

NOTICE AND AGENDA

SOUTH OGDEN CITY COUNCIL MEETING

Tuesday, November 18, 2014 – 6:00 p.m.

Notice is hereby given that the South Ogden City Council will hold their regular City Council Meeting, Tuesday, November 18, 2014, beginning at 6:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. Any member of the council may be joining the meeting electronically.

I. OPENING CEREMONY

- A. Call to Order – Mayor James F. Minster
- B. Prayer/Moment of Silence -
- C. Pledge of Allegiance – Council Member Brent Strate

II. PUBLIC COMMENTS

This is an opportunity for comment regarding issues or concerns. No action can or will be taken at this meeting on comments made. Please limit your comments to three minutes.

III. RECOGNITION OF SCOUTS AND STUDENTS

IV. CONSENT AGENDA

- A. Approval of November 4, 2014 Council Minutes

V. DISCUSSION / ACTION ITEMS

- A. Consideration of Previously Tabled **Resolution 14-30** – Amending Rules of Procedure for City Council Meetings

VI. DEPARTMENT DIRECTOR REPORTS

- A.** Parks and Public Works Director Jon Andersen – Project Updates

VII. REPORTS

- A.** Mayor
B. City Council Members
C. City Manager
D. City Attorney

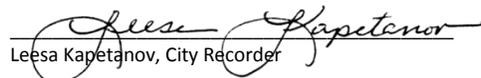
VIII. ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION

Discussion on Amending the Annexation Policy

IX. ADJOURN WORK SESSION

Posted and emailed to the State of Utah Website November 14, 2014

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on November 14, 2014. Copies were also delivered to each member of the governing body.


Leesa Kapetanjov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA



MEMORANDUM

Date: November 14, 2014
To: Mayor and City Council
From: Matthew J. Dixon, City Manager
Re: November 18, 2014 Council Meeting

A handwritten signature in black ink that reads "Matthew J. Dixon".

Below is a brief summary of the agenda items for your upcoming city council meeting. Please review this information as well as the staff reports and support materials contained within the packet. If you have any questions or need any additional information please let me know.

Discussion and Action Items

Resolution 14-30 – Amending City Council Rules of Procedures. This resolution amends the city council's Rules of Procedures. The amendments include: making both time limits for public comments and public hearings 3 minutes, allowing responses to public comments by elected officials and/or staff, when permitted by the chair while acknowledging that no decisions or policies may be adopted during public comment portion of the meeting, and other minor changes.

Work Meeting

Discussion of Annexation Policy. This is a follow up item from the last council meeting you're your packet you will find a chronological listing of the Annexation Policy's development since 2002 as well as the minutes from the Sept. 11 Planning Commission meeting and a copy of the council discussions regarding the Annexation Policy since Jan. 2014.

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**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, November 4, 2014 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James F. Minster, Council Members Sallee Orr, Wayne Smith, Brent Strate and Russ Porter

COUNCIL MEMBERS EXCUSED

Council Member Bryan Benard

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Fire Chief Cameron West, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Jeff Von Colln, Walt Bausman

I. OPENING CEREMONY

A. Call to Order

Mayor James F. Minster called the meeting to order at 6:05 pm and called for a motion to convene.

Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Strate. In a voice vote Council Members Strate, Orr, Porter and Smith all voted aye.

B. Prayer/Moment of Silence

The mayor led those present in a moment of silence.

C. Pledge of Allegiance

Council Member Smith then directed everyone in the Pledge of Allegiance.

The mayor excused Council Member Benard who was unable to attend the meeting that evening. Mayor Minster then indicated it was time for public comments. He said no action would be discussed or taken on comments made that evening and those speaking should limit their comments to three minutes.

II. PUBLIC COMMENTS

There were no public comments.

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III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

There were no scouts or students present.

IV. CONSENT AGENDA

- A. Approval of October 21, 2014 Council Minutes**
- B. Approval of October Warrants Register**
- C. Approval of Bid Award to North American Salt Company for Road Salt**

Mayor Minster read through the consent agenda and asked if there were any questions. Council Member Orr asked if any of the companies that bid were local. Parks and Public Works Director Jon Andersen answered that the company who won the bid was from Salt Lake City and their bid was the lowest; they did however, use a local trucking company to deliver the salt. There were no more questions. Mayor Minster called for a motion.

Council Member Porter moved to approve the consent agenda, items A, B and C as listed. The motion was seconded by Council Member Orr. There was no further discussion on the motion. The voice vote was unanimous in favor of the motion.

The consent agenda was approved.

V. DISCUSSION / ACTION ITEMS

- A. Consideration of Resolution 14-30 – Amending City Council Meeting Rules of Procedure**

City Attorney Ken Bradshaw informed the council the changes to the rules of procedure were in response to recent requests by the council as well as changes in the state code made in recent years. The changes allowed more interaction between the public and the council during the public comment period. Mr. Bradshaw noted the other changes made in this amendment of the rules and procedures, including clarification between public meetings and public hearings, how the council could respond to comments made during the public comment section of the agenda, limiting comments from the public to three minutes (they had previously been listed as both three minutes and five minutes), and making minor style and grammatical changes to some of the wording to make the rules of procedure more understandable. He pointed out there was a red line version of the rules showing what had been changed, as well as a “clean” version with the changes incorporated. Council Member Orr asked a question concerning paragraph ten, which Mr. Bradshaw clarified for her. Council Member Strate then asked if state law required that public comment times be limited to three minutes. Mr. Bradshaw said it was not a state requirement; since both three and five minutes had been set in the previous rules, staff had simply chosen the three minute response time so that all times would be consistent. He stated the council could set the time to anything they wished. Mr. Strate commented that five minutes seemed to be friendlier to the public. There was discussion by the council on the matter; the point was made that five minutes was friendlier, but in cases where there were many people wanting to comment, three minutes was more practical. Council Member Strate then said he would like to table the matter so he could have more time to think about it. The mayor told Mr. Strate he would need to make a motion to do so.

Council Member Strate moved to table Resolution 14-30, followed by a second from Council Member Orr. The mayor then called the vote:

Council Member Strate-	Aye
Council Member Orr-	Aye

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Council Member Porter- Nay
Council Member Smith- Nay

The vote was tied, so Mayor Minster cast the deciding vote. He indicated that since there was not a time restraint with this resolution, he saw no harm in tabling it. He voted aye.
The motion to table carried.

B. Consideration of Resolution 14-31 – Approving a Franchise Agreement With Syringa

City Manager Bradshaw explained that franchise agreements were governed by state law as well as city ordinance, and that state law required cities to give all those seeking franchise agreements the opportunity to come to their city; i.e. we could not deny this agreement. The city was also required to charge the same franchise fee to similar type companies. Council Member Orr commented she was glad Mr. Bradshaw explained the city’s obligations, as she would have voted not to allow them into the city. Ms. Orr was concerned that they would tear up the city’s roads that had recently been redone. Mr. Bradshaw said he understood her concerns, and that anyone working in our roads would have to obtain permits to do so and adhere to our standards in replacing them. Council Member Strate said he knew the public works department was working on evaluating road cut fees; he wanted to make sure the fees were adequate enough to cover any costs to the city and make sure our roads were in good condition. Mr. Bradshaw indicated all franchise agreements stated that the company entering into the agreement had to abide by the city’s road standards and fees, even if the standards or fees were to change during the term of the agreement. There was no more discussion by the council. Mayor Minster called for a motion.

Council Member Porter moved to approve Resolution 14-31, approving a franchise agreement with Syringa. The motion was seconded by Council Member Smith. The mayor asked if there was further discussion, and seeing none, he called the vote:

Council Member Porter- Yes
Council Member Smith- Yes
Council Member Strate- Yes
Council Member Orr- Yes

Resolution 14-31 passed.

C. Discussion on Amending the Annexation Plan

City Manager Dixon indicated this item had been placed on the agenda at the request of Council Member Smith. Mr. Smith said it had been almost a year since they had asked the planning commission to look at the annexation policy plan, and he wanted to know what progress had been made. City Manager Dixon said the planning commission had discussed the matter and determined they needed more information to make a recommendation. The engineer had then taken time to complete a report, but it was only on the area south of the junior high. The planning commission had then discussed the issues involved in the annexation of that area; those minutes were included in the packet. The planning commission had then requested the same type of report by the engineer for the Uintah Highlands area and was waiting for the engineer to get back with it. The city council discussed the matter of whether the areas should be in the city’s annexation plan. They reviewed the planning commission’s comments and reasons for recommending against adding the area south of the junior high to the plan, as well as the fact that the area was in Washington Terrace’s annexation plan.

152 City Manager Dixon reminded the council of an interlocal agreement entered into with
153 Washington Terrace that “drew the lines in the sand” concerning what portions of the area
154 in questions would be serviced by South Ogden and which would be serviced by Washington
155 Terrace.

156 Council Member Strate said he would still like more information on how and if South Ogden
157 could provide services to the area; if it was not financially viable, he wanted to know.

158 Council Member Smith suggested all the information be compiled and a work session be
159 scheduled.

160 City Manager Dixon asked the council to clarify what they wanted. Did they want to
161 remand it back to the planning commission and go through the correct process of having a
162 public hearing, making a recommendation to the council and having the council have the
163 final say of whether it should be added or not? Or did the council want more information
164 before that and have a work session. The council determined they wanted more
165 information on exactly how the water and sewer would be handled in the area and the costs
166 involved and then have a work session to discuss it.
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168 **D. Discussion on Glasmann Park Property Line**

169 City Manager Dixon reminded the council they had been approached about selling a portion
170 of Glasmann Park to an adjoining land owner earlier in the year. At that time, the council
171 had determined they were not interested in selling the property. However Mr. Von Colln,
172 the landowner, had found another way of adjusting the lot lines in the area that would
173 involve the city deeding property to a landowner as well as having property deeded back to
174 the city in order to clean up some odd configurations in that area of Glasmann Park and the
175 properties surrounding it. Mr. Dixon said he and Mayor Minster and Parks and Public
176 Works Director Jon Andersen had met at the area under question, and felt the changes
177 would better reflect the actual layout and care of the park property as it currently existed.
178 Mr. Dixon said if the council was conceptually in favor of the change, Mr. Von Colln would
179 go to the expense of having the area surveyed in preparation for the adjustments.

180 Council Member Porter stated that if all the property owners were in agreement, he
181 supported the changes; it looked like it made a lot of sense. Mayor Minster agreed.
182 Council Member Orr agreed this looked much better than the original proposal. It would
183 also get rid of an odd triangle of city property that might become a dangerous area of the
184 park. Council Member Strate agreed.

185 City Manager Dixon and City Attorney discussed the process of making the changes. Mr.
186 Bradshaw said he would have to do some research, but his initial thought was the property
187 being given up by the city would need to be declared surplus to the city’s needs.
188 Staff was directed to determine what the process was and get the information to the
189 council.
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191 **VI. DEPARTMENT REPORTS**

192 **A. Parks and Public Works Director Jon Andersen – Project Updates**

193 Mr. Andersen said he only had a few projects to report on:

194 **1075 East Road Project** – 90% of the concrete work was completed as well as 50% of the
195 asphalt. There would just be manhole valves and landscaping left after that.

196 **Overlay Projects** – were completed other than raising the manhole valves and covers.

197 **40th Street Storm Sewer Project** – this project was complete. The striping on the road just
198 needed some touch-up work.

199 Mr. Andersen then reported he had contacted someone about sidewalk grants and was
200 waiting for information. He had also contacted UDOT concerning the timing on the
201 crosswalk on Crestwood Drive and Highway 89. He would keep the council up to date as
202 they found more information about it.

203 VII. **REPORTS**

204 A. **Mayor** –had attended the grand opening for the new car wash the previous week. The
205 owners had expressed interest in getting involved with the city. The mayor also reminded
206 those present of the Veteran’s Memorial event which would take place on Wednesday,
207 November 12th.

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209 B. **City Council Members**

210 **Council Member Porter** – nothing to report.

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212 **Council Member Orr** – reported a pot hole to Mr. Andersen. It was located on 40th
213 Street close to where the recent construction had taken place. There was also a street
214 light out on the corner of Vista and Madison.

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216 **Council Member Strate** – had a concern with the Adams Avenue construction in
217 Washington Terrace; he believed some of the property along the street belonged to South
218 Ogden and he wanted to make sure it was properly landscaped.

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220 **Council Member Smith** – reported street lights out at Ben Lomond and Glasmann and 42nd
221 and Madison.

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223 C. **City Manager** – because there was so much going on in the city, he asked the council
224 members to check their email often.
225 He then reported a meeting with UDOT and UTA concerning 40th Street. They had
226 discussed the impacts of going from an 84 foot wide street to 106 feet. The impacts were
227 significant and would increase the costs between five and six million dollars. There had
228 been some discussion about keeping the street narrower but having mixed flow and not
229 having a dedicated lane for bus service. Mr. Dixon felt it was a good alternative and would
230 keep costs down. They were still looking at all the options as well as funding.
231 He then reminded the council of the rebranding meeting on November 12th; the planning
232 commission would also be invited. There would also be a combined meeting on form
233 based zoning on November 25th. Because of the extra number of meetings in November,
234 the fire department had decided to move the table top emergency training exercise to
235 December or January.

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238 D. **City Attorney Ken Bradshaw** – nothing to report.

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242 VIII. **ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION**

243 Mayor Minster indicated it was time to hold a work session and entertained a motion to do so.

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245 **Council Member Porter moved to adjourn city council meeting and convene into a work session.**
246 **Council Member Strate seconded the motion. All present voted aye.**

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248 Note: The council took a short break before beginning the work session. The work session took
249 place in the council chambers.

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251 A. **Discussion on GRAMA Fees**

252 City Recorder Leesa Kapetanov reminded the council the consolidated fee schedule had
253 recently been changed to accommodate some adjustments to GRAMA fees. Staff had
254 become aware of some issues with the wording in the fee schedule and on the GRAMA

255 request forms which might mislead someone into thinking they would always get a request
256 filled for free if it were requested in electronic format; however that was not the intent of
257 the changes. Police reports were \$25 no matter what format they were sent out, and any
258 request that took over 15 minutes to fill would also cost according to the amount of time it
259 took to fill the request. Staff wanted to make sure it was the council's intent that there
260 would be costs with some requests and that police reports would remain \$25. Staff would
261 also work on the wording of the fee schedule and the GRAMA request form to make sure it
262 was clear.

263 The council discussed the matter and agreed that fees should be charged for staff time
264 spent in preparing requests and the police records should remain at \$25. Staff was
265 directed to adjust the wording to make it clearer.
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267 **B. Continuation of Discussion on City Ordinance/Land Use**

268 City Manager Dixon referred the council to the "Authorities Chart" included in the packet.
269 He also reminded them of the discussions on legislative, administrative and quasi-judicial
270 decisions and the differences between them. The council had requested that the chart
271 included at the last meeting be expanded to include everything in the code so the council
272 could have a clearer picture of how authority had been delegated; this chart showed
273 everything.

274 City Attorney Bradshaw advised the council to decide what rules, regulations and programs
275 they wanted to implement, decide who would apply them, and then decide to whom they
276 should be appealed. City Manager Dixon said once the council had determined what their
277 policy and intent was, staff could make changes to the details of the code to reflect it.

278 Council Member Strate said he thought the code would be fine as is if the last three sections
279 of Ordinance 13-11 were removed and the code went back to its original wording (he
280 clarified the sections that should be taken out were the ones referencing 10-1-14, 10-10B-10
281 and 12-3-5). City Manager Dixon feared that removing the sections may bring a host of
282 other issues, such as the council having to be very careful as to when they could listen to
283 public clamor and when they could not. Council Member Strate said people had been
284 frustrated with the recent issue over the monastery property because of the confusion of
285 how it would be appealed. City Manager Dixon asked what the council gained, as the
286 elected body, by putting themselves in the position where they heard appeals. Council
287 Member Smith said he did not want to get in the habit of hearing appeals on specific cases.
288 If someone wanted to change a rule or law, they could come to him as a member of the
289 council to get it changed, but it was the hearing officer's job to interpret the law and how
290 specific cases applied. Council Member Orr said the ordinance was hard to understand
291 and needed to be made clearer. Council Member Strate said he felt he did not understand
292 what he had voted on when he had voted on Ordinance 13-11. The council needed to
293 have more responsibility on what was in a document, perhaps have it red-lined so they
294 could see what changes were being made. He also suggested some rules be put in place
295 that would prolong decisions to give the council more time to consider them. He then
296 rehearsed to the council what had brought on the initial change to the ordinance in making
297 the council the appeal authority on conditional uses.

298 City Attorney Bradshaw pointed out the changes that had been made were legislative. He
299 gave some examples of administrative decisions such as reviewing applications for food
300 carts in the city; the council had already passed legislation on where the food carts could be
301 permitted and staff simply allowed or denied them according to where the council had
302 determined through legislation they could be allowed. The same was true for conditional
303 uses. The council had already passed legislation saying what uses were conditional in what
304 zones, and it was up to the planning commission to review the application and allow or deny
305 it based on the legislation.

306 There was more discussion on legislative versus quasi-judicial decisions. Mr. Strate
307 re-stated that he wanted the council to be the final say on conditional use permits.
308 Attorney Bradshaw reminded him that in order to do so, the council could not listen to
309 public clamor, or they would set themselves up for litigation. City Manager Dixon pointed
310 out that on legislative decisions, the council should and did listen to public clamor; however,
311 to decide on conditional use permits, they would have to not listen to public clamor. They
312 would have to “switch” it off and stay true to what the code was and apply the request to
313 the code. It would be very difficult to do. After more discussion, Council Member Strate
314 said he liked the code, and liked Ordinance 13-11, except for the last three as discussed
315 earlier. As the code was now, it did not fit with what he thought his responsibilities to his
316 community were as a city council member. He reiterated that he wanted the process to go
317 back to a three step process as it existed before Ordinance 13-11. Council Member Porter
318 went through the scenario of what would have happened with the monastery conditional
319 use had it gone through the process in place before Ordinance 13-11. He said the
320 neighborhood surrounding the monastery property were frustrated that it didn’t come
321 before the council because they wanted the council to vote against it. Mr. Strate said that
322 wasn’t what they wanted. Council Members Porter and Smith said that is what people in
323 the neighborhood had told them on many occasions. Mr. Bradshaw said many had said
324 the same thing at the podium. Council Member Orr said those she had spoken with
325 wanted it to come before the council so that some issues in the decision could be clarified.
326 Council Member Porter stated the council had already set down the laws, and approving a
327 conditional use shouldn’t have to come back to them. Council Member Strate said he
328 wanted to clarify that the residents were never against the use; only two had said “not in my
329 backyard”. He said the residents were against the size, scope and wanted clarification of
330 what the use was; that was completely different from being against the use. City Attorney
331 Bradshaw reminded them that whether one or a thousand said “not in my backyard”, it was
332 still public clamor, and the council could not consider it in approving a conditional use.

333 Mayor Minster said the fact was apparent that something needed to be done, but they
334 hadn’t accomplished anything that evening. It was clear the council’s job was legislative,
335 and they needed to start looking at things that way. He suggested staff start working on
336 the things that needed to be changed in the code. Mr. Dixon said staff needed more
337 direction; they could go through the code and update in every section the changes made by
338 Ordinance 13-11, but if 13-11 might be changed, they should wait. Council Member Porter
339 said the acceptable uses needed to be decided. Mr. Dixon said the planning commission
340 was working on the uses and hoped to have them completed by their next meeting.
341 Council Member Smith said it was the council’s job to identify legislation that wasn’t
342 working and fix it. Mr. Dixon said there were some items in the code that clearly needed
343 fixing that staff could work on, however there were some policy decisions that needed to be
344 made before they could proceed with other issues in the code. Council Member Porter
345 said he did not think the council was in agreement as to what their role was and the policy
346 concerning it and they needed to sort it out.

347 City Manager Dixon recounted how and why many cities had gone away from using a Board
348 of Adjustment. The boards met so infrequently that each time they met, they would have
349 to be re-trained and reminded what they could and couldn’t do. The untrained members
350 of the boards had to make land use decisions on things that could be a large liability to the
351 city. Mr. Dixon pointed out how many discussions the council had already had on land use,
352 and he still sensed there was some confusion amongst them on administrative versus
353 legislative decisions. If the council were to hear conditional use applications, the problem
354 would be the same as with the boards of adjustment; they would have to be retrained and
355 reminded each time, and as the council changed, the challenge to retrain new members
356 would be difficult. Staff’s recommendation was that the council remain legislative and not
357 make administrative or quasi-judicial decisions.

358 Council Member Strate said he was willing to let go of the past, but he was adamant that
359 everyone stop attacking his friends and neighbors. He said he was trying to be objective
360 about things, but he knew who his friends and neighbors were and talking about them was
361 an emotional tipping point for him. City Manager Dixon said he would like to make a
362 statement on behalf of staff, because there had been allegations and inferences that staff
363 had not been honest and not followed the process correctly. He said that no city staff had
364 ever intentionally tried to hide, mislead, or misrepresent. He said they had not done
365 everything absolutely right and had tripped and stumbled through the process, but there
366 had been things said by residents about staff that were very unfair and untrue. Council
367 Member Smith agreed. Everyone needed to let go and move on and not hold things
368 against other people.

369 City Manager Dixon said staff could begin working on the obvious corrections that needed
370 to be made to the code. The council discussed the matter and determined they would like
371 more time to go over some of the code and the issues, including permitted and conditional
372 uses. City Recorder Leesa Kapetanov suggested the council familiarize themselves with the
373 parts of the code that dealt with permitted and conditional uses, as well as learning what
374 the definitions of the uses were. She also suggested they read the chapters on PRUD's and
375 Cluster Subdivisions. Council Member Strate said he was in favor of completely doing
376 away with conditional uses and had called other cities that had done so. There was no
377 more discussion.

378 Mayor Minster then called for a motion to adjourn.

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382 **IX. ADJOURN WORK SESSION**

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384 **At 9:04 pm, Council Member Smith moved to adjourn. The motion was seconded by Council**
385 **Member Orr. All present voted aye.**

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I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City
400 Council Meeting held Tuesday, November 4, 2014.

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403 Leesa Kapetanov, City Recorder

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Date Approved by the City Council _____

Resolution No. 14-30

**RESOLUTION OF SOUTH OGDEN CITY AMENDING RULES OF PROCEDURE
FOR CITY COUNCIL MEETINGS; AND, PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, the City Council of SOUTH OGDEN City ("City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with UCA §10-3-717, the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property; and,

WHEREAS, the City Council finds that the City Council is defined as "governmental" by and is subject to the Utah Open Meetings Act in the conduct of its meetings; and

WHEREAS, the City Council finds that it should have formally established rules and procedures in order to efficiently conduct their meetings and the city's business; and,

WHEREAS the City Council has previously adopted rules and procedures and now desires amended and readopted those rules and procedures; and,

WHEREAS, the City finds that the public convenience and necessity requires the actions contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City of SOUTH OGDEN :

SECTION 1 - RULES OF PROCEDURE ADOPTED:

That the Rules of Procedure for City Council Meetings as amended and as set out in **Attachment "A"** hereto, and by this reference incorporated as if fully set out, shall be and the same is adopted.

SECTION 2 - REPEALER OF CONFLICTING ENACTMENTS

All orders and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION 3 - PRIOR RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION 4 - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed to be the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 18th day of November, 2014, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 18th day of November, 2014**

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov
City Recorder

ATTACHMENT “A”

Resolution No. 14-30

Resolution of South Ogden City Amending Rules of Procedure for City Council Meetings; and, Providing for an Effective Date.

18 Nov 14

Rules of Procedure City Meetings

The "Body" (City Council, Planning Commission, etc.) may adopt any rules it deems necessary to the efficient conduct of its meetings.

Basic Policies for South Ogden City Meetings

1. For City Council matters, the Mayor, any Council Member, or the City Manager can place an item on the City Council agenda.
2. For other bodies, any member of that Body may place an item on the agenda.
3. An item scheduled for the agenda can be rescheduled for a different date by a majority of the members of the Body.
4. The Chair ~~is required to recognize~~ must recognize Members wishing to make a motion or enter a debate in the order in which they request recognition.
5. The Chair must ask for a motion and a second to the motion on each item on the agenda. Any motion receiving a second will be discussed by the Body.
6. Any Member may call for the question at any time. A vote will then be held on the motion.
7. Any document adopted and passed that requires signatures will be signed at the meeting, prior to adjournment. If the Chair refuses to sign the ~~necessary~~ document(s), any three Members may execute the document on behalf of the Body.
8. Member packets will be distributed ~~in advance of~~ before a scheduled meeting.
9. All meetings are ~~considered to be~~ open and public meetings unless specifically closed under the ~~applicable~~ provisions of the Utah Open Meetings Act.
10. A public meeting is defined as a meeting at which public business is discussed, decided or policy formulated. Citizens are allowed to attend and observe but not ~~necessarily~~ participate.
11. A public hearing is defined as a meeting which provides citizens the opportunity to express their position on ~~a specific~~ the issue under consideration, both pro and con after due notice. Citizens ~~are allowed to may~~ observe and comment as provided by the Body's rules but this is not a forum for a debate with the Body.

Comment [mjd1]: I believe they may if invited by the chair. If not, scratch "necessarily"

12. Citizens' comments will be taken at the beginning of the meeting. Any citizen, who wants to make comments ~~on any item that is not listed on the agenda,~~ will have the opportunity to do so in an orderly manner. This opportunity to make a comment is not to be mistaken for a public hearing nor is it an opportunity to debate with the governing body. Responses to public comments by elected officials and/or staff may be permitted by the Chair, recognizing no decisions or policies may be adopted during public comment time. The Body will not tolerate any interruptions or disruption of meetings. Each citizen may speak once for a period not to exceed three (3) minutes.
13. Any citizen desiring an item be placed on an agenda should submit, in writing, a description of the proposed agenda item, a rationale for placing the item on the agenda, and all background information needed for the Body to ~~make a decision~~decide. The City Manager, or his/her designee, will inquire whether any member of the ~~appropriate~~ Body ~~is willing to sponsor~~will sponsor the item for the agenda. Sponsored items will be placed on the agenda for the next meeting of that Body. Non-sponsored items will not be placed on the agenda. **Items to be placed on the agenda are due by noon at least three working days before regularly scheduled Meeting.**

Rules for Conducting Public Hearings

1. All member of the public will be allowed to speak once for a period not to exceed ~~five-three~~ minutes.
2. If a comment or question from a member of the Body interrupts a member of the public speaking during a hearing, the time taken by the comment or question and the response will not be counted as part of that citizen's ~~five-three~~ minutes.
3. If a member of the Body raises a question about a comment from a member of the public after the person has made his/her comments, the member of the public will be allowed two minutes to respond to each question raised.
4. Members of the public cannot give their ~~five-three~~ minutes away to another person to speak on their behalf.
5. A member of the public, during the time allotted for that person's comments, may request of the Body that the record be held open for written comment. Any member of that Body may then ~~make a motion to hold~~move to hold the record open for written comments for a specified period ~~of time~~. If the motion receives a second and passes by majority vote, the record will be held open for the specified ~~period of~~ time, otherwise the item will not be received into the record.

6. Participants in public hearings will be expected to conduct themselves with civility. Speakers must be courteous. **Applause is not allowed.** Outbursts from those attending a public hearing will not be tolerated. When a member of the public has been recognized and is speaking, he/she has the floor. Other members of the public ~~will not be allowed to~~ may not speak either to the speaker or members of the Body until they have been given the floor. Spontaneous comments or other outbursts from the public will not be allowed.

Disturbing Meetings

The City Council may fine or expel, and other Bodies meeting on behalf of the city may expel, any of its members for disorderly conduct upon an affirmative “majority plus one” vote of those members present. The Body may also, upon an affirmative majority “majority plus one” vote of those members present, expel any person who is disorderly during any regular, work or special meeting of the Body.

The Chair may expel any person, other than a member of the Body, who is disorderly during any regular, work or special meeting of the body.

Notes on Decorum in Discussion/Debate Generally:

A loose paraphrasing of *Robert's Rules of Order* (Ninth Edition) suggests the following guidelines in helping to maintain civility and fairness during discussion and debate. These guidelines are ~~particularly~~ particularly pertinent when controversial issues arise in discussion.

A. Treat one subject at a time

~~Refrain from speaking~~ Do not speak adversely on a prior action that is no longer pending: In debate, a member cannot reflect adversely on any prior act of the body ~~that is~~ not then pending, unless a motion to reconsider, rescind, or amend it is pending, or unless s/he intends to conclude his/her remarks by making or giving notice of one ~~of these motions~~.

B. Alternate between opposite points of view in discussion unless it is clearly apparent ~~that~~ there is unanimous support for the question under discussion.

Fairness, and the appearance of fairness is vitally important to success and effectiveness in the deliberative process.

D. Maintain decorum in discussion and avoid allowing personalities to enter

into the debate

~~Refrain from attacking~~ **Do not attack** a member's motives: When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but should always avoid discussions of personalities, and under no circumstances should s/he attack or question the motives of another member. The measure, not the member, is the subject of debate.

Avoid personalizing issues. The phrase "attack issues, not people" ~~effectively~~ summarizes the goals of ~~effectively~~ discussing and debating matters brought before a deliberative body. Any personal remark or attack must be ruled out of order by the chair: "Bob is a whiny anarchist and for that reason I cannot support his motion" is a comment that must be stricken and called up short immediately. Remarks must be kept free of personal reference.

The motion being considered is the subject of debate, not the member who proposed it. Offensive language is by definition offensive and all remarks must avoid personal invective.

Address all remarks through the chair: it is ~~generally~~ best practice if members of a deliberative body do not address one another directly, but ~~rather~~ address all remarks through the chair. This is an effective tool in keeping away from the likelihood of sliding into personalizing an issue. If, while a member is speaking in discussion or debate, another member wishes to address a question to him/her. . . the member desiring to ask the question should address the chair, proceeding as... [a] Point of Information ...

E. Confine debate to the merits of the question under discussion.

Confine remarks to the merits of the pending question. In a discussion and debate a member's remarks must be germane to the question then before the body.

Members should refrain from speaking adversely on or about a prior action that is not pending. In debate ~~—for example,~~ a member cannot reflect adversely on any prior act of the society ~~that is~~ not then pending, unless a motion to reconsider, rescind, or amend it is pending, or unless he intends to conclude his remarks by making or giving notice of one of these motions"

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F. Division of a question – members may be for one part of a question and not for another.

Annexation Timeline Since 2002

December 31, 2002

As of this date, state code mandated that no municipality can annex an unincorporated area unless the city has adopted the area into its annexation policy plan (UCA§ 10-2-401.5(1)).

February 4, 2003

South Ogden adopts annexation policy plan with Ordinance 03-07. [Click here to view 2003 Annexation Policy Plan.](#)

August 15, 2006

South Ogden amends 2003 plan (Ordinance 06-19) by adding Area 4. [Click here to view 2006 Amended Annexation Policy Plan.](#)

March 18, 2008

South Ogden amends previously adopted Area 4 to include the property where the new South Ogden Junior High is located (Ordinance 08-12). [Click here to view 2008 Amended Annexation Policy Plan.](#)

January 1, 2009

South Ogden annexes property where South Ogden Junior High is now located (Ordinance 09-02).

April 7, 2009

South Ogden de-annexes property (Ordinance 09-08) where LDS seminary for South Ogden Junior High is now located, thus creating a "peninsula". (Drawing line in sand? See UCA§10-2-402(1)(b)(iii), although this refers to only unincorporated land. Does it have to do with (i) (ii) that references the word "contiguous"? I could not find a definition of contiguous)

November 18, 2008

South Ogden adopts Resolution 08-19, approving an interlocal agreement with Washington Terrace, defining which city would provide what services for the junior high property as well as other properties in the area. [Click here to view interlocal agreement.](#)

September 2014

City Engineer provides letter to Planning Commission regarding the property south of South Ogden Jr. High. Planning Commission discussed and felt the property to the south of the Jr. High would be too expensive to maintain, especially with the work Washington Terrace has already done in planning to provide this area with services. To read the letter and minutes [click here.](#)

2014 Council Discussions

This section of the packet contains minutes from the various meetings the council has had regarding the annexation policy since January 2014. This does not include the minutes from the last council meeting.



SOUTH OGDEN CITY

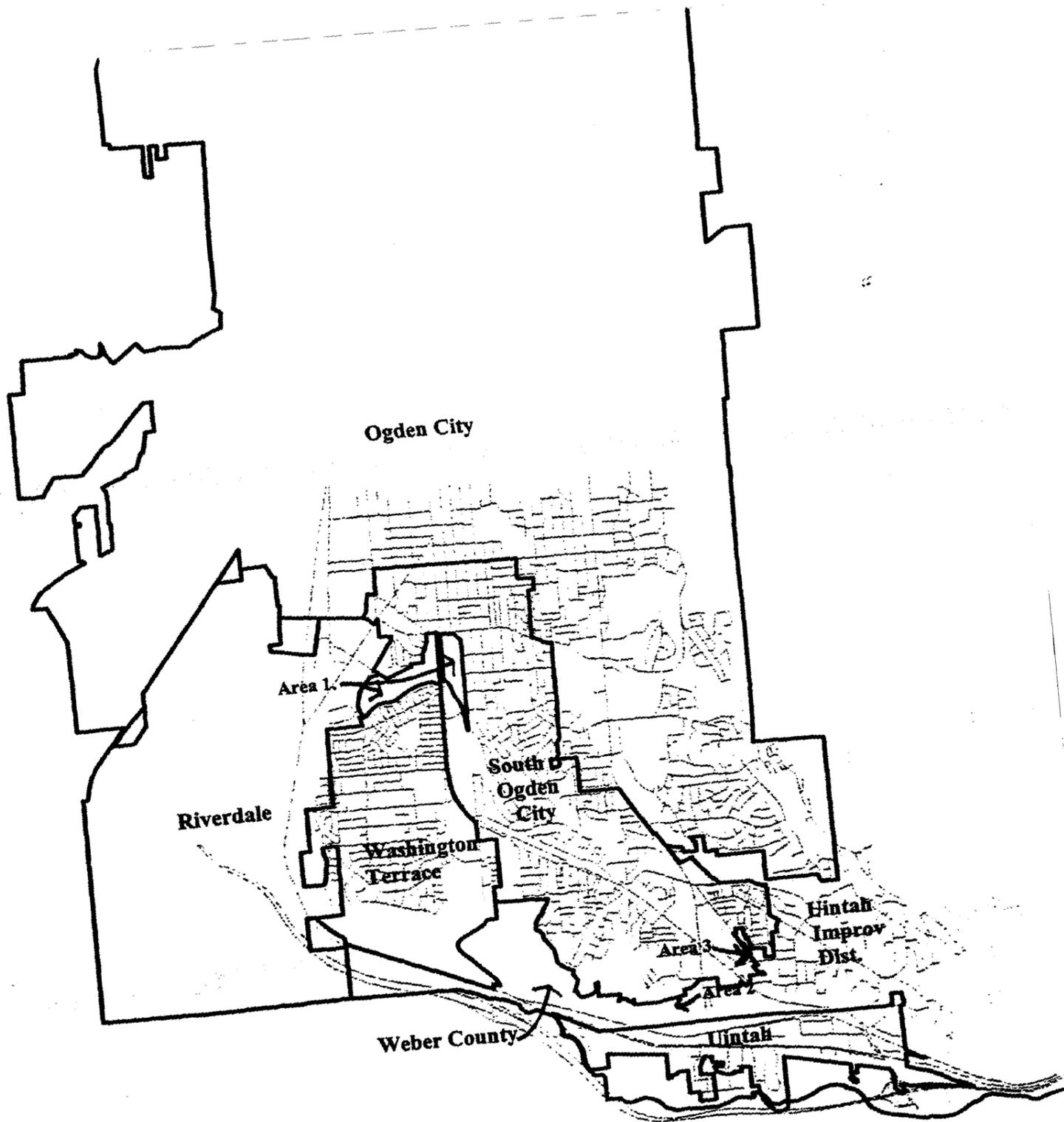
ANNEXATION PLAN

January 2003

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**NOTE: DEVELOPED COUNTY AREAS SUCH AS UINTAH
HIGHLANDS ARE NOT INCLUDED IN THIS ANNEXATION PLAN. IT
IS THE INTENT THAT DEVELOPED AREAS CONSIDERING
ANNEXATION TO THE CITY WOULD DO THE ANALYSIS
NECESSARY AND APPLY FOR AN AMENDMENT TO THIS PLAN.**



LOCATION MAP

There are three areas outlined that would be considered for annexation.

AREA 1.

CHARACTER OF THE COMMUNITY.

The surrounding community has been developed in South Ogden City, Washington Terrace, and Riverdale City. Most of the community is made up of long established residential areas. There are limited commercial uses north across 40th Street in South Ogden. Access to the Ogden Golf and Country Club is from U.S. 89, a main arterial street that divides the golf course. A tunnel under the street provides pedestrian circulation on the course. Fortieth Street, on the north boundary of the course, is an arterial street.

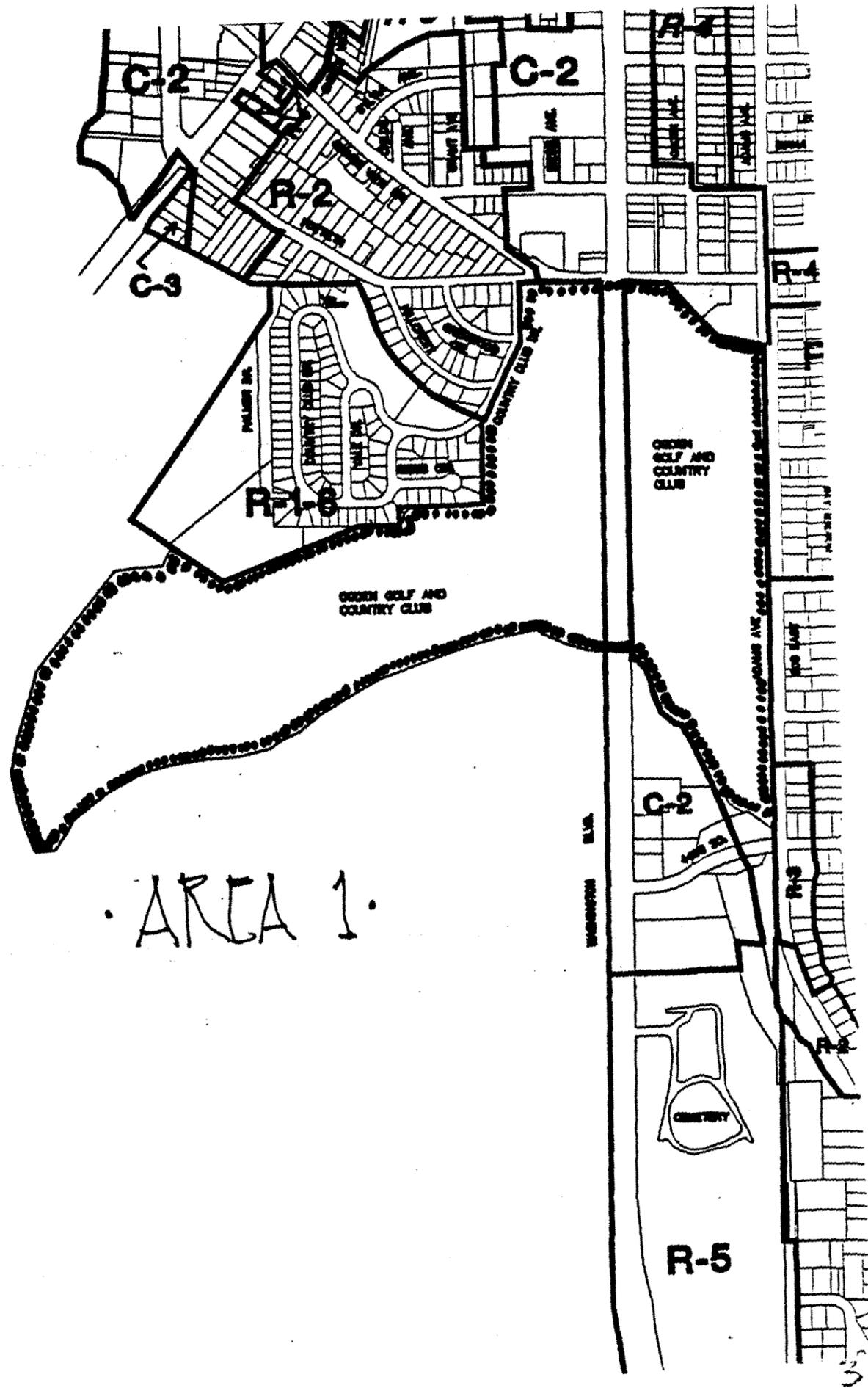
NEED FOR MUNICIPAL SERVICES.

This area is the Ogden Golf and Country Club. The South Ogden City General Plan identifies the desire to maintain this open space as part of the City environment. The facility is located in an island of unincorporated Weber County and does not need to be annexed to South Ogden to remain a visual asset to the community. However, in the event that the club organization wants to become part of the City, the City would consider annexation. The City will then provide all municipal services as provided to others in the City. In the event that the club organization offers the facility for sale, South Ogden City would investigate the possibility of purchasing the property as a City facility or a jointly owned facility with other municipal entities such as Weber County and Washington Terrace.

The cost of providing municipal services to the area "as is" would be minimal and would have little impact on the existing City infrastructure or organization. The loss to Weber County would in turn be minimal because of the low demand for services.

THE AFFECTED ENTITIES.

**Riverdale City
Washington Terrace
Ogden City
Weber School District
Weber County**



AREA 2.

CHARACTER OF THE COMMUNITY.

The immediate developed community is in South Ogden City and is new construction within the last five years. There are existing office buildings and high, medium, and low density residential uses. There is vacant property planned for the expansion of these uses and some future commercial retail. The adjoining developed Weber County properties to the east are low-density residential dwellings that have been there for many years. Most of the area designated for future annexation is primarily a hillside. There are flat areas that have the potential for development. Areas above the hillside do not present any difficult development issues.

The area is visible from Uintah City in the valley below. The drainage, utility, access, and visual impact to the hillside property is of concern to Uintah City.

NEED FOR MUNICIPAL SERVICES.

Because of the topography of the hillside area, municipal services become the most questionable problem. Access is from the South Ogden City street system and there is little or no possibility that more than one access can be provided. An access road may not be serviceable as a public street and will need to be private. Sewer lines will be too low to flow into the existing South Ogden City lines. It may be necessary to go down hill to Uintah City for sewer connections. Also, there are suspicions of the soil stability of the entire hillside.

All development costs will be the responsibility of the developer. The maintenance of improvements may or may not become the responsibility of South Ogden City. That depends upon what solutions are necessary to develop the land. It may require inter-local agreements between South Ogden City and Uintah City. For these reasons, Uintah City has included this area in their annexation plan. Both cities have obvious interests and the intent is that both cities would participate in the development decisions.

ESTIMATE OF TAX CONSEQUENCES.

The area is undeveloped at this time and generates a minimum of taxes to Weber County. If the land were developed, there would be more taxes generated. The question that would need to be addressed is if the cost of development is offsetting. It may be desirable to make some of the costs site specific where other costs may be absorbed into the municipal tax base. Until a development is proposed and evaluated, it cannot be determined ahead of time if there are tax liabilities unlike others in the municipality.

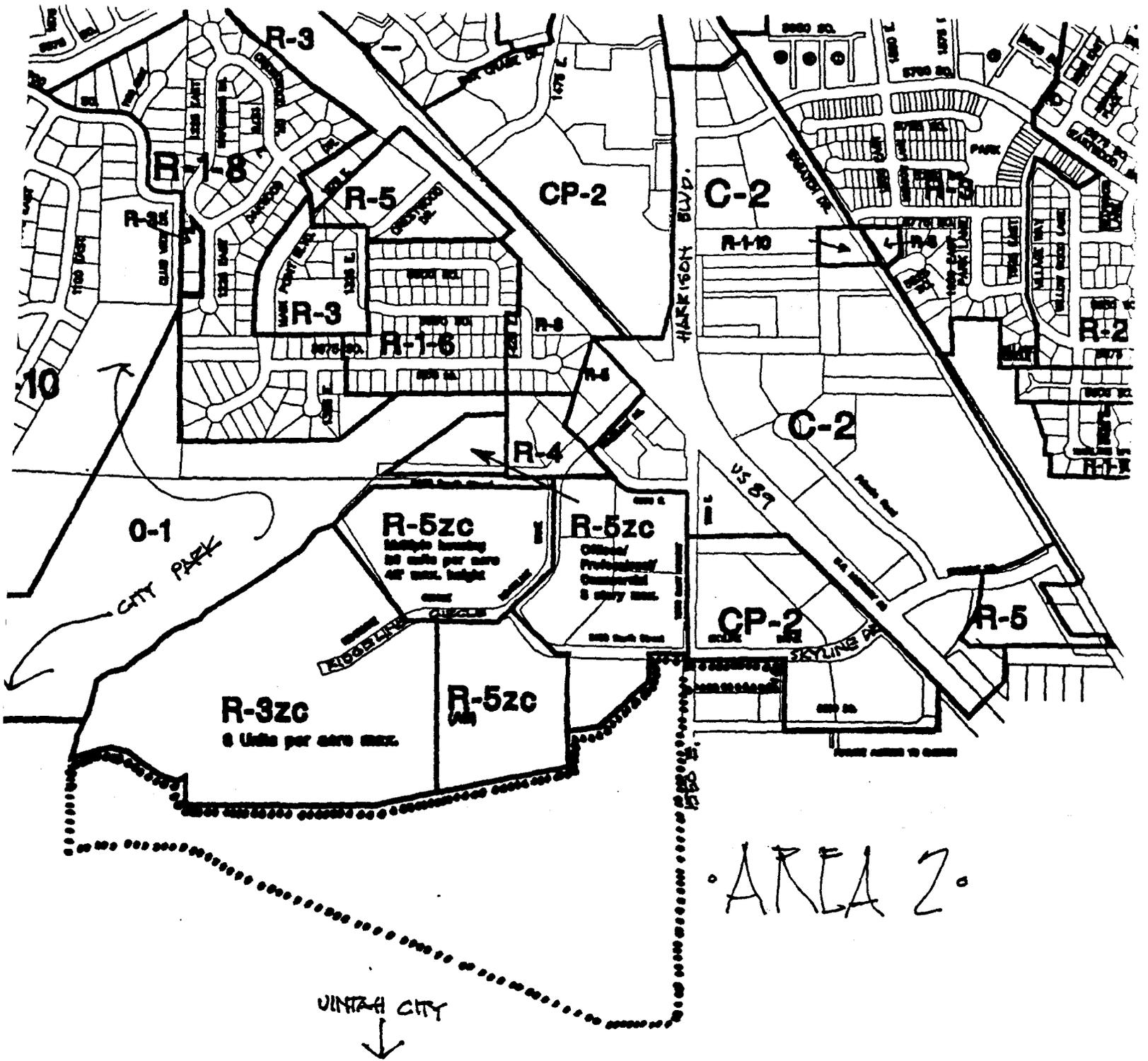
THE AFFECTED ENTITIES.

Weber County

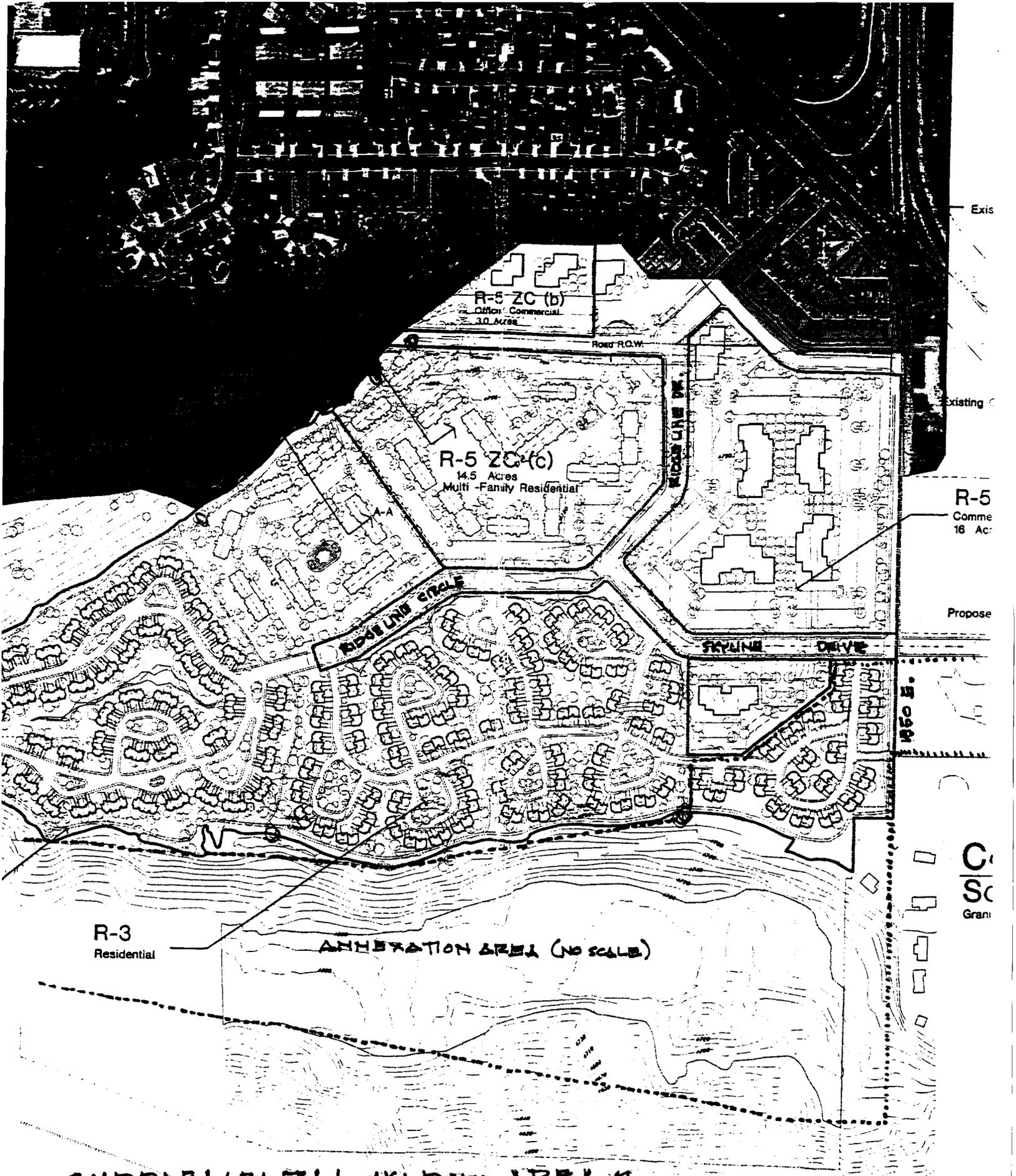
Weber School District

Uintah City

Uintah Improvement District



AREA 2.



Exis

Existing

R-5
Comme
16 Ac

Propose

C
S
Gran

SUPPLEMENTAL MAP TO AREA 2.

AREA 3.

CHARACTER OF THE COMMUNITY.

This existing community is primarily residential. Some new dwellings have been added within the past five years and the majority of the residential has been there since the early seventies and a few are older. Wasatch Drive is a community collector street that services most of the community. The properties on the east side of Wasatch Drive that remain to be annexed and developed will fill in as residential. The properties on the west side of Wasatch Drive are zoned commercial and are partially developed. It is expected that more office buildings will be added and also the potential exists for a retail commercial center. The remaining development could take place within the next ten years.

NEED FOR MUNICIPAL SERVICES.

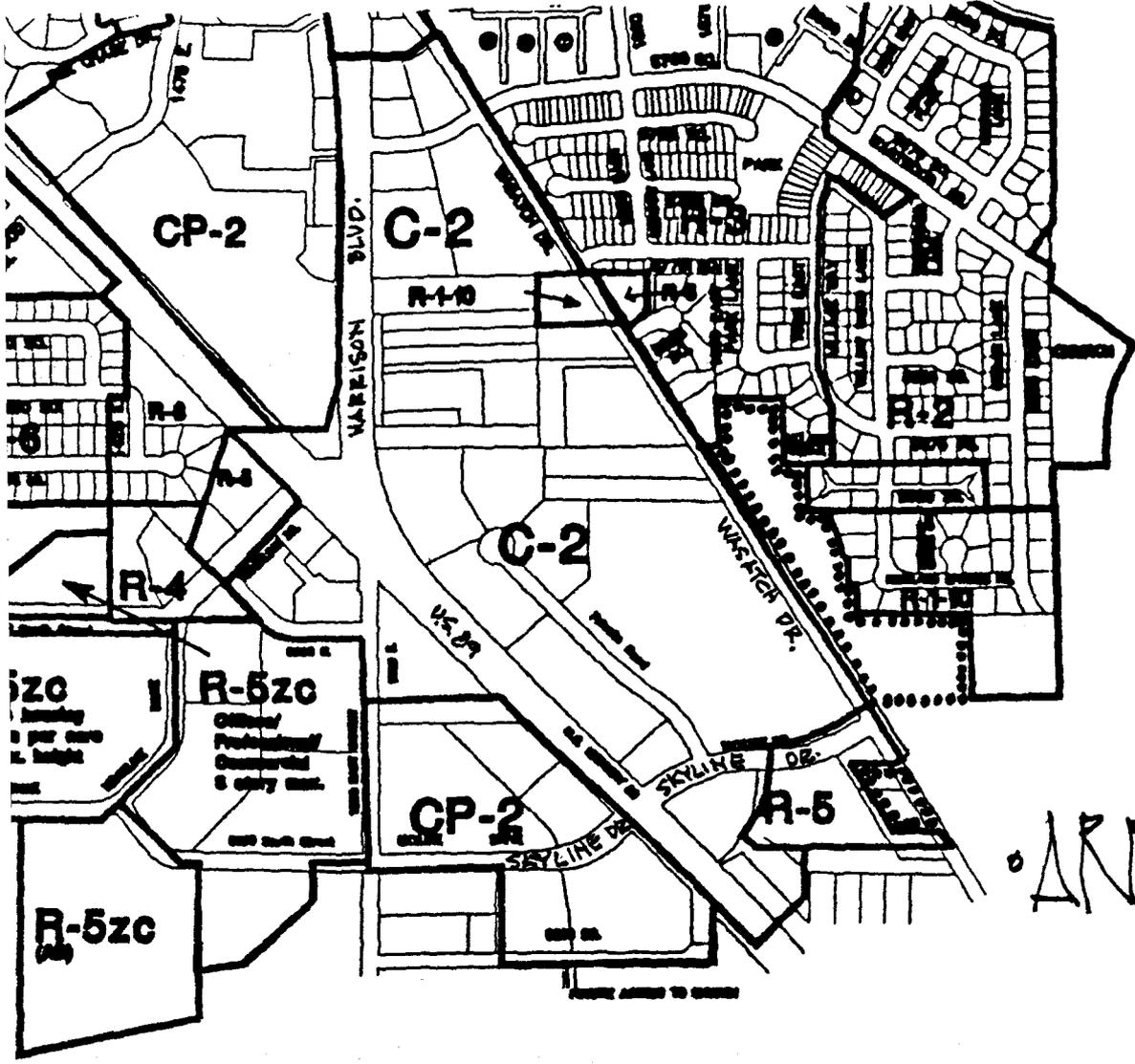
This entire area has been planned for development expansion for several years. Between South Ogden City and the Uintah Improvement District, utilities necessary for development exist. As development is approved, costs to connect to or expand the utilities will be paid by the developer. Costs to maintain the public improvements will be paid from the increase in tax revenues.

ESTIMATE OF TAX CONSEQUENCES.

This expansion area is small enough and the infrastructure exists so the costs can be absorbed by the increase in tax revenue generated by new development. Service costs will be reduced to Weber County because South Ogden City will provide the services.

THE AFFECTED ENTITIES.

**Weber County
Weber School District
Uintah Improvement District**



AREA 3.

Annexation Law Update For All Counties Except Salt Lake

Important definitions added to the new annexation statute:

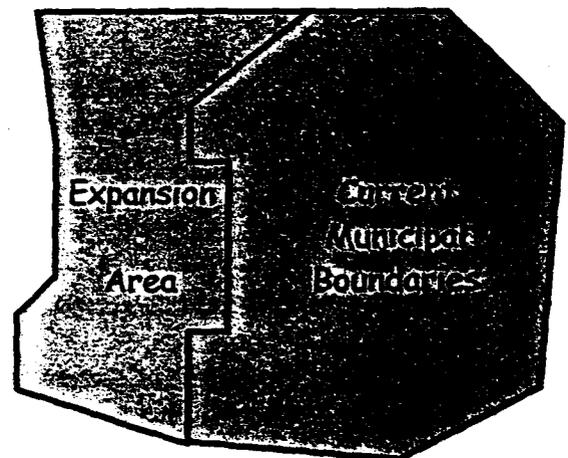
- 1) "Affected Entity:"
 - A county in whose unincorporated area the area proposed for annexation is located.
 - An independent special district under Title 17A, Chapter 2, Independent Special Districts, whose boundaries include any part of an area proposed for annexation.
 - A school district whose boundaries include any part of an area proposed for annexation.
 - A municipality whose boundaries are within 1/2 mile of an area proposed for annexation.
- 2) "Expansion Area:" the unincorporated area that is identified in an annexation policy plan as the area that the municipality anticipates annexing in the future.
- 3) "Specified County:" a county of the second, third, fourth, fifth, or sixth class.
- 4) "Urban Development:"
 - A housing development with more than 15 residential units and an average density greater than one residential unit per acre; or
 - A commercial or industrial development for which cost projections exceed \$750,000 for all phases.

The Annexation Policy Plan

After December 31, 2002 a municipality must have an adopted Annexation Policy Plan before annexing any area. Adopting an Annexation Policy Plan now, however, will give the municipality some benefits. The policy plan will help guide their decision making regarding future annexations and help plan for future expansion of services in conjunction with neighboring political entities.

What must be included in the Annexation Policy Plan:

- 1) A map of the "expansion area" which may include territory located outside the county in which the municipality is located;



- 2) A statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:

- The character of the community;
- The need for municipal services in developed and undeveloped unincorporated areas;
- The municipality's plans for extension of municipal services;
- How the services will be financed;
- An estimate of the tax consequences to residents both currently within the municipal boundaries and in the "expansion area"; and
- The interests of all "affected entities";



- 3) Justification for excluding from the "expansion area" any area containing urban development within 1/2 mile of the municipality's boundary; and
- 4) A statement addressing any comments made by "affected entities" at or within ten days after the public meeting that is held by the planning commission to receive input from "affected entities" as stated in the law.

What the planning commission and the municipal legislative body must do while developing, considering, and adopting an annexation policy plan:

- 1) Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- 2) Consider population growth projections for the municipality and adjoining areas for the next 20 years;
- 3) Consider current and projected costs of infrastructure, urban services, and public facilities necessary to:
 - Facilitate full development of the area with the municipality; and
 - Expand the infrastructure, services, and facilities into the area being considered for inclusion in the "expansion area";
- 4) Consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;
- 5) Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and

6) Be guided by the following principles regarding each proposed annexation:

If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

- Along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;
- To eliminate islands and peninsulas of territory that are not receiving municipal-type services;
- To facilitate the consolidation of overlapping functions of local government;
- To promote the efficient delivery of services; and
- To encourage the equitable distribution of community resources and obligations.

Urban Development Within A Municipality's Expansion Area

After an Expansion Policy Plan is adopted, and a copy has been sent to the county legislative body, the county can not approve urban development within a municipality's expansion area unless:

1. The county notifies the municipality of the proposed development and the municipality consents in writing to the development;
- Or
2. The county notifies the municipality and within the next 90 days after receiving notification, the municipality submits to the county a written objection to the county's approval of the proposed development, and the county responds in writing to the municipality's objections.

SOUTH OGDEN CITY

3950 S. ADAMS AVE. 84403

ANNEXATION POLICY PLAN

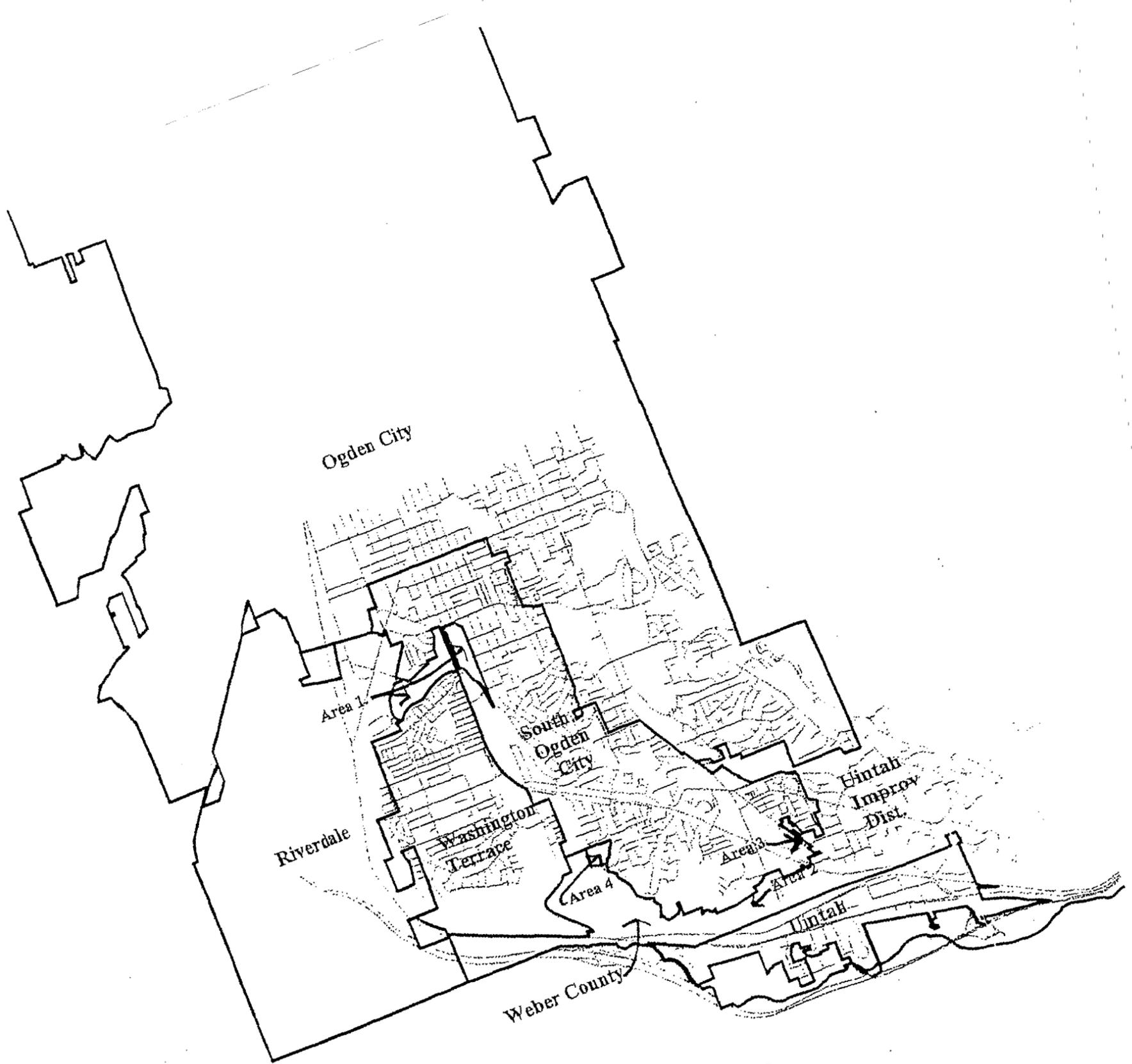
2003

August 2006 – Area 4

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LOCATION MAP

The Annexation Policy Plan that includes Area 1, 2, and 3 was approved February 4, 2003 by the South Ogden City Council. Area 4 was proposed as an additional area. The City Council approved Area 4 August 15, 2006 as an amendment.

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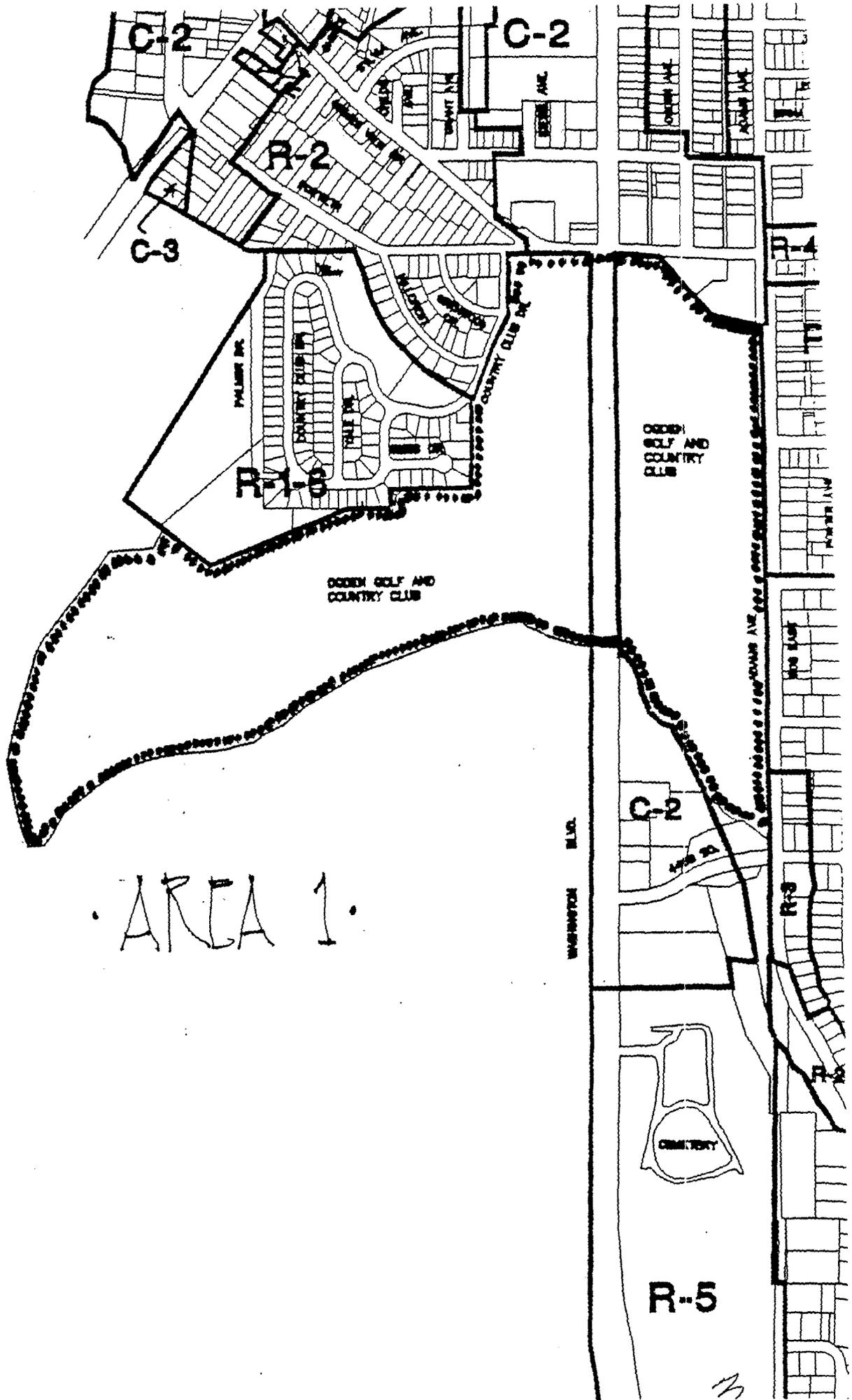
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Washington Terrace
Ogden City
Weber School District
Weber County



AREA 1.

3

AREA 2.

CHARACTER OF THE COMMUNITY.

The immediate developed community is in South Ogden City and is new construction within the last five years. There are existing office buildings and high, medium, and low density residential uses. There is vacant property planned for the expansion of these uses and some future commercial retail. The adjoining developed Weber County properties to the east are low-density residential dwellings that have been there for many years. Most of the area designated for future annexation is primarily a hillside. There are flat areas that have the potential for development. Areas above the hillside do not present any difficult development issues.

The area is visible from Uintah City in the valley below. The drainage, utility, access, and visual impact to the hillside property is of concern to Uintah City.

NEED FOR MUNICIPAL SERVICES.

Because of the topography of the hillside area, municipal services become the most questionable problem. Access is from the South Ogden City street system and there is little or no possibility that more than one access can be provided. An access road may not be serviceable as a public street and will need to be private. Sewer lines will be too low to flow into the existing South Ogden City lines. It may be necessary to go down hill to Uintah City for sewer connections. Also, there are suspicions of the soil stability of the entire hillside.

All development costs will be the responsibility of the developer. The maintenance of improvements may or may not become the responsibility of South Ogden City. That depends upon what solutions are necessary to develop the land. It may require inter-local agreements between South Ogden City and Uintah City. For these reasons, Uintah City has included this area in their annexation plan. Both cities have obvious interests and the intent is that both cities would participate in the development decisions.

ESTIMATE OF TAX CONSEQUENCES.

The area is undeveloped at this time and generates a minimum of taxes to Weber County. If the land were developed, there would be more taxes generated. The question that would need to be addressed is if the cost of development is offsetting. It may be desirable to make some of the costs site specific where other costs may be absorbed into the municipal tax base. Until a development is proposed and evaluated, it cannot be determined ahead of time if there are tax liabilities unlike others in the municipality.

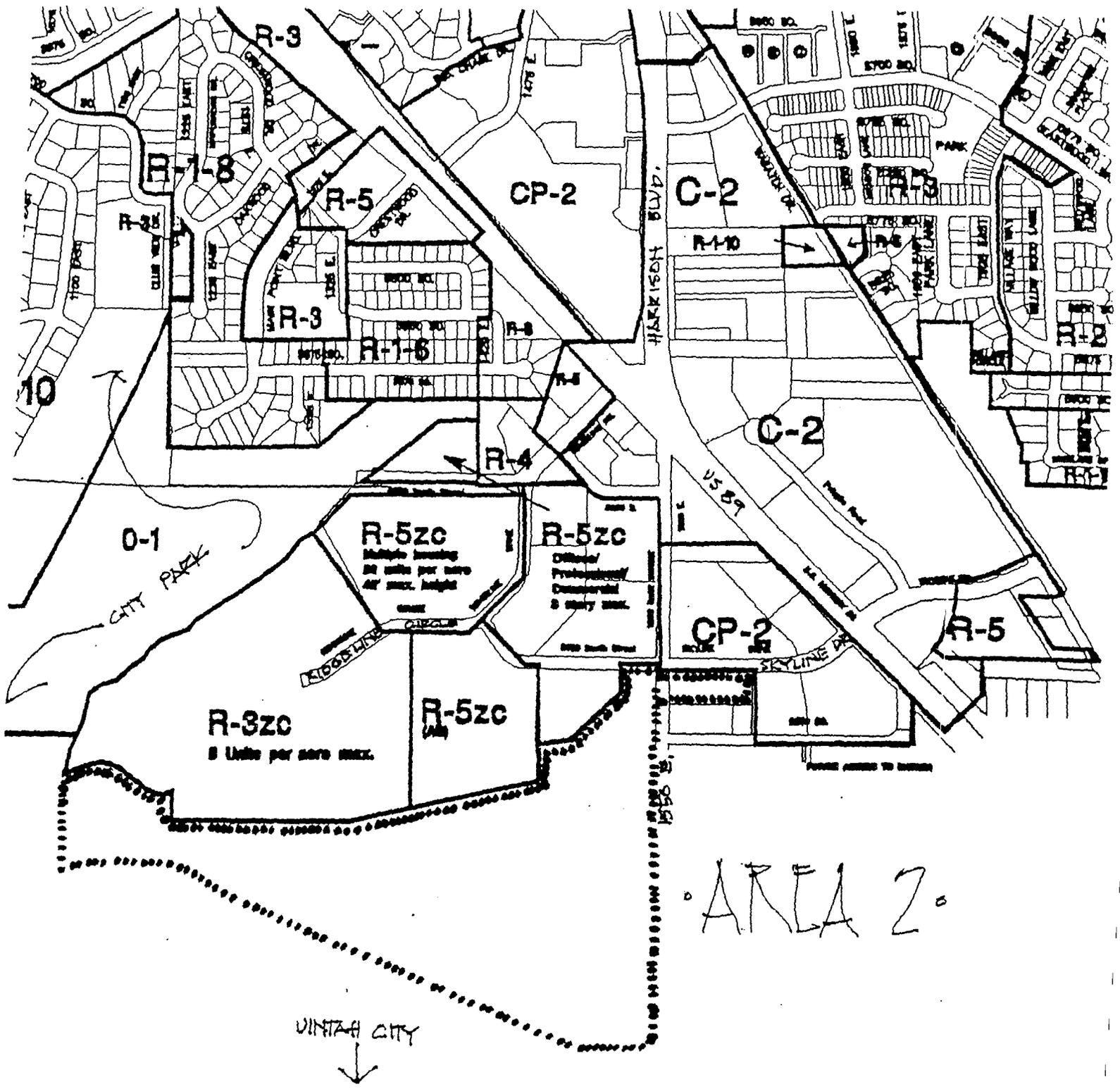
THE AFFECTED ENTITIES.

Weber County

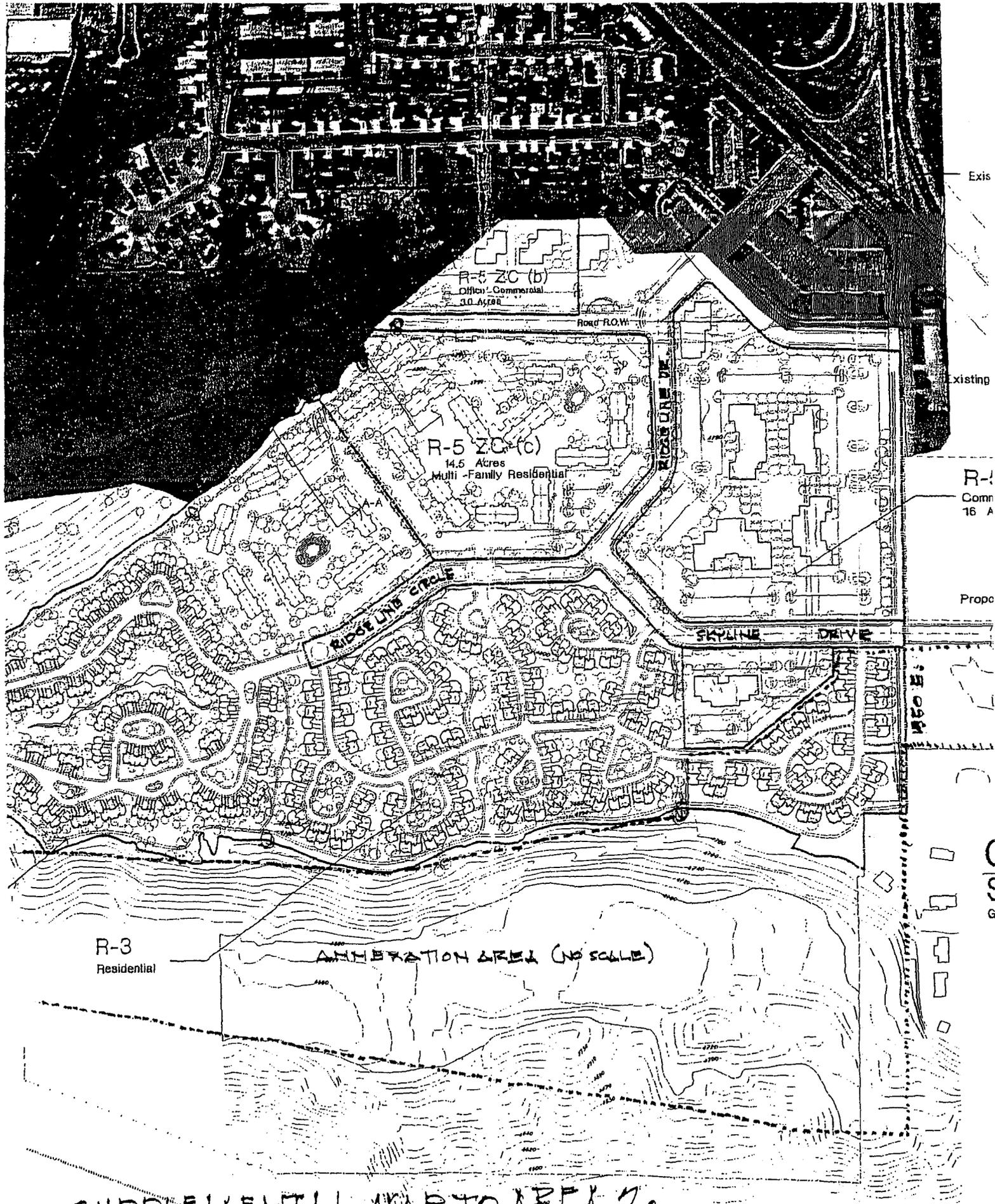
Weber School District

Uintah City

Uintah Improvement District



AREA 2



Exis

Existing

R-1
Comm
16 A

Propo

R-3
Residential

ALLEVIATION AREA (NO SCALE)

SUPPLEMENTAL MAP TO AREA 2.

AREA 3.

CHARACTER OF THE COMMUNITY.

This existing community is primarily residential. Some new dwellings have been added within the past five years and the majority of the residential has been there since the early seventies and a few are older. Wasatch Drive is a community collector street that services most of the community. The properties on the east side of Wasatch Drive that remain to be annexed and developed will fill in as residential. The properties on the west side of Wasatch Drive are zoned commercial and are partially developed. It is expected that more office buildings will be added and also the potential exists for a retail commercial center. The remaining development could take place within the next ten years.

NEED FOR MUNICIPAL SERVICES.

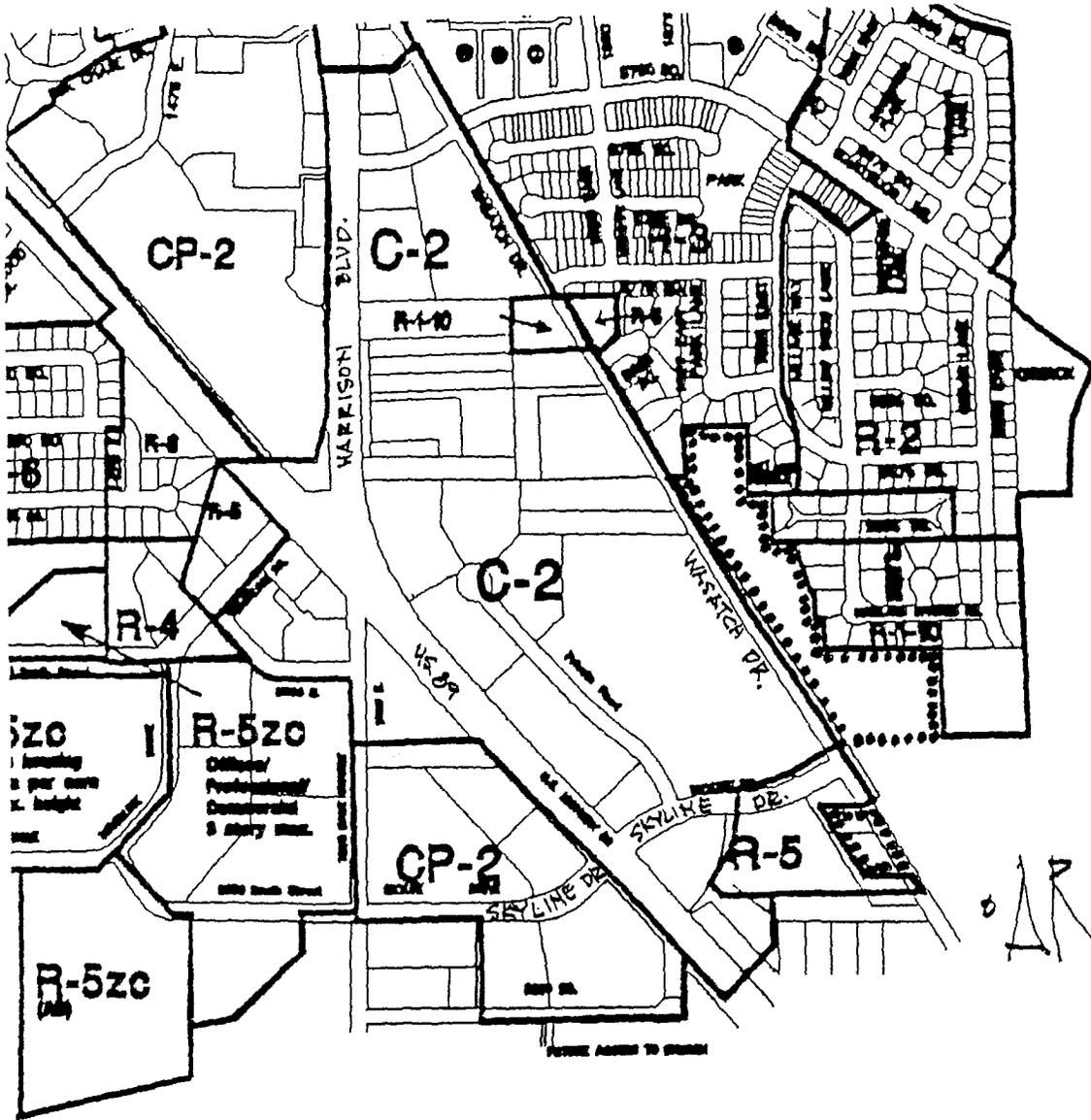
This entire area has been planned for development expansion for several years. Between South Ogden City and the Uintah Improvement District, utilities necessary for development exist. As development is approved, costs to connect to or expand the utilities will be paid by the developer. Costs to maintain the public improvements will be paid from the increase in tax revenues.

ESTIMATE OF TAX CONSEQUENCES.

This expansion area is small enough and the infrastructure exists so the costs can be absorbed by the increase in tax revenue generated by new development. Service costs will be reduced to Weber County because South Ogden City will provide the services.

THE AFFECTED ENTITIES.

Weber County
Weber School District
Uintah Improvement District



AREA 30

AREA 4.

CHARACTER OF THE COMMUNITY.

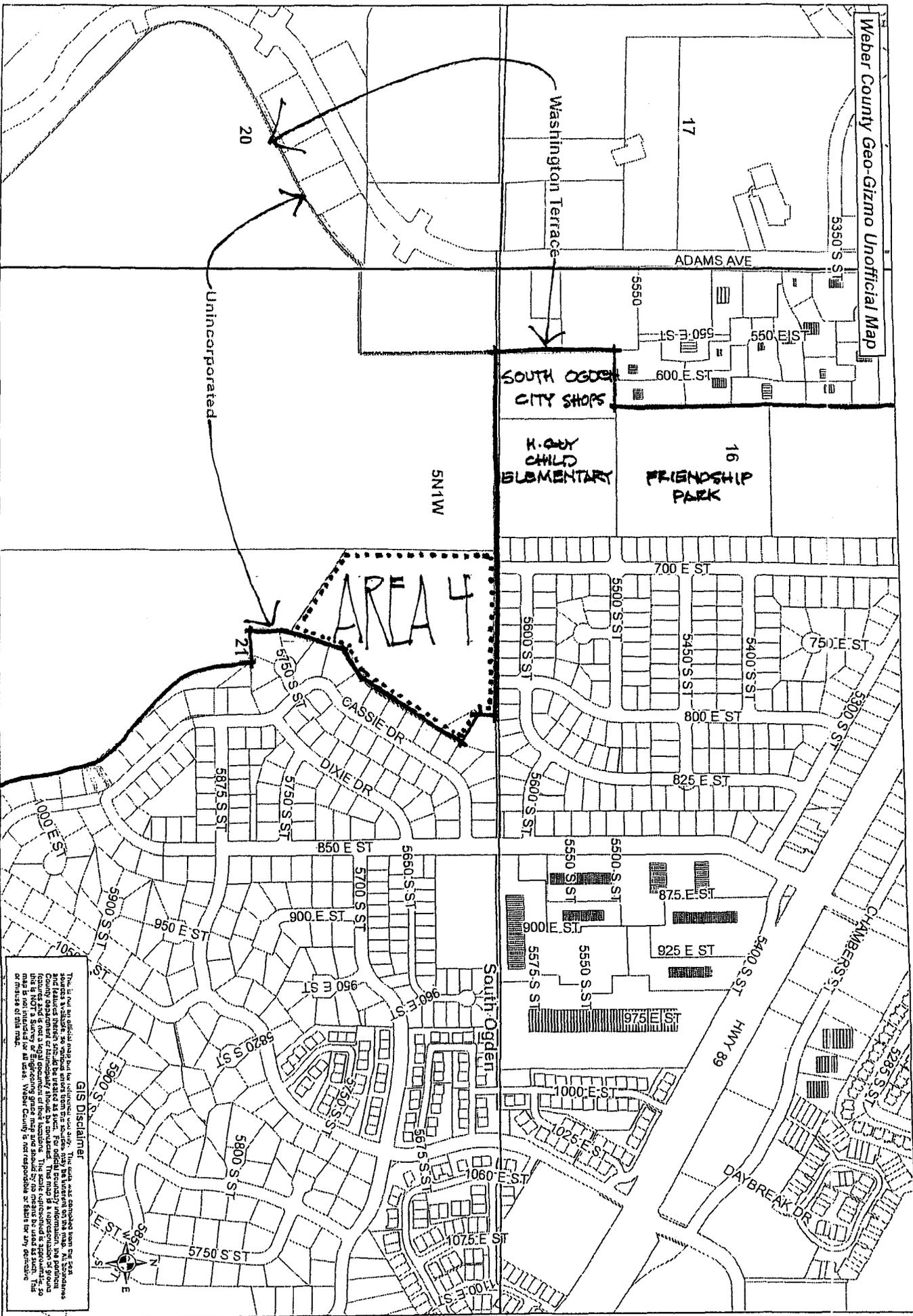
The existing community in South Ogden City is residential. Open pastureland is in the unincorporated county. H. Guy Child elementary is in the neighborhood. The Weber School District owns the property identified in Area 4 and anticipates building a junior high on the site to replace the existing South Ogden Junior High. Existing streets in South Ogden City provides present access. Future streets by Washington Terrace will provide additional access and connect to the South Ogden City streets. Depending on the development schedule of the school and Washington Terrace, a completed road system may or may not be available.

ESTIMATE OF TAX CONSEQUENCES.

The new junior high will replace the existing school in South Ogden City. If the site is annexed to South Ogden City, there would not be any additional cost impact to the City.

THE AFFECTED ENTITIES.

Washington Terrace
Weber School District
Weber County



Unincorporated

SOUTH OGDEN CITY SHOPS

H. ROY CHILD ELEMENTARY

FRIENDSHIP PARK

AREA 4

This is not an official map but the information was used. The data was compiled from the 2000 Census and features therein should be treated as such. For official boundary information, the pertinent County Assessor or Municipality should be contacted. This map is a representation of ground truth and is not intended to be used for any purpose other than that for which it was prepared. Weber County is not responsible or liable for any derivative or misuse of this map.

GIS Disclaimer



Annexation Law Update For All Counties Except Salt Lake

Important definitions added to the new annexation statute:

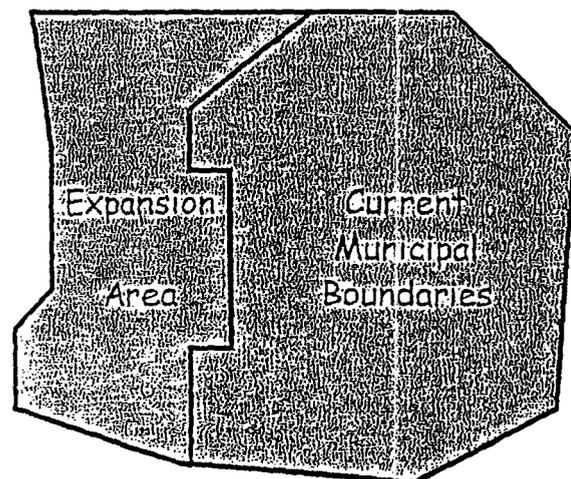
- 1) "Affected Entity:"
 - A county in whose unincorporated area the area proposed for annexation is located.
 - An independent special district under Title 17A, Chapter 2, Independent Special Districts, whose boundaries include any part of an area proposed for annexation.
 - A school district whose boundaries include any part of an area proposed for annexation.
 - A municipality whose boundaries are within 1/2 mile of an area proposed for annexation.
- 2) "Expansion Area:" the unincorporated area that is identified in an annexation policy plan as the area that the municipality anticipates annexing in the future.
- 3) "Specified County:" a county of the second, third, fourth, fifth, or sixth class.
- 4) "Urban Development:"
 - A housing development with more than 15 residential units and an average density greater than one residential unit per acre; or
 - A commercial or industrial development for which cost projections exceed \$750,000 for all phases.

The Annexation Policy Plan

After December 31, 2002 a municipality must have an adopted Annexation Policy Plan before annexing any area. Adopting an Annexation Policy Plan now, however, will give the municipality some benefits. The policy plan will help guide their decision making regarding future annexations and help plan for future expansion of services in conjunction with neighboring political entities.

What must be included in the Annexation Policy Plan:

- 1) A map of the "expansion area" which may include territory located outside the county in which the municipality is located;



- 2) A statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:

- The character of the community;
- The need for municipal services in developed and undeveloped unincorporated areas;
- The municipality's plans for extension of municipal services;
- How the services will be financed;
- An estimate of the tax consequences to residents both currently within the municipal boundaries and in the "expansion area"; and
- The interests of all "affected entities";



- 3) Justification for excluding from the "expansion area" any area containing urban development within 1/2 mile of the municipality's boundary; and
- 4) A statement addressing any comments made by "affected entities" at or within ten days after the public meeting that is held by the planning commission to receive input from "affected entities" as stated in the law.

What the planning commission and the municipal legislative body must do while developing, considering, and adopting an annexation policy plan:

- 1) Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- 2) Consider population growth projections for the municipality and adjoining areas for the next 20 years;
- 3) Consider current and projected costs of infrastructure, urban services, and public facilities necessary to:
 - Facilitate full development of the area with the municipality; and
 - Expand the infrastructure, services, and facilities into the area being considered for inclusion in the "expansion area";
- 4) Consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;
- 5) Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and

6) Be guided by the following principles regarding each proposed annexation:

If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

- Along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;
- To eliminate islands and peninsulas of territory that are not receiving municipal-type services;
- To facilitate the consolidation of overlapping functions of local government;
- To promote the efficient delivery of services; and
- To encourage the equitable distribution of community resources and obligations.

Urban Development Within A Municipality's Expansion Area

When the Annexation Policy Plan is adopted, and a copy has been sent to the county legislative body, the county can not approve urban development within a municipality's expansion area unless:

1. The county notifies the municipality of the proposed development and the municipality consents in writing to the development.
- Or
2. The county notifies the municipality and within the next 90 days after receiving notification, the municipality submits to the county a written objection to the county's approval of the proposed development, and the county responds in writing to the municipality's objections.

SOUTH OGDEN CITY

3950 S. ADAMS AVE. 84403

ANNEXATION POLICY PLAN

2003

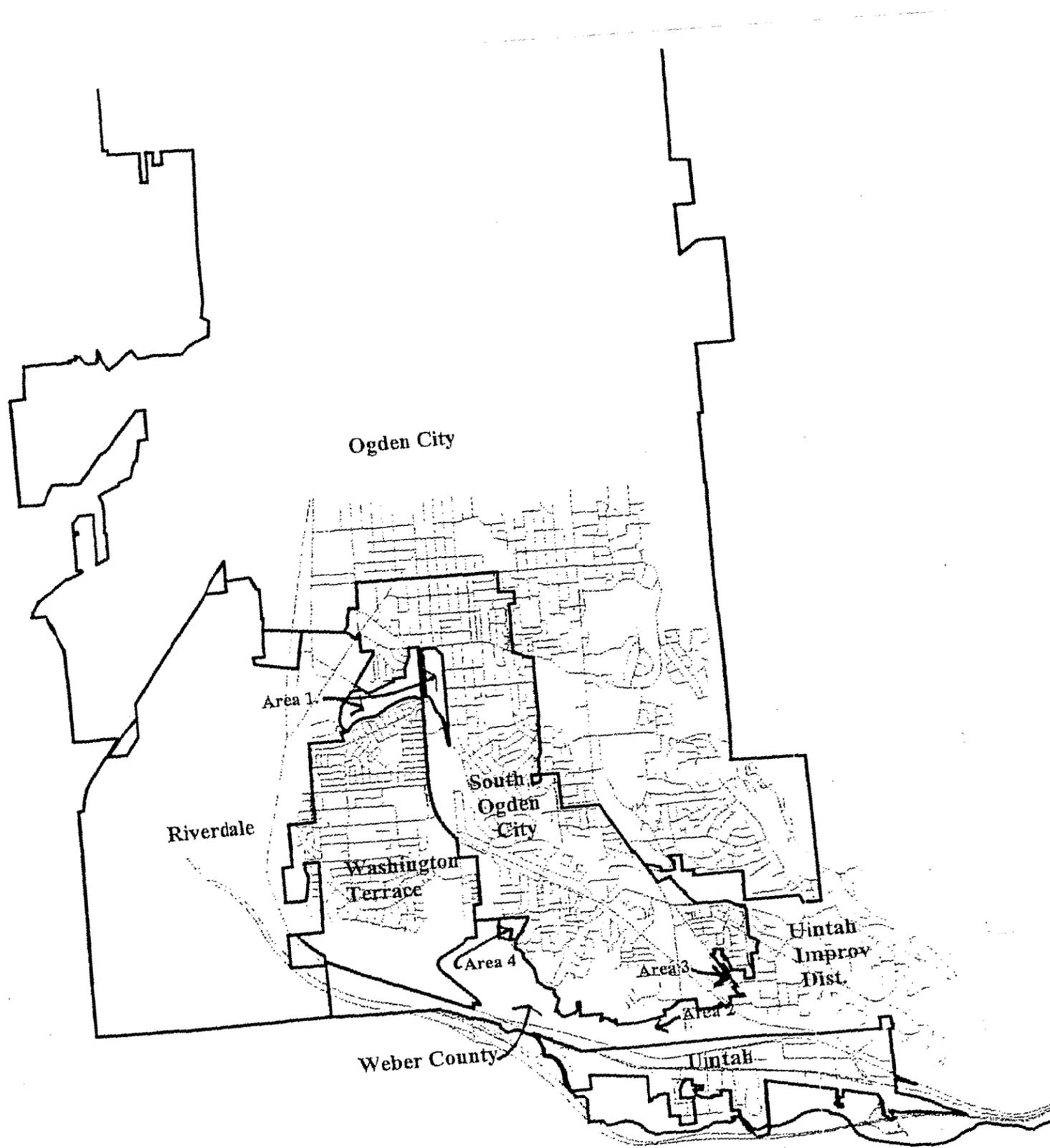
August 2006 – Area 4

March 2008 - Area 4 amended

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UTAH STATE LAW -----	12

NOTE: DEVELOPED COUNTY AREAS SUCH AS UINTAH HIGHLANDS ARE NOT INCLUDED IN THIS ANNEXATION PLAN. IT IS THE INTENT THAT DEVELOPED AREAS CONSIDERING ANNEXATION TO THE CITY WOULD DO THE ANALYSIS NECESSARY AND APPLY FOR AN AMENDMENT TO THIS PLAN.



LOCATION MAP

The Annexation Policy Plan that includes Area 1, 2, and 3 was approved February 4, 2003 by the South Ogden City Council. Area 4 was proposed as an additional area. The City Council approved Area 4 August 15, 2006 as an amendment.

AREA 1.

CHARACTER OF THE COMMUNITY.

The surrounding community has been developed in South Ogden City, Washington Terrace, and Riverdale City. Most of the community is made up of long established residential areas. There are limited commercial uses north across 40th Street in South Ogden. Access to the Ogden Golf and Country Club is from U.S. 89, a main arterial street that divides the golf course. A tunnel under the street provides pedestrian circulation on the course. Fortieth Street, on the north boundary of the course, is an arterial street.

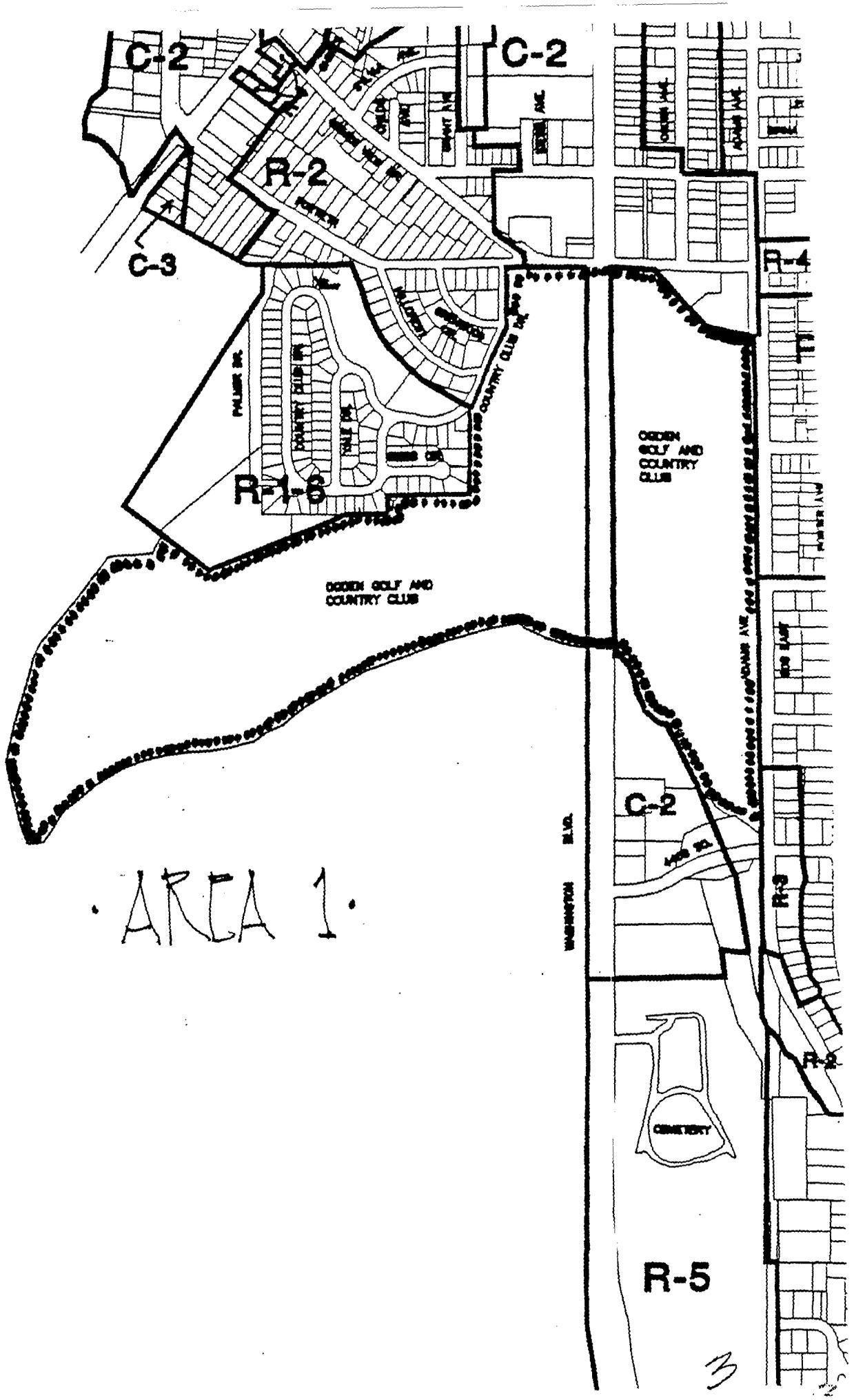
NEED FOR MUNICIPAL SERVICES.

This area is the Ogden Golf and Country Club. The South Ogden City General Plan identifies the desire to maintain this open space as part of the City environment. The facility is located in an island of unincorporated Weber County and does not need to be annexed to South Ogden to remain a visual asset to the community. However, in the event that the club organization wants to become part of the City, the City would consider annexation. The City will then provide all municipal services as provided to others in the City. In the event that the club organization offers the facility for sale, South Ogden City would investigate the possibility of purchasing the property as a City facility or a jointly owned facility with other municipal entities such as Weber County and Washington Terrace.

The cost of providing municipal services to the area “as is” would be minimal and would have little impact on the existing City infrastructure or organization. The loss to Weber County would in turn be minimal because of the low demand for services.

THE AFFECTED ENTITIES.

**Riverdale City
Washington Terrace
Ogden City
Weber School District
Weber County**



AREA 1.

AREA 2.

CHARACTER OF THE COMMUNITY.

The immediate developed community is in South Ogden City and is new construction within the last five years. There are existing office buildings and high, medium, and low density residential uses. There is vacant property planned for the expansion of these uses and some future commercial retail. The adjoining developed Weber County properties to the east are low-density residential dwellings that have been there for many years. Most of the area designated for future annexation is primarily a hillside. There are flat areas that have the potential for development. Areas above the hillside do not present any difficult development issues.

The area is visible from Uintah City in the valley below. The drainage, utility, access, and visual impact to the hillside property is of concern to Uintah City.

NEED FOR MUNICIPAL SERVICES.

Because of the topography of the hillside area, municipal services become the most questionable problem. Access is from the South Ogden City street system and there is little or no possibility that more than one access can be provided. An access road may not be serviceable as a public street and will need to be private. Sewer lines will be too low to flow into the existing South Ogden City lines. It may be necessary to go down hill to Uintah City for sewer connections. Also, there are suspicions of the soil stability of the entire hillside.

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ESTIMATE OF TAX CONSEQUENCES.

The area is undeveloped at this time and generates a minimum of taxes to Weber County. If the land were developed, there would be more taxes generated. The question that would need to be addressed is if the cost of development is offsetting. It may be desirable to make some of the costs site specific where other costs may be absorbed into the municipal tax base. Until a development is proposed and evaluated, it cannot be determined ahead of time if there are tax liabilities unlike others in the municipality.

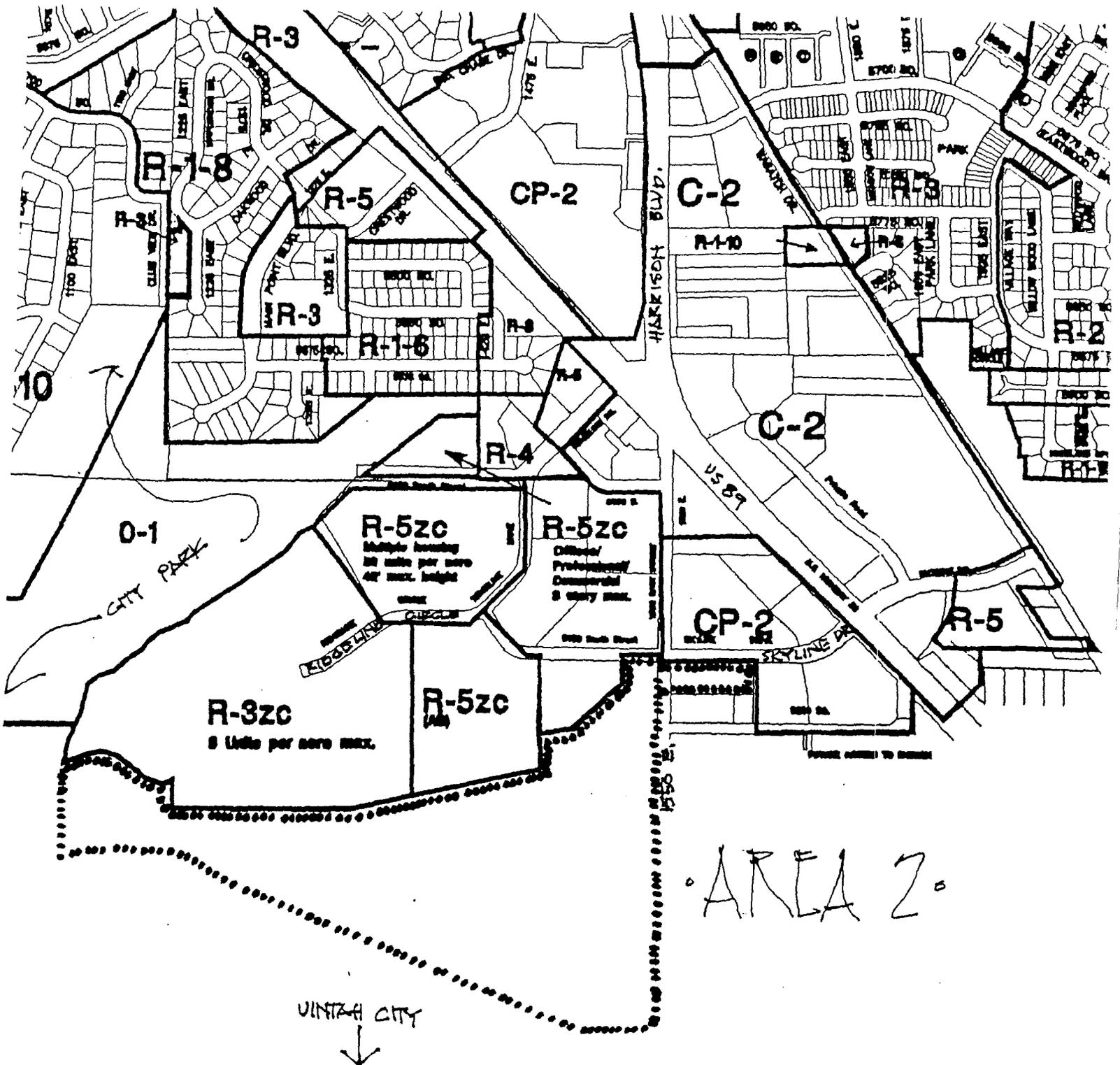
THE AFFECTED ENTITIES.

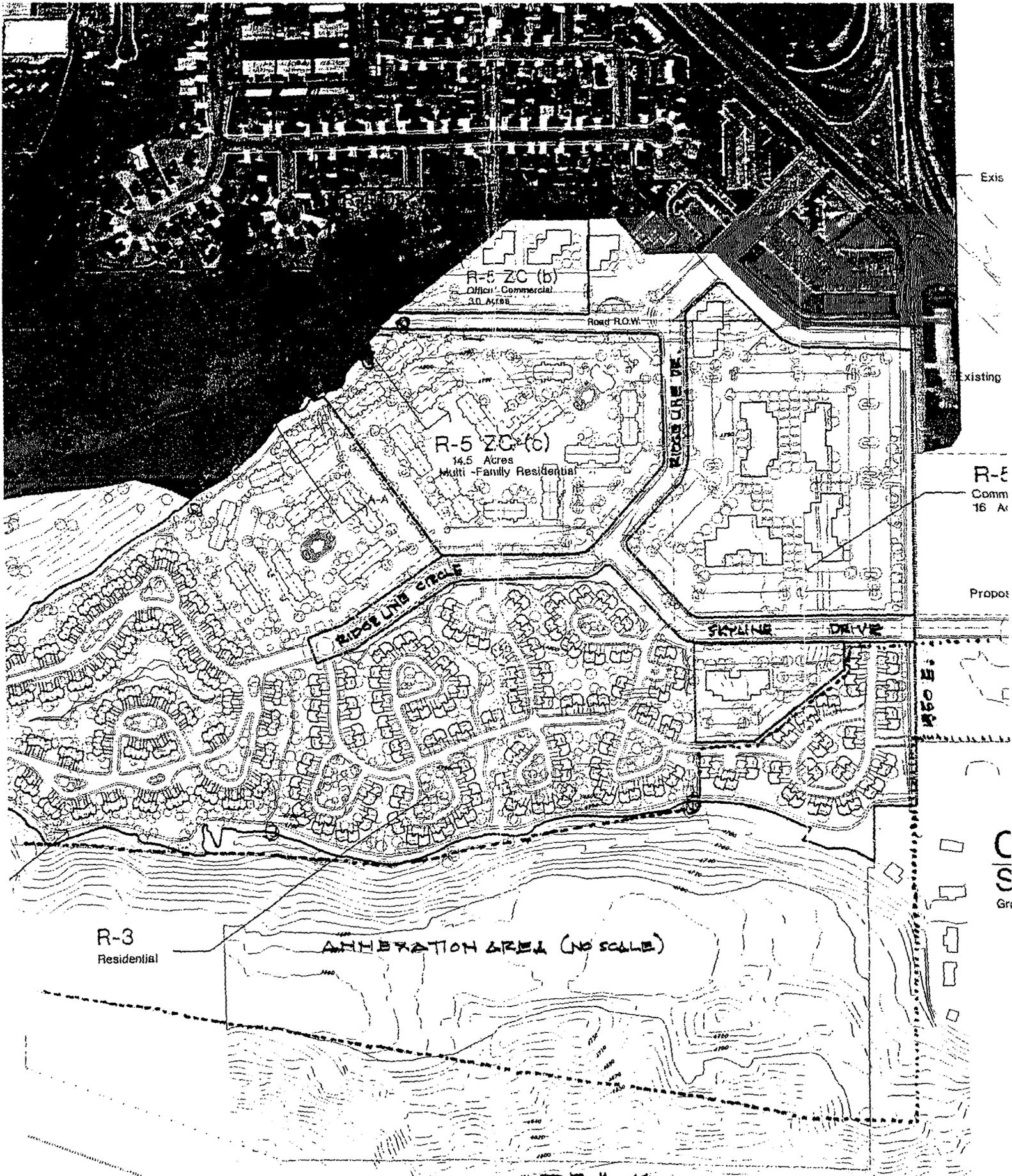
Weber County

Weber School District

Uintah City

Uintah Improvement District





SUPPLEMENTAL MAP TO AREA 2.

AREA 3.

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This existing community is primarily residential. Some new dwellings have been added within the past five years and the majority of the residential has been there since the early seventies and a few are older. Wasatch Drive is a community collector street that services most of the community. The properties on the east side of Wasatch Drive that remain to be annexed and developed will fill in as residential. The properties on the west side of Wasatch Drive are zoned commercial and are partially developed. It is expected that more office buildings will be added and also the potential exists for a retail commercial center. The remaining development could take place within the next ten years.

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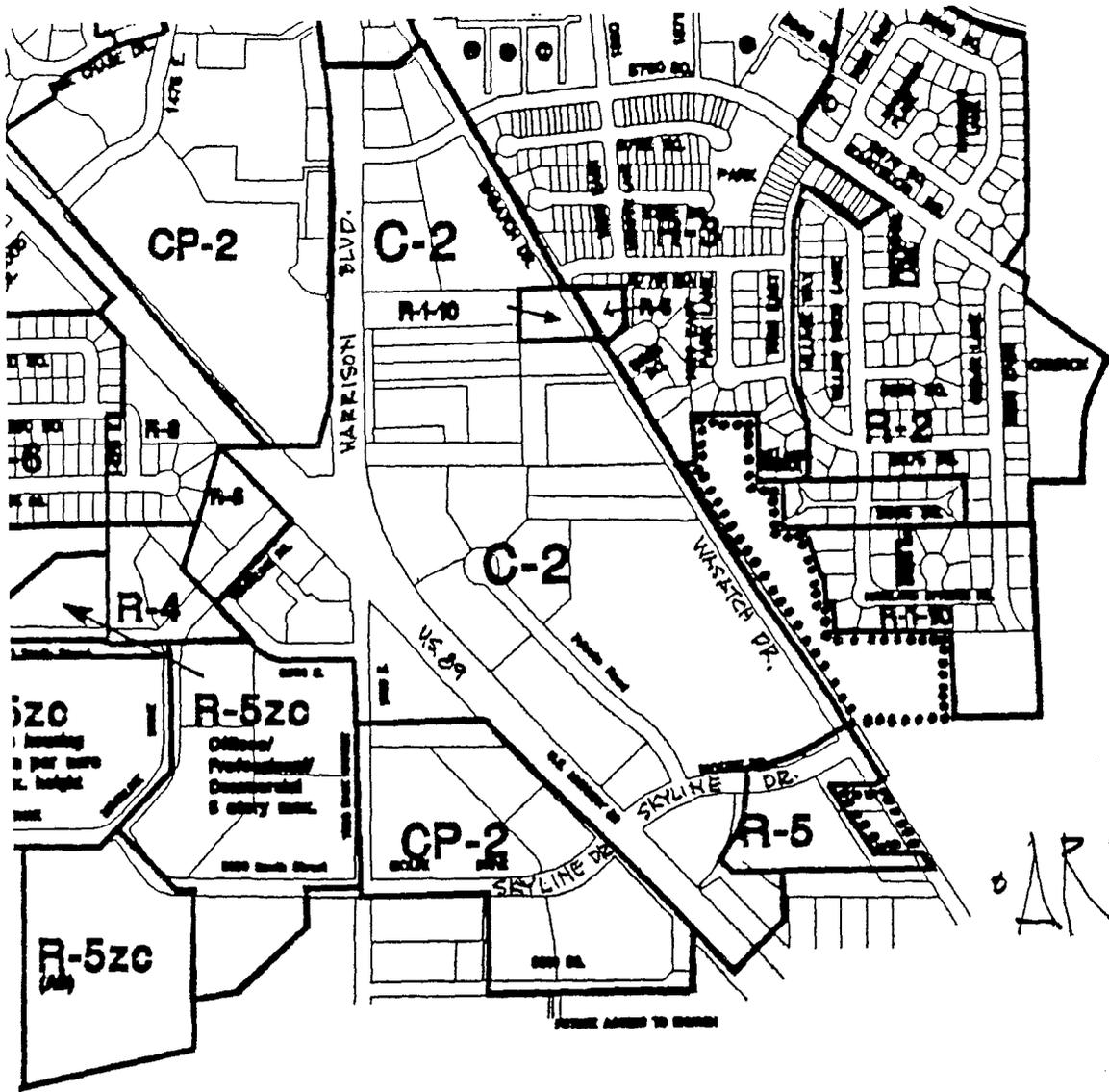
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THE AFFECTED ENTITIES.

Weber County
Weber School District
Uintah Improvement District



AREA 30

AREA 4.

CHARACTER OF THE COMMUNITY.

The existing community in South Ogden City is residential. Open pastureland is in the unincorporated county. H. Guy Child elementary is in the neighborhood. The Weber School District owns the property identified in Area 4 and anticipates building a junior high on the site to replace the existing South Ogden Junior High. Existing streets in South Ogden City provides present access. Future streets by Washington Terrace will provide additional access and connect to the South Ogden City streets. Depending on the development schedule of the school and Washington Terrace, a completed road system may or may not be available.

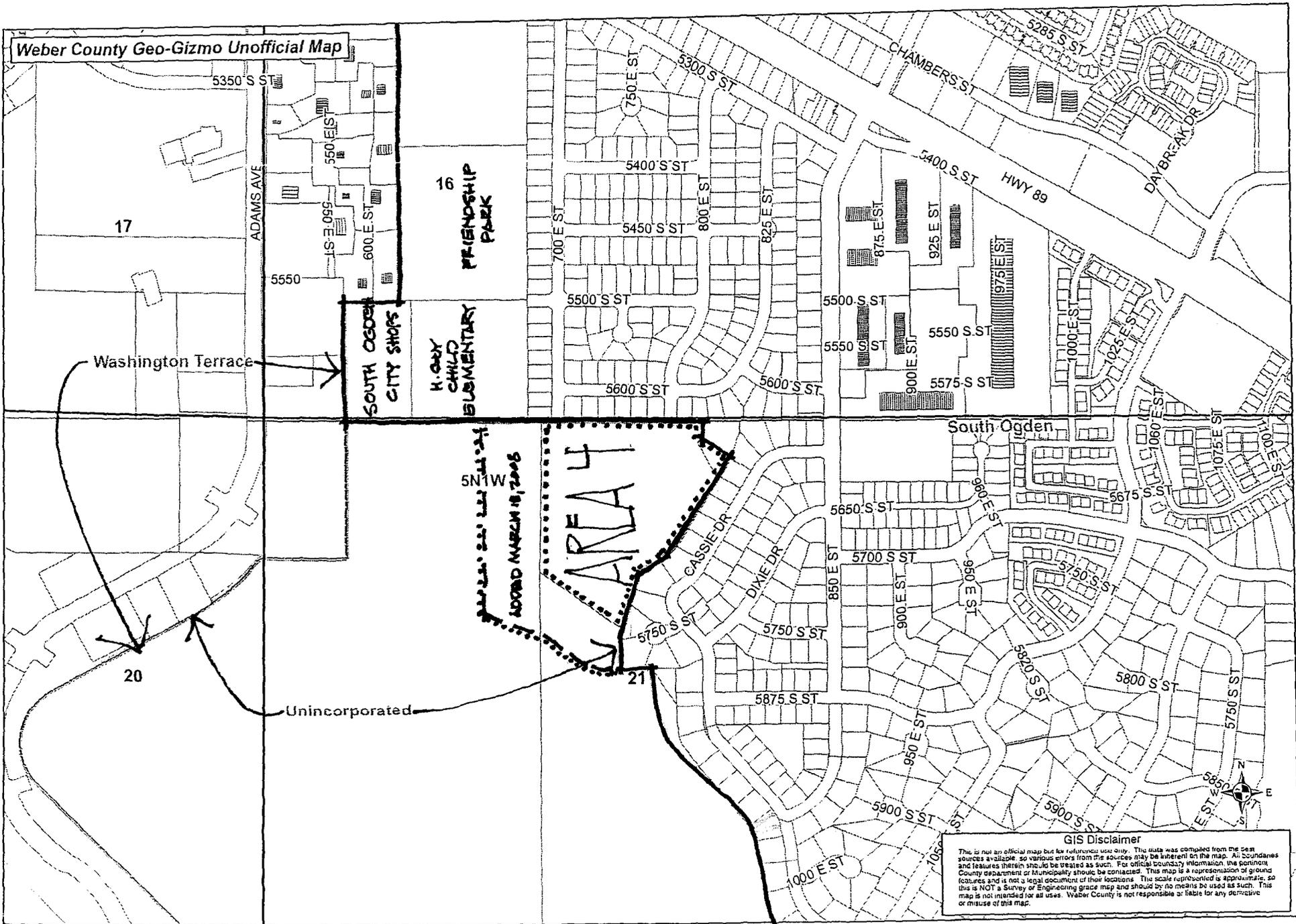
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THE AFFECTED ENTITIES.

Washington Terrace
Weber School District
Weber County

Weber County Geo-Gizmo Unofficial Map



16
FRIENDSHIP
PARK

SOUTH OGDEN
CITY SHOPS
H. GARY
CHILD
ELEMENTARY

AREA 4

5N1W
APPROX MAR 2018, 2018 S

GIS Disclaimer
This is not an official map but for reference use only. The data was compiled from the best sources available, so various errors from the sources may be inherent on the map. All boundaries and features therein should be treated as such. For official boundary information, the pertinent County Department or Municipality should be contacted. This map is a representation of ground features and is not a legal document of their locations. The scale represented is approximate, so this is NOT a Survey of Engineering grade map and should by no means be used as such. This map is not intended for all uses. Weber County is not responsible or liable for any derivative or misuse of this map.

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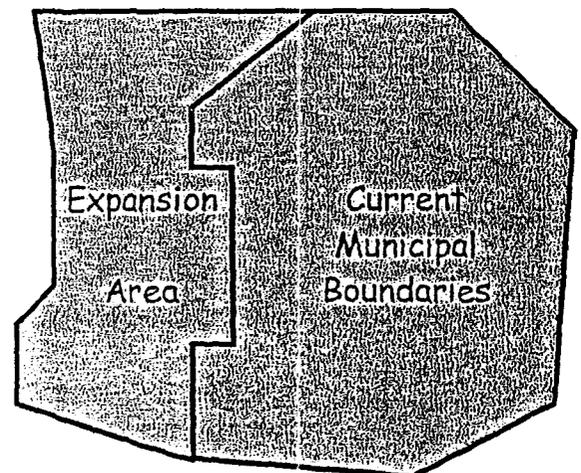
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- How the services will be financed;
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- The interests of all "affected entities";



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Or
2. The county notifies the municipality and within the next 90 days after receiving notification, the municipality submits to the county a written objection to the county's approval of the proposed development, and the county responds in writing to the municipality's objections.

INTERLOCAL AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into effective as of the 18 day of November 2008, by and between the **City of South Ogden, Utah**, a municipal corporation organized and existing under the laws of the State of Utah (hereinafter referred to as "South Ogden"), and the city of **Washington Terrace, Utah**, a municipal corporation organized and existing under the laws of the State of Utah (hereinafter referred to as "Washington Terrace"). This Agreement collectively refers South Ogden and Washington Terrace collectively as the "Parties" or the "Cities".

WITNESSETH:

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 3, Utah Code Annotated, 1953 as amended, permits governmental units to enter into agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources;

WHEREAS, Title 11, Chapter 13, Section 5 of the Utah Code Annotated, 1953 as amended, requires that governing bodies of governmental units adopt resolutions approving an interlocal agreement before such agreements may become effective;

WHEREAS, Washington Terrace owns and operates a sanitary sewer, a storm drain system, and roadway system;

WHEREAS, Washington Terrace is willing to provide sanitary sewer, storm drainage service, and maintain a public road to the property owned by Weber County School District (consisting of approximately 24.72 acres) for the purposes of servicing the new South Jr. High identified in Exhibit "A" as "School Property", located within the South Ogden;

WHEREAS, South Ogden owns and operates a sanitary sewer and a storm drain system;

WHEREAS, South Ogden is willing to provide sanitary sewer and storm drainage service to the property owned by Douglas Stephens (consisting of approximately 13 acres) identified in Exhibit "A" as "Private Property" for the purpose of serving future development located within the Washington Terrace;

WHEREAS, Washington Terrace and South Ogden desire to enter into this Agreement to specify the responsibilities of each City;

WHEREAS, Washington Terrace and South Ogden find that mutual benefit and cost effective government can be achieved through this Agreement for the services entailed herein;

NOW THEREFORE, for and in consideration of the mutual covenants and promises herein contained, it is agreed as follows:

Section 1. Purpose.

The purpose of this Agreement is to outline the responsibilities of each City in providing sanitary sewer and storm drainage services to the other.

Section 2. School District Property.

The Parties hereby agree as follows relating to providing service to the School District Property:

1. **Sewer.** Washington Terrace agrees to provide sanitary sewer service to the School District Property identified on Exhibit "A" by furnishing a sewer collection line and associated system in accordance with the Public Works Standards and Technical Specifications of Washington Terrace City.
2. **Storm Water.** Washington Terrace agrees to provide storm water service to the School District Property identified on Exhibit "A" by furnishing a storm water line in accordance with the Public Works Standards and Technical Specifications of Washington Terrace City.
3. **Public Road.** Washington Terrace agrees to maintain the public roadway servicing the School District Property identified on Exhibit "A" by accepting the public improvements on the right-of-way of such roadway after completion of the improvement by the School District in accordance with the Public Works Standards and Technical Specifications of Washington Terrace City and the completion of Section 9 . Term of Effectiveness.
4. **Culinary Water.** South Ogden agrees to provide culinary water service to the School District Property identified on Exhibit "A" by furnishing culinary water and the associated system in accordance with the Public Works Standards and Technical Specifications of South Ogden City.

Section 3. Private Property.

5. **Sewer.** South Ogden agrees to provide sanitary sewer service to the Private Property identified in Exhibit "A" by allowing developer to construct at developer's expense a sewer collection pipe and the associated sewer system to in accordance with the Public Works Standards and Technical Specifications of Washington Terrace City. Said system shall be constructed to and connect with Washington Terrace's sanitary sewer system with Washington Terrace maintaining said sewer system until the point it connects to South Ogden's sanitary sewer system. At the point of connection to the South Ogden system, South Ogden shall be responsible for the transmission of said sewer to the Central Weber Sewer Improvement District or its successor treatment organization. The area to be developed shall consist of single family homes or similar type development for outflow calculations.
6. **Storm Water.** South Ogden agrees to provide storm sewer services to the Private Property, presently owned by Douglas B. Stephens, sufficient to accommodate future development of said Private Property identified in Exhibit "A". The developer shall be allowed to construct at developer's expense a storm water collection pipe and the associated storm water system to transmit storm water in accordance with the Public Works Standards and Technical Specifications of Washington Terrace City. Said system shall be constructed to and connect with Washington Terrace's storm water system with Washington Terrace maintaining said storm water system until the point it connects to South Ogden's storm water system. At the point of connection to the South Ogden system, South Ogden shall be responsible for the discharge of said storm water.

7. **Discharge and Limitation.** Washington Terrace agrees to accept the discharge of sanitary sewer and storm water from the School District for the Junior High into Washington Terrace's sanitary sewer system and storm water system. This Agreement is limited to and based upon Washington Terrace accepting a maximum sanitary sewer and storm water system capacity for the school property in a continued use as a school.

South Ogden agrees to accept the discharge of sanitary sewer from the Private Property into South Ogden's sanitary sewer system and storm water system. This Agreement is limited to and based upon South Ogden's accepting a maximum sanitary sewer and storm water system capacity for approximately 13 acres.

Section 4. Service Provisions.

The Parties hereby agree as follows relating to providing service provisions:

1. **Responsibilities of South Ogden.** South Ogden agrees to accept sanitary sewer and storm water drainage from Washington Terrace for discharge into South Ogden's sanitary sewer and storm drain system. South Ogden will own and be responsible for the installation and maintenance of all infrastructure within its own systems.
2. **Responsibilities of Washington Terrace.** Washington Terrace agrees to accept sanitary sewer and storm water drainage from South Ogden for discharge into Washington Terrace's sanitary sewer and storm drain system. Washington Terrace will own and be responsible for the installation and maintenance of all infrastructure within its own systems.
3. **Discharge.** Any Party accepting storm water discharge agrees to be responsible for the lawful and proper discharge and disposal of the same, holding the other harmless.

Section 5. Billing and Collection.

This Agreement shall not be construed to affect service fees for sanitary sewer and/or storm water, nor affect any other related fee imposed by either City for service provided by their respective systems. Washington Terrace shall collect monthly sanitary sewer and storm water fees from School and Private Property at the rate charged for connections of similar types with no out of system differential costs. Washington Terrace and South Ogden shall determine a fee structure for the Private Property that will reimburse system impacts in both Cities while keeping rates consistent with then applicable rates within the Cities. These fees shall not include an out of service area differential.

The fees shall be payable from Washington Terrace to South Ogden annually based on the proportionate rate charged for like sanitary sewer and storm water fees within the respective Cities. The rate payable to South Ogden City shall be calculated based on the number of connections within the Private Property as a percentage of the total number of units connected to the outflow line. This proportionate share shall then be calculated based on the replacement cost of the outflow line from the point where the Private Property connection occurs and shall only include the cost of sanitary sewer and storm drain infrastructure that is used to transmit Private Property discharge. At the time of connection the outflow line owned and operated by South Ogden shall be measured and the fees calculated at that point. Other factors to be included in the calculation shall include the projected replacement life of the outflow line based on the then expected life and replacement cost of said outflow line.

Section 6. Ownership of Improvements.

Ownership and operation of system improvements is as follows:

1. South Ogden shall not have any ownership interest in Washington Terrace's sanitary system.
2. Washington Terrace shall be responsible for owning, operating, and maintaining its system prior to the point of connection and is responsible for owning, operating, and maintaining the system servicing the Private Property in Exhibit "A" prior to the point of connection.
3. Washington Terrace shall not have any ownership interest in, or maintenance responsibilities for, any portion of the storm sewer system prior to the point of connection to South Ogden storm sewer system.

Section 7. Fees.

Each City shall be responsible for any fees that may be incurred through development in their respective City. Each City reserves the right to collect any additional fees associated with services they provide to any party based on the impact to their system and applicable laws and fees at the time of development.

Washington Terrace shall be responsible to collect impact fees for sanitary sewer and storm water from the School property. South Ogden City will be responsible to collect impact fees for sanitary sewer and storm water from Private Property owner.

Section 8. Cooperation.

Both Cities agree to cooperate in an effort to accommodate the other to effectuate this Agreement, including, but not limited to, granting of any necessary easements, right of ways, access, planning, coordination, and future negotiations as may be necessary for the same.

Section 9. Term and Effectiveness.

This Agreement is effective for the maximum term of an interlocal agreement as authorized by the state law in effect at the time this Agreement was entered, being fifty (50) years. This Agreement is only effective upon annexation of the School District Property be into the corporate limits of South Ogden and upon the annexation of the 14.06 acres into the corporate limits of Washington Terrace.

Section 10. Notices.

All notices for the purpose of this Agreement and other communication shall be made in writing and shall be deemed received given in the following circumstances: (i) when personally delivered; (ii) after three (3) business days from being deposited in the United States Mail, postage prepaid; (iii) the next business day after being deposited with a recognized overnight mail courier delivery service; or (iv) when transmitted by facsimile or telecopy transmission, with receipt acknowledged upon transmission. Also, notice shall be properly addressed to the representative designated below. A party may change its address and designee officer for notice purposes by giving the other party notice of such change. The City Manager of each respective City shall have the authority to issue all notices in relation to this Agreement.

If to South Ogden:

Scott Darrington, City Manager

City of South Ogden
3950 S. Adams Ave
South Ogden, Utah 84403
Phone: (801) 622-2700
Facsimile: (801) 622-2713

If to Washington Terrace:

Mark Christensen, City Manager
City of Washington Terrace
5249 S. South Pointe Drive
Washington Terrace, UT 84405
Phone: (801)393-8681
Facsimile: (801)393-1921

Section 11. No Third Party Beneficiaries.

The existence of this Agreement shall not constitute or establish any right of any third party.

Section 12. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Each party represents to the other that it has undertaken all necessary actions to execute this Agreement and has the legal authority to enter into this Agreement and undertake all necessary actions to execute this Agreement and has the legal authority to enter into this Agreement and undertake all obligations imposed on it.

Section 13. Applicable Law.

This Agreement and the provisions contained herein shall be construed, controlled and interpreted according to the laws of the State of Utah.

Section 14. Counterparts.

This Agreement may be executed in any number of counterparts and by the different parties hereto on separate counterparts, each of which when so executed and delivered shall be an original and all of which shall together constitute one and the same agreement. Signature pages may be detached from the various counterparts and attached to a single copy of this document to physically form one document. A facsimile version of any signature hereto shall be deemed an original for all purposes.

Section 15. Severability.

This Agreement is intended to be performed in accordance with and only to the extent permitted by all applicable laws, ordinances, rules and regulations. If any provision of this Agreement or the application thereof should be deemed unenforceable by a court of competent jurisdiction, the remaining provision shall remain enforceable, but only to the extent that each party to this Agreement receives the material benefit of their bargain

Section 16. Headings.

The headings inserted at the beginning of each Section are for the convenience of the parties only and do not add to or subtract from the meaning and contents of each Section.

Section 17. Remedies and Waiver.

Any remedies that may be contained or implied in this Agreement are non-exclusive and the election or waiver of any remedy contained in this Agreement or existing at law or in equity shall not be deemed to preclude the election of any other remedy available under this Agreement or at law or in equity with respect to the same matter. The waiver by any party of a breach of any provision, agreement or covenant of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach of the same or any other provision, agreement or covenant by such other party.

Section 18. Assignment.

This Agreement shall not be assigned by either party without the prior written consent of the other party hereto.

Section 19. Filing.

A copy of this interlocal agreement may be filed with the City Recorder of each respective City.

Section 20. Entire Agreement and Modification.

This Agreement contains the entire agreement of the parties and no representations, inducements, promises or other agreements, oral, written or otherwise, between the parties which are not embodied within this Agreement shall be of any force or effect. Any amendment to this Agreement shall not be binding upon any of the parties hereto unless such amendment is in writing and fully executed by all parties whose rights, as set forth in this Agreement, pertain thereto.

Section 21. Indemnification.

Each party to this Agreement shall defend, indemnify and hold harmless the other party from and against any and all claims, demands, damages, fines, fees, costs, attorneys fees and suits ("Claims") of whatever kind and nature which are related to or flow from said party's performance of, or failure to perform, this Agreement and the respective parties' obligation thereto, as well as ownership and maintenance responsibilities of the respective sewer and storm drain lines as set forth within this Agreement. Furthermore, unless otherwise stated herein, South Ogden agrees to indemnify, defend and hold harmless Washington Terrace from any and all such same Claims which may be related to or flow from the discharge and disposal of the storm drain line. This is not intended to, nor does it exonerate Washington Terrace from any liability that may result from an act or occurrence in, on or to the Washington Terrace storm sewer line, above or outside of any of the modifications or changes contemplated as a part of this agreement. Washington Terrace would be solely responsible for any damages that may result from any incidents that arise on its property and outside from those storm sewer sections made a part of this agreement but that might eventually flow into the South Ogden storm sewer sections. In such case, Washington Terrace would indemnify, defend and hold harmless South Ogden City from any and all such claims which arise outside of the line portions contemplated as a part of this agreement, that may eventually flow or discharge into the South Ogden storm sewer line. This indemnification is hereby reciprocal from South Ogden City to Washington Terrace with respect to the Sewer line. South Ogden City will make all best efforts to obtain an indemnification,

waiver and hold harmless agreement from the owner of the property onto which the storm drain line is expected to discharge. Said agreement shall benefit both South Ogden and Washington Terrace and shall bind the owner's heirs, successors and assigns and shall be recorded against said property.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the date first set forth above.

City of South Ogden, Utah

By [Signature]
George Garwood, Mayor



ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM
for the use and reliance of South Ogden City.
_____, 2008

[Signature]
South Ogden, City Attorney
South Ogden, Utah

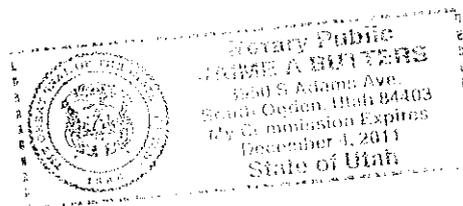
STATE OF UTAH }

COUNTY OF WEBER }

PERSONALLY APPEARED before me, the undersigned authority, South Ogden City by and through George Garwood and Dana Pollard, personally known to me, and known by me to be the Mayor and South Ogden City Clerk, respectively, and acknowledged before me that they executed the foregoing instrument on behalf of the City of South Ogden, Utah, as its true act and deed, and that they were duly authorized to do so.

WITNESS my hand and official seal this 3 day of December, 2008.

[Signature]
NOTARY PUBLIC
My Commission Expires: 12/14/2011



City of Washington Terrace, Utah

By: Mark C. Allen
Mark C. Allen, Mayor

Date: 11-18-08

ATTEST:

By: Amy Rodriguez
Amy Rodriguez, City Clerk

Date: 11-18-08

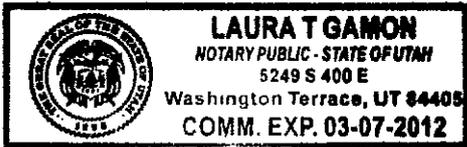
STATE OF UTAH }

COUNTY OF WEBER }

PERSONALLY APPEARED before me, the undersigned authority, Mark C. Allen and Amy Rodriguez, personally known to me, and known by me to be the Mayor and City Clerk of the City of Washington Terrace, Utah, respectively, and acknowledged before me that they executed the foregoing instrument on behalf of the **City of Washington Terrace, Utah**, as its true act and deed, and that they were duly authorized to do so.

WITNESS my hand and official seal this 19 day of November, 2008.

Laura T Gamon
NOTARY PUBLIC
My Commission Expires:



APPROVED AS TO FORM
for the use and reliance of the City of
Washington Terrace.
November 25, 2008

Richard Morris
Washington Terrace City Attorney

EXHIBIT "A"

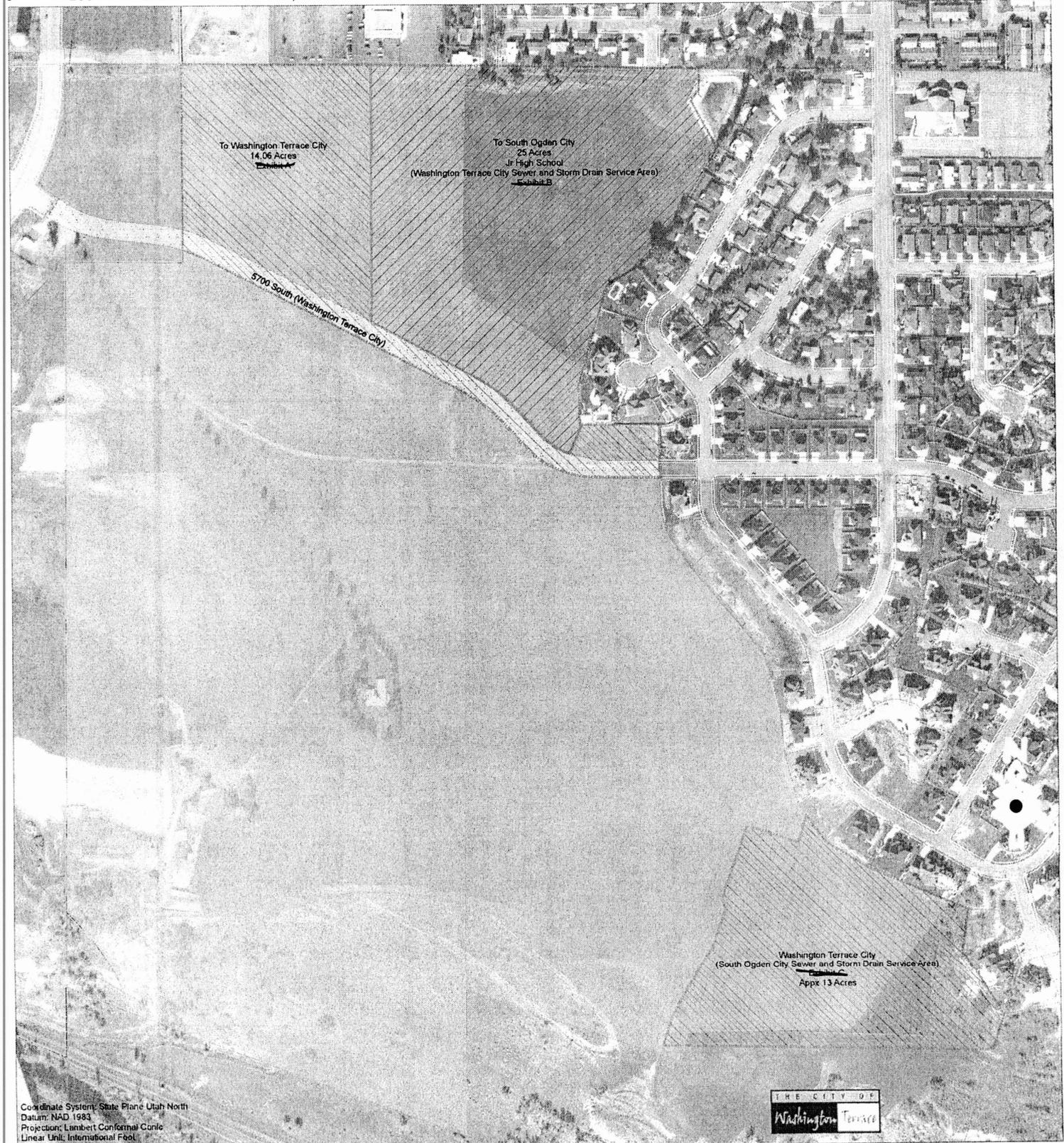
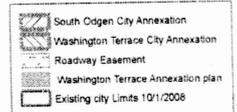
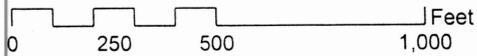
PROPERTY DESCRIPTION (Overview Map)

Exhibit A

Annexation Interlocal Agreement

South Ogden City, Washington Terrace City - October 2008

Data Sources: Aerial, County GIS, Computer Engineering, and Utah State AGRC
The Areas shown in this exhibit are not exact; they simply represent best fit





September 3, 2008

South Ogden City Corporation
3950 Adams Avenue
South Ogden City, Utah 84403

Attention: Matt Dixon, City Manager

As requested we have evaluated the property owned by Pleasant Valley Ranch (parcel numbers 07-080-0124, 07-080-0122, 07-080-0025) and Ricky III and Anchor land and Cattle (parcel numbers 07-080-0119 and 07-080-0012) for potential annexation into South Ogden City. According to Weber County tax records, there appears to be approximately 166 acres in the subject area. Assuming a residential R-1-10 zone is applied to the subject property, it is estimated that approximately 365 lots could be developed. Following the annexation, the City will be required to provide services and utilities to the property. With regard to the City owned utilities we have the following comments.

Culinary Water

In evaluating any culinary water system, three areas must be considered as follows: the distribution system; water storage facilities; and water sources. Presented below are the results of our evaluation.

Distribution System - The South Ogden City Culinary Water System has been developed without consideration for the future water needs of the subject property. Consequently, there are currently no City owned main lines stubbed into the subject parcels. In evaluating the subject area using the computer model, we assumed the subject parcels are developed and that two 10-inch diameter lines are stubbed into the property at different locations. The computer model indicated that the **water system in the area functioned well with no visible deficiencies** during average flows, peak hour and fire flow conditions. However, since there are currently no water lines stubbed into the area, easements would have to be obtained to run the lines down side lot lines of existing home and/or a line would have to be run down 5700 South.

Water Storage Facilities - South Ogden City currently own and operate five water storage tanks that total 5,000,000 gallons of storage capacity. In determining that storage requirements for South Ogden City, the State of Utah Division of Drinking Water provides recommendations for culinary water storage for municipal water systems. In accordance with the City's Culinary Water Capital Facilities Plan, 2008, South Ogden City will require 5,028,960 gallons of storage

at the anticipated build-out population. It is important to note that this number does not include portions of Washington Terrace City that are currently being served by the South Ogden City Culinary Water System. It is our understanding that Washington Terrace is planning to upgrade their system so they will no longer use the connection to South Ogden's System. As indicated, the City's future storage requirement will be 28,960 gallons more than what is currently available. However, we believe that this quantity is not significant in view of the assumptions made in planning process and the overall quantity of storage that is available. The addition of 365 additional residential connections will increase the estimated storage shortfall to approximately over 200,000 gallons. This will reduce the recommended emergency storage by approximately 20%. This reduction will not place the system in jeopardy, but will be a significant issue if problems with one of the existing storage facilities occurs.

Water Sources - South Ogden is supplied with culinary water from several sources including the following exchange water from Burch Creek and Strong's Canyon Creek; ground water from a well located in Washington Terrace; and several connections to the Weber Basin Water Conservancy District (WBWCD) system. The well in Washington Terrace has not been used for an extended period of time and so will not be considered for this evaluation. The water from Burch Creek and Strong's Canyon are delivered to WBWCD where it is exchanged for treated water. According to the City's Culinary Water Capital Facilities Plan, the future source requirement is 2,006 acre-feet. The addition of the subject property would result in an increased source requirement of 92 acre-feet for a total of 2,198 acre-feet. There appears to be sufficient source for the additional parcels.

Sanitary Sewer

The location of the property relative to the South Ogden City Sewer System will require either a sewer pump station or a connection to a gravity outfall line. The only gravity line in the area is a main outfall line that discharges through the Nature Park where it connects to a Central Weber Sewer Improvement District Line. There appears to be sufficient capacity in the line, however, it is unlikely that the entire area would be able to gravity flow to the outfall line. The topography in the area may also cause significant design and construction challenges. A sewer pump station would be able to lift the sewer flows into a gravity line however, the operation and maintenance of a sewer pump station are significant and would be on-going and would not be desirable.

Storm Drain

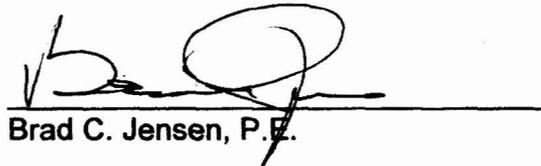
There are currently no storm drain facilities in the subject area. The resulting storm water flows would have to be routed through detention facilities and then piped to the southeasterly boundary of the subject parcels to the tracks. Because the drainage culverts across the UPRR tracks are generally inadequate, and because of past drainage problems in Uintah City, we recommend the water then be piped to the Weber River. In order to accomplish this, the Developer would have to obtain approvals from UPRR to cross the tracks as well as obtain easements from the adjacent property owners.

Soil Conditions

Even though the soil conditions are not part of the anticipated services that the City will be required to provide, it is an important issue that should be addressed. The soil located along the northwesterly slope of the Weber River Drainage are known to be potentially unstable. Runoff water as well as irrigation water placed on the yards of homes could potentially result in construction problems as well as slides or slumps. A significant amount of geotechnical study would have to be completed in order to determine methods that would minimize potential problems.

If you have any questions, or need more information, feel free to call.

WASATCH CIVIL CONSULTING ENGINEERING



Brad C. Jensen, P.E.

Commissioner Sebahar moved to closed the public hearing. The motion was seconded by Commissioner Pruess. The vote was unanimous to close the public hearing.

VI. SUBDIVISION ACTIONS

A. Final Approval of Tuscan Ridge PRUD Phase 5

Commissioner Sebahar commented this project had been around for a long time and she did not see any issues with it. Chairman Heslop asked if there was a motion.

Commissioner Rounds moved to approve Tuscan Ridge PRUD Phase 5. Commissioner Sebahar seconded the motion. The chair then called the vote.

Commissioner Sebahar-	Aye
Commissioner Layton-	Aye
Commissioner Pruess-	Aye
Commissioner Rounds-	Aye

Tuscan Ridge PRUD Phase 5 was approved.

VII. OTHER BUSINESS

A. General Plan Map Assessment

Chairman Heslop asked City Planner Mark Vlastic to speak to this item. Mr. Vlastic said this discussion was to determine the status of the existing land use map of the general plan; it was called "Land Use and Circulation Plan" in the 1997 General Plan. Since 1997 there had been two updates to the general plan, but neither of those updates specifically addressed updating the land use map. Mr. Vlastic felt that was due to the fact that the city was nearly built out and there wasn't a need. However, staff now felt there was enough incorrectness to the general plan map to warrant updating it. He had provided the commissioners with four different maps in their packet; one the original 1997 map, the second map was the original map in GIS format. The third map was an existing land use map from the 2008 general plan update that had been updated to reflect as near as possible the existing land use in 2014. The fourth map combined the three maps and identified areas where there were significant differences; there were 48 identified significant differences, most of which were located in the southern part of the city. Planner Vlastic said the purpose of the general plan map was to provide guidance about development for the city. Currently, Mr. Vlastic had to go to three different maps to get a sense of what was planned for areas of the city. The question being presented to the commission was whether the general plan map should be updated along with the text that went along with it in the general plan itself. Another question might be if the map and related text was enough, or if the whole general plan should be updated. Commissioner Pruess said he was in favor of updating the map and related text. Commissioner Rounds asked if staff would be doing the updates or if it would not need to be hired out. Mr. Vlastic confirmed staff could do it. All of the commissioners present agreed with Commissioner Pruess in updating the map and the related text.

B. Review of Report and Discussion on Annexation

Chairman Heslop then moved to discussion on annexation. City Planner Vlastic pointed out the report by the engineer covered water, sewer, storm sewer and soils in the area to the south of the city being looked at for annexation. He felt that generally the report supported the fact that annexing the area was not logical; most of the utilities in the area had not been engineered with annexation in mind.

Commissioner Sebahar said if it was not a benefit to the city's residents and not cost effective, she did not feel right about just putting any piece of land in the city's annexation plan. She said the costs involved in providing utilities to the area were in the millions. Commissioner Pruess pointed out that the area in question would be mostly residential and not bring much revenue to the city. City Recorder Leesa Kapetanov asked if the commission wanted to make a recommendation to the city council concerning annexation. Commissioner Sebahar pointed out there had been three areas to consider for annexation, and a study had only been done on one area. Although the golf course was already in the city's annexation plan, there still had not been any report concerning Uintah Highlands. She said her recommendation at this point would be to not annex the Stephen's property to the south of the city; she wondered why all the work had been done to analyze the area when the owner had made it clear he did not want to annex his property to the city. Commissioner Pruess stated he didn't see the city being able to provide utilities because of the slope of the property, and they would probably have to pay Washington Terrace to provide water and sewer services. Neither he nor Commissioner Sebahar felt the revenue that came to the city from annexing the property would compensate for the costs involved to provide utilities. Commissioner Sebahar said she felt it was unfair to the other residents of South Ogden to put so much money into providing services for that area when Washington Terrace was already planning to provide utilities for the area. Commissioner Heslop pointed out the area was already in Washington Terrace's annexation plan. Commissioner Rounds said he agreed with Commissioner Sebahar's recommendation; Commissioner Pruess agreed as well. Commissioner Heslop pointed out the area was prime land with great views and he hated to give it up if the city had the possibility to annex it. City Planner Vlasic said studies indicated if there were no commercial properties to help generate revenue in an annexation, residential properties on their own were a drain to the city without even considering the costs of providing the initial utilities. City Recorder Leesa Kapetanov suggested that Planner Vlasic write the recommendation as discussed by the commission, email it to them for their approval, and then forward it to the city council. The commissioners agreed.

VIII. APPROVAL OF MINUTES OF PREVIOUS MEETING

A. Approval of the July 23, 2014 Special Meeting Minutes

Chairman Heslop then moved to the approval of minutes and called for a motion to approve the July 23, 2014 Special Meeting minutes.

Commissioner Pruess moved to approve the July 23, 2014 special meeting minutes. Commissioner Rounds seconded the motion. All present voted aye other than Commissioner Sebahar who abstained.

B. Approval of the August 14, 2014 Briefing Meeting Minutes

The chairman then called for a motion concerning the August 14th briefing meeting minutes.

Commissioner Layton moved to approve the August 14, 2014 briefing meeting minutes followed by a second from Commissioner Sebahar. All present voted aye other than Commissioner Rounds who abstained because he was not present at the briefing meeting.

people would rather do. If any of the council had suggestions, he asked them to give them to him.

B. City Council Members

Council Member Benard – thanked the city for the flowers, thoughts and support for his family during his wife’s recuperation.

Council Member Strate – informed the council that the area south of South Junior High School was not in the annexation plan for the city. He thought that the city should consider making it part of its annexation plan. City Manager Dixon said he thought some “lines in the sand” had been drawn when the city annexed the property for the junior high, but he would look into it. Council Member Strate said it was his opinion that city should fight for that area to be in our annexation plan. He also reported that there had been some issues with addresses on 6100 South and 1375 East; there were duplicate numbers. He asked that a solution be found. He also asked that the winter maintenance of the Nature Park trails be put on a future agenda for discussion.

Council Member Smith – nothing to report.

Council Member Porter – thanked Council Member Smith for his service as mayor pro tem.

Council Member Orr – not present.

C. City Manager – Reminded the council that they could add any item to the agenda for discussion or action. He then reminded the council of the “Local Officials Day” coming up with the legislature as well as the upcoming council retreat on February 7th-8th. He then reminded them to get with him to order logo shirts.

D. City Attorney Ken Bradshaw – nothing to report.

Mayor Minster then called for a motion to adjourn the meeting.

X. ADJOURN

Council Member Smith moved to adjourn, followed by a second from Council Member Porter. All present voted aye.

The meeting ended at 8:22 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, January 7, 2014.


Leesa Kapetanov, City Recorder

Date Approved by the City Council January 21, 2014

restroom access at Nature Park in the winter time. The mayor said he would like some thought and serious consideration for the matter.

Council Member Orr remarked the enclosure was a good idea, but said Friendship Park and Glasmann Park were used as much if not more than Nature Park, and that facilities should be considered there as well.

Mayor Minster said he was looking at a facility at Nature Park as somewhat of a "test" to see if the facilities would work. Council Member Smith agreed with Council Member Orr, in that he felt the trails at Friendship and Glasmann Parks were used more in the winter. If the city were going to have a test facility, it would be better to do it at the park that gets the most use.

Council Member Strate explained a resident had offered to donate money towards a facility at Nature Park, and the council should not "look a gift horse in the mouth".

Other council members stated they had not heard and did not know of anyone offering funding for the enclosure. It was determined that this item should be put on a future agenda when more information was available.

F. Discussion on Future Annexation Plan

City Manager Dixon spoke to this item. He reminded the council this was put on the agenda in response to a request by Council Member Strate and involved the property south of the junior high school. Mr. Dixon had researched the city's annexation plan and determined that the area in question was not a part of the plan.

The council discussed the area - what was existing and what services, as far as water and sewer, were available. Council Member Benard asked what harm there would be in adding the unincorporated areas south of the junior high and east of Washington Terrace to the city's annexation plan. Mr. Dixon answered the city would have to be able to provide water and sewer services, which might be difficult because of the large hill in the area.

Parks and Public Works Director Jon Andersen explained what services were currently available in the area and what some of the challenges would be. The council viewed a map showing where the current boundaries of South Ogden and Washington Terrace were.

Council Member Strate felt that with the junior high so near, the property to the south of it should be part of the city and should be added to the city's annexation plan.

Council Member Orr pointed out the Ogden Golf and Country Club property should be part of the city's annexation plan as well. The council then directed staff to look at all possible annexation properties to include in an annexation plan.

G. Discussion on South Ogden Days

Special Events Coordinator Jill McCullough came forward for this discussion. She reminded the council they had talked about different activities for Thursday and Friday nights. She was present to offer some ideas for the activities. She explained to the council that option two (in their packet information) would keep the fun run at the Nature Park on Thursday evening, but instead of a movie afterward, they would use the new amphitheater and have a talent show or open mike night to showcase local talent as well as the amphitheater. They could then move the movie to Friday night and Friendship Park to bring more people there. Option one would keep things the same as they are now-the fun run and movie night on Thursday at Nature Park.

Council Member Orr stated that Council Member Porter asked her to say he favored option two. She also favored option two and suggested the city ask Bonneville High School to get involved in the talent night.

There was some discussion by the council on the limited space at the amphitheater. Council Member Benard said he also favored option two and suggested that more activities be added after the fun run, such as sack races, vendors and other games.

Council Member Benard – reported he had received quite a few positive comments on the newsletter. He thanked other members of the council for taking over the writing of a letter to residents that he had been assigned to write, but due to an extra work load, had been unable to do.

Council Member Strate – had attended his first South Ogden Business Alliance Meeting and had enjoyed it. He had also enjoyed the conference in Saint George and had learned a lot. He hoped to put the new knowledge to work for the city.

Council Member Smith – thanked the public works department for quickly taking care of a sink hole in the road near his home.

Council Member Porter – enjoyed spending quality time with the Mayor and council members at the conference and felt the time spent and things learned was valuable.

- C. **City Manager** – reminded everyone of the Easter Egg Hunt on Saturday. He then informed the council that staff wanted to mail the letter Council Member Benard had referred to, later that week; if anyone had changes or comments concerning it, they should get them to him.

Mr. Dixon then reported he and Mayor Minster had held a meeting with Wasatch Front Regional Council, as well as with representatives from UTA, Riverdale City, Washington Terrace and Ogden City. The purpose of the meeting was the widening of 40th Street and the possible regional impacts and transportation needs. UTA was interested in making 40th either a streetcar or a bus rapid transit route, with the possibility of widening the street to 106 feet instead of the currently proposed 84 feet. If the street were to be made wider for the transportation routes, the city would expect to receive additional funds from the benefiting entities.

- D. **City Attorney Ken Bradshaw** – not present.

Mayor Minster then indicated it was time to adjourn city council meeting and convene into a work session. He entertained a motion to do so.

Council Member Porter moved to adjourn city council meeting and move into a work session, followed by a second from Council Member Orr. Council Members Benard, Smith, Porter, Orr and Strate all voted aye.

XI. **ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION**

A. **Discussion on Possible Amendment to the Annexation Policy Plan**

Mayor Minster turned the time to City Manager Dixon to facilitate this discussion. Mr. Dixon said the intent of the discussion was to re-visit the city's annexation policy. He reviewed the position of the planning commission, who had determined that they could not make any recommendation to the council without knowing the financial impacts an annexation might have on the city. The most the planning commission felt they could recommend was that based on common accepted knowledge, revenues gained through annexation of residential properties only covered 25% of the costs needed to provide

services to those properties. Mr. Dixon then invited the council to discuss the matter. Council Member Porter asked if it would hurt to just add areas to the annexation plan; it was his understanding that someone had to petition the city for annexation, and if so the city should include all possible areas in its plan. Mr. Dixon replied that if an area was in the city's annexation plan, the city was basically saying that if petitioned, the city would allow that area to be annexed and incur the costs of providing services.

Council Member Smith said he felt that potential areas, including the area near South Junior High, should be included in the city's annexation plan. Council Member Strate agreed; he said that even though it was the property owner's decision as to which city to annex into, all possible areas should be included in the city's annexation plan.

Mayor Minster reminded the council of the history of the annexation of the property the new junior high was built on, saying there had been some unwritten agreements between Washington Terrace and South Ogden concerning the area to the south of the junior high. He felt it would cause some unrepairable damage between the two cities if South Ogden were to include that area in its annexation plan, as it was already included in Washington Terrace's.

Council Member Porter commented it may not be good for South Ogden's long term fiscal strategy to spend a lot of money for water and sewer services to be available to a few houses that wanted to "identify" with South Ogden.

Council Member Benard said he would be interested to know when the Golf Course was added to Washington Terrace's annexation plan. He also wondered if there were some middle ground for the city to take; to "softly" include an area in an annexation plan, not including it in the current plan, but stating that the city would be interested in perhaps adding it at a later date.

Council Member Strate reminded the council of the population component of sales tax, and how adding population to the city would benefit the city financially. He felt the city needed to make it clear to Washington Terrace and the current owner of the property across from the junior high that South Ogden did not have any malicious intent, but merely wanted the property owner to have the option of annexing into our city.

The council then discussed the history of the annexation of the junior high property into South Ogden. They also discussed the friction that adding that area into the city's annexation plan would cause with Washington Terrace.

City Manager Dixon asked Parks and Public Works Director Jon Andersen to explain in more detail the different public services available in the areas indicated on the map included in the packet. Mr. Andersen explained where the existing water and sewer lines were and what would be involved in bringing water and sewer services to different areas.

Mayor Minster asked City Manager Dixon for his comments. Mr. Dixon said he viewed adding this area to the annexation plan as an easy way to damage a relationship with a neighboring city for a low likelihood that it would every benefit South Ogden. He questioned the expense of the political capital for what may or may not be advantageous to the city. He felt that if the issue should ever go before the county boundary commission, they would rule in favor of Washington Terrace, because of the infrastructure available and the long peninsula that would be created with the road and seminary property that were already in Washington Terrace.

Council Member Strate made the point that if South Ogden did not put the areas it wanted into its annexation plan, the city could not contest when and if an area petitioned to be annexed to another city. He felt the city should put their mark on the areas it might want to annex so we would have the ability to contest if need be. Council Member Smith agreed that we should put the area south of the junior high in the city's

annexation plan.

The council discussed what they wanted to direct staff to do, and there seemed to be some disagreement. They then talked about whether they could take a vote to direct staff what to prepare for the next meeting, since this was a work session. The consensus was that they could take a vote to direct staff what to do. Mayor Minster indicated he would vote on the matter since it was only deciding what to direct staff to do. City Manager Dixon pointed out the council had several options; they could table the matter and staff would do nothing, direct staff to find more information, or direct staff to prepare the amendment to the annexation plan and go through the process of adopting it. Mayor Minster called for a motion.

Council Member Benard moved to table further discussion of the matter until staff gathered further information on two matters: 1) when Washington Terrace added the west side of the Country Club Golf Course to their annexation plan, and 2) is there legally a middle ground to record that the city had interest in adding the area south of the junior high to its annexation plan. Council Member Smith requested another component be added to the motion. He also wanted some research done on what percentage of the infrastructure in the area by the junior high belonged to Washington Terrace and how much of it belonged to Central Weber Sewer Improvement District. Council Member Strate seconded the motion including the addition by Council Member Smith. The mayor then called a voice vote. Council Members Benard, Strate, Orr, Porter and Smith, as well as Mayor Minster, all voted aye. There were no nays.

The mayor then called for a motion to adjourn the work session.

Council Member Benard moved to adjourn, followed by a second from Council Member Orr. All present voted aye. The meeting adjourned at 8:26 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, April 15, 2014.


Leesa Kapetanov, City Recorder

Date Approved by the City Council May 6, 2014

**MINUTES OF THE
SOUTH OGDEN CITY SPECIAL COUNCIL MEETING**
Tuesday, April 29, 2014 – 6:00 p.m.
Council Chambers, City Hall

Note: This special meeting was called by Mayor Minster.

COUNCIL MEMBERS PRESENT

Mayor James F. Minster, Council Members Russ Porter, Sallee Orr, Bryan Benard, Wayne Smith and Brent Strate

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Parks and Public Works Director Jon Andersen and Recorder Leesa Kapetanov

CITIZENS PRESENT

Gary Boyer

I. CALL TO ORDER

Mayor James F. Minster called the meeting to order at 6:04 pm and asked for a motion to convene.

Council Member Smith moved to convene as the South Ogden City Council, seconded by Council Member Porter. Council Members Orr, Strate, Benard, Smith and Porter all voted aye.

II. DISCUSSION/ACTION ITEMS

A. Discussion on Annexation Policy Plan

Mayor Minster turned the time to City Manager Dixon to facilitate the meeting. Mr. Dixon indicated staff had researched the history of the city's annexation plan, but had struggled to find much before 2003, though they had found a map and plan from 1979. In 2003, the state mandated that all cities have an annexation plan with certain criteria in place; the city created its current plan in order to comply. In 2006, the plan was amended to add the area for the junior high. At that time, Washington Terrace sent a letter to the city with concerns, because that area was already in their annexation plan. In 2008, the annexation plan was again amended to make the junior high area slightly larger. In November of 2008, an agreement was signed between Washington Terrace and South Ogden which allowed the sewer and storm water from the junior high property to enter into Washington Terrace's system in exchange for South Ogden providing future sewer and storm water services for a 13 acre property next to the Nature Park that was in Washington Terrace's annexation plan. In 2009, there was a de-annexation from South Ogden of the seminary property next to the junior high.

Mr. Dixon said staff had looked at state code to determine the benefits and drawbacks of including an area in an annexation plan. As an affected entity, the city would have a right to protest the annexation of a property into another city, whether it was in our plan or not, however, the city's position to protest may be stronger if the area was also in its annexation plan. Mayor Minster then opened discussion to the council.

Council Member Porter asked if the real question to be answered that evening was whether to put the area south of the junior high in the city's annexation plan. If the question was that simple, he felt the city should add it, simply for the fact that if the owner of the property ever wanted to annex into South Ogden, it would make it easier for them.

Council Member Strate asked if the agreement between Washington Terrace and South Ogden could bind the hands of a developer as to which city he annexed into; he also wondered how Washington Terrace could make an agreement about a property that wasn't in their city yet. He suggested the city find the best attorney it could find concerning annexation law and get proper direction on what it could and should do. He was of the opinion that the city should have this area in its annexation plan. Mr. Strate also said that if the city did not protect its interests, Washington Terrace could place any type of zoning it wanted on the property, which was a concern to him.

Council Member Benard asked if the property to the south of the city was included in the 1979 annexation plan, then it should be considered to be in our annexation plan now.

He felt it was the basis of a good argument to say the area has always been in our plan.

Mr. Dixon pointed out that the 2003 annexation plan was done to meet the state's requirements and was more specific. Council Member Benard said he had also read through the agreement with Washington Terrace, and felt that the wording in the recitals did not bind South Ogden; he would like to look further into the matter. There was some discussion between the council and City Attorney Ken Bradshaw concerning the agreement as well as whether the annexation plan adopted in 2003 nullified the 1979 plan. Mr. Bradshaw indicated more research into the matter needed to be done.

Mr. Dixon pointed out the council also needed to consider other things concerning the area south of the junior high, for example, the area had not been included in any of the capital facility plans, so there was no understanding as to how annexing the area would impact the city's water, sewer and storm sewer systems and the costs involved. Council Member Orr asked if the developer wouldn't bear the burden of the costs when he developed the property. Mr. Dixon said that was true, but whether the city's current system could handle the burden of the extra services was the question, and who would have to pay for enlarging the system if needed would also need to be answered.

Council Member Smith said the city had a clear understanding of where it wanted to go in the 1979 plan, and he felt it was the same now, even though the city had updated its annexation plan in 2003 to comply with the state. He agreed with Council Member Porter's assessment, that the question to be answered was whether the area south of the junior high should be added to the annexation plan; he was of the opinion that it should. He was also of the opinion that other areas, including the Uintah Highlands, should also be included in the city's annexation plan.

City Attorney Bradshaw reminded the council that the annexation plan was a land use issue, therefore the process of amending the annexation plan would need to begin at the planning commission level. The council would need to make clear to the planning commission its concerns and reasons for amending the plan, as the commission would have the responsibility to go through the process of notifying and dealing with the affected entities.

Council Member Strate pointed out if the area had been in the plan since 1979, the city should not need to add it back in.

City Manager Dixon suggested that the city go through the annexation amendment process so there would be no question as to whether the area was in our plan; it would clarify and solidify the city's position.

Council Member Benard asked if Washington Terrace had any residential properties on the east side of Adams Avenue. Those present said the condos that backed on to Friendship Park were the only residential properties they were aware of. Mr. Benard then pointed out then that the closest residential properties to the area in question were located in South Ogden; in his opinion, this point might affect what the city does in the

future. He said the city needed to do some research to see if the adoption of the 2003 annexation plan superseded or added to the 1979 plan, then proceed accordingly to make it clear that the area south of the junior high was clearly in the city's annexation plan. Mayor Minster suggested that the council direct staff to do some more research to answer the questions raised at the meeting. He called for a motion.

Council Member Benard moved to direct staff to look at the 1979 plan and 2003 amendments on the issue of the existence of all property to the south of the city being in our plan. The motion was seconded by Council Member Strate. The mayor then asked if there were any further discussion, and seeing none he made a voice vote. Council Members Orr, Strate, Benard, Porter and Smith all voted aye. There were no nays. The motion carried.

Council Member Strate then asked if a motion could be made to seek other legal counsel. The mayor said Mr. Strate had been the only one to suggest it, and at this point, he (the mayor) would be against it. He felt it would be a waste of money. Council Member Strate said he wanted to protect the city as best as he could, and it was important to him. He felt it would be money well spent. Council Member Benard said he felt it was premature to get other legal counsel, that staff should do the research asked of them, and then come back with recommendations. Council Member Smith asked City Attorney Bradshaw what he felt his expertise was as far as annexations. Mr. Bradshaw said he was a very good generalist, and assured the council that if he felt at any point the matter was out of his league, he would let them know. Council Member Porter agreed that now was not the time to seek outside counsel. Discussion was then concluded.

III. ADJOURN

Mayor Minster called for a motion to adjourn.

Council Member Porter moved to adjourn, followed by a second from Council Member Benard. All present voted aye. The meeting adjourned at 6:56 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Special Meeting held Tuesday, April 29, 2014.


Leesa Kapetanov, City Recorder

Date Approved by the City Council _____ May 20, 2014

VII. REPORTS

A. **Mayor** – reminded everyone of the employee appreciation lunch on Friday at the 40th Street Park. He also reminded the council of the Senior Citizen Barbeque on September 8th. Those who were willing to help cook and serve should notify him.

B. City Council Members

Council Member Benard – commended Mr. Andersen for the road work on Chambers. He had heard that the businesses were not struggling too badly from it.

Council Member Orr – asked Chief West concerning the fee for fire pits. The chief said the fee had not been put on the consolidated fee schedule; he had also done research and no other cities in the county were charging a fee. Staff had determined no fees for fire pits should be charged.

Ms. Orr then said there had been many questions raised from residents earlier in the meeting and she would like to meet and discuss them.

Council Member Porter – pointed out Roy was purchasing property from Weber County School District; staff should look into the matter to see what the process was.

Council Member Smith – expressed his concerns on the South Ogden road being worked on by Washington Terrace City. He wanted to make sure things were done correctly; construction had already begun.

Council Member Strate – (as per Council Member Strate's request, the following is a transcription of his report): Council Member Strate: Yes, I actually have the same concern that Council Member Smith had concerning Adams Avenue Parkway because I think that the main concern that the council had, speaking for myself, was that, uh, there was South Ogden property that they were asking to be ceded to us as a result of that and I am just concerned about that. And also along those lines, uh, we go back to school tomorrow and the last time we were just ending school, we uh, were uh we all looked into updating the general plan, especially regarding the property south of the junior high and I guess that's to the engineers. How long does that take and what's the circumstance? City Manager Dixon: We defer to Jon for a follow-up on that. Council Member Strate: Oh, sure. Parks and Public Works Director Jon Andersen: What was the question? Matt Dixon: The, uh work the engineer is doing on the annexation plan. Jon Andersen: On south, on the property west? Matt Dixon: Yes. Jon Andersen: Brad Jensen, in house, him and John Biergard are working on that as we speak. Um, I'll see if we can have something for you the first or second of September. Council Member Strate: Yah. Council Member Smith: Remind them not to leave upper Uintah out of... Jon Andersen: out of there. Yah, he's gotta do his, uh, models, you know, to see storm water, what everything would end up being there, and I know there are those calculations. I know, uh, we were out there for the pre-construction for one of the road meetings a week ago, and he was working on that also. Matt Dixon: And I guess just to be clear, so we can give a report on where that's at, (Council Member Strate: Okay.) once they get that done. Council Member Strate: Good enough. City Manager Dixon: Then we'll actually go to the planning commission for a review before it... (Council Member Strate: Right.) would then come to you as a recommendation, so. Council Member Strate: Okay. Uh, also Jon, once again, thanks for the note. Mr. Williams called me as soon as his light was fixed and I went down one door and told Mr. Porter, so. Jon Andersen: We try, and you know the whole process...so, but it is fixed. Council Member Strate: Yah, but thank you very much. And we already talked about, it seems like weddings have become a common occurrence down at the Nature Park, and it has... (Council Member Orr: