residents in the area can access. He supports R-1-8 zoning of the property based upon the General Plan. Council Member Barker agreed with Council Member Dalpiaz; he has voted based upon the General Plan, which does have support from the citizens. Council Member Cevering stated he would also like to follow the General Plan for this area, which does not include townhomes in this subdivision. He acknowledged the concerns expressed by Council Member Swanson regarding the communication from the State regarding housing issues, but he feels the City has approved a significant number of townhomes recently, which should communicate the City's willingness to accept different housing types.

Mr. Johnston expressed concern about the impact that the City's zoning decisions will have on housing costs in the next phase of the development. Mayor Berube suggested Mr. Johnston meet with residents about his proposal; there was a great deal of concern about the traffic impacts of the proposal, and it may be possible to modify the plans for the project to address those concerns.

**7. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-23 FOR THE 2024 MEETING SCHEDULE.**

City Recorder Santoro reviewed the proposed notice of the annual meeting schedule for North Ogden City for the calendar year 2024. Staff is seeking approval of the meeting schedule in order to proceed with publication.

**Council Member Swanson motioned to approve Ordinance 2023-23 for the 2024 meeting schedule. Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>excused</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**Council Member Barker was excused from the meeting at 8:33 p.m.**

**8. COUNCIL DEPARTMENT REPORTS:**

**a. Police Department – Council Member Cevering**

The Police Department expressed gratitude to the residents who have made donations to the Sub for Santa program; it will be possible for the Department to provide Christmas for six families in the community this year. He also reminded residents of the snow removal policies that prohibit on-street parking during winter storm events. He also reminded residents to not leave their vehicles unattended if they are started to warm up in the morning hours.

**b. Public Works Department - City Manager/Attorney Jon Call**

City Manager/Attorney Call reported on the impact of recent snowstorms on the storm drain system and leaf clean-up throughout the City. He thanked the snow removal crews for their service. Mayor Berube echoed Mr. Call's gratitude.

**c. Parks Department – Council Member Barker**

Council Member Barker reported on recent and upcoming special events in the community, including the live nativity at Barker Park.

**9. PUBLIC COMMENTS**

Bob Buswell, North Ogden resident, cited a dangerous road condition at an intersection near Weber High School and he asked that the problem be reported to the Public Works Department. Mayor Berube stated that will be passed along and as soon as it is warm enough to repaint the lines on the street, that work will be done.

Denise Burrows, North Ogden resident, stated there has been a lot of talk tonight about the communication from the State of Utah to cities regarding housing. She asked if the City has data on housing types in the community. Mayor Berube answered yes and noted the City must submit a housing report to the State of Utah each year. This includes the number of entitled lots, not just lots upon which affordable housing units have been built. Ms. Burrows stated that it would be nice for residents to have access to that data when discussing these types of projects.

Austin Seabolt, North Ogden resident, thanked the Mayor and Council for their discussion of the Rainy Homes project and for their representation of the residents who are concerned about the project. He stated that he has lived in a townhome in the past and is familiar with issues that typically plague townhome projects. An HOA is very burdensome to residents who live in a HOA managed developed.

Stefanie Casey, North Ogden resident, stated that the lights at Barker Park are beautiful; however, she this is the third year the City has bought 20 live trees and placed them at the park for the Christmas special events; she noted that she anticipates Christmas events will stay at Barker Park and she suggested the City plant the trees to be there permanently rather than wasting money on trees every year.

Dave Hamblin, North Ogden resident, stated that he appreciates the discussion about the Rainey Homes project; he was disappointed that Mr. Johnston manipulated the data as a scare tactic. He is concerned about the density that has been proposed. Regardless of what the State Legislature thinks, they are elected by resident, and they need to 'stop bullying those that have elected them'. He stated that he does not have a prejudice against townhomes and residents who live there; he is concerned that the City has bent over backwards to provide high density/multi-family projects, yet the City is told they need to do more. He stated the concerns expressed regarding the Rainey Homes proposal were valid and he thanked the Council for listening. He stated that the price of the land has not gone up, even if development costs have increased. Perhaps people should build smaller homes, but it is not necessary to create smaller lots.

Debbie Sanches, North Ogden resident, stated she has worked for cities her entire career and she apologized if she offended any member of the Governing Body by mentioning property tax revenue. She stated that she has tried to do her due diligence before buying her home and she relied upon the General Plan; she hopes the Council will follow the General Plan when making a final decision on the proposal from Rainey Homes. She agreed that the changes in the housing market are not sustainable and housing prices will continue to increase. However, the residents of the Rainey Homes development should not be subjected to this proposal, which will impact their quality of life.

Micah Mortensen, North Ogden resident, discussed his experience with Rainey Homes; he feels misled, and the information provided by Mr. Johnston tonight was also not accurate. He asked the Council to take the concerns of residents into consideration.

Derrick Staheli, North Ogden resident, stated he has been circulating a petition regarding the Rainey Homes proposal and he submitted it to the City Recorder. He stated that a lot of numbers were thrown around tonight; phase three is 7.9 acres and it has 25 units on it. The next phase proposed has double the density and this contributes to concerns about being able to maintain appropriate levels of service for the residents in the project. He hopes any decisions that are made are based upon clear data and plans and he hopes the City will not cede its control to the State.

Stan Stalin, North Ogden resident, stated that one constant in life is change and he is simply hopeful that the Council takes long term impacts of development decisions into consideration. He stated he is truly grateful for the service of the Mayor and City Council members.

## **10. MAYOR/COUNCIL/STAFF COMMENTS**

Mayor Berube stated he personally wanted to thank Council Members Ekstrom and Swanson for their service; they have dealt with many stressful matters and have represented the City well. He invited Council Member Swanson to speak tonight as this will be his last meeting.

Council Member Swanson stated he has loved the opportunity he has had to serve; he has met with and interacted with so many people that he likely would not have met if he were not elected

to this position. He stated he feels the future of the City is bright and North Ogden residents always seem to find a way to come together for the benefit of the entire community. He wished the new Council Members well; they will have a great time at some moments, but some decisions will be gut wrenching. He reminded them of their Oath and stated that should be their guide in all decisions they make as a representative of the City. He stated he will stay involved and pay attention to what is happening in the community, which he loves deeply.

Community and Economic Development (CED) Director Hess stated that the comment period of the Active Transportation Plan is open now and will close December 22.

City Manager/Attorney Call stated the Oath of Office ceremony will be held January 2.

Council Member Delpias echoed Mayor Berube's comments regarding Council Member Swanson and Ekstrom's service.

Council Member Cevering also echoed Mayor Berube's comments about the outgoing members of the Council; he considers both to be mentors and friends. He then provided Mr. Call with feedback he has gotten from members of the community regarding traffic safety around Weber High School. Mayor Berube noted those comments have also been forwarded to the Police Chief.

Mayor Berube invited residents to become involved early on in issues; North Ogden is a great place to live because of citizens who live here.

## **8. ADJOURNMENT**

**Council Member Swanson motioned to adjourn the meeting.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 8:55 p.m.**

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S. Neal Berube, Mayor

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Rian Santoro  
City Recorder

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Date Approved

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 2, 2024

The North Ogden City Council convened on January 2, 2024, at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North.

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 December 28, 2023.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

**Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.**

### PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member - Via Zoom
Jay D Dalpias	Council Member
Charlotte Ekstrom	Outgoing Council Member
Phillip Swanson	Outgoing Council Member
Chris Pulver	Elected Council Member
Christina Watson	Elected Council Member

### STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Joyce Pierson	Deputy City Recorder
Jami Jones	Finance Director
Scott Hess	Planning Director
Dave Espinoza	Public Works Director/Assistant City Manager
Ryan Nunn	Planner
Nate Davis	Building Inspector
Bruce Higley	Building Inspector
Crystal Polson	Public Works Inspector
Dylan Hill	Public Works Inspector
Dirk Quinney	Chief of Police

### VISITORS:

Kevin Burns	Stefanie Casey
Sandy Cochran	Robert Smith

Delle Smith  
 Parker Pulver  
 Amber Pulver  
 Ben Pulver  
 Terry Bexell

Shane Child  
 Robert Watson  
 Corinne Watson  
 Susan Kilborn  
 Lynne Bexell

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

0:02:25 Mayor Berube presented outgoing Council Members Swanson and Ekstrom with plaques and gifts in honor and recognition of their service. Mayor Berube personally thanked both for their passion and dedication to North Ogden City.

### **CONSENT AGENDA**

#### **1. SWEARING IN OF NEWLY ELECTED NORTH OGDEN CITY COUNCIL MEMBERS:**

0:06:30

- Chris Pulver
- Christina Watson
- Incumbent City Council Member Ryan Barker

Each newly elected official took their Oath of Office, which was administered by the North Ogden City Recorder, Rian Santoro.

#### **2. CALL FOR CONFLICT OF INTEREST DISCLOSURE**

0:10:30 No conflict of interest was disclosed.

#### **3. APPOINTMENT OF MAYOR PRO TEMPORE**

0:11:01 Mayor Berube explained the importance of appointing a Mayor Pro Temp in the rare event the mayor cannot perform their duties. He proposed that Council Member Ryan Barker be appointed to that role.

**Council Member Dalpias motioned to approve City Council Member Ryan Barker as North Ogden City Mayor Pro Tempore. Council Member Pulver seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpias</b>	<b>aye</b>
<b>Council Member Pulver</b>	<b>aye</b>
<b>Council Member Watson</b>	<b>aye</b>

**The motion passed unanimously.**

**4. APPOINTMENT OF CITY COUNCIL DEPARTMENT ASSIGNMENTS**

**0:13:03** Mayor Berube proposed the 2024 City Council Department Assignments as follows:

**Council Member Watson:**

- Youth Council
- Administration Liaison
- Recreation, Aquatic Center, Events
- Senior Citizen Board

**Council Member Barker**

- Parks Maintenance
- Cherry Days
- Mosquito Abatement

**Council Member Cevering**

- Planning
- Building

**Council Member Dalpias**

- Police
- Community Service Officers

Council Member Pulver

- Public Works
- Budget Committee

Mayor Berube

- Finance
- Audit Committee
- City Manager

**Council Member Pulver motioned to approve the 2024 City Council Department Assignments as presented. Council Member Dalpias seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>no vote recorded</b>
<b>Council Member Dalpias</b>	<b>aye</b>
<b>Council Member Pulver</b>	<b>aye</b>
<b>Council Member Watson</b>	<b>aye</b>

**The motion passed unanimously.**

**5. DISCUSSION AND/OR ACTION TO CONSIDER THE NOVEMBER 14, 2023, CITY COUNCIL MEETING MINUTES**

**0:20:00** Council Member Dalpias requested one small correction on page 9 of the proposed minutes. The error was acknowledged and changed.

**Council Member Barker motioned to approve the November 14, 2023, City Council Meeting Minutes with the mentioned correction. Council Member Dalpias seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Delpias</b>	<b>aye</b>
<b>Council Member Pulver</b>	<b>aye</b>
<b>Council Member Watson</b>	<b>aye</b>

**The motion passed unanimously.**

**ACTIVE AGENDA**

**6. PUBLIC COMMENTS**

**0:21:29** Susan Kilborn, North Ogden resident, who was attending the meeting virtually, via Zoom, thanked outgoing Council Members Swanson and Ekstrom for their service to North Ogden City. Mrs. Kilborn stated she has great expectations for the North Ogden City Council and welcomed Council Members Pulver and Watson.

**7. MAYOR/COUNCIL/STAFF COMMENTS**

**0:23:29** Mayor Berube stated that changes are being made to City Council Meeting Minutes and explained that the City has been paying an independent contractor to write the minutes and historically, they have been written word for word. He explained that going forward, the minutes will be prepared by the North Ogden City Recorder's Department and comments made about the agenda items will be summarized. A time stamp will be referenced to the discussion so that the actual conversation can be heard. The Mayor finished by saying that Council Members Ekstrom and Swanson will be missed but that he is looking forward to new and exciting things in 2024 in addition to the growth that the city will experience. He encouraged citizens to participate and serve on the Citizen Budget Subcommittee, noting that budget season is approaching.

**8. ADJOURNMENT**

**Council Member Watson motioned to adjourn the meeting.**

**The meeting adjourned at 6:27 p.m.**

\_\_\_\_\_  
S. Neal Berube, Mayor

\_\_\_\_\_  
Rian Santoro  
City Recorder

\_\_\_\_\_  
Date Approved

## NORTH OGDEN CITY COUNCIL WORK SESSION MINUTES

January 16, 2024

The North Ogden City Council convened on January 16, 2024, at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North.

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 January 11, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

**Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.**

### PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member (Excused)
Blake Cevering	Council Member
Jay D Dalpias	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

### STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Jami Jones	Finance Director
Scott Hess	Community and Economic Development Director
Dave Espinoza	Public Works Director/Assistant City Manager
Nate Davis	Building Inspector
Dirk Quinney	Chief of Police
Bryce Nelson	Administrative Services Manager/Treasurer
Katie Gerard	Human Resources Director

### VISITORS:

Brenda Ashdown  
Sandy Cochran  
Stef Casey  
Susan Kilborn

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

## **CONSENT AGENDA**

### **1. CALL FOR CONFLICT OF INTEREST DISCLOSURE**

0:01:53 No conflict of interest was disclosed.

## **ACTIVE AGENDA**

### **2. PUBLIC COMMENTS**

0:02:26 Brenda Ashdown, a North Ogden Resident, asked if there would be an Open House upon completion of the new Public Safety Building. The Mayor answered by stating that no official date has been set but it is the plan to hold an Open House sometime in February or March 2024.

### **3. DISCUSSION ON THE NORTH OGDEN CITY DEPARTMENTS**

0:03:00 Mayor Berube invited the City Department Heads to provide oversight on what their departments do to gain an understanding of the Budget.

- **Public Works Department - Public Works Director/Assistant City Manager Dave Espinoza**

Dave began by explaining that Public Works consists of 9 departments and each department cross-trains and works together on projects.

- **Water**

- Seven employees
- 7,171 meters
- North Ogden is 100 self-sufficient, using the City's water
- Three springs in the City which provide 80% of the City's water
- Four wells, 2 are capped
- Four one-million-gallons, One two-million-gallon, and two half-million-gallon water tanks
- 32 monthly samples
- 200 notifications

- Monitor 62 PRVs/Pressure Relief Valves (115 miles)
- Manage 7 reservoir sites, 3 times a week for water quality

Water impact fees and upcoming water projects in the City were discussed in detail.

▪ **Sewer**

- Two employees
- Cleans, T.V. (records), and monitors half of the City's system each year
- Two trunk lines transport sewer to Central Weber Sewer District for treatment
- Sewer lining projects have been ongoing over the last 11 years

There was discussion regarding the specifics of the sewer lining projects and their costs, which are budgeted at about \$400,000 annually.

▪ **Storm Water**

- Three employees, Street sweeping, leaf truck, and snow removal at the detention basins are included in those employees' responsibilities
- 88 ponds
- 100 miles of stormwater pipe run through the City
- Projects include the lining and the ponds

▪ **Inspections**

- Three employees
- Inspect City utilities in new developments and City right-of-ways
- 4,000 Blue Stakes issued annually
- 150 Stormwater Pollution Prevention (SWPP) and infrastructure Permits issued monthly

▪ **Solid Waste**

- Two employees
- 150 garbage can work orders issued monthly
- Public services and recycling
- Waste transported to the Weber County Transfer Station
- Green Waste Facility

- **Streets**

- One employee
- 100 lane miles in the City
- 150 miles of sidewalk in the City
- Street signs
- Streetlights
- Street banners
- Two street light signals
- 12 crosswalk/school zone systems

Mayor Berube discussed reinstating the \$3.00 monthly Transportation Utility Fee as the B&C road funds are not covering the needs of the City.

- **Fleet/Building Maintenance**

- Three full-time employees and one part-time employee
- 112 vehicles
- 175 pieces of equipment
- Nine buildings
- Cleaning and maintenance of four buildings

- **Parks**

- Six full-time employees
- 8-15 seasonal employees
- 15 facilities
- Maintenance of 9 parks, totaling 70 acres of ground
- Nine playgrounds to inspect and maintain
- Holiday decorations

Mayor Berube facilitated a discussion about Barker Park and the 30 acres of ground the City purchased at that location.

- **Administration**

- Three full-time, two part-time
- Utility Billing
- Work Orders

It was explained that all of the employees listed above assist in snowplowing. The City has 12 big snowplow truck routes and nine cul-de-sac truck routes. 21 drivers are plowing at a given time. Other employees are called in to do snow removal of the sidewalks at parks and city facilities.

- **Engineering Department – City Engineer Eric Casperson 0:42:58**
  - In charge of the Public Works Standards in regard to infrastructure
  - Collaborates with six local engineering firms:
    - CRS
    - Jones & Associates
    - ESI
    - Sunrise
    - JUB
    - Wasatch Civil
  - Drainage of easements
  - Subdivision plat review
  - Subdivision inspections and approvals
  - Low Impact Development
  - Storm Water Management
  - Street design/widths
  - Traffic-related issues/improvements
  - Natural waterway maintenance
  - Capital Improvement Projects
  - Grants
  - Technical Advisory Committee for WFRC
  - Blasting permits

Mayor Berube explained that a lot of cities utilize outside engineers, however, due to the number of projects in North Ogden City, it is effective for the City to have its own Engineer. The Mayor noted the completion of the Trailhead project and thanked Eric Casperson for his good work on that project.

- **Planning and Building Department – Community and Economic Development Director Scott Hess and Building Official Nate Davis 0:51:59**
  - Two employees
  - Planning and Zoning for the City
  - Economic development
  - Land Use decision-making (Legislative and Administrative)
  - Writing and administering Land Use Rules
  - Maintains and updates the General Plan
  - Maintains and updates the Zoning Map, including each parcel in the City
  - Current population of North Ogden is approximately 21,500, build-out of the City is estimated at 40,000
  - Planning Commission is the Land Use Authority

- Land Use and Development Act
  - Land Use permits
  - Business License review
  - American Planning Association member and Legislative Co-Chair
  - Utah League of Cities and Towns (ULCT)
  - Largely supported by the General Fund
- **Building Department**
    - Three and a half employees
    - Building Permits
    - Inspection and Impact Fees
    - Final determination on structures for safety and code compliance
    - Project management of the new Public Safety Building

Mayor Berube facilitated the discussions of the Public Safety Building, bonds, the Building Department's budget, the Affordable Housing Plan, as well as the expected significant changes to housing legislation. He thanked both Scott and Nate for their efforts. Council Member Dalpias expressed how fortunate the Council is to have Scott Hess representing North Ogden City on the ULCT Task Force.

- **Police Department – Chief Dirk Quinney 1:06:00**

The Chief presented the Council with an Organizational Chart of the Police Department (*See Attachment A – North Ogden Police Department Organizational Chart 2024*)

- **Patrol Division**
  - Day to day calls for service
  - K9 Handler
  - Two officers serve on the Weber County Crash Team
  - Traffic enforcement/traffic accident investigation
- **Investigations**
  - Victim Advocate
  - Community Service Officers
    - Animal Control
    - Code Enforcement
    - Evidence
    - Non-criminal calls for service
    - Speed trailers

- School Resource Officer
  - Major crime investigation
  - Sex/family crime investigation
  - Weber County Homicide Task Force
  - Community and business presentations
  - ATF and Health Department undercover alcohol and tobacco buys
  - Sex Offender registry and compliance checks
- **Administrative**
    - Chief
    - Two Lieutenants
    - Executive Assistant
    - Record Division
      - Records requests
      - Daily reports
      - Citations
      - Fingerprints
      - Body Cam footage requests
    - Trainings
    - Peer Support Teams
    - Drone pilots
    - Public relations events
      - National Night Out
      - Kids Safety Fair
      - 911 Project
      - Drug Take Back

It was explained that the City contributes to the Weber County Crime Scene Investigation (CSI) through an Interlocal Agreement as well as the Weber County Narcotic Strike Force. Mayor Berube discussed the Ordinance which allocates 100% of the City's property taxes to fund Public Safety, noting that it only covers 56% of the City's public safety needs. He then facilitated discussions on the funding of Public Safety, the City's expected growth, and the competitive nature of hiring Public Safety Responders. The Mayor ended by stating that the #1 job of the City Council is Public Safety.

- **Recorder's Department – City Recorder Rian Santoro 1:28:55**
  - One full-time employee and one part-time employee
  - The department is funded by the General Fund
  - Local Elections Officials
    - Notice open seats
    - Candidacy Declarations
    - Candidate Orientation
    - Candidate Financial Disclosures
    - Ballot collection
    - Election Canvass Report
  - Assist the Legislative Body (City Council)
    - Compliance Officer for the Open and Public Meetings Act
    - Scheduling meetings
    - Agenda posting
    - Minutes
    - Trainings
  - Planning Commission
    - Compliance Officer for the Open and Public Meetings Act
    - Scheduling meetings
    - Agenda posting
    - Minutes
    - Trainings
  - Custodian of City Seal
  - Oversees adoption and publication of Municipal Code (Ordinances and Resolutions)
  - Records management and records requests
  - Record documents with Weber County Recorder's Office
  - Annexations
  - Support services to the Mayor, Council, Commissions, and Administration
  - Utah Municipal Clerk's Association
- **Human Resources Department – HR Director Katie Gerard 1:33:00**
  - Maintain the City's personnel files
  - Onboarding and offboarding of employees
  - Employee verification and background checks
  - Pre-employment testing
  - Retirement plan management
  - Benefits administration

- Affordable Care Act (ACA) reporting
- Worker's Compensation management
- Long-term and short-term disability management
  - FMLA
- City Volunteer Background checks
- HR records management
- Job descriptions and compensation
- Maintain City website
- Social Media management
- Connection Magazine
- Employee morale and appreciation
- Team building
- Employee Social Fund Committee
- City Events

The Mayor credited Katie Gerard for being the “City Listener” and said that the HR Director has a lot to do with the City’s culture and expressed his gratitude to Katie.

- **Administrative Service, Treasury Department, and IT – Administrative Services Manager/Treasurer Bryce Nelson [1:37:04](#)**

- **Administrative Services**
  - Four full-time employees
  - Two part-time employees
  - Customer service
  - Phone system
  - Risk Management Committee
  - Facility reservations
  - Receive Building Permits
  - Business Licenses
- **Treasurer**
  - Daily cash balancing
  - Monthly utility lockbox balancing
  - Online payments
  - City investments
  - State reporting
  - Payment issues
  - Accounts receivable
  - Petty Cash

- Collections
- **IT**
  - Works with Contracted IT Company, TechServe
  - User Management
  - Order equipment
  - Equipment troubleshooting
  - Software management

The Mayor spoke on the work Bryce does with the City's Investment Advisor and discussed how that plays into the budget.

1:41:55 City Manager/City Attorney Jon Call provided overviews of the following departments:

- **Recreation**
  - Aquatic Center
    - Provides 100 summer jobs for the community's youth
    - Swim lessons
    - Reservations
    - Weber High Swim Team
    - Aerobics
    - Lap Swimming
  - Senior Center
    - Daily meals
    - Tax preparation assistance
    - Daily activities
    - Fundraising
  - Events
    - Cherry Days
    - Easter egg hunt
    - Trunk-or-Treat
    - North Pole
    - Recreation programs
- **Justice Court**
  - Class B or C Misdemeanors and Infractions
  - Small claims

Mayor Berube highlighted Jon Call's role as the City Attorney, saying the City is fortunate to have him on staff. He described Jon's role as the "Chief Operating Officer" of the City as he coordinates what happens city-wide on a daily basis.

- **Finance Department – Finance Director Jami Jones 1:46:33**

- One and a half employees
- Budget
- Audit
- Quarterly Audit Committee Report
- Monthly Financial Reports
- State and Federal Budget Compliance
- Report to State Auditor's Office
- Fraud Risk Management
- Internal Controls
- General Liability Insurance
- General Accounting
  - Accounts payable
  - Reconciliation
  - General Ledger
  - Fixed Assets
  - Payroll, noting that 242 W2S were sent out in 2023

#### 4. **DISCUSSION ON THE FISCAL YEAR 2024-2025 BUDGET AND CAPITAL PROJECT 5-YEAR PLAN**

1:50:10 Finance Director Jones presented a slideshow presentation detailing the 2024-2025 North Ogden City Budget Season. The Mayor, Council, and City Staff engaged in a high-level discussion regarding the budget schedule, City funds, and future projects planned in the City.

*(See Attachment B: North Ogden City FY 2024-2025 Budget Season)*

#### 5. **PUBLIC COMMENTS**

2:52:51 Brenda Ashdown, a North Ogden resident asked what happened to the Economic Development meetings. Mayor Berube answered by explaining that attendance at the meetings was an issue. Ms. Ashdown then asked if there was a deadline for the park to be built near the old City shops. City Manager/Attorney Jon Call answered by stating that the deadline is from when the plat is recorded, and that has yet to be done; he noted the RAMP funding deadline for that park is July 2024.

2:55:01 Sandy Cochran, a North Ogden resident, stated that after going through comments on the City's Facebook page, she hopes the City is budgeting for the flowers on Washington Blvd which led to a short discussion on RDA subsidies.

6. **MAYOR/COUNCIL/STAFF COMMENTS**

2:56:34 Council Member Blake Cevering discussed the winter commercial parking issue. He said after researching what other cities are doing, he found that Ogden City had included an exemption in their ordinance which gave the Mayor or the Mayor's designee the right to designate a street or subdivision as exempt.

2:57:59 Council Member Dalpiaz commented on the sidewalk snow removal issue discussed in last week's meeting. Council Member Dalpiaz stated he called the non-emergency number to report 7-Eleven and McDonalds as their sidewalks are still not shoveled.

2:58:52 Council Member Pulver commented on the City Snowplow drivers, stating he drove with a city employee over the weekend where they finished plowing at 1:00 a.m. The employee then went back to the City shops to sleep for a little while, on a cot, and then went out again to plow the roads. He noted the tremendous amount of dedication, work, and effort of the City's snowplow drivers. He also discussed the phenomenal equipment the city has on their snowplows with curb finders, etc. The importance of residents not putting snow on the streets and the enforcement of that was also noted and briefly discussed.

7. **ADJOURNMENT**

**Council Member Watson motioned to adjourn the meeting.**

**The meeting adjourned at 9:01 p.m.**

## **ATTACHMENTS**

All Publicly distributed materials associated with this meeting are noted as the following attachments:

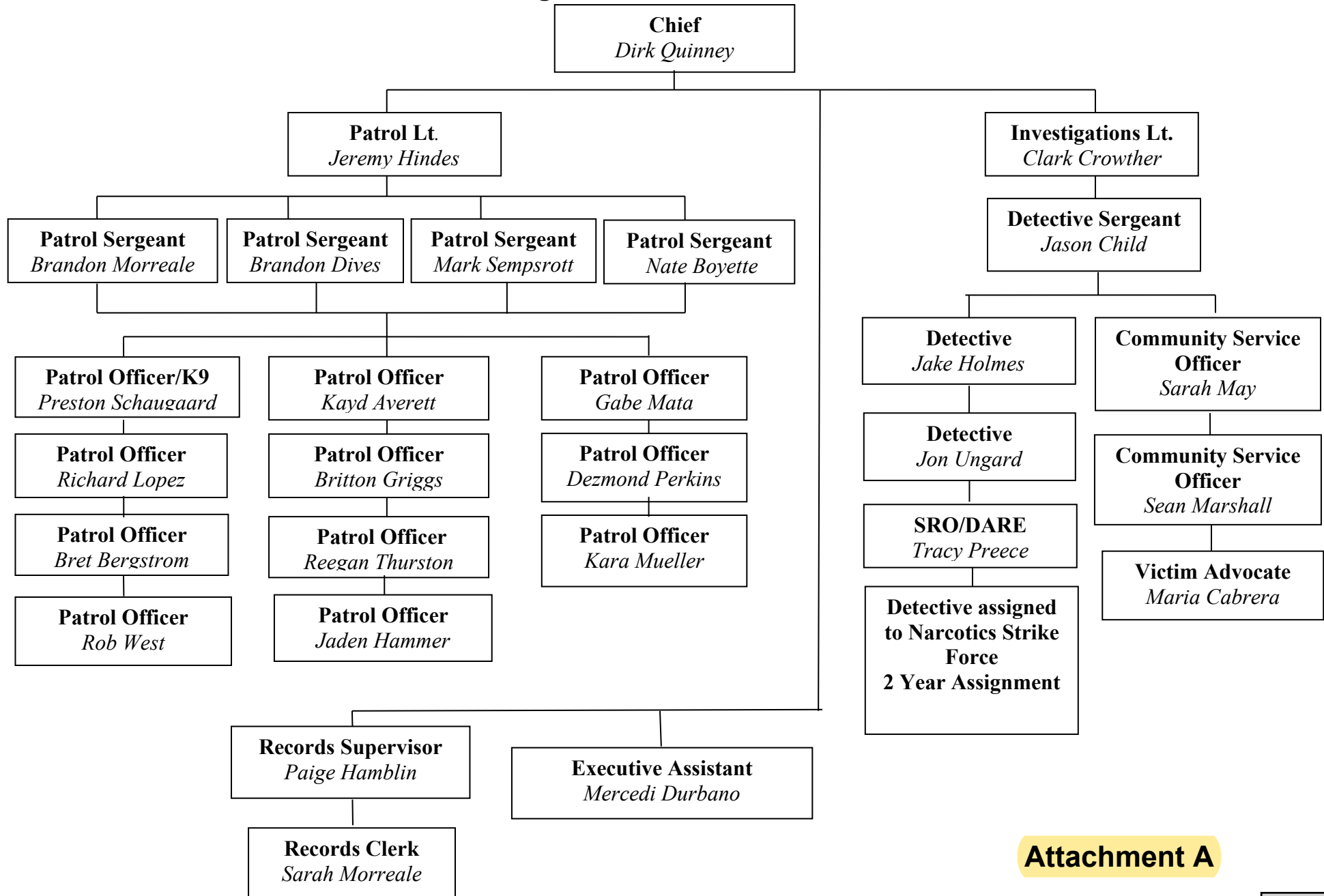
- A. North Ogden Police Department Organizational Chart 2024
- B. North Ogden City FY 2024-2025 Budget Season

\_\_\_\_\_  
S. Neal Berube, Mayor

\_\_\_\_\_  
Rian Santoro  
City Recorder

\_\_\_\_\_  
Date Approved

**North Ogden Police Department  
Organizational Chart 2024**

**Attachment A**

NORTH OGDEN CITY  
FY 2024-2025 BUDGET SEASON

F Y 2024-2025  
BUDGET  
SCHEDULE

Date		Topic
March	26	Budget Highlights, Revenues, Priorities, and Future Plan
April	9	Enterprise Funds & Administration
April	23	Parks & Public Safety
May	7	Fund Balance and Final Priorities Review
May	14	Approve Tentative Budget
June	11	Public Hearing & Approve Final Budget

# CITY FUNDS

- General Fund
- Special Revenue Funds
- Enterprise Funds
- Internal Service Funds

## General Fund Revenues

- Property Tax
- Sales Tax
- Franchise Tax
- Motor Vehicle Tax
- Licenses
- Permits
- Intergovernmental
- Charges for Services
- Fines & Forfeitures
- Miscellaneous/Grants/Donations

## General Fund Expenditures

- Legislative
- Administration
  - Treasurer/Admin
  - Recorder
  - Human Resources
  - Finance
- Public Safety (Police, Code Enforcement, Admin)
- Court
- Building Inspection
- Planning
- Streets/PW Inspection
- Parks
- Recreation and Events

# CITY FUNDS

Item2.

## Special Revenue Funds

- Cherry Days
- Capital Projects
- Parks Impact Fee
- Aquatic Center
- 400/450 E Improvement Fund
- Transportation Utility Fund
- Transportation Sales Tax Fund
- Transportation Impact Fee Fund
- RDA/CDA

## Enterprise Funds

- Water Fund
- Sanitary Sewer Fund
- Storm Water Fund
- Solid Waste Fund

## Internal Service Funds

- Motor Pool
- Police Motor Pool

Revenue	+	2	2	General Fund Balance – capped 35%
Expenditures	-	-2	-1	
<u>Fund Balance</u>	=	<u>0</u>	<u>1</u>	
			?	
			Capital Projects	

<b>Fund Balances at June 30, 2023</b>			
	General Fund	\$ 3,352,692	
	B&C Road Fund	\$ 502,762	\$ 3,855,454
	<b>Special Revenue Funds</b>		
	Cherry Days	\$ 57,024	
	Aquatic Center	\$ 176,214	
	Capital Projects	\$ 10,879,143	
	400/450 E Improvement Fund	\$ 600,162	
	Transportation Utility Fee Fund	\$ 809,224	
	Transportation Sales Tax Fund	\$ 1,344,316	
	Transportation Impact Fee Fund	\$ 1,731,464	
	Parks Impact Fee Fund	\$ -	
	RDA	\$ 2,625,394	
	CDA	\$ (62,262)	
			\$ 18,160,680
	<b>Internal Service Funds</b>		
	Motor Pool	\$ 177,441	
	Public Safety Motor Pool	\$ 349,022	\$ 526,463
	<b>Enterprise Funds</b>		
	Water Fund	\$ 5,566,774	
	Water Impact Fee Fund	\$ 295,896	
	Sewer Fund	\$ 1,485,076	
	Sewer Impact Fee Fund	\$ 760,914	
	Storm Water Fund	\$ 1,741,383	
	Storm Water Impact Fee Fund	\$ 2,313,904	
	Solid Waste Fund	\$ 334,314	\$ 12,498,261
	<b>Total</b>		<b>\$ 35,040,858</b>

# What is Depreciation?

Setting aside funds for future replacement of infrastructure and equipment/vehicles.

	Cost	Years	Depreciation						
100ft Water Pipe	\$100	50	\$2	=	Depreciation Expense				

	Cost	Years	Depreciation						
100ft Water Pipe	\$100	50	\$2	=	Depreciation Expense				

Operating Revenue	+	\$	4
Operating Expenditures	-	\$	(1)
Depreciation Expense	-	\$	(2)
Fund Balance	=	\$	1
Fund Balance	+	\$	1
Depreciation Expense	+	\$	2
New Fund Balance	=	\$	3

Capital Projects - CIP Fund North Ogden City								
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	
Parks Development								
Lomond View Pickleball Court	300,000							
Barker Park Audio & Theatrical Equip (RAMP)	295,000							
Water Works Park	450,000							
Patriot Point Community Pond Park	1,000,000							
Canal Trail Crossing at Mtn Rd		280,000						Ramp Applied
Barker Park								
McGriff Trail connection		20,000						
Parks Playground Replacements								
Lomond View (2024)	250,000							
Orton Park (2025)		200,000						
Barker Park (2026)			200,000					
Mountain View Park (2027)				150,000				
Oaklawn Park (2025)		200,000						
North Ogden - East (2029)						200,000		
North Ogden - West (2030)							200,000	
McGriff (replaced 2022)								
Parks Parking Lot Maintenance			560,000					
Parks Track Maintenance		120,000						
Park Landscaping, Fence, Field, Bowery, Scoreboards, RR's		240,000						
Total Parks	2,295,000	1,060,000	760,000	150,000	-	200,000	200,000	4,665,000
City Wide								
Public Safety Building	5,082,550							
Public Safety Parking lot	1,000,000							
Senior Center Parking Lot	400,000							
Public Safety Landscaping	200,000							
2750 N Mtn Rd Trailhead	352,000							
450 E Phase 2			3,000,000					
Washinton Blvd lights, sidewalk crosswalk upgrades			80,000					
1700 N Reconstruction (curb& gutter, sidewalk)							1,000,000	
2100 N & Fruitland Dr							200,000	
Total City Wide	7,034,550	-	3,080,000	-	-	-	1,200,000	11,314,550
Buildings								
Senior Center Roofing	80,000							
Senior Center Flooring								
City Hall Renovation		200,000						
Old PW Shop clean up		100,000						
Total Buildings	80,000	300,000	-	-	-	-	-	380,000
Total Projects by Fiscal Year	9,409,550	1,360,000	3,840,000	150,000	-	200,000	1,400,000	16,359,550
Beginning Fund Balance June 30, 2023	10,879,143	2,210,663	1,120,663	1,189,588	1,309,588	1,579,588	1,649,588	
Plus GF Transfer (original budget)	357,850	300,000	300,000	300,000	300,000	300,000	300,000	
Plus GF Transfer (2023 Reduce Fund Balance to 25%)	775,000							
Parks Donation (2024)	55,000							
Insurance claim (2024)	80,000							
Transportation Impact fee (2026)			2,250,000					
Transportation Sales Tax Fund							200,000	
Rental Property Funds (2026)			750,000					
Ramp Grants (2024)	996,515	Submitted						
Donations - Century Farms Agreement (Not Rec'd)	115,000							
CIP Funds Available	13,258,508	2,510,663	4,420,663	1,489,588	1,609,588	1,879,588	2,149,588	
Reserved								
Capital Reserve	(1,000,000)	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)	
Restricted 450 E Ph2	(638,295)		638,925					
Ending Balance	2,210,663	1,120,663	1,189,588	1,309,588	1,579,588	1,649,588	719,588	

Public Works Projects by year North Ogden City FY Ended: June 30, 2023									
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	
<b>Streets</b>									
Class C Road Projects		450,000				450,000	450,000	450,000	
Message Boards				20,000	20,000				
Pedestrian Crosswalk				100,000	24,000	20,000	20,000	25,000	
Traffic Signal 3100n		80,000							
Street Lighting Addition				30,000	30,000	30,000	30,000	30,000	
Fruitland Intersection Upgrade		1,500,000							
Mtn Rd 2600 to 2750					1,300,000				IF eligible
Monroe		???							
<b>Total by Fiscal Year</b>		450,000	80,000	1,650,000	1,374,000	500,000	500,000	505,000	
<b>Fund Balance at June 30, 2023</b>		-	-	610,000	459,224	224	415,224	830,224	5,059,000
B&C Road Funds		450,000	450,000	450,000	450,000	450,000	450,000	450,000	
BalanceTransportation Impact Fee Used in CIP	1,344,316			Used in CIP	225,000	225,000	225,000	225,000	@ 225k/yr
Balance Transportation Utility Fee	809,224		240,000	1,049,224	240,000	240,000	240,000	240,000	
<b>Fund Balance</b>		-	610,000	459,224	224	415,224	830,224	1,240,224	

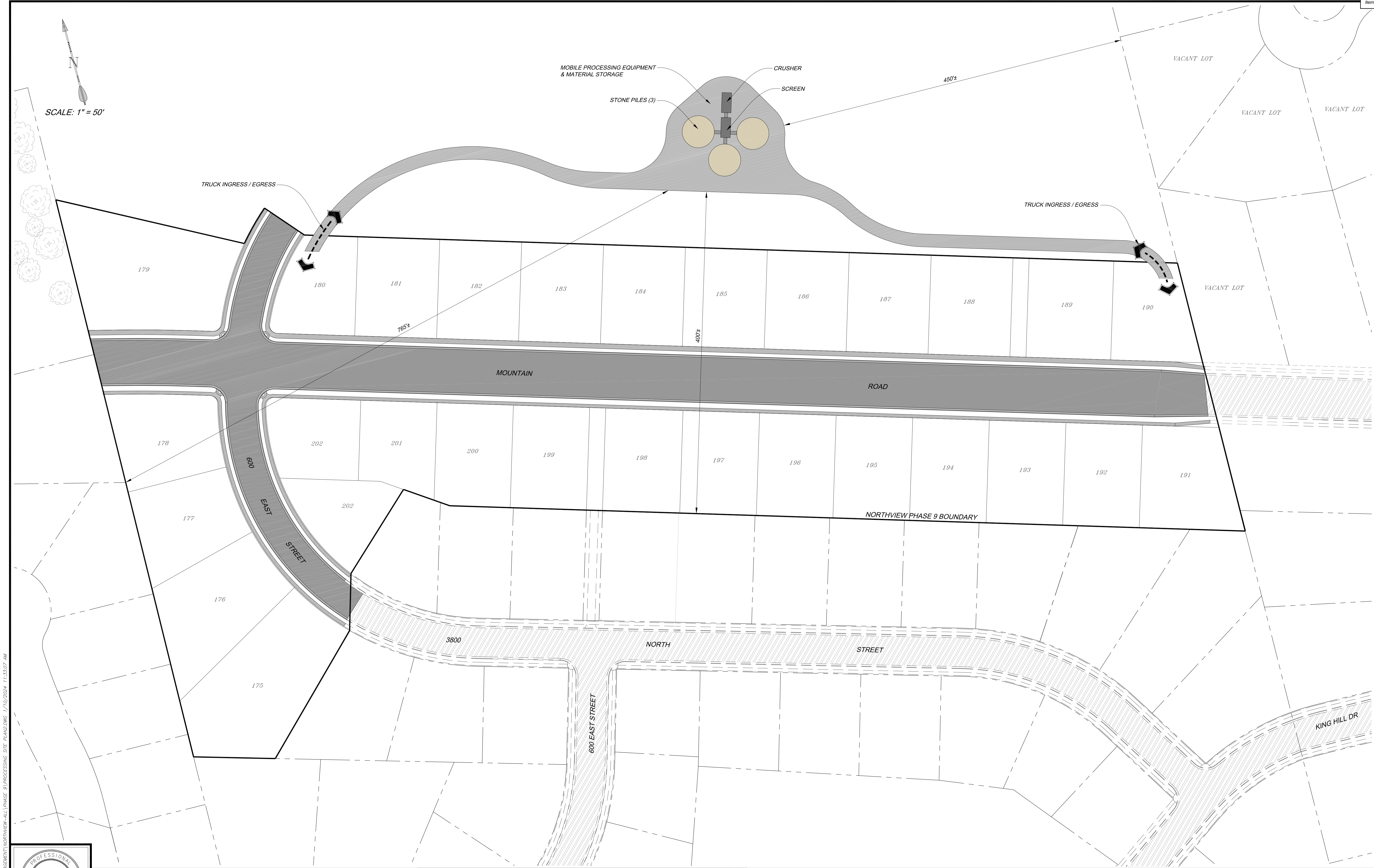
Public Works Projects by year North Ogden City FY Ended: June 30, 2023							
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
<b>Water Projects</b>							
2M Gal Reservoir w/ property	4,000,000						
Fruitland Dr Booster Station			1,000,000				
Equipt canyon well				450,000			
Equipt North 1050e well					650,000		
upgrade varies 4" and 6" pipe to 8" standard		600,000	600,000	600,000	600,000	600,000	600,000
pump house upgrades (SCADA)			600,000				
1700n Waterline replacement 12"		1,000,000					
Flow Meters on 2 reservoir sites			80,000				
PRV	110,000	110,000	110,000	110,000	110,000	110,000	110,000
Zone 1 Well Project				1,400,000			
Outlet Meter Station		115,000					
Meter Change Out - \$4,000,000						450,000	450,000
<b>Total by Fiscal Year</b>	4,110,000	1,825,000	2,390,000	2,560,000	1,360,000	1,160,000	1,160,000
<b>Fund Balance at June 30, 2023</b>	5,566,774	2,591,774	1,946,774	786,774	(490,226)	(511,226)	(291,226)
<b>Impact fees</b>	335,000	330,000	330,000	330,000	330,000	330,000	330,000
Depreciation	800,000	800,000	800,000	800,000	800,000	800,000	800,000
3% Annual Increase		50,000	100,000	153,000	209,000	250,000	300,000
<b>Fund Balance</b>	2,591,774	1,946,774	786,774	(490,226)	(511,226)	(291,226)	(21,226)

Public Works Projects by year  
North Ogden City  
FY Ended: June 30, 2023

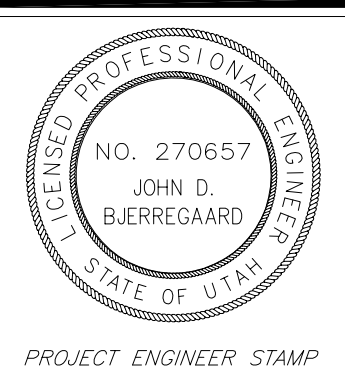
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	
Sewer								
Lining Project		400,000	400,000	400,000	400,000	400,000	400,000	
Manhole Projects	50,000	50,000	50,000	50,000	50,000	50,000	50,000	
Add'l Manhole to System		50,000	50,000	50,000				
3100 N 12" Main from 750 E to 950 E		580,000						
Equipment								
Sewer Truck					550,000			
Camera Trailer						200,000		
Dump Truck		300,000						
Total by Fiscal Year	50,000	1,380,000	500,000	500,000	1,000,000	650,000	450,000	4,530,000
Fund Balance at June 30	1,485,076	1,735,076	1,264,207	1,125,052	1,018,793	446,655	246,655	
Depreciation	300,000	300,000	300,000	300,000	300,000	300,000	300,000	
Impact Fee		580,000						
Annual Rate Increase 3%		29,131	60,845	93,741	127,863	150,000	180,000	
Fund Balance	\$ 1,735,076	\$ 1,264,207	\$ 1,125,052	\$ 1,018,793	\$ 446,655	\$ 246,655	\$ 276,655	

Public Works Projects by year North Ogden City FY Ended: June 30, 2023								
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	
<b>Storm Water</b>								
Multi Functional Community Pond		313,000						
3100n 1080e bubble up box			70,000					
1700n bubble up box	30,000							
Drying Pad			100,000					
1500n Monroe basin					1,500,000			
Mud Creek Detention basin		1,000,000						
Lining Project		100,000	100,000	100,000	100,000	100,000	100,000	
Storm Water upgrade 2100 N	280,000							
<b>Equipment</b>								
Vac Truck							400,000	
Sweeper			300,000					
Leaf Truck				400,000				
<b>Total by Fiscal Year</b>	310,000	1,413,000	570,000	500,000	1,600,000	100,000	500,000	4,993,000
<b>Fund Balance at June 30, 2023</b>	1,741,383	2,011,383	2,211,383	1,941,383	1,741,383	941,383	1,141,383	
<b>Impact fees</b>	280,000	1,313,000			500,000			
Depreciation	300,000	300,000	300,000	300,000	300,000	300,000	300,000	
Rate Increase								
<b>Fund Balance</b>	2,011,383	2,211,383	1,941,383	1,741,383	941,383	1,141,383	941,383	

# Questions?



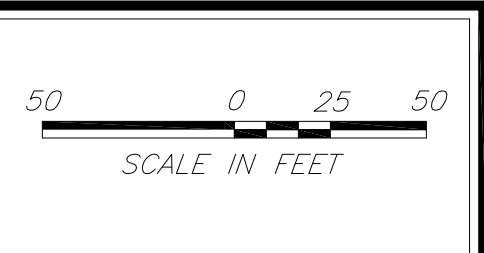
A:\05-MISC\VALEO MANAGEMENT\NORTHVIEW-PHASE 9\PROCESSING SITE PLANNING 1/10/2024 11:53:07 AM





**WASATCH CIVIL**  
*Consulting Engineering*  
1150 SOUTH DEPOT DRIVE, SUITE 225  
OGDEN, UT 84404 (801) 775-9191

REV.	DATE	APPR.



DESIGNED C.C.S. DATE JAN. 9, 2024  
DRAWN C.C.S. SCALE: 1"=50'  
CHECKED J.D.B.

**VALEO  
MANAGEMENT**  
1080 South Depot Drive  
Ogden, Utah 84404

**NORTHVIEW ESTATES SUBDIVISION PHASE 9 -  
ON-SITE MOBILE PROCESSING  
SITE PLAN**

SHEET:  
**2**  
OF 5 SHEETS



NO. 270657  
JOHN D. BIERREGAARD  
STATE OF UTAH  
PROJECT ENGINEER STAMP

WC

**WASATCH CIVIL**  
Consulting Engineering  
1150 SOUTH DEPOT DRIVE, SUITE 225  
OGDEN, UT 84404 (801) 775-9191

REV.	DATE	APPR.

500

0

25

50

SCALE IN FEET

DESIGNED C.C.S.      DATE JAN. 9, 2024

DRAWN C.C.S.      SCALE: 1"=50'

CHECKED J.D.B.      \_\_\_\_\_

**VALEO**  
**MANAGEMENT**  
1080 South Depot Drive  
Ogden, Utah 84404

**NORTHVIEW ESTATES SUBDIVISION PHASE 9 -**  
**ON-SITE MOBILE PROCESSING**  
**EROSION & CONTROL PLAN**

SHEET:  
**4**  
OF 5 SHEETS

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STORM WATER POLLUTION PREVENTION PLAN  
NORTHVIEW ESTATES SUBDIVISION PHASE 9  
ON-SITE MOBILE PROCESSING

STORM WATER POLLUTION PREVENTION PLAN SPECIFIC NOTES

1. THIS PARTIAL STORM WATER POLLUTION PREVENTION PLAN (SWPPP) WAS DEVELOPED AT THE REQUEST OF THE OWNER, VALEO MANAGEMENT, FOR THE CONSTRUCTION OF A NEW RESIDENTIAL SUBDIVISION IN THE CITY OF NORTH OGDEN, COUNTY OF WEBER, STATE OF UTAH. THIS PLAN IDENTIFIES POTENTIAL SOURCES OF POLLUTANTS OF STORM WATER, PRESENTS POLLUTION CONTROL MEASURES, AND ASSISTS IN INSURING IMPLEMENTATION AND MAINTENANCE OF THE BEST MANAGEMENT PRACTICES (BMP'S) INDICATED HEREIN. ADDITIONAL SITE SPECIFIC INFORMATION IS REQUIRED TO COMPLETE THIS SWPPP. SEE UTAH DIVISION OF WATER QUALITY WEB SITE FOR A SWPPP TEMPLATE
2. A NOTICE OF INTENT MUST BE FILED WITH THE STATE OF UTAH WATER RESOURCES CONTROL BOARD BY THE OWNER SO THAT THIS CONSTRUCTION PROJECT MAY BE COVERED UNDER THE STATE GENERAL PERMIT. THE PERMIT IS NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT (NO. UTR 620000) FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.
3. IN THE EVENT OF A CHANGE IN OWNERSHIP, A NEW NOTICE OF INTENT SHALL BE FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.
4. IN THE EVENT OF A RELEASE OF A REPORTABLE QUANTITY OF A POLLUTANT, THE CONTRACTOR SHALL ADVISE THE OWNER TO NOTIFY THE NATIONAL RESPONSE CENTER, NORTH OGDEN CITY, AND WASATCH CIVIL IF NECESSARY, THIS POLLUTION PREVENTION PLAN SHOULD BE REVISED TO REFLECT THE CHANGE IN CONDITIONS OF THE CONSTRUCTION ACTIVITY. A REPORTABLE QUANTITY IS ESTABLISHED BY 40 CODE OF FEDERAL REGULATIONS (CFR) 117.3 OR 40 CFR 302.4.
5. ALL CONTRACTORS AND THEIR PERSONNEL WHOSE WORK CAN CONTRIBUTE TO OR CAUSE POLLUTION OF STORM WATER SHOULD BE MADE FAMILIAR WITH THIS POLLUTION PREVENTION PLAN. ADEQUATE TRAINING FOR IMPLEMENTATION OF THE MEASURES PRESENTED HEREIN SHALL BE PROVIDED TO THE CONTRACTORS AND THEIR PERSONNEL.
6. CHANGES IN CONSTRUCTION OR IN CONDITIONS WHICH ARE NOT COVERED BY THIS PLAN SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER, VALEO MANAGEMENT, AND WASATCH CIVIL IF NECESSARY, THIS POLLUTION PREVENTION PLAN WILL BE REVISED TO REFLECT THE CHANGE IN CONSTRUCTION OR IN CONDITIONS.
7. ALL PREVENTION AND CLEAN UP MEASURES SHOULD BE CONDUCTED IN ACCORDANCE WITH NORTH OGDEN CITY ORDINANCES, AS WELL AS STATE AND FEDERAL REGULATIONS. WASTE MATERIALS SHOULD BE DISPOSED OF IN A LEGAL MANNER. ALL DISCHARGERS OF STORM WATER MUST COMPLY WITH THE LAWFUL REQUIREMENTS OF NORTH OGDEN CITY, WEBER COUNTY AND OTHER LOCAL AGENCIES REGARDING THE DISCHARGES OF STORM WATER TO STORM DRAINS.
8. THIS PLAN DOES NOT COVER THE REMOVAL OF HAZARDOUS OR TOXIC WASTE. IN THE EVENT OF A DISCHARGE OR RELEASE OF A REPORTABLE QUANTITY OF TOXIC WASTE, WORK SHOULD BE STOPPED UNTIL THE SPILL CAN BE ASSESSED AND A MITIGATION REPORT PREPARED BY A QUALIFIED ENVIRONMENTAL CONSULTANT, AND IF NECESSARY, REVIEWED BY WEBER COUNTY, NORTH OGDEN CITY AND ANY OTHER AGENCY HAVING JURISDICTION.
9. THIS SWPPP SHALL BE MADE AVAILABLE TO THE PUBLIC UNDER SECTION 308(B) OF THE CLEAN WATER ACT. UPON REQUEST BY MEMBERS OF THE PUBLIC, THE DISCHARGER SHALL MAKE AVAILABLE FOR REVIEW A COPY OF THIS SWPPP EITHER TO THE REGIONAL WATER BOARD OR DIRECTLY TO THE REQUESTER. THIS SWPPP MUST BE KEPT ON SITE DURING CONSTRUCTION ACTIVITY AND MADE AVAILABLE UPON REQUEST OF A REPRESENTATIVE OF THE REGIONAL WATER BOARD AND/OR THE LOCAL AGENCY.
10. CONTACTS
- |  |  |
|--|--|
| OWNER<br>VALEO MANAGEMENT<br>1080 SOUTH DEPOT DRIVE<br>OGDEN, UTAH 84404   | CECIL SATERTHWAIT<br>MANAGER<br>801-391-1345               |
| CONTRACTOR/DISCHARGER  |  |
| CIVIL ENGINEER<br>WASATCH CIVIL CONSULTING ENGINEERS<br>1150 SOUTH DEPOT DRIVE, SUITE 225<br>OGDEN CITY, UTAH 84404  | JOHN BJERREGAARD<br>PROJECT MANAGER<br>(801) 775-9191      |
| NORTH OGDEN CITY<br>ENGINEERING DEPARTMENT<br>165 EAST LOMOND VIEW DRIVE<br>NORTH OGDEN, UTAH 84414  | LORIN GARDNER<br>CITY ENGINEER<br>(801) 940-4317           |
| STATE OF UTAH<br>DEPARTMENT OF ENVIRONMENTAL QUALITY<br>DIVISION OF WATER QUALITY<br>288 NORTH 1460 WEST<br>P.O. BOX 144870<br>SALT LAKE CITY, UTAH 84114-4870 | HARRY CAMPBELL<br>ENVIRONMENTAL ENGINEER<br>(801) 538-6146 |
| U.S. EPA<br>ENVIRONMENTAL PROTECTION AGENCY<br>DENVER, COLORADO  | REGION VIII<br>800-759-4372                                |
| ENVIRONMENTAL PROTECTION AGENCY<br>WASHINGTON, D.C. 20460  | 202-475-9518   |
11. REFERENCES
- A. SITE PLAN PER WASATCH CIVIL DATED JANUARY 2024.
- B. STORMWATER POLLUTION PREVENTION PLAN DRAWINGS PREPARED BY WASATCH CIVIL CONSULTING ENGINEERS DATED JANUARY 2024.
12. THE PROPOSED CONSTRUCTION ACTIVITY IS CONSTRUCTION OF A NEW RESIDENTIAL SUBDIVISION.
13. LOCATION OF THE SITE: THE PROJECT IS LOCATED AT APPROXIMATELY 100 WEST STREET & 4200 NORTH IN NORTH OGDEN CITY, WEBER COUNTY, UTAH.
14. THE RUNOFF COEFFICIENT FOR THIS SITE IS 0.32. THIS MEANS THAT 21% OF THE SITE IS COVERED WITH AN IMPERVIOUS SURFACE (SUCH AS CONCRETE, ASPHALT, OR A BUILDING); AND THAT 79% OF THE SITE HAS A PERVIOUS SURFACE (SUCH AS LANDSCAPING AND PLANTING AREAS).
15. THE EXISTING SOIL IS A MIX OF SAND, SILT AND CLAY. THE EXISTING GROUND WATER QUALITY AT THIS LOCATION IS ASSUMED TO BE THAT OF WATER WHICH IS SAFE FOR DRINKING; THE EXISTING STORM WATER QUALITY IS TYPICAL OF STORM WATER FLOWING FROM DEVELOPED, SUBURBAN, AREAS.
16. RECEIVING WATER: NORTH OGDEN CITY STORM DRAIN, WEBER COUNTY STORM DRAIN AND EVENTUALLY THE GREAT SALT LAKE.

STORM WATER POLLUTION PREVENTION PLAN GENERAL NOTES

A. PROHIBITION ON MOST NON-STORM WATER DISCHARGES

ONLY STORM WATER FROM THE PROJECT SITE SHALL BE ALLOWED TO FLOW INTO THE ON-SITE STORM DRAIN SYSTEM. CLEAN, NON-CHLORINATED WATER FROM THE FLUSHING OF FIRE HYDRANTS, WATER MAINS, AND STORM DRAINS MAY BE DISCHARGED TO THE STORM DRAIN IF IT IS NOT ALLOWED TO COLLECT DIRT, DEBRIS, AND TRASH WHILE FLOWING TO A STORM DRAIN INLET.

B. SOURCES OF STORM WATER POLLUTANTS

STORM WATER POLLUTANTS INCLUDE SOIL SEDIMENT AND NUTRIENTS, OIL, GREASE, TOXIC POLLUTANTS, AND HEAVY METALS. SOURCES OF STORM WATER POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO SOIL EROSION BY WATER AND/OR WIND; CLEARING OF VEGETATION; GRADING; VEHICLE AND EQUIPMENT REFUELING AND MAINTENANCE; WASHING OF CONCRETE TRUCKS, MIXERS AND HANDLING EQUIPMENT; PAINTS, SOLVENTS AND ADHESIVES; AND LANDSCAPING WORK.

C. EROSION AND SEDIMENT CONTROLS

1. COVER EXPOSED STOCKPILES OF SOILS, CONSTRUCTION AND LANDSCAPING MATERIALS WITH HEAVY PLASTIC SHEETING.
2. IN LANDSCAPING AREAS WHERE THE VEGETATION HAS NOT ESTABLISHED GROWTH AND TAKEN HOLD, CONSTRUCT SANDBAG OR DIRT BERMS AROUND THEIR PERIMETER TO INSURE THAT WATER WILL BE CONTAINED INSIDE THE LANDSCAPING AREA AND THAT IT WILL NOT BE CONVEYED TO A STORM DRAIN INLET.
3. RE-VEGETATE AREAS WHERE LANDSCAPING HAS DIED OR NOT TAKEN HOLD.
4. DIVERT STORM WATER RUNOFF AROUND DISTURBED SOILS WITH BERMS OR DIRT SWALES.

D. OTHER CONTROLS

1. WASTE DISPOSAL
- A. KEEP WASTE DISPOSAL CONTAINERS COVERED.
- B. PROVIDE FOR THE WEEKLY (OR MORE FREQUENT, IF NECESSARY) DISPOSAL OF WASTE CONTAINERS.
- C. PROVIDE CONTAINERS AT CONVENIENT LOCATIONS AROUND THE SITE.
2. SWEEPING OF SITE
- A. PROVIDE WEEKLY SWEEPING BY HAND OR MECHANICAL MEANS TO KEEP THE PAVED AREAS OF THE SITE FREE OF DUST, DIRT, AND DEBRIS.
- B. DISPOSE OF ACCUMULATED DIRT IN WASTE CONTAINERS, OR HAUL IT OFF THE SITE TO A LANDFILL.
3. SANITARY/SEPTIC DISPOSAL
- PORTABLE TOILETS AND OTHER SANITARY FACILITIES SHALL BE SERVICED WEEKLY AND PUMPED CLEAN BY A WASTE DISPOSAL COMPANY. NO TOXIC OR HAZARDOUS WASTE SHALL BE DISPOSED IN A PORTABLE TOILET OR IN THE ON-SITE SANITARY SEWER.
4. SPILLS
- A. STORE ADEQUATE ABSORBENT MATERIALS, RAGS, BROOMS, SHOVELS, AND WASTE CONTAINERS ON THE SITE TO CLEAN-UP SPILLS OF MATERIALS SUCH AS FUEL, PAINT, SOLVENTS, OR CLEANERS. CLEAN UP MINOR SPILLS IMMEDIATELY.
- B. FOR REPORTABLE QUANTITY OF HAZARDOUS OR TOXIC SUBSTANCE, SECURE THE SERVICES OF QUALIFIED PERSONNEL OR CLEAN-UP AND DISPOSAL.
5. CONTROL OF ALLOWABLE NON-STORM WATER DISCHARGES
- LANDSCAPING IRRIGATION, EROSION CONTROL MEASURES, PIPE FLUSHING AND TESTING, AND PAVEMENT WASHING ARE ALLOWED IF THEY CANNOT FEASIBLY BE ELIMINATED, COMPLY WITH THIS PLAN, DO NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF WATER QUALITY STANDARDS, AND ARE NOT REQUIRED TO BE PERMITTED BY THE LOCAL REGIONAL WATER QUALITY CONTROL BOARD.
6. VEHICLES AND EQUIPMENT
- A. FIX LEAKS OF FUEL, OIL AND OTHER SUBSTANCES IMMEDIATELY.
- B. PERFORM REFUELING AND SERVICE OF VEHICLES OR EQUIPMENT OFF-SITE WHEN POSSIBLE. IF REFUELING OR SERVICE OF EQUIPMENT IS PERFORMED ON-SITE, THEN PROVIDE AN IMPERVIOUS, CONTAINED AREA WHERE ANY SPILLS CAN BE CONTAINED WITHOUT FLOWING TO A STORM WATER INLET OR INTO THE GROUND.
- C. USE DRIP PANS TO CATCH LEAKS AND SMALL SPILLS.
7. CONCRETE TRUCKS, MIXERS AND HANDLING EQUIPMENT
- A. DO NOT DISPOSE OF WASHOUT FROM THE WASHING OF CONCRETE TRUCKS, MIXERS, AND HANDLING EQUIPMENT WHERE IT WILL FLOW INTO A STORM WATER INLET OR INTO A PUBLIC STREET.
- B. PROVIDE A HOLDING TANK TO RECEIVE ANY WASHOUT FROM CONCRETE EQUIPMENT. DISPOSAL OF TANK CONTENTS SHOULD BE CONDUCTED BY A WASTE HANDLING FIRM.
- C. PROVIDE A DESIGNATED AREA FOR WASHING ANY VEHICLES OR EQUIPMENT. DRAINAGE FROM THIS AREA SHOULD FLOW TO THE HOLDING TANK.
8. LANDSCAPING OPERATIONS
- A. USE ONLY THE MINIMUM AMOUNT OF LANDSCAPING FERTILIZES, NUTRIENTS, AND OTHER CHEMICALS THAT ARE NEEDED.
- B. DO NOT OVER WATER FERTILIZED OR TREATED LANDSCAPE AREAS. MINIMIZE RUNOFF OF IRRIGATION WATER FROM LANDSCAPING.
9. STORM WATER INLETS

KEEP ALL ON-SITE STORM WATER INLETS CLEAN AND FREE OF DIRT AND DEBRIS. IN THE EVENT THAT SEDIMENT AND DEBRIS MAY FLOW TO AN INLET, PROVIDE AN 18-INCH (MINIMUM) STRAIN BARRIER AROUND THE INLET TO TRAP THE DIRT AND DEBRIS AND ALLOW ONLY CLEAN STORM WATER TO ENTER THE INLET.

E. INSPECTION

1. REGULAR INTERVAL INSPECTION AND INSPECTION BEFORE AND AFTER STORMS
- A. VISUALLY INSPECT THE SITE WEEKLY TO INSURE THAT STORM WATER INLETS ARE FREE OF DIRT AND DEBRIS.
- B. BEFORE A STORM, INSPECT THE SITE TO INSURE THAT STORM WATER POLLUTION CONTROL MEASURES ARE IN PLACE.
- C. AFTER A STORM, INSPECT ALL STORM WATER INLETS TO INSURE THAT THEY ARE CLEAR OF DIRT AND DEBRIS. CLEAN THOSE STORM WATER INLETS THAT ARE NOT CLEAR AND FREE OF DEBRIS.
- D. THE REGIONAL WATER BOARD MAY REQUIRE THE DISCHARGER TO CONDUCT ADDITIONAL SITE INSPECTIONS, SUBMIT REPORTS AND CERTIFICATIONS, OR TO PERFORM SAMPLING AND ANALYSIS.
2. ALL DISCHARGERS ARE REQUIRED TO CONDUCT INSPECTIONS OF THE CONSTRUCTION SITE PRIOR TO ANTICIPATED STORM EVENTS AND AFTER ACTUAL STORM EVENTS, TO IDENTIFY AREAS CONTRIBUTING TO A STORM WATER DISCHARGE, TO EVALUATE WHETHER MEASURES TO REDUCE POLLUTANT LOADINGS IDENTIFIED IN THIS SWPPP ARE ADEQUATE, TO PROPERLY IMPLEMENT IN ACCORDANCE WITH THE TERMS OF THE GENERAL PERMIT, AND TO DETERMINE WHETHER ADDITIONAL CONTROL PRACTICES ARE NEEDED.
3. PREPARATION OF REPORTS AND RETENTION OF RECORDS
- A. EACH DISCHARGER MUST CERTIFY ANNUALLY THAT ITS CONSTRUCTION ACTIVITY IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE GENERAL PERMIT AND THIS SWPPP. THIS CERTIFICATION MUST BE BASED ON THE SITE INSPECTIONS. THE FIRST CERTIFICATION MUST BE COMPLETED BY JULY 1, 2005, AND EACH JULY 1 THEREAFTER.
- B. THE DISCHARGER IS REQUIRED TO RETAIN RECORDS OF ALL MONITORING INFORMATION, COPIES OF ALL REPORTS REQUIRED BY THIS GENERAL PERMIT, AND RECORDS OF ALL DATA USED TO COMPLETE THE NOTICE OF INTENT FOR CONSTRUCTION ACTIVITY FOR A PERIOD OF AT LEAST THREE YEARS. THIS PERIOD MAY BE EXTENDED BY REQUEST OF THE STATE. WITH THE EXCEPTION OF NONCOMPLIANCE REPORTING, DISCHARGERS ARE NOT REQUIRED TO SUBMIT THE RECORDS EXCEPT UPON SPECIFIC REQUEST BY THE STATE DEQ DIVISION OF WATER QUALITY.
- C. DISCHARGERS WHO CANNOT CERTIFY COMPLIANCE MUST NOTIFY THE STATE DEQ DIVISION OF WATER QUALITY. THIS NOTIFICATION SHALL IDENTIFY THE TYPE OR TYPES OF NONCOMPLIANCE, DESCRIBE THE ACTIONS NECESSARY TO ACHIEVE COMPLIANCE, AND INCLUDE A TIME SCHEDULE. SUBJECT TO THE MODIFICATIONS BY THE STATE DEQ DIVISION OF WATER QUALITY, INDICATING WHEN COMPLIANCE WILL BE ACHIEVED. NONCOMPLIANCE REPORTS MUST BE SUBMITTED WITHIN 30 DAYS OF THE IDENTIFICATION OF THE NONCOMPLIANCE.

F. MAINTENANCE OF CONTROLS

1. MAINTENANCE AND REPAIR
- ALL CONTROLS AND MEASURES INDICATED ON THIS PLAN SHOULD BE MAINTAINED IN GOOD AND EFFECTIVE CONDITION. IF ANY CONTROLS OR MEASURES ARE DAMAGED OR REMOVED, THEY SHOULD BE PROMPTLY REPAIRED OR RESTORED.
2. PLAN REVISIONS
- IF CONSTRUCTION ACTIVITY OR CONDITIONS CHANGE FROM THOSE SHOWN IN THIS PLAN, THEN THIS PLAN SHALL BE REVISED TO REFLECT THE CURRENT CONDITIONS.

G. FINAL STABILIZATION AND POST-CONSTRUCTION CONTROLS

1. AFTER CONSTRUCTION HAS BEEN COMPLETED, THE SITE SHALL BE SWEEP CLEAN, STORM WATER INLETS (GRATES AND BASINS) SHALL BE CLEANED, AND ALL WASTE AND LEFTOVER MATERIALS SHALL BE REMOVED FROM THE SITE.
2. ALL LANDSCAPING AND PLANTING AREAS SHOULD BE WELL MAINTAINED TO PREVENT EROSION. AVOID OVER WATERING OF LANDSCAPING.
3. ALL PAVED AREAS SHOULD BE SWEEP WEEKLY EITHER BY HAND OR BY MECHANICAL MEANS TO KEEP THE SITE CLEAR OF DIRT, DUST, AND DEBRIS.
4. WASTE MATERIALS ON-SITE SHOULD BE STORED IN COVERED CONTAINERS WHICH ARE CLEANED OUT REGULARLY.
5. TESTING OF FIRE HYDRANTS ON-SITE SHALL NOT BE CONDUCTED UNTIL THE AREA WHERE THE WATER DISCHARGES HAS BEEN SWEEP CLEAN OF DIRT AND DEBRIS.
6. STORM DRAIN LINES SHOULD BE CHECKED AND CLEANED ANNUALLY TO KEEP THEM CLEAN AND CLEAR OF DEBRIS.
7. ALL ON-SITE STORM WATER INLETS SHOULD BE CLEARLY MARKED "STORM WATER ONLY".

H. COMPLETION OF CONSTRUCTION ACTIVITIES AND NOTICE OF TERMINATION

WHEN CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED ON THIS SITE, THE OWNER SHALL FILE A LETTER WITH THE STATE DEQ DIVISION OF WATER QUALITY. THIS LETTER SHALL CERTIFY THAT THE CONSTRUCTION ACTIVITY HAS BEEN COMPLETED, THAT ALL ELEMENTS OF THE SWPPP HAVE BEEN IMPLEMENTED, THAT CONSTRUCTION AND EQUIPMENT MAINTENANCE WASTES HAVE BEEN DISPOSED OF PROPERLY, THAT THE SITE IS IN COMPLIANCE WITH ALL LOCAL STORM WATER REQUIREMENTS INCLUDING EROSION/SEDIMENT CONTROL REQUIREMENTS, POLICIES, AND GUIDELINES.

DEFINITIONS

1. "BEST MANAGEMENT PRACTICES" ("BMP'S") MEANS SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE POLLUTION OF WATERS OF THE UNITED STATES. BMP'S ALSO INCLUDE TREATMENT REQUIREMENTS, OPERATING PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, WASTE DISPOSAL, OR DRAINAGE FROM RAW MATERIAL STORAGE.
2. "CLEAN WATER ACT" ("CWA") MEANS THE FEDERAL WATER POLLUTION CONTROL ACT ENACTED BY PUBLIC LAW 92-500 AS AMENDED BY PUBLIC LAWS 95-217, 95-576, 96-483, AND 97-111; 33 USC 1251 ET SEQ.
3. "CONSTRUCTION SITE" IS THE LOCATION OF THE CONSTRUCTION ACTIVITY.
4. "NON-STORM WATER DISCHARGE" MEANS ANY DISCHARGE TO STORM DRAIN SYSTEMS THAT IS NOT COMPOSED ENTIRELY OF STORM WATER EXCEPT DISCHARGE PURSUANT TO AN NPDES PERMIT AND DISCHARGES RESULTING FROM FIRE FIGHTING ACTIVITIES.
5. "SIGNIFICANT MATERIALS" INCLUDES, BUT IS NOT LIMITED TO RAW MATERIALS; FUELS; MATERIALS SUCH AS SOLVENTS, DETERGENTS, AND PLASTIC PELLETS; FINISHED MATERIALS SUCH AS METALLIC PRODUCTS; RAW MATERIALS USED IN FOOD PROCESSING OR PRODUCTION HAZARDOUS SUBSTANCES DESIGNATED UNDER SECTION 101(14) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA); ANY CHEMICAL THE FACILITY IS REQUIRED TO REPORT PURSUANT TO SECTION 313 OF TITLE III OF SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA); FERTILIZERS; PESTICIDES; AND WASTE PRODUCTS SUCH AS ASHES, SLAG, AND SLUDGE THAT HAVE THE POTENTIAL TO BE RELEASED WITH STORM WATER DISCHARGES.
6. "SIGNIFICANT QUANTITIES" IS THE VOLUME, CONCENTRATIONS, OR MASS OF A POLLUTANT IN STORM WATER DISCHARGE THAT CAN CAUSE OR THREATEN TO CAUSE POLLUTION, CONTAMINATION, OR NUISANCE; ADVERSELY IMPACT HUMAN HEALTH OR THE ENVIRONMENT; AND CAUSE OR CONTRIBUTE TO A VIOLATION OF ANY APPLICABLE WATER QUALITY STANDARDS FOR THE RECEIVING WATER.
7. "STORM WATER" MEANS STORM WATER RUNOFF, SNOW MELT RUNOFF, SURFACE RUNOFF AND DRAINAGE. IT EXCLUDES INFILTRATION AND RUNOFF FROM AGRICULTURAL LAND.
8. "POLLUTION" MEANS THE "MAN-MADE OR MAN-INDUCED ALTERATION OF THE CHEMICAL, PHYSICAL, BIOLOGICAL, AND RADIOLOGICAL INTEGRITY OF WATER" [CLEAN WATER ACT SECTION 502(19)]. POLLUTION ALSO MEANS "AN ALTERATION OF THE QUALITY OF THE WATERS OF THE STATE BY WASTE TO A DEGREE WHICH UNREASONABLY AFFECTS EITHER... THE WATERS FOR BENEFICIAL USES... OR FACILITIES WHICH SERVE THESE BENEFICIAL USES." [UTAH WATER CODE SECTION 13050(i)].
9. "CONTAMINATION" MEANS "AN IMPAIRMENT OF THE QUALITY OF THE WATERS OF THE STATE BY WASTE TO A DEGREE WHICH CREATES A HAZARD TO THE PUBLIC HEALTH THROUGH POISONING OR THROUGH THE SPREAD OF DISEASE...INCLUDING ANY EQUIVALENT EFFECT RESULTING FROM THE DISPOSAL OF WASTE, WHETHER OR NOT WATERS OF THE STATE ARE AFFECTED."
10. "NUISANCE" MEANS "ANYTHING WHICH MEETS ALL OF THE FOLLOWING REQUIREMENTS: (1) IS INJURIOUS TO HEALTH, OR IS INDECENT OR OFFENSIVE TO THE SENSES, OR AN OBSTRUCTION TO THE FREE USE OF PROPERTY, SO AS TO INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE AND PROPERTY; (2) AFFECTS AT THE SAME TIME AN ENTIRE COMMUNITY OR NEIGHBORHOOD, OR ANY CONSIDERABLE NUMBER OF PERSONS, ALTHOUGH THE EXTENT OF THE ANNOYANCE OR DAMAGE INFLICTED UPON INDIVIDUALS MAY BE UNEQUAL; (3) OCCURS DURING OR AS A RESULT OF THE TREATMENT OR DISPOSAL OF WASTES."
11. "LOCAL AGENCY" MEANS ANY AGENCY THAT IS INVOLVED WITH REVIEW, APPROVAL, OR OVERSIGHT OF THE CONSTRUCTION SITES' (a) CONSTRUCTION ACTIVITY, (b) EROSION AND SEDIMENT CONTROLS, (c) STORM WATER DISCHARGE.

CERTIFICATION

I CERTIFY UNDER PENALTY OF PERJURY THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_