



# Ogden City

## City Council Meeting Agenda

September 22, 2015 – *immediately following the Special Redevelopment Agency meeting which begins at 6:00 p.m.*

City Council Chambers

Municipal Building – Third Floor

2549 Washington Boulevard, Ogden, Utah 84401

1. Roll Call.
2. Approval of Minutes: *(voice vote)*
  - a. Regular meeting of July 28, 2015 – *Council member Garner*
  - b. Work session of July 28, 2015 – *Council member Stephens*
3. Common Consent: *(voice vote)*
  - a. **FY2016 Budget Amendment – Miscellaneous Appropriations.** Proposed Ordinance 2015-42 amending the budget for the fiscal year July 1, 2015 to July 30, 2016 by increasing the anticipated revenues for a gross increase of \$1,072,954. *(Set public hearing for October 6, 2015)*
4. Reports from the Administration:
  - a. **Waterline Maintenance Amendments.** Proposed Ordinance 2015-43 the Ogden Municipal Code by amending Sections 9-1-9, 9-2-6, and 9-2-8 to revise provisions relative to water use and maintenance of water lines. *(Adopt/not adopt ordinance – roll call vote)*
  - b. **Kiesel Community Development Project Area:**
    - i. Presentation.
    - ii. Proposed Ordinance 2015-44 adopting the Kiesel Community Development Project Area Plan dated September 22, 2015. *(Adopt/not adopt ordinance – roll call vote)*
    - iii. Proposed Resolution 2015-14 approving an interlocal agreement between the Redevelopment Agency of Ogden City and Ogden City authorizing the tax increment sharing for the Kiesel Community Development Project Area. *(Adopt/not adopt resolution – roll call vote)*
  - c. **Retention and Recruitment of Sworn Public Safety Personnel.** Proposed Joint Resolution 2015-27 adopting a strategy to improve retention and recruitment of sworn public safety personnel. *(Adopt/not adopt joint resolution – roll call vote)*
5. Public Comments: This is an opportunity to address the Council regarding your concerns or ideas. Please state your name and address clearly for the record, and limit your comments to three minutes.
6. Comments:
  - a. Mayor.
  - b. Council Members.
7. Adjournment.

**Reminder:** A City Council work session will be held immediately following the City Council meeting in the Council Work Room. The purpose of the work session includes presentations and discussions regarding a proposed Airport Development Feasibility Plan and Council business.

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In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: [ADACompliance@ci.ogden.ut.us](mailto:ADACompliance@ci.ogden.ut.us) at least 48 hours in advance of the meeting.

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#### **CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and/or agenda was posted in three public places within the Ogden City Limits on this 18th day of September, 2015. These public places being: 1) City Recorder's Office on the 2nd floor of the Municipal Building; 2) 2nd floor foyer of the Municipal Building; and 3) the Weber County Library. A copy was posted to the Utah State Public Notice Website and the Ogden City Website, as well as provided to the Standard-Examiner.

TRACY HANSEN, MMC  
OGDEN CITY RECORDER

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Ogden City Council Agenda Information Line – 801-629-8159



# City Council Meeting COUNCIL STAFF REVIEW

## **FY2016 BUDGET AMENDMENT (\$1,072,954)**

- *Recognize and Appropriate Revenue from Various Grants (General Fund-\$42,248, Medical Fund \$93,706)*
- *Transfer Funds Within CIP Fund for Percent for Arts and Various CIP Projects (\$103,750)*
- *Recognize and Appropriate Funds in Water Utility for WU015 Pipe Replacement (Trackline Project, \$833,250)*

**DETERMINATION:**                      **Set or Not Set Public Hearing for October 6, 2015**

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### *Executive*

#### *Summary*

The Council will consider setting a public hearing for October 6, 2015 on a proposed budget amendment that would increase the FY2016 budget by \$1,072,954 by recognizing and appropriating various grant funds to the General Fund and Medical Services Fund. The proposed amendment also transfers funds within the CIP Fund for Percent for Arts and various CIP projects. Finally, the proposal recognizes and appropriates funds from the Water Utility fund balance to CIP Project WU015 to cover additional costs needed for the Trackline water line project.

### *Background*

#### **June 2010**

The Council approved the FY2011 Budget which included funding for CIP Project PK097 Tennis Court Resurfacing in the amount of \$91,800. Tennis court resurfacing was completed in 2011. Some funds remained after the project was completed.

#### **Fall 2014**

Council member Gochnour encouraged completion of a wayfinding sign to honor Hof, Ogden's Sister City.



# City Council Meeting COUNCIL STAFF REVIEW

## **January 2015**

The Administration provided a conceptual drawing of an international wayfinding sign and indicated plans were underway to install the sign at The Junction Plaza.

## **May 26, 2016**

The Council adopted Ordinance 2015-18 amending the 2015-2019 Capital Improvement Plan to include, among others, project CD076 Trackline Water Line. The total project cost was shown at \$3,356,000 with \$400,000 coming from the Water Utility Fund.

## **August 18, 2015**

The Council office received an Administrative Transmittal requesting amendments to the FY2016 Budget.

## **September 8, 2015**

The Council review the proposed budget amendment in the Study Session. The Council requested the following additional information:

- **Trackline Water Line Project:** Breakdown of costs for the Trackline water line project and an explanation of why the initial estimates for water line project were so much lower than the bids
- **Water Utility Fund:** Cash-on-hand amount (after proposed transfer) and impact on Rate Model
- **Public Safety Radios:** The number of radios being purchased with the fire grant and the total number of radios that will need to be replaced City-wide
- **Tennis Courts:** A list of the tennis courts that were resurfaced with the appropriated funds

## **September 16, 2015**

The Administration provided the additional information requested by the Council. The response is summarized below:

- **Trackline Water Line Project:**
  - Provided updated CIP Brief -\$3,745,250 showing reallocation of funding sources:



# City Council Meeting COUNCIL STAFF REVIEW

| TCD067 Track Line Water Line |                     |                     |                   |
|------------------------------|---------------------|---------------------|-------------------|
| Source of Funds              | Original            | Updated             | Difference        |
| Federal EDA Grant            | \$ 2,181,000        | \$ 2,181,000        | \$ -              |
| Enterprise (Water Utility)   | \$ 400,000          | \$ 1,237,250        | \$ 837,250        |
| Federal HUD 108 Loan         | \$ 400,000          | \$ 327,000          | \$ (73,000)       |
| Other                        | \$ 375,000          | \$ -                | \$ (375,000)      |
| <b>TOTAL</b>                 | <b>\$ 3,356,000</b> | <b>\$ 3,745,250</b> | <b>\$ 389,250</b> |

- Explained that the City Engineer's Office did not have sufficient staff to conduct the necessary oversight on the project so an outside project manager was required (\$200,000); Soil remediation costs not originally anticipated are estimated to be (\$500,000) and additional materials are required (\$125,000)
- **Water Utility Fund:**
  - Provided cash-on-hand balances after transfer (261 days)
- **Public Safety Radios:**
  - Provided list of radios by using department indicating 214 radios --43% -- have been upgraded leaving 286 remaining
  - Cost of each radio installed is about \$2500 (approximately \$715,000 total remaining)
- **Tennis courts:**
  - Verification that all four tennis courts proposed for resurfacing in the CIP were completed
  - Copy of bid from contractor showing final costs
  - Calculations showing amount of funds remaining for transfer to other projects

## *Proposal*

The Administration is requesting the Council amend the FY2016 Budget as follows:



# City Council Meeting COUNCIL STAFF REVIEW

| <b>Revenue and Appropriations</b>                                                                               |           |
|-----------------------------------------------------------------------------------------------------------------|-----------|
| <b>General Fund</b>                                                                                             |           |
| Justice Court Technology Grant<br>(Scanning Equipment)                                                          | \$ 6,148  |
| Marshall White Center Misc. Grant<br>(Arby's-food (\$5,000) and Kitchen<br>Cabinets (\$5,000))                  | \$ 10,000 |
| RAMP Grant (MWC Gym Floor<br>Refinishing)                                                                       | \$ 24,100 |
| RAMP Grant (4 Free RAMP Days)                                                                                   | \$ 2,000  |
| <b>CIP</b>                                                                                                      |           |
| Donations (Pickleball Court Lights)                                                                             | \$ 5,000  |
| Transfer - Percent for Arts (Water<br>Projects)                                                                 | \$ 8,250  |
| Transfer - Percent for Arts and Arts<br>Maintenance (FY2016 Budget Enterprise<br>CIP Project Contribution)      | \$ 90,500 |
| Transfer from PK097 Tennis Court<br>Resurfacing project to RM027<br>Recreation General Facilities<br>(\$23,145) |           |
| Transfer from Percent for Arts to<br>CD120 Wayfinding Sign (\$40,000)**                                         |           |

| <b>Revenue and Appropriations (cont.)</b>                             |            |
|-----------------------------------------------------------------------|------------|
| <b>Water Utility</b>                                                  |            |
| Use of Fund Balance ((WU015 Pipe<br>Replacement - includes % for Art) | \$ 833,250 |
| <b>Medical Services Fund</b>                                          |            |
| Firefighter Grants (Radios)                                           | \$ 93,706  |

**\*\*CS Note:** CD120 was not adopted as a CIP project. Section 4-1C-7 of the Ogden Municipal Code requires that placement of art pieces be



# City Council Meeting COUNCIL STAFF REVIEW

*reviewed by the Planning Commission for consistency with the General Plan. The Planning Commission's recommendation is reviewed by the Mayor at the Mayor's Administration Review Meeting (MARM).*

## ***Attachments***

CIP Project Briefs:

PK097 Tennis Court Resurfacing

RM027 Recreational Facilities Improvements

Directional Sign Concept Drawing

CIP Brief CD120 Community (Hof) Directional Sign (*Not actually a CIP Project*)

### ***Additional Information Provided by Administration:***

CIP Brief CD076 Trackline Water Line (Original and Updated)

Water Utility Fund Days of Cash on Hand

List of City Radios by Department

Contractor Bid For Tennis Court Resurfacing and Calculations

Showing Remaining Amount

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**Board Staff Contact: Janene Eller-Smith, (801)629-8165**



# Ogden City Capital Improvement Plan Project Information Brief

|                                                                  |                                      |
|------------------------------------------------------------------|--------------------------------------|
| <b>Project Name :</b> Tennis Court Resurfacing                   | <b>Project Number :</b> PK097        |
| <b>Type of Project :</b> Reconstruction                          | <b>Date Prepared :</b> 10 / 6 / 2011 |
| <b>Location :</b> Mt. Ogden, Mt. Eyrie, Liberty and Monroe Parks | <b>Planning Area :</b> Other         |
| <b>Map Location :</b>                                            | <b>Project Status:</b> F             |

|                                      |                     |
|--------------------------------------|---------------------|
| <b>Project Priority :</b> Deferrable | <b>Prepared by:</b> |
|--------------------------------------|---------------------|

**Description and Justifications :**  
All courts need to have their surfaces replaced for general public safety. Rubberized surfaces have a life span of 5-8 years. The existing courts have already exceeded that and need to be replaced with a regular replacement schedule to prevent trip hazards.

**How this project relates to adopted plans or policies:**  
To keep and maintain safe and aesthetically pleasing facilities.

**Consequences of deferring this project to later years :**  
Surface becomes more hazardous and increases liability exposure to the general public.

**Current Status of project :**  
Pending funding.

| <b>Project Schedule and Budget</b>                                                                  | <b>Duration (Months)</b> | <b>Budget</b>                                                                       |
|-----------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|
| Planning and Design                                                                                 |                          | 0                                                                                   |
| Land Acquisition                                                                                    |                          | 0                                                                                   |
| Site Improvements                                                                                   |                          | 165,600                                                                             |
| Equipment/Furniture                                                                                 |                          | 0                                                                                   |
| 1 % for Art                                                                                         |                          | 1,650                                                                               |
| <b>Total Expenditures</b>                                                                           |                          | <b>167,250</b>                                                                      |
| Fund : None                                                                                         |                          | 167,250                                                                             |
| Fund : None ()                                                                                      |                          | 0                                                                                   |
| Fund : None ()                                                                                      |                          | 0                                                                                   |
| Fund : None ()                                                                                      |                          | 0                                                                                   |
| <b>Total Resources</b>                                                                              |                          | <b>167,250</b>                                                                      |
| <b>Other Resource that were explored :</b>                                                          |                          |                                                                                     |
| General Funds                                                                                       | Enterprise Funds         | Special Improvement District                                                        |
| Revenue Bond                                                                                        | Other Dept Financing     | Federal or State Grant Funds                                                        |
| Other                                                                                               |                          |                                                                                     |
| <b>Annual Operating Budget Impact</b> (annual average for the first three years after construction) |                          | <b>Concerns or issues related to the operation and maintenance of this project:</b> |
| Debt Service                                                                                        | 0                        |                                                                                     |
| Personal                                                                                            | 0                        |                                                                                     |
| Operations/Maintenance                                                                              | 0                        |                                                                                     |
| <b>Total</b>                                                                                        | 0                        |                                                                                     |
| <b>Sources of Operating Funds:</b><br>0                                                             |                          |                                                                                     |



## Ogden City Capital Improvement Plan Project Information Brief

|                                                      |                                      |
|------------------------------------------------------|--------------------------------------|
| <b>Project Name:</b> Pickleball Courts - Monroe Park | <b>Project Number:</b> RM027         |
| <b>Type of Project:</b> Construction                 | <b>Date Prepared:</b> 10 / 11 / 2013 |
| <b>Location:</b> Monroe Park                         | <b>Planning Area:</b> None           |
| <b>Map Location:</b>                                 | <b>Prepared by:</b> PH               |

**Project Priority:** Necessary

**Description and Justifications:**  
With the advent of pickleball and the installation of the existing courts at Mount Ogden Park, it has become apparent that the need to keep up with the sport that is sweeping the nation has created a need for an additional eight court cell at Monroe Park. These courts will be similar to the current courts at Mount Ogden Park.

**How this project relates to adopted plans or policies:**  
This type of activity meshes well with the Recreation master plan and outdoor theme, and promotes health and fitness.

**Consequences of deferring this project to later years:**  
Possible loss of nationally sanctioned tournaments because of size versus need.

**Current Status of project:**  
Awaiting funding.

| <b>Project Schedule and Budget</b>                                                                  | <b>Duration (Months)</b> | <b>Budget</b>                                                                       |
|-----------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|
| Planning and Design                                                                                 |                          | 0                                                                                   |
| Land Acquisition                                                                                    |                          | 0                                                                                   |
| Site Improvements                                                                                   |                          | 170,000                                                                             |
| Equipment/Furniture                                                                                 |                          | 0                                                                                   |
| 1 % for Art                                                                                         |                          | 0                                                                                   |
| <b>Total Expenditures</b>                                                                           |                          | <b>170,000</b>                                                                      |
| Fund: Other (RAMP Grant)                                                                            |                          | 170,000                                                                             |
| Fund: None ()                                                                                       |                          | 0                                                                                   |
| Fund: None ()                                                                                       |                          | 0                                                                                   |
| Fund: None ()                                                                                       |                          | 0                                                                                   |
| <b>Total Resources</b>                                                                              |                          | <b>170,000</b>                                                                      |
| <b>Other Resource that were explored:</b>                                                           |                          |                                                                                     |
| General Funds                                                                                       | Enterprise Funds         | Special Improvement District                                                        |
| Revenue Bond                                                                                        | Other Dept Financing     | Federal or State Grant Funds                                                        |
| Other                                                                                               |                          |                                                                                     |
| <b>Annual Operating Budget Impact</b> (annual average for the first three years after construction) |                          | <b>Concerns or issues related to the operation and maintenance of this project:</b> |
| Debt Service                                                                                        | 0                        |                                                                                     |
| Personal                                                                                            | 0                        |                                                                                     |
| Operations/Maintenance                                                                              | 0                        |                                                                                     |
| <b>Total</b>                                                                                        | 0                        |                                                                                     |
| <b>Sources of Operating Funds:</b><br>0                                                             |                          |                                                                                     |



# Ogden City Capital Improvement Plan Project Information Brief

|                                                  |                                     |
|--------------------------------------------------|-------------------------------------|
| <b>Project Name :</b> Community Directional Sign | <b>Project Number :</b> CD120       |
| <b>Type of Project :</b> New construction        | <b>Date Prepared :</b> 2 / 3 / 2015 |
| <b>Location :</b> Junction Plaza                 | <b>Planning Area :</b> CBD          |
| <b>Map Location :</b>                            | <b>Project Status:</b> A            |

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| <b>Project Priority :</b> Desirable | <b>Prepared by:</b> Greg Montgomery |
|-------------------------------------|-------------------------------------|

**Description and Justifications :**  
City Council had requested that a directional sign be developed to support our sister city relationship with Hof. At the same time with the college town initiative Weber State would also be added to the pole. Such poles can be found in many communities giving distances to different areas and become a focal point, whimsical attraction and art feature. New items are needed to keep the plaza interesting and this design of eight poles and recreating the theme of the 1916 chamber of commerce logo of Ogden's strategic location are part of the concept of this project and reinforce "The Junction" as a gathering spot.

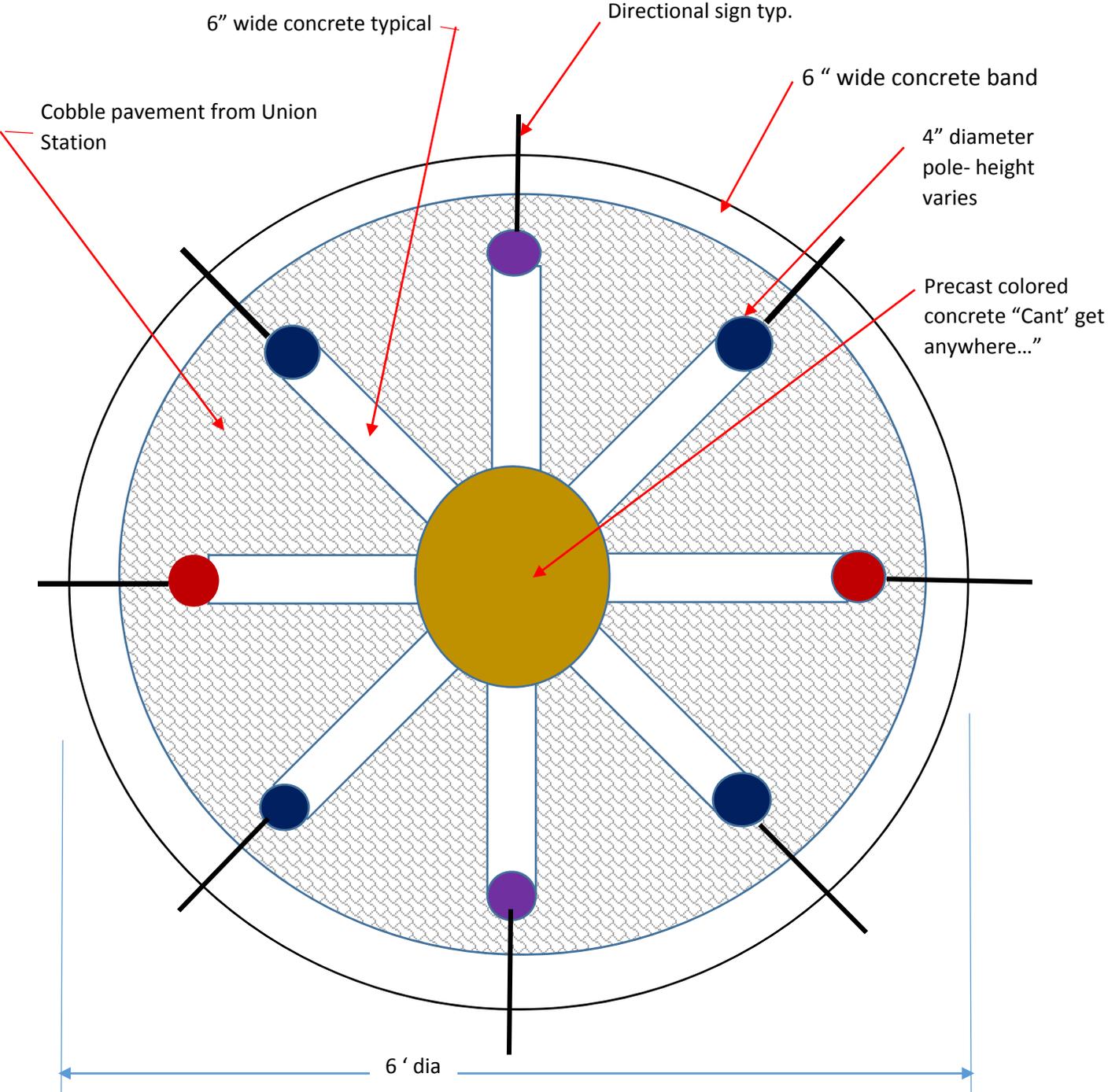
**How this project relates to adopted plans or policies:**  
4.D.9-Continue the establishment of a strong leadership role for Ogden City promoting public art that contributes to a healthy, unique and attractive city.  
15.B.C.2.-Expand community pride  
15.B.C.2.E.2 -Providing ways to tell the stories of Ogden which are unique aspects of the city history and use them to help promote multifaceted tourism to the City.  
The project helps tell the stories of Ogden by identifying landmarks, important local destinations and adding our proximity to other communities which established Ogden as the Junction City.

**Consequences of deferring this project to later years :**  
Cost will go up in constructing the project as the years pass.

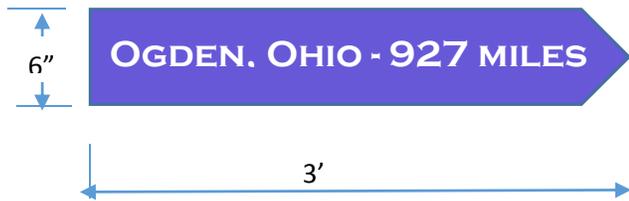
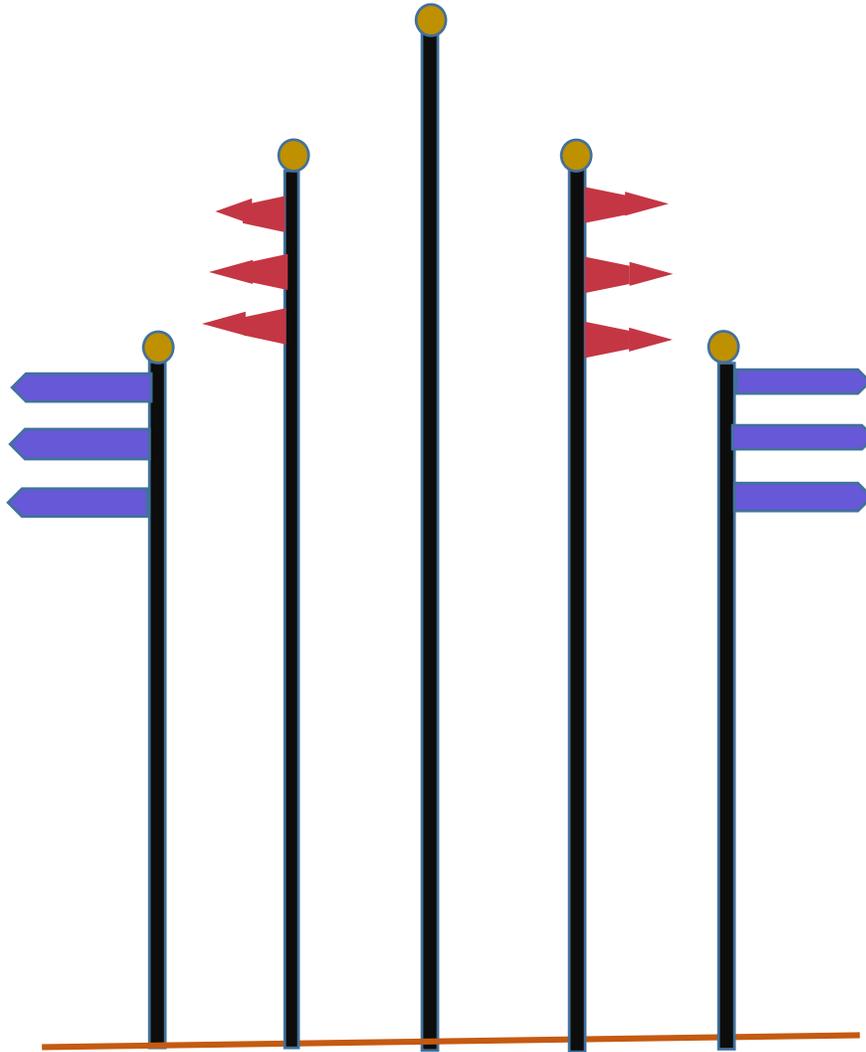
**Current Status of project :**  
Design concept completed. Getting bids on poles and construction of signs

| <b>Project Schedule and Budget</b>                                                                  | <b>Duration (Months)</b> | <b>Budget</b>                                                                       |
|-----------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|
| Planning and Design                                                                                 |                          | 0                                                                                   |
| Land Acquisition                                                                                    |                          | 0                                                                                   |
| Site Improvements                                                                                   |                          | 10,000                                                                              |
| Equipment/Furniture                                                                                 |                          | 30,000                                                                              |
| 1 % for Art                                                                                         |                          | 0                                                                                   |
| <b>Total Expenditures</b>                                                                           |                          | <b>40,000</b>                                                                       |
| Fund : Other 1% for art                                                                             |                          | 40,000                                                                              |
| Fund : None ()                                                                                      |                          | 0                                                                                   |
| Fund : None ()                                                                                      |                          | 0                                                                                   |
| Fund : None ()                                                                                      |                          | 0                                                                                   |
| <b>Total Resources</b>                                                                              |                          | <b>40,000</b>                                                                       |
| <b>Other Resource that were explored :</b>                                                          |                          |                                                                                     |
| <input checked="" type="checkbox"/> General Funds                                                   | Enterprise Funds         | Special Improvement District                                                        |
| Revenue Bond                                                                                        | Other Dept Financing     | Federal or State Grant Funds                                                        |
| <input checked="" type="checkbox"/> Other                                                           |                          |                                                                                     |
| <b>Annual Operating Budget Impact</b> (annual average for the first three years after construction) |                          | <b>Concerns or issues related to the operation and maintenance of this project:</b> |
| Debt Service                                                                                        | 0                        |                                                                                     |
| Personal                                                                                            | 0                        |                                                                                     |
| Operations/Maintenance                                                                              | 0                        |                                                                                     |
| <b>Total</b>                                                                                        | 0                        |                                                                                     |
| <b>Sources of Operating Funds:</b><br>0                                                             |                          |                                                                                     |

# Directional Sign Design



- 14' tall pole
- 12' tall pole
- 10' tall pole



Calgary 686 Miles

Ben Lomand Peak 9.9 miles

North Pole 3373 miles

Ben Lomand, Scotland 4495 miles

Powder Mountain- 15.1 miles

Hof, Germany 5266 miles

Portland 614 Miles

Seattle 674 miles

Glennallen, Alaska 1998 miles

San Francisco 605 miles

Frontrunner .4 miles

Tokyo -5458 miles

Snow Basin- 5.7 miles

Ogden, Ohio 1444 miles

Rome 5737 miles

Los Angeles 602 miles

Honolulu 2998 miles

Taichung, Taiwan -6808  
miles

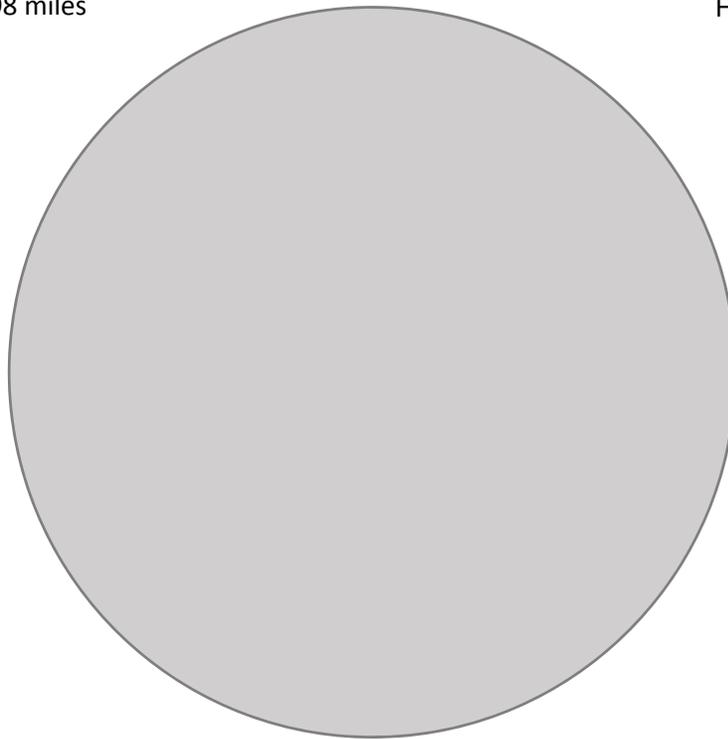
Weber State-2.7 miles

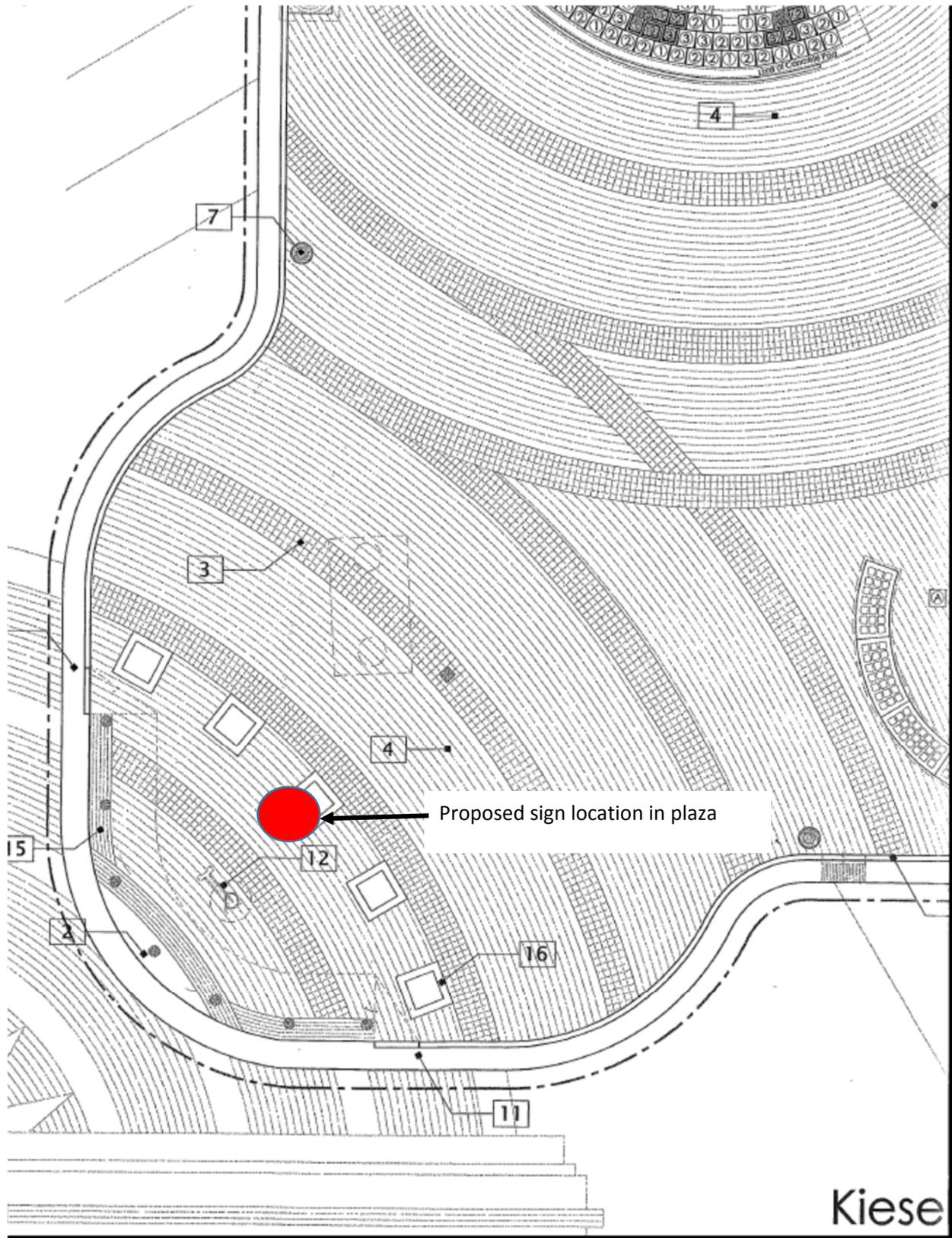
Denver 381 miles

Cape Town 9722 miles

Phoenix 537 miles

Cabo San Lucas 1273 miles







# Ogden City Capital Improvement Plan Project Information Brief

|                                                      |                                      |
|------------------------------------------------------|--------------------------------------|
| <b>Project Name :</b> Trackline Water Line           | <b>Project Number :</b> CD076        |
| <b>Type of Project :</b> Infrastructure Improvements | <b>Date Prepared :</b> 3 / 25 / 2015 |
| <b>Location :</b> Wall 22nd to 550 Exchange Road     | <b>Planning Area :</b> West Ogden    |
| <b>Map Location :</b> D-6-I,II,III,IV                | <b>Project Status:</b> A             |

|                                  |                                     |
|----------------------------------|-------------------------------------|
| <b>Project Priority :</b> Urgent | <b>Prepared by:</b> Justin_Anderson |
|----------------------------------|-------------------------------------|

**Description and Justifications :**  
Description: As part of the Trackline Business Park, the existing water delivery system is undersized to meet the projected demands for fire flow and peak uses of potential property owners. In order to provide an acceptable system, an existing water line located at 22nd Street and Wall Avenue and runs west under the railroad tracks and beneath the Weber River needs to be replaced with a larger water line. The existing line is 8" and cannot currently meet demands in West Ogden. The new line to meet the demands of Trackline Business Park build out needs to be 12". To meet future demands in West Ogden it is proposed to upsize the line to a 24" line. This will allow future demands of the West Ogden area to be met without having to upsize or install an additional water line across the rail yard or under the Weber River.

**How this project relates to adopted plans or policies:**  
The city council recently created two new zones, the BEH and BEI zone, to allow for the creation of a new business park at the stockyards. In order for the park to be successful, the existing water line must be replaced.

**Consequences of deferring this project to later years :**  
Not installing the water line at this time will mean that building permits for new buildings may need to be withheld due to insufficient water for fire flow and peak uses.

**Current Status of project :**  
The Redevelopment Agency and City have applied for EDA funds from the United States Department of Commerce. The water department will contribute a portion of the required funds to assist in paying for the increase in pipe size. No art funds will be generated from the project because the funds are from non-city sources or because they were previously allocated from prior appropriations.

| <b>Project Schedule and Budget</b>                                                                  | <b>Duration (Months)</b>                             | <b>Budget</b>                                                                       |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------|
| Planning and Design                                                                                 |                                                      | 550,000                                                                             |
| Land Acquisition                                                                                    |                                                      | 0                                                                                   |
| Site Improvements                                                                                   |                                                      | 0                                                                                   |
| Equipment/Furniture                                                                                 |                                                      | 3,103,000                                                                           |
| 1 % for Art                                                                                         |                                                      | 0                                                                                   |
| <b>Total Expenditures</b>                                                                           |                                                      | <b>3,653,000</b>                                                                    |
| Fund : Federal EDA Grant                                                                            |                                                      | 2,181,000                                                                           |
| Fund : Enterprise (WU015)                                                                           |                                                      | 400,000                                                                             |
| Fund : Federal (Federal HUD 108 Loan)                                                               |                                                      | 400,000                                                                             |
| Fund : Other ()                                                                                     |                                                      | 672,000                                                                             |
| <b>Total Resources</b>                                                                              |                                                      | <b>3,653,000</b>                                                                    |
| <b>Other Resource that were explored :</b>                                                          |                                                      |                                                                                     |
| General Funds                                                                                       | <input checked="" type="checkbox"/> Enterprise Funds | Special Improvement District                                                        |
| Revenue Bond                                                                                        | Other Dept Financing                                 | <input checked="" type="checkbox"/> Federal or State Grant Funds                    |
| Other                                                                                               |                                                      |                                                                                     |
| <b>Annual Operating Budget Impact</b> (annual average for the first three years after construction) |                                                      | <b>Concerns or issues related to the operation and maintenance of this project:</b> |
| Debt Service                                                                                        | 0                                                    |                                                                                     |
| Personal                                                                                            | 0                                                    |                                                                                     |
| Operations/Maintenance                                                                              | 0                                                    |                                                                                     |
| <b>Total</b>                                                                                        | 0                                                    |                                                                                     |
| <b>Sources of Operating Funds:</b>                                                                  |                                                      |                                                                                     |



# Ogden City Capital Improvement Plan Project Information Brief

|                                                      |                                      |
|------------------------------------------------------|--------------------------------------|
| <b>Project Name :</b> Trackline Water Line           | <b>Project Number :</b> CD076        |
| <b>Type of Project :</b> Infrastructure Improvements | <b>Date Prepared :</b> 9 / 10 / 2015 |
| <b>Location :</b> Wall 22nd to 550 Exchange Road     | <b>Planning Area :</b> West Ogden    |
| <b>Map Location :</b> D-6-I,II,III,IV                | <b>Project Status:</b> F             |

|                                  |                                     |
|----------------------------------|-------------------------------------|
| <b>Project Priority :</b> Urgent | <b>Prepared by:</b> Justin_Anderson |
|----------------------------------|-------------------------------------|

**Description and Justifications :**  
Description: As part of the Trackline Business Park, the existing water delivery system is undersized to meet the projected demands for fire flow and peak uses of potential property owners. In order to provide an acceptable system, an existing water line located at 22nd Street and Wall Avenue and runs west under the railroad tracks and beneath the Weber River needs to be replaced with a larger water line. The existing line is 8" and cannot currently meet demands in West Ogden. The new line to meet the demands of Trackline Business Park build out needs to be 12". To meet future demands in West Ogden it is proposed to upsize the line to a 24" line. This will allow future demands of the West Ogden area to be met without having to upsize or install an additional water line across the rail yard or under the Weber River.

**How this project relates to adopted plans or policies:**  
The city council recently created two new zones, the BEH and BEI zone, to allow for the creation of a new business park at the stockyards. In order for the park to be successful, the existing water line must be replaced.

**Consequences of deferring this project to later years :**  
Not installing the water line at this time will mean that building permits for new buildings may need to be withheld due to insufficient water for fire flow and peak uses.

**Current Status of project :**  
The Redevelopment Agency and City have applied for EDA funds from the United States Department of Commerce. The water department will contribute a portion of the required funds to assist in paying for the increase in pipe size. No art funds will be generated from the project because the funds are from non-city sources or because they were previously allocated from prior appropriations.

| <b>Project Schedule and Budget</b>                                                                  | <b>Duration (Months)</b>                             | <b>Budget</b>                                                                       |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------|
| Planning and Design                                                                                 |                                                      | 500,000                                                                             |
| Land Acquisition                                                                                    |                                                      | 0                                                                                   |
| Site Improvements                                                                                   |                                                      | 3,233,000                                                                           |
| Equipment/Furniture                                                                                 |                                                      | 0                                                                                   |
| 1 % for Art                                                                                         |                                                      | 12,250                                                                              |
| <b>Total Expenditures</b>                                                                           |                                                      | <b>3,745,250</b>                                                                    |
| Fund : Federal EDA Grant                                                                            |                                                      | 2,181,000                                                                           |
| Fund : Enterprise (WU015)                                                                           |                                                      | 1,237,250                                                                           |
| Fund : Federal (Federal HUD 108 Loan)                                                               |                                                      | 327,000                                                                             |
| Fund : Other ( )                                                                                    |                                                      | 0                                                                                   |
| <b>Total Resources</b>                                                                              |                                                      | <b>3,745,250</b>                                                                    |
| <b>Other Resource that were explored :</b>                                                          |                                                      |                                                                                     |
| General Funds                                                                                       | <input checked="" type="checkbox"/> Enterprise Funds | Special Improvement District                                                        |
| Revenue Bond                                                                                        | Other Dept Financing                                 | <input checked="" type="checkbox"/> Federal or State Grant Funds                    |
| Other                                                                                               |                                                      |                                                                                     |
| <b>Annual Operating Budget Impact</b> (annual average for the first three years after construction) |                                                      | <b>Concerns or issues related to the operation and maintenance of this project:</b> |
| Debt Service                                                                                        | 0                                                    |                                                                                     |
| Personal                                                                                            | 0                                                    |                                                                                     |
| Operations/Maintenance                                                                              | 0                                                    |                                                                                     |
| <b>Total</b>                                                                                        | 0                                                    |                                                                                     |
| <b>Sources of Operating Funds:</b>                                                                  |                                                      |                                                                                     |

## CD076 Trackline Waterline

| <u>Budget Opening Ordinance 2015-26 Adopted 6/23/15</u> | <u>Percent<br/>For Arts</u>                          |
|---------------------------------------------------------|------------------------------------------------------|
| EDA Funding                                             | \$ 2,181,000                                         |
| HUD108 Loan                                             | \$ 327,000                                           |
| Water Fund                                              | \$ 400,000                                           |
| <b>Estimated Project Costs</b>                          | <b>\$ 2,908,000</b>                                  |
|                                                         |                                                      |
| <b>Additional Funding Requested in FY16</b>             |                                                      |
| Water Fund                                              | \$ 825,000                                           |
| <b>Updated Project Costs:</b>                           | <b>\$ 3,733,000</b>                                  |
|                                                         | <b>\$ 12,250</b>                                     |
|                                                         | <b>CIP and % for Arts Total: <u>\$ 3,745,250</u></b> |

### Explanation of Additional Funding request in FY16

|                                                                                                                                         |                   |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| Construction Management                                                                                                                 | \$ 200,000        |                  |
| <i>Engineering staff workload does not allow for the management of the project. Will need to hire a 3rd party construction manager.</i> |                   |                  |
| Environmental (soil/water)                                                                                                              | \$ 500,000        | <i>Estimated</i> |
| <i>This amount is still estimated. Unknown until contamination is found. Range of cost likely to be \$400,000-\$500,000.</i>            |                   |                  |
| Materials                                                                                                                               | \$ 125,000        |                  |
|                                                                                                                                         | <u>\$ 825,000</u> |                  |

## Water Utility Indicators

### Comprehensive Sustainability Financial Plan (CSFP)

#### Projected days of cash on hand, LYRB CSFP Model:

|                                                            | <u>June 2015</u> | <u>June 2016</u> | <u>June 2017</u> | <u>June 2018</u> | <u>June 2019</u> | <u>June 2020</u> |
|------------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| LYRB Presentation in May 2015                              | 273              | 220              | 196              | 205              | 160              | 298              |
| Additional \$400,000 CIP funds appropriated June 2015      | 261              | 207              | 184              | 192              | 148              | 287              |
| Additional \$825,000 CIP funds appropriated September 2015 | 261              | 182              | 159              | 168              | 124              | 263              |

Bonding planned in FY2020 of \$26M.

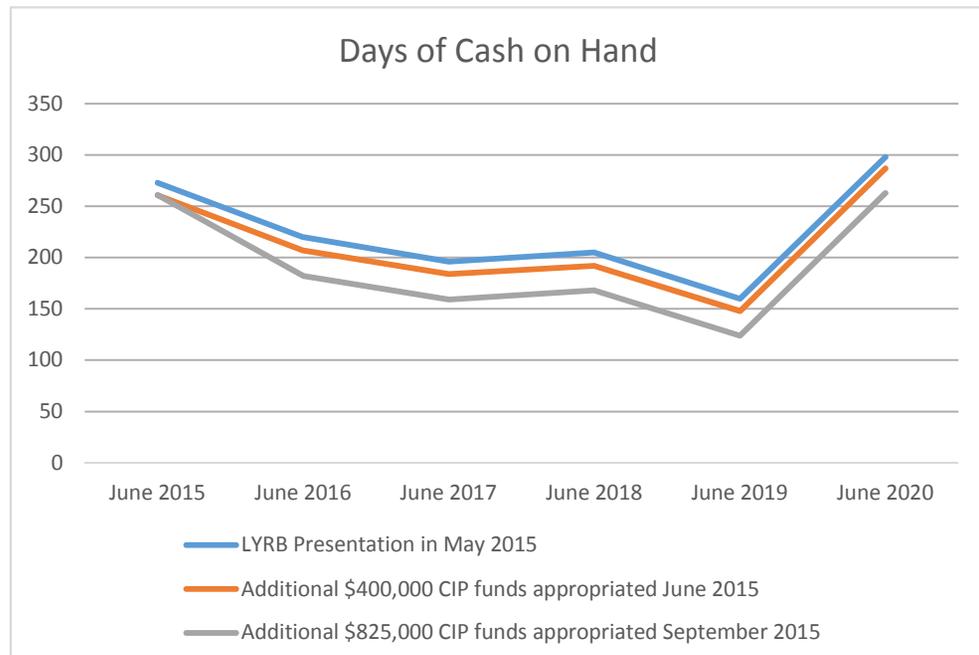
Revenue and expense scenarios are updated annually to actuals, actual results will vary from projections.

Note:

#### Days of Cash on Hand

Ideal 365

Target 150



## UCA Radio's

Phase I of UCA's upgrade requires:

Public Safety needs Tier III radios

Public Services needs Tier II radios

|                                                                     | <u>Radio #'s</u> | Currently Used | Police | Fire | Other |
|---------------------------------------------------------------------|------------------|----------------|--------|------|-------|
| Total radio's the City may have with UCA                            | 500              | 440            | 193    | 86   | 161   |
| <b>Replaced to Tier III:</b>                                        |                  |                |        |      |       |
| Police prior to FY16                                                | 15               | 15             | 15     |      |       |
| Police during FY16 - \$95K allocated                                | 35               | 35             | 35     |      |       |
| Fire in FY15 - grant funded                                         | 20               | 20             |        | 20   |       |
| Fire in FY16 - grant funded                                         | 37               | 37             |        | 37   |       |
| Total upgraded to Tier III                                          | <u>107</u>       |                |        |      |       |
| The 107 old public safety radios may now be used in public services |                  |                |        |      | 107   |
| Radio's that are updated to UCA standards                           | 214              | 214            | 50     | 57   | 107   |
|                                                                     | 43%              | 49%            | 26%    | 66%  | 66%   |
| Number of Radio's left to update:                                   | 286              | 226            | 143    | 29   | 54    |

Phase II of the UCAN upgrade will require all City radio's to be Tier III, this is 2-7 years away, depends on the State Legislature approval.

Brian Renner  
Tennis/Track Consultant

 **Tennis and Track**

athletic surfaces done right

P.O. Box 651477 | Salt Lake City, UT 84165  
office: 801.269.9991  
mobile: 303.880.9362  
fax: 801.261.4588  
brian@tennisandtrackco.com  
tennisandtrackco.com

March 28, 2011

City of Ogden  
Washington Blvd, Suite 510  
Ogden, UT

**Subject: Ogden City Tennis Court Resurface**

Perry and team,

Our price and tennis court breakdown is as follows:

**First Bid**

Mt. Ogden Park (21,600 sq foot)

Mt. Erie Park (18,000 sq foot)

TOTAL: \$27,187.00

**Second Bid**

Mt. Ogden Park (21,600 sq foot)

Liberty Park (28,800 sq foot)

Monroe Park (15,600 sq foot)

Total \$41,090.00

**TOTAL COST: \$68,277.00**

Note: Second bid price will only be honored if done in conjunction with First amount.

Tennis and Track was paid by the City \$68,277 on 9/6/11. All of the courts identified in CIP brief (Mt. Ogden, Mt. Eyrie, Liberty, and Monroe) were resurfaced late summer of 2011. PK097 was originally funded a total of \$91,800 in the FY11 adopted budget:

| PA#   | Project Title | Project Contact | Original Funding | Interest on Project Balance | Payments to Contractor | Balance of PK097 |
|-------|---------------|-----------------|------------------|-----------------------------|------------------------|------------------|
| PK097 | Tennis Courts | Perry Huffaker  | \$ 91,800        | \$ 443                      | \$ (69,098)            | \$ 23,145        |

PK097 - Expense Detail

|                          |                 | Amount    |
|--------------------------|-----------------|-----------|
| Tennis and Track Company | Court Resurface | \$ 68,277 |
| Standard Examiner        | RFP Add         | \$ 321    |
| Miscellaneous            |                 | \$ 500    |
|                          |                 | <hr/>     |
|                          |                 | \$ 69,098 |

## OGDEN CITY TRANSMITTAL

RECEIVED  
AUG 18 2015  
OGDEN CITY  
COUNCIL OFFICE

Date: August 14, 2015  
To: Ogden City Council  
From: Lisa Stout, Comptroller  
RE: Budget Opening – FY 2016 Miscellaneous Budget Opening

Staff Contact: Lisa Stout, Comptroller, ext. 8713   
Recommendation: Set public hearing and adopt ordinance  
Documents:

- Ordinance
- Schedule A (Revenue)
- Revenue Detail Schedule
- Schedule B (Appropriations)
- Appropriation Detail Schedule

### Executive Summary

This proposed action is to recognize various needed budget openings.

Certain grants and donations are anticipated or have been received by the City and include a technology grant for the Justice Court for the State of Utah to pay for scanning equipment. Additionally, County funded RAMP grants and Arby's grants have been awarded to benefit the Marshal White Center. The Ogden Pickleball Association intends to donate \$5,000 to assist with the cost of lighting at the courts. Finally, a Federal grant has been awarded and is being recognized in the Medical Services Fund to help cover the cost of several new radios.

Other actions proposed include recognizing transfers for percent for arts related to enterprise fund CIP's. The transfer appropriation was recognized in the Enterprise Funds FY2016 adopted budget, but not included as a transfer in and appropriation to the CIP Fund. This will correct that oversight.

Two additional CIP's are proposed to be funded in this action. An appropriation of \$40,000 to fund CD120, a wayfinding sign in the Junction Plaza to support Ogden's relationship with its sister city Hof, Germany. This project will be funded using percent for arts money. Also an appropriation in the Water Utility fund of \$833,250 to CIP project WU015 pipe replacement/maintenance in anticipation of additional construction cost during FY2016.

The final action proposed is a reduction of \$23,145 to PK097 which is the CIP for tennis court improvements and appropriating that budget to RM027, recreation facilities improvements to cover the cost to stripe and add lighting to tennis courts, to allow these courts to have a dual use as tennis courts and as pickleball courts.

### Background

Council action is required to appropriate.

### Proposal

Review and adopt ordinance.

### Fiscal Impact

An increase to the City Budget of \$1,072,954.

ORDINANCE NO. 2015-42

AN ORDINANCE OF OGDEN CITY AMENDING THE BUDGET FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 BY INCREASING THE ANTICIPATED REVENUES FOR A GROSS INCREASE OF \$1,072,954 FROM SOURCES AS DETAILED IN THE BODY OF THIS ORDINANCE; AND INCREASING THE APPROPRIATIONS FOR A GROSS INCREASE OF \$1,072,954 AS DETAILED IN THE BODY OF THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, after due consideration, the Council of Ogden City has approved the proposed modifications as described herein.

**The Council of Ogden City hereby ordains:**

**SECTION 1.** Anticipated revenues, transfers and adjustments for the 2015-2016 budget altered, increased and decreased. The anticipated revenues, transfers and adjustments for the various funds of the 2015-2016 budget are hereby changed as hereinafter set forth, with net adjustments of \$1,072,954, as detailed in Schedule "A", which is attached hereto and made a part by reference.

**SECTION 2.** Appropriations from the 2015-2016 budget altered, increased and decreased. The appropriations for various funds of the 2015-2016 budget are herein altered, increased and decreased by net adjustments of \$1,072,954, as follows:

Appropriations increased since June 30, 2015 as detailed in Schedule "B", which is attached hereto and made a part hereof by reference.

**SECTION 3.** Effective date. This ordinance shall become effective immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
Tracy Hansen, City Recorder

Transmitted to the Mayor on \_\_\_\_\_

Mayor's Action: \_\_\_\_ Approved \_\_\_\_ Vetoed

\_\_\_\_\_  
Michael P. Caldwell, Mayor

ATTEST:

\_\_\_\_\_  
Tracy Hansen, City Recorder

Posting Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Approved as to Form: \_\_\_\_\_  
Legal Date

**OGDEN CITY**  
**MISCELLANEOUS BUDGET OPENING - FY 2016**  
**REVENUE SCHEDULE**  
**SCHEDULE "A"**

|                              | Account Title                          | Account Number | Amount                     |
|------------------------------|----------------------------------------|----------------|----------------------------|
| <b>General Fund</b>          |                                        |                |                            |
|                              | Justice Court Technology Grant         | 1000-1-37003   | \$ 6,148                   |
|                              | Marshal White Center Misc Grant        | 1000-1-36001   | \$ 10,000                  |
|                              | RAMP Grants                            | 1000-1-35002   | \$ 24,100                  |
|                              | RAMP Grants                            | 1000-1-35002   | \$ 2,000                   |
|                              | <b>SUB TOTAL GENERAL FUND</b>          |                | <b>\$ 42,248</b>           |
| <b>CIP Fund</b>              |                                        |                |                            |
|                              | Miscellaneous Donations                | 4100-1-81002   | \$ 5,000                   |
|                              | Transfers - Percent for Arts           | 4100-1-84003   | \$ 8,250                   |
|                              | Transfers - Percent for Arts           | 4100-1-84003   | \$ 90,500                  |
|                              | <b>SUB TOTAL CIP FUND</b>              |                | <b>\$ 103,750</b>          |
| <b>Water Utility Fund</b>    |                                        |                |                            |
|                              | Use of Fund Balance                    | 5100-1-83002   | \$ 833,250                 |
|                              | <b>SUB TOTAL WATER UTILITY FUND</b>    |                | <b>\$ 833,250</b>          |
| <b>Medical Services Fund</b> |                                        |                |                            |
|                              | Assistance to firefighter grant        | 5200-1-32000   | \$ 93,706                  |
|                              | <b>SUB TOTAL MEDICAL SERVICES FUND</b> |                | <b>\$ 93,706</b>           |
| <b>TOTAL REVENUE BUDGET</b>  |                                        |                | <b><u>\$ 1,072,954</u></b> |

**OGDEN CITY  
MISCELLANEOUS BUDGET OPENING - FY 2016  
REVENUE DETAIL SCHEDULE**

| Item Title                      | Description                                                                                                                           | Amount              |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>General Fund</b>             |                                                                                                                                       |                     |
| Justice Court Technology Grant  | Grant from the Utah State Office of the Courts to purchase scanning equipment.                                                        | \$ 6,148            |
| Marshal White Center Misc Grant | Grants from Arby's, \$5,000 to provide food to the kids that participate in MWC programs and \$5,000 to replace the kitchen cabinets. | \$ 10,000           |
| RAMP Grants                     | RAMP Grants for MWC, \$22,000 to refinish the gym floor, \$1,100 to install a door buzzer and \$1,000 for                             | \$ 24,100           |
| RAMP Grants                     | EZ RAMP Grants for Lorin Farr Pool to provide 4 free RAMP days.                                                                       | \$ 2,000            |
|                                 | <b>SUB TOTAL GENERAL FUND</b>                                                                                                         | <b>\$ 42,248</b>    |
| <b>CIP Fund</b>                 |                                                                                                                                       |                     |
| Miscellaneous Donations         | Donation from Ogden Pickleball Association to help fund lighting.                                                                     | \$ 5,000            |
| Transfers - Percent for Arts    | Percent for Arts Allocation from Water Utility CIP Appropriation to WU015.                                                            | \$ 8,250            |
| Transfers - Percent for Arts    | Percent for Arts Allocation from all Enterprise Funds CIP projects funded in FY16 Council Adopted Budget.                             | \$ 90,500           |
|                                 | <b>SUB TOTAL CIP FUND</b>                                                                                                             | <b>\$ 103,750</b>   |
| <b>Water Utility Fund</b>       |                                                                                                                                       |                     |
| Use of Fund Balance             | Appropriate fund balance to cover anticipated overage in CIP's.                                                                       | \$ 833,250          |
|                                 | <b>SUB TOTAL WATER UTILITY FUND</b>                                                                                                   | <b>\$ 833,250</b>   |
| <b>Medical Services Fund</b>    |                                                                                                                                       |                     |
| Assistance to firefighter grant | EMW-2014 Assistance to Firefighters Grant for Motorola Radios.                                                                        | \$ 93,706           |
|                                 | <b>SUB TOTAL MEDICAL SERVICES FUND</b>                                                                                                | <b>\$ 93,706</b>    |
|                                 | <b>TOTAL REVENUE BUDGET</b>                                                                                                           | <b>\$ 1,072,954</b> |

**OGDEN CITY**  
**MISCELLANEOUS BUDGET OPENING - FY 2016**  
**APPROPRIATION SCHEDULE**  
**SCHEDULE "B"**

|                              | Account Title                              | Account Number         | CIP # | Amount                     |
|------------------------------|--------------------------------------------|------------------------|-------|----------------------------|
| <b>General Fund</b>          |                                            |                        |       |                            |
|                              | Justice Court Machinery & Equipment        | 1000-1-01-200150-34000 |       | \$ 6,148                   |
|                              | MWC Other Operating Supplies               | 1000-1-05-850411-12208 |       | \$ 5,000                   |
|                              | MWC Professional and Technical             | 1000-1-05-850411-13406 |       | \$ 5,000                   |
|                              | MWC Professional and Technical             | 1000-1-05-850411-13406 |       | \$ 24,100                  |
|                              | Lorin Farr Other Operating Supplies        | 1000-1-05-850406-12208 |       | \$ 2,000                   |
|                              | <b>SUB TOTAL GENERAL FUND</b>              |                        |       | <b>\$ 42,248</b>           |
| <b>CIP Fund</b>              |                                            |                        |       |                            |
|                              | City Parks Facilities Improvements         | 4100-1-05-850401-33001 | RM027 | \$ 5,000                   |
|                              | Recreation General Facilities              | 4100-1-05-850401-33001 | RM027 | \$ 23,145                  |
|                              | Tennis Courts                              | 4100-1-05-850201-33029 | PK097 | \$ (23,145)                |
|                              | Wayfinding Sign                            | 4100-1-05-850201-33*   | CD120 | \$ 40,000                  |
|                              | Percent for the Arts                       | 4100-1-01-200100-33000 |       | \$ (40,000)                |
|                              | Percent for the Arts                       | 4100-1-01-200100-33000 |       | \$ 8,167                   |
|                              | Percent for the Arts Maintenance           | 4100-1-01-200100-14103 |       | \$ 83                      |
|                              | Percent for the Arts                       | 4100-1-01-200100-33000 |       | \$ 89,595                  |
|                              | Percent for the Arts Maintenance           | 4100-1-01-200100-14103 |       | \$ 905                     |
|                              | <b>SUB TOTAL CIP FUND</b>                  |                        |       | <b>\$ 103,750</b>          |
| <b>Water Utility Fund</b>    |                                            |                        |       |                            |
|                              | Percent for Arts transfer to CIP           | 5100-1-09-855501-41005 |       | \$ 8,250                   |
|                              | Distribution System                        | 5100-1-04-855509-33008 | WU015 | \$ 825,000                 |
|                              | <b>SUB TOTAL WATER UTILITY FUND</b>        |                        |       | <b>\$ 833,250</b>          |
| <b>Medical Services Fund</b> |                                            |                        |       |                            |
|                              | Assistance to Firefighters Grant Equipment | 5200-1-02-400500-34002 |       | \$ 93,706                  |
|                              | <b>SUB TOTAL MEDICAL SERVICES FUND</b>     |                        |       | <b>\$ 93,706</b>           |
| <b>TOTAL APPROPRIATIONS</b>  |                                            |                        |       | <b><u>\$ 1,072,954</u></b> |

**OGDEN CITY  
MISCELLANEOUS BUDGET OPENING - FY 2016  
APPROPRIATION DETAIL SCHEDULE**

| General Fund                      |                                     | Item Title                                                                                                                      | Description | Amount           |
|-----------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------------|------------------|
| Mgmt Svc - Justice Court          | Justice Court Machinery & Equipment | Grant from the Utah State Office of the Courts to purchase scanning equipment.                                                  | \$          | 6,148            |
| Public Services - MWC             | MWC Other Operating Supplies        | Grants from Arby's, \$5,000 to provide food to the kids that participate in MWC programs.                                       | \$          | 5,000            |
| Public Services - MWC             | MWC Professional and Technical      | Grants from Arby's, \$5,000 to replace the kitchen cabinets.                                                                    | \$          | 5,000            |
| Public Services - MWC             | MWC Professional and Technical      | RAMP Grants for MWC, \$22,000 to refinish the gym floor, \$1,100 to install a door buzzer and \$1,000 for curtain on the stage. | \$          | 24,100           |
| Public Services - Lorin Farr Pool | Lorin Farr Other Operating Supplies | EZ RAMP Grant to provide 4 free days at the pool.                                                                               | \$          | 2,000            |
| <b>SUB TOTAL GENERAL FUND</b>     |                                     |                                                                                                                                 |             | <b>\$ 42,248</b> |

| CIP Fund                         |                                    | Item Title                                                                                                                   | Description | Amount            |
|----------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------|
| Public Services - Recreation     | City Parks Facilities Improvements | Donation from Ogden Pickleball Association to help fund lighting.                                                            | \$          | 5,000             |
| Public Services - Recreation     | Recreation General Facilities      | Use of tennis court CIP for striping tennis courts for use as a pickleball court and to purchasing lighting.                 | \$          | 23,145            |
| Public Services - Parks and Ways | Tennis Courts                      | Use of tennis court CIP for striping tennis courts for use as a pickleball court and to purchasing lighting.                 | \$          | (23,145)          |
| Public Services - Parks and Ways | Wayfinding Sign                    | Directional sign on the Junction Plaza to support Ogden's sister city relationship with Hof and the college town initiative. | \$          | 40,000            |
| Management Services              | Percent for the Arts               | Percent for Arts Allocation to CD120, wayfinding sign in the Junction Plaza.                                                 | \$          | (40,000)          |
| Management Services              | Percent for the Arts               | Percent for Arts Allocation from Water Utility CIP Appropriation to WU015.                                                   | \$          | 8,167             |
| Management Services              | Percent for the Arts Maintenance   | Percent for Arts Maintenance Allocation from Water Utility CIP Appropriation to WU015.                                       | \$          | 83                |
| Management Services              | Percent for the Arts               | Percent for Arts Allocation from all Enterprise Funds CIP projects funded in FY16 Council Adopted Budget.                    | \$          | 89,595            |
| Management Services              | Percent for the Arts Maintenance   | Percent for Arts Maintenance Allocation from all Enterprise Funds CIP projects funded in FY16 Council Adopted Budget.        | \$          | 905               |
| <b>SUB TOTAL CIP FUND</b>        |                                    |                                                                                                                              |             | <b>\$ 103,750</b> |

| Water Utility Fund                  |                                  | Item Title                                                                 | Description | Amount            |
|-------------------------------------|----------------------------------|----------------------------------------------------------------------------|-------------|-------------------|
| Public Services - Water             | Percent for Arts transfer to CIP | Percent for Arts Allocation from Water Utility CIP Appropriation to WU015. | \$          | 8,250             |
| Public Services - Water             | Distribution System              | Appropriate fund balance to cover anticipated overage in CIP's.            | \$          | 825,000           |
| <b>SUB TOTAL WATER UTILITY FUND</b> |                                  |                                                                            |             | <b>\$ 833,250</b> |

| Medical Services Fund                  |                                            | Item Title                                                     | Description | Amount           |
|----------------------------------------|--------------------------------------------|----------------------------------------------------------------|-------------|------------------|
| Fire-Medical Services                  | Assistance to Firefighters Grant Equipment | EMW-2014 Assistance to Firefighters Grant for Motorola Radios. | \$          | 93,706           |
| <b>SUB TOTAL MEDICAL SERVICES FUND</b> |                                            |                                                                |             | <b>\$ 93,706</b> |

**TOTAL APPROPRIATIONS \$ 1,072,954**



# City Council Meeting COUNCIL STAFF REVIEW

## AMENDMENTS TO ADDRESS PRIVATE WATERLINE MAINTENANCE

### COUNCIL DETERMINATION:

- **Approve/not approve amendments**

---

### ***Executive Summary***

The proposed ordinance changes deal primarily with a correction in defining responsibility for water laterals and private water lines. Previous ordinance changes replaced key wording that defined which section of a water lateral the City's Water Utility is responsible for and which section a property owner is responsible for. The current ordinance language indicates that when a water meter is not present, the Water Utility is responsible for the portion of the water lateral located within the right-of-way. Past practice has been that the Water Utility was responsible for a water lateral up to the point of a water meter or the back of curb. The ordinance reintroduces language that clarifies this practice. The proposal also includes other language updates and corrections in order to make the ordinance language more consistent.

### ***Background***

Prior to 2002, the City's ordinances with regard to private water line maintenance specified that the City's Water Utility was responsible for water laterals from the point of connection to the main line to the back of curb. Curb stop valves, placed at the back of curb, were commonly installed in older developments and acted as a delineation of the responsibility of the Water Utility and the water customer. In newer developments, installation of water meters at the proper location behind the curb is customary. If a meter is present at the appropriate location, the meter delineates the separation of maintenance.

In 2002, an ordinance amendment was approved which reworded key sections of the Water and Sewer title. These changes, which appear to be inadvertent, removed the language referring to the curb as the maintenance demarcation and replaced it with language referring to meter boxes. This language is not a problem with newer developments but it is a problem for older developments with, or without, curb stops and properties with meter boxes in non-standard locations. In the case where no water meter is present, the City's Water Utility Manager, with agreement from the Legal Department, has interpreted the revised language to require the Water Utility to maintain a water lateral within the right-of-way from the main line to the property line since there is no specific reference to either the back of curb or to a curb stop. This interpretation may seem trivial but it is a departure from what has been done traditionally prior to 2002 and



# City Council Meeting COUNCIL STAFF REVIEW

even what has been done since that time as the interpretation up until recently has been consistent with the pre-2002 ordinance. The transmittal information indicates that additional maintenance costs due to this error have cost the utility over \$16,000 since February 2015.

*September 15, 2015*

The proposal was reviewed during the Council's Study Session on September 15, 2015. No changes were made to the proposal as a result of that discussion.

**Current Proposal** The proposal is to reintroduce language in Title 9 of the City's code to provide clarification on the responsibility of water laterals running from the main line to a retail water consumer's property. The language states that the Water Utility is responsible for line maintenance from the main line to the closer of the following:

1. The curb stop if a curb stop has been installed;
2. Twelve inches behind the curb if no curb stop has been installed;  
or
3. Five feet behind the street pavement if no curb stop has been installed.

The demarcations included in the proposal are either the location of the curb stop itself (number 1) or the current or future location of a water meter (numbers 2 and 3). A water meter would typically be installed twelve inches behind the curb or would be located five feet behind the edge of asphalt if no curbing has been installed. This five foot distance allows for approximately two and a half feet of new asphalt, a one and a half foot curb and gutter pan, and a standard one foot setback from the curb for the meter.

Other language proposed clarifies when the Water Utility would not be responsible for the maintenance of a water line. These include:

1. Maintenance or repair on the consumer's side of a meter box;
2. Under a driveway;
3. Anywhere on the water line beyond the main line if the consumer is not within Ogden City boundaries; or
4. Anywhere beyond the main or transmission line if the water service is provided in a non-standard way.

The ordinance changes also include smaller corrections and modifications that make the ordinance consistent in wording and reference.



RECEIVED

AUG 18 2015

OGDEN CITY  
COUNCIL OFFICE

## Ogden City Council Transmittal

Date: August 10, 2015  
To: Ogden City Council  
From: Jay M. Lowder, Public Services Director, ext. 8215  
RE: Private Water Line Maintenance

Staff Contact: Kenton Moffett, Public Utilities Manager, ext. 8097  
Requested Timeline: September 2015  
Recommendation: Private Water Line Maintenance  
Documents: Adoption Resolution, 2001 Ordinance, 2002 Ordinance

### **Executive Summary:**

The purpose of this action is to amend an ordinance that relates to private water line maintenance. Historically, delineation of water line ownership was marked by a curb stop or the curb itself. The majority of the City was designed and installed under this premise. In a 2002 ordinance, this appears to have been inadvertently changed. This proposed amendment reaffirms historic maintenance practices as well as adding additional clarifications.

### **Background:**

Maintenance of water service laterals typically falls on the water utility providing service. This ownership is generally and ideally marked by the water meter. Newer construction follows this rule. Ogden is an old city and has operated a bit differently through the years for various reasons. As such there are a large number of non-standard situations throughout the City.

The majority of these non-standard situations occur with what are known as “curb stops”. Curb stops take their name from their location, generally directly behind curb. This was done to provide flexibility on locating the meter. While this practice has been discontinued, there are many locations in the City with curb stops. This resulted in delineation of maintenance being defined in ordinance as the “back of curb”, until 2002.

Ordinance 2002-20 removed the language delineating “back of curb” as maintenance delineation and replaced it with “meter box”. This change was not outlined with the typical notation (i.e. strikethroughs or underlines). It may have been deemed interchangeable because standard placement of meters in 2002 was behind curb. This change might also have been inadvertent.

Regardless of the intention, the change was not actually put into practice until late last year. At that time, it was brought to the Water Manager’s attention that delineation of maintenance was not marked as crews had always assumed it to be. Since this change became apparent and its interpretation confirmed by our legal division, water utility crews have been honoring it until the ordinance could be modified.

Other changes are being proposed outside of the revision regarding curb ownership delineation. These changes are added as a clarification to existing ordinance and do not represent a departure from existing policy and procedure. These additional modifications are being proposed largely because it is convenient to include changes together when possible.

**Proposal:**

It is proposed that the City Council adopt the resolution authorizing modifications to City Ordinance subsection 9-1-9.C. These changes are summarized as follows:

- Clarify maintenance delineation on water service lines within the public right of way to include the many situations that can be observed throughout the City.
- Clarify the limits of maintenance on water service lines within the public right of way that may be placed in difficult to repair situations, brought on by legal or physical constraints.
- Applying the clarifications to items that are the homeowner's responsibility to repair so that water is conserved.
- Remove redundant language regarding existing metering infrastructure.
- Change phrasing of certain infrastructure for consistency.
- Clarifying when combined fire and culinary services are allowed and how maintenance is determined regarding these systems.

**Fiscal Impact:**

Reverting to the pre-2002 ownership delineation (back of curb) will reduce the City's exposure relating to breaks on lines that were installed to older standards. Since February 2015, about \$16,280 has been spent at 22 different locations relating to this change. Other places where meters are placed in non-standard locations would be potential liability to the City.

The other modifications to the ordinance would have no fiscal impact as they are not departures from current policy. They merely clarify questions so that future confusion does not arise, particularly with combination culinary-fire lines.

ORDINANCE NO. 2015-43

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SECTIONS 9-1-9, 9-2-6, AND 9-2-8 TO REVISE PROVISION RELATIVE TO WATER USE AND MAINTENANCE OF WATER LINES; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Section amended. Section 9-1-9 of the Ogden Municipal Code is hereby amended to read and provide as follows:

**9-1-9: [RULES AND REGULATIONS:]**

- A. **[Unauthorized Water Use:]** It is unlawful for the owner or occupant of any premises to supply water to others or to permit others to secure water through their service line by hose or other devices without written permission from the manager. If such unauthorized use of water or services is permitted to continue after a five (5) day written notice from the utility to discontinue such use, the water supply shall be turned off and shall not be restored until the person authorized to use the service line has deposited with the division the sum of fifty dollars (\$50.00) to be forfeited in the event of any future violation and has paid the applicable charge for turning the water off and on again.
- B. **[Defective Fixtures:]** Water service will be discontinued to any premises where there are defective or leaking closets, faucets or other plumbing fixtures that are not repaired or replaced after notice from the division. ~~[Water must not be kept running to keep pipes from freezing and all waterways]~~ All fixtures must be closed when not in use.
- C. **[Equipment Maintenance:]**
1. a. Consumers shall keep their sprinklers, hydrants, faucets, valves, hose, curb stop, angle stops, meter box, meter box ring and cover and all other fixtures and service pipes in good condition at their own expense~~[, except for service pipes running from the main to the meter box that are located within the public right of way but not located under a driveway].~~
  - b. Within public rights of way inside of the city, the water utility shall maintain service pipes serving retail consumers and running from the main to the closer of:
    - (1) The curb stop if a curb stop has been installed;
    - (2) Twelve inches (12") behind the curb if no curb stop has been installed; or

(3) Five feet (5') behind the street pavement if no curb stop has been installed and there is no curb.

c. Notwithstanding subsection 1.b., the water utility is not responsible to maintain, repair or pay any cost of maintaining or repairing service pipes:

(1) At any point on the consumer's side of the water meter:

(2) Located underneath a driveway;

(3) At any point beyond the water main or transmission line for service to consumers whose property is not inside the corporate limits of Ogden City or who are not retail consumers of the water utility; or

(4) At any point beyond the water main or transmission line in other locations where water service is provided in a non-standard way, such as subdivisions with private water infrastructure or on a combined fire line and service line.

d. ~~Whenever it is found that service pipes, other than [from the main to the meter box] service pipes maintained by the water utility as described [above] in subsection 1.b and limited by subsection 1.c., or any fixture on consumer's premises is broken or not in serviceable condition, the consumer shall, upon notice, make the necessary repairs or replacements at [his] the consumer's expense. Should [he] a consumer fail to do so, the water shall be turned off or service limited and not turned on again until said repairs or replacements have been made. [The city shall be responsible for repairing service pipes running from the main to the meter box, if broken or not in serviceable condition, that are located within the public right of way; provided that the city shall not be responsible for the repair of service pipes that run under a driveway.]~~

2. At the discretion of the manager, the utility may make repairs to the angle valve, if determined to be necessary for adequate control of water. In such event, the manager is authorized to charge the owner for the actual cost of materials incurred in such repair.

3. ~~[In the event] If the meter box is not in an allowed location as provided in Section 9-2-6, [set back by the curb, or is located in a sidewalk or driveway or other unsafe location as determined by the water utility,] the city will install a new meter box at the proper location at city expense when either the property owner finds it necessary to replace their service line or when repair is required to a service pipe running from the main to a meter box not located within the public right of way. The property owner or the owner's plumber shall be responsible for removal and disposal of the old meter box and the installation or restoration of improvements associated with the [old location] relocation of the service line[, or their plumber will remove the old meter box and dispose of it].~~

D. **[Separate Fixtures; Required When:]** Except where there is a house or houses situated in the rear of a house fronting on a street and on the same building lots and owned by the same person, firm or corporation, service pipes must be so arranged that each separate house or premises is supplied from a separate tap on the water

main and controlled by a separate stopcock placed within or near the line of the street curb.

**E. [Multiple Fixtures:]**

1. Actions Designated: Where water is being supplied to one or more houses or buildings or families through one service pipe, the manager may, at the manager's discretion~~[, either]~~:
  - a. Discontinue water service to the single line until separate service lines are provided for each house or building;
  - b. Require each house or building to be metered from the common service line; or
  - c. Continue to supply water service on the condition that one party or person assumes full liability for all water supplied to all parties concerned through the common service line.
2. Common Service Line; Maintenance: In the event the manager elects to permit the continued use of a common service line under one of the provisions of subsection E1 of this section, it shall be the responsibility of all persons receiving water therefrom to maintain the common service line from the relevant location described in subsection C1 of this section to the house or buildings serviced by the line. In the event of the failure of such persons to make any necessary repairs to such line after ten (10) days' written notice, the supply of water to such line may be turned off until such repairs are made.

**SECTION 2.** Section amended. Section 9-2-6 of the Ogden Municipal Code is

hereby amended to read and provide as follows:

**9-2-6: [METERS AND METER BOXES; STANDARDS:]**

All meters and meter boxes will meet the standards and specifications established by this section. Prior to the installation of any such meters or meter boxes, two (2) prints of drawings thereof showing fittings and dimensions must be submitted to the utility to ensure compliance with the standards prescribed herein. One print showing the approval of the utility will be returned to the applicant.

- A. **[One Inch Line:]** All necessary meters and meter boxes for lines one inch (1") in size or less shall be furnished by the utility and the cost thereof included with the hook up fee.
- B. **[Over One Inch Line:]** Where meters over one inch (1") in size are required, the meter shall be furnished by the utility and the meter box will be provided by the owner; provided, however, that all such meter boxes shall comply with standards and specifications of the city.

- C. **[Bypass Line:]** All meters one and one-half inches (1½") and over must be provided with a bypass line. The meter must be placed on the direct water line.
- D. **[Size Restriction:]** No meter larger in size than the tap on the water main will be installed on any service.
- E. **[Placement:]** All meter boxes must be placed in the frontage of the public right of way for [on] the lot or parcel [of the building] being served, and within ten (10) to fifteen feet (15') of the property line of said [building] lot, so that the street side of the box is within twelve inches (12") of the back of the street curb. ~~[No meter will be placed in the driveway leading to a garage.]~~ If there is no curb, the street side of the meter box shall be placed in the public right of way within five feet (5') of the back edge of pavement.
- F. **[Location Restrictions:]** No meter will be installed in the following locations:
1. Any place that is, or may be, unclean, hazardous or not easily accessible to employees of the utility.
  2. In any pit or well, below any plumbing fixtures or in the proximity of any plumbing fixtures in a toilet room.
  3. Below stairways, landing, show windows, platforms or similar structures.
  4. In the driveway leading to a garage.
- G. **[Correction For Violation:]** In the event the location of any meter is in violation of the preceding subsection or comes to be in violation because of subsequent construction or other acts by the owner or consumer and the violation is not corrected after ten (10) days' written notice by the utility, the water supply to the premises will be shut off and will not be restored until the violation is corrected by the owner or consumer and fees for turning the water off and on are paid.
- H. **[Subject To Vehicle Traffic:]** Whenever water service must be installed in any premises at such a location that the meter box may be subjected to vehicle traffic, it shall be the responsibility of the owner or the occupant of the premises to install at ~~[his]~~ the owner's or occupant's expense a standard heavy concrete box with a heavy cast iron ring and cover, as approved by the water manager, of sufficient strength to withstand the weight of vehicular traffic. If the owner or occupant of any such premises shall fail to make such installation, the utility, in addition to any and all other remedies provided by law, may remove any meter that may have already been installed and terminate all water service to such premises until a meter box has been installed as provided herein.
- I. **[Number Restricted:]** Not more than one service line shall be installed in any one trench and only one meter shall be permitted in a box. Only the valves and fittings needed to control the service line to the premises will be permitted in the meter box.

- J. **[Curb Stop And Box:]** If the plans of the street call for the sidewalk to be adjacent to and in contact with the curb, a curb stop and curb box must be installed in the sidewalk adjacent to the curb and the top of the curb box and concrete of said sidewalk shall be at the same level. The meter box shall be set on the owner's side of the sidewalk adjacent thereto.
- K. **[Concrete; Approval Required:]** No concrete shall be placed over a meter box or curb box without the approval of the water manager, who will provide upon request, drawings and specifications to be followed in placing the concrete. In case concrete is placed over a meter box or curb box and the utility finds it necessary to dig down to the facility for maintenance, a charge will be made against the owner for replacing the concrete and repairing any damage to the meter or meter box.

**SECTION 3.**     Section amended. Section 9-2-8 of the Ogden Municipal Code is

hereby amended to read and provide as follows:

**9-2-8: [PRIVATE FIRE PROTECTION SYSTEMS:]**

For the purpose of this Chapter, a private fire protection system is an automatic sprinkler system or water spray system designed or intended to protect the premises in case of fire. All private fire protection systems shall be subject to the following regulations:

- A. **[Permit Required:]** No private fire protection systems will be installed without a written permit from the Utility. Applications for such permits shall be accompanied by two (2) sets of plans for the proposed system, including all service lines and the maximum estimated flow. The plans must be approved by the Utility before a permit may be issued or construction on the system commenced. Service lines for a fire protection system shall be no larger than the main to which it is connected, and in no case larger than eight inches (8") in diameter.
- B. **[Conditions:]** The permit, as approved by the Water Manager for the type of installation, shall provide that the applicant will:
  1. Maintain and use the private fire protection system and service solely for firefighting purposes, except where the water manager has approved plans for a combined fire protection system and culinary supply system. A combined system is typically only allowed on commercial projects or in subdivisions with private water infrastructure.
  2. Comply with all rules and regulations of the Utility.
  3. Pay all damages of any nature which the Utility may sustain due to the installation or operation of the private fire protection system.

4. Save the Utility and any officer, agent or employee thereof harmless from any and all claims by any person whatsoever, including the applicant for damages suffered because of the installation, maintenance or operation of the private fire protection system, or by reason of the inadequacy or failure of the water supply.
5. Reimburse the Utility for all damage suffered by it because of any violation of the rules and regulations of the Utility or because of improper use of the fire protection service by the customer.
6. Maintain the private fire protection system in its entirety from its connection to the water main, including service lines and related valves, free from leakage, improper operation or improper connection.
7. Report to the Utility immediately any leakage, breakage, improper connection or improper use of the private fire protection system or service. If after ten (10) days' written notice from the Utility, the owner or occupant fails to correct any leaks or terminate any improper use by himself or others, the Utility may shut off water from the system until the owner or occupant complies with the notice. The Utility may require the installation of detector-checks in line in the event of frequent leakage or improper use.

**SECTION 4. Effective date.** This ordinance shall be effective immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIR

**ATTEST:**

\_\_\_\_\_  
CITY RECORDER

**TRANSMITTED TO THE MAYOR ON:** \_\_\_\_\_

**MAYOR'S ACTION:**  Approved  Vetoed

\_\_\_\_\_  
MAYOR



ORDINANCE NO. 2002-20

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING CHAPTER 1, TITLE 9 OF THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTION 9-1-9.C TO CHANGE THE RESPONSIBILITIES FOR MAINTAINING WATER SERVICE LINES BETWEEN THE MAIN AND THE METER BOX, MAKING IT A CITY RESPONSIBILITY IF LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

**SECTION 1.** Subsection amended. Subsection 9-1-9.C of the Ogden Municipal Code is hereby amended to read and provide as follows:

C. Equipment Maintenance.

1. Consumers shall keep their sprinklers, hydrants, faucets, valves, hose, curb stop, angle stops, meter box, meter box ring and cover and all other fixtures and service pipes in good condition at their own expense, except for other than service pipes running from the main to the meter box that are located within the public right-of-way but not located under a driveway. [~~provided the meter box is between the curb and sidewalk. In the event there is no sidewalk, the city will repair or replace the service line to the meter box provided the meter box is within the city utility easement up to the property line.~~] Whenever it is found that service pipes, other than from the main to the meter box as described above, or any fixture on consumer's premises is broken or not in serviceable condition, the consumer shall, upon notice, make the necessary repairs or replacements at his expense. Should he fail to do so, the water shall be turned off or service limited and not turned on again until said repairs or replacements have been made. The City shall be responsible for repairing service pipes running from the main to the meter box, if broken or not in serviceable condition, that are located within the public right-of-way; provided that the City shall not be responsible for the repair of service pipes that run under a driveway.

2. At the discretion of the manager, the utility may make repairs to the angle valve, if determined to be necessary for adequate control of water. In such event, the manager is authorized to charge the owner for the actual cost of materials incurred in such repair.

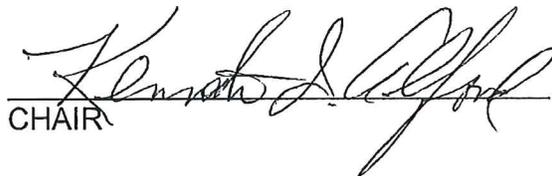
3. In the event the meter box is not set back by the curb, or is located in a sidewalk or driveway or other unsafe location as determined by the water utility, the city will install a new meter box at the proper location at city expense when either the homeowner property owner finds it necessary to replace their service line or when repair is required to a service pipe running from the main to a meter box not located within the public right-of-way. [~~At the time the service line is replaced, the homeowner]~~ The property owner shall be responsible for removal and disposal of the old meter box

and the installation or restoration of improvements associated with the old location, or their plumber will remove the old meter box and dispose of it.

**SECTION 2. Effective date.** This ordinance shall be effective immediately upon publication after final passage.

**PASSED, ADOPTED AND ORDERED PUBLISHED** by the Council of Ogden

City, Utah this 2nd day of April, 2002.

  
CHAIR

**ATTEST:**

  
CITY RECORDER



TRANSMITTED TO THE MAYOR ON: 4/4/02

MAYOR'S ACTION:  Approved  Vetoed

  
MAYOR

**ATTEST:**

  
CITY RECORDER



PUBLICATION DATE: April 21, 2002

EFFECTIVE DATE: April 21, 2002

APPROVED AS TO FORM: Aug 3/21/02  
Legal Date

ORDINANCE NO. 2001-3

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING TITLE 4 AND TITLE 9 OF THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTION 4-6-1.E.3 ADOPTING NEW FEES FOR THE PROVISION OF TEMPORARY CULINARY WATER SERVICE DURING NEW CONSTRUCTION AND REVISING THE FEES FOR MISSING OR DESTROYED LOCKS; BY AMENDING SUBSECTION 9-1-6.G TO REVISE THE PROVISIONS REGARDING TEMPORARY CULINARY WATER SERVICE AND ADOPTING NEW STANDARDS FOR TEMPORARY SERVICE FOR NEW CONSTRUCTION; BY AMENDING SUBSECTION 9-1-9.C TO ADOPT NEW STANDARDS FOR CITY REPAIR OF ANGLE VALVES AND RELOCATION OF METER BOXES INSTALLED IN INAPPROPRIATE LOCATIONS; BY AMENDING SUBSECTION 9-1-11.B.1 INCREASING THE FEE FOR TURN-OFF NOTICES TO \$15.00; BY AMENDING SECTION 9-1-11 ASSESSING A \$50.00 CHARGE FOR ILLEGAL HOOK-UPS; BY REPEALING SUBSECTION F OF SECTION 9-1-9 REGARDING STANDARDS FOR OUTDOOR HOSES AND NOZZLES; BY AMENDING SUBSECTION 9-2-6.E TO REVISE THE STANDARDS FOR METER BOX PLACEMENT; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.

NOW, THEREFORE, the Council of Ogden City hereby ordains:

**SECTION 1.** Subsection Amended. Subsection E.3 of Section 4-6-1 of the

Ogden Municipal Code is hereby amended to read and provide as follows:

3. Water Utility:

|                                                                                                                             |             |
|-----------------------------------------------------------------------------------------------------------------------------|-------------|
| Service Restoration fees                                                                                                    | See 9-1-11  |
| Water hook-up fees                                                                                                          | See 9-2-4   |
| Water rates                                                                                                                 | See 9-1-6   |
| Disconnect or abandoned line                                                                                                | See 9-2-10D |
| Trip charge-return (charged for turning water on and off for test, tap open, return trips, etc.)                            | \$10.00     |
| Missing or destroyed locks (removed when tampering)                                                                         | 10.00/cach  |
| padlock                                                                                                                     | 10.00/each  |
| hinged lock                                                                                                                 | 40.00/each  |
| Printout of accounts                                                                                                        |             |
| From computer                                                                                                               | 5.00        |
| From microfiche (per year)                                                                                                  | 7.00        |
| Rethaw of frozen lines after notice issued to let water run (street-side of lines only)                                     | 25.00/hour  |
| Rebilling charge for irrigation (rental of shares)                                                                          | 5.00        |
| Temporary Service for New Construction, one-time, flat fee based on size of tap serving the premise (Subsection 9-1-6.G.1): |             |

| Tap Size (inches) | Fee      |
|-------------------|----------|
| 1                 | \$100.00 |
| 1 ½-2             | \$150.00 |
| 3-4               | \$200.00 |
| 6                 | \$250.00 |
| 8                 | \$300.00 |

**SECTION 2.** Subsection Amended. Subsection 9-1-6.G of the Ogden

Municipal Code is hereby amended to read and provide as follows:

**G. [Temporary Service.]**

**1. [For Temporary Service Using A Fire Hydrant.]** Where Temporary water service is provided for building or other temporary purposes, including service from fire hydrants, the consumer served shall pay, in addition to the regular water rates the reasonable charges of the Utility for the rental of the fire hydrant meter and the other equipment incidental to the meter incident to the installation, connection, servicing and removal of all meters and other temporary equipment necessary or incident to the rendering of such temporary service. Such charges shall be fixed by order of the Public Works Director from time to time on the basis of one hundred fifteen percent (115%) of the average cost of such special service as determined by the Water Manager.

**2. [Temporary Service – New Construction.]** Water during the construction of a new building may be paid for at a flat, one-time fee depending on the size of tap that will be placed in service for permanent water, which fee is payable at the time of building permit issuance. The general contractor for such new building will be allowed to use a filler (unmetered connection) during construction which will need to be the same length as the meter that will be placed after construction; provided, that a backflow device is installed to avoid contamination of the public water system, and an automatic shutoff device is installed to avoid wasting of water. Upon completion of the building, whether occupied or not, the filler shall be removed and the water, sewer and refuse signed for on a permanent basis, including installation of a permanent meter set. Construction water shall not be left running when not in use for construction purposes. A charge of \$100.00 will be assessed each time City personnel finds water running without a contractor using it, and water service may be shut-off, and not restored again until payment of all such assessed charges. The general contractor for the project shall be responsible for the payment of any assessments, and is responsible to control the wasting of water by any subcontractor on the construction project. It shall be unlawful for any person to install, use, or maintain a filler, and to fail to install and maintain the required meter, except as provided above for new construction. A charge of \$100.00 will be assessed against the owner of any premise, if a filler is used on the premises for any purpose other than new construction as provided above, which amount shall be due and payable prior to the provision or restoration of permanent water service.

**SECTION 3.** Subsection Amended. Subsection 9-1-9.C of the Ogden

Municipal Code is hereby amended to read and provide as follows:

**C. [Equipment Maintenance.]**

**1.** Consumers shall keep their sprinklers, hydrants, faucets, valves, hose, curb stop, angle stops, meter box, meter box ring and cover and all other fixtures and service pipes other

than service pipes running from the main to the curb, in good condition at their own expense. Whenever it is found that service pipes, other than from the main to the curb, or any fixture on consumer's premises are broken or not in serviceable condition, the consumer shall, upon notice, make the necessary repairs or replacements at his expense. Should he fail to do so, the water shall be turned off or service limited and not turned on again until said repairs or replacements have been made.

2. At the discretion of the Manager, the Utility may make repairs to the angle valve, if determined to be necessary for adequate control of water. In such event, the Manager is authorized to charge the owner for the actual cost of materials incurred in such repair.

3. In the event the meter box is not set back by the curb, or is located in a sidewalk or driveway or other unsafe location as determined by the Water Utility, the City will install a new meter box at the proper location at City expense when the homeowner finds it necessary to replace their service line. At the time the service line is replaced, the homeowner shall be responsible for removal and disposal of the old meter box and the installation or restoration of improvements associated with the old location, or their plumber will remove the old meter box and dispose of it.

**SECTION 4.** Subsection Repealed. Subsection F of Section 9-1-9 of the Ogden Municipal Code is hereby repealed.

**SECTION 5.** Subsection Amended. Subsection 9-1-11.B.1 of the Ogden Municipal Code is hereby amended to read and provide as follows:

1. There is hereby established a service fee of ~~ten~~ fifteen dollars (\$10.00) (\$15.00) for delivery to the customer of the written notice of intent to disconnect water service after the delinquency

**SECTION 6.** Section Amended. Section 9-1-11 of the Ogden Municipal Code is hereby amended by adopting a new subsection D to read and provide as follows:

**D.** **[Illegal Hookup.]** In the event an owner or occupant makes an unauthorized connection by bypassing a meter box from which the water meter has been removed by the Division, a charge of fifty dollars (\$50.00) in addition to all other fees and charges shall be assessed, which charge shall be collected prior to reinstatement of water services.

**SECTION 7.** Subsection Amended. Subsection 9-2-6.E of the Ogden Municipal Code is hereby amended to read and provide as follows:

**E.** **[Placement.]** All meter boxes must be placed on the lot of the building being served, and within ten to fifteen feet of the property line of said building lot, so that the street side of the box is within twelve inches (12") of the back of the street curb, and must be located directly in front of the building served between the extension of side lines of said building unless special written permission of the Water Manager is obtained and a copy thereof filed with the City Recorder. No meter will be placed in the driveway leading to a garage.

**SECTION 8. PASSED, ADOPTED AND ORDERED PUBLISHED** by the Council

of Ogden City, Utah this 2nd day of **January**, 2001.

*Ken Alford*  
CHAIR

**ATTEST:**

*Gloria J. Bennett*  
CITY RECORDER

TRANSMITTED TO THE MAYOR ON: 1/9/01

MAYOR'S ACTION:    Approved    Vetoed

Matthew R. Godfrey, Mayor

**ATTEST:**

*Gloria J. Bennett*  
CITY RECORDER

PUBLICATION DATE:

1/17/01

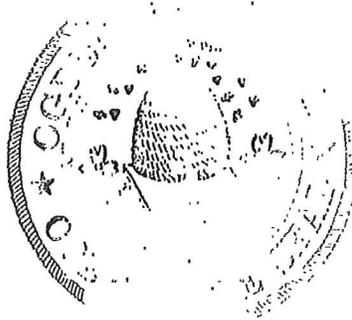
EFFECTIVE DATE:

1/17/01

APPROVED AS TO FOR:

*AW*  
Legal

11-28-00  
Date





# City Council Meeting COUNCIL STAFF REVIEW

## **KIESEL COMMUNITY DEVELOPMENT PROJECT AREA (Kiesel to Wall/24<sup>th</sup> to 25<sup>th</sup> Streets)**

### **- Adoption of Project Area Plan**

#### **DETERMINATION**

#### **Adopt or Not Adopt Ordinance**

#### ***Executive***

#### ***Summary***

The Council will consider an Ordinance adopting a Project Area Plan for the Kiesel Community Development Area (CDA).

#### ***Background***

#### **June 17, 2015**

The RDA Board Office received a Transmittal requesting authorization to draft a Community Development Area Project Plan for an area located between Kiesel and Wall Avenues and 23<sup>rd</sup> and 25<sup>th</sup> Streets.

#### **June 22, 2015**

At the suggestion of Council staff, the recommended project area was expanded to include properties north of 24<sup>th</sup> Street.

#### **July 7, 2015**

The RDA Board held a work session to review and discuss the Administration's proposal for the Kiesel CDA.

#### **July 28, 2015**

The RDA Board adopted Resolution 2015-10 authorizing the Administration to develop a Draft Project Area Plan for the Kiesel CDA.

#### **August 25, 2015**

The RDA Board set a public hearing on Resolution 2015- 12 for September 22, 2015 to provide property owners, representatives of the taxing entities, and the general public an opportunity to comment on the Kiesel CDA Draft Plan. Following the RDA Board's action, the Kiesel CDA Draft Plan was made available in the Recorder's Office for review and comment.



# City Council Meeting

## COUNCIL STAFF REVIEW

### **September 22, 2015 (Scheduled)**

The RDA Board will consider Resolution 2015-12 creating the Kiesel Community Development Area and authorizing the Plan and Budget. If approved by the RDA Board, the City Council will also consider an Ordinance approving the Kiesel CDA Plan and Budget.

### **Community Economic Development Area Process**

The creation of a Community Development Area is regulated by state law. Utah Code Ann. § 17C- Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act, Chapter 4-Community Development, outlines the notice requirements and approvals that must occur in order to establish a Community Development Area (CDA). The statutory requirements are as follows:

1. Adopt a Resolution authorizing the creation of a draft community development project area plan
2. Prepare a Draft Plan. Conduct investigations and negotiations regarding the project area plan, if necessary.
  - a. Make the Draft Plan available to the public.
  - b. Provide notice of a hearing on the Draft Plan.
  - c. Hold a public hearing on the Draft Plan.
  - d. Receive written and oral objections to the Draft Plan and budget.
3. Approve a Community Development Plan with or without amendments.
4. City Council adopts Community Development Plan.

### Plan Requirements

The Community Development Plan must meet the following criteria:

1. Define the boundaries of the project area.
2. Explain how the CDA will affect the area.
3. Establish standards that will guide the economic development.
4. Identify how the purposes of a CDA will be met.
5. Show consistency with City's General Plan.
6. Describe any specific projects that are the object of the proposed CDA.
7. Identify private developers involved.



# City Council Meeting

## COUNCIL STAFF REVIEW

8. Describe reasons for selection of the project area.
9. Describe the physical, social, and economic conditions existing in the project area.
10. Describe any tax incentives offered.
11. Include analysis showing the anticipated public benefits to be derived:
  - a. Impact on tax base
  - b. Stimulation of business and economic activity
12. Include other information determined to be necessary.

**CS Note: By state law CDA's do not include eminent domain authorization.**

### **Taxing Entity Committee**

If the CDA requires tax increment or sales tax revenues from one or more taxing entities, the Agency must negotiate with each separate entity. Authorization to receive tax increment or sales tax can be authorized either by a resolution of the TEC or interlocal agreement(s) with each taxing entities.

### ***Proposal***

The Administration is requesting that the Council adopt Ordinance 2015-44 adopting the Kiesel Community Development Project Area Plan.

The proposed CDA Plan and Budget is summarized as follows:

### **Kiesel Community Development Project Area Plan**

**Introduction** – Kiesel CDA located between Kiesel and Wall Avenues and 24<sup>th</sup> and 25<sup>th</sup> Streets.

- Kiesel CDS – Approximately 39 acres
- Numerous historic buildings
- Numerous commercial, retail and recreational uses

### **Section 1 *Definitions***

### **Section 2 *Preconditions for Designating a CDA Project Area***

- Prepare Project Area Plan
- Have a Planning Commission and General Plan



# City Council Meeting

## COUNCIL STAFF REVIEW

- Make Draft Project Area Plan available for public comment and hold a public hearing

### **Section 3**     *Legal Description*

### **Section 4**     *Project Area Characteristics*

- Land Uses
  - Central Business District zone uses
  - Continuation of existing businesses
  - Redevelopment of historic buildings
  - Additional parking
- Layout of Principal Streets in the Project Area
  - Possible intersection improvements
  - Possible implementation of access management policies to enhance flow, mobility, and traffic capacity
- Population Densities in Project Area
  - Increased residential units with Plan implementation
  - Continuation of existing retail, hospitality and commercial and recreational properties

### **Section 5**     *Standards to Guide the Kiesel CDA*

- Development Objectives
  - Promote the area, enhance economic health of the community, increase City's commercial tax base
  - Encourage development and expanded economic activity
  - Promote and expand functional infrastructure
  - Promote attractive buildings, streetscapes, parking and landscaping
  - Coordinate and promote improved transit
- Design Objectives
  - Implement applicable elements of the General Plan, ordinances, building codes, and design standards
  - Provide attractive environment
  - Blend with adjoining areas



# City Council Meeting

## COUNCIL STAFF REVIEW

- Provide open space and landscaped areas
- Provide well designed parking
- Provide safe, attractive pedestrian features

**Section 6**     *How the Purposes of the State Law Would Be Attained by Community Development*

- Provides public infrastructure that encourages and promotes additional development activities
- Provides employment opportunities and additional development activities (residential, commercial, etc..)
- Encourages development of vacant land and redevelopment of existing structures

**Section 7**     *How the Plan is Consistent with the City's General Plan*

- Encourages development
- Expands and diversifies the local economy
- Revitalizes older business areas
- Raises the standard of living in a business friendly environment
- Continues the mixed-use nature of the area

**Section 8**     *Description of the Specific Projects that are the Object of the Proposed Community Development*

- Restoration of the Kiesel Building
- Restoration of the Berthana Building
- Restoration of the Thorstensen and Proudfit Buildings
- Enhancement of the Old Post Office
- Construction of additional public parking
- Attraction of new business

**Section 9**     *Ways in Which Private Developers Will be Selected to Undertake the Community Development*

- Selection of Private Developers
  - Property Owners
  - Non-owners
    - Private negotiation
    - Public advertisement, bid, etc.



# City Council Meeting

## COUNCIL STAFF REVIEW

- Developers Currently Involved
  - Continued support

### **Section 10**     *Reasons for Selection of the Kiesel CDA*

- Opportunity to significantly strengthen economic base
- Encourage mixed use of properties
- Area needs assistance for redevelopment to occur
- Development is important to overall vitality of the City
- Furthers other goals of the City
- Opportunity to begin a public/private partnership

### **Section 11**     *Description of the Physical, Social and Economic Conditions Existing in the Kiesel CDA*

- Physical Conditions
  - Approximately 39 acres, including public streets
  - Historic buildings
  - Lindquist Ball Field
  - Easily accessible
- Social Conditions
  - No unusual conditions
- Economic Conditions
  - Previously economically underperforming area
  - Great opportunity for redevelopment

### **Section 12**     *Description of any Tax Incentives Offered to Private Entities for Facilities Located in the Kiesel CDA*

- Available tax increment incentives will be offered

### **Section 13**     *Analysis of the Anticipated Public Benefit to be Derived for the Community Development*

- Increased tax base over time
- Increased business and economic activity

### **Appendix A**     *Map of Kiesel CDA*

### **Appendix B**     *Land Use Map – Kiesel CDA*

### **Appendix C**     *Weber County Tax Serial Numbers*

### **Appendix D**     *Economic Benefit Analysis*



# City Council Meeting COUNCIL STAFF REVIEW

## **Appendix E *Project Area Budget***

### ***Attachments***

Notice to Property Owners and Other Taxing Entities

### ***Questions***

Please briefly review the process that has brought the CDA before the City Council for approval.

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**Council Staff Contact: Janene Eller-Smith, (801)629-8165**

NOTICE OF PUBLIC HEARING ON PROPOSED KIESEL COMMUNITY DEVELOPMENT  
PROJECT AREA PLAN AND ON THE PROPOSED KIESEL COMMUNITY  
DEVELOPMENT PROJECT AREA BUDGET  
(Ogden City Redevelopment Agency)

**NOTICE IS HEREBY GIVEN**, pursuant to the provisions of Sections 17C-4-401 and 402, Utah Code Annotated 1953, as amended, that the Board of Directors of the Ogden City Redevelopment Agency (the “Agency”) have scheduled a public hearing on **Tuesday, September 22, 2015 at 6:00 p.m.** or as soon thereafter as reasonably feasible and completion of prior Ogden City Council business allows, in the Ogden City Council Chambers, Ogden City Municipal Building, 2549 Washington Blvd., Ogden, Utah. Property owners are receiving this notice because they are either the record owners or known owners of a parcel of land which is located within the boundaries of the proposed Kiesel Community Development Project Area (the “Project Area”). This notice is sent to certain taxing entities because they have the right to levy an ad valorem tax on the property located within the Project Area.

PURPOSES OF THE PUBLIC HEARING

The purposes of the public hearing, as required by Sections 17C-4-102(a)(d) and 17C-4-204(1), Utah Code Annotated 1953, as amended, will be to:

(1) allow public comment on the draft proposed Kiesel Community Development Project Area Plan (the “Project Area Plan” or “Plan”) for the Project Area and on the related draft proposed Kiesel Community Development Area Budget (the “Project Area Budget” or “Budget”);

(2) allow public comment on whether the draft Project Area Plan and draft Project Area Budget should be revised, adopted or rejected; and

(3) receive all written objections and hear all oral objections to the draft Project Area Plan.

Pursuant to the proposed draft Project Area Budget, the Ogden City Redevelopment Agency has requested to receive \$13,825,475 in property tax revenues that will be generated by development within the Kiesel Community Development Project area to fund a portion of the costs within the Kiesel Community Development Project Area. These property taxes will be collected over a period of twenty (20) years and will be used for the following:

|                                                                                                                                                   |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Development within the Project Area, infrastructure & improvements within and outside of the Project Area relocation costs, financing costs, etc. | \$10,224,215 (74%)     |
| Housing                                                                                                                                           | \$ 2,765,095 (20%)     |
| Administrative costs                                                                                                                              | <u>\$ 836,165 (6%)</u> |
| Total Tax Increment:                                                                                                                              | \$13,825,475           |

These property taxes will be taxes levied by the following governmental entities, and, assuming current tax rates, the taxes paid to the Agency for this Project Area from each taxing entity are estimated to be as follows:

|                                    |        |             |
|------------------------------------|--------|-------------|
| Ogden City                         | 18.63% | \$1,904,771 |
| Weber County                       | 20.60% | \$2,106,188 |
| Ogden City School District         | 51.50% | \$5,265,471 |
| Mosquito Abatement District        | 0.10%  | \$ 10,234   |
| Weber Basin Water                  | 2.75%  | \$ 281,166  |
| Central Weber Sewer District       | 4.72%  | \$ 482,583  |
| Weber Area 911 & Emergency Service | 1.70%  | \$ 173,812  |

All of the property taxes to be paid to the Agency for the development in the Project are taxes that will be generated only if the Project Area is developed.

All concerned citizens are invited to attend the Project Area Budget hearing scheduled for **Tuesday, August 22, 2010 at 6:00 p.m.** or as soon thereafter as reasonably feasible and completion of prior Ogden City Council business allows, in the Ogden City Council Chambers, Ogden City Municipal Building, 2549 Washington Blvd., Ogden, Utah. A copy of the proposed Kiesel Community Development Project Area Budget is available at the offices of the Ogden City Agency, Ogden City Municipal Building, 2549 Washington Blvd., Room 420, 4<sup>th</sup> Floor, Ogden, Utah.

Notice is also hereby given of the following:

- (1) A description of the boundaries of the Project Area proposed is attached as Exhibit “A” and a map showing the boundaries of the Project Area proposed is attached as Exhibit “B.”
- (2) If the Plan and Budget are adopted, then property tax revenues resulting from an increase in valuation of property within the Project Area will be paid under the Project Area

Budget to the Agency for community development purposes rather than to the taxing entity to which the tax revenues would otherwise have been paid if:

- (i) an individual taxing entity consents as expressed by resolution or an interlocal agreement to the Agency receiving tax increment.

Such property tax revenues would be paid to the Agency under the Project Area Budget for twenty (20) tax years

(3) Any person objecting to the proposed draft Project Area Plan or contesting the regularity of any of the proceedings to adopt it may appear before the Agency Board at the hearing to show cause why the proposed draft Project Area Plan should not be adopted, or may file with the Agency written objections prior to the time and date of the public hearing showing cause why the proposed draft Project Area Plan should not be adopted. Oral and written objections will be received and considered at the public hearing.

(4) The proposed Project Area Plan and proposed Project Area Budget are available for inspection at the Agency offices; contact Brandon Cooper of the Agency, Ogden City Municipal Building, 2549 Washington Blvd., Room 420, 4<sup>th</sup> Floor, Ogden, Utah.

(5) The Agency is willing to meet and answer any questions you may have. If you have questions or desire to meet, please contact Brandon Cooper of the Agency at (801) 629-8910. The Project Area Plan and Project Area Budget are proposals at this point and the Agency is interested in receiving your comments and suggestions. You are invited to submit to the Agency comments concerning the subject matter of the hearing before the date of the hearing.

Dated this 29<sup>th</sup> day of June 2010.

REDEVELOPMENT AGENCY OF  
OGDEN CITY

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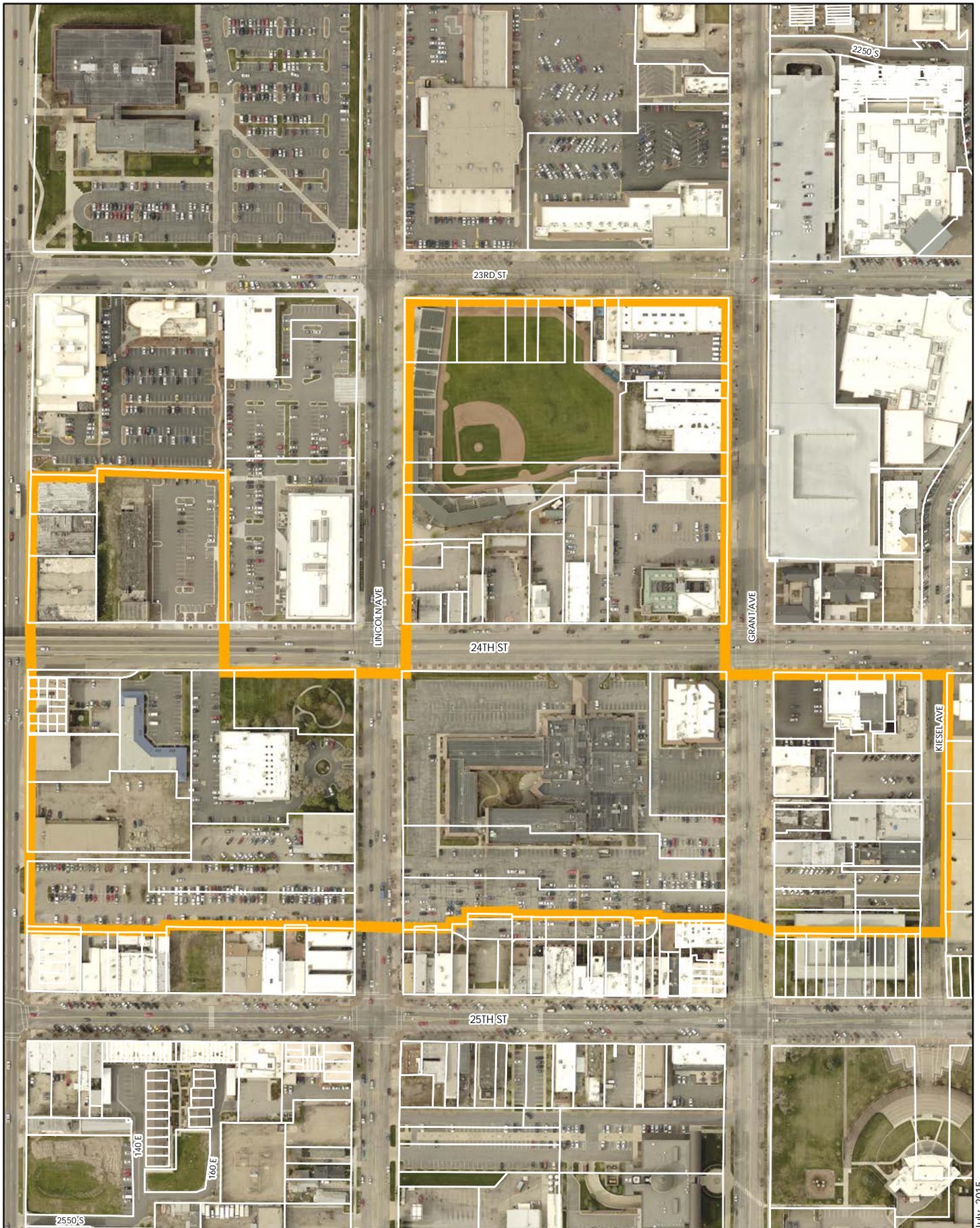
Executive Director

**EXHIBIT "A"**  
**KIESEL COMMUNITY DEVELOPMENT PROJECT AREA LEGAL DESCRIPTION**

A tract of land in Ogden City, Weber County, Utah; more particularly described as:

Beginning at the Northeast Corner of Block 33, Plat "A" Ogden City Survey, thence South  $01^{\circ}17'14''$  West 763.79 feet along east side and a projection of said line of said block to the Northeast Corner of Block 24, Plat "A", Ogden City Survey, thence South  $88^{\circ}48'45''$  East 460.58 feet along the projected North line of Block 25, Plat "A", Ogden City Survey, to the northwest corner of Lot 7 of said block, thence South  $01^{\circ}17'49''$  West 534.55 feet along east right of way line of Kiesel Avenue to a point which is 132.00 feet North of the southwest corner of Lot 1 of said block, thence North  $88^{\circ}41'53''$  West 361.90 feet along a projected line along the north line of Lot 2 of said block to the a point on the east right of way line of Grant Avenue, thence North  $75^{\circ}36'30''$  West 101.61 feet to a point on the west right of way line of Grant Avenue, which point is 155.00 feet north of the southeast corner of Block 24, Plat "A", Ogden City Survey, thence North  $88^{\circ}41'06''$  West 139.91 feet, thence South  $01^{\circ}18'44''$  West 14.63 feet to a point of curve to the right, having a radius of 25.50 feet and a arc length of 39.56 feet (Long chord bearing is South  $45^{\circ}44'42''$  West 35.71 feet, thence North  $88^{\circ}41'19''$  West 369.06 feet to a point of curve to the left having a radius of 10.00 feet and an arc length of 15.71 feet (Long chord bearing is North  $43^{\circ}43'42''$  West 14.14 feet), thence to a point of reverse curve to the right, having a radius of 73.78 feet and an arc length of 21.83 feet (Long chord bearing is North  $80^{\circ}15'02''$  West 21.75 feet), thence North  $01^{\circ}16'18''$  East 4.97 feet, thence North  $88^{\circ}41'06''$  West 101.17 feet to the east right of way line of Lincoln Avenue, thence North  $89^{\circ}16'01''$  West 99.02 feet to a point on the west right of way line of said street, thence North  $88^{\circ}41'29''$  West 383.59 feet, thence South  $01^{\circ}10'56''$  West 12.00 feet, thence North  $88^{\circ}41'29''$  West 283.02 feet to a point on the east right of way line of Wall Avenue, thence North  $01^{\circ}18'29''$  East 937.67 feet along said right of way line, thence South  $88^{\circ}41'31''$  East 133.32 feet , thence North  $01^{\circ}18'53''$  East 16.37 feet, thence South  $87^{\circ}54'08''$  East 266.65 to a point of the west line of Lot 2, Block 34, Plat A, Ogden City Survey, thence South  $01^{\circ}21'17''$  West 407.11 feet to a point on the north line of Block 23, Plat A, Ogden City Survey, thence South  $88^{\circ}49'04''$  East 365.55 along the north line and the projection of said block to the Northwest corner of Block 24, Plat A, Ogden City Survey, thence North  $01^{\circ}20'21''$  East 765.00 feet along the extension of the west side of Block 33, Plat A, Ogden City Survey and the west side of said block to the Northwest corner of Block 33, Plat A, Ogden City Survey, thence South  $88^{\circ}42'50''$  East 666.60 feet along the north line of said block to the point of beginning.

EXHIBIT "B"  
MAP OF KIESEL COMMUNITY DEVELOPMENT PROJECT AREA



July, 2015

KIESEL CDA



## OGDEN CITY TRANSMITTAL

---

**DATE:** September 13, 2015

**TO:** Ogden City Council

**THRU:** Mark Johnson, CAO

**FROM:** Tom Christopoulos, CED Director

**RE:** Kiesel CDA Project Area Plan - A Community Development Project Area in the vicinity of 23<sup>rd</sup> and 24<sup>th</sup> Streets between Kiesel and Wall Avenue – **Ordinance to approve final Kiesel CDA Plan / City\_Agency Interlocal Agreement**

**STAFF CONTACT:** Brandon Cooper, CED Deputy Director

**REQUESTED TIMELINE:** September 22, 2015

**RECOMMENDATION:** Approve ordinance adopting final Kiesel CDA Plan;  
Approve Interlocal Agreement

**DOCUMENTS:** Final CDA Plan; Interlocal Agreement; Resolution to Adopt Interlocal Agreement

---

The attached ordinance is for the purpose of adopting the Kiesel Community Development Project Area Plan as the official plan for the Kiesel Community Development Project Area. The plan and budget have been considered and approved by the Redevelopment Agency on September 22, 2015.

Staff requests the approval of the attached interlocal agreement between Ogden City and the Agency. The terms include:

- **Tax Increment Period:** 20 years
- **Tax Increment:** 100% created in the Project Area
- **Limitation:** not to exceed \$2.2mm

For further information please contact Brandon Cooper at (801) 629-8947.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OGDEN, STATE OF UTAH, ADOPTING THE KIESEL COMMUNITY DEVELOPMENT PROJECT AREA PLAN DATED SEPTEMBER 22, 2015.**

**BE IT ORDAINED BY THE CITY COUNCIL OF OGDEN CITY AS FOLLOWS:**

This Ordinance pertaining to the "**Kiesel Community Development Project Area Plan**" is hereby enacted to read as follows:

**KIESEL COMMUNITY DEVELOPMENT PROJECT AREA PLAN**

**Sections:**

1. Adoption of Project Area Plan.
2. Project Area Boundaries.
3. Purposes of Project Area Plan.
4. Project Area Plan Incorporated by Reference.
5. Acquisition of Property.
6. Tax Increment Financing.
7. Effective Date.

**SECTION 1 Adoption of Project Area Plan.** The Ogden City Redevelopment Agency (the "**Agency**") has approved the Project Area Plan dated September 22, 2015 and entitled the "**Kiesel Community Development Project Area Plan**" (the "**Project Area Plan**" or the "**Plan**"). The City, after review of the Agency's approval, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-4-105 of the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act ("the **Act**") as the *Official Community Development Project Area Plan of the Kiesel Community Development Project Area*.

**SECTION 2 Project Area Boundaries.** The legal description of the boundaries of the Project Area covered by the Project Area Plan is as follows:

*Beginning at the Northeast Corner of Block 33, Plat "A" Ogden City Survey, thence South 01°17'14" West 763.79 feet along east side and a projection of said line of said block to the Northeast Corner of Block 24, Plat "A", Ogden City Survey, thence South 88°48'45" East 460.58 feet along the projected North line of Block 25, Plat "A", Ogden City Survey, to the northwest corner of Lot 7 of said block, thence South 01°17'49" West 534.55 feet along east right of way line of Kiesel Avenue to a point which is 132.00 feet North of the southwest corner of Lot 1 of said block, thence North 88°41'53" West 361.90 feet along a projected line along the north line of Lot 2 of said block to the a point on the east right of way line of Grant Avenue, thence North 75°36'30" West 101.61 feet to a point on the west right of way line of Grant Avenue, which point is 155.00 feet north of the southeast corner of Block 24, Plat "A", Ogden City Survey, thence North 88°41'06" West 139.91 feet, thence South 01°18'44" West 14.63 feet to a point of curve to the right, having a radius of 25.50 feet and a arc length of 39.56 feet (Long chord bearing is South 45°44'42" West 35.71 feet, thence North 88°41'19" West 369.06 feet to a point of curve to the left having a radius of 10.00 feet and an arc length of 15.71 feet (Long chord bearing is North 43°43'42" West 14.14 feet), thence to a point of reverse curve to the right, having a radius of 73.78 feet and an arc length of 21.83 feet (Long chord bearing is North 80°15'02" West 21.75 feet),*

*thence North 01°16'18" East 4.97 feet, thence North 88°41'06" West 101.17 feet to the east right of way line of Lincoln Avenue, thence North 89°16'01" West 99.02 feet to a point on the west right of way line of said street, thence North 88°41'29" West 383.59 feet, thence South 01°10'56" West 12.00 feet, thence North 88°41'29" West 283.02 feet to a point on the east right of way line of Wall Avenue, thence North 01°18'29" East 937.67 feet along said right of way line, thence South 88°41'31" East 133.32 feet, thence North 01°18'53" East 16.37 feet, thence South 87°54'08" East 266.65 to a point of the west line of Lot 2, Block 34, Plat A, Ogden City Survey, thence South 01°21'17" West 407.11 feet to a point on the north line of Block 23, Plat A, Ogden City Survey, thence South 88°49'04" East 365.55 along the north line and the projection of said block to the Northwest corner of Block 24, Plat A, Ogden City Survey, thence North 01°20'21" East 765.00 feet along the extension of the west side of Block 33, Plat A, Ogden City Survey and the west side of said block to the Northwest corner of Block 33, Plat A, Ogden City Survey, thence South 88°42'50" East 666.60 feet along the north line of said block to the point of beginning.*

The Project Area contains approximately 38.7 acres of private and public real property.

**SECTION 3 Purposes of Project Area Plan.** The purposes and intent of the City Council of Ogden City with respect to the Project Area are to accomplish the following purposes by adoption of the Project Area Plan:

1. Promote and market the Project Area for development that will enhance the economic health of the community through increase of the City's commercial tax base;
2. Encourage development and expanded economic activity;
3. Promote functional utilities and other infrastructure to provide for expanded residential and business activity;
4. Promote attractive and functional buildings, streetscapes, parking areas and landscaping;
5. Coordinate and promote improvement of the transportation system within the Project Area, including road improvements, access management and pedestrian/bicycle amenities; and
6. Provide for the use of tax increment by the Agency in accordance with the provisions of the Act.

**SECTION 4 Project Area Plan Incorporated by Reference.** The Project Area Plan, together with supporting documents, is incorporated herein by this reference and made a part of this Ordinance. Copies of the Project Area Plan shall be filed and maintained in the office of the City Recorder and the Agency for public inspection.

**SECTION 5 Acquisition of Property.** The use of eminent domain for the purposes of acquiring real property is not provided for in the Project Area Plan. The Agency may acquire property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful methods. The Agency is authorized to acquire any other interest in real property in the Project

Area, including less than fee title interests, such as leasehold interests, easements, and rights of way, by and through negotiation, gift, devise, exchange, purchase or other lawful methods.

**SECTION 6 Tax Increment Financing.** This Ordinance hereby specifically incorporates all of the provisions of the Act, including all future provisions that grant additional powers and authorizations to the Agency, as the Act is amended from time to time after the date hereof, that authorize or permit the Agency to receive tax increment from the Project Area and that authorize various uses of such tax increment by the Agency. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment as is authorized by law, whether by existing or amended provisions of law.

**SECTION 7 Effective Date.** This Ordinance shall take effect immediately upon publication and recording.

**PASSED, ADOPTED AND ORDERED PUBLISHED** by the Council of Ogden City, Utah

this 22<sup>ND</sup> day of September, 2015

\_\_\_\_\_  
Richard Hyer, COUNCIL CHAIR

\_\_\_\_\_  
Michael Caldwell, MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY RECORDER

**ATTEST:**

\_\_\_\_\_  
CITY RECORDER

**PUBLICATION DATE:** \_\_\_\_\_

**EFFECTIVE DATE:** \_\_\_\_\_

**APPROVED AS TO FORM:** \_\_\_\_\_  
Legal Date



# **KIESEL COMMUNITY DEVELOPMENT PROJECT AREA**

## **Project Area Plan**

**Adopted:**  
September 22, 2015

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Section 13 Analysis of the Anticipated Public Benefit to Be Derived  
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APPENDIX A Map of Kiesel Community Development Project Area

APPENDIX B Land Use Map - Kiesel Community Development Project Area

APPENDIX C Weber County Tax Serial Numbers

APPENDIX D Economic Benefit Analysis

APPENDIX E Project Area Budget

## INTRODUCTION

The proposed Kiesel Community Development Project Area (“**Kiesel CDA**” or “**Project Area**”) is created pursuant to Title 17C, Chapters 1 through 4, Utah Code Annotated (the “**Act**”) and includes the property located between Kiesel and Wall Avenues and 24<sup>th</sup> and 25<sup>th</sup> Streets in Ogden City, as shown on Appendix A – Kiesel Community Development Project Area Map, attached hereto. The Kiesel CDA consists of approximately 39 acres and includes numerous significantly contributing historic buildings, as well as, commercial, retail and recreational uses.

Private property within the Kiesel CDA is composed of commercial properties. The Kiesel CDA includes no residential property (see Appendix B - Land Use Map).

## Section 1    **DEFINITIONS**

As used in this Community Development Project Area Plan:

1. The term "**Act**" shall mean and include the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act Title 17C, Chapters 1 through 4, Utah Code Annotated, including such amendments or successor statutes as shall from time to time be enacted.
2. The term "**Agency**" shall mean the Ogden City Redevelopment Agency, a separate body corporate and politic.
3. The term "**base taxable value**" shall mean the base taxable value of the property within the Project Area, as shown upon the assessment roll last equalized, before the date the taxing entity committee adopts the first Project Area budget.
4. The term "**City**" shall mean Ogden City Corporation, Ogden, Utah.
5. The term "**Developer**" shall mean any person or entity undertaking development activities in the Project Area.
6. The term "**Community Development**" means development activities within a community, including the encouragement, promotion, or provision of development.
7. The term "**Plan Hearing**" means the public hearing on the draft Project Area Plan required under Subsection 17C-3-102 of the Act.
8. The term "**Planning Commission**" shall mean the planning commission of the City.
9. The term "**Project**" means the activities associated with this Project Area Plan.
10. The term "**Project Area**" or "**Kiesel Community Development Project Area**" shall mean the geographic area described in this Project Area Plan where the
11. Community Development set forth in this Project Area Plan takes place or is proposed to take place.
12. The term "**Project Area Plan**" or "**Plan**" shall mean the Kiesel Community Development Project Area Plan that was adopted pursuant to the Act to guide and control Community Development activities within the Project Area.
13. The term "**Project Area Budget**" shall mean a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to the Project Area that includes:
  - (a) the base taxable value of property in the Project Area; (b) the projected tax increment expected to be generated within the Project Area; (c) the amount of tax increment expected to be shared with other taxing entities; (d) the amount of tax increment expected to be used to implement the Project Area Plan, including the

estimated amount of tax increment to be used for land acquisition, public improvements, infrastructure improvements, and loans, grants, or other incentives to private and public entities; (e) the tax increment expected to be used to cover the cost of administering the Project Area Plan; (f) if the area from which tax increment is to be collected is less than the entire Project Area: (i) the tax identification numbers of the parcels from which tax increment will be collected; or (ii) a legal description of the portion of the Project Area from which tax increment will be collected; for a Community Development Project Area, the information required under Subsection 17C-4-204.

14. The terms "**tax**," "**taxes**," "**property tax**" or "**property taxes**" includes privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.
15. The term "**taxing entity**" shall mean each public entity that levies a property tax on property situated within the Project Area.
16. The term "**tax increment**" shall mean the difference between (i) the amount of property tax revenues generated each tax year by all taxing entities from the area designated in the Project Area Plan as the area from which tax increment is to be collected, using the current assessed value of the property, and (ii) the amount of property tax revenues that would be generated from that same area using the base taxable value of the property. Tax increment does not include taxes levied and collected under Section 59-6-1602 Utah Code Annotated, on or after January 1, 1994.
17. All other terms shall have the meanings set forth in the Act unless the context clearly indicates otherwise.

Section 2    **PRECONDITIONS FOR DESIGNATING A COMMUNITY DEVELOPMENT PROJECT AREA**

- a) Pursuant to the provisions of §17C-4-102(1)(a) of the Act, the City has prepared this Project Area Plan; and
- b) Pursuant to the provisions of §17C-4-102(2)(a) and (b) of the Act, the City has a Planning Commission and general plan as required by law; and
- c) Pursuant to the provisions of §17C-4-102(1)(b) and (c) of the Act, the Agency made a draft Project Area Plan available to the public at the Agency's offices during normal business hours, provided notice of the Plan Hearing and is holding a public hearing on the draft Plan on September 22, 2015; and
- d) Pursuant to the provisions of §17C-4-102(1)(d) of the Act, the Agency is conducting one or more public hearings for the purpose of informing the public about the proposed Project Area, allowing public comment on the draft Project Area Plan and whether the Plan should be revised, approved or rejected. The purpose of the hearing(s) is to inform the public about the Plan, to allow public comment on the draft Plan and to solicit input on whether the Plan should be revised, approved or rejected. The Agency will hear all written and oral comments and objections to the Plan, as well as any testimony for or against the Plan. Upon consideration of such comments, objections and testimony, the Agency will determine whether to revise, approve, or reject the Plan.

Section 3      **LEGAL DESCRIPTION OF KIESEL CDA**      [17C-4-103(1)]

The Kiesel CDA is enclosed within the following boundaries and is described as:

*Beginning at the Northeast Corner of Block 33, Plat "A" Ogden City Survey, thence South 01°17'14" West 763.79 feet along east side and a projection of said line of said block to the Northeast Corner of Block 24, Plat "A", Ogden City Survey, thence South 88°48'45" East 460.58 feet along the projected North line of Block 25, Plat "A", Ogden City Survey, to the northwest corner of Lot 7 of said block, thence South 01°17'49" West 534.55 feet along east right of way line of Kiesel Avenue to a point which is 132.00 feet North of the southwest corner of Lot 1 of said block, thence North 88°41'53" West 361.90 feet along a projected line along the north line of Lot 2 of said block to the a point on the east right of way line of Grant Avenue, thence North 75°36'30" West 101.61 feet to a point on the west right of way line of Grant Avenue, which point is 155.00 feet north of the southeast corner of Block 24, Plat "A", Ogden City Survey, thence North 88°41'06" West 139.91 feet, thence South 01°18'44" West 14.63 feet to a point of curve to the right, having a radius of 25.50 feet and a arc length of 39.56 feet (Long chord bearing is South 45°44'42" West 35.71 feet, thence North 88°41'19" West 369.06 feet to a point of curve to the left having a radius of 10.00 feet and an arc length of 15.71 feet (Long chord bearing is North 43°43'42" West 14.14 feet), thence to a point of reverse curve to the right, having a radius of 73.78 feet and an arc length of 21.83 feet (Long chord bearing is North 80°15'02" West 21.75 feet), thence North 01°16'18" East 4.97 feet, thence North 88°41'06" West 101.17 feet to the east right of way line of Lincoln Avenue, thence North 89°16'01" West 99.02 feet to a point on the west right of way line of said street, thence North 88°41'29" West 383.59 feet, thence South 01°10'56" West 12.00 feet, thence North 88°41'29" West 283.02 feet to a point on the east right of way line of Wall Avenue, thence North 01°18'29" East 937.67 feet along said right of way line, thence South 88°41'31" East 133.32 feet, thence North 01°18'53" East 16.37 feet, thence South 87°54'08" East 266.65 to a point of the west line of Lot 2, Block 34, Plat A, Ogden City Survey, thence South 01°21'17" West 407.11 feet to a point on the north line of Block 23, Plat A, Ogden City Survey, thence South 88°49'04" East 365.55 along the north line and the projection of said block to the Northwest corner of Block 24, Plat A, Ogden City Survey, thence North 01°20'21" East 765.00 feet along the extension of the west side of Block 33, Plat A, Ogden City Survey and the west side of said block to the Northwest corner of Block 33, Plat A, Ogden City Survey, thence South 88°42'50" East 666.60 feet along the north line of said block to the point of beginning.*

Weber County Tax Serial Numbers: See Appendix C – Tax Serial Numbers.

The Project Area contains approximately 38.7 acres of private and public real property.

A map showing the boundaries of the Kiesel CDA is attached hereto and is incorporated herein as Appendix A – Kiesel Community Development Project Area Map

Section 4      **PROJECT AREA CHARACTERISTICS AND HOW THEY  
WILL BE AFFECTED BY COMMUNITY  
DEVELOPMENT**      *[17C-4-103(2)]*

Land Uses in the Project Area

Permitted land uses in the Kiesel CDA will be those uses permitted by the officially adopted zoning ordinances of the City and the controls and guidelines of this Community Development Project Area Plan. The Project Area is located within the Central Business District (“CBD”) zone, and the uses currently existing therein conform to the requirements of this zone. The designated land use will not be changed by the community development contemplated herein.

It is expected that the current uses in the Kiesel CDA will be affected by community development as follows: The existing businesses located in the Project Area are expected to continue in operation. It is expected redevelopment efforts will support the restoration/revitalization of historic buildings, strengthen Ogden’s employment and tax bases, and create a mechanism to support additional downtown parking. Private investment will play a vital role in regard to when development will occur. Uses in the Project Area will be governed by the applicable zoning ordinances and regulations of Ogden City. Any changes in zoning within the Project Area will be made in accordance with established law and required public proceedings.

Layout of Principal Streets in the Project Area

The layout of the principal streets in the Kiesel CDA is shown on the Project Area map attached as Appendix A. It is expected that development in the Project Area could affect the existing streets as follows: (a) intersection improvements possibly could be made within the area to enhance flow through intersections; and (b) access management policies may be implemented throughout the area to enhance flow, mobility, and traffic capacity.

Population Densities in the Project Area

The Kiesel CDA contains no residential development or property. The population within the Project Area results from the operation of retail, hospitality and commercial businesses, as well as, Lindquist Field.

The planned changes in the Project Area will have an effect on the residential population of the Project Area. Community development is expected to increase the residential population by the development of several multi-unit residences within the Project Area.

Building Intensities in the Project Area

Based on the stated objectives of the plan it is anticipated that building intensities in the Project Area will be affected in the following ways: Increased building intensities will likely

occur through the renovation/restoration of historic buildings, reuse of underutilized and obsolete properties and enhanced downtown parking opportunities.

Key projects identified for potential development include, but are not limited to:

- Restoration of the Kiesel Building.
- Restoration of the Berthana Building.
- Restoration of the Thorstensen Building and Proud Fit Building.
- Enhancement of the Old Post Office.
- Construction of additional public parking.

## Section 5      **STANDARDS TO GUIDE THE KIESEL CDA [17C-4-103(3)]**

### Development Objectives:

The following development objectives will guide community development in the Kiesel CDA:

1. Promote and market the Project Area for development that will enhance the economic health of the community through increase of the City's commercial tax base;
2. Encourage development and expanded economic activity;
3. Promote functional utilities and other infrastructure to provide for expanded residential and business activity;
4. Promote attractive and functional buildings, streetscapes, parking areas and landscaping;
5. Coordinate and promote improvement of the transportation system improvements within the Project Area, including road improvements, access management and pedestrian/bicycle amenities.

### Design Objectives

Subject to the development objectives and other provisions of this Plan, owners and developers will be expected to achieve to the highest quality of design and development. Each development proposal will be considered subject to:

1. Applicable elements of the City's General Plan;
2. Applicable development ordinances of the City;
3. Applicable building codes of the City;
4. Applicable design standards of the City;
5. Review and recommendation by the City Planning Commission; and
6. Review and recommendation by the Redevelopment Agency of Ogden City (the "**Agency**") to ensure that the development is consistent with this Plan.

Each development proposal by an owner or developer must include a site plan, development data and other appropriate material that clearly describes the extent of the proposed development, including land coverage, setbacks, heights, massing, architectural design, off-street parking and any other data determined to be necessary or requested by the City or the Agency.

The general design of specific projects may be developed or approved by the Agency in coordination with the City's Planning Commission. The particular elements of the design should be such that the overall development of the Kiesel CDA will:

1. Provide an attractive environment.
2. Blend harmoniously with the adjoining areas.
3. Provide for the optimum amount of open space and landscaped areas.

4. Provide parking areas appropriately designed, screened, and landscaped to blend harmoniously with adjacent areas.
5. Provide safe, effective, and attractive pedestrian features.
6. Comply with the provisions of this Plan.

### Specific Design Objectives

The specific design objectives incorporated below guide the City, developers, and owners to create a unified development, in both form and architectural style.

#### 1. Building Design Objectives:

New development shall:

- a. Be in harmony with the surrounding area and provide a high quality appearance;
- b. Utilize high quality and low maintenance building materials;
- c. Take into account CPTED (crime prevention through environmental design) principals in order that all buildings and developments provide a safe and secure environment for employees and visitors;
- d. Be designed to relate to existing grade conditions with a minimum of grading and exposed foundation walls.

#### 2. Site Design Objectives:

New development shall:

- a. Provide attractive and water efficient landscaped areas primarily consisting of shrubs, ground cover, turf, and trees as appropriate to the character of the Project Area;
- b. Provide landscaped, paved, and graded pedestrian areas that afford safety and separation from vehicular traffic;
- c. Use high quality building materials and design for paving, retaining walls, fences, lighting, benches, and other site furnishings;
- d. Incorporate parking lot designs that consider safe and efficient ingress/egress and internal circulation, provide cross access to adjacent areas where appropriate, and be landscaped consistent with Ogden City Code;
- e. Provide adequate separation and/or buffering of each site from adjacent areas where needed or appropriate;
- f. Provide a signage program that incorporates design consistency with the main structures;

- g. Preserve the desirable existing conditions found on the site through minimized site grading and minimized removal of desirable trees and other vegetation.

3. Public Right-Of-Way Design Objectives:

- a. Public rights-of-way. All streets, sidewalks and walkways within public rights-of-way will be designed to be consistent with current standards and objectives, and be approved by the City.

Section 6    **HOW THE PURPOSES OF THE STATE LAW WOULD BE  
ATTAINED BY COMMUNITY DEVELOPMENT**  
*[17C-4-103(4)]*

The purposes of Title 17C of the Utah State Code (Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act), and more specifically Title 17C, Chapter 4 thereof (Community Development), are to encourage, promote, or provide for development activities within a community. *See, Utah Code Ann. § 17C-1-102(16)*. The proposed projects contemplated in this Plan will help attain the foregoing purposes by:

- Providing necessary public infrastructure to the community development project area and surrounding areas, thereby encouraging and promoting additional development activities within or near the project area.
- Providing additional employment opportunities, which would encourage and promote additional development activities, such as residential developments for employees, commercial developments for suppliers, restaurateurs, and other businesses.
- The development of vacant land within the community development project area, as well as the development of existing structures.

It is the intent of the Agency, with the assistance and participation of private owner(s), to encourage and accomplish appropriate development within the Kiesel CDA by methods described in this Plan. This includes the restoration/renovation of historical buildings, enhancement to existing buildings, the possible construction of new buildings, facilities and infrastructure, and the use of incentives to maximize appropriate development beneficial to the City. By these methods, the private sector should be encouraged to undertake new development which will strengthen the tax base of the community in furtherance of the objectives set forth in this Plan.

Techniques to Achieve Kiesel CDA Plan Objectives

Possible activities contemplated in carrying out the Plan in the Kiesel CDA include the development of areas in the Project Area.

1. Construction: Restoration/renovation of existing buildings and new construction may be initiated in order to encourage additional private sector building and investment.
2. Implementation of Projects: The Agency shall have the right to approve the design and construction documents of all development within the Project Area to ensure consistency within this Kiesel CDA Plan. The City shall notify the Agency of all requests for (1) zoning changes; (2) design approval; (3) site plan approval; and (4) building permits within the Project Area. Projects within the Kiesel CDA shall be implemented as approved by the Agency and the City.

Section 7      **HOW THE PLAN IS CONSISTENT WITH THE CITY'S  
GENERAL PLAN**      *[17C-4-103(5)]*

This Community Development Plan is consistent with and the proposed development conforms to the City's General Plan in the following respects:

A.      General Plan

The Kiesel CDA is consistent with the General Plan of Ogden City which encourages development that focuses on expanding and diversifying the local economy, revitalizing older business areas and raising the standard of living in a business friendly environment. Ogden has emerging aerospace and advanced materials, IT & software and outdoor recreation clusters requiring offices, technology, business centers and multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods. The City General Plan envisions that the area of the Project Area will continue to be mixed use in nature. If any future zoning designation changes are required, such changes will be submitted to both the Planning Commission and City Council for consideration and approval.

B.      Zoning Ordinances

The property within the Project Area is currently zoned Central Business District. The City General Plan envisions that the Project Area will continue to be mixed use in nature. The proposed development is permitted under the current zoning designations adopted by the Ogden City Council. If any future zoning designation changes are required, such changes will be submitted to both the Planning Commission and City Council for consideration and approval.



Section 9

**WAYS IN WHICH PRIVATE DEVELOPERS WILL BE  
SELECTED TO UNDERTAKE THE COMMUNITY  
DEVELOPMENT** *[17C-4-103(7)]*

A. Selection of Private Developers

The Agency desires owners of real property in the Kiesel CDA to undertake development of their property and contemplates that owners will take advantage of the opportunity to develop their property or sell their property to Developers for the development of facilities within the Project Area. In the event that owners do not wish to participate in the CDA in compliance with the Plan, or in a manner acceptable to the Agency, or are unable or unwilling to appropriately participate, the Agency may, consistent with the Act, encourage other owners to acquire property within the Project Area, or to select non-owner Developers by private negotiation, public advertisement, bidding or the solicitation of written proposals, or a combination of one or more of the above methods.

B. Identification of Developers Who Are Currently Involved in the Proposed Development

The Agency, consistent with the Act, will work with capable and qualified Developers to ensure that all aspects of the Plan are implemented.

Section 10      **REASONS FOR THE SELECTION OF THE KIESEL CDA**  
*[17C-4-103(8)]*

The Kiesel CDA was selected by the Agency as that area within the City having an opportunity to significantly strengthen the economic base of the community, broaden the City's tax base, and encourage needed mixed use developments. The Kiesel CDA contains a portion of the City that is desirable for development because of (1) existing access and infrastructure; (2) a general recognition that the Kiesel CDA needs assistance if the area is to be further developed; (3) a general recognition that this portion of the City needs investment of private capital to restore and renovate significant historic buildings, as well as, construct improvements to attract additional business or provide infrastructure improvements; (4) determination by the City that further development of this area is important to the overall health, vitality, and stability of the City; (5) goals of the City and community to strengthen residential/commercial development and employment; and (6) the opportunity to commence a public/private partnership to improve and further develop this area of the City.

Specific boundaries of the Kiesel CDA were arrived at by the Agency after a review of the area by members of the Agency staff and in discussion with various stakeholders. Planned treatment of this area is intended to stimulate development to the degree necessary for sound long-range economic growth in the Project Area and to encourage further development and improvement of real property within the Project Area.

Section 11      **DESCRIPTION OF THE PHYSICAL, SOCIAL, AND  
ECONOMIC CONDITIONS EXISTING IN THE KIESEL  
CDA**                      *[17C-4-103(9)]*

A.      Physical Conditions

The Kiesel CDA consists of approximately 39 acres including public streets (see Appendix A and Appendix B). There are several significantly contributing historic buildings including the Kiesel, Berthana, Thorstensen, Proud Fit and the Old Post Office Buildings, as well as, additional commercial and hospitality activities located in the Project Area. The Lindquist Ball Field is also located within the Project Area boundaries. There are no known residential uses in the Project Area.

The Project Area is accessed north and south from Kiesel, Grant, Lincoln and Wall Avenues, as well as, east and west from 23<sup>rd</sup> and 24<sup>th</sup> Streets. The roads are two and four travel lanes, and provide access to much of the property in the Kiesel CDA.

B.      Social Conditions

No unusual social conditions were found to exist.

C.      Economic Conditions

Although the area has generally seen economic underperformance, it presents some of the greatest opportunity for redevelopment. Through adoption of this Plan and with the financial support of possible voluntary funding of this Plan by taxing entities, the Agency hopes to encourage the restoration/renovation of historic buildings, strengthen the residential presence in downtown Ogden, and provide opportunities for additional businesses, all of which will contribute to the tax base. The Agency and the City believe that without the adoption of this Plan and the support of taxing entities for funding this Plan, there is less likelihood that the historic structures will be restored. Consequently, the establishment of a community development project area and its associated implementation measures are very important.



Section 13 **ANALYSIS OF THE ANTICIPATED PUBLIC BENEFIT TO BE DERIVED FROM THE COMMUNITY DEVELOPMENT** [17C-4-103(11)]

It is anticipated that a significant public benefit will be derived from the proposed development within the Kiesel CDA. The Economic Benefit Analysis, attached hereto as Appendix D, provides an analysis and description of the anticipated public benefit to be derived from the community development, including: A) the beneficial influences upon the tax base of the community; and B) the associated business and economic activity likely to be stimulated.

A. Beneficial Influences Upon the Tax Base of the Community

The City and taxing entities will see an increase in taxable value of an estimated \$22 million over the next 20 years in the Project Area. This is a substantial increase from today's taxable value of \$21,203,119. Construction could begin in 2016, with tax increment commencing in 2017. If construction begins in 2016 and the Project Area commences in 2017 and runs for a period of 20 years, each of the taxing entities will receive increased taxes over the next 20 years from the increased investment in the area. The projected incremental tax revenues which are projected to be generated from the increased assessed value resulting from the improvements are summarized below:

| <u>Taxing Entity</u>           | <u>20 Year Gross</u> | <u>Annual (Year</u> |
|--------------------------------|----------------------|---------------------|
| 1) Ogden City School Dist.     | \$5,265,471          | \$146,402           |
| Weber County                   | \$2,106,188          | \$ 58,561           |
| Ogden City                     | \$1,904,771          | \$ 52,961           |
| Weber Basin Water Cons.        | \$ 112,466           | \$ 3,127            |
| Central Weber Sewer Imp. Dist. | \$ 482,583           | \$ 13,418           |
| Weber Co. Mosquito             | \$ 10,234            | \$ 285              |
| Weber Area Dispatch 911        | \$ 173,812           | \$ 4,833            |
| Ogden City Special Levy        | \$ 168,700           | \$ 4,691            |

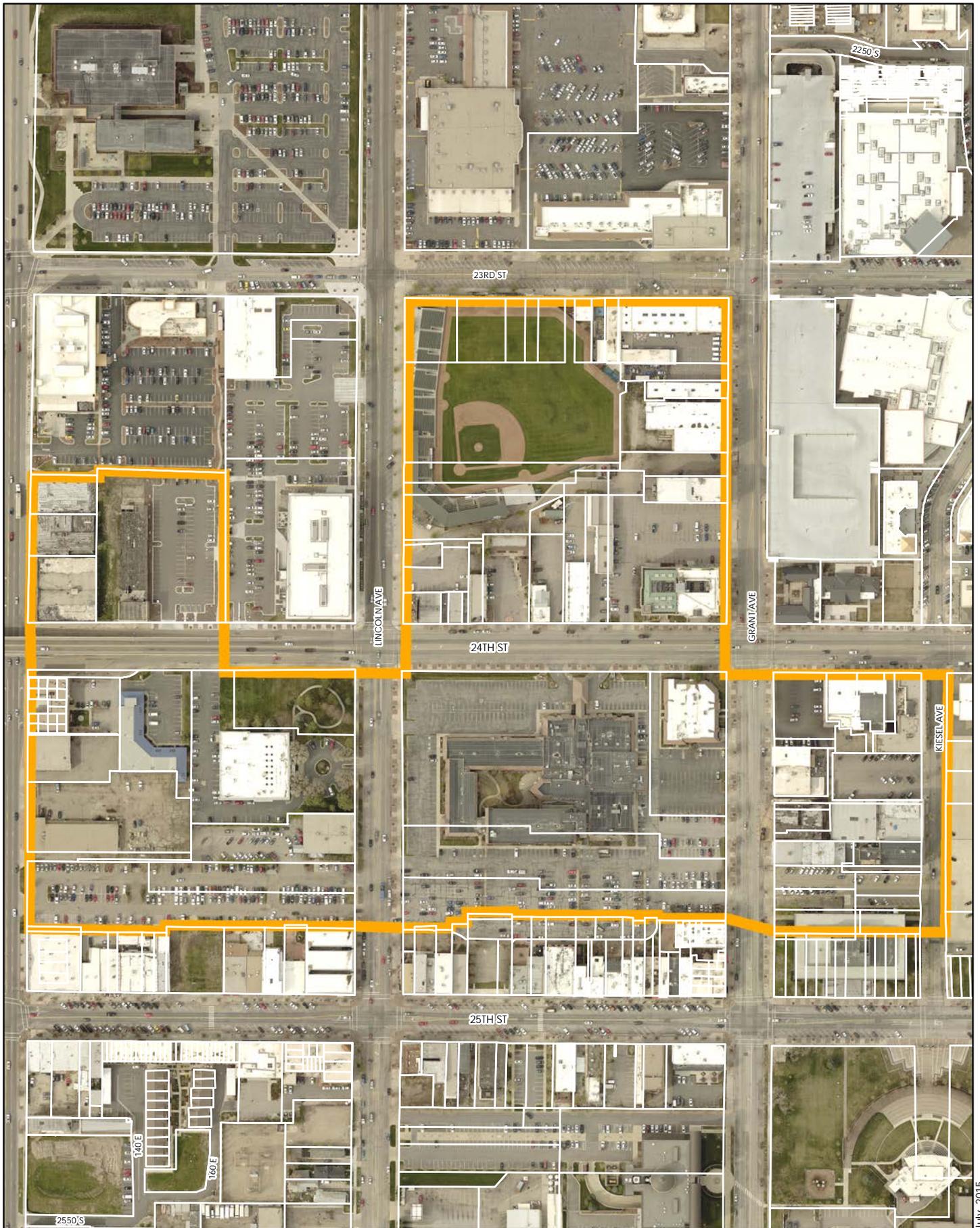
B. Business and Economic Activity Likely to be Stimulated

The economic activities associated with the development of the Project Area could take any one or more of the following forms: Businesses and professional offices currently located in the area surrounding the Project Area will likely benefit from exposure to new customers and clients traveling to and within the vicinity of the Project Area. This influx of new customers and clients will have the positive effect of encouraging businesses and professionals to remain in and around the community. Currently existing businesses and professionals may even be inclined to expand their facilities to take advantage of the new demographic resulting from the development of the Project Area. Businesses and professionals seeking to locate new facilities will likewise be drawn to the vicinity of the

Project Area for similar reasons. As proposed in this Plan, the developed Project Area will serve the immediate lifestyle needs of the community and can reasonably be expected to encourage additional development in the surrounding area.

## **APPENDIX A**

MAP OF KIESEL COMMUNITY DEVELOPMENT PROJECT AREA



July, 2015

KIESEL CDA

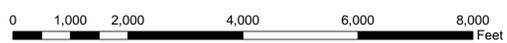


## **APPENDIX B**

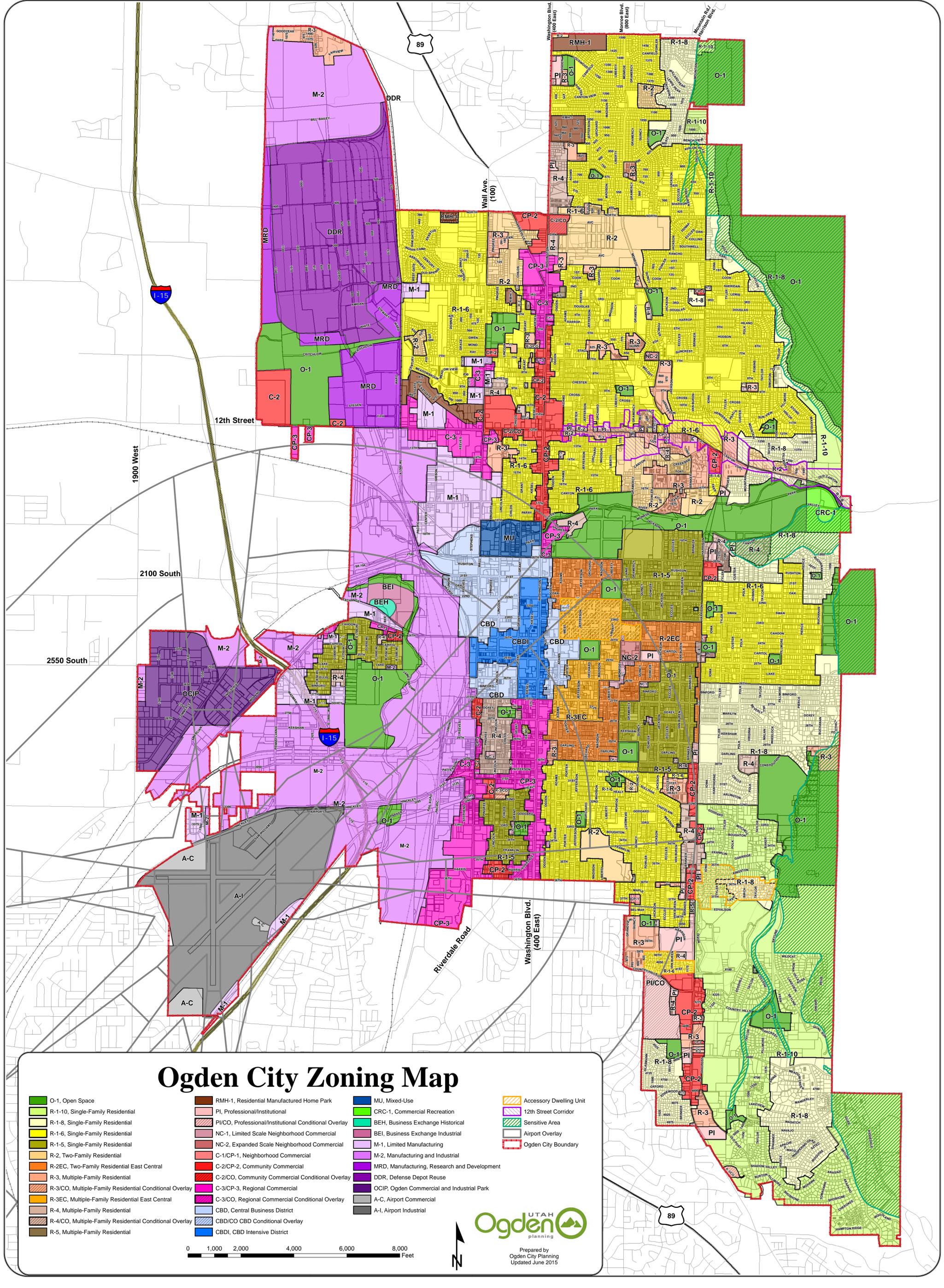
LAND USE MAP KIESEL COMMUNITY  
DEVELOPMENT PROJECT AREA

# Ogden City Zoning Map

- |                                                                                                                                             |                                                                                                                                           |                                                                                                                                  |                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|  O-1, Open Space                                         |  RMH-1, Residential Manufactured Home Park             |  MU, Mixed-Use                                |  Accessory Dwelling Unit |
|  R-1-10, Single-Family Residential                       |  PI, Professional/Institutional                        |  CRC-1, Commercial Recreation                 |  12th Street Corridor    |
|  R-1-8, Single-Family Residential                        |  PI/CO, Professional/Institutional Conditional Overlay |  BEH, Business Exchange Historical            |  Sensitive Area          |
|  R-1-6, Single-Family Residential                        |  NC-1, Limited Scale Neighborhood Commercial           |  BEI, Business Exchange Industrial            |  Airport Overlay         |
|  R-1-5, Single-Family Residential                        |  NC-2, Expanded Scale Neighborhood Commercial          |  M-1, Limited Manufacturing                   |  Ogden City Boundary     |
|  R-2, Two-Family Residential                             |  C-1/CP-1, Neighborhood Commercial                     |  M-2, Manufacturing and Industrial            |                                                                                                               |
|  R-2-EC, Two-Family Residential East Central             |  C-2/CP-2, Community Commercial                        |  MRD, Manufacturing, Research and Development |                                                                                                               |
|  R-3, Multiple-Family Residential                        |  C-2/CO, Community Commercial Conditional Overlay      |  DDR, Defense Depot Reuse                     |                                                                                                               |
|  R-3/CO, Multiple-Family Residential Conditional Overlay |  C-3/CP-3, Regional Commercial                         |  OCIP, Ogden Commercial and Industrial Park   |                                                                                                               |
|  R-3-EC, Multiple-Family Residential East Central        |  C-3/CO, Regional Commercial Conditional Overlay       |  A-C, Airport Commercial                      |                                                                                                               |
|  R-4, Multiple-Family Residential                        |  CBD, Central Business District                        |  A-1, Airport Industrial                      |                                                                                                               |
|  R-4/CO, Multiple-Family Residential Conditional Overlay |  CBD/CO CBD Conditional Overlay                        |                                                                                                                                  |                                                                                                               |
|  R-5, Multiple-Family Residential                        |  CBDI, CBD Intensive District                          |                                                                                                                                  |                                                                                                               |



Prepared by  
Ogden City Planning  
Updated June 2015



## **APPENDIX C**

### **WEBER COUNTY TAX SERIAL NUMBERS**

KIESEL CDA  
 OGDEN CITY  
 Real Property

| Parcel No. | Property Address | Owner                                | 2014  |            |             | Total Mkt. Value | Taxable Value | 2015       |             |             | Total Mkt. Value | Taxable Value |
|------------|------------------|--------------------------------------|-------|------------|-------------|------------------|---------------|------------|-------------|-------------|------------------|---------------|
|            |                  |                                      | Acree | Land Value | Bldg. Value |                  |               | Land Value | Bldg. Value |             |                  |               |
| 010210032  |                  | United State of America              | 0.14  | \$61,250   | \$0         | \$61,250         | 0             | \$61,250   | \$0         | \$61,250    | \$0              |               |
| 010210034  |                  | United State of America              | 0.1   | \$43,990   | \$0         | \$43,990         | 0             | \$43,990   | \$0         | \$43,990    | \$0              |               |
| 010210035  |                  | United State of America              | 0.14  | \$62,440   | \$0         | \$62,440         | 0             | \$62,440   | \$0         | \$62,440    | \$0              |               |
| 010210019  |                  | Alvey Holding LLC                    | 0.05  | \$7,868    | \$2,380     | \$10,248         | \$10,248      | \$7,868    | \$2,499     | \$10,367    | \$10,367         |               |
| 010210037  |                  | Alvey Holding LLC                    | 0.16  | \$27,796   | \$284,528   | \$312,324        | \$312,324     | \$27,796   | \$298,754   | \$326,550   | \$326,550        |               |
| 010210036  |                  | Alvey Holding LLC                    | 0.18  | \$31,364   | \$161,327   | \$192,691        | \$192,691     | \$31,364   | \$161,615   | \$192,979   | \$192,979        |               |
| 010210038  |                  | Phidia K. & Homer K. Cutrubs         | 0.41  | \$71,440   | \$59,707    | \$131,147        | \$131,147     | \$71,440   | \$62,693    | \$134,133   | \$134,133        |               |
| 010210043  |                  | H & P Investments                    | 0.4   | \$69,660   | \$5,874     | \$75,534         | \$75,534      | \$69,660   | \$6,168     | \$75,828    | \$75,828         |               |
| 010210088  |                  | CSP005 LLC                           | 0.27  | \$118,680  | \$769,416   | \$888,096        | \$888,096     | \$118,680  | \$807,887   | \$926,567   | \$926,567        |               |
| 010210049  |                  | LohMueller Reh, LLC                  | 0.05  | \$22,600   | \$168,158   | \$190,758        | \$190,758     | \$22,600   | \$166,846   | \$189,446   | \$189,446        |               |
| 010210094  |                  | Dogma Group LLC                      | 0.14  | \$60,910   | \$316,862   | \$377,772        | \$377,772     | \$60,910   | \$332,706   | \$393,616   | \$393,616        |               |
| 010210082  |                  | Dogma Group LLC                      | 0.19  | \$84,310   | \$892,322   | \$976,632        | \$976,632     | \$84,310   | \$1,135,854 | \$1,220,164 | \$1,220,164      |               |
| 010210047  |                  | Ogden RDA                            | 0.25  | \$167,372  | \$0         | \$167,372        | \$0           | \$167,372  | \$0         | \$167,372   | \$0              |               |
| 010210046  |                  | Ogden RDA                            | 0.13  | \$87,750   | \$0         | \$87,750         | \$0           | \$87,750   | \$0         | \$87,750    | \$0              |               |
| 010210041  |                  | Century Investments Partnership LLC  | 0.25  | \$43,560   | \$239,102   | \$282,662        | \$282,662     | \$43,560   | \$251,058   | \$294,618   | \$294,618        |               |
| 010210040  |                  | Century Investments Partnership LLC  | 0.03  | \$5,932    | \$25,473    | \$31,405         | \$31,405      | \$5,932    | \$26,747    | \$32,679    | \$32,679         |               |
| 010210039  |                  | H & P Investments                    | 0.13  | \$22,360   | \$0         | \$22,360         | \$22,360      | \$22,360   | \$0         | \$22,360    | \$22,360         |               |
| 010210031  |                  | United State of America              | 0.17  | \$75,100   | \$0         | \$75,100         | \$0           | \$75,100   | \$0         | \$75,100    | \$0              |               |
| 010210030  |                  | United State of America              | 0.16  | \$69,300   | \$0         | \$69,300         | \$0           | \$69,300   | \$0         | \$69,300    | \$0              |               |
| 010210029  |                  | United State of America              | 0.19  | \$81,670   | \$0         | \$81,670         | \$0           | \$81,670   | \$0         | \$81,670    | \$0              |               |
| 010200005  |                  | Ogden City Neighborhood Deve. Agency | 0.99  | \$173,250  | \$12,487    | \$185,737        | \$0           | \$173,250  | \$13,111    | \$186,361   | \$0              |               |
| 010200006  |                  | Ogden Hotel Investors LLC            | 1.55  | \$271,250  | \$0         | \$271,250        | \$271,250     | \$271,250  | \$0         | \$271,250   | \$271,250        |               |
| 010200008  |                  | Ogden Hotel Investors LLC            | 4.11  | \$719,250  | \$6,126,442 | \$6,845,692      | \$6,845,692   | \$719,250  | \$4,552,313 | \$5,271,563 | \$5,271,563      |               |
| 010200063  |                  | Pingree Family Limited Company       | 1.04  | \$453,020  | \$317,980   | \$771,000        | \$771,000     | \$453,020  | \$319,470   | \$772,490   | \$772,490        |               |
| 010290001  |                  | Old Ogden Post Office Bldg. LLC      | 1.38  | \$241,500  | \$996,837   | \$1,238,337      | \$1,238,337   | \$241,500  | \$1,083,515 | \$1,325,015 | \$1,325,015      |               |
| 010290030  |                  | Presidential Utah Properties LLC     | 0.19  | \$37,484   | \$571,254   | \$608,738        | \$608,738     | \$37,484   | \$568,128   | \$605,612   | \$605,612        |               |
| 010290034  |                  | Presidential Utah Properties LLC     | 0.08  | \$14,652   | \$0         | \$14,652         | \$14,652      | \$14,652   | \$0         | \$14,652    | \$14,652         |               |
| 010290035  |                  | Presidential Utah Properties LLC     | 0.23  | \$39,980   | \$6,534     | \$46,514         | \$46,514      | \$39,980   | \$5,940     | \$45,920    | \$45,920         |               |
| 010290015  |                  | George & Dragon LLC                  | 0.55  | \$96,444   | \$599,045   | \$695,489        | \$695,489     | \$96,444   | \$628,997   | \$725,441   | \$725,441        |               |
| 010290027  |                  | George & Dragon LLC                  | 0.14  | \$23,900   | \$260,314   | \$284,214        | \$284,214     | \$23,900   | \$260,259   | \$284,159   | \$284,159        |               |
| 010290026  |                  | Episcopal Church in Utah Corp.       | 0.18  | \$31,500   | \$0         | \$31,500         | \$0           | \$31,500   | \$0         | \$31,500    | \$0              |               |
| 010290025  |                  | Episcopal Church in Utah Corp.       | 0.67  | \$116,740  | \$707,491   | \$824,231        | \$0           | \$116,740  | \$742,865   | \$859,605   | \$0              |               |
| 010290024  |                  | Episcopal Church in Utah Corp.       | 0.08  | \$14,000   | \$0         | \$14,000         | \$0           | \$14,000   | \$0         | \$14,000    | \$0              |               |
| 010290023  |                  | Episcopal Church in Utah Corp.       | 0.8   | \$14,000   | \$0         | \$14,000         | \$0           | \$14,000   | \$0         | \$14,000    | \$0              |               |
| 010290022  |                  | Ogden City                           | 0.11  | \$19,250   | \$0         | \$19,250         | \$0           | \$19,250   | \$0         | \$19,250    | \$0              |               |
| 010290016  |                  | Ogden City                           | 2.11  | \$367,500  | \$0         | \$367,500        | \$0           | \$367,500  | \$0         | \$367,500   | \$0              |               |
| 010290021  |                  | Ogden City                           | 0.17  | \$29,750   | \$0         | \$29,750         | \$0           | \$29,750   | \$0         | \$29,750    | \$0              |               |
| 010290020  |                  | Ogden City                           | 0.08  | \$14,000   | \$0         | \$14,000         | \$0           | \$14,000   | \$0         | \$14,000    | \$0              |               |
| 010290019  |                  | Ogden City                           | 0.12  | \$21,000   | \$0         | \$21,000         | \$0           | \$21,000   | \$0         | \$21,000    | \$0              |               |
| 010290018  |                  | Ogden City                           | 0.3   | \$525,000  | \$0         | \$525,000        | \$0           | \$525,000  | \$0         | \$525,000   | \$0              |               |
| 010290017  |                  | Ogden City                           | 0.33  | \$57,750   | \$0         | \$57,750         | \$0           | \$57,750   | \$0         | \$57,750    | \$0              |               |
| 010290014  |                  | Ogden City                           | 0.17  | \$29,750   | \$0         | \$29,750         | \$0           | \$29,750   | \$0         | \$29,750    | \$0              |               |
| 010290013  |                  | Ogden City                           | 0.2   | \$33,250   | \$0         | \$33,250         | \$0           | \$33,250   | \$0         | \$33,250    | \$0              |               |
| 010290012  |                  | Ogden City                           | 0.56  | \$98,000   | \$0         | \$98,000         | \$0           | \$98,000   | \$0         | \$98,000    | \$0              |               |
| 010290036  |                  | Ogden City                           | 0.1   | \$17,500   | \$0         | \$17,500         | \$0           | \$17,500   | \$0         | \$17,500    | \$0              |               |
| 010290037  |                  | Ogden City                           | 0.05  | \$8,750    | \$0         | \$8,750          | \$0           | \$8,750    | \$0         | \$8,750     | \$0              |               |
| 010290011  |                  | Ogden City                           | 0.09  | \$15,750   | \$0         | \$15,750         | \$0           | \$15,750   | \$0         | \$15,750    | \$0              |               |
| 010290033  |                  | Ogden City                           | 0.09  | \$15,750   | \$0         | \$15,750         | \$0           | \$15,750   | \$0         | \$15,750    | \$0              |               |
| 010290038  |                  | Hal & Lorene LaFleur Family Trust    | 0     | \$0        | \$0         | \$0              | \$0           | \$0        | \$0         | \$0         | \$0              |               |
| 010290039  |                  | Hal & Lorene LaFleur Family Trust    | 0     | \$0        | \$0         | \$0              | \$0           | \$0        | \$0         | \$0         | \$0              |               |
| 010290040  |                  | Hal & Lorene LaFleur Family Trust    | 0     | \$0        | \$0         | \$0              | \$0           | \$0        | \$0         | \$0         | \$0              |               |
| 010290041  |                  | Beaton Property Management LLC       | 0     | \$0        | \$0         | \$0              | \$0           | \$0        | \$0         | \$0         | \$0              |               |
| 010290042  |                  | Beaton Property Management LLC       | 0     | \$0        | \$0         | \$0              | \$0           | \$0        | \$0         | \$0         | \$0              |               |
| 010290007  |                  | Hal & Lorene LaFleur Family Trust    | 0.04  | \$18,200   | \$74,072    | \$92,272         | \$92,272      | \$18,200   | \$77,776    | \$95,976    | \$95,976         |               |
| 010290008  |                  | Hal & Lorene LaFleur Family Trust    | 0.15  | \$65,870   | \$54,130    | \$120,000        | \$120,000     | \$51,170   | \$69,206    | \$120,376   | \$120,376        |               |
| 010290009  |                  | Hal & Lorene LaFleur Family Trust    | 0.12  | \$50,290   | \$196,940   | \$247,230        | \$247,230     | \$50,290   | \$206,787   | \$257,077   | \$257,077        |               |
| 010290010  |                  | Hal & Lorene LaFleur Family Trust    | 0.09  | \$16,184   | \$8,901     | \$25,085         | \$25,085      | \$16,184   | \$9,346     | \$25,530    | \$25,530         |               |
| 010290006  |                  | SRBTT Richards Family Part. LLC      | 0.11  | \$48,920   | \$162,828   | \$211,748        | \$211,748     | \$48,920   | \$170,970   | \$219,890   | \$219,890        |               |
| 010290005  |                  | Jayhoun Saissan                      | 0.4   | \$176,070  | \$132,231   | \$308,301        | \$308,301     | \$176,070  | \$138,843   | \$314,913   | \$314,913        |               |
| 010290004  |                  | Hortencia Escamilla Hernandez        | 0.29  | \$127,440  | \$46,905    | \$174,345        | \$174,345     | \$127,440  | \$49,250    | \$176,690   | \$176,690        |               |
| 010290003  |                  | Charles L Crittenden Jr.             | 0.27  | \$118,140  | \$305,980   | \$424,120        | \$424,120     | \$118,140  | \$309,223   | \$427,363   | \$427,363        |               |
| 010290002  |                  | Charles L Crittenden Jr.             | 0.28  | \$124,080  | \$39,530    | \$163,610        | \$163,610     | \$124,080  | \$41,507    | \$165,587   | \$165,587        |               |
| 010190034  |                  | Ogden City Neighborhood Deve. Agency | 1.5   | \$261,360  | \$0         | \$261,360        | \$0           | \$261,360  | \$0         | \$261,360   | \$0              |               |
| 010190037  |                  | Ogden City RDA                       | 0.59  | \$101,984  | \$33,882    | \$135,866        | \$0           | \$101,984  | \$35,576    | \$137,560   | \$0              |               |
| 010190032  |                  | Lincoln Building LLC                 | 0.69  | \$120,224  | \$750,497   | \$870,721        | \$870,721     | \$120,224  | \$788,022   | \$908,246   | \$908,246        |               |
| 010190023  |                  | C2 Investments LLC                   | 1.63  | \$285,250  | \$1,455,152 | \$1,740,402      | \$1,740,402   | \$285,250  | \$1,527,910 | \$1,813,160 | \$1,813,160      |               |
| 010190024  |                  | C2 Investments LLC                   | 0.72  | \$126,000  | \$0         | \$126,000        | \$126,000     | \$126,000  | \$0         | \$126,000   | \$126,000        |               |
| 010190019  |                  | C2 Investments LLC                   | 0.73  | \$213,220  | \$778,550   | \$991,770        | \$991,770     | \$213,220  | \$817,478   | \$1,030,698 | \$1,030,698      |               |
| 010860009  |                  | New Brigham Investors LLC            | 0.03  | \$30,000   | \$25,013    | \$55,013         | \$55,013      | \$30,000   | \$25,013    | \$55,013    | \$55,013         |               |
| 010190015  |                  | D2 Investments LLC                   | 0.43  | \$73,636   | \$307,025   | \$380,661        | \$380,661     | \$73,636   | \$322,376   | \$396,012   | \$396,012        |               |
| 010190014  |                  | D2 Investments LLC                   | 1.08  | \$188,180  | \$200,545   | \$388,725        | \$388,725     | \$188,180  | \$210,572   | \$398,752   | \$398,752        |               |
| 010190029  |                  | Ogden City RDA                       | 0.03  | \$5,228    | \$0         | \$5,228          | \$0           | \$5,228    | \$0         | \$5,228     | \$0              |               |
| 010900005  |                  | Common Area Altice Corner Condo      | 0.01  | \$0        | \$0         | \$0              | \$0           | \$0        | \$0         | \$0         | \$0              |               |
| 010890001  |                  | Boyer Ogden Holdings LC              | 1.9   | \$332,500  | \$144,610   | \$477,110        | \$477,110     | \$332,500  | \$151,841   | \$484,341   | \$484,341        |               |
| 010300006  |                  | WYL Orion Properties LLC             | 0.4   | \$69,168   | \$579,492   | \$648,660        | \$648,660     | \$69,168   | \$608,467   | \$677,635   | \$677,635        |               |
| 010300007  |                  | Judy C. Orton                        | 0.26  | \$45,144   | \$140,525   | \$185,669        | \$185,669     | \$45,144   | \$147,551   | \$192,695   | \$192,695        |               |
| 010300008  |                  | Judy C. Orton                        | 0.24  | \$42,456   | \$132,952   | \$175,408        | \$175,408     | \$42,156   | \$139,600   | \$181,756   | \$181,756        |               |

\$22,074,365

\$21,203,119

\$871,246

## **APPENDIX D**

### **BENEFIT ANALYSIS**

**KIESEL  
COMMUNITY DEVELOPMENT PROJECT AREA  
BENEFIT ANALYSIS**

**Prepared for the Redevelopment Agency of Ogden City**

**September 22, 2015**

## **BENEFIT ANALYSIS OF THE PROPOSED KIESEL COMMUNITY DEVELOPMENT PROJECT AREA**

The following information is presented to meet the requirements of Utah Code Title 17C, Chapter 4, Section 103 regarding the proposed Kiesel Community Development Project Area, to provide the following:

### **17C-4-103. Community development project area plan requirements.**

- (11) . . . an analysis or description of the anticipated public benefit to be derived from the Community development, including:
  - (a) the beneficial influences upon the tax base of the community; and
  - (b) the associated business and economic activity likely to be stimulated; and
- (12) . . . other information that the agency determines to be necessary or advisable.

This evaluation is intended to provide a framework within which the Redevelopment Agency's ("Agency") Board of Directors and staff can make critical decisions. They must determine whether it is good public policy and in the interest of Ogden City for the Agency to invest property tax increment, in eligible activities, such as land acquisition, public and private infrastructure or other improvements required by the Kiesel Community Development Project Area.

This document is prepared in good faith as an estimate of the economic impact of this project. Prevailing economic or other conditions may influence the actual economic impact either favorably or unfavorably. But for these unknown and unpredictable events, the information contained herein is considered an accurate accounting of the reasonable expectations of the project.

### **Introduction**

The purpose of this report is to estimate the potential incremental property tax revenue and identify the net direct benefit or loss to the Redevelopment Agency of Ogden City (the "Agency") and Ogden City (the "City") from the proposed Kiesel Community Development Project Area ("Kiesel CDA" or "Project Area"). The proposed Kiesel CDA consists of approximately 39 acres and includes the Kiesel, Berthana, Thorstensen and Proud Fit buildings, as well as, the old Post Office, possibly an Internal Revenue Service ("IRS") expansion and additional capital improvements. Private property within the Kiesel CDA is composed of commercial properties. The development contemplated is consistent with the City's long-term goal of supporting commercial development generally throughout the City, as well as, targeting commercial development designed to meet the needs of City, Weber County residents, as well as, residents of adjoining counties and travelers.

The Kiesel CDA overlays property, a portion of which, is included in the 25th Street Redevelopment Project Area ("25<sup>th</sup> Street RDA"). The 25th Street RDA was created in 1979

and the Taxing Entity Committee (“TEC”) approved collecting tax increment from the 25th Street RDA until 2015; except for the tax increment generated by the Eccles Building which may be collected until 2017 to cover bond debt service. To the extent that the 25th Street RDA effectively sunsets in 2015, the overlay of the Kiesel CDA will not impact that portion of the 25th Street RDA. The boundaries of the Kiesel CDA do not overlay the Eccles Building and therefore the Eccles Building is not impacted by the creation of the project area. For purposes of this report, it has been determined that the estimated potential incremental property tax revenue considered as contributing to the net direct benefit or loss is that which is generated from the increased assessed value of the contemplated restoration/revitalization/expansion projects. The overall benefits and investment brought to the project include the public infrastructure improvements, which may be located in or outside and which benefit the community development project area and site improvements constructed as the result of the project area developing with superior quality restoration/revitalization/expansion developments. This economic benefit analysis contemplates private investment in the proposed project area to be an estimated \$22 million. The economic benefits resulting from the construction of the proposed projects include; new employment (both short and long term), local purchases of goods and services supportive of commercial and retail businesses, local purchases of goods and services by employees constructing and working at the businesses, local purchase of utilities, and increased tax revenues to state and local governments.

This report identifies the potential tax revenues, which may be generated from increased real property values as the result of the development of the Project Area.

### **Development Overview**

It is proposed that Community Development Project Area be created in the vicinity of 23<sup>rd</sup> and 24<sup>th</sup> Streets between Kiesel and Wall Avenue for the purpose of supporting the redevelopment of historic buildings, strengthening Ogden’s employment and tax bases (property and sales), and creating a mechanism to support additional downtown parking. The high profile location is home to numerous significantly contributing historic buildings and is the traditional entrance into downtown. Although this area has generally seen economic underperformance, it presents some of the greatest opportunity for redevelopment. It is anticipated that the Kiesel CDA area can contribute greatly to the economic well-being of the community.

The Project Area is currently zoned Central Business District (“CBD”)/Central Business District Intensive (“CBDI”) which is consistent with the City’s General Plan and the proposed development is permitted under the current zoning designations adopted by the Ogden City Council.

### **Capital Investment Projections**

The Project Area currently contains retail, commercial, hospitality and recreational uses. It is estimated that the real property base value for the Project Area is \$21,203,119 and the base year is 2015.

A survey of the Project Area indicates several potential development opportunities which would involve historic preservation/restoration, rehabilitation, new construction and enhanced downtown public parking.

A summary of the investment range of potential development opportunities is as follows:

|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| <b>Kiesel Bldg.</b> – Residential                             | \$ 4,500,000        |
| <b>Berthana Bldg.</b> - Commercial                            | \$ 750,000          |
| <b>Marriott Improvements</b>                                  | \$ 1,000,000        |
| <b>IRS</b> – Phase 4                                          | \$ 7,000,000        |
| <b>Old Post Office Enhancements</b>                           | \$ 250,000          |
| <b>Thorstensen Bldg.</b> – Combination Commercial/Residential | \$ 4,000,000        |
| <b>Proud Fit Bldg.</b> - Commercial                           | \$ 2,000,000        |
| Additional Improvements                                       | \$ 2,500,000        |
| <b>Parking Improvements</b> – Public                          | <u>\$ 6,000,000</u> |
| Estimated Total Investment                                    | <u>\$28,000,000</u> |

The Utah Community Development and Renewal Agencies Act provides that the formation of a Community Development Project Area will allow the taxing entities to provide funding of the Project Area Plan through interlocal agreements with the Redevelopment Agency of Ogden City to provide all or part of the tax increment from the taxing entities, which they would normally receive as a result of the increased assessed valuation resulting from the proposed project.

As previously stated, the overlay of the Kiesel CDA will not impact that portion of the 25<sup>th</sup> Street RDA. Additionally, the boundaries of the Kiesel CDA do not overlay the Eccles Building and therefore the Eccles Building is not impacted by the creation of the project area. It is anticipated that the incremental tax revenue eligible to provide funding of the Kiesel CDA Plan is that which is generated from the increased assessed value resulting from the contemplated restoration/revitalization/expansion improvements. The terms being considered are between seventy-four (74%) and ninety-four (94%) percent of the real property tax increment generated for a twenty (20) year period of time.

Property tax increment may help pay for costs associated with the development of the Kiesel CDA which may include the aforementioned, but not limited to, economic and residential improvement projects.

The estimated future tax increment cash flow is projected in additional detail in Schedule 1 - Tax Increment Revenue Summary. For a 20-year period, the estimated tax increment distributions by Taxing Entity for the estimated investments are projected in Schedule 2.

## Evaluation of Application

**The following are the requirements of a benefit analysis as established by Utah Code 17C-4-103 to be included in a community development project area plan:**

*(11) include an analysis or description of the anticipated public benefit to be derived from the community development, including:*

*(a) the beneficial influences upon the tax base of the community; and*

*(b) the associated business and economic activity likely to be stimulated;*

*(12) and other information that the agency determines to be necessary or advisable.*

*(11)(a) the beneficial influences upon the tax base of the community;*

### **Incremental New Taxes Resulting from the Proposed Development:**

The public investment of tax increment is expected to yield the private investment and the resultant incremental tax revenues to the Taxing Entities. As a result, the Project Area would produce a total gross tax cash flow of \$13.8 million over a 20-year period of time.

For a 20-year period, the incremental tax revenues which are projected to be generated from the increased assessed value resulting from the construction of the restoration/revitalization/expansion improvements are summarized below:

| <b>Taxing Entity</b>           | <b>20 Year Gross</b> | <b>Annual (Year 1)</b> |
|--------------------------------|----------------------|------------------------|
| Ogden City School Dist.        | \$5,265,471          | \$146,402              |
| Weber County                   | \$2,106,188          | \$ 58,561              |
| Ogden City                     | \$1,904,771          | \$ 52,961              |
| Weber Basin Water Cons.        | \$ 112,466           | \$ 3,127               |
| Central Weber Sewer Imp. Dist. | \$ 482,583           | \$ 13,418              |
| Weber Co. Mosquito             | \$ 10,234            | \$ 285                 |
| Weber Area Dispatch 911        | \$ 173,812           | \$ 4,833               |
| Ogden City Special Levy        | \$ 168,700           | \$ 4,691               |

The benefits, which are projected, to accrue to the tax base of Ogden, Weber County and surrounding communities include; local option sales tax revenue, real and personal property tax revenue and franchise tax revenue.

*(11)(b) the associated business and economic activity likely to be stimulated; and other information that the agency determines to be necessary or advisable;*

This public investment of tax increment is expected to stimulate the following associated business and economic activity:

### Short-Term Construction Employment

It is estimated that a total of 185 full-time equivalent (FTE) workers will be on-site during construction of the Project Area. The estimated total payroll during the construction period is about \$7.7 million.

The number of construction jobs is calculated based on construction labor costs, which are assumed to be about 35 percent of total construction costs (the remaining 65 percent is spent for materials and overhead). The current average construction wage for the project is estimated to be \$41,800 which is derived from salary/wage data by industry from the State of Utah Department of Workforce Services.

It is reasonable to expect that construction workers may spend a typical portion of their wages in Ogden City and Weber County for food, clothing, recreation and transportation from which sales tax revenue would be generated. A portion of construction materials used during the construction of the Kiesel Community Development Area project may be purchased from suppliers in Ogden City and Weber County.

### Direct Employment

It is anticipated that new full-time equivalent employees will be employed by businesses locating in the Project Area as a result of the restoration/revitalization/expansion improvements.

### Direct Purchase of Supplies and Services

It is anticipated that the businesses locating in the Project Area will directly purchase local goods and services related to their operations. These purchases will likely increase employment opportunities in the related businesses of management, subcontracting, research, legal, supplies, transportation, etc.

- *Direct impact* is spending done by a business in the local economy to operate the business, including inventory, utilities, equipment and pay to employees.
- *Indirect impact* refers to the conventional multiplier that happens as dollars the local business spends at other area businesses re-circulate.
- *Induced impact* refers to the additional consumer spending that happens as employees, business owners and others spend their income in the local economy.

Associated business and economic activity or the "indirect" and "induced" business impacts of a program, project or facility are often referred to as "multiplier effects," since they can make the overall economic impacts substantially larger than the direct effects alone.

### **Impact on Other Taxing Entities**

The formation of a Community Development Project Area and the related interlocal agreements with taxing entities temporarily diverts to the Agency the tax increment from the taxing entities that would normally receive property tax revenues. Taxing entities agree to provide funding of

the Project Area Plan through interlocal agreements with the Redevelopment Agency of Ogden City to provide all or part of the tax increment from the taxing entities to pay for project costs such as the economic improvement related CDA Specific Projects. The analysis indicates that between 74% to 94% of the tax increment generated from the Project Area for 20 years would amount to an estimated \$10.225 million to \$12.99 million (rounded). It is also anticipated during a 20-year period that 6% of the tax increment generated from the Project Area would amount to an estimated \$836 thousand (rounded). Of course, the actual tax revenue generated is dependent, in part, on the rate of development and the assessed value of improvements in the Project Area. Following the agreed upon Agency tax increment collection period, the entire real property taxes generated from this Project Area would be distributed among all taxing entities in accordance with their tax levies.

### **Conclusion**

Ogden City and the Redevelopment Agency are considering appropriating a portion of the total tax revenue received from the development of the Project Area to the project for the purposes of immediately strengthening the economic base of the community, broadening the City's, Weber County's and the State of Utah tax bases, provide services to the area and generally enhance the safety, prosperity, peace, order and convenience to the community.

Ogden City and the Redevelopment Agency are seeking to encourage and facilitate the development of business activities within the Community Development Area by providing a means by which some portion of the cost incurred in the acquisition, construction or replacement of essential investment and/or infrastructure may be eligible for funding vis-à-vis an appropriation from the tax revenue generated as a result of the development.

The value received for any contribution and/or reimbursement made must be measured on a project-by-project basis over the life of the project. It must be established that additional property tax revenues, or other tangible and quantifiable benefits will be received as a result of a development project for which a contribution/reimbursement are sought.

In determining whether the appropriation/reimbursement is necessary and appropriate to accomplish the reasonable goals and objectives in the area of economic development, job creation and preservation, and other public purposes, the City and Redevelopment Agency should consider what would reasonably be paid every year in return for the development of the Project Area and the generation of new property tax revenues as the result of the project.

The economic benefits associated with the Kiesel Community Development Project Area include:

- < Total investment is estimated to be \$28 million.
- < New direct employment of full-time equivalent jobs.
- < Short-term construction employment estimated to be 185 full-time equivalent jobs with a payroll of \$7.7 million.

- < New indirect employment as the result of the direct employment generated within the Community.
- < Direct purchases for supplies from local suppliers/vendors.
- < A continued economic and commercial diversification of Ogden City, the State of Utah, Weber County and surrounding communities.

Without establishing a community development project area, providing the requested tax increment assistance and committing to invest in the Kiesel Community Development Area will hamper and diminish the scope of development, thus depriving Ogden City and the Weber County area of the economic benefits which could accrue as the result of the development taking place at the level anticipated.

The Kiesel Community Development Project Area meets the requirements set forth in Utah Code title 17C, Chapter 4, Section 103 regarding the proposed Community Development Project Area.

The Kiesel Community Development Project Area in Ogden City will provide beneficial influences upon the tax base of the community.

The Kiesel Community Development Project Area in Ogden City will stimulate business and associated economic activity.

The Kiesel Community Development Project Area will promote the public peace, health, safety and welfare in Ogden City.

There are substantial economic benefits associated with the tax increment investment by Ogden City, Ogden School District, Weber County and other Taxing Entities in the Kiesel Community Development Project Area.



## **APPENDIX E**

### **PROJECT AREA BUDGET**





# City Council Meeting COUNCIL STAFF REVIEW

## KIESEL COMMUNITY DEVELOPMENT PROJECT AREA

- *Interlocal Agreement with Redevelopment Agency (Pledging City Tax Increment)*

### DETERMINATION

### Adopt or Not Adopt Resolution

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#### *Executive*

#### *Summary*

The Council will consider a Resolution adopting an Interlocal Agreement that authorizes the Agency to collect tax increment from the Kiesel Community Development Area (CDA).

#### *Background*

##### **June 17, 2015**

The RDA Board Office received a Transmittal requesting authorization to draft a Community Development Area Project Plan for an area located between Kiesel and Wall Avenues and 23<sup>rd</sup> and 25<sup>th</sup> Streets.

##### **July 28, 2015**

The RDA Board adopted Resolution 2015-10 authorizing the Administration to develop a Draft Project Area Plan for the Kiesel CDA.

##### **August 25, 2015**

The RDA Board set a public hearing on Resolution 2015- 12 for September 22, 2015 to provide property owners, representatives of the taxing entities, and the general public an opportunity to comment on the Kiesel CDA Draft Plan. Following the RDA Board's action, the Kiesel CDA Draft Plan was made available in the Recorder's Office for review and comment.

##### **September 22, 2015 (Scheduled)**

The RDA Board will consider Resolution 2015-12 creating the Kiesel Community Development Area and authorizing the Plan and Budget. If approved by the RDA Board, the City Council will also consider Ordinance 2015-44 approving the Kiesel CDA Plan and Budget.



# City Council Meeting COUNCIL STAFF REVIEW

The RDA Board and City Council will also consider approval of an Interlocal Agreement pledging the City's tax increment to the Kiesel CDA for use in furthering the goals and objectives of the Kiesel CDA Plan.

## *Proposal*

The Administration is requesting that the City Council adopt a Resolution approving an Interlocal Agreement with the Redevelopment Agency. The Agreement pledges the City's tax increment from the Kiesel Community Development Area to further the objectives of the Kiesel CDA Plan.

The purpose and terms of the Interlocal Agreement are summarized as follows:

- Parties to the Agreement:
  - Ogden City
  - Ogden Redevelopment Agency
- The City pledges the property tax increment derived from Kiesel CDA in order to promote significant community development activities and assist in the redevelopment of key properties the City
- The Base Taxable Year is 2015
- The Base Taxable Value is \$21,203,119
- The City pledges 100% of the tax increment beginning with the Tax Increment Commencement Date of January 1, 2018
- The Tax Increment Period is 20 years
- The maximum payment of tax increment is \$2,200,000
- Revenue from property tax increases are not considered tax increment

## *Questions*

Please review the terms of the Interlocal Agreement.

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**Council Staff Contact: Janene Eller-Smith, (801)629-8165**

## OGDEN CITY TRANSMITTAL

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**DATE:** September 13, 2015

**TO:** Ogden City Council

**THRU:** Mark Johnson, CAO

**FROM:** Tom Christopoulos, CED Director

**RE:** Kiesel CDA Project Area Plan - A Community Development Project Area in the vicinity of 23<sup>rd</sup> and 24<sup>th</sup> Streets between Kiesel and Wall Avenue – **Ordinance to approve final Kiesel CDA Plan / City\_Agency Interlocal Agreement**

**STAFF CONTACT:** Brandon Cooper, CED Deputy Director

**REQUESTED TIMELINE:** September 22, 2015

**RECOMMENDATION:** Approve ordinance adopting final Kiesel CDA Plan;  
Approve Interlocal Agreement

**DOCUMENTS:** Final CDA Plan; Interlocal Agreement; Resolution to Adopt Interlocal Agreement

---

The attached ordinance is for the purpose of adopting the Kiesel Community Development Project Area Plan as the official plan for the Kiesel Community Development Project Area. The plan and budget have been considered and approved by the Redevelopment Agency on September 22, 2015.

Staff requests the approval of the attached interlocal agreement between Ogden City and the Agency. The terms include:

- **Tax Increment Period:** 20 years
- **Tax Increment:** 100% created in the Project Area
- **Limitation:** not to exceed \$2.2mm

For further information please contact Brandon Cooper at (801) 629-8947.

**RESOLUTION NO. 2015-14**

**A RESOLUTION OF THE OGDEN CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF OGDEN CITY AND OGDEN CITY AUTHORIZING THE TAX INCREMENT SHARING FOR THE KIESEL COMMUNITY DEVELOPMENT PROJECT AREA**

**WHEREAS**, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “**Interlocal Act**”), and the provisions of the Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the “**CDRA Act**”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

**WHEREAS** Ogden City, Utah (the “**City**”) and the Redevelopment Agency of Ogden City (the “**Agency**”) are “public agencies” for purposes of the Act; and

**WHEREAS** after careful analysis and consideration of relevant information, the City desires to enter into an Interlocal Agreement with the Agency whereby the City would remit to the Agency a portion of the property tax increment generated within the Kiesel Community Development Project Area, (the “**Project Area**”) which would otherwise flow to the City, for the purpose of encouraging development activities and other uses that directly benefit the Project Area; and

**WHEREAS** Section 11-13-202.5 of the Interlocal Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

**NOW, THEREFORE, BE IT RESOLVED** by the Ogden City Council as follows:

1. The Interlocal Agreement between the City and the Agency, substantially in the form attached hereto as Exhibit A - the Agreement, is approved in substantially final form and shall be executed for and on behalf of the Agency by the Mayor and City Recorder.
2. Pursuant to Section 11-13-202.5 of the Interlocal Act, the Agreement has been submitted to legal counsel of the City for review and approval as to form and legality.

3. Pursuant to Section 11-13-209 of the Interlocal Act, a duly executed original counterpart of the Agreement shall be filed immediately with the City Recorder, the keeper of records of the City.
4. The City is hereby directed to publish or cause to be published a notice of the Agreement in accordance with Section 11-13-219 of the Interlocal Act and Section 17C-4-202 of the CDRA Act, and make a copy of the Agreement available for public inspection and copying at the City's offices during regular business hours for a period of at least 30 days following publication of the notice.
5. The Agreement shall be effective immediately upon execution.
6. This Resolution shall take effect upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIRPERSON

ATTEST: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

## INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (“**Agreement**”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 (“**Contract Date**”), by and between the **OGDEN CITY REDEVELOPMENT AGENCY**, a redevelopment agency created under the laws of the state of Utah (“**Agency**”), and the **OGDEN CITY CORP**, a political subdivision of the State of Utah (the “**City**”). Agency and City are referred to herein as the “**Parties**” and sometimes individually as a “**Party**.”

### R E C I T A L S:

A. The Agency was created and organized pursuant to the provisions of the Utah Neighborhood Development Act, Utah Code Annotated § 17A-2-1201 et seq. (2000), and continues to operate under the provisions of its extant successor statute, the Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act, as found in UTAH CODE ANN. §17C-1-101 *et seq.* (the “**Act**”), and is authorized and empowered thereby to undertake various activities and actions pursuant thereto;

B. The Agency, together with key stakeholders, has a desire and a mission to bring about purposeful and significant community development activities and to assist in the development of certain key properties and projects, the result of which will advance the policies, goals and objectives of the Ogden City’s general plan, preserve and maintain the natural environment desired by the citizens of the community, contribute to capital improvements which substantially benefit Ogden City and City, create economic benefits to the immediate region, and improve the public health, safety and welfare of its citizens;

C. Pursuant to the Act, on September 22, 2015 the Agency adopted the Kiesel Community Development Project Area (“**Project Area**”) through the approval of the Kiesel Community Development Project Area Plan (the “**Plan**”), which governs the development within the Project Area and which is more fully described and attached hereto in Exhibit A – Kiesel CDA Plan;

D. Pursuant to certain interlocal agreements with taxing entities the Act authorizes funding of community development project areas and plans, such as the Project Area and related Plan, with property tax increment and sales tax proceeds;

E. UTAH CODE ANN. § 11-13-215 (2003) authorizes a taxing entity to share its tax and other revenues with other governmental agencies;

F. The Agency is willing to use tax increment from the Project Area, and the City is willing to consent to the Agency’s use of tax increment from the Project Area, to fund the Project Area and Plan;

G. For the purpose of providing funds to carry out the purposes and activities set forth in the Plan, the City consents to the Agency receiving certain tax increment from the Project Area in accordance with the terms of this Agreement; and

H. This Agreement is made pursuant to the provisions of the Interlocal Cooperation Act, UTAH CODE ANN. §11-13-101, *et seq.*, (the “**Cooperation Act**”).

**NOW, THEREFORE**, for the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each Party hereto, the Parties hereby agree as follows:

1. **Recitals.** The above recitals are incorporated herein by reference and made a part hereof.

2. **Base Taxable Value.** After combining the Weber County assessed values of all real property within the Project Area for the year 2015, and pursuant to §17C-1-102(6)(b) of the Act, the Parties agree that the base taxable value for all such properties within the Project Area shall be \$21,203,119.00, regardless of the Tax Increment Commencement Date as defined below (“**Base Taxable Value**”).

3. **Weber County Payment of Tax Increment to Agency.** Pursuant Section 17C-4-201 of the Act and Sections 11-13-202.5 and 11-13-215 of the Cooperation Act, the City hereby agrees and consents that for twenty (20) consecutive tax years (“**Tax Increment Period**”), Weber County shall pay to the Agency 100% of the City’s Tax Increment generated within the Project Area during the Tax Increment Period for the purpose of providing funds to the Agency to carry out the Plan. The Parties understand and agree that payment for the last year of Tax Increment will be paid to the Agency in the year following the Tax increment Termination Date. The City consents to Agency’s use of up to 10% for the first five years and 5% for the remaining years of the City’s Tax Increment for Agency administrative purposes.

4. **Commencement and Termination of the Tax Increment Period.** The Tax Increment Period will begin on the first day of January in the year for which the Agency accepts its first Tax Increment payment from the Project Area, or January 1, 2018, whichever date is earlier (“**Tax Increment Commencement Date**”). The year of receipt of the first Tax Increment payment will not affect or determine the Tax Increment Commencement Date. The Parties are aware that Tax Increment payments are paid during the year following the year in which Tax Increment is generated or accrued. The Tax Increment Period will end on the 31<sup>st</sup> day of December preceding the twentieth (20<sup>th</sup>) anniversary of the Tax Increment Commencement Date (“**Tax Increment Termination Date**”). The City’s Tax Increment generated from the Project Area after the Tax Increment Termination Date shall be paid to the City.

5. **Maximum Payment of Tax Increment.** The total payments made to the Agency from the City’s Tax Increment generated from the Project Area during the Tax Increment Period shall not exceed \$2,200,000.00.

6. **Tax Rate Increases.** Any increases in tax revenue generated from an increase in the City's tax rate (e.g. a tax increase following Truth in Taxation public hearings) after the Effective Date of this Agreement shall not be considered to be "Tax Increment" and shall not be paid to the Agency.

7. **Interlocal Cooperation Act.** In accordance with the requirements of the Cooperation Act, the Parties agree as follows:

- a. This Agreement shall be authorized by a resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Section 11-13- 202.5 of the Cooperation Act;
- b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney in behalf of each Party pursuant to and in accordance with Section 11-13-202.5 of the Cooperation Act;
- c. A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act;
- d. The Executive Director of the Agency is hereby designated as the administrator to administer all joint or cooperative undertaking pursuant to Section 11-13-207 of the Cooperation Act;
- e. The term of this Agreement shall commence on the Effective Date as defined below and shall continue for 180 days after the Tax Increment Termination Date, or the date on which the last payment of Tax Increment of the City is paid to the Agency, whichever date occurs first.
- f. This Agreement may be terminated before the end of the Tax Increment Termination Date by mutual written agreement of the Parties, but only after the Agency has received sufficient funds from Tax Increment generated from the Project Area to fully pay all obligations contemplated by this Agreement and accomplishes the purposes for which this Agreement is created.
- g. The Agency will be responsible for budgeting all required funding for the Plan and the City will be responsible for budgeting its activities.

8. **Publication of Notice.** Immediately after execution of this Agreement by the Parties, each of the Parties shall cause to be published a notice regarding this Agreement and the Party's resolution authorizing this Agreement, as provided and allowed pursuant to Section 11-13-219 of the Cooperation Act. The City agrees that the Agency may cause such publication of notice be made on the City's behalf and at the Agency's expense in a joint publication.

9. **No Third Party Beneficiary.** Nothing in this Agreement shall be deemed or considered to create any obligation in favor of or rights in any person or entity not a party to this

Agreement. No person or entity is an intended third party beneficiary of this Agreement. Any obligation of the Agency to make any payments to a developer, business or any person or entity is to be set forth in written agreements between the Agency and the person or entity, in accordance with terms and requirements satisfactory to the Agency.

10. **Due Diligence.** Each of the Parties acknowledges for itself that it has performed its own review, investigation and due diligence regarding the relevant facts concerning the Project Area and Plan and the expected benefits to the community and to the Parties, and each of the Parties relies on its own understanding of the relevant facts and information, after having completed its own due diligence and investigation.

11. **Modification.** A modification of, or amendment to, any provision contained in this Agreement shall be effective only if the modification or amendment is in writing and signed by the Parties after proper approval of the modification or amendment as required by law. Any oral representation or modification concerning this Agreement shall not be binding upon the Parties, or any one of them.

12. **Further Documents and Acts.** Each of the Parties hereto agrees to cooperate in good faith with the other to execute and deliver such further documents and perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the intent and transactions contemplated under this Agreement.

13. **Entire Agreement.** This Agreement and its exhibits constitute the entire agreement between the Parties pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the Parties hereto, oral or written, express or implied, are hereby superseded and merged herein.

14. **Governing Law.** This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the state of Utah.

15. **Effective Date.** Pursuant to Section 17C-4-202(3) of the Act, this Agreement shall become effective upon publication of the notice as required by Sections 17C-4-202(2)(a)(i)(A) and 17C-4-202(2)(a)(ii) of the Act.

**SIGNATURES ON FOLLOWING PAGE**

**ENTERED** into as of the Contract Date written above.

**AGENCY:**

OGDEN CITY REDEVELOPMENT AGENCY,  
a body politic and political subdivision of the state of Utah

By: \_\_\_\_\_  
Michael P. Caldwell  
Executive Director

**ATTEST:**

\_\_\_\_\_  
Agency Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Agency Attorney

**CITY:**

OGDEN CITY CORP,  
a body politic and political subdivision of the state of Utah

By: \_\_\_\_\_  
Michael P. Caldwell  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Recorder

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**EXHIBIT A**  
**to**  
**Interlocal Agreement**

Adopted Kiesel CDA Plan



# City Council Meeting COUNCIL STAFF REVIEW

## JOINT RESOLUTION - RETENTION AND RECRUITMENT OF SWORN PUBLIC SAFETY PERSONNEL

**DETERMINATION:**                      **Adopt of Not Adopt Joint Resolution**

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### *Executive Summary*

The Council will consider a proposed Joint Resolution outlining a Plan to address salary issues for public safety personnel by instituting a step pay plan for sworn police officers by January 1, 2016 and considering a similar step pay plan for sworn fire fighters during the FY2016-17 budget process.

### *Background*

#### **Hiring and Retaining Public Safety Personnel**

A 2006 Article in The Police Chief, a publication of the International Association of Chiefs of Police stated the following:

*“By estimation, more than 80 percent of the nation's 17,000 law enforcement agencies, large and small, have police officer positions that they cannot fill. Jim Hyde, police chief in Davis, California, reports approximately 9,000 police officer vacancies in California as of June 2006.<sup>1</sup> However, only 2,500 officers graduated from California police academies in 2005. Nationwide projections estimate that between 2002 and 2012 the United States will need 37,700 new police officers, in addition to the 30,300 positions needed to replace retirees and other persons leaving employment. A survey conducted under the auspices of the California Chiefs of Police Association consistently ranked recruitment and selection among the top two issues facing law enforcement in the next five years, regardless of agency size.”*

*(A copy of the full article is attached. It can also be found at [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article\\_id=1020&issue\\_id=102006](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=1020&issue_id=102006))*



# City Council Meeting

## COUNCIL STAFF REVIEW

What was true in 2006 is still true in 2015. In fact, the problem has become more acute as national headlines continue to generate negative public perceptions of law enforcement.

### **Salary Compression – Public Safety**

The recession that began in 2007 affected local governments in the same way businesses were affected. As revenues decreased, salary increases and cost of living adjustments for employees were suspended. Because public safety positions tend to have a higher turnover rate than other City positions (different retirement system, stressful work environment, injuries, etc.), the suspension of raises had the effect of compressing the salaries of employees in the public safety pay scale. For example, a new recruit in the fire or police department could be making the same amount as a firefighter or police officer that has been with the department for five or more years.

### **Competition**

The competition for qualified public safety officers is fierce. Many jurisdictions in Utah are having a difficult time hiring and retaining officers. Unified Fire in Salt Lake County and Salt Lake City Police Department both have higher salaries than most other jurisdictions. Because the cost of training new recruits is significant, these competing agencies have found it easier and more cost effective to hire experienced officers from other jurisdictions.

### **Ogden Police Department**

For several years Ogden Police Department has had a difficult time keeping all sworn officer positions fully staffed. The department currently has at least 11 vacant positions and have been put on notice that there may be additional vacancies in the near future.

### ***Proposal***

The City Council will consider a Joint Resolution that accomplishes the following.

- Approves a pay plan for sworn police officers and directs staff to prepare the necessary documents for formal approval and implementation of the plan



# City Council Meeting COUNCIL STAFF REVIEW

- Directs staff to prepare the necessary documents for the Council to fund the step pay plan for sworn police personnel prior to January 1, 2016.
- Directs staff to prepare a similar pay plan for sworn firefighters for consideration during the FY2016-17 budget process.

The Joint Resolutions underscores the Mayor's and Council's commitment to all City employees and to making efforts to remain competitive with other agencies.

## *Questions*

Please review the proposed Joint Resolution.

---

**Council Staff Contact: Janene Eller-Smith, (801)629-8165**

[send to a friend](#) 

### **Police Officer Recruitment: A Public-Sector Crisis**

*By William J. Woska, J.D., Professor, Golden Gate University, Carmel, California*

Law enforcement agencies throughout the United States are having difficulty filling peace officer positions. From the 1960s into the 1990s, many young men and women with a high-school diploma, in addition to individuals with a college education, were attracted to a law enforcement career. A police officer position provided a good salary, excellent vacation, sick leave, medical and retirement benefits, and promotional opportunities. In those years, public agencies often had hundreds and sometimes thousands of applicants applying for a job.

**S**ince the 1990s, interest in becoming a police officer has declined noticeably. This reduction may be attributed to many factors:

- The increasing number of students seeking higher education and pursuing professional positions
- The evolving opportunities provided in high technology and the private sector
- Negative publicity over high-profile incidents of racial profiling and excessive use of force
- The wars in Iraq and Afghanistan that have siphoned off public-service-minded people to the military

Each year, an increasing number of baby boomers complete their law enforcement careers and leave the force. The next generation's labor pool is smaller, further reducing the number of prospective applicants. The events of September 11, 2001, have increased the stress of police work. Also, media accounts that describe the substantial challenges faced by police officers may discourage many from a law enforcement career.

A major difference between the baby boomer generation and the expectations of today's work force is the change from a life that revolved around a job to a life that includes family and activities (the work-life balance). Careers in law enforcement require people to spend much of their time in an environment primarily consisting of the bad elements of society, including criminals, abusive relationships, and individuals involved in drugs or other contraband. This environment is not conducive to balancing work and family requirements.

Many police departments now find it nearly impossible to fill all police officer positions. In California, for example, police officers can retire at age 50. Peace officers often receive a retirement benefit of 3 percent for each year of employment. Thus, an individual beginning employment as a police officer at age 21 would have a retirement benefit of 87 percent (29 years multiplied by 3) at age 50. As a result, California police departments have high turnover as increasing numbers of peace officers elect early retirement and an opportunity to return to school, play golf, travel, or begin new careers.

### **Becoming a Police Officer**

Although some departments require police officer applicants to have up to 60 units or more of college credits, most state and local government agencies require the following:

- A high school diploma or the equivalent of a high school education
- 21 years of age at time of appointment
- A written examination, an oral interview, and a job-related performance examination consisting of strength and stamina exercises
- A psychological evaluation, background investigation, and a physical (medical) examination
- A polygraph examination
- U.S. citizenship

Most height and weight restrictions have been removed because of legal challenges based on the grounds of gender and race.

Federal law enforcement agencies- including the Federal Bureau of Investigation; Central Intelligence Agency; Bureau of Alcohol, Tobacco, Firearms, and Explosives; and the U.S. Secret Service-often have more stringent employment standards including graduation from a four-year college or university.

### **Vacancies**

By estimation, more than 80 percent of the nation's 17,000 law enforcement agencies, large and small, have police officer positions that they cannot fill. Jim Hyde, police chief in Davis, California, reports approximately 9,000 police officer vacancies in California as of June 2006.<sup>1</sup> However, only 2,500 officers graduated from California police academies in 2005. Nationwide projections estimate that between 2002 and 2012 the United States will need 37,700 new police officers, in addition to the 30,300 positions needed to replace retirees and other persons leaving employment.<sup>2</sup> A survey conducted under the auspices of the California Chiefs of Police Association consistently ranked recruitment and selection among the top two issues facing law enforcement in the next five years, regardless of agency size.<sup>3</sup>

Another example of the fallout in filling positions is President Bush's recent request that Congress authorize an additional 6,000 Border Patrol agents. On average, the Department of Homeland Security would need approximately 240,000 applicants to fill the positions, since only one person is appointed for every 40 individuals who apply for the position.<sup>4</sup>

This severe shortage of workers was caused by the fact that a workforce of 80 million baby boomers (persons born between 1946 and 1964) is being replaced by a workforce of 30 million-a shortfall of 50 million individuals.<sup>5</sup> Nationally, by 2010 there will be a labor shortage of 10 million workers as the demand for employees exceeds

the supply.<sup>6</sup>

| Agency                           | Vacant Positions | Source        |
|----------------------------------|------------------|---------------|
| Los Angeles, California          | 720              | <sup>7</sup>  |
| Prince George's County, Maryland | 60               | <sup>8</sup>  |
| Dallas, Texas                    | 600              | <sup>9</sup>  |
| St. Petersburg, Florida          | 27               | <sup>10</sup> |
| Clayton County, Georgia          | 50               | <sup>11</sup> |
| San Diego, California            | 152              | <sup>12</sup> |
| Phoenix, Arizona                 | 500              | <sup>13</sup> |
| Oakland, California              | 93               | <sup>14</sup> |
| New York City, New York          | 800              | <sup>15</sup> |
| Plano, Texas                     | 23               | <sup>16</sup> |
| Honolulu, Hawaii                 | 200              | <sup>17</sup> |
| San Jose, California             | 50               | <sup>18</sup> |
| Houston, Texas                   | 700              | <sup>19</sup> |

The listings of vacant peace officer positions in Table 1 delineates the recruitment dilemma encountered by many agencies throughout the country. Because the screening process is stringent, over 90 percent of the applicants are rejected during the selection process. Wayne Tucker, the police chief in Oakland, California, reports that "as few as 5 percent of the applicants pass the background check and psychological and physical exams required to be an officer."<sup>20</sup> Even after appointment, it is not unusual to lose 25 percent or more of the persons appointed during the rigorous training at the police academy.

**Recruitment Efforts and Incentives**

Federal, state, and local government agencies compete against one another to fill law enforcement positions. Since fewer than 5 percent of the applicants qualify for appointments, employers are reaching out and using different types of incentives to attract individuals.

The City of San Jose, California, recently sent a recruiting unit to Honolulu, Hawaii, to obtain police officer applicants.<sup>21</sup> In turn, the Honolulu Police Department-the 12th largest in the country with 2000 sworn positions-has sent recruiters to San Diego, California, and Portland, Oregon, seeking persons interested in careers in law enforcement. The Phoenix, Arizona, Police Department-with almost 3000 sworn positions-budgeted \$300,000 to expand its pool of applicants by recruiting in the Los Angeles metropolitan area for 500 vacant positions.<sup>22</sup>

Agencies are trying various incentives to attract applicants. Texas law enforcement agencies need law enforcement officers so badly that Dallas, Austin, and Houston are in the midst of a bidding war to hire veteran officers, with Houston recently upping its bonus to \$7,000.<sup>23</sup> Dallas, countering the Houston bonus, increased its bonus to \$10,000.<sup>24</sup> The San Diego, California, County Sheriff's Department has offered a \$500 bounty to county employees who find applicants who become deputies. It also provides a signing bonus of \$5000 to lateral hires-law enforcement officers transferring from another agency.<sup>25</sup> The Oregon Army National Guard is offering bonuses of up to \$20,000 for military police positions.<sup>26</sup>

Other incentives include the following:

- Phoenix, Arizona-assistance with a down payment when purchasing a home<sup>27</sup>
- King County, Washington-40 hours of vacation time for any deputy who recruits an individual who becomes an officer<sup>28</sup>

- Los Angeles, California—a retirement payment of \$250,000 in addition to a pension after 20 years of employment<sup>29</sup>
- Lexington, Kentucky—up to \$7,400 for a down payment on a home in an area designated for redevelopment<sup>30</sup>

### **Qualification Standards**

Historically, people who applied for sworn law enforcement positions could not have misdemeanor or felony convictions, a record of prior drug use, or a criminal conviction. Now, chiefs have to consider the circumstances and the con-text. An individual convicted for using marijuana several years earlier, with an otherwise clean police record, may be considered an attractive applicant by many police agencies, when he or she succeeds in other parts of the selection process. Hubert Williams, president of the Police Foundation, a law enforcement advocacy group, states that ". . . a few years ago, an arrest record was a deal breaker. Now departments are asking whether someone is salvageable."<sup>31</sup>

Police departments nationwide have had to adjust their hiring policies because of widespread drug use in society as a whole. Even the FBI has had to adjust its standards. Until 1994, the FBI had a zero-tolerance policy disqualifying anyone who had used marijuana or other drugs, even in one-time experiments.

The FBI's revised policy still disqualifies people

- who have sold illegal drugs,
- who have used drugs in the past three years,
- who have used marijuana more than 15 times, or
- who have used harder drugs, including cocaine, more than a total of five times or any time within the past 10 years.<sup>32</sup>

Because of recruitment difficulties, the FBI is considering changing its policy further, judging applicants based on their "whole person" rather than limiting drug-related experiences to an arbitrary number. It would consider the circumstances of an applicant's previous drug use, such as the person's age, and the likelihood of further use. The relaxed standard is already in use at most other U.S. intelligence agencies.<sup>33</sup>

The Austin, Texas, Police Department has established a prior-use drug policy that revolves around the experimental versus the habitual user. Rather than disqualifying an individual for prior drug use, the police department tries to distinguish between the individual who has used marijuana or other drugs on several occasions as opposed to a person who has regularly used drugs over an extended period of time.<sup>34</sup>

### **Recruiting Competition**

A survey of more than 850 peace officer basic training academy recruits collected from 14 California peace officer academies revealed that the two issues applicants had the most difficulty with were the following:

- Time—the selection process took too long to complete
- Communication—lack of contact through the process<sup>35</sup>

Since many agencies test continuously for law enforcement positions and many applicants submit applications to multiple agencies, the agency that takes the most care of an individual through the selection process will often be the one that the individual chooses—and that agency will further succeed in keeping vacancies to a minimum.

Additionally, and consistent with the recruit survey, even though the selection process sometimes extends over many weeks or months, agencies that remain in contact with applicants during the process reassure the applicants that the agencies are interested in employing them.

Federal, state, and local government agencies must not leave law enforcement recruiting to chance, especially those agencies that regularly experience difficulty in filling positions. They must "be on top of their game"-the agency must know the practices, procedures, incentives, and rewards that other employers are using to attract applicants, and use them in turn.

In addition, the agency's internal selection procedures must move applicants through the several tests and other requirements without undue delay-even if those procedures need to be revised in order to do so.

If agencies need to recruit from this new generation work force, they will need to use those techniques that attract them. It will require adaptation, but it can be done. ■

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<sup>15</sup> Jim Rutenberg and Sewell Chan, "In a Shift, New York Says It Will Add 800 Officers," New York Times (22 March 2006).

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<sup>19</sup> Bruce Nichols, "HUD Chief Vows Evacuee Aid," Dallas Morning News (20 January 2006).

<sup>20</sup> Christopher Heredia, "City Council Puts Up \$2.4 Million to Recruit 70 Police Officers," San Francisco Chronicle (23 March 2006): B1.

<sup>21</sup> Dan Nakaso, "Recruiters Sweat It Out at Job Fair," Honolulu Advertiser (19 January 2006).

<sup>22</sup> Kevin Johnson, "Police Recruits in Heavy Demand," USA Today (10 November 2005).

<sup>23</sup> John Pomfret, "Police Finding It Hard to Fill Jobs," Washington Post (27 March 2006): AO1.

<sup>24</sup> Susan Kreimer, "Officers See Best, Worst of People," Dallas Morning News (26 June 2006).

<sup>25</sup> John Pomfret, "Police Finding It Hard to Fill Jobs," Washington Post (27 March 2006): AO1.

<sup>26</sup> Oregon Military Department, "Army National Guard Doubles Non-Prior Service Enlistment Bonus to \$20,000," public affairs office press release (27 January 2006).

<sup>27</sup> John Pomfret, "Police Finding It Hard to Fill Jobs," Washington Post (27 March 2006): AO1.

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**JOINT RESOLUTION NO. 2015-27**

**A JOINT RESOLUTION OF THE OGDEN CITY COUNCIL AND MAYOR MICHAEL P. CALDWELL ADOPTING A STRATEGY TO IMPROVE RETENTION AND RECRUITMENT OF SWORN PUBLIC SAFETY PERSONNEL**

**WHEREAS**, due to a number of external factors such as retirement of baby-boomers, better paying jobs outside law enforcement, competition for qualified applicants, changing career preferences, increasing complexity of police work, and negative public perception of law enforcement, effective recruitment and retention of sworn police personnel is of local, state and national concern; and

**WHEREAS**, changes to the Utah Retirement System for public safety employees from a 20-year to a 25-year retirement structure with a lowered benefit have created additional constraints on recruitment and retention; and

**WHEREAS**, Ogden City has experienced challenges in the recruitment and retention of sworn police personnel for the past several years; and

**WHEREAS**, Ogden has struggled for a number of years to fund the required employer contribution to public safety retirement, eliminate wage compression, and maintain salaries competitive with public safety departments along the Wasatch Front; and

**WHEREAS**, Ogden desires to approach these challenges by implementing a pay plan for sworn police personnel that incorporates a step structure, with employees moving through ranges based on longevity and performance; and

**WHEREAS**, Ogden desires to fund the new pay plan for sworn police personnel by January 1, 2016, to resolve immediate concerns over retention of long-term sworn police personnel in the Ogden Police Department; and

**WHEREAS**, Ogden is committed to resolving pay issues for sworn fire personnel during the FY 2016-17 budget process, to remain competitive among local governments along the Wasatch Front and continue to attract and retain the highest quality employees in the Ogden Fire Department; and

**WHEREAS**, Ogden is committed to evaluating pay issues for all full-time employees to remain competitive among local governments along the Wasatch Front and continue to attract and retain the highest quality employees City-wide; and

**WHEREAS**, Ogden is committed to seek a variety of revenue sources to fund the new pay plan for sworn police personnel, and begin to address pay issues for sworn fire personnel and all full-time City employees, including supporting state-wide revenue generating strategies.

**NOW, THEREFORE, BE IT RESOLVED** by the Ogden City Council and Mayor Michael P. Caldwell that:



### Police Step Schedule

| Steps | PO/MPO Hourly | PO/MPO Annual | Sergeant Hourly | Sergeant Annual | Lieutenant Hourly | Lieutenant Annual |
|-------|---------------|---------------|-----------------|-----------------|-------------------|-------------------|
| 1     | \$18.60286    | \$38,693.95   | \$29.62682      | \$61,623.78     | \$35.17908        | \$73,172.48       |
| 2     | \$19.34697    | \$40,241.71   | \$30.81189      | \$64,088.73     | \$36.58624        | \$76,099.38       |
| 3     | \$20.12085    | \$41,851.38   | \$32.04437      | \$66,652.28     | \$38.04969        | \$79,143.35       |
| 4     | \$20.92569    | \$43,525.43   | \$33.32614      | \$69,318.37     | \$39.57168        | \$82,309.08       |
| 5     | \$21.76272    | \$45,266.45   | \$34.65919      | \$72,091.11     | \$41.15454        | \$85,601.45       |
| 6     | \$22.63322    | \$47,077.11   |                 |                 |                   |                   |
| 7     | \$23.53855    | \$48,960.19   |                 |                 |                   |                   |
| 8     | \$24.48009    | \$50,918.60   |                 |                 |                   |                   |
| 9     | \$25.45930    | \$52,955.34   |                 |                 |                   |                   |
| 10    | \$26.47767    | \$55,073.55   | MPO Criteria    |                 |                   |                   |
| 11    | \$27.53678    | \$57,276.50   | MPO Criteria    |                 |                   |                   |
| 12    | \$29.18898    | \$60,713.09   | MPO Criteria    |                 |                   |                   |

4% all steps except 6% between step 11 & 12 on PO/MPO Range  
 1.5% between top of PO/MPO to bottom of Sgt - 4% between all steps  
 1.5% between top of Sgt to bottom of Lt - 4% between all steps