

NOTICE AND AGENDA

SOUTH OGDEN CITY COUNCIL MEETING

Tuesday, February 16, 2016 – 6:00 p.m.

Notice is hereby given that the South Ogden City Council will hold their regular City Council Meeting, Tuesday, February 16, 2016, beginning at 6:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. Any member of the council may be joining the meeting electronically.

I. OPENING CEREMONY

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

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

III. RECOGNITION OF SCOUTS AND STUDENTS

IV. CONSENT AGENDA

- A. Approval of February 2, 2016 Council Minutes
- B. Set Date for Public Hearing (March 1, 2016 at 6 pm or as soon as the agenda permits) To Receive and Consider Comments on FY2016 Budget Amendments

V. DISCUSSION / ACTION ITEMS

- A. Consideration of **Ordinance 16-06** – Amending Title 10, Chapter 23 of the City Code, Replacing it With New Water Efficient Landscape Ordinance
- B. Consideration of **Resolution 16-03** – Adopting the Branding Style Guide
- C. Consideration of **Resolution 16-04** - Approving the Municipal Waste Water Planning Program

VI. DISCUSSION ITEMS

- A. Discussion on Special Events
- B. Discussion on Transportation Infrastructure Funding
- C. Discussion on Reasonable Accommodation
- D. Discussion on FY2016 Budget Amendment and FY2017 Budget Timeline

VII. DEPARTMENT DIRECTOR REPORTS

- A. Parks and Public Works Director Jon Andersen – Project Updates
- B. Fire Chief Cameron West – Fire Department Participation in Hill AFB Air Show

VIII. REPORTS

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

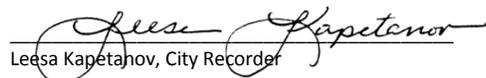
IX. ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION

- A. Strategic Planning

X. ADJOURN WORK SESSION

Posted and emailed to the State of Utah Website February 12, 2016

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on February 12, 2016. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

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

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA



MEMORANDUM

Date: February 12, 2016
To: Mayor and City Council
From: Matthew J. Dixon, City Manager
Re: **February 16, 2016 Council Meeting**

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

DISCUSSION & ACTION ITEMS

- *Ordinance 16-06 Amending Title 10, Chapter 23 of City Code.* This item was discussed at your last council meeting. Staff received feedback and comments from the council and Jon Andersen. These comments have been incorporated into the ordinance (highlighted in yellow). Staff recommends approval of this ordinance.
- *Resolution 16-03 – Adopting the Branding Style Guide.* The Style Guide provides rules and guidelines for implantation of the city’s new logo and branding art. Once adopted, staff will move forward in implementing the guidelines so far as they affect letterhead, interoffice communications, websites and social media sites, etc. The next phase of the city’s branding process is the development of a Streetscape and Signage guide that will be used to show how the city can incorporate the new branding elements into our street designs and signage.
- *Resolution 16-04 – Approving the Municipal Waste Water Planning Program.* This is an annual report that cities are required to submit to the Department of Environmental Quality. It is a self-assessment of the city’s sewer system. It helps illustrate, to the DEQ, the proactive, preventative maintenance the city does to maintain the system and prevent problems. Staff recommends approval of this resolution.

DISCUSSION ITEMS

- *Special Events.* Jill McCullough resigned this week in order to pursue a new opportunity. Doug has spent some time discussing various ideas related to city special events with Jill and will be presenting some ideas for your consideration. These ideas include such things as simply keeping everything “as is” and we rehire the position, making it a part-time position and scale back some of the current events, scaling back current events and

moving the planning under existing staff (possibly making a part-time person full-time), scaling back and running events through volunteer committees. We look forward to your feedback on the city's special events.

- *Transportation Infrastructure Funding.* Council member Strate would like some discussion on HB362 from the 2015 legislative session. Recall that HB362 increased the state gas tax by \$.05/gallon (starting Jan. 01, 2016, Mar. 2016 distributions) and allowed counties, should they choose, to place Proposition 1 on the November 2015 ballot and let the voters determine if they wanted to have a .25% sales tax imposed to support transportation infrastructure (effective June/July 2016). HB362 also broadened the definition of transportation infrastructure to include trails, bike lanes, etc. In November Weber County voters approved the .25% sales tax increase. It is estimated that South Ogden City will receive \$90,000 annually as a result of the \$.05/gallon gas tax increase and an additional \$242,000 annually from the .25% sales tax increase. I've included some additional information in your packet and you can also read more at the following websites:
<http://www.utahtaxpayers.org/?s=Proposition+1&.x=0&.y=0>
<http://slco.org/transportation-sales-tax/>
<http://www.prop1utah.com/>
- *Reasonable Accommodation.* When the ordinance amending the city's code for Residential Facilities for Persons with Disabilities was adopted in February 2015, it was adopted with an understanding that the city would someday have further discussion about some of the questions/concerns some of the council members still had regarding the new ordinance. To help provide an understanding of the discussions that were had leading up to the adoption of the new ordinance, I've included a copy of minutes from the PC meeting on Feb. 12, 2015 as well as the minutes from the CC meeting on Feb. 17, 2015. I found these minutes to be most helpful in reminding me of the discussions and ideas surrounding this ordinance.
- *Discussion on FY2016 Budget Amendment & FY2017 Budget Timeline.* Steve will be presenting information regarding amendments to the current fiscal year budget that will occur on Mar. 1. Additionally, Steve will present a tentative FY2017 Budget timeline.

WORK SESSION

The purpose for this work session will be to continue our work on the Strategic Plan. Staff is still working on the plan and will send it out as soon as it gets updated with the retreat information. Please come ready to continue your good work in defining our objectives, goals, etc.

OTHER INFORMATION

- *ULCT Conference Dates* – The ULCT spring conference is April 7-8 in St. George. If you want me to book your room please let me know. Otherwise, you'll be responsible to book your room.

- *Jill McCullough* – We will be having a light lunch on Feb. 18 (Thurs.) to say good-bye to Jill and to thank her for all of her hard work. Please join us if you are able.

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**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, February 2, 2016 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James Minster, Council Members Bryan Benard, Brent Strate, Sallee Orr, Adam Hensley, and Russell Porter

STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Fire Chief Cameron West, Human Resource Specialist Doug Gailey, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Wes Stewart, Jerry Cottrell, Ron Martinez, Jon England, Dawson Fannin, Hyrum Rappleye, Seth Anderson, Connor Nelson, Marilyn B. Blakely

I. OPENING CEREMONY

A. Call to Order

Mayor Minster called the meeting to order at 6:01 pm and entertained a motion to convene.

Council Member Porter moved to convene as the South Ogden City Council, followed by a second from Council Member Strate. In a voice vote Council Members Strate, Orr, Hensley, and Porter all voted aye. (Note: Council Member Benard did not arrive until immediately following the pledge of allegiance).

B. Prayer/Moment of Silence

The mayor invited everyone to participate in a moment of silence.

C. Pledge of Allegiance

Council Member Hensley led everyone present in the Pledge of Allegiance.

The mayor then opened the meeting for public comments. He asked those who wanted to speak to limit their comments to three minutes.

II. PUBLIC COMMENTS

Wes Stewart, 3625 Jefferson – Mr. Stewart gave a handout to each of the council members (see Attachment A). He said he had researched the Form Based Code, trying to find out where it originated and found out that it came from two primary sources, both from large cities. He pointed out the street sections in the Form Based Code would work great in California where there was no snow, but not here in Utah. He also did not agree with the uses in the Form Based Code and said it should not be imposed on residents and the edge zone should be moved back to Washington Boulevard.

Marilyn B. Blakely, 5023 Viking Dr. – said she was speaking concerning snow removal. She lived

51 on a cul-de-sac, and knew that cul-de-sacs were low in priority when it came to snow removal;
52 however, last Saturday at 3 pm all the other streets had been plowed except hers. She could not
53 make it into her cul-de-sac and had to park her car down the road and walk home. When she got
54 home, she called dispatch, thinking that a plow would be sent, but it never came. She asked that
55 even if one pass be made with the truck, that it be done. It would at least allow here to get up the
56 hill into the cul-de-sac.

57
58 There were no other comments from the public.
59

60 **III. RECOGNITION OF SCOUTS/STUDENTS PRESENT**

61 There were no students or scouts in attendance.
62

63 **IV. CONSENT AGENDA**

64 **A. Approval of January 19, 2016 Council Minutes**

65 **B. Approval of January Warrants Register**

66 Mayor Minster read through the items on the consent agenda and asked if there were any
67 questions. There were no questions, so the mayor called for a motion.
68

69 **Council Member Benard moved to approve the consent agenda, followed by a second**
70 **from Council Member Orr. The voice vote was unanimous in favor of the motion.**

71
72 The mayor indicated it was time to enter into a public hearing and entertained a motion to
73 do so.
74

75 **Council Member Porter moved to enter into a public hearing to receive comments on the**
76 **proposed annexation, followed by a second from Council Member Orr. All present voted**
77 **in favor of the motion.**
78
79

80 **V. PUBLIC HEARING**

81 **A. Consideration of Ordinance 16-05 – Approving the Annexation of Property Located at**
82 **Approximately 5520 Harrison Boulevard, Identified as Weber County Parcel #07-004-0014**

83 Mayor Minster invited anyone who wished to speak concerning the annexation to come
84 forward. No one came forward.

85 The mayor then called for a motion to close the public hearing and return to the public
86 meeting.
87

88 **Council Member Orr moved to leave the public hearing and reconvene as the South Ogden**
89 **City Council. Council Member Porter seconded the motion. The voice vote was**
90 **unanimous to close the public hearing.**
91
92

93 **VI. DISCUSSION / ACTION ITEMS**

94 **A. Consideration of Ordinance 16-05 – Approving the Annexation of Property Located at**
95 **Approximately 5520 Harrison Boulevard, Identified as Weber County Parcel #07-004-0014**

96 City Manager Matt Dixon reviewed the background of the annexation, noting that this was
97 one of the final steps in the annexation process. He also referred the Council to the staff
98 report which noted that the Weber Fire District still had a taxing interest in the property.
99 Staff recommended approval of Ordinance 16-05.

100 The council asked a few questions concerning the annexation, including the process if the
101 owner wanted the property rezoned. There was no more discussion. The mayor called
102 for a motion.

103
104 **Council Member Benard moved to adopt Ordinance 16-05. The motion was seconded by**
105 **Council Member Orr. The mayor asked if there were any further discussion.** Council
106 Member Porter reminded those present that much discussion had been held concerning
107 annexation policy plans and annexations. He pointed out that the process for this
108 annexation was how it the annexation process should work. **There were no more**
109 **comments. The mayor called the vote:**

110		
111	Council Member Benard-	Yes
112	Council Member Orr-	Yes
113	Council Member Porter-	Yes
114	Council Member Hensley-	Yes
115	Council Member Strate-	Yes
116		

117 **Ordinance 16-05 was adopted.**

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120 **VII. DISCUSSION ITEMS**

121 **A. Consideration of Ordinance 16-06 – Amending Title 10, Chapter 23 of the City Code,**
122 **Replacing it With New Water Efficient Landscape Ordinance**

123 Mayor Minster invited City Planner Mark Vlasic to come forward to comment on this item.
124 Mr. Vlasic gave a briefing on the Landscape Ordinance, reminding them it had been created
125 a few years ago, but because of other pressing matters, had not been adopted. He said
126 the ordinance had been prepared using a model by Weber Basin Water Conservancy
127 District, but had been modified to be specific for South Ogden. The intent was that it
128 completely replace chapter 23 of the current ordinance. He pointed out the new
129 ordinance would apply to all commercial landscaping and all residential landscaping
130 installed by a developer. It did not apply to landscaping installed by a home owner in a
131 single family home.

132 The Council asked several questions concerning the Water Efficient Landscape Ordinance
133 including how the landscaping would be enforced. Mr. Vlasic said the ordinance was
134 written such that the landscaping could be enforced, but it often came down to the city's
135 ability to do so; sometimes there just wasn't enough staff to stay on top of it. Council
136 Member Hensley asked City Attorney Bradshaw if he felt the ordinance had enough "teeth"
137 to be able to enforce it. Mr. Bradshaw said between the Landscape Ordinance, basic code
138 enforcement, and the Property Maintenance Code, the City was in good shape.
139 There was then some discussion on secondary water, its availability and whether it would be
140 metered in the future.

141 Parks and Public Works Director Jon Andersen then commented he had reviewed the Water
142 Efficient Landscape Ordinance and felt a paragraph requiring that all backflow equipment
143 installed in a landscape watering system needed to be tested and certified on an annual
144 basis. He also said a reference should be made that any landscaping in a park strip needed
145 to have a permit and follow the city's ordinance concerning planting in the park strip.
146 There was no more discussion.

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149 **VIII. DEPARTMENT DIRECTOR REPORTS**

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

151 Mr. Andersen updated the Council on grant applications.

152 He said the City met the criteria for the CDBG Grant, and the application had been
153 submitted. The total project came to \$850,901, of which \$205,000 was for the water line.
154 Staff hoped to hear whether the application was successful by the end of February. If the
155 City was successful, another public hearing would be held.
156 Mr. Andersen had also met with the Arts portion of the RAMP Grant committee concerning
157 the City's application for a shade structure and electrical wiring at the Nature Park. The
158 RAMP Committee had received 65 applications. The people they had met with pointed out
159 that if the City had committed matching funds, they would have received more points for
160 the application. The Park portion of the RAMP Committee had only received 20
161 applications. Voting and awarding of the grants would take place on February 11.
162 Council Member Hensley said he had learned that the City could have the RAMP Committee
163 vet the application before it was submitted so that it would receive the maximum number
164 of points possible. He also suggested different departments review each other's
165 applications before they were submitted.
166

167 **IX. COUNCIL REPORTS**

168 **A. Mayor** – thanked all those who took the time to attend the Local Officials Day at the
169 Legislature with the Youth City Council.

170 **B. City Council Members**

171 **City Council Member Benard** – mentioned some emails concerning snow removal on the
172 sidewalk along 5600 South. He said the situation presented a special problem because
173 the snow plow seemed to dump a lot of snow on the sidewalk which caused an extreme
174 hardship on the homeowner to get it cleared off. He could see both sides of the problem
175 and wondered if there was a solution to it.

176 **Council Member Strate** – asked that there be discussion in the future on the proposed
177 extension of Skyline Drive. There was also an issue with parking along the street at the
178 care center on Skyline Drive. He felt the City needed to re-emphasize its concerns
179 concerning Skyline Drive.

180 **Council Member Hensley** – said he enjoyed his time with the Youth City Council at the
181 Local Officials day at the Legislature. He was also looking forward to the upcoming
182 retreat.
183

184 **Council Member Orr** – reported on her meetings with the Bonneville Communities That
185 Care. They had been discussing the medical marijuana bill that was going to be
186 presented to the legislature. It was of concern to many people.
187 Ms. Orr also reported she had attended Mountain Ridge's 15 Year Anniversary
188 celebration.

189 **Council Member Porter** – added that the wording on the medical marijuana bill basically
190 gave cities no authority as to how medical marijuana would be handled in their city. The
191 police could have no involvement in its distribution.
192 Mr. Porter then commented how much he had enjoyed the employee recognition dinner
193 as well as his time with the Youth City Council at the legislature. He concluded by
194 applauding the department heads and their hard work and how they represented the City.
195

196 Council Member Porter then recognized some scouts who had come in late to the
197 meeting. He invited them to come forward and introduce themselves and tell why they
198 were there.

199 Members of Troop 262 came forward. They were there as part of their Communications
200 Merit Badge requirements. They were: Connor Nelson, Seth Anderson, Dawson Fannin,
201 and their leader Hyrum Rapple.

202 C. **City Manager** – asked that the Council respond to his email confirming the meals for the
203 retreat.

204
205 D. **City Attorney Ken Bradshaw** – nothing to report.
206

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208 X. **ADJOURN CITY COUNCIL MEETING AND CONVENE INTO A WORK SESSION**

209 Mayor Minster pointed out it was time to adjourn the meeting and convene into a work session.

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211 **Council Member Porter moved to adjourn city council meeting and convene into a work session.**
212 **The motion was seconded by Council Member Strate. The voice vote was unanimous in favor of**
213 **the motion.**

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215 The meeting adjourned at 7:02 pm.
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217 NOTE: The Council took a break and moved to the EOC for the work session. The Mayor and all
218 members of the Council were present for the work session as well as City Manager Dixon, City
219 Attorney Ken Bradshaw, Chief Parke, Chief West, Parks and Public Works Director Jon Andersen,
220 Human Resource Specialist Doug Gailey, and City Recorder Leesa Kapetanov. Also present was
221 Michael Merchant, who was there to facilitate the meeting.

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223 The work session convened at 7:16 pm.
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225 A. **Strategic Planning Pre-Retreat Training**

226 The mayor turned the time to City Manager Dixon. Mr. Dixon said the primary objective of
227 the meeting and the upcoming retreat was to have a clear understanding of what their
228 priorities were and the direction the City wanted to go, so staff would know what things
229 they need to start working on. He then introduced Michael Merchant from the Arbinger
230 Institute, who would facilitate the meeting.

231 Mr. Merchant began by asking the Council what their desired outcomes of the strategic plan
232 process would be. The items listed were:

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|-----|--------------------------------------|---|
| 233 | 245 | |
| 234 | • Come up with dream/necessary | • City Council assignments (liaisons) |
| 235 | sidewalk plan 246 | • Make code enforcement move faster |
| 236 | • Simplify the strategic plan 248 | • Promote successes; have more positive |
| 237 | • Come up with transportation 249 | messaging |
| 238 | plan-including streets, sidewalk | • Celebrate conflict |
| 239 | and trails 251 | • Have measurable goals |
| 240 | • Take care of staffing issues 252 | • Make long-range plans |
| 241 | • Make sure the plan is balanced 253 | • Increase trust |
| 242 | • City Council to work more closely | • Understand capabilities as well as |
| 243 | (do more work behind the scenes) | limitations |
| 244 | 255 | |

256 Mr. Merchant then asked those present to look at last year's strategic plan and give
257 feedback on it. He asked that they look at its focus, the work involved, format, etc.
258 Points brought out were:

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|-----|------------------------------------|------------------------------------|
| 259 | • Branding 264 | • Ownership – Council follow-up on |
| 260 | • Acknowledge resident's input 265 | portions of strategic plan |
| 261 | • Reporting performance out to 266 | • Allow for flexibility (create |
| 262 | residents 267 | processes to update strategic plan |
| 263 | • Scorecard 268 | and add items to agenda |

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- Priorities 272
 - Sufficient Detail 273
 - Responsive communication 274
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- Make sure the goals aren't too cumbersome for department heads
- Council should only focus on objectives; goals and action plans are for Matt and dept. heads

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Mr. Merchant then asked the department heads to report back on the previous year's strategic plan and their performance. (Note: The mayor left the meeting at this point. It was 8:00 pm).

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Finance Director Steve Liebersbach said he had prepared quite a few charts in the performance metrics portion of the strategic plan, but was not sure if they were being looked at or utilized.

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The Council then discussed adding items to the agenda and the process for doing so. They also talked about determining priorities from the strategic plan compared to the things that popped up during the year that weren't in the plan.

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Chief Parke also commented that the performance metrics took extra staff time to put in the format required on the strategic plan website. He too asked if it was something the Council looked at or if there was an easier way for them to provide the information.

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Council Member Hensley said the most valuable report from the police department was the weekly one from the Chief about what was happening in the City.

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Chief West reported staff had held meetings with Weber Fire District concerning the two fire stations at the south end of the City. He said combining the stations could work, but there were still many details to work out. They had also had meetings with Riverdale and Washington Terrace Cities about consolidating ambulance service. Whether it would work for South Ogden's benefit was not certain, but they had learned many other things in the course of discussion that would help the City to receive more money for the ambulance services it provided.

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Parks and Public Works Director Jon Andersen pointed out that his list of things to do in the strategic plan were budget driven; however he did find the plan helpful in giving him direction and making clear what the Council wanted. He felt the strategic plan helped to keep him and his employees focused.

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City Manager Dixon said some successes in the plan had been the branding, update of the salary compensation plan, and economic development. Some of the failures had been the community survey and reporting on the strategic plan.

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Mr. Merchant then reviewed what would be done on Friday and Saturday at the retreat. They would try and come up with 3-5 key objectives for the City and then look at each objective to determine what key indicators and activities needed to be behind them. They would also prioritize each one.

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City Manager Dixon then outlined the activities for the retreat and said he was looking forward to it.

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Because the mayor had left, Mayor Pro Tem Bryan Benard called for a motion to adjourn the work session.

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Council Member Porter moved to adjourn the work session, followed by a second from Council Member Hensley. The voice vote was unanimous in favor of the motion.

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The work session concluded at 8:41 pm.

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Not Approved

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, February 2, 2016.


Leesa Kapetanov, City Recorder

Date Approved by the City Council _____

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Attachment A
Handout of Wesley Stewart

Not Approved

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Please Note the fine Print for
the source template our "local"
South Ogden City "Form Based Code"
was taken from.

FBC → **Wasatch Choice for 2040 Consortium**
© Use of any portion of this template requires reference
to the Template Form-Based Code for Centers & Corridors
along the Wasatch Front.

Source of the
Wasatch Front
Regional Council
"Form Based
Code" Template

Consultant Team

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436 14th Street, Suite 1005
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Workbook Sections entitled
"Legal Considerations"
were contributed by:
Adrienne J. Bell, Attorney
Stoel Rives LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111

Local SLC firm involvement
was legal

Special Funding Provided by:

Sustainable Communities Grant
U.S. Department of Housing & Urban
Development
U.S. Environmental Protection Agency
U.S. Department of Transportation

Consortium Advisory Committee

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Project Manager

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Project Manager

Gil Avellar Sandy City
Paul Bringhurst Salt Lake County
Todd Draper Salt Lake County
Gabriel Epperson Envision Utah
Reid Ewing University of Utah
Jared Gerber Sandy City
Val John Halford Wasatch Front Regional Council
Michael Hathorne Suburban Land Reserve Inc.
Stephen James Kennecott Utah Copper
Max Johnson Salt Lake County
Ted Knowlton Wasatch Front Regional Council
Frank Lilly South Salt Lake City
Peter Matson Layton City
Nick Norris Salt Lake City

Christina Oliver Utah Transit Authority
Christie Oosterna Envision Utah
Jon Osier Kennecott Utah Copper
Bill Peperone City of Provo
Kenton Peters, Jr. KP2 Architects
Allen Roberts CRSA
Megan Ryan Utah League of Cities & Towns
Julianne Sabula Salt Lake City
Soren Simonsen Community Studio
David White Salt Lake County
Brent Wilde City of Provo
Doug Woodruff Architectural Nexus

Only other city north of SLC
on an advisory committee for
the FBC template.

City Council Staff Report



Subject: Ordinance 16-06 – Water Efficient
Landscape Ordinance
Author: Leesa Kapetanov
Department: Administration
Date: February 16, 2016

Recommendation

Staff recommends approval of this item.

Background

The Council had this item on their last agenda as discussion only. You were able to review it and ask questions of staff.

Please note that the changes suggested by Parks and Public Works Director Jon Andersen were added (see highlighted portions of the ordinance in your packet). No other changes have been made since you reviewed the Water Efficient Landscape Ordinance at your last meeting.

ORDINANCE NO. 16-06

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING AND READOPTING TITLE 10, WITH A REVISED CHAPTER 23 OF THE CITY CODE ADOPTING NEW WATER EFFICIENT LANDSCAPE PROVISIONS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - Recitals:

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

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Landscape Regulations within certain zones for the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10, Chapter 23, deals with certain Landscape Regulations and other development issues within certain zones of the city and that certain changes should be made thereto based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds that it is in the public interest to manage and regulate the procedures governing these Landscape Regulations in particular Water Efficient Landscape Processes and Techniques and related development issues; and,

WHEREAS, the City Council finds that the requirements provision herein should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that

Title 10, CHAPTER 23, Landscape Regulations Is Amended And Readopted As Set Out In Attachment "A", Incorporated Fully Herein By This Reference.

Section 2 - Repealer of Conflicting Enactments:

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

Section 3 - Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5 - Date of Effect

This Ordinance shall be effective on the 16th day of February, 2016, and after publication or posting as required by law.

DATED this 16th day of February, 2016

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 16-06

An Ordinance Of South Ogden City, Utah, Revising And Amending And Readopting Title 10, With A Revised Chapter 23 Of The City Code Adopting New Water Efficient Landscape Provisions; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

16 Feb 16

Water Efficient Landscape Ordinance – 2-10-2016

1. Purpose

It is in the public interest conserve the public's water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for the designing, installing and maintaining of water efficient landscapes throughout the City.

2. Definitions

The following definitions shall apply to this ordinance:

Backflow: An unwanted flow of water in the reverse direction.

Backflow Prevention Device (Backflow Preventer): Reduced pressure in the pipe may allow contaminated water from the soil, storage, or other sources to be drawn up into the system. A backflow prevention device (backflow preventer) is used to protect potable water supplies from contamination or pollution due to backflow.

Bubbler: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Evapotranspiration: The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

Drought Tolerant Plant: A plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

Grading Plan: The Grading Plan shall be shown at the same scale as the Planting and Irrigation Plan. The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths (does not include driveways and sidewalks.)

Irrigated Landscaped Area: All portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the Irrigated Landscaped Area.

Irrigation Efficiency: The measurement of the water beneficially applied, divided by the total water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Contractor: A person certified by the Irrigation Association (IA) to install irrigation systems.

Irrigation Designer: A person certified by the Irrigation Association to prepare irrigation system designs, and/or a Professionally Licensed Landscape Architect.

Irrigation Plan: The irrigation plan shall be shown at the same scale as the planting plan. The irrigation plan shall show the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Irrigation Auditor (IA) A person certified by the Irrigation Association to conduct a landscape irrigation audit.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, a Grading Plan, a Soils Report, a Landscape Water Allowance, a Landscape Water Allowance Report, and an Irrigation Schedule.

Landscape Water Allowance: For design-purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the local Reference Evapotranspiration Rate, the ETO adjustment factor and the size of the landscaped area.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Mulch: Any material such as bark, wood chips or other materials left loose and applied to the soil for the purpose of preventing evapotranspiration.

Non-Drought Tolerant Plant: A plant that will require regular irrigation for adequate appearance, growth and disease resistance.

Planting Plan: A Planting Plan is a drawing that clearly and accurately identifies and locates elements related to a landscape such as new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences, etc.

Precipitation Rate: The depth of water applied to an area, usually measured in inches per hour.

Professional Landscape Architect: A person who holds a license to practice landscape architecture in Utah.

Rain Shut-Off Device: A device wired to the automatic controller that shuts off the irrigation system when it rains.

Reference Evapotranspiration Rate or ETO: A standard measurement of environmental parameters which affect the water use of plants. ETO is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool season grass that is well watered. The average annual ETO for South Ogden City is 25.57* inches.

*ETO is based on the thirty year average from 1961 to 1990 for the Ogden Area, for the eight month growing season March through October. See *Sprinklers, Crop Water Use, and Irrigation Time - Weber County* by Robert W. Hill and James Barnhill, Utah State University Extension, April 2001, Table 3, Page 6.

Runoff: Water not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

Soils Report: A report by a laboratory indicating soil type(s), soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the top soil and subsoil for a site. The soils report also includes recommendations for soil amendments.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing grass with its roots.

Water-Conserving Plant: A plant that uses less water than standard plants.

Water Audit: An on-site survey and measurement of irrigation equipment and management efficiency, and the generation of recommendations to improve efficiency.

3. Applicability of Water Efficient Landscape Ordinance

This ordinance shall apply to all new and rehabilitated landscapes for public projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects.

This section does not apply to home-owner provided landscaping at single family projects, although water efficient landscapes are encouraged

In addition, sports fields, turf play areas within public parks, school grounds, golf courses and cemeteries are exempt from the Landscape Water Allowance limitations of this ordinance. . All other portions of this ordinance shall apply.

4. Documentation

Landscape Plan Documentation Package.

A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to issuance of any permit. The Landscape Plan Documentation Package shall be prepared by a Professional Landscape Architect.

The Irrigation Plan shall be prepared by an Irrigation Designer certified by the Irrigation Association and/or a Professional Landscape Architect.

The Landscape Plan Documentation Package shall consist of the following items:

A. Project Data Sheet. The Project Data Sheet shall contain:

1. Project name and address;
2. Applicant or applicant agent's name, address, phone and fax number;
3. Landscape Designer/Landscape Architect's name, address, phone and fax number; and

4. Landscape contractor's name, address, phone and fax number, if available.

B. Planting Plan. A detailed Planting Plan shall be drawn at an appropriate scale suitable for identifying:

1. Location of all plant materials;
2. A legend with botanical and common names and size of plant materials;
3. Property lines and street names;
4. Existing and proposed buildings, walls, fences, utilities, paved areas and other site features;
5. Existing trees and plant materials to be removed or retained;
6. Designation of Landscape Zones, and
7. Details and specifications for tree staking, soil preparation, Blue Stakes, and other planting work.

C. Irrigation Plan. A detailed Irrigation Plan shall be drawn at the same scale as the planting plan and shall contain:

1. Layout of the irrigation system;
2. A legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
3. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
4. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
5. Installation details for irrigation components.

D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain:

1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and;
2. Existing and finished contour lines and spot elevations for the proposed site improvements.

E. Soils Report. A Soils Report will be provided and shall describe the depth, composition, and bulk density of the top soil and subsoil at the site, and shall include recommendations for soil amendments. The Planting Plan shall incorporate the recommendations of the Soils Report into the planting specifications.

F. Landscape Water Allowance. The annual Landscape Water Allowance shall be calculated using the following equation:

$$\text{Landscape Water Allowance} = \text{ETO} \times 1.0 \times 0.62 \times A, \text{ where}$$

Landscape Water Allowance is in gallons per year
ETO = Reference Evapotranspiration in inches per year
1.0 = ETO adjustment factor, 100% of turf grass ETO (water year adjustment factor)
0.62 = conversion factor (to gallons per square feet)
A = total Irrigated Landscape Area in square feet

G. Irrigation schedule. A monthly Irrigation Schedule shall be provided that covers the initial 120-day plant establishment period adjusted for seasonal variations. This schedule shall consist of a table with the following information for each valve:

1. Plant type (turf, trees, low water use plants);
2. Irrigation type (sprinklers, drip, bubblers);

3. Flow rate in gallons per minute;
4. Precipitation rate in inches per hour (sprinklers only);
5. Run times in minutes per day;
6. Number of water days per week; and
7. Cycle time to avoid runoff.

5. Landscape Design Standards

A. Plant Selection

Plants selected for landscape areas shall be well-suited to the microclimate and soil conditions at the project site.

Plants with similar water needs shall be grouped together as much as possible. For projects at the interface between urban areas and natural non-irrigated open space (), Drought Tolerant Plants shall be selected that will blend with the native vegetation and that are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.

For Parking strips and other landscaped areas less than eight (8) feet wide, please refer to Title 7, Chapter 2 of this Code.

The *Salt Lake City Plant List and Hydrozone Schedule 2013* (http://www.slcdocs.com/utilities/PDF%20Files/2013_SLCPlantList_ver2-1.pdf) prepared by Salt Lake City Public Utilities shall be a primary reference document for the selection, design and installation of water-conserving plants and landscapes as modified from time to time by South Ogden City's certified arborist or the Planning Commission.

B. Mulch

After completion of planting, all irrigated non-turf areas shall be covered with a minimum three to four (3-4) inch layer of Mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

C. Soil Preparation

Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per recommendations of the Landscape Designer/Landscape Architect based on the Soils Report.

6. Irrigation Design Standards

A. Irrigation design standards for this ordinance are outlined in the latest version of the "Minimum Standards for Efficient Landscape Irrigation System Design and Installation" prepared by the Utah Irrigation Association. In addition, the remainder of this section shall also apply.

B. **Backflow Prevention Device:** A backflow prevention device shall be installed according to State and County standards on all culinary irrigation systems. The backflow device must be tested on an annual basis and annual certification submitted to the City.

C. **Pressure Regulation.** A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve

shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.

- D. Landscape Water Meter. A water meter shall be installed for landscape irrigation systems, and shall be separate from the water meter installed for culinary uses. The size of the meter shall be determined based on irrigation demand.
- E. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ETO.
- F. On slopes exceeding 33 percent, the irrigation system shall consist of Drip Emitters, Bubblers or sprinklers with a maximum Precipitation Rate of 0.85 inches per hour and adjusted sprinkler cycle times to eliminate Runoff.
- G. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on separate valves.
- H. Drip Emitters or a Bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- I. Sprinklers shall have matched Precipitation Rates with each control valve circuit.
- J. Check valves shall be required where elevation differences will cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
- K. Drip irrigation lines shall be undergrounded, except for Emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
- L. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- M. Valves shall be programmed for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

7 Plan Review, Construction Inspection and Post-Construction Monitoring

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before a permit shall be issued and construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Worksheet shall be completed by a landscape designer and submitted to the City. Once approved, the Landscape Water Allowance Worksheet will be transmitted to the local water purveyor.
- B. All Landscape Plan Documentation Packages submitted must be stamped by a Professionally Licensed Landscape Architect (PLA). The Irrigation Plan must be prepared by an IA certified Irrigation Designer, or a PLA.

- C. All landscape irrigation systems shall be installed by an IA certified Irrigation Contractor. The certified person representing the contracting firm shall be directly involved with the project and complete and document at least weekly site visits.
- D. All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- E. During construction, site inspection may be performed by the City Building Inspection Department.
- F. Prior to issuance of Substantial Completion Status, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or Landscape Designer/Landscape Architect and submitted to the City.
- G. Prior to issuance of Substantial Completion Status, a Water Audit will be conducted by an IA certified Landscape Irrigation Auditor. The auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this ordinance. The minimum efficiency required for the irrigation system is 60% for the distribution efficiency for all fixed spray systems and 70% distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and shall also submit an irrigation schedule.
- H. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Resolution No. 16-03

**RESOLUTION OF SOUTH OGDEN CITY ADOPTING THE CITY BRANDING
STYLE GUIDE FOR THE CITY'S REBRANDING PROGRAM, AND
PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE
IMMEDIATELY UPON POSTING AND FINAL PASSAGE.**

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds that the city staff recommends that the city adopting the City Branding Style Guide, to provide for improvement in understanding and consistency in the City's rebranding efforts; and,

WHEREAS, the City Council finds that adopting the City Branding Style Guide will materially assist in providing services and activities in the City's rebranding efforts; and,

WHEREAS, the City Council finds that City now desires to further those ends by adopting the City Branding Style Guide to provide for such changes; and,

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

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
SOUTH OGDEN AS FOLLOWS:**

SECTION II - South Ogden City Arts Council Created

The South Ogden City Branding Style Guide, Is Adopted As Set Out In Attachment "A", Attached Hereto And Incorporated Fully By This Reference, And The City Manager Is Authorized To Sign Any Documents Necessary To Give Effect To These Actions And The City Recorder Is Authorized To Attest, Any And All Documents Necessary To Effect This Authorization And Approval.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

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

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been

adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE

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

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 16th day of February, 2016, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 16th day of February, 2016**

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov
City Recorder

ATTACHMENT “A”

Resolution No. 16-03

Resolution Of South Ogden City Adopting The City Branding Style Guide For The City’s Rebranding Program, And Providing That This Resolution Shall Become Effective Immediately Upon Posting And Final Passage.

16 Feb 16



SOUTH OGDEN

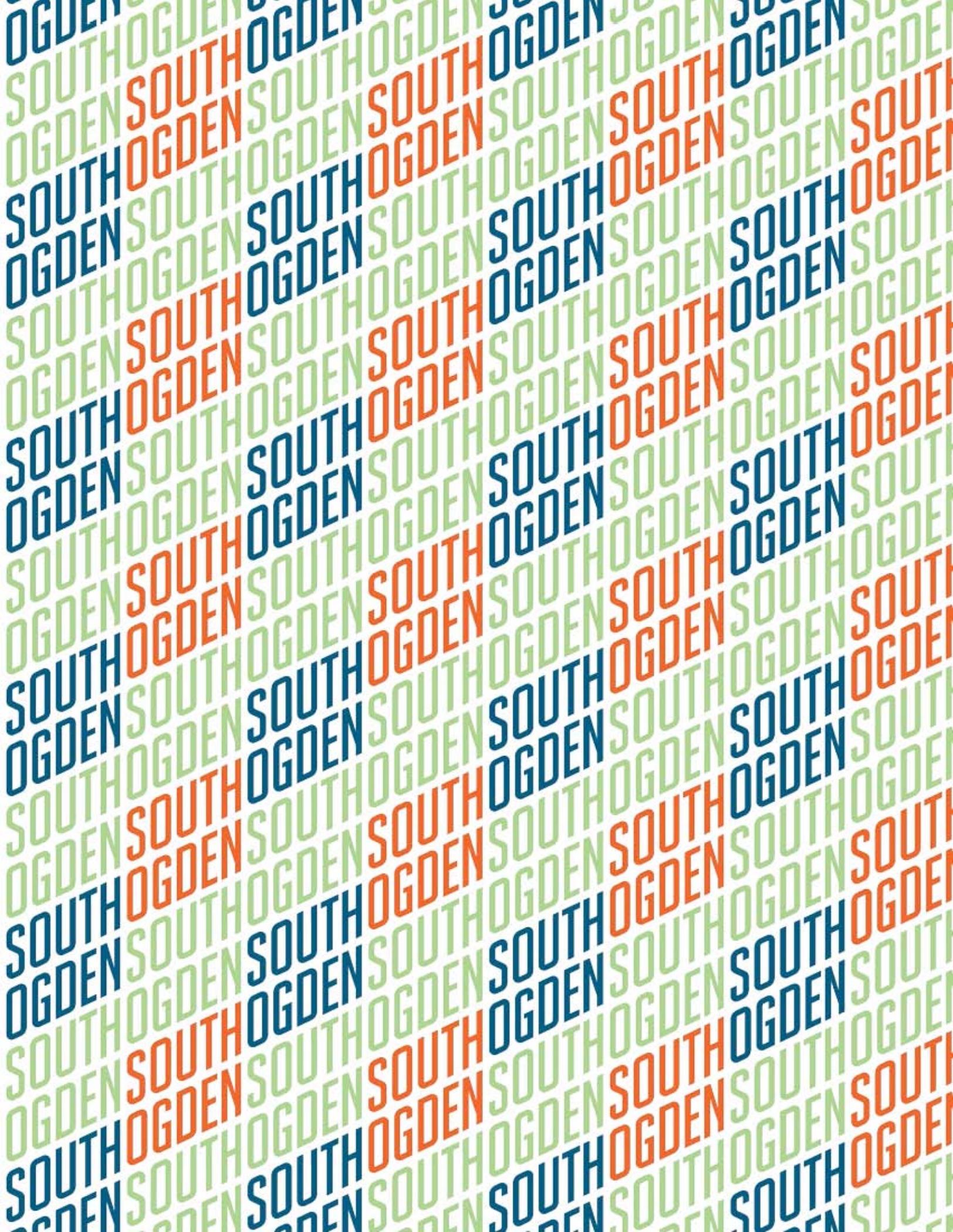


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BRAND PERSONALITY

South Ogden is a city defined by its perpetual state of “in-between.” Nestled comfortably in the middle of Riverdale and Ogden, the city is surprisingly amorphous. Because no clear boundaries separate it from other municipalities, passers-through are often not aware that they have entered South Ogden. The city has no downtown area, lacks conspicuous landmarks, and is therefore, often overlooked and overshadowed. As a result of these factors, South Ogden has struggled for many years to establish its own identity.

More recently however, South Ogden has begun to establish a unique identity leveraging the very anonymity that has perplexed the city for years. South Ogden’s perpetual state of in-between in other words, is not entirely negative. Like the “Goldilocks Zone” of Weber County, the city proudly possesses a “just right” balance of many attributes and traits. Conveying a stoic and even demeanor, the city benefits from the presence of these attributes while avoiding the negative consequences of their abundance. For example, the city has just enough demographic diversity to add flavor and variety, but does not experience the downsides associated with rapid and widespread population diversification. The city offers access to every type of amenity, but without the negative side effects of a large metropolis. While convenient and well equipped, the city remains safe, clean, and pleasant.

An honest reflection of the city’s middle-ground mentality, the city of South Ogden is not trying to become anything extraordinary. Humble, wise, and mature, the city’s residents have learned that happiness is actually found in the ordinary. Formerly known by the understated title, “City of Homes,” this bedroom community is perfectly content to be a wonderful place to live, to work, and to enjoy community. Often overlooked, South Ogden residents have built a tight-knit community in the shadows of their more prominent neighbors. A testament to that community, many good, hard working residents have departed, then returned to make South Ogden their home.



BRAND PROMISES

1) BALANCE

Residents appreciate the absence of extremes in this city of in-betweens. While adhering to many traditional values, the city is also very diverse and welcoming. While clean and comfortable, the city is not gaudy or extravagant.

2) SENSE OF HOME

Many of South Ogden's sons and daughters have ventured off in pursuit of education, travel, and professional development only to return later in life. With a strong sense of community, South Ogden always feels like home.

3) QUALITY OF LIFE

The city's central location provides easy access to healthcare, shopping, educational institutions, outdoor recreation, and other amenities. South Ogden also boasts top-notch municipal services like schools and parks, making South Ogden a wonderful place to live.

KEY DIFFERENTIATORS

South Ogden is unlike any other city in the world. Specifically, the brand differentiates itself in the following ways:

1) EXCLUSIVITY

A number of important dynamics have caused South Ogden to be seen as an exclusive community. The city's concentration of housing means that South Ogden is primarily a residential municipality. In Weber County and beyond, there is a sense of pride associated with living in South Ogden. Also, a very limited volume of undeveloped land means that the opportunity of living and working in South Ogden is not available to everyone. Importantly, this exclusivity is never communicated as arrogance.

2) PROXIMITY

Due to its central location, South Ogden is in close proximity to almost every type of amenity imaginable. More so than the inhabitants of other cities, residents of South Ogden have easy access to important facilities, including an international airport, an amusement park, multiple hospitals, world-class universities, and a major metropolitan area.



BRAND PERCEPTION ATTRIBUTES

The brand should communicate and convey the following perception categories:

- 1) **SERENE**
 - NOSTALGIC
 - CALM
 - QUIET
 - PEACEFUL
 - CONSTANT
 - FAITHFUL
 - TRUE
 - DEPENDABLE
 - TRANQUIL

- 2) **TRADITIONAL**
 - STRONG
 - DURABLE
 - CLASSIC
 - POWERFUL
 - CLASSY
 - TRUSTWORTHY
 - TRADITIONAL
 - PURE
 - PROFESSIONAL
 - ENDURING
 - MATURE



PRIMARY BRAND AUDIENCES

The components, definitions, and objectives of the brand identity should align with the following key audiences.

1) CURRENT & PROSPECTIVE SOUTH OGDEN RESIDENTS

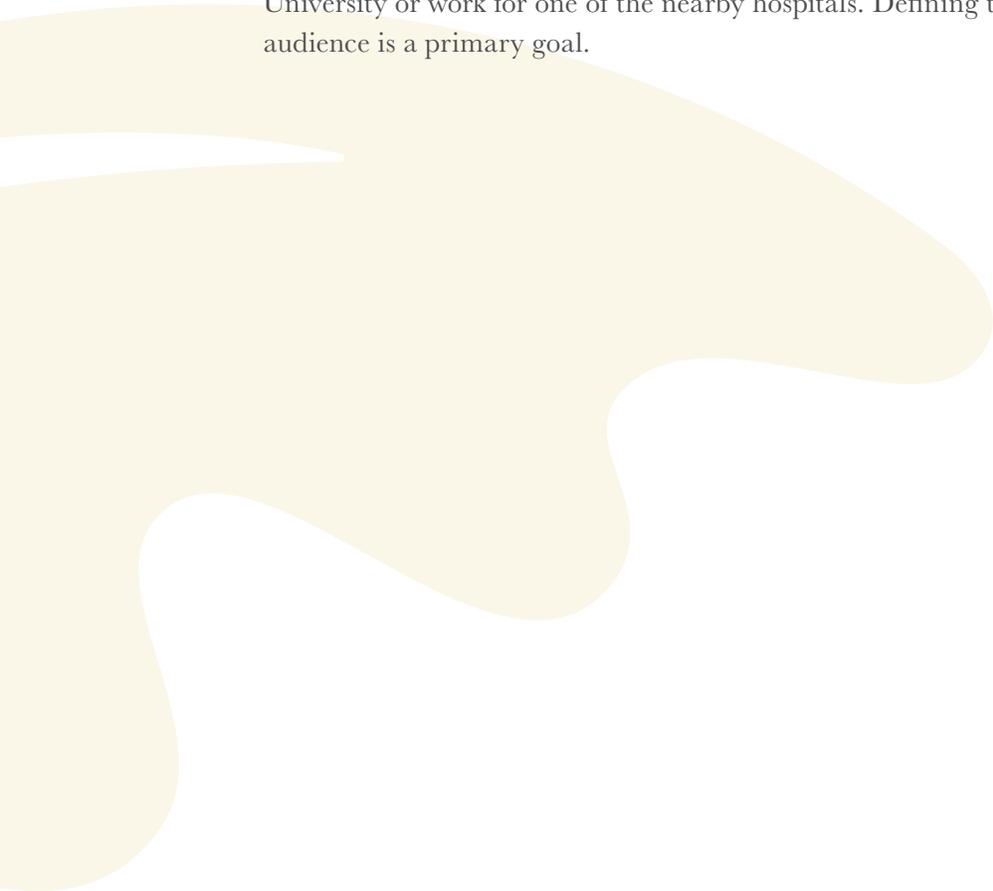
The city of South Ogden is aging and becoming more diverse. The city is fairly traditional, but does not identify as a traditional, conservative, Utah community.

2) BUSINESS & PROFESSIONAL GROUPS, ESPECIALLY DEVELOPERS

South Ogden is currently facing a number of important decisions regarding development and redevelopment. Developers will be a key audience in the near future.

3) UTAH RESIDENTS OUTSIDE OF SOUTH OGDEN

There is a “day-time population” of people that work in South Ogden or commute to work through South Ogden. Many are affiliated with Weber State University or work for one of the nearby hospitals. Defining the city for this audience is a primary goal.



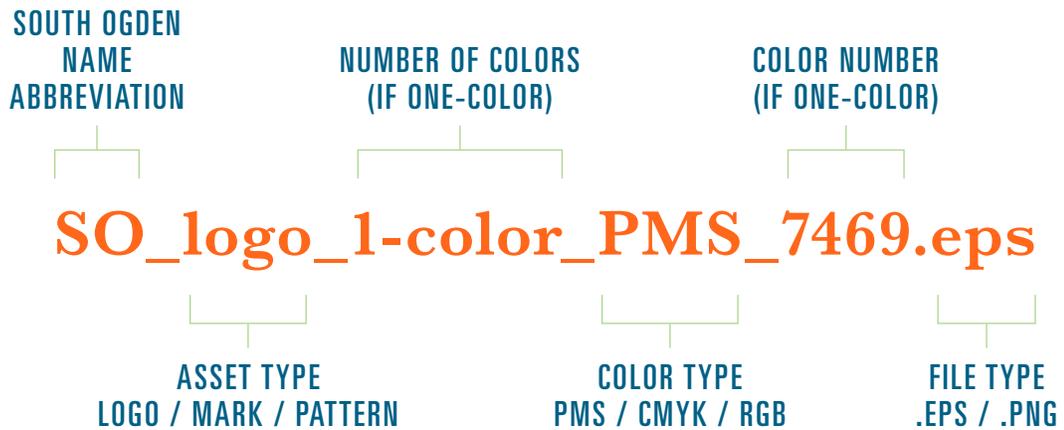


FILE STRUCTURE

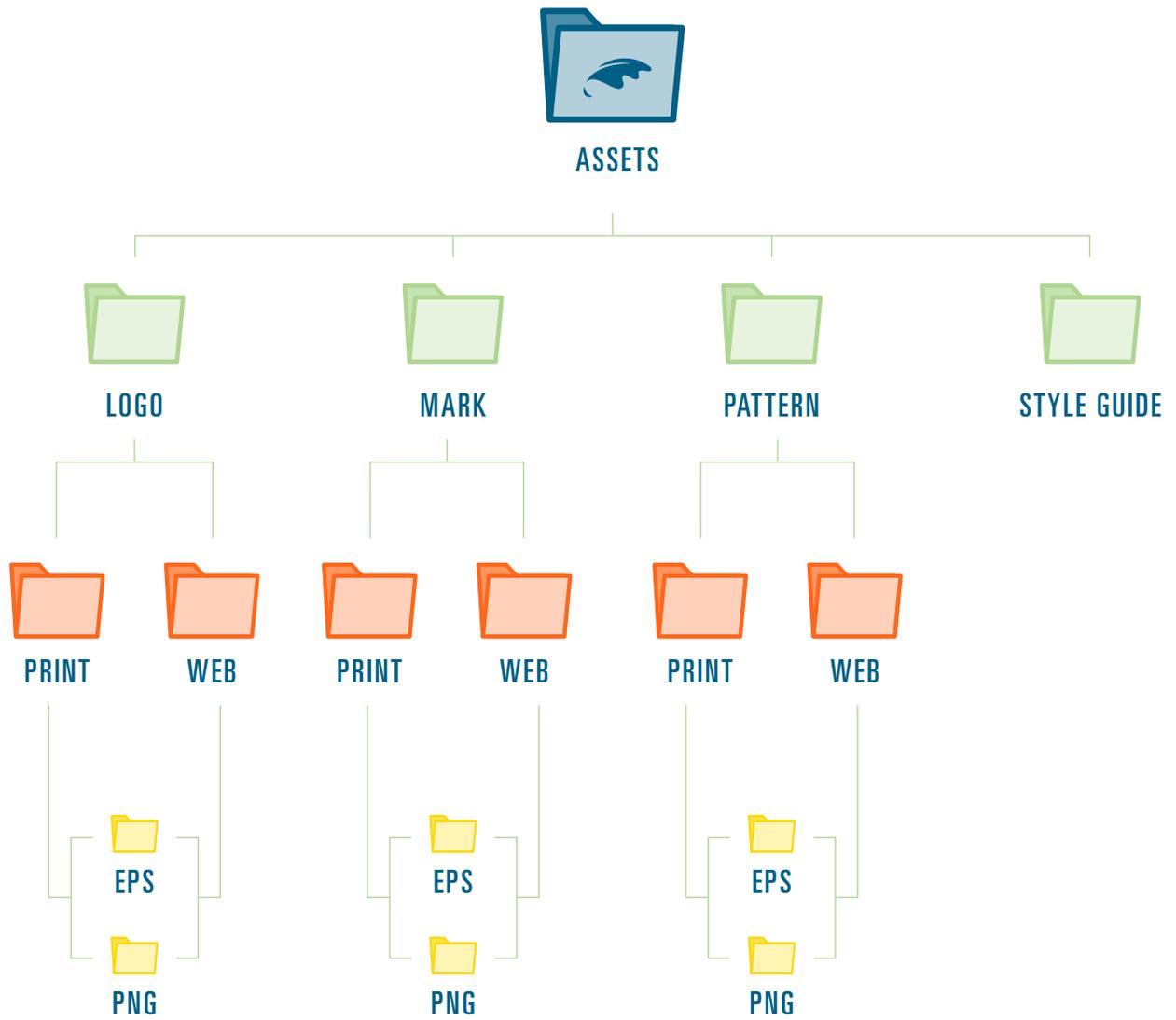
It's important to fully understand the new South Ogden Asset folder and the file naming conventions. This will allow the user to successfully navigate through the folders and select the appropriate logo file.

The Asset folder has been created to be very organized and easy to navigate (opposite). Within the Asset folder are four additional folders: Logo, Mark, Pattern, and Style Guide. The first three folders contain Print and Web folders, both of which contain EPS and PNG folders. EPS files are working vector files and can be edited and scaled without losing quality. PNG files are non-editable and non-scalable. They can be used for most applications.

Each file is named according to its properties and type. Use the guide below for reference.



“Reverse” in file name means the type (or the full logo) is white and is intended for use on a dark background (see page 15).





PRIMARY LOGO

The South Ogden City logo is the central element of the South Ogden City brand. As such, strict adherence must be paid in maintaining uniform design characteristics that will allow for maximum brand recognition.

These characteristics include authorized artwork, minimum size, protected area, and proper coloration.

Always use authorized artwork. Precise, consistent reproduction of the logo is essential in reflecting the personality of the brand. Careful use of the logo will reinforce its importance and will help it to become a recognizable image. An easily identifiable logo will build recognition for the city.





SOUL
SCAPE



CLEAR SPACE

The primary logo presentation is enhanced by maintaining a protected area, void of all elements surrounding the logo. Keep in mind, this is a *minimum* clear area. Ideally, there will always be a generous amount of clear space around the logo. Doing so increases the legibility of the logo and the integrity of the identity as a whole. This area is roughly defined as the width of the SO in the logo.



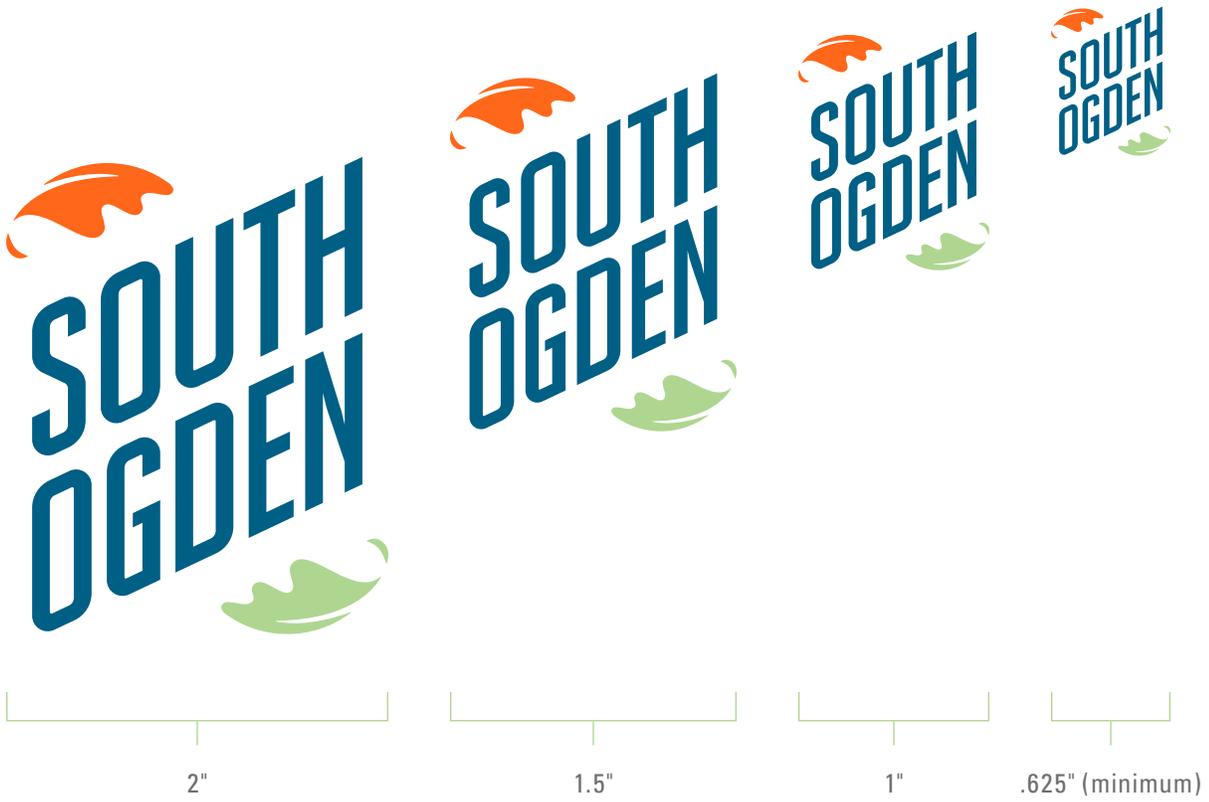




MINIMUM SIZE

When using the full logo signature, be conscious of its size. Details will lose legibility at small sizes, and the integrity of the logo as a whole will begin to degrade. *The minimum width of the primary logo is .625"*. Keep in mind, printer quality can vary. If it is lower, the minimum size should be larger.





COLOR VERSIONS

The South Ogden City logo is three colors: orange, blue, and mint. In most cases, the logo will be full-color on a white background. In certain instances however, it may be necessary or desirable (for added visual variety) to use a single color version or to place the logo on a field of solid color. Shown below are the acceptable color variations.

Positive

Reverse





IMPROPER EXAMPLES

South Ogden City relies on a consistent use of its logos to present a strong and recognizable image to its audience. Preserving this identity requires strict adherence to the guidelines specified in this manual. Changing the properties of the logo is prohibited. Always use the electronic artwork provided by South Ogden City or approved vendors.

Do not reproduce the logo with any method (such as embroidery at small sizes) that cannot hold the true shape of the logo’s letterforms or design elements.

The following examples show industry-standard rules for preserving logo integrity. They are shown here on the vertical lockup, but the same rules apply to the horizontal lockup, logotype, and the mark. Never add extraneous or distracting effects to the logo, i.e. drop shadows, glows, embosses, etc.



- 1) Do not flip the logo or elements of the logo
- 2) Do not rotate the logo
- 3) Do not lighten or screen the logo
- 4) Do not distort the logo or elements of the logo
- 5) Do not independently scale elements of the logo
- 6) Do not modify the approved colors of the logo
- 7) Do not place the logo over busy imagery
- 8) Do not outline solid elements of the logo
- 9) Do not scale the logo beyond minimum sizes



COLOR FORMULATIONS

The South Ogden City color palette was created to convey a visual uniformity throughout all communication materials. Consistent color usage across all media is integral to the brand identity. Shown here are approved color formula variations for South Ogden City in several print and digital formats. No other color specifications should be used.





Primary
Colors

Pantone 7469 C
CMYK 100-31-8-42
RGB 0-95-134
HTML 005F86

Pantone 358 C
CMYK 34-0-42-0
RGB 173-220-145
HTML ADDC91

Pantone 165 C
CMYK 0-70-100-0
RGB 255-103-31
HTML FF671F

Secondary
Colors

Pantone 7499 C
CMYK 1-2-24-0
RGB 241-230-178
HTML F1E6B2

Pantone 108 C
CMYK 0-5-98-0
RGB 254-219-0
HTML FEDB00



FONTS FOR GENERAL USE

In addition to correct usage of logos and colors, typography is also an important element to help maintain a clear sense of the established South Ogden City brand.

Univers is the primary typeface of the South Ogden City brand. This sans-serif typeface was designed by Adrian Frutiger and includes a wide variety of weights—everything from ultra condensed to extra black extended. Univers is available for desktop and web use at [Myfonts.com](https://www.myfonts.com). Baskerville has been chosen as the complimentary typeface to Univers. It is a traditional serif typeface designed by John Baskerville in 1757, and is also available at [Myfonts.com](https://www.myfonts.com).

The following formatting settings are intended to be approximations of typographic stylings and should be used when working within advanced design software.

HEADLINES

For top-level communication and copy points, use Univers Ultra Condensed. For general purposes, headlines should be set in UPPERCASE at 20 pt. with 100 pt. tracking and 24 pt. leading. Pantone 7469 C should be used for headline colors.

SUBHEADLINES & BODY COPY

Subheadlines should also be set in Univers Ultra Condensed, UPPERCASE and optically kerned. For general purposes, they should be set at 12 pt. with 100 pt. tracking and 15 pt. leading, colored Pantone 165 C. Body copy should be set in Baskerville: 11 pt. with 10 pt. tracking and 15 pt. leading. The color should be approximately 85% black.

It is, of course, impractical to assign the same font sizes for all applications. When laying out communication materials, use the above specifications as a guide to maintain correct hierarchies between sections of copy.



UNIVERS

Univers **ULTRA CONDENSED**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Univers **LIGHT CONDENSED**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Univers **CONDENSED**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Univers **ROMAN**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Univers **BOLD**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Univers **BOLD CONDENSED**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Baskerville

Baskerville **REGULAR**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Baskerville ITALIC
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Baskerville **SEMIBOLD**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Baskerville SEMIBOLD ITALIC
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Baskerville **BOLD**
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Baskerville BOLD ITALIC
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890



FONTS FOR LIMITED USE

Not all typefaces are available for free use on the web. As such, web-safe fonts are provided in lieu of the standard brand fonts. These web fonts have been chosen as close approximations of their counterparts.

Helvetica has been chosen as the web-safe equivalent of Univers, while Times has been chosen as the web-safe equivalent of Baskerville. Additionally, when working in standard word processing software programs, default tracking and leading may be used.



HELVETICA

Times

Helvetica LIGHT
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Times REGULAR
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Helvetica REGULAR
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Times ITALIC
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Helvetica OBLIQUE
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Times BOLD
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Helvetica BOLD
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

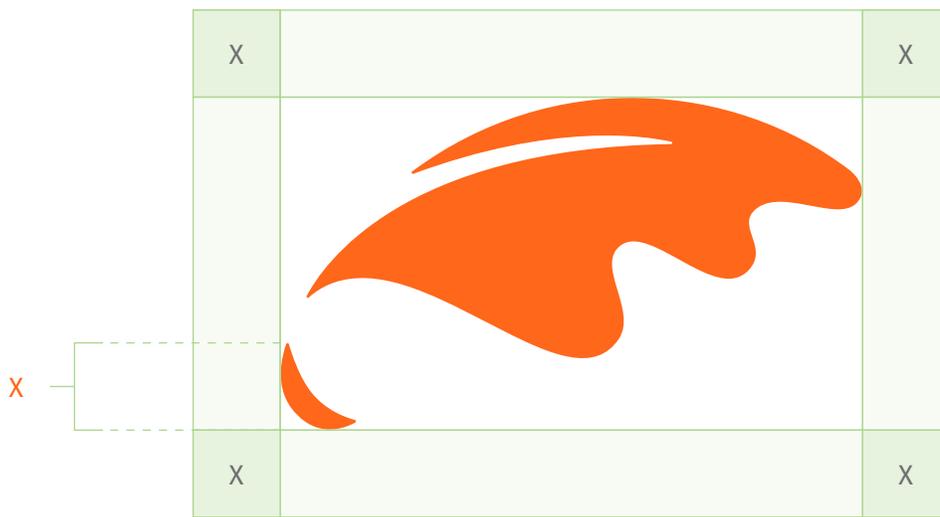
Times BOLD ITALIC
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Helvetica BOLD ITALIC
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890



LEAF MARK

The primary logo presentation is enhanced by maintaining a protected area, void of all elements surrounding the logo. Keep in mind, this is a *minimum* clear area. Ideally, there will always be a generous amount of clear space around the logo. Doing so increases the legibility of the logo and the integrity of the identity as a whole. This area is defined by the cap height of “South Ogden City”.





When using the leaf mark, do not rotate it to an arbitrary angle. There are two approved angles (upside down/rightside up), both of which can be found in the primary logo.

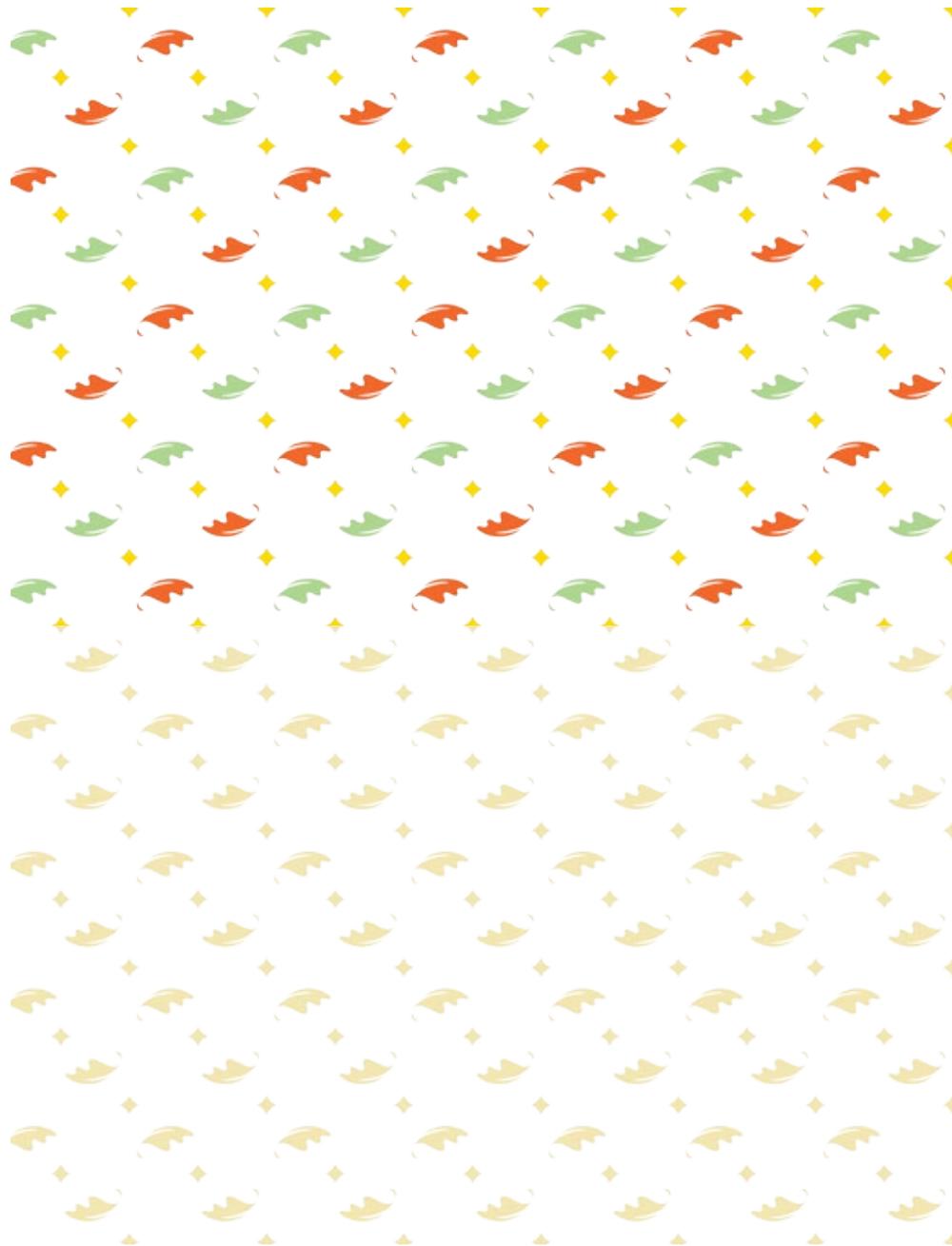
.25" (minimum)





PATTERNS

In addition to the other elements of the South Ogden City brand, two main patterns have been created. They have been derived from the logo itself and are intended for use as a background textures on business papers or other applications. They are each available in a three-color and one-color version.

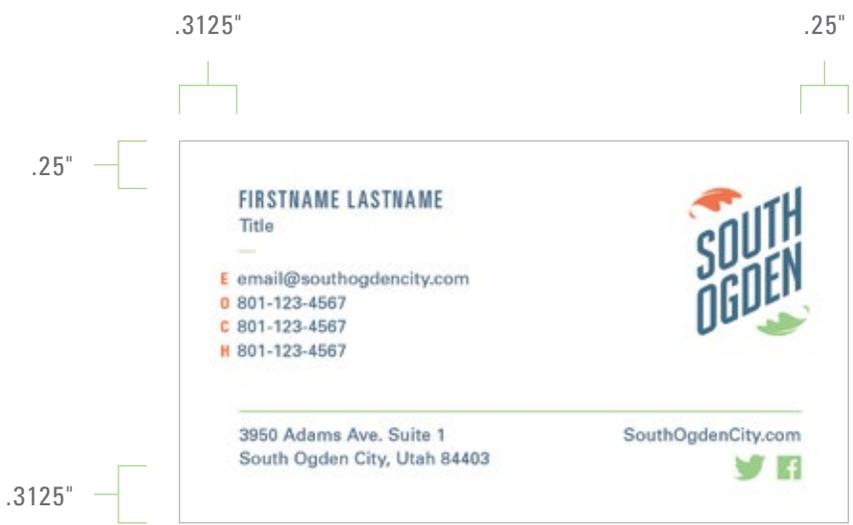






BUSINESS PAPERS

Business cards, letterhead, and envelopes have been developed as part of the South Ogden City brand. Special care should be taken to maintain consistency. Color, sizing, spacing (margins), and fonts should not be altered in any way.





For questions regarding the information
in this guide, please contact:

MATTHEW J. DIXON
City Manager

- E** mdixon@southogdencity.com
- P** 801-622-2702
- C** 801-388-4667

3950 Adams Ave. Suite 1
South Ogden City, Utah 84403

SouthOgdenCity.com

City Council Staff Report



Subject: Adopting a Municipal Wastewater Planning Program
Author: Jon Andersen
Department: Public Works
Date: February 16, 2016

Recommendation

City Staff recommends approving a Municipal Wastewater Planning Program (MWPP) be passed. It will help the City meet requirements to the Department of Environmental Quality (DEQ).

Background

The Municipal Wastewater Planning Program is a self-assessment report for South Ogden's sewer system. The Department of Environmental Quality requires the city to file this report annually to them. The self-assessment report is a self-evaluation of the sewer system that city staff currently maintains. The report is completed for each calendar year and is done on an annual basis. The system was installed in 1936 and is in fairly good condition. The report gives the DEQ an evaluation of how South Ogden City maintains sewer system and any problems that have occurred along with any future projects the City would like to complete.

Analysis

This is report that is to be filed with the DEQ annually. Last year it was to be completed by May 1, 2105. The date has been moved up to March 1, 2016. The report will be filed with the DEQ in a timely manner to keep the City in good standing.

Significant Impacts

No budget impacts

Attachments

Municipal Wastewater Planning Program – Self Assessment Report 2015

RESOLUTION NO. 16-04

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION
OF A MUNICIPAL WASTE WATER PLANNING PROGRAM;
GOVERNING THE IMPLEMENTATION AND MANAGEMENT OF THAT
PLAN; AUTHORIZING THE CITY MANAGER TO SIGN, AND THE CITY
RECORDER TO ATTEST, ALL NECESSARY CONTRACTS,
AGREEMENTS AND DOCUMENTS RELATED THERETO; AND,
PROVIDING FOR AN EFFECTIVE DATE.**

SECTION 1 - RECITALS

WHEREAS, the City of South Ogden (“City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with Utah Code (“UC”) §10-3-717, the City Council as the governing body of the City may exercise all administrative powers by resolution; and,

WHEREAS, the City Council of South Ogden City (the “City”) finds it is in the best interest of the City and to its advantage to adopt a Municipal Waste Water Planning Program; and,

WHEREAS, the City Council finds that the City’s Municipal Waste Water Planning Program (the “Plan”) has now been prepared and presented to the Council; and,

WHEREAS, the City Council finds that adopting the Plan is essential to the discharge of the management duties of the City; and,

WHEREAS, such agreements require the signature of an authorized official of the City; and,

WHEREAS, the City Manager of South Ogden is the chief administrative officer and representative of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH OGDEN UTAH THAT:

The City Council of South Ogden City, State of Utah, approves this Resolution and authorizes and empowers the City Manager of the City to execute the Municipal Waste Water Planning Program contemplated herein, which Municipal Waste Water Planning Program is attached hereto as **Attachment “A”** and incorporated by this reference, on behalf of the City, and resolves that the City shall be bound according to its terms; and, authorizes the City Recorder to sign any documents as required attesting to the fact that the City Manager has been duly authorized to enter into such arrangements on behalf of the City.

BE IT FURTHER RESOLVED this Resolution shall become effective immediately upon its passage.

SECTION 2 - REPEALER OF CONFLICTING ENACTMENTS:

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

SECTION 3 - PRIOR RESOLUTIONS:

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

SECTION 4 - SAVINGS CLAUSE:

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

SECTION 5 - DATE OF EFFECT:

This Resolution shall be effective on the 16th day of February, 2016, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 16th day of February, 2016.

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov
City Recorder

ATTACHMENT “A”

RESOLUTION NO. 16-04

A Resolution Approving And Authorizing The Execution Of A Municipal Waste Water Planning Program; Governing The Implementation And Management Of That Plan; Authorizing The City Manager To Sign, And The City Recorder To Attest, All Necessary Contracts, Agreements And Documents Related Thereto; And, Providing For An Effective Date.

16 Feb 16

[Attachment to be provided by Director of Public Works.]

STATE OF UTAH

MUNICIPAL WASTEWATER PLANNING PROGRAM

SELF-ASSESSMENT REPORT

FOR

SOUTH OGDEN

2015



UTAH DEPARTMENT *of*
ENVIRONMENTAL QUALITY

**WATER
QUALITY**

Resolution Number _____

MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION

RESOLVED that **SOUTH OGDEN** informs the Water Quality Board the following actions were taken by the **CITY COUNCIL**

1. Reviewed the attached Municipal Wastewater Planning Program Report for 2015.
2. Have taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit (If Applicable).

Passed by a (majority) (unanimous) vote on

(date)

Mayor/Chairman

Attest:

Recorder/Clerk

Part I: OPERATION AND MAINTENANCE

Complete the following table:

Question	Points Earned	Total
Are revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs <i>at this time?</i>	YES = 0 points NO = 25 points	0
Are the projected revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs for <i>the next five years?</i>	YES = 0 points NO = 25 points	0
Does the facility have sufficient staff to ensure proper O&M?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for repair & replacement costs?	YES = 0 points NO = 25 points	0
Is the repair & replacement sinking fund adequate to meet anticipated needs?	YES = 0 points NO = 25 points	0
TOTAL PART I =		0

Part II: CAPITAL IMPROVEMENTS

Complete the following table:

Question	Points Earned	Total
Are present revenues collected sufficient to cover all costs and provide funding for capital improvements?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <i>next five years?</i>	YES = 0 points NO = 25 points	25
Are projected funding sources sufficient to cover all projected capital improvement costs for the <i>next ten years?</i>	YES = 0 points NO = 25 points	25
Are projected funding sources sufficient to cover all projected capital improvement costs for the <i>next twenty years?</i>	YES = 0 points NO = 25 points	25
Has a dedicated sinking fund been established to provide for future capital improvements?	YES = 0 points NO = 25 points	0
TOTAL PART II =		75

Part III: GENERAL QUESTIONS

Complete the following table:

Question	Points Earned	Total
Is the wastewater treatment fund a separate enterprise fund/account or district?	YES = 0 points NO = 25 points	0
Are you collecting 95% or more of your sewer billings?	YES = 0 points NO = 25 points	0
Is there a review, at least annually, of user fees?	YES = 0 points NO = 25 points	0
Are bond reserve requirements being met if applicable?	YES = 0 points NO = 25 points	0
TOTAL PART III =		0

Part IV: PROJECTED NEEDS

Estimate as best you can the following:

Cost of projected capital improvements (in thousands)	2016	2017	2018	2019	2020
	150	150	150	150	150

Point Summation

Fill in the values from Parts I through III in the blanks provided in column 1. Add the numbers to determine the MWPP point total that reflects your present financial position for meeting your wastewater needs.

Part	Points
I	0
II	75
III	0
Total	75

Municipal Wastewater Planning Program (MWPP) Financial Evaluation Section

Owner Name: *SOUTH OGDEN*

Name and Title of Financial Contact Person:

Steve Liebersbach

Chief Finance Officer

Phone: *801-622-2703*

E-mail: *SLiebersbach@southogdenCity.com*

PLEASE SUBMIT TO STATE BY: March 1, 2016

Mail to: MWPP - Department of Environmental Quality
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4300

NOTE: This questionnaire has been compiled for your benefit by a state sponsored task force comprised of representatives of local government and service districts. It is designed to assist you in making an evaluation of your wastewater system and financial planning. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance please call, Marsha Case. Utah Division of Water Quality: (801) 536-4342.

I. Definitions: The following terms and definitions may help you complete the worksheets and questionnaire:

User Charge (UC) - A fee established for one or more class(es) of users of the wastewater treatment facilities that generate revenues to pay for costs of the system.

Operation and Maintenance Expense - Expenditures incurred for materials, labor, utilities, and other items necessary for managing and maintaining the facility to achieve or maintain the capacity and performance for which it was designed and constructed.

Repair and Replacement Cost - Expenditures incurred during the useful life of the treatment works for obtaining and installing equipment, accessories, and/or appurtenances necessary to maintain the existing capacity and the performance for which the facility was designed and constructed.

Capital Needs - Cost to construct, upgrade or improve the facility.

Capital Improvement Reserve Account - A reserve established to accumulate funds for construction and/or replacement of treatment facilities, collection lines or other capital improvement needs.

Reserve for Debt Service - A reserve for bond repayment as may be defined in accordance with terms of a bond indenture.

Current Debt Service - Interest and principal costs for debt payable this year.

Repair and Replacement Sinking Fund - A fund to accumulate funds for repairs and maintenance to fixed assets not normally included in operation expenses and for replacement costs (defined above).

Municipal Wastewater Planning Program (MWPP) Collection System Section

Owner Name: SOUTH OGDEN

Name and Title of Contact Person:

Bob Shafer

Sewer/Water Supervisor

Phone: 801-622-2905

E-mail: bshafer@southogden.city.com

PLEASE SUBMIT TO STATE BY: March 1, 2016

Mail to: MWPP - Department of Environmental Quality
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4300

Form completed by

Bob Shafer

Part I: SYSTEM AGE

A. What year was your collection system first constructed (approximately)?

Year 1936

B. What is the oldest part of your present system?

Oldest part 78 years

Part II: BYPASSES

A. Please complete the following table:

Question	Number	Points Earned	Total Points
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater in the system due to rain or snowmelt?		0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	○
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater due to equipment failure? (except plugged laterals)		0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	○
TOTAL PART II =			○

B. The Utah Sewer Management Program defines sanitary sewer overflows into two classes. Below include the number of SSOs that occurred in 2015:

Number of Class 1 SSOs in Calendar year 2015 0

Number of Class 2 SSOs in Calendar year 2015 0

Class 1- a Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that:

- (a) effects more than five private structures;
- (b) affects one or more public, commercial or industrial structure(s);
- (c) may result in a public health risk to the general public;
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
- (e) discharges to Waters of the state.

Class 2 – a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.

Part II: BYPASSES (cont.)

C. Please specify whether the SSOs were caused a contract or tributary community, etc.

N/A

Part III: NEW DEVELOPMENT

A. Please complete the following table:

Question	Points Earned	Total Points
Has an industry (or other development) moved into the community or expanded production in the past two years, such that either flow or wastewater loadings to the sewerage system were significantly increased (10-20%)?	No = 0 points Yes = 10 points	0
Are there any major new developments (industrial, commercial, or residential) anticipated in the next 2-3 years, such that either flow or BOD ₅ loadings to the sewerage system could significantly increase (25%)?	No = 0 points Yes = 10 points	0
TOTAL PART III =		0

B. Approximate number of new residential sewer connections in the last year

32 new residential connections

C. Approximate number of new commercial/industrial connections in the last year

2 new commercial/industrial connections

D. Approximate number of new population serviced in the last year

108 new people served

Part IV: OPERATOR CERTIFICATION

A. How many collection system operators are currently employed by your facility?

13 collection system operators employed

B. What is/are the name(s) of your DRC operator(s)?

Bob Shafer
Shane Douglas

C. You are required to have the collection DRC operator(s) certified at **Grade II**

What is the current grade of the DRC operator(s)? III

D. State of Utah Administrative Rules require all operators considered to be in DRC to be appropriately certified. List all the operators in your system by their certification class.

Not Certified _____
 Small Lagoons _____
 Collection I _____
 Collection II _____
 Collection III 2 _____
 Collection IV _____

E. Please complete the following table:

Question	Points Earned	Total Points
Is/are your DRC operator(s) currently certified at the appropriate grade for this facility? (see C)	Yes = 0 points No = 50 points	0
How many continuing education units has each of the DRC operator(s) completed over the last 3 years?	3 or more = 0 points less than 3 = 10 points	0
TOTAL PART IV =		0

Part V: FACILITY MAINTENANCE

A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	20
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	0
Do you have a written safety plan?	Yes = 0 points No = 20 points	0
TOTAL PART V =		20

Part VI: SSMP EVALUATION

- A. Has your system completed its Sewer System Management Plan (SSMP)?
 Yes X NO _____
- B. If the SSMP has been completed then has the SSMP been public noticed?
 No _____ Yes, included date of public notice _____
- C. Has the SSMP been approved by the permittee's governing body at a public meeting?
 Yes X NO _____
- D. During the annual assessment of the operation and maintenance plan were any adjustments needed based on the performance of the plan?
 No _____ If yes, what components of the plan were changed (i.e. line cleaning, CCTV inspections and manhole inspections and/or SSO events)

Part VI: SSMP EVALUATION (cont.)

E. During 2015 was any part of the SSMP audited as part of the five year audit?

No X

If yes, what part of the SSMP was audited and were changed made to the SSMP as a result of the audit? _____

F. Has your system completed its *System Evaluation and Capacity Assurance Plan* (SECAP) as defined by the Utah Sewer Management Program?

Yes _____ NO X

The following are required completion dates that the SSMP and SECAP based on population. The SSMP and SECAP must be public noticed and approved by the permittee's governing body in order to be considered complete.

Program	Population				
	< 2,000	2,000 - 3,500	3,501 – 15,000	15,001 – 50,000	> 50,000
SSMP	3-31-16	3-31-16	9-30-15	3-31-15	9-30-14
SECAP	Optional	9-30-17	9-30-16	3-31-16	9-30-15

SSMP Signatory Requirement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Signatory Official

Date

Print Name of Signatory Official

Title

The signatory official is the person authorized to sign permit documents, per R317-8-3.4.

Part VII: SUBJECTIVE EVALUATION

This section should be with the system operators.

- A. Describe the physical condition of the sewer collection system: (lift stations, etc. included)

The sewer system is in good shape. No lift stations in the city

- B. What sewerage system improvements does the community have under consideration for the next 10 years?

Re-line sewer main on 40th street and repair manholes. Also fix any trouble spots found during yearly maintenance.

- C. Explain what problems, other than plugging have you experienced over the last year

tree roots in sewer lines - live remove on annually basis

- D. Is your community presently involved in formal planning for system expansion/upgrading? If so explain.

The city is 98% built out very little expansion

- E. Does the municipality/district pay for the continuing education expenses of operators?

ALWAYS X SOMETIMES _____ NO _____

If they do, what percentage is paid?

approximately 100 %



City Council Staff Report

Subject: FY 2016 Budget Amendment – Discussion Item Only
Author: Steve Liebersbach
Department: Finance
Date: Council meeting 2/16/2016

Background

From time to time the City needs to approve a budget amendment to incorporate revenues and expenses into the current year's budget.

Analysis

This amendment covers some items that require Council approval.

Recommendation

Staff recommends that the Council approve the FY 2016 Budget Amendment.

Significant Impacts

Various funds within the City's overall budget will be affected.

Attachments

Attached is a copy of the preliminary budget amendment items being proposed.

South Ogden City

March 01, 2016

Fiscal Year 2015 - 2016

Budget Amendment

	Current Budget	New Budget	Difference +/-
10-39-800 Appropriation of Fund Balance - General Fund	\$683,510	\$672,313	(\$11,197)
51-30-890 Appropriation of Fund Balance - Water Fund	\$33,796	\$26,401	(\$7,395)
52-30-890 Appropriation of Fund Balance - Sewer Fund * correction on prior budget amendment	\$47,066	\$39,671	(\$7,395)

*** Appropriate \$100,000 of restricted fund balance to the 40th street project

*** Restrict \$567,034.40 of fund balance - loan money from the CDRA



Overview & timeline for the 2016 – 2017 Budget:

February 16 th -	Review timeline, current utility rates/fee, set the stage
March 1 st -	FY 2017 budget work session. First look at operations City Manager and Director of Finance compile revenue projections for upcoming year. Department Heads start putting preliminary numbers together for their respective departments.
April ?? -	Departments turn in their preliminarily numbers to the finance department for first stage compilation, operating and capital requests only.
April ?? -	Departments submit operating and capital needs for FY 2017
April ?? -	Council Budget work session. First look at compiled numbers on the general fund. Receive feedback.
May 3 rd -	Council accepts 2016 – 2017 Preliminary Budget and has public hearing. Set public hearing for June 7 th on the 2016 – 2017 Final Budget.
May ?? -	Budget work session only if necessary.
June 7 th -	Public Hearing on 2016 – 2017 Final Budget
June 21st -	Council adopts the 2016 – 2017 South Ogden City Budget.
30 days after approval -	Appropriate reports need to be filed with the State Auditor's Office on their forms.

HB 362 – Transportation Infrastructure Funding



- **Overview**
- **Frequently Asked Questions**
- **Next Steps**
- **Data**

Prepared by the Utah League of Cities and Towns, April 2015. For more information contact Cameron Diehl (cdiehl@ulct.org) or Nick Jarvis (njarvis@ulct.org) or call 801-328-1601.

HB 362 – Transportation Infrastructure Funding



Overview:

HB 362, sponsored by Rep. Johnny Anderson and Sen. Al Jackson, is a comprehensive approach to addressing part of the funding shortfall identified in Utah’s Unified Transportation Plan. The bill reforms the state motor-fuel tax and authorizes a local option transportation sales tax to allow for priority investments in roads, transit, and active transportation facilities at the local level. It will help Utah preserve our current infrastructure and accommodate our projected population growth. There are two main provisions in the bill:

- 1. Gas Tax Reform:** The bill converts the current 24.5 cents-per-gallon state gas tax to a 12% sales tax on the statewide average rack price of fuel. Due to inflation the motor-fuel tax has lost 40% of its buying power since 1997—effectively making a 24.5 cents-per-gallon tax in 1997 worth only 14.7 cents-per-gallon today. To limit potential price volatility the tax is applied to fuel prices with a floor set at \$2.45/gallon and a fixed ceiling of \$3.33/gallon. The motor-fuel tax reform takes effect January 1, 2016, and local governments can expect an increase to their B&C allocation in March or April.
- 2. Local Option Transportation Sales Tax:** This provision is particularly important to Utah’s cities and towns, as it gives local governments the tools they need to address their transportation needs. Counties are authorized to enact a 0.25% general sales tax for transportation subject voter approval. In areas with transit service, the funds would be allocated as follows:
 - 0.10% to the transit provider
 - 0.10% to cities, towns, and unincorporated county areas
 - 0.05% to the county

In areas without transit service, the funds would be allocated as follows:

- 0.10% to cities, towns, and unincorporated county areas
- 0.15% to the county

For a timeline of when local governments can expect to see funds from the implemented 0.25% local option sales tax see *HB 362 - Next Steps*.

ULCT Statewide Funding Estimates:

Totals	New Gas Tax Revenue*	Potential Local Option Revenue**	Total Potential Revenue HB 362
Statewide Total	\$75,952,853	\$113,159,687	\$189,112,540
Municipal Total	\$14,511,889	\$40,375,351	\$54,887,240
County Total	\$8,273,967	\$32,621,287	\$40,895,254
Transit Total	\$0	\$40,163,049	\$40,163,049

* Revenue estimate for FY 2017, the first full fiscal year in which the law will be in effect (Utah Department of Transportation)

** Based on CY 2014 taxable sales (Utah State Tax Commission) and assumes that every county imposes the tax

HB 362 – Frequently Asked Questions



What?

What did HB 362 do?

HB 362 reforms the motor fuel tax by converting it to a sales tax on fuel and provides an opportunity for local governments to impose a 0.25% sales tax on all sales (except food) dedicated to transportation.

How much money did HB 362 authorize?

HB 362 provides two sources of new funds—a motor fuel tax increase and a local option sales tax. First, the motor fuel tax will automatically change from 24.5 cents per gallon to a 12% sales tax per gallon. The 12% rate is the equivalent of a 4.9 cent motor fuel tax increase. Second, the local option will be a 0.25% general sales tax for counties, cities, towns, and transit systems. Within the 0.25%, cities and towns (and unincorporated counties) will receive 0.10%. Transit systems will also receive 0.10%. Counties will receive 0.05% in the areas with transit systems and 0.15% in the areas without transit systems. Cumulatively, if each county imposes the local option, HB 362 could provide nearly \$200 million annually (see *HB 362 - Transportation Infrastructure Funding Overview*).

How?

How does my municipality get the HB 362 funds?

The new motor fuel tax will automatically come to your municipality via the B&C allocation process. The local option sales tax will be subject to county imposition and voter approval. The county must impose and voters must approve the entire 0.25%. The county, city, town, and transit portions are “all in it together.”

How can I see the financial impact on my community?

ULCT staff has analyzed the financial impact on every county, city, town, and transit system (see *HB 362 Data*).

How can my city or town spend the HB 362 revenue?

First, the municipal portion of the motor fuel tax reform and increase must be spent within class C right-of-ways according to existing law on class C revenues. Second, the local option sales tax may be spent on a larger range of transportation infrastructure. The municipal 0.10% portion may be spent on a class C road, pedestrian safety facility, active transportation facility, public transit, or multimodal transportation facility.

What is the “maintenance of effort” and how does it affect my budget?

The local option may not supplant existing general fund appropriations that a city, town, or county has budgeted for transportation as of the date the tax becomes effective. If the tax becomes effective in November 2015, then the maintenance of effort baseline is the FY 2016 budget. The “maintenance of effort” does not apply to a transportation capital or reserve account established before the tax becomes effective and it expires in 2020.

When?

When does my community receive HB 362 funds?

HB 362 provides two sources of new funds—motor fuel tax and a local option sales tax. First, every community will receive their allocation of the new motor fuel tax. The new motor fuel tax will be effective on January 1, 2016 and the new funds will arrive in March or April. Second, a county must impose and voters must approve the 0.25% before the new sales tax money becomes available. As such, the new 0.25% sales tax is not guaranteed. If a county imposes it and voters approve it in November, then the new sales tax money will arrive the following June or July. (See *HB 362 Next Steps* for more information about the calendar and process to secure the local option funding.)

What is the voter approval and election process?

A county must impose and voters must approve the 0.25% during a November election (See *HB 362 Next Steps* for more information about the election process).

Where is my county on HB 362?

ULCT staff believes that Davis, Salt Lake, and Weber Counties will likely put the local option on the ballot in November 2015. ULCT has met with officials from Summit, Utah, and Washington Counties who are considering November 2015 and November 2016. ULCT has also met with officials from Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Kane, San Juan, Uintah, and Wasatch who have indicated that they are not yet considering the local option for any election cycle. ULCT staff has yet to meet with officials from Box Elder, Cache, Juab, Millard, Morgan, Piute, Rich, Sanpete, Sevier, Tooele, or Wayne counties.

Does the ballot proposition election have to occur in 2015?

The ballot proposition must occur in a November election but there is no specific year requirement.

Who will help my county and city during the election cycle?

The Utah Transportation Coalition which consists of chambers and businesses around Utah is willing to lead a campaign to support the ballot proposition so long as a critical mass of counties moves forward during the same election cycle. The Coalition is non-committal about engaging in multiple election cycles.

If my county imposes and voters approve the local option, how is city/town money (0.10%) distributed?

The municipal 0.10% portion will be distributed according to the traditional 50/50 sales tax formula (see below). Every city and town within a county that imposes the tax will keep 50% of the sales tax generated at the point of sale. The other 50% will be distributed on the basis of the percentage that the population of the city or town bears to the total population of all of the counties that impose the tax.

If my county does not impose or voters reject the local option, how is city/town money distributed?

If your county does not impose or voters reject the local option, then your city or town will not receive new sales tax revenue. If voters reject the local option, then the county could conceivably try again in the future.

Why?

Why does the city not impose the local option sales tax?

ULCT staff and members strongly lobbied for city imposition authority. Legislative leadership dictated that the county must impose the local option so as to include transit, have fewer tax levies, and approach transportation regionally. The counties also insisted on the authority and ULCT compromised for the sake of the overall bill.

Why is the municipal 0.10% distributed 50% based on point of sale and 50% based on population?

There are two reasons for the 50/50 formula here: longstanding ULCT policy and the fact that the 50/50 formula generates greater revenue for municipalities. First, ULCT staff and members were adamant during negotiations that we would not accept any new sales tax distribution formulas. The current formula was the result of significant compromise. Longstanding ULCT policy is that cities and towns should determine any municipal sales tax distribution formula changes rather than the state. Second, the formula that was initially in the bill also shortchanged revenue for cities and towns. Even though legislators represented that cities and towns would receive 0.10% of the 0.25%, the initial formula resulted in cities and towns receiving just 79% of the 0.10%. The 50/50 formula instead resulted in an additional \$5 million for cities and towns collectively around the state.

HB 362 – The Next Steps

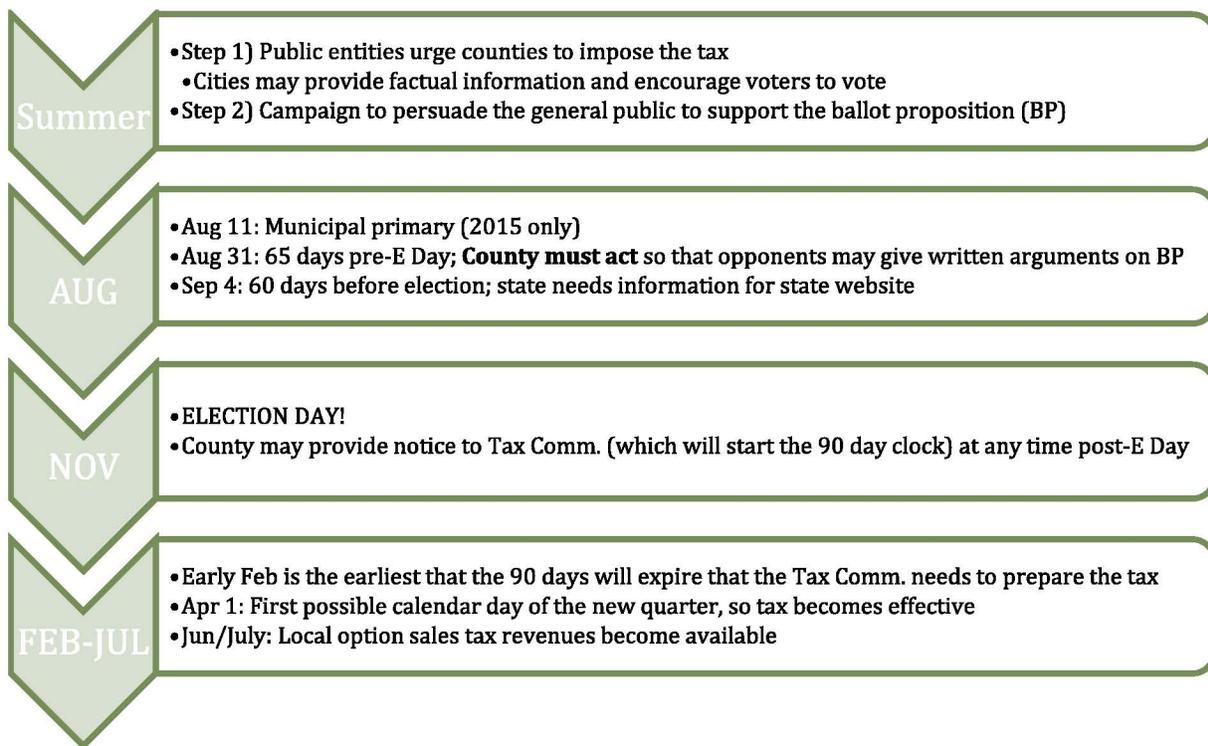


What to consider:

- 1) **Timeline**
- 2) **Voter turnout (depends on cycle)**
- 3) **Public entity: what your city/town can and cannot do**
- 4) **Campaign organization (Utah Transportation Coalition)**
- 5) **Election administration**
- 6) **Images of each entity (cities, towns, counties, transit, private sector, media)**
- 7) **Other issues on the ballot during the election cycle**

1) Timeline

HB 362 authorizes a county legislative body to impose a quarter cent sales tax and requires voters in the county to approve the tax during a November election.¹ A county must decide to put the tax on the ballot by late August so as to comply with state and federal election law. Once the voters approve the tax opinion question, the county imposes the tax & provides notice to the Tax Commission. The Tax Commission needs 90 days to prepare the tax. The tax will be effective on the first calendar day of the new full quarter. Counties, cities, towns, and transit systems will start receiving funds 2-3 months later.



2) Voter Turnout

2015 is a municipal cycle which is predominantly city council focused (only 8 mayoral seats statewide). At the last comparable election—2011—voter turnout was low. For example, the 2011 turnout in Davis County was 26,347 people (19% of registered voters). 2016 is a presidential, gubernatorial, legislative², & county cycle. At the last comparable election without Mitt Romney—2008—voter turnout was 3-5 times higher than municipal cycles around the state. For example, the voter turnout in Davis County in 2008 was 112,889 people (78% of registered voters) which is 428% greater than the 2011 turnout. ULCT analysis shows that ballot propositions in Utah have approximately the same success rate—70% passage—in municipal and regular general elections.

¹ Utah Code §59-12-2208(1)

² HB 362 passed the Senate 21-8 & the House 44-31. It is possible that legislators may engage in a 2016 ballot proposition election.

3) Public Entity

A public entity such as the state, county, municipality, or governmental inter-local cooperative³ **may NOT make an expenditure from public funds** (taxes, fees, etc.⁴) for political purposes or to influence a ballot proposition.⁵ Violating this section of state law is a class B misdemeanor. A public entity may, however, **provide factual information** about the ballot proposition to the public, so long as the entity grants **equal access** to both the opponents and proponents of the ballot proposition. The public entity may also neutrally encourage voters to vote.⁶ Thus, a public entity could provide factual information about the impact of the local option, grant equal access to opponents, and encourage voters to vote.

A public official may advocate for or against a ballot proposition and may speak, contribute personal money, or otherwise exercise his/her First Amendment rights independent of the public entity and without using public funds or resources.⁷ For example, a public official may post on his/her personal Facebook page but he/she may not send an email from the email of a public entity or face a civil fine.⁸

ULCT legal analysis holds that the ballot proposition becomes official once the county approves holding the proposition election. Consequently, the ULCT legal team is working with the Lieutenant Governor's office on language for sample council resolutions and official "mayor's messages" that municipalities could legally use to provide information and to encourage voting.

4) Campaign Organization

The Utah Transportation Coalition is willing to conduct a campaign to support the proposition so long as a sufficient number of counties seek to impose the tax at the same time.

5) Election Administration

2015 is a municipal cycle and 2016 is a county cycle. HB 362 is a county imposed sales tax so the county must administer the election. ULCT research discovered that at least 73 of the 244 cities and towns intend to already contract with their counties for the 2015 cycle. Consequently, if a county authorized the ballot proposition, the municipalities therein must either contract with the county for the election or run a simultaneous election with two ballots—one city, one county. State law encourages cities and counties to coordinate elections to the extent practicable.⁹

6) Image of Each Entity

The local option benefits municipalities, counties, & transit. However, some media outlets are portraying the tax as a transit tax—specifically in the Utah Transit Authority serviced counties—which may or may not complicate the effort to earn public support. To be successful, cities & towns must show how the local option will meet local needs, provide bus service, & benefit communities.

7) Other issues specifically in 2015

ULCT has identified over 10 cities & school districts in five counties that will seek voter approval for taxes (RAP, ZAP) or bonds in 2015. Also, Salt Lake County township residents will vote whether to become cities or metro townships which will be their first vote ever in an odd year election cycle.

³ Utah Code §20A-11-1202(9)(a)

⁴ Utah Code §20A-11-1202(10)(a)

⁵ Utah Code §20A-11-1203(1)

⁶ Utah Code §20A-11-1203(3),(4)

⁷ Utah Code §20A-11-1203(2), (5)

⁸ Utah Code §20A-11-1205(1),(2)

⁹ Utah Code §20A-1-204(2)

Entity	Transportation Funding Shortfall*	New Gas Tax Revenue**	Potential Local Option Revenue***	Total Potential Revenue - HB 362
Beaver County	-\$83,982	\$191,948	\$174,188	\$366,136
Beaver City	\$31,536	\$31,358	\$47,378	\$78,735
Milford	-\$52,322	\$13,014	\$30,142	\$43,155
Minersville	-\$46,576	\$7,455	\$8,126	\$15,581
Countywide Totals	-\$151,344	\$243,774	\$259,834	\$503,608

Box Elder County	-\$2,885,960	\$331,569	\$563,335	\$894,904
Bear River	-\$16,412	\$6,906	\$7,702	\$14,608
Brigham	-\$801,769	\$117,525	\$237,152	\$354,678
Corinne	-\$2,824	\$8,868	\$16,619	\$25,487
Deweyville	\$8,873	\$1,639	\$3,461	\$5,100
Elwood	-\$251,307	\$13,093	\$10,225	\$23,318
Fielding	\$19,641	\$4,361	\$4,078	\$8,439
Garland	-\$268,054	\$16,236	\$22,520	\$38,756
Honeyville	\$5,176	\$14,324	\$13,981	\$28,305
Howell	-\$14,103	\$7,641	\$2,094	\$9,735
Mantua	\$6,741	\$7,075	\$6,174	\$13,249
Perry	-\$28,730	\$31,735	\$67,225	\$98,960
Plymouth	\$6,649	\$5,866	\$6,910	\$12,776
Portage	-\$5,104	\$4,181	\$2,135	\$6,316
Snowville	-\$32,839	\$3,767	\$2,925	\$6,692
Tremonton	\$12,097	\$50,218	\$117,686	\$167,904
Willard	-\$173,582	\$12,244	\$17,826	\$30,069
Utah Transit Authority	—	—	\$258,286	\$258,286
Countywide Totals	-\$4,421,507	\$637,248	\$1,360,334	\$1,997,583

Cache County	-\$1,030,941	\$239,926	\$764,443	\$1,004,369
Amalga	-\$20,393	\$6,214	\$5,673	\$11,887
Clarkston	-\$38,078	\$6,114	\$5,698	\$11,812
Cornish	\$13,289	\$4,305	\$2,684	\$6,989
Hyde Park	-\$101,914	\$27,726	\$54,695	\$82,421
Hyrum	-\$341,029	\$47,240	\$77,848	\$125,089
Lewiston	-\$31,265	\$23,743	\$18,043	\$41,786
Logan	-\$2,917,871	\$257,198	\$795,153	\$1,052,351
Mendon	-\$21,992	\$9,817	\$11,474	\$21,291
Millville	-\$111,093	\$12,838	\$17,083	\$29,921
Newton	\$14,133	\$6,504	\$6,902	\$13,405
Nibley	-\$142,779	\$35,261	\$54,089	\$89,350
North Logan	-\$831,916	\$53,648	\$165,506	\$219,154
Paradise	\$37,492	\$9,394	\$8,483	\$17,877
Providence	-\$233,995	\$43,597	\$70,847	\$114,444
Richmond	-\$145,548	\$18,346	\$25,128	\$43,474
River Heights	-\$145,962	\$10,660	\$16,125	\$26,785
Smithfield	-\$66,573	\$61,476	\$108,701	\$170,177
Trenton	\$12,097	\$6,572	\$4,025	\$10,596
Wellsville	-\$182,666	\$26,425	\$31,991	\$58,416
Cache Valley Transit	—	—	\$1,222,928	\$1,222,928
Countywide Totals	-\$6,287,004	\$907,004	\$3,467,521	\$4,374,524

Carbon County	-\$12,400,689	\$202,664	\$647,612	\$850,276
East Carbon	-\$114,091	\$10,720	\$14,017	\$24,738
Helper	-\$249,264	\$17,342	\$25,812	\$43,154
Price	-\$689,448	\$60,782	\$194,916	\$255,697
Scofield	-\$46,111	\$1,163	\$435	\$1,598
Sunnyside	-\$18,939	\$3,227	\$3,868	\$7,095
Wellington	\$33,942	\$12,075	\$22,047	\$34,122
Countywide Totals	-\$13,484,600	\$307,972	\$908,708	\$1,216,680

Daggett County	-\$1,073,517	\$71,308	\$36,136	\$107,444
Manila	\$17,470	\$3,299	\$4,437	\$7,736
Countywide Totals	-\$1,056,047	\$74,607	\$40,572	\$115,179

Davis County	-\$809,554	\$193,656	\$2,023,608	\$2,217,265
Bountiful	-\$2,690,321	\$231,580	\$560,200	\$791,781
Centerville	-\$1,589,332	\$85,124	\$299,502	\$384,625
Clearfield	-\$865,391	\$144,378	\$339,483	\$483,861
Clinton	-\$129,260	\$111,438	\$252,532	\$363,970
Farmington	-\$3,124,068	\$106,441	\$290,783	\$397,223
Fruit Heights	-\$1,445,955	\$29,600	\$51,837	\$81,437
Kaysville	-\$292,338	\$155,474	\$321,835	\$477,309
Layton	-\$2,918,330	\$366,570	\$1,132,513	\$1,499,084
North Salt Lake	-\$1,393,862	\$87,757	\$304,160	\$391,917
South Weber	-\$112,895	\$34,336	\$62,930	\$97,265
Sunset	-\$181,499	\$27,731	\$58,900	\$86,631
Syracuse	-\$422,649	\$134,037	\$276,612	\$410,648
West Bountiful	-\$119,549	\$31,748	\$151,785	\$183,533
West Point	-\$243,811	\$53,287	\$87,903	\$141,190
Woods Cross	-\$327,271	\$52,230	\$208,515	\$260,744
Utah Transit Authority	—	—	\$3,910,231	\$3,910,231
Countywide Totals	-\$16,666,085	\$1,845,388	\$10,333,326	\$12,178,714

Duchesne County	-\$1,064,009	\$391,072	\$744,487	\$1,135,559
Altamont	\$1,615	\$2,343	\$9,112	\$11,455
Duchesne	-\$181,649	\$16,807	\$29,071	\$45,877
Myton	\$6,839	\$7,251	\$16,540	\$23,792
Roosevelt	-\$1,008,671	\$43,261	\$200,658	\$243,919
Tabiona	-\$19,738	\$1,669	\$1,872	\$3,540
Basin Transit Association	—	—	\$843,304	\$843,304
Countywide Totals	-\$2,265,613	\$462,402	\$1,845,043	\$2,307,446

Emery County	-\$2,718,036	\$244,938	\$225,869	\$470,807
Castle Dale	-\$816	\$13,532	\$22,660	\$36,192
Clawson	-\$9,309	\$2,074	\$1,713	\$3,787
Cleveland	\$306	\$4,785	\$5,148	\$9,932
Elmo	-\$50,616	\$4,647	\$3,702	\$8,349
Emery City	\$6,728	\$5,753	\$2,683	\$8,436
Ferron	-\$5,042	\$14,479	\$14,945	\$29,423
Green River	-\$2,447,833	\$11,555	\$19,872	\$31,427
Huntington	-\$931,214	\$17,685	\$27,316	\$45,001
Orangeville	-\$85,293	\$11,858	\$15,278	\$27,136
Countywide Totals	-\$6,241,125	\$331,305	\$339,185	\$670,490

Garfield County	-\$1,646,612	\$236,434	\$186,837	\$423,270
Antimony	-\$37,071	\$2,827	\$1,754	\$4,581
Boulder	\$11,829	\$4,069	\$3,652	\$7,722
Bryce Canyon	-\$86,732	\$1,706	\$18,174	\$19,880
Cannonville	\$302,271	\$1,422	\$2,101	\$3,523
Escalante	-\$55,304	\$12,164	\$10,629	\$22,794
Hatch	-\$29,642	\$1,895	\$1,851	\$3,746
Henrieville	\$1,860	\$1,818	\$1,898	\$3,716
Panguitch	-\$13,252	\$15,260	\$20,853	\$36,113
Tropic	\$2,514	\$10,179	\$7,348	\$17,527
Countywide Totals	-\$1,550,139	\$287,775	\$255,097	\$542,872

Grand County	-\$870,691	\$237,923	\$626,037	\$863,960
Castle Valley	-\$8,877	\$5,783	\$3,966	\$9,749
Moab	-\$1,354,531	\$33,270	\$146,558	\$179,828
Countywide Totals	-\$2,234,099	\$276,976	\$776,562	\$1,053,538

Iron County	-\$2,217,379	\$285,163	\$437,130	\$722,293
Brian Head	-\$503,705	\$8,475	\$9,576	\$18,051
Cedar City	-\$2,831,507	\$196,808	\$472,149	\$668,956
Enoch	-\$116,501	\$45,166	\$51,072	\$96,238
Kanarraville	\$6,618	\$3,771	\$3,372	\$7,142
Paragonah	\$24,462	\$6,461	\$4,836	\$11,297
Parowan	-\$126,415	\$26,571	\$31,021	\$57,592
Cedar Area Transportation	—	—	\$489,274	\$489,274
Countywide Totals	-\$5,764,427	\$572,415	\$1,498,429	\$2,070,844

Juab County	-\$233,346	\$305,742	\$139,767	\$445,509
Eureka	-\$28,481	\$6,942	\$6,089	\$13,031
Levan	-\$22,147	\$8,792	\$7,732	\$16,524
Mona	\$41,901	\$13,635	\$18,100	\$31,735
Nephi	-\$206,107	\$43,114	\$70,097	\$113,211
Rocky Ridge	-\$18,349	\$5,032	\$7,173	\$12,204
Countywide Totals	-\$466,529	\$383,257	\$248,958	\$632,215

Kane County	-\$1,120,411	\$178,636	\$268,681	\$447,317
Alton	-\$51,665	\$2,593	\$1,517	\$4,111
Big Water	\$20,361	\$7,726	\$5,280	\$13,006
Glendale	-\$2,427	\$3,521	\$3,456	\$6,978
Kanab	-\$236,094	\$39,329	\$65,137	\$104,467
Orderville	\$22,041	\$4,155	\$8,643	\$12,799
Countywide Totals	-\$1,368,195	\$235,961	\$352,715	\$588,677

Millard County	-\$133,177	\$437,165	\$281,408	\$718,573
Delta	-\$373,505	\$31,432	\$59,086	\$90,518
Fillmore	-\$812	\$24,281	\$36,273	\$60,554
Hinckley	\$17,900	\$7,519	\$6,073	\$13,591
Holden	-\$3,542	\$4,681	\$3,429	\$8,111
Kanosh	\$12,359	\$5,601	\$4,351	\$9,952
Leamington	\$1,906	\$2,119	\$2,127	\$4,246
Lynndyl	\$1,701	\$3,364	\$1,010	\$4,374
Meadow	\$18,250	\$3,655	\$4,759	\$8,414
Oak City	-\$56,201	\$5,025	\$5,302	\$10,326
Scipio	\$23,654	\$8,044	\$4,521	\$12,566
Countywide Totals	-\$491,467	\$532,886	\$408,339	\$941,225

Morgan County	\$67,486	\$64,657	\$184,107	\$248,764
Morgan	-\$497,571	\$26,385	\$52,525	\$78,910
Countywide Totals	-\$430,085	\$91,042	\$236,632	\$327,673

Piute County	-\$152,407	\$59,353	\$15,821	\$75,174
Circleville	-\$815	\$8,750	\$5,106	\$13,855
Junction	-\$281,542	\$6,242	\$1,911	\$8,153
Kingston	-\$1,628	\$2,547	\$1,436	\$3,983
Marysvale	\$4,757	\$7,939	\$4,985	\$12,924
Countywide Totals	-\$431,635	\$84,831	\$29,259	\$114,090

Rich County	-\$186,835	\$66,198	\$52,849	\$119,047
Garden City	-\$178,553	\$7,718	\$13,268	\$20,986
Laketown	\$2,913	\$3,210	\$3,507	\$6,717
Randolph	-\$39,698	\$4,828	\$4,843	\$9,671
Woodruff	\$1,672	\$1,300	\$2,883	\$4,183
Countywide Totals	-\$400,501	\$83,255	\$77,349	\$160,604

Salt Lake County	-\$67,374,134	\$846,233	\$12,165,650	\$13,011,884
Alta	-\$16,384	\$2,438	\$26,568	\$29,006
Bluffdale	-\$457,268	\$55,121	\$103,664	\$158,785
Cottonwood Heights	-\$1,542,318	\$195,390	\$464,795	\$660,185
Draper	-\$7,751,970	\$259,977	\$845,089	\$1,105,066
Herriman	-\$1,635,163	\$140,843	\$247,246	\$388,088
Holladay	-\$3,556,437	\$162,890	\$313,495	\$476,385
Midvale	-\$1,240,188	\$148,728	\$541,319	\$690,047
Murray	-\$2,795,186	\$266,723	\$1,259,504	\$1,526,226
Riverton	-\$3,419,886	\$229,484	\$486,519	\$716,003
Salt Lake City	-\$27,252,137	\$1,066,067	\$4,636,763	\$5,702,831
Sandy	-\$2,406,318	\$516,291	\$1,720,578	\$2,236,870
South Jordan	-\$3,534,840	\$322,472	\$897,225	\$1,219,697
South Salt Lake	-\$2,736,521	\$135,814	\$869,293	\$1,005,106
Taylorsville	-\$2,384,181	\$319,849	\$687,729	\$1,007,578
West Jordan	-\$5,356,846	\$592,880	\$1,463,375	\$2,056,255
West Valley	-\$1,476,399	\$702,796	\$1,964,349	\$2,667,145
Utah Transit Authority	—	—	\$20,266,683	\$20,266,683
Countywide Totals	-\$134,936,176	\$5,963,996	\$48,959,843	\$54,923,838

San Juan County	-\$5,046,546	\$540,781	\$405,105	\$945,885
Blanding	-\$778,517	\$25,375	\$44,804	\$70,179
Monticello	-\$1,497,242	\$16,282	\$24,743	\$41,025
Countywide Totals	-\$7,322,305	\$582,438	\$474,651	\$1,057,090

Sanpete County	-\$489,590	\$158,411	\$322,800	\$481,211
Centerfield	\$38,855	\$11,686	\$14,165	\$25,851
Ephraim	-\$162,101	\$37,883	\$87,463	\$125,347
Fairview	\$34,456	\$10,821	\$15,940	\$26,761
Fayette	\$11,381	\$3,179	\$2,235	\$5,415
Fountain Green	-\$37,324	\$11,095	\$9,599	\$20,694
Gunnison	-\$133,072	\$21,776	\$37,141	\$58,917
Manti	-\$53,648	\$27,842	\$32,760	\$60,601
Mayfield	\$4,342	\$5,095	\$4,410	\$9,505
Moroni	-\$147,421	\$10,426	\$14,904	\$25,331
Mount Pleasant	-\$277,338	\$29,660	\$37,816	\$67,476
Spring City	-\$8,813	\$13,069	\$9,104	\$22,173
Sterling	-\$1,974	\$1,926	\$3,003	\$4,929
Wales	\$8,937	\$3,317	\$2,732	\$6,049
Countywide Totals	-\$1,213,310	\$346,187	\$594,073	\$940,260

Sevier County	-\$84,881	\$211,041	\$501,661	\$712,702
Annabella	\$2,607	\$8,001	\$7,258	\$15,259
Aurora	-\$43,439	\$7,566	\$11,416	\$18,982
Central Valley	-\$58,797	\$6,598	\$4,730	\$11,328
Elsinore	-\$9,408	\$7,690	\$8,716	\$16,406
Glenwood	-\$288	\$5,204	\$4,174	\$9,378
Joseph	-\$917	\$3,966	\$3,101	\$7,067
Koosharem	\$24,443	\$5,253	\$2,951	\$8,204
Monroe	-\$158,268	\$20,785	\$21,203	\$41,987
Redmond	\$13,612	\$6,686	\$8,361	\$15,047
Richfield	-\$418,921	\$58,160	\$164,610	\$222,770
Salina	-\$357,165	\$19,456	\$42,683	\$62,139
Sigurd	\$1,743	\$3,838	\$4,310	\$8,148
Countywide Totals	-\$1,089,679	\$364,243	\$785,173	\$1,149,416

Summit County	-\$12,831,669	\$236,021	\$1,338,604	\$1,574,626
Coalville	-\$127,370	\$11,036	\$19,356	\$30,392
Francis	-\$15,718	\$8,970	\$10,492	\$19,461
Henefer	\$22,407	\$7,235	\$7,551	\$14,786
Kamas	-\$356,951	\$12,495	\$29,952	\$42,447
Oakley	-\$94,998	\$10,721	\$15,609	\$26,330
Park City	-\$13,748,787	\$59,815	\$425,533	\$485,349
Park City Transit	—	—	\$726,844	\$726,844
Snyderville Basin Transit	—	—	\$567,284	\$567,284
Countywide Totals	-\$27,153,086	\$346,293	\$3,141,225	\$3,487,518

Tooele County	-\$498,459	\$411,851	\$527,503	\$939,354
Grantsville	-\$444,880	\$61,317	\$99,625	\$160,941
Ophir	\$7,115	\$1,258	\$356	\$1,614
Rush Valley	-\$62,938	\$6,541	\$4,580	\$11,122
Stockton	\$657	\$6,055	\$6,097	\$12,152
Tooele	-\$1,403,029	\$275,399	\$430,081	\$705,480
Vernon	-\$5,549	\$5,469	\$2,277	\$7,746
Wendover	-\$291,574	\$11,356	\$15,983	\$27,339
Utah Transit Authority	—	—	\$466,178	\$466,178
Countywide Totals	-\$2,698,657	\$779,246	\$1,552,681	\$2,331,926

Uintah County	-\$4,190,768	\$538,465	\$1,015,673	\$1,554,138
Ballard	-\$136,296	\$14,365	\$36,392	\$50,757
Naples	-\$1,951,488	\$16,964	\$202,476	\$219,440
Vernal	-\$1,119,119	\$56,930	\$379,307	\$436,237
Basin Transit Association	—	—	\$1,356,460	\$1,356,460
Countywide Totals	-\$7,397,671	\$626,723	\$2,990,308	\$3,617,032

Utah County	-\$14,145,790	\$508,142	\$3,345,558	\$3,853,701
Alpine	-\$33,493	\$62,972	\$93,317	\$156,289
American Fork	-\$3,100,035	\$150,119	\$593,667	\$743,786
Cedar Fort	\$40,248	\$4,824	\$3,763	\$8,587
Cedar Hills	-\$479,979	\$48,758	\$100,666	\$149,423
Eagle Mountain	-\$635,317	\$139,034	\$212,691	\$351,725
Elk Ridge	-\$35,083	\$17,316	\$24,761	\$42,077
Fairfield	\$27,694	\$5,477	\$1,491	\$6,969
Genola	-\$80,881	\$18,267	\$14,384	\$32,651
Goshen	\$329	\$6,504	\$7,987	\$14,491
Highland	-\$84,153	\$99,066	\$165,997	\$265,063
Lehi	-\$794,177	\$279,552	\$730,625	\$1,010,178
Lindon	-\$268,532	\$63,456	\$308,015	\$371,472
Mapleton	-\$53,667	\$56,777	\$83,947	\$140,724
Orem	-\$3,263,792	\$443,145	\$1,642,163	\$2,085,308
Payson	\$82,451	\$108,645	\$235,555	\$344,201
Pleasant Grove	\$23,255	\$177,341	\$374,122	\$551,464
Provo	-\$666,043	\$550,026	\$1,477,178	\$2,027,205
Salem	-\$79,757	\$51,613	\$70,024	\$121,637
Santaquin	\$844,202	\$61,427	\$92,504	\$153,931
Saratoga Springs	-\$216,407	\$103,739	\$236,050	\$339,790
Spanish Fork	-\$2,560,613	\$192,929	\$458,814	\$651,743
Springville	-\$4,060,291	\$174,051	\$403,888	\$577,939
Vineyard	\$6,192	\$3,316	\$21,048	\$24,364
Woodland Hills	-\$59,479	\$12,033	\$12,742	\$24,775
Utah Transit Authority	—	—	\$6,408,718	\$6,408,718
Countywide Totals	-\$29,593,118	\$3,338,531	\$17,119,677	\$20,458,208

Wasatch County	-\$2,515,351	\$127,662	\$635,158	\$762,820
Charleston	-\$155	\$5,379	\$9,354	\$14,733
Daniel	\$22,043	\$9,076	\$9,261	\$18,336
Heber	-\$306,890	\$78,768	\$206,724	\$285,492
Hideout	-\$673	\$4,854	\$5,782	\$10,636
Independence	-\$9,190	\$4,906	\$3,177	\$8,082
Midway	-\$255,728	\$29,222	\$52,977	\$82,198
Wallsburg	\$13,989	\$2,789	\$3,154	\$5,943
Countywide Totals	-\$3,051,955	\$262,654	\$925,587	\$1,188,241

Washington County	-\$122,855	\$264,251	\$1,972,335	\$2,236,586
Apple Valley	-\$50,015	\$11,046	\$6,718	\$17,765
Enterprise	\$22,462	\$15,333	\$17,780	\$33,112
Hildale	-\$112,197	\$17,205	\$29,025	\$46,229
Hurricane	-\$755,010	\$106,163	\$205,381	\$311,544
Ivins	-\$2,249,744	\$50,540	\$76,450	\$126,991
La Verkin	-\$26,332	\$25,350	\$39,642	\$64,992
Leeds	\$18,442	\$8,203	\$7,726	\$15,929
New Harmony	\$3,169	\$1,694	\$2,405	\$4,099
Rockville	\$8,405	\$2,469	\$2,260	\$4,728
Santa Clara	-\$104,076	\$42,649	\$60,495	\$103,144
Springdale	-\$59,002	\$3,241	\$39,525	\$42,766
St George	-\$5,813,007	\$448,500	\$1,423,673	\$1,872,172
Toquerville	-\$799,928	\$13,281	\$12,294	\$25,575
Virgin	\$29,525	\$12,543	\$6,147	\$18,690
Washington	-\$1,095,240	\$133,958	\$316,323	\$450,281
SunTran	—	—	\$1,648,747	\$1,648,747
Countywide Totals	-\$11,105,403	\$1,156,425	\$5,866,926	\$7,023,351

Wayne County	-\$139,929	\$155,022	\$65,734	\$220,756
Bicknell	-\$12,674	\$5,099	\$5,076	\$10,175
Hanksville	-\$11,880	\$2,300	\$3,344	\$5,644
Loa	\$27,395	\$6,902	\$9,575	\$16,477
Lyman	\$14,731	\$3,241	\$2,296	\$5,537
Torrey	\$7,049	\$2,789	\$6,346	\$9,135
Countywide Totals	-\$115,308	\$175,353	\$92,371	\$267,725

Weber County	-\$3,521,128	\$231,189	\$1,772,071	\$2,003,260
Farr West	-\$157,643	\$34,920	\$92,381	\$127,302
Harrisville	-\$594,256	\$31,450	\$98,923	\$130,373
Hooper	-\$387,112	\$51,903	\$72,483	\$124,386
Huntsville	-\$10,807	\$6,935	\$7,990	\$14,925
Marriott-Slaterville	-\$117,194	\$15,540	\$44,658	\$60,199
North Ogden	-\$537,033	\$103,570	\$180,472	\$284,042
Ogden	-\$3,356,280	\$469,664	\$1,322,217	\$1,791,881
Plain City	-\$259,773	\$37,516	\$53,122	\$90,638
Pleasant View	-\$696,024	\$49,648	\$88,154	\$137,802
Riverdale	-\$718,402	\$46,176	\$390,930	\$437,105
Roy	-\$83,153	\$195,339	\$393,503	\$588,842
South Ogden	-\$595,765	\$89,171	\$242,603	\$331,774
Uintah	-\$173,582	\$9,534	\$15,646	\$25,180
Washington Terrace	-\$255,401	\$48,583	\$85,807	\$134,390
West Haven	-\$2,407,256	\$64,531	\$179,115	\$243,646
Utah Transit Authority	—	—	\$3,179,234	\$3,179,234
Countywide Totals	-\$13,870,809	\$1,485,669	\$8,219,309	\$9,704,978

* Based on FY 2011 UT-2 form (Office of Utah State Auditor)

** Revenue estimate for FY 2017, the first full fiscal year in which the law will be in effect (Utah Department of Transportation)

*** Based on CY 2014 taxable sales (Utah State Tax Commission) and assumes that every county imposes the tax

ULCT Proposition 1 Revenue Projections

Entity	Projected Prop 1 Revenue FY 2017
Carbon Countywide Total	\$954,514
Carbon County	\$687,085
East Carbon	\$18,106
Helper	\$26,437
Price	\$198,948
Scotfield	\$476
Wellington	\$23,461

Entity	Projected Prop 1 Revenue FY 2017
Davis Countywide Total	\$11,057,967
Davis County	\$2,229,514
Bountiful	\$568,383
Centerville	\$314,264
Clearfield	\$334,575
Clinton	\$253,518
Farmington	\$289,956
Fruit Heights	\$52,139
Kaysville	\$325,494
Layton	\$1,178,350
North Salt Lake	\$327,516
South Weber	\$62,930
Sunset	\$59,390
Syracuse	\$277,602
West Bountiful	\$162,760
West Point	\$86,254
Woods Cross	\$215,746
Utah Transit Authority	\$4,319,575

Entity	Projected Prop 1 Revenue FY 2017
Duchesne Countywide Total	\$2,023,941
Duchesne County	\$808,933
Altamont	\$11,979
Duchesne City	\$29,324
Myton	\$19,081
Roosevelt	\$215,475
Tabiona	\$1,938
Basin Transit Association	\$937,210

Entity	Projected Prop 1 Revenue FY 2017
Grand Countywide Total	\$833,968
Grand County	\$677,115
Castle Valley	\$3,935
Moab	\$152,918

Entity	Projected Prop 1 Revenue FY 2017
Rich Countywide Totals	\$80,389
Rich County	\$55,910
Garden City	\$13,670
Laketown	\$3,201
Randolph	\$4,699
Woodruff	\$2,909

Entity	Projected Prop 1 Revenue FY 2017
San Juan Countywide Totals	\$551,435
San Juan County	\$480,406
Blanding	\$45,825
Monticello	\$25,204

Entity	Projected Prop 1 Revenue FY 2017
Sanpete Countywide Totals	\$618,254
Sanpete County	\$348,156
Centerfield	\$13,349
Ephraim	\$88,505
Fairview	\$16,043
Fayette	\$2,178
Fountain Green	\$9,311
Gunnison	\$37,069
Manti	\$32,343
Mayfield	\$4,280
Moroni	\$14,800
Mt. Pleasant	\$37,766
Spring City	\$8,948
Sterling	\$2,830
Wales	\$2,676

Entity	Projected Prop 1 Revenue FY 2017
Sevier Countywide Totals	\$860,081
Sevier County	\$565,387
Annabella	\$6,924
Aurora	\$11,162
Central Valley	\$4,555
Elsinore	\$8,627
Glenwood	\$4,014
Joseph	\$2,987
Koosharem	\$2,910
Monroe	\$20,462
Redmond	\$8,324
Richfield	\$177,654
Salina	\$42,873
Sigurd	\$4,201

Entity	Projected Prop 1 Revenue FY 2017
Tooele Countywide Totals	\$1,638,658
Tooele County	\$556,103
Grantsville	\$99,875
Ophir	\$399
Rush Valley	\$4,471
Stockton	\$6,467
Tooele City	\$436,366
Vernon	\$2,242
Wendover	\$15,943
Utah Transit Authority	\$516,792

Entity	Projected Prop 1 Revenue FY 2017
Weber Countywide Totals	\$8,857,377
Weber County	\$1,959,755
Farr West	\$95,227
Harrisville	\$102,964
Hooper	\$71,293
Huntsville	\$8,019
Marriott-Slaterville	\$47,508
North Ogden	\$175,469
Ogden	\$1,361,847
Plain City	\$52,051
Pleasant View	\$89,934
Riverdale	\$427,018
Roy	\$389,020
South Ogden	\$247,487
Uintah	\$16,226
Washington Terrace	\$82,951
West Haven	\$184,055
Utah Transit Authority	\$3,546,554

Cities & Towns Total	\$9,788,088
Counties Total	\$8,368,364
Transit Total	\$9,320,131
Statewide Total	\$27,476,582

*All figures based on FY 2017 taxable sales projections from the Utah State Tax Commission. For questions contact Nick Jarvis at njarvis@ulct.org

- C. No zero side yard will be permitted on the lot side bordering on a nonresidential zone, or on a residential lot not utilizing zero side yard provisions; and
- D. Use of the zero side yard is contingent upon development of or commitment to development of a zero side yard on adjacent lot. (Ord. 673, 1-8-1980)

10-14-16: RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY:

- A. Purpose: The purpose of this chapter is to comply with section 10-9a-516 of the Utah code and avoid discrimination in housing against persons with disabilities pursuant to the Utah fair housing act and the federal fair housing act as interpreted by courts whose decisions are binding in Utah.
- B. Scope: If any facility, residence, congregate living or other housing arrangement meets the definition of a residential facility for persons with a disability as set forth in this title, the requirements of this chapter shall govern the same notwithstanding any conflicting provision of this title or this code. Except as provided herein, the requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this title, this code or other laws.
- C. Permitted Uses:
1. Notwithstanding any contrary provision of this title, a residential facility for persons with a disability shall be a permitted use in any zone where a dwelling is allowed either as a permitted or conditional use subject to the development standards in this chapter.
 2. In order to evaluate the impact of a proposed facility and its similarity to the impact of a lawfully occupied dwelling located in the same zone where the facility is located, the following information shall be submitted with the application:
 - a. Site plan, building plan, and other information necessary to determine compliance with building safety and health regulations applicable to similar residential dwellings permitted in the zone where the residential facility will be located;
 - b. Licensing information required by section 62A-2-108.2, Utah code, or its successor; and
 - c. Number of residents and staff, including staff who will reside on the premises, if any.
 3. A use permitted by this chapter is nontransferable and shall terminate if:

- a. The facility is devoted to a use other than a residential facility for persons with a disability, or
- b. Any license or certification issued by the Utah department of health or the department of human services for such facility terminates or is revoked, or
- c. The facility fails to comply with requirements set forth in this chapter.

D. Development Standards:

1. The development standards set forth in this section shall apply to any residential facility for persons with a disability.
 - a. The facility shall comply with building, safety, and health regulations applicable to similar residential structures within the zone in which the facility is located.
 - b. Each facility shall be subject to the same development standards applicable to similar residential structures located in the same zone in which the facility is located.
2. The facility shall be used as a residential facility without fundamentally altering the structure's residential character or the character of the neighborhood where the facility is located.
3. The facility shall be limited to six (6) occupants, consisting of up to four (4) persons with a disability and two (2) resident staff.
4. No residential facility shall be made available to an individual whose tenancy would:
 - a. Constitute a direct threat to the health or safety of other individuals, or
 - b. Result in substantial physical damage to the property of others.
5. Prior to occupancy of any residential facility, the person or entity operating the facility shall:
 - a. Provide to the city a copy of any license or certification required by the Utah state department of health or the Utah state department of human services, and
 - b. Certify in a sworn statement that no nonresident staff occupant will reside or remain in the facility whose tenancy would:
 - (1) Not meet the definition of a person with a disability under the federal fair housing act and Americans with disabilities act,
 - (2) Constitute a direct threat to the health or safety of other individuals, or
 - (3) Result in substantial physical damage to the property of others.

E. Reasonable Accommodation:

1. None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling as required by the fair housing amendments act of 1988, title II of the Americans with disabilities act, the Utah fair housing act, and any other federal or state law requiring a reasonable accommodation for a person with a disability.
2. Any person or entity wanting a reasonable accommodation shall submit an application to the planning commission and shall in writing:
 - a. Provide the address of the property to which the accommodation will be applied;
 - b. Specify the accommodation requested; and
 - c. Explain why the accommodation is reasonable and necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.
3. The planning commission shall evaluate a reasonable accommodation request based on the following factors as permitted by law, including, but not limited to:
 - a. Whether the accommodation is reasonable under all current standards in applicable case and statutory law and this chapter;
 - b. Whether the housing which is the subject of the request will be used by one or more persons with a disability;
 - c. Whether the accommodation is reasonable and necessary to afford such persons an equal opportunity to use and enjoy a dwelling;
 - d. Whether tenancy of the property proposed to be occupied by such persons would constitute a direct threat to the health or safety of other persons or result in substantial physical damage to the property of others;
 - e. Whether the accommodation would impose an undue financial or administrative burden on the city; and
 - f. Whether the accommodation would require a fundamental alteration in the nature of a city program, including the city's land use and zoning program.
4. Within thirty (30) days after receipt of a complete application the planning commission shall approve a requested reasonable accommodation to the extent necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling unless evidence of record demonstrates:
 - a. Tenancy of the property by that person would constitute a direct threat to the health or safety of other persons or result in substantial physical damage to the property of others;
or
 - b. The accommodation would:

(1) Impose an undue financial or administrative burden on the city; or

(2) Require a fundamental alteration in the nature of a city program, including the city's land use and zoning program.

c. If a reasonable accommodation is granted, it shall be documented in writing and shall specify the nature and extent of the reasonable accommodation authorized. A reasonable accommodation shall not be deemed a variance or to run with the land.

5. If a reasonable accommodation request is denied, the decision may be appealed to the hearing officer in the manner provided for appeals of administrative decisions set forth in [chapter 4](#) of this title. (Ord. 15-07, 2-17-2015, eff. 2-17-2015)

~~10-14-17: TELEVISION SATELLITE DISH ANTENNAS:~~

~~Building permits are required for TSDAs and shall comply with the following regulations:~~

~~A. Location:~~

- ~~1. In any residential zone, TSDAs shall be located only in the rear yard of any lot. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the roof or side yard (except side yards facing the street on a corner lot) as a special exception by approval of the planning commission.~~
- ~~2. In any commercial or manufacturing zone, TSDAs may be located on the roof or in the rear or side yards. They may be permitted in the front yard or on a side yard facing the street on a corner lot as a special exception by approval of the planning commission when a usable satellite signal cannot be obtained in an otherwise approved location.~~
- ~~3. All TSDAs shall have setbacks of at least ten feet (10') from the property lines in rear yards. The setback shall be measured from the property lines to the nearest point of the antenna. The distance for rotating dish antennas shall be measured from the nearest point of the antenna in its closest rotational configuration.~~

~~B. Antenna Size: No TSDA shall exceed twelve feet (12') in diameter in a residential zone. However, upon the approval and issuance of a conditional use permit from the planning commission, business and professional offices located in residential R-4 and R-5 zones may install a TSDA which exceeds the twelve foot (12') diameter where there is a finding made of no adverse impact to adjoining properties.~~

**MINUTES OF THE
SOUTH OGDEN CITY PLANNING COMMISSION MEETING**

Council Chambers, City Hall
Thursday, February 12, 2015 – 6:15 p.m.

PLANNING COMMISSION MEMBERS PRESENT

Chairman Todd Heslop, Commissioners Shannon Sebahar, Raymond Rounds, Mike Layton and Chris Hansen

PLANNING COMMISSIONERS EXCUSED

Commissioners Steve Pruess and Dax Gurr

STAFF PRESENT

City Manager Matt Dixon, City Planner Mark Vlastic, Legal Counsel Neil Lindberg and City Recorder Leesa Kapetanov

OTHERS PRESENT

Robert & Debby Bliss, Nancy & Jeff Fagg, Gary Gibson, Eric & Tami Hargrove, Jerry Cottrell, Joe & Amy Holden, Julie Furniss, Douglas Hale, Tyler & Laurel DeGroot, Andy & Shelley Kancitis, Brent & Michel Strate, Chris & Rebecca Gurnee, Sheridan Sheffield, Marilyn Woolf, Walter Bausman,

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

Chairman Todd Heslop called the meeting to order at 6:21 pm. He reviewed the items on the agenda and then called for a motion to open.

Commissioner Sebahar moved to open the meeting, with a second from Commissioner Hansen. All present voted aye.

The chair then called for a motion to move into a public hearing.

Commissioner Rounds moved to open the public hearing, followed by a second from Commissioner Sebahar. The vote was unanimous in favor of the motion.

II. PUBLIC HEARING

A. To Receive and Consider Proposed Amendments to 10-14-16 of the City Code Having to Do With Residential Facilities For Disabled Persons

Chairman Heslop asked staff to give a brief overview of the item for the public hearing. City Planner Mark Vlastic reminded the commission staff had been working on various parts of the code, making changes as necessary. This section of the code needed to be brought into compliance with the Federal Fair Housing Act.

Chairman Heslop then asked Mr. Lindberg to comment on recommendation being considered that evening. Mr. Lindberg said the rules adopted by the council based on

the planning commission's recommendation that evening would only affect future residential facilities for disabled persons; they would not reach back and apply to something that had already been decided. The decision that had been made on the monastery property was done, so whoever the owner of the property was would be able to use it in the way that was approved by the planning commission through the conditional use and reasonable accommodation process. The decision was also upheld by an appeal hearing officer. That decision was then appealed to the district court and was still waiting to be heard.

Mr. Lindberg then gave an overview of the changes that had been made to the ordinance and the reason for the changes. One change pointed out was that residential facilities for disabled persons had been changed from a conditional to a permitted use; the city did not require homes for people without disabilities to ask for a conditional use, so they could not require it of those with disabilities.

The ordinance also prohibited such facilities to allow anyone considered a "dangerous person" to reside in the facilities, as well as set the number of persons who could reside in a dwelling unit as "up to four persons with a disability and two resident staff"; however, an applicant could always ask for a reasonable accommodation. The ordinance also set the limit for reasonable accommodation to the point where it created a fundamental alteration of the zoning. Mr. Lindberg also said the city could not prohibit a facility based on parking requirements. He also pointed out a little known state law that was referenced in the proposed ordinance that required a provider proposing a residential treatment facility to notify the city what he is planning to do before he applies.

Chairman Heslop then invited anyone present to make public comment.

Richard Reeve, 5996 Park Vista Drive – Mr. Reeve disclosed for the record that he was also the plaintiff in the appeal pending in the second district court. He said he did not agree that the ordinance being considered that evening did not apply to the monastery property, as it presupposed the current use and contract for the monastery property would go forward and that the current petition to the court would be decided in favor of the city. Mr. Reeve said the city was not creating a code that would prevent the city from future litigation; it opened the door to more litigation. Objective standards based on fact would stem litigation, but such objective standards, such as the distance prohibition, had been removed from the ordinance. He said the reason the city was in its current position was because of a very bad code that did not give the city guidance. He asked the city to put a maximum, an objective standard based on size, into the ordinance.

Mr. Reeve commented anyone looking at the monastery could not call it a residence. The purpose of the Federal Fair Housing Act was to give people the right to live the American Dream, but when you put them in a 30,000 square foot commercial facility, you were not complying with the purpose of the FFHA. Other cities made a distinction between institutional facilities for persons with disabilities and residential facilities for persons with disabilities.

Mr. Reeve then made the point the city was trying to codify the analysis that was used to grant the conditional use permit to the monastery, an analysis that led to litigation. He urged the city to take a different approach.

Jerry Cottrell, 5765 S 1075 E – Mr. Cottrell submitted his written statements to be entered into the record (see Attachment A). He then quoted David Church from *One Attorney's View*. The quote said the planning commission had dual roles as both an administrative and legislative body. A second quote said that when the planning commission was acting as the land use authority, it had little discretion.

When the planning commission considered the CUP application from Mr. Jorgensen for the monastery, they were charged with applying the laws that existed at that time in an administrative decision. Now they were being asked to fill their legislative role, where they had broad discretion. They had the opportunity to shape what the laws should be. Mr. Cottrell said he was concerned with all neighborhoods in the city, not just his own. He did not think anyone would want a large facility for disabled persons in their neighborhood, as it would make a fundamental alteration of the neighborhood. He asked the commission to consider "how big is too big" for a rehab facility in their neighborhood.

The city council had asked him and other residents at a public hearing the previous week to recommend a specific number for the limits of reasonable accommodation. Mr. Cottrell said he had refrained from giving a number so as not to appear presumptuous. However, he had studied the matter out and given his written recommendation to the council; the recommendation had been eight. He said these residential facilities for disabled people were businesses in residential zones and should be limited to eight. He also felt the council would be disappointed if the planning commission did not recommend a maximum number for reasonable accommodation. He urged the planning commission to set a maximum number to eliminate the time consuming process of considering reasonable accommodation on a future case by case basis, as well as avoiding litigation.

Mr. Cottrell then pointed out the city code was nearly silent on the Americans with Disabilities Act. He felt it should be stated that any facility for the disabled should meet ADA standards.

Walt Bausman, 5792 S 1075 E – Mr. Bausman asked how this mess was going to be fixed. The current recommendation completely eliminated 10-14-16 of the city code and replaced it with one recommended to Draper some time ago written by Neil Lindberg. He said that the proposed ordinance creates more questions than answers when it comes to reasonable accommodation. He said the monastery was not a single family dwelling and could not be considered so. Approving it for six was acceptable, but not for thirty as they had done. He then recommended the ordinance allow more people in a group home depending on what the zoning was, up to a maximum of sixteen. He also suggested that the city require 100% positive consent of neighbors within 500 feet of a facility with more than six residents. The ordinance should also define dwellings more in line with the FHA and differentiate them from institutions. Mr. Bausman then read through some factors that would determine if a dwelling was a residence. He asked the planning commission to delay their recommendation until they had time to digest and consider all the ramifications of the comments made that evening.

At this point, Mr. Lindberg asked to make a correction for the record. He stated he had helped Draper revise their zoning code many years ago, and did make a recommendation concerning residential facilities for disabled persons. However, the city subsequently changed and adopted an ordinance different from what he had recommended. He did not have a part in the ordinance Draper City currently had adopted.

Doug Hale, 5944 S 1075 E – Mr. Hale referred to Highland City's code for residential facilities for disabled persons. Highland's code spelled out how it would be determined if a person was safe. He said the more detailed the code the safer and better the city would be. He suggested the ordinance be re-written with more detail and more objective criteria. Mr. Hale also said the city should ask businesses for a business plan to make sure they were not going to fail in the next six months.

Laurel DeGroot, 1079 E 5950 S – Ms. DeGroot asked why the code being proposed that evening would not affect the monastery. Chairman Heslop asked Mr. Lindberg if he would answer the question. Mr. Lindberg explained the prospective purchaser of the monastery had applied for a conditional use permit, which the city had considered and approved. Part of the approval process included a reasonable accommodation. If the original applicant decides not to purchase the property and someone else determines they would like to have the same use and abide by the reasonable accommodation the city had already stipulated, they did not have to make application for a conditional use permit or reasonable accommodation; the conditional use ran with the land.

Andy Kancitis, 1051 E 5800 S – Mr. Kancitis asked why someone would not have to re-apply if the use had not been established. Mr. Lindberg said if the use had been approved and those coming in agreed to the stipulations, they did not need to re-apply.

Doug Hale, 5944 S 1075 E – Mr. Hale asked if it were not a concern if one developer said he could not make the facility work financially with only 20 beds but another developer said he could. Shouldn't the city do some due diligence to make certain a developer could do what he said he could? He said he did not think that just anyone should be able to apply for a business license and be good; they should have to prove they had a financially viable business.

There were no more public comments. Chairman Heslop called for a motion to close the public hearing.

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

III. **ZONING ACTIONS**

A. **Discussion and Recommendation on Amendments to SOCC 10-14-16 - Residential Facilities For Disabled Persons**

Chairman Heslop invited discussion on the matter by the planning commissioners.

Commissioner Sebahar moved to table the item so the commissioners could have time to consider the comments made that evening. The chair called for a second on the motion.

City Manager Dixon interjected that staff would appreciate some discussion to take place to identify items the commission wanted more information about; that way staff would know what to research in order to move forward.

Neil Lindberg also pointed out that references to other ordinances had been made, but to say they were good ordinances may not be correct; they would have to be proven in court. If there was case law for the issues brought up that evening, he would like to have the references for them. Commissioner Rounds asked if tabling the item wouldn't give the public time to submit the references and other things they thought would be helpful to the city. City Manager Dixon reminded the planning commissioners there was a moratorium in place that would expire on March 1, 2015. There may be some urgency to get this item resolved before the end of the moratorium. Mr. Dixon also reminded the commissioners that Mr. Lindberg had been retained by the city as soon as the conditional use application had been received by the city, as the city recognized the complex legal nature of the application and the expertise needed to navigate the

process. Despite the city's outdated code, Mr. Lindberg had successfully led the city through the process; his counsel had been nothing but solid. He was also the one who recommended the ordinance being considered that evening, and staff felt it was solid as well.

Mr. Dixon asked the commissioners if there was a specific issue they wanted more information about, for example the idea of being more objective with the ordinance. Mr. Lindberg pointed out the Utah Legislature had removed some rules from the Utah Code having to do with group homes (residential facilities for disabled persons) because they were too specific or objective; they tended to be a trap for the unwary. He said the key to the Fair Housing Act was to read the case law in the local jurisdiction and see how the courts had interpreted it. The commission did have the option of waiting to see what the decision of the court was in the current litigation concerning the monastery and then modify the ordinance based on the decision. However, Mr. Lindberg felt the city's code needed a reasonable accommodation procedure, and it was better to take care of it now. He had reviewed many different city codes in preparation for the meeting that evening; there were many that were more specific. Mr. Lindberg felt they were traps waiting for people to step in. This ordinance had been looked at by many attorneys who all felt it was solid; he did not think it had the problems that many that evening said it had.

Mr. Dixon asked Mr. Lindberg's opinion on setting a maximum for reasonable accommodation rather than considering each request on a one-by-one basis. Mr. Lindberg said it was problematic, because the facts of each case would be different therefore resulting in a different outcome.

Chairman Heslop asked about residential versus institutional facilities; the monastery seemed to be different from a normal residence and he wondered if it was designated an institution if it would still be allowed under the same laws. Mr. Lindberg replied the monastery had been a residence for the nuns, and to deny it as a residence for someone else under the Fair Housing Act would be discriminatory. It would also be discriminatory to set a maximum occupancy based on number of people per square foot for group homes, unless the city set the same maximum occupancy for all homes in the city.

City Manager Dixon then commented concerning the Americans with Disabilities Act (ADA) that had been referenced in the comments. He said that ADA compliance was required through the building permit process, not through zoning requirements. Mr. Lindberg agreed, stating further that the federal law would always take precedence and apply, whether the city code said anything about it or not.

Mr. Dixon then asked Mr. Lindberg to speak to what the city should require as far as the vetting process to determine if someone were considered dangerous or not. Mr. Lindberg said the city did not want to get in the position of making someone prove that they were not a dangerous person, because the city did not have the expertise to determine whether that were true or not. Instead, the proposed ordinance required that the provider sign a sworn statement that the people in their care were not dangerous; the city would believe them unless they had some reason not to. At that point, the city could do an investigation.

Commissioner Rounds restated that he would like to table the item and give the public a few weeks to submit information, recognizing that 1) the city could never legislate away the Fair Housing Act, and 2) the monastery was already in existence and the city had to deal with it the way it was.

City Recorder Leesa Kapetanov suggested the commission leave the record open for written comment. Mr. Dixon pointed out that many residents had already submitted written comments on the issue, and urged them to submit information such as case law and ordinances that the city did not already have. He also reminded the commission of

the moratorium deadline. Mr. Lindberg explained how the moratorium worked and how a change in an ordinance affected an application that had already been submitted. The planning commissioners discussed the advantages of waiting and discussing the matter later after receiving more public comment versus forwarding their recommendation to the city council now in light of the moratorium. City Manager Dixon commented that if the moratorium expired and the next user was a group home that wanted to use the monastery under the already approved conditions, the public perception may be that they were able to do it because the moratorium expired. At that point, someone from the audience stated that he did not think Mr. Dixon spoke for the public and did not have the ability to so and shouldn't put words in their mouths. Chairman Heslop then asked why the distance requirement had been taken out of the ordinance. Mr. Lindberg said that most of case law had determined that the distance requirement was discriminatory and had not been upheld.

Mr. Dixon then apologized for making the assumption of knowing what the public may say; he had based his comments on recent past experiences and said he was wrong to assume how that would play out.

Chairman Heslop said the planning commission could table the item and wait; however they had been working on it for many months. They had received great legal advice as well as great public input. Commissioner Rounds said some people seemed to want the city to wait and get more information while others seemed to want them to move forward and make a decision because they were fearful something would happen.

Chairman Heslop reiterated that that the decision on the ordinance would not affect the monastery and the proposed ordinance was much better than what the city currently had. He felt they should forward the recommendation on to the city council along with the comments received from the public. The planning commission discussed their options and what would work best. Chairman Heslop asked if there was a motion.

Mr. Lindberg reminded him there was a motion pending.

Commissioner Sebahar withdrew her previous motion. Commissioner Rounds moved to forward the amended Ordinance 10-14-16, as written, to the city council and that the public record be left open for written comment until Tuesday, February 17th and that staff ask the city council to consider the public input regarding the proposed ordinance change. At this point, City Recorder Kapetanov asked Commissioner Rounds to specify a time on Tuesday to which comments would be received. **After consideration, Commissioner Rounds specified that written comments would be taken until noon on Tuesday, February 17th. The motion was seconded by Commissioner Sebahar.** City Recorder Kapetanov pointed out that because Monday was a holiday, the minutes from the meeting would not be ready to forward to the city council, so they would not have the spoken public comments from the public hearing to consider. She could, however, send them the recording of the meeting to listen to. She asked if Commissioner Rounds would like to make it part of his motion. **Commissioner Rounds confirmed he would like to make sending the council the recording of the meeting part of his motion. The chair then made a roll call vote:**

Commissioner Sebahar-	Aye
Commissioner Layton-	Aye
Commissioner Hansen-	Aye
Commissioner Rounds-	Yes

The motion passed.

II. PUBLIC COMMENTS

Gary Boyer, 5925 S 1075 E – gave the definition of complacency found in the dictionary. He said both government and the public can become complacent. He gave an example of complacency concerning Ogden City. He asked that South Ogden’s elected officials engage in the issues that would affect the city. They should not turn the city over to others to run; professionals and attorneys did not have a vested interest in the city as the elected officials did. The Fair Housing Act was to protect all citizens, not just a few. He asked that the leaders fight for their rights and give heed to the voters in the community. He felt it would have been helpful for the council to attend critical meetings so they could have better understood the issues. He asked that they council vote with their heart after weighing the things they felt were important.

Richard Reeve, 5996 Park Vista Dr. – Mr. Reeve disclosed for the record that he was also a plaintiff in a petition for judicial review concerning the decision made by the planning commission and upheld by the appeal authority. He was there to speak to the code revisions being considered by the council concerning facilities for people with disabilities. He said the reason they were in litigation was because the city did not have an effective code; it did not provide enough guidance. He acknowledged the ability of Mr. Lindberg who had been retained by the city, but did not agree with Mr. Lindberg’s advice. Other cities, such as Highland, Alpine and Salt Lake County, had crafted statutes that dealt with residential facilities for people with disabilities and have put in more than a subjective reasonable accommodation; they included objective guide points. The version proposed by South Ogden lacked the objective standards. Subjective standards invited litigation. Mr. Reeve encouraged the council to take the time they needed and disregard the expiring moratorium. He suggested the city council have a workshop and invite city attorneys, project managers, and planning staff from other cities who have drafted ordinances with objective guidelines and ask questions as to why they drafted the ordinances the way they did. He also said owners and operators of drug treatment facilities should be invited to find out how they determine if their clients are using drugs. He asked the council to consider three objectives the code was missing: 1) geographical limitations between group homes, 2) objective standards for providers to follow to verify if an individual is dangerous, and 3) make a division between institutional facilities and residential facilities for people with disabilities that would address properties such as the monastery; the International Building Code made the differentiation between the two at sixteen occupants.

Council Member Benard pointed out this was the first time he had heard that the expiration of the moratorium was not a concern and asked Mr. Reeve to comment.

Mr. Reeve said he did have some concerns about the expiration of the moratorium, but he had weighed the risks and was more concerned with not having a code that addressed all the issues. He felt everyone was better served by a code that works than by rushing one through.

Council Member Benard then asked if by setting a limit at sixteen occupants for reasonable accommodation it didn’t invite a reasonable accommodation of fifteen in a residential zone? Mr. Reeve said that was a possibility, however, a code needed to be developed that worked for a 3,000 square foot home as well as a 30,000 square foot monastery. Other cities had done that by distinguishing between an institutional and residential facility.

There were no more comments from the public.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

No scouts or students were present.

IV. CONSENT AGENDA

A. Approval of February 3, 2015 City Council Minutes

Mayor Minster asked if there were any changes to the February 3, 2015 Council Minutes. Council Member Orr said she had no changes, but noticed neither she nor Council Member Smith had been excused from the meeting. She asked that in the future those who had indicated beforehand they would not be in attendance at the meeting be excused. The mayor then called for a motion concerning the consent agenda.

Council Member Porter moved to approve the consent agenda, followed by a second from Council Member Smith. The voice vote was unanimous in favor of the motion.

V. DISCUSSION / ACTION ITEMS

A. Discussion on Amendments to the City Code Having to Do With Residential Facilities For Disabled Persons

City Manager Dixon indicated the planning commission had held a lengthy discussion on this topic during their last meeting. They had determined to move the issue forward to the city council, but hold the record open until noon that day for written comment for the council to consider. Mr. Dixon then turned the time to Attorney Neil Lindberg to review the recommendation by the planning commission.

Mr. Lindberg gave a brief overview of the Federal Fair Housing Act (FFHA), stating that there had been 25 years of case law to help interpret the act since it had been passed. He then reviewed the circumstances that would allow a person who thought they had been discriminated against to make a claim and noted that the claim could also be brought by the provider of a facility for disabled people if he felt he was being discriminated against. Mr. Lindberg also stated that the reasonable accommodation within the FFHA had been tested many times through case law. Others had tried to make reasonable accommodation more objective, but case law had construed it to what it was today. The city could make the statute more objective, but if the effect of the statute limited where people with a disability could live, it would be problematic. Mr. Lindberg cited the case of Pacific Shore Properties vs. The City of Newport Beach. The City of Newport Beach had come up with additional objective rules for group homes they thought were defensible, however their rules had not been upheld by the district court. Mr. Lindberg advised South Ogden to not do the same thing. He felt the ordinance before the council that evening was defensible, but adding objective restrictions would open it to litigation. Other cities may have ordinances with additional criteria, but he had yet to find anyone who had litigated those ordinances and found them proper. He also pointed out the fact that when cities lost litigation concerning the FFHA, they were fined punitive damages that reached into millions of dollars. Some cities had been forced to raise taxes in order to pay the fines.

Mr. Lindberg then spoke to the difference of the meaning of "occupancy" in the building code and the zoning code. Zoning codes regulated land use whereas building codes regulate building safety. The language used in both codes was similar and sometimes confusing. The purpose of occupancy in a zoning code was a limitation in the number of people who could occupy a building. The purpose of occupancy in the building code was a performance standard, i.e. if a building needed to hold twelve people, these standards applied.

Council Member Strate then asked Mr. Lindberg a question about 10-14-16(D)(4)(a and b) and (5)(b)(i) of the proposed code concerning dangerous individuals. He asked if the terms in the code were defined somewhere else. Mr. Lindberg said the language was taken directly from the FFHA and the courts had construed their meaning through litigation. If there was an issue in the future concerning any section of the code just referred to, staff would be able to look at the latest case law to determine how best to handle it. Council Member Strate asked if he had any examples. Mr. Lindberg said he would be happy to

send some to Mr. Strate the next day, but cautioned that if the city put itself in the position of determining who was dangerous, and it was different from what the courts had determined or there were additional rules that the court found were at odds with case law, it put the city in a weakened defensible position. The same theory was applied a few years ago by the state when it removed a number of rules concerning residential facilities for disabled persons that were too specific. The state code now says cities can regulate group homes to the extent the FFHA allows. To know what the FFHA allows, one must read the FFHA and the most recent case law in the jurisdiction in which one resides. Mr. Lindberg went on to say the city should not put itself in the position of being a psychologist or other professional in determining if someone were dangerous or not; the burden should be on the group home provider to make the certification. Mr. Strate said Alpine city had specified the steps that needed to be taken in certifying whether an individual were dangerous or not and had a monitoring agreement with the facility as well. Mr. Lindberg replied that if the city did not have a monitoring agreement with every household in the city to determine if the people in each household were dangerous, requiring a residential facility have a monitoring agreement was disparate treatment and could be construed as discrimination. Council Member Strate pointed out there needed to be a balance between the rights of disabled individuals and all individuals and both needed to be protected. He felt like the city couldn't do anything to protect its citizens. Mr. Lindberg said the council could do what they wanted and choose to push the boundaries of the law. He had taken a conservative position in his recommendation.

Council Member Smith said people had the constitution and criminal law to protect them in many situations. When government tried to fine tune or make those laws more restrictive, it invited people to manipulate the law; too many restrictions invited people to find a way around them. Mr. Smith said he liked the wording in the ordinance as it was.

Council Member Porter asked what would happen if someone falsified the certifications concerning dangerous individuals. Mr. Lindberg said the city would investigate and take enforcement action with the potential that the provider could lose their license.

Council Member Benard commented he liked the language in the ordinance that was not so specific; that way it did not become outdated by recent case law. Including wording like "as defined by the FFHA or ADA", the code became a living document and could rely on the latest case law for the definitions. Council Member Smith agreed.

Council Member Porter asked if Mr. Lindberg could speak to the distance requirement. Mr. Lindberg said he knew of one case in 1991 that upheld a distance requirement between facilities; however case law since that time had not upheld a distance requirement.

The council then discussed setting maximum numbers for facilities, determining it was problematic. There was also some discussion on how the current definition of "family" in the City Code limited a residence to four unrelated people and how they applied to residential facilities for disabled people and requests for reasonable accommodation.

Council Member Benard said he was very concerned about the expiration of the moratorium and still having the old code in place. He felt that the code being proposed was far better than what was on the books now; he would rather adopt the proposed ordinance that evening and not run the risk of having someone file for another project under the old ordinance. Mr. Benard did say he would like to add some minor language to the ordinance but felt it was good.

Council Member Orr suggested an extra meeting be held the next week to further discuss the item and get input from others and then pass it. Council Member Porter said the ordinance being proposed was very defensible and agreed with Council Member Benard that they should adopt it that evening.

Council Member Orr then asked how the word "residence" was defined. Mr. Lindberg said case law had defined "residence" under many different situations and gave some examples. Ms. Orr said she struggled with the fact that the monastery was very large and might be considered an institution rather than a residence. Mr. Lindberg explained how development standards might allow a large residence on a large lot, and said the Council

could limit the size of future homes in residential zones if they chose to do so. Ms. Orr asked how the city could prohibit group homes from buying existing churches and converting them to residential facilities for disabled persons. Mr. Lindberg said the City could create public facility zones for things like churches and schools that could limit residential facilities from existing in them. There was then some discussion on density and how it affected residential facilities for disabled persons, as well as how the current reasonable accommodation for the monastery would remain the same for any future applicants, whether or not the zoning ordinance was changed.

Council Member Porter reminded everyone that the proposed ordinance would protect the whole city, not just one property.

The Council then discussed the definition of “disabled” and how facilities had to certify if someone was disabled. Mr. Lindberg also explained the difference between a zoning conditional use that ran with the land and a reasonable accommodation that did not run with the land.

The Council then had a discussion on who should decide reasonable accommodation for group homes. Council Member Strate said other cities had created committees who determined the reasonable accommodation. Mr. Lindberg pointed out the current ordinance had no procedure for a reasonable accommodation request, but the proposed ordinance did. The proposed ordinance also specified that the planning commission would determine the reasonable accommodation.

Council Member Strate said he was willing to move forward and pass the proposed ordinance that evening, but he would like to revisit the ordinance later to determine if they could make it more objective; other cities had done so with their attorney’s approval. He would like to see if some improvements could be made at a later time. The other Council members agreed. There was no further discussion.

B. Consideration of Ordinance 15-07 – Amending Title 10, Chapter 14 of the City Code Having to Do With Residential Facilities for Disabled Persons

Mayor Minster called for a motion to adopt Ordinance 15-07. Council Member Benard indicated he had two proposed amendments to the Ordinance. The first was in Section D, Paragraph 5.B. Another line should be inserted to read “not meet the definition of a person with a disability under the Federal Fair Housing Act and Americans With Disabilities Act,”. This line would become line “i”, and the present lines “i and ii” would become “ii and iii”. After some discussion, it was determined to reword the body of paragraph 5b to say “Certify in a sworn statement that no non-resident staff occupant will reside or remain in the facility whose tenancy would:”

Council Member Strate then asked for some clarification of what it meant to “certify” something, and how it was treated under the law. City Attorney Bradshaw answered his question.

Council Member Benard then proposed a second amendment to the Ordinance in Paragraph E.3. The amendment would change the wording in the paragraph to read “The Planning Commission shall evaluate a reasonable accommodation request based on the following factors as permitted by law, including but not limited to: a. Whether the accommodation is reasonable under all current standards in applicable case and statutory law and this chapter;” The following paragraphs that were previously labeled a thru f would then be reformatted to b thru g.

The mayor asked if there was a motion concerning the ordinance and the proposed amendments.

Council Member Porter moved to adopt Ordinance 15-07, amending Title 10, Chapter 14 of the City Code having to do with Residential Facilities for Disabled Persons and including the amendments proposed by Council Member Benard. The motion was seconded by Council Member Smith. The mayor asked if there was further discussion. Council

Member Orr stated this was a living document that they would discuss again. There was no further discussion or comment. **Mayor Minster made a roll call vote:**

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

Ordinance 15-07 was adopted.

Mayor Minster then asked if someone would like to motion for a five minute break.

Council Member Orr so moved, followed by a second from Council Member Porter. The vote was unanimous in favor of a break. The break began at 9:06 pm.

At 9:27, the mayor called for a motion to reconvene the meeting.

Council Member Smith moved to reconvene as the South Ogden City Council. Council Member Porter seconded the motion. Council Members Smith, Porter, Benard, Strate and Orr all voted in favor of reconvening.

The mayor indicated the next item on the agenda would be a discussion on proposed permitted and conditional uses in residential zones.

Council Member Benard moved to rearrange the order of the agenda so the attorney would not have to wait so long and further moved to recess City Council Meeting and convene into the executive session, item VII on the agenda. The motion was seconded by Council Member Smith. The motion passed by a unanimous voice vote

Note: The Council moved to the adjacent conference room for the executive session.

The City Council returned to the council chambers at 10:26 pm. Mayor Minster called for a motion to adjourn the executive session and reconvene as the South Ogden City Council.

Council Member Porter so moved, followed by a second from Council Member Orr.

The mayor then returned to item V.C. on the agenda.

C. Discussion on Proposed Permitted and Conditional Uses in Residential Zones

City Manager Dixon reminded the Council this was a follow-up discussion from the last council meeting where they had held the public hearing record open for further comment. The comments submitted had been included in their packets. Mr. Dixon referred the Council to a chart staff had prepared showing the public comments; the chart organized the comments by topic.

The Council discussed PRUD's and Cluster Subdivisions. Staff made them aware the Planning Commission had recommended that the uses be made permitted, but the chapters in the code governing them needed to be re-worked so they were more objective and clear. However, there would be a lag time between when they were allowed as permitted uses and when the chapters were re-done.

The council then discussed educational institutions, terminal roads and PRUD's. Council Member Porter commented he had no issue with the uses as proposed, but felt that size restrictions should be put in place for things like private schools, churches and in the higher