



# NORTH OGDEN CITY

— SETTLED 1851 —

**CITY COUNCIL MEETING**  
**JANUARY 26, 2021 AT 6:00 PM**  
**NORTH OGDEN, UT 84414**

**PUBLIC CAN ATTEND BY:**

Click the link below to join the webinar: <https://us02web.zoom.us/j/82054663857> Webinar ID: 820 5466 3857  
Or Telephone Dial: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656  
YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

**Welcome:** Mayor Berube

**Invocation & Pledge of Allegiance:** Council Member Covering

**CONSENT AGENDA**

1. Reading of Determination regarding conducting City Council public meeting without anchor location
2. Call for conflict of interest disclosure
3. Discussion and/or action to consider December 22, 2020 City Council meeting minutes
4. Discussion and/or action to consider January 5, 2021 City Council meeting minutes

**ACTIVE AGENDA**

5. Public Comments\*
6. Discussion and/or action to consider an Ordinance amending the North Ogden City Code to allow tattoo studios in commercial zones  
Presenter: Brandon Bell, Associate Planner
7. Public Hearing on surplus property located at approximately 3970 North Jackson Boulevard and consideration for an Easement Agreement  
Presenter: Jon Call, City Manager/Attorney
  - a. Public Hearing to receive comments on surplus property at approximately 3970 North Jackson Parkway
  - b. Discussion and/or action to consider an Easement Agreement for property located at approximately 3970 North Jackson Boulevard
8. Discussion and/or action to consider a Resolution to honor and thank Don Waite for his dedicated service on the Planning Commission  
Presenter: Mayor Berube
9. Discussion and/or action to consider appointments to the Planning Commission  
Presenter: Mayor Berube
10. Discussion and/or action to consider a Resolution amending the Consolidated Fee Schedule  
Presenter: Evan Nelson, Finance Director
11. Discussion on considering brokerage for the pond parcel
12. Public Comments\*

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

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

**CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 22<sup>nd</sup> day of January, 2021 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogdencity.com>, and faxed to the Standard Examiner. The 2021 meeting schedule was also provided to the Standard Examiner on December 12, 2020 Susan Nance, CMC, Interim City Recorder

13. Council/Mayor/Staff Comments

14. Adjournment

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**Public Comments/Questions**

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

January 26, 2021

**DETERMINATION OF NORTH OGDEN CITY REGARDING PUBLIC MEETINGS  
WITHOUT AN ANCHOR LOCATION**

Pursuant to Utah Code Section 59-2-407, the Mayor of North Ogden City here by determines that conducting an electronic meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the November 8, 2020 declaration by the Governor of the State of Utah regarding the increase in COVID-19 cases and the need for caution in people meeting together.

The JANUARY 26, 2021 meeting of North Ogden City will be held electronically and will not have a physical location. All attendees will connect remotely, and links for public participation are available on the North Ogden City Website

Mayor S. Neal Berube  
North Ogden City

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

December 22, 2020

The North Ogden City Council convened in a virtual meeting on December 22, 2020 at 6:02 p.m. at <https://us02web.zoom.us/j/82121535503> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 17, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT:            S. Neal Berube            Mayor  
                         Ryan Barker            Council Member  
                         Blake Cevering        Council Member  
                         Charlotte Ekstrom     Council Member  
                         Cheryl Stoker         Council Member  
                         Phillip Swanson       Council Member

STAFF PRESENT:   Jon Call            City Manager/Attorney  
                         Annette Spendlove   City Recorder  
                         Rob Scott            Planning Director  
                         Brandon Bell         Associate Planner  
                         Susan Nance         Deputy City Recorder  
                         Rob Scott            Planning Director  
                         Kai Johnson         Planning Intern  
                         Dirk Quinney         Chief of Police

VISITORS:           Ashley Reedy           Brenda Ashdown        Darren Giordano  
                         Edythe Kuhn           Stefanie Casey        Spencer Foster  
                         Susan Clements      Terri McCulloch

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

**CONSENT AGENDA**

**1. READING OF DETERMINATION REGARDING CONDUCTING CITY COUNCIL PUBLIC MEETING WITHOUT ANCHOR LOCATION**

Mayor read the anchor location reading.

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

Mayor asked if any member of the council has a conflict of interest. There were no comments.

**3. DISCUSSION AND/OR ACTION TO CONSIDER DECEMBER 1, 2020 CITY COUNCIL MEETING MINUTES**

**Council Member Swanson motioned to approve the December 1, 2020 City Council meeting minutes. Council Member Ekstrom seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

**ACTIVE AGENDA**

**4. PUBLIC COMMENTS**

There were no comments.

**5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE CORRECTING ORDINANCE 2020-07 REGARDING ACCESSORY BUILDING STANDARDS**

Planning Director Rob Scott presented and stated that the ordinance before them is correcting a mistake that was made in the original Ordinance 2020-07, specifically regarding accessory building standards in section 11-9-8. Mr. Scott continued by stating that he inadvertently deleted these standards in this ordinance from April 2020, and we are looking to add them back in with this corrected Ordinance.

**Council Member Cevering motioned to approve Ordinance 2020-28 amending section 11-9-8 regarding accessory building standards. Council Member Swanson seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

6. **DISCUSSION AND/OR ACTION TO CONSIDER APPROVAL FOR A PRELIMINARY BREEDING PERMIT TO BREED DOGS IN A RESIDENTIAL AREA ZONED R-1-8 ROYLANCE PRUD**

Associate Planner Brandon Bell presented and stated that this application is for final approval and not preliminary approval, as was indicated on the agenda. He went on to discuss the applicants' request for a business license and what the current ordinance allows regarding breeding dogs in a residential area.

Council Member Cevering asked if the breeding permit allows them to have more than 3 dogs. Mr. Bell responded that they could have only 3 adult dogs and the puppies must be sold within 6 months of birth.

Council Member Swanson asked if there are any state or county requirements for dog breeding. Mr. Bell replied that he did not know, but he could bring this information back to the Council if this is something that they want the Planning department to pursue and adjust the current ordinance regarding this. Mayor Berube indicated that he could bring this back with clarification and the Council could continue this discussion.

Mayor Berube thanked the applicant, Ashley, for her integrity on pursuing this through an application.

Council Member Ekstrom asked if we have any other restrictions on any breeds of dogs. The Mayor indicated that some cities tried to not allow pit bulls to be bred and there were court rulings regarding this topic. Council Member Swanson stated that in 2019, the State legislation stated that cities cannot discriminate against certain breeds.

**Council Member Ekstrom motioned to approve a breeding permit application to breed dogs in a residential area zoned R-1-8 Roylance PRUD. Council Member Cevering seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

**7. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERIM CITY RECORDER**

Mayor Berube recommended that Susan Nance be considered as Interim City Recorder.

**Council Member Swanson motioned to approve Susan Nance as the Interim City Recorder. Council Member Stoker seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

**8. COUNCIL REPORTS:**

**a. Council Member Stoker – Police**

Council Member Stoker indicated that the police department is doing well. There was a two-week period where they had a few staff out for various reasons including: surgeries, training, and COVID -19 related issues. The staff was stretched thin, but with some tremendous work by the team they got through it without sacrificing service to the City.

The Police Department received their year-end and service awards as follows:

- Sgt. Jason Child received the City PEAK Award
- Officer Rob Rhoades received the Employee of the Year Award
- Sgt. Jason Child received the Impaired Driving Enforcement Award.
- Sgt. Anthony Bersamin received the Narcotics Suppression

The following individuals received their years of service awards:

- Clark Crowther 40 years
- Paul Rhoades 25 years
- Jeremy Hinds 20 years
- Tyler Jackson 5 years

The following individuals received the Superior Physical Fitness Awards:

- Det. Mark Sempsrott
- Laura Barker
- Mark Poon
- Maria Cabrera

**b. Council Member Cevering – Public Works**

Council Member Cevering attended the Christmas Luncheon with the Public Works Department. He had nothing further to report.

**c. Council Member Ekstrom – Parks & Recreation**

Council Member Ekstrom stated that Public Works did a fantastic job with snowplowing and wanted to give a shout out to all the departments in the City.

The Arts Guild committee held their first meeting.

Parks and Recreation Director Tiffany Staheli has asked for Council direction regarding the hanging flowers along Washington Boulevard and how many we want to hang from the light poles and the spacing. After much discussion, the Council decided that they would hang the flowers on every pole and \$30,000 would be used from the RDA fund for the purchase of the flowers and their maintenance.

9. **PUBLIC COMMENTS**

Brenda Ashdown, 193 East Pleasant View Drive, asked if there is a way for the public to see the City Council members who attend the meeting, as far as Zoom settings would allow. City Manager/Attorney Jon Call responded by saying that he would minimize the staff reports and other things so the public could see the group more often.

Edyth Kuhn stated that she and her husband are appreciative for the Council continuing the flowers.

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

Mayor Berube indicated that it would be City Recorder Annette Spendlove's last meeting before her retirement and asked her if she would be willing to comment. Annette thanked the citizens for allowing her to serve them and the Mayor, Council, and Staff for their friendship and support. Each of the Council Members also commented and thanked Annette for her years of service and dedication to the city.

City Manager/Attorney Call referenced an upcoming joint work session to be held with the City Council and the Public Safety Committee on January 5, 2021. He also gave an update on UTOPIA and the survey they suggested.

11. **DISCUSSION AND/OR ACTION TO CONSIDER ENTERING INTO A CLOSED MEETING TO DISCUSS R§52-4-205(1)(a) REGARDING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL**

**Council Member Covering motioned to recess active agenda and enter a closed meeting to discuss the character, professional competence, or physical or mental**

health of an individual §52-4-205(1)(a) Council Member Barker seconded the motion.

**Voting on the motion:**

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

The motion passed unanimously.

Meeting recessed at 7:04pm

Council Member Swanson motioned to adjourn the closed meeting and reconvene in the City Council meeting. Council Member Cevering seconded the motion.

**Voting on the motion:**

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

The motion passed unanimously.

City Council meeting reconvened at 7:56

12. **ADJOURNMENT**

**Council Member Stoker motioned to adjourn the meeting. Council Member Cevering seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

**The meeting adjourned at 7:58 p.m.**

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S. Neal Berube, Mayor

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Susan Nance, CMC  
Interim City Recorder

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Date Approved

Not Approved

**NORTH OGDEN CITY COUNCIL &  
PUBLIC SAFETY BUILDING COMMITTEE  
JOINT MEETING MINUTES**

January 5, 2021

The North Ogden City Council & Public Safety Building Committee convened in a virtual joint meeting on January 5, 2021 at 6:01 p.m. at <https://us02web.zoom.us/j/86304154906> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 30, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

**PRESENT:**

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member
Charlotte Ekstrom	Council Member
Cheryl Stoker	Council Member
Phillip Swanson	Council Member

**STAFF PRESENT:**

Jon Call	City Manager/Attorney
Susan Nance	Interim City Recorder
Dirk Quinney	Chief of Police
Evan Nelson	Finance Director
Jeremy Hindes	Lieutenant

**PUBLIC SAFETY COMMITTEE MEMBERS:**

M Brent Chugg	Chairman
Jay Johnson	Member
Robert Bolar	Member
Gary Stoker	Member
Chad Roylance	Member
Clark Crowther	Member/Lieutenant
Laura Barker	Member/Court

**Visitors:**

Brenda Ashdown	Edythe	Randall Winn
Stefanie Casey	Susan Clements	Rachelle Krohn
Mark Anderson	Meg Sanders	

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

### **CONSENT AGENDA**

1. **READING OF DETERMINATION REGARDING CONDUCTING CITY COUNCIL PUBLIC MEETING WITHOUT ANCHOR LOCATION**

Mayor Berube read for the public record the determination regarding conducting this meeting without an anchor location. He also invited the Council to declare any conflicts of interest or disclose ex parte communications. No declarations were made.

### **ACTIVE AGENDA**

2. **PUBLIC COMMENTS**

Brenda Ashdown, 193 E. Pleasant View Drive, stated that the lid on her blue garbage can was recently broken; she contacted the City last week and was told someone would respond the first of this week to collect it and replace it. She reported someone visited her property as promised and replaced her can and she wanted to recognize them for her efforts and bring it to the Mayor and Council's attention.

Mayor Berube thanked Ms. Ashdown for taking the time to provide positive feedback.

3. **REVIEW OF POLICE/COURT OPEN HOUSES**

Police Chief Quinney provided the Council with an overview of the work done by the Public Safety Committee; the Committee understood the importance of being open and transparent in their deliberations about the concept of building a new public safety building. They held two open houses in October on October 14 and 29 and attendees were given the opportunity to ask questions of the Committee, members of City Administration, and Police Department staff. He believes the open house events were a great success and the Committee received positive feedback. Those who have reached out to the City have communicated their understanding of the need to build a new facility to meet the current and future needs of the Police Department.

Mayor Berube thanked Chief Quinney and the Committee for their willingness to engage the public regarding this important project; he wished more residents had been in attendance, but he is grateful for those that participated.

#### 4. **DISCUSSION REGARDING THE NEXT PROJECT STEPS AND DEADLINES**

Public Safety Committee Chairman Chugg thanked the Council for their consideration of this project; the Committee feels that some critical steps need to be taken this year in order to get the project moving. First is to hire a design firm that can develop the design for a facility customized to meet the needs of the City for the next 30 to 50 years. If the decision is made today to seek a design firm, it will likely be until the summer of 2021 that they are able to finalize a design. Additionally, the City needs to seek advice from its financial advisor, Zion's Bank, regarding the most appropriate funding options for the project. Finally, the City will need to purchase the neighboring property and demolish the home there to allow for the facility to be built. He concluded that the clock is ticking fast and the Committee feels it is important to move quickly in order for construction to begin early in 2022 and for the Police Department to move to the new facility later that same year. He asked that the Mayor and Council work with City Administration to address the three main points he raised tonight.

Mayor Berube stated that the Council is aware of some community opposition to this project; several months ago, each Committee member was asked to reach out to 10 individuals in the community to help in spreading the word about the importance of the project and generating community support. He asked if that was done. Mr. Chugg deferred to Committee members present to provide information about their community engagement efforts, but noted that the bottom line is that the current facility was built in the 1950's, is not seismically safe, and cannot meet the City's public safety needs because it was never designed to be one. That information was provided to residents who were contacted by Committee members. Mayor Berube stated he understands the importance of the project, but noted the Council has not asked the tough detailed questions about the project. He noted that a price estimate for the court facility is \$2 million and residents will want to know if the City plans to operate a regional court after spending that amount of money. He stated that Council Member Stoker is the Council's liaison to the Police Department and Council Member Swanson is the Council's liaison to Administration relating to finances. He would like those two individuals to meet with Administration to ask those difficult questions. He believes it is important to formulate a design of a facility that will last 30 to 50 years and that it is necessary to pursue neighboring property acquisition, but he asked City Manager/Attorney Call to coordinate meetings between Council Members Stoker and Swanson with the Police Department and Finance Director Nelson. He concluded he believes the condition of the public safety facility is impacting the morale of employees who work there and is hindering the City's ability to recruit and retain quality Police Officers. Chief Quinney agrees that is the case; he is proud of the Department's Police Officers and noted they do not complain about their working conditions, but he can see the impact the facility has on them.

Mayor Berube then stated that City Administration is closely monitoring tax revenue trends and once the Council has more detailed information about the City's financial position now and in the next Fiscal Year (FY), it will be easier to make decisions

regarding this project. He asked that the Committee give him and the Council two additional weeks to consider that information before making a decision on whether to proceed with hiring a design firm. He asked Mr. Call if he has an idea how much the City will pay a design firm for their services, to which Mr. Call answered \$250,000 to \$300,000.

High level discussion then centered on negotiations with the adjoining property owner regarding the City's acquisition of their property for this project. Mayor Berube asked if the City can utilize the services of Committee Member Robert Bolar to prepare a comparative market analysis for the property and home needed for the project. Mr. Call answered yes and Mr. Bolar indicated his willingness to perform that service.

Mayor Berube and Committee Chair Chugg then facilitated discussion among the Council and Committee Members regarding efforts that members of each body can take to communicate the importance of the project to the community. Council Member Swanson suggested that the City solicit the services of the Justice Court prosecutor to provide input regarding the court needs within the building. Mayor Berube stated that information would be very helpful in addition to information about the finances for the project and the information from the Police Department regarding their needs.

Relative to financing, Mayor Berube stated that he is supportive of pursuing a general obligation bond, but he is willing to consider other funding options as well. Council Member Swanson suggested that we could provide a general scale. For instance, if we bonded for \$5 million what would the impact be? If we bonded for \$7.5 what would the impact be? If we bonded for \$10 million what would the impact be? This way we have actual numbers so that we can help residents understand rather than inflated imaginary numbers.

Laura Barker, Committee Member, stated that in addition to seeking input from the Justice Court prosecutor, the City could benefit from receiving information from Judge Lambert; he works for other communities under an interlocal agreement and he could provide detailed information regarding the differences between a local court and a regional court. Mayor Berube stated that information would be very helpful and noted that all information will be brought back to the entire City Council for their review and consideration prior to a decision being made.

Discussion then centered on materials that can be shared with the public via a media campaign for the project.

Chief Quinney then stated that the Police Department and other City representatives have been working on this project for two years; many of the questions that have been asked tonight have been answered in the past. Mayor Berube stated he understands that, but this is a very costly project and there is some opposition to it in the community and it is important to answer the questions that they have. He added that some of the questions

that have been answered have been addressed in a private forum and it is important to make that information public. Council Member Swanson agreed; he noted that it is important to ask hard questions, but it is also the Council's role to make hard decisions on behalf of the community. North Ogden City operates under a representative form of government and this Council needs to be willing to make a hard decision regarding this project. If residents wish to take action in response to the Council's decision, that is their choice. Mayor Berube agreed; the Council must have the courage to make a difficult decision, but if the Council supports a general obligation bond, that matter will be voted upon by the residents at the next municipal election. Council Member Swanson stated that is true for a general obligation bond, but the Council has the ability to issue a revenue bond and that does not require a vote of the people. He is concerned that some decisions are made responsive to outcry from a small group of vocal residents, but it is not appropriate to make decisions for all of North Ogden's residents based upon the input from that smaller group. Mayor Berube stated that he understands Council Member Swanson's comments, but he will continue to be vocal that residents deserve to have input on what happens in their City. Council Member Swanson stated that the greatest amount of input a resident has is their vote for their elected representatives and if they are concerned about actions taken by the Council, they can vote them out at the next election. Mayor Berube stated that he would like for the Council to have all pertinent information regarding the project before making that tough decision; he would also like all decisions regarding this project to be open and transparent. Council Member Swanson stated that is his desire as well.

Mayor Berube then asked Mr. Call to work with Zion's Bank to understand the processes for either a general obligation bond or a revenue bond; that information would be helpful to the Council when they begin discussing funding the project.

Council Member Ekstrom agreed that it is important to get as much information as possible and make that information available to the public; one hurdle the Council will need to overcome is that the general public does not understand how much this type of building costs to construct, but if the City can provide adequate information and justification of the costs, the public will be much more understanding. Mayor Berube agreed; he is committed to gathering all information about this project and laying it out completely for the public so that they can review and provide input regarding this proposal.

## **5. PUBLIC COMMENTS**

Meg Sanders, 2915 N. 875 E., stated she noticed that Robert Bolar and Council Member Swanson are handling social media efforts for the public safety building project, but she wondered how residents will be provided with information if they do not use social media. She also wondered if the information will be placed on the Facebook page managed by North Ogden City rather than advertised on other pages and shared to that

page. Mayor Berube stated that it will be on the City page, but he is happy it will be shared on other pages in order to get the message to as many people as possible. He added that for those not using social media, there will be information in the local newspaper and the City will utilize other advertising opportunities available. Ms. Sanders stated this is a very important issue; social media is powerful, but the message can be influenced by who controls it. She then stated that last time she attended a Council meeting she heard a discussion about continuing to plant flowers in the decorative planters along Washington Boulevard and she wondered if the City will use a local nursery for that large purchase. Mr. Call stated that the flowers are sourced through a local Weber County nursery. Ms. Sanders then noted that on December 24 at 5:00 p.m., her car was broken into and her purse was stolen along with many other items. Many of her neighbors were also victimized. She did not notice that her purse was taken immediately, but she did see that the person who took it had used her bank cards to clear out her accounts. She called the North Ogden Police Department to report the theft, but the responding officer only spoke to her for 10 minutes. He did not call Target to check their surveillance system after verifying that her cards had been used there. She added that in December she chased a person who was stealing packages from front porches; she got a license plate of the vehicle that was being used and got a description of the woman and she provided that information to the Police Department. She later found that her report was not pursued. Just last week, Roy Police captured the person who had been stealing packages in her neighborhood, but she never heard that from her own Police Department. She stated that so many people are resigned to the fact that vehicle break-ins and package thefts are the norm in North Ogden City. While she does not know the difficulty of being a Police Officer, she does know they are busy. But, she is concerned they are becoming complacent in relation to these petty thefts. She then concluded by again discussing the Public Safety building project; the project costs have been estimated at \$11.2 million, which is the largest project in City history. Now is the time to talk to citizens who have no trust in their government and ask them how they feel in a time that they are struggling and adjusting to tighter bank accounts. She thanked the Mayor and Council for their time and service.

Mayor Berube thanked Ms. Sanders for her comments; he noted North Ogden has enjoyed being a very safe City in the past, but as the City grows, so will crime. The City has less than one officer per every 1,000 residents, which is lower than the national average of 2.2 officers per 1,000 residents. It will be very difficult to continue to preserve the safety of the community if staffing levels are not increased and if the City is not able to retain quality Police Officers.

Susan Clements, 668 E. 3125 N., stated she was hopeful the Council would have made a decision tonight regarding the Public Safety building, but she understands the reasons that decision has been delayed. She noted she has heard there are grant programs available for the project and she asked if anyone has looked into such programs. Chief Quinney stated that he has spent the last 18 months reviewing grant programs for which the project would be eligible, but he has yet to find one that the City would qualify for

that would make a substantial fiscal impact for the project. Ms. Clements then stated she would encourage the City to broadcast their public meetings; this would help to improve transparency and give residents the opportunity to understand the entire discussion surrounding a project. She then asked if the City has considered combining police forces with other neighboring cities, similar to what has been done for Fire services in the community. Chief Quinney stated that issue has been studied dating back 40 years and the results of those studies are that combining forces would not be beneficial from a safety and financial standpoint. Mayor Berube added that the Chief is very conservative and is doing all he can to keep the costs low; he has committed to finding ways to fund some of the equipment needed for the building if the City is able to build it.

Brenda Ashdown, 193 E. Pleasant View Drive, stated it saddens her that only 35 people attended the Public Safety Building open house meetings though she understands that could have been impacted by weather and COVID-19. She stated that she appreciates that the City will continue to advertise the project through the City website and social media, but many people would not know about the project if they did not attend these meetings to find out what is happening in the City in general. She stated that when it comes time to make a decision, there will be many people against the project simply because they do not know enough about it. Mayor Berube stated that is likely going to be the case; however, the Council and Committee can only do what they can to advertise the project and then fulfill their role and make a tough decision on behalf of the entire City. Ms. Ashdown stated she is comforted that the Council will do their due diligence before making the decision.

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

Council Member Swanson thanked Ms. Sanders for her great comments; given the scope of the Public Safety building project, it would be appropriate to invest in a well written bulletin that could be mailed to each household in the City to answer questions about the project. Mayor Berube stated he would not oppose that and he also asked Chief Quinney to follow up with Ms. Sanders regarding her comments about the theft she experienced.

Council Member Ekstrom stated she has also had her purse stolen and her accounts cleaned out and she offered her condolences to Ms. Sanders. Mayor Berube stated that he is concerned that burglars are becoming more brazen in the community.

7. **DISCUSSION AND/OR ACTION TO CONSIDER ENTERING INTO A CLOSED MEETING TO DISCUSS R§52-4-205(1)(a) REGARDING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL**

Council Member Cevering motioned to enter into a closed meeting to discuss the character, professional competence, or physical or mental health of an individual §52-4-205(1)(a). Council Member Stoker seconded the motion.

**Voting on the motion:**

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

Meeting recessed at 7:37 pm.

Council Member Swanson motioned to adjourn the closed meeting and reconvene in the City Council meeting. Council Member Stoker seconded the motion.

**Voting on the motion:**

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The City Council meeting reconvened at 10:00 pm.

8. **ADJOURNMENT**

**Council Member Swanson motioned to adjourn the meeting. Council Member Stoker seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

**The meeting adjourned at 10:00 p.m.**

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

\_\_\_\_\_  
Susan Nance, CMC  
Interim City Recorder

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



## Staff Report to the North Ogden City Council

### SYNOPSIS/APPLICATION INFORMATION

Application Request: Discussion and/or action on a legislative amendment to allow tattoo studios in commercial zones  
Agenda Date: January 26, 2021  
Applicant: Kimsha Byrne  
File Number: ZTA 2020-10

### PUBLIC NOTICE:

Mailed Notice: N/A  
Newspaper: December 26, 2020  
City Website: January 21, 2021

### STAFF INFORMATION

Brandon Bell, Associate Planner  
[bbell@nogden.org](mailto:bbell@nogden.org)  
(801) 737-2216

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)  
North Ogden Zoning Ordinance Title 11-8A-7 (C) Commercial Zones C-1, C-2 - Uses

### LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

### BACKGROUND

Kimsha Byrne submitted an application requesting a zoning text amendment to allow tattoo studios as a permitted use for the C-2 zones. The applicant has also submitted a business license application that has received limited approval for other uses inside the proposed facility, such as microblading, permanent makeup, and massage services.

In reviewing that business license application, which included a proposed tattoo studio, Staff did not believe we could properly classify tattoo studios, under one of the currently permitted use categories such as a beauty salon.

On a related note, however, as we surveyed planners throughout the state regarding these types of businesses, one planner did state that these types of businesses are similar in nature regarding their impact on the community to a beauty salon (i.e., the amount of traffic that they generate, etc). This planner also stated that they hadn't had any issues arise from these businesses; that they are quiet, low-key and that they don't generate an excessive amount of traffic. Another planner stated in his role serving as a member of a Planning Commission, that they had included requirements regarding building colors, signs being limited, and an outside area to linger.

With regards to historical context, tattoo studios are generally more broadly accepted than they have been in the past. Legally, the City can choose to allow them as a permitted use, not permit them as a

use, or allow them as a use with some additional requirements, such as standards for hours of operations, distances from other tattoo studios, etc. The Planning Commission expressed no concerns that were specific to this use, which are not already addressed by other governmental entities.

### **CONFORMANCE WITH THE GENERAL PLAN**

Goals from the Economic Development section of the General Plan that may apply to this decision are as follows:

#### **Goal #1 - Increase revenue at a rate that matches or exceeds population growth.**

##### **Strategies**

- Reduce the regulatory burden and processing time on retail development by amending zoning regulations and streamlining processes. Consider the suggestions made in this Chapter.

#### **Goal #2 - Diversify the entertainment, restaurant, and retail offerings within the City.**

##### **Strategies**

- Consider ways to reduce the cost of creating retail development. Examples include assembling land, waiving or reducing fees, municipal service credits, and providing incentives through the use of economic development tools like community development areas (CDA's).
- Promote new development and leasing opportunities through developer recruitment and chamber participation, to assist in recruitment and outreach to commercial real estate brokers, developers, and target business types.
- Meet regularly with existing businesses to learn what the City can do to provide support, help grow their sales, and attract other businesses and developers who can help achieve established economic development goals.

#### **Goal #3 - Assure a quality commercial shopping environment.**

##### **Strategies**

- Promote improvement in City appearance through ordinance changes that require enhanced streetscapes, well designed and located buildings, and interesting, environmentally appropriate, landscaping.
- Promote walkable commercial areas through City ordinances and incentives to achieve the vision for the Downtown and Southtown.

### **POLICY OPTIONS:**

- Allow as a Permitted Use
- Not Allow as a Permitted Use
- Allow as a Permitted Use with Requirements

Potential Requirements as part of this Option:

- Distance from Other Establishments of the Same Use
- Distance from Other Uses
- A Specified Range of Hours of Operation

- Other?

**SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

- Should the standards for the Commercial zones to allow Tattoo Studios as a permitted use?
- Should there be additional standards?
- Is the amendment consistent with the General Plan?

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission voted unanimously to recommend that this ordinance be adopted, with a minor change that body piercing be added to the ordinance as a related use (which adjustment has been made to the proposed ordinance). The City Council should discuss the potential amendment, and make a determination regarding whether to adopt the ordinance adding Tattoo Art Studios, as a permitted use or not.

**EXHIBITS**

- A. Application
- B. Proposed Ordinance Amendment
- C. PC Meeting Minutes - January 6, 2020

## LEGISLATIVE ITEMS:

7. **ZTA 2020-10 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION REGARDING AMENDING CITY CODE TO ALLOW TATTOO STUDIOS IN COMMERCIAL ZONES**  
**PRESENTER: BRANDON BELL, ASSOCIATE PLANNER**

A staff memo from Associate Planner Bell explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

### **BACKGROUND**

Kimsha Byrne has submitted an application requesting a zoning text amendment to allow tattoo studios as a permitted use for the C-2 zones. The applicant has also submitted a business license application that has received limited approval for other uses inside the proposed facility, such as microblading, permanent makeup, and massage services.

In reviewing that business license application, which included a proposed tattoo studio, Staff did not believe we could properly classify tattoo studios, under a currently permitted use category such as a beauty salon.

On a related note, however, as we surveyed planners throughout the state regarding these types of businesses, one planner did state that these types of businesses are similar in nature regarding their impact on the community to a beauty salon (the amount of traffic that they generate, etc.). This planner also stated that they hadn't had any issues arise from these businesses; that they are quiet, low-key and that they don't generate an excessive amount of traffic. Another planner stated in his role serving as a member of a Planning Commission, that they had included requirements regarding building colors, signs being limited, and an outside area to linger.

With regards to historical context, tattoo studios are generally more broadly accepted than they have been in the past. Legally, the City can choose to allow them as a permitted use, not permit them as a use, or allow them as a use with some additional requirements, such as standards for hours of operations, distances from other tattoo studios, etc.

### **CONFORMANCE WITH THE GENERAL PLAN**

Goals from the Economic Development section of the General Plan that may apply to this decision are as follows:

#### **Goal #1 - Increase revenue at a rate that matches or exceeds population growth.**

##### **Strategies**

- Reduce the regulatory burden and processing time on retail development by amending zoning regulations and streamlining processes. Consider the suggestions made in this Chapter.

#### **Goal #2 - Diversify the entertainment, restaurant, and retail offerings within the City.**

### Strategies

- Consider ways to reduce the cost of creating retail development. Examples include assembling land, waiving or reducing fees, municipal service credits, and providing incentives using economic development tools like community development areas (CDA's).
- Promote new development and leasing opportunities through developer recruitment and chamber participation, to assist in recruitment and outreach to commercial real estate brokers, developers, and target business types.
- Meet regularly with existing businesses to learn what the City can do to provide support, help grow their sales, and attract other businesses and developers who can help achieve established economic development goals.

### Goal #3 - Assure a quality commercial shopping environment.

#### Strategies

- Promote improvement in City appearance through ordinance changes that require enhanced streetscapes, well designed and located buildings, and interesting, environmentally appropriate, landscaping.
- Promote walkable commercial areas through City ordinances and incentives to achieve the vision for the Downtown and Southtown.

### POLICY OPTIONS:

- Allow as a Permitted Use
- Not Allow as a Permitted Use
- Allow as a Permitted Use with Requirements
  - Potential Requirements as part of this Option:
    - Distance from Other Establishments of the Same Use
    - A Specified Range of Hours of Operation
    - Other?

### The memo offered the following summary of potential Land Use Authority considerations:

- Should the standards for the Commercial zones to allow Tattoo Studios as a permitted use?
- Should there be additional standards?
- Is the amendment consistent with the General Plan?

The memo concluded staff recommends that the Planning Commission conduct the public hearing, receive input, discuss the potential amendment and any changes, and make a recommendation to the City Council if the Commission believes the ordinance should be and is ready to be considered by the City Council.

Mr. Bell reviewed his staff memo. He noted that one issue that has been raised since the publication of his memo is whether to consider allowing body piercing studios and laser tattoo removal uses along with tattoo studios.

Commissioner Barker asked where a tattoo studio would be located if this ordinance amendment is approved. Mr. Bell stated that the text amendment is specific to commercial zoning, so there would be several locations in which the use would be allowed; however, the applicant who is pursuing this amendment would locate their studio in the shopping center on 2300 North.

Commissioner Waite addressed possible restrictions on signage and building materials. He acknowledged the difficulty on regulating signs, but noted he has noticed that signs for existing tattoo studios are a bit 'dark' and that is bothersome. Mr. Bell stated that the City has the ability to legislate colors to be used in signs and buildings within the commercial zones of the City. The City Code calls for the use of earth or neutral tones.

Vice-Chairman Mason stated that he is not concerned about allowing this type of use nor is he concerned about the signage that may be used to advertise for the business. His only concern would be whether the use could hinder continued economic development in the area directly around the subject property. He stated he would like to discuss that matter with the Commission. Chairman Thomas stated that he also is not concerned about this type of business and does not feel it should be lumped into a category of business types that are not desirable in the community. He does not see the need for special requirements or limitations on the business, but he would be willing to discuss whether it would be appropriate to limit the total number of tattoo parlors that can locate in the City or require them to be located a defined distance from one another.

Commissioner Nancarrow stated she would liken a tattoo parlor to a nail or hair salon and if the City does not place specific restrictions upon those types of businesses, it also should not consider specific restrictions on a tattoo parlor.

The Commission engaged in high level discussion regarding whether it would be appropriate for the City to limit the number of tattoo parlors or require them to locate a defined distance from one another.

#### **a. Public Hearing**

Chairman Thomas opened the public hearing at 7:08 p.m.. He first invited input from the applicant, but clarified for the rest of the public that this is not a hearing regarding a specific business; rather, public comments should be related to whether the text amendment for the City's commercial zones is appropriate.

Joe & Kimsha Byrne, 4743 S. 575 W., Riverdale, stated they are business partners interested in opening a mindful tattoo studio. Ms. Byrne stated this is a traditional practice that connects tattooing with spirituality. The studio will also offer education regarding proper and safe tattoo techniques. Mr. Byrne stated there will also be a focus on Occupational Health and Safety Administration (OSHA) certification for tattoo parlors. He and his wife currently own a studio on Oahu and it is the only studio on that island that is OSHA certified. The tattoo industry has changed quite a bit over his 12-year career. Tattoos are more widely accepted, which has led many to pursue tattooing on their own and this has created a great deal of risk. He and his wife are interested in offering training to improve safety of tattoo parlors.

Vice-Chairman Mason inquired as to why the Byrnes are interested in opening a parlor in Utah. Ms. Byrne stated that Hawaii has been drastically impacted by the COVID-19 pandemic and their parlor there was shut down for four months. She and her husband have family in Utah and split their time between Hawaii and Utah and they are interested in operating a business here as well. Vice-Chairman Mason offered his apologies for the manner in which the Byrnes business has been impacted by COVID-19.

There was no additional public input.

**Commissioner Barker made a motion to close the public hearing. Commissioner Arner seconded the motion.**

**Voting on the motion was unanimous.**

The motion carried and the public hearing was closed at 7:14 p.m.

**b. Consideration and Recommendation**

Commissioner Barker stated he does not feel it is necessary to require tattoo parlors to locate a certain distance from one another because he feels that this is a use that will be self-regulating. He added he is also pleased that the City's commercial zone ordinance already addresses building and signage materials/colors. Vice-Chairman Mason agreed, but again asked for the Commission to discuss and consider whether a tattoo parlor use would impact economic development opportunities in the City.

Commissioner Waite stated there are some pretty serious health concerns associated with tattoo studios and he inquires as to the authority that will regulate the business to ensure those concerns are being addressed. Mr. Bell stated that he has received information from the County and the State of Utah regarding the licensing regulations imposed on tattoo parlors. Mr. Byrne added that Utah requires bloodborne pathogens testing, which addresses cross contamination and disease prevention. He is eager to comply with these requirements and would also like to pursue education for the rest of the industry.

Commissioner Nancarrow asked if the local health department will have the same level of oversight for a tattoo parlor as they would have for a beauty salon, to which Mr. Byrne answered yes.

Commissioner Arner addressed Vice-Chairman Mason's question regarding whether a tattoo parlor would detract from further economic development of an area. She noted it is her opinion that so long as the building is well maintained and complies with the City's commercial zoning ordinance, it should not be a detraction or negatively impact other businesses interested in locating in the area. Commissioner Nancarrow agreed and noted that a tattoo parlor is legitimate business and should be viewed that way. She is hesitant to forecast how another business may look at a tattoo parlor and whether they would be concerned about locating next to one. Vice-Chairman Mason stated he is not trying to discredit to the business or the tattoo industry, but it is the Planning Commission's job to consider whether uses are harmonious with one another and he simply wanted the Commission to consider whether the use would detract from continued economic development.

**Vice Chairman Mason made a motion to forward a positive recommendation to the City Council regarding application ZTA 2020-10, amending City Code to allow tattoo studios, laser tattoo removal, and body piercing as permitted uses in the C-1 and C-2 zones. Commissioner Nancarrow seconded the motion.**

Mr. Bell clarified that due to the manner in which the City Code is structured, an amendment to the C-1 and C-2 zones would also apply to the CP-1 and CP-2 zones, which are basically modified versions of the C-1 and C-2 zones.

Vice-Chairman Mason amended his motion to allow tattoo studios, laser tattoo removal, and body piercing as permitted uses in the C-1, C-2, CP-1, and, CP-2 zones. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.



**ORDINANCE 2021-**

**AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TO AMEND THE PERMITTED USES IN COMMERCIAL ZONES FOUND IN 11-8A-7 C TO INCLUDE TATTOO ART STUDIOS (ALONG WITH RELATED USES)**

- WHEREAS;** City regulations specify the list of permitted uses in the Commercial zones; and
- WHEREAS;** The City has received a request to add Tattoo Art Studios as a permitted use; and
- WHEREAS;** Tattoo Art Studios have been deemed to be a permissible use in the Commercial zones; and
- WHEREAS;** This use has been deemed to be similar in impacts to other permitted uses; and
- WHEREAS;** The North Ogden City Planning Commission has reviewed this request, conducted a public hearing on the amendment, and recommends adoption of this amendment.

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that North Ogden City zoning ordinance 11-8A-7 C is amended.

**SECTION 1:** Text in red, in all sections below, to be added to the permitted uses in 11-8A-7 C in the table, between the currently permitted uses of Tanning Salon and Taxidermist:

**Tattoo Art Studio (including Body Piercing and Laser Removal)**

**SECTION 2:** The above text shall be added with a **P** for permitted use, in both the C-1 and C-2 columns, in the same row in the table, as the text to be added that is noted in the section above.

**SECTION 3:** This ordinance shall take effect upon adoption.

**PASSED and ADOPTED** this \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2021.

**North Ogden City:**

\_\_\_\_\_  
**S. Neal Berube**  
**North Ogden City Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Barker:</b>	___	___
<b>Council Member Covering:</b>	___	___
<b>Council Member Ekstrom:</b>	___	___
<b>Council Member Stoker:</b>	___	___
<b>Council Member Swanson:</b>	___	___

**(In event of a tie vote of the Council):**

**Mayor Berube**

\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Susan B. Nance, MMC**  
**Interim City Recorder**





# ZONING ORDINANCE AMENDMENT APPLICATION

North Ogden City Planning Department  
505 East 2600 North  
North Ogden, UT 84414 (801)782-7211

MAP AMENDMENT       TEXT AMENDMENT\*

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

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STATE THE LEGAL DESCRIPTION OF AREA PROPOSED TO BE REZONED:

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CURRENT ZONING CLASSIFICATION(S): CP-2

PROPOSED ZONING CLASSIFICATION: We are submitting this application in request to add 'Tattoo Arts' as a permitted use for zone CP-2.

\*PROPOSED TEXT (attach additional sheets, if needed): \_\_\_\_\_

Our business mission is based around the practice of Mindfulness & Healing through art. Tattoo once was used as a spiritual ceremony & over time we have lost sight of its origin, therefor Raven Studio has set out to recapture this practice.

The benefits of Tattoo are abundant and serve as a healing process for many individuals wether it is memorializing a loved one, or simply imprinting permanently memories from their life experiences.

We have a Mindful Tattoo & Healing Arts Studio located in Hawaii as well and would like to invite you to visit our website to see more of who we are. You can find us at [www.ravenstudiohi.com](http://www.ravenstudiohi.com)

Our brand believes that bringing this type of holistic healing into the community would be very beneficial & distinctive. Thank you for your consideration,  
Kimsha Byrne

**\*If the Master Planned Community Zone is being applied for, then the information listed in 11-7K-3 Process and Application requirements shall also be submitted.**

**PLEASE ATTACH TWO (2) PAPER COPIES AND ONE ELECTRONIC COPY OF A MAP PREPARED BY A UTAH REGISTERED LAND SURVEYOR SHOWING THE FOLLOWING:**

1. A 24" X 36" map showing the particular property or properties for which the change of zoning is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
2. A tentative development plan that shall show the following:
  - a. Topographical description showing existing and proposed grades and drainage systems, and natural and manmade features with an indication as to which are to be retained and which are to be removed or altered.
  - b. Proposed street system.
  - c. Proposed block layouts.
  - d. Proposed reservation for parks, parkways, playgrounds, recreation areas, and other open space.
  - e. Off-street parking spaces.
  - f. Types of uses of structures.
  - g. Location of structures, garages, and/or parking spaces.
  - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
  - i. Preliminary plans and elevations of the structure types. Single-family residential subdivisions are exempt from the requirement.
3. Reasons justifying the petition for rezoning.
4. A true statement revealing any conditions or restrictions of record (if any) which would affect the permitted uses of the property if rezoned as requested and the date, or dates (if any), of expiration thereof.
5. Such photographs, drawings, and other supporting documents (if any) as the applicant desires to present.
6. Please provide a list of names and addresses of surrounding property owners within 300 feet.

Under certain circumstances where the Planning Director finds that the nature of the rezoning request is such that it would be unnecessary or unfeasible for the applicant to prepare a plan in accordance with the above stated requirements, the Planning Director may waive certain items of the above requirements, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

**PROPERTY OWNER'S PERMISSION FOR REZONING REQUEST:**

I (we) authorize \_\_\_\_\_ to request a change in the Zoning classification of my (our) property from \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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## NORTH OGDEN CITY STAFF REPORT

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**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JON CALL, CITY MANAGER/ATTORNEY  
**SUBJECT:** EASEMENT AGREEMENT FOR LOT 48  
**DATE:** 1/20/2021

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The City was recently approached about providing an access easement for lot 48 in the North Ogden Cove. The Council met and discussed this option and instructed staff to come back with an agreement or proposed language for the continued used of the driveway provided the beneficiary of the easement not block the City's access and agree to maintain the access. Staff has put together the attached agreement.

The Council will hold a public hearing on the disposition of real property and then make a decision on whether or not accept this agreement.

## EASEMENT AND MAINTENANCE AGREEMENT

This *Easement Agreement* (hereinafter “**Agreement**”) is entered into by and between Matthew and Susan Schweppe (“Lot Owner”), and North Ogden City, a Utah Municipal Corporation (the “**City**”). Lot Owner and the City are sometimes referred to individually as a “Party” and collectively as the “Parties”. This Agreement shall be binding and effective upon its approval by both Lot Owner and the City as provided by Utah law (the date this Agreement is executed by the City and Lot Owner hereinafter referred to as the “**Effective Date**”).

### **RECITALS**

WHEREAS, Lot Owner owns property at 3968 N. Jackson Boulevard, North Ogden UT 84414; and

WHEREAS, the City owns and operates a storm drain system throughout its municipal boundaries; and

WHEREAS, the City owns property with an existing asphalt driveway known as parcel 16-304-0047; and

WHEREAS, the Lot Owner desires to utilize the asphalt driveway to access their parcel at 3968 N. Jackson Blvd.; and

WHEREAS, the City is agreeable to allowing the use of the existing asphalt driveway with a corresponding maintenance agreement accepting responsibility for the maintenance of the City’s parcel directly adjacent to the asphalt driveway.

NOW THEREFORE, in consideration of the promises, covenants, and conditions herein contained and in further consideration of the execution of this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lot Owner and the City agree as follows:

### **AGREEMENT**

1. Incorporation of Recitals. Each of the recitals set forth above are hereby incorporated into this Agreement by this reference, and are made a part hereof.
2. Obligations of North Ogden City
  - a. North Ogden City will allow for an access easement across its parcel 16-304-0047.
  - b. North Ogden City will allow for maintenance of it parcel.

- c. North Ogden City will allow for the installation of landscaping and additional hard surface paving on its parcel after written approval by the Public Works Director.

3. Obligations of Lot Owner

- a. Lot Owner will maintain that portion of parcel 16-304-0047 which is directly adjacent to the existing asphalt driveway as identified on Exhibit A.
- b. Lot Owner will not block, park, fence, or otherwise inhibit access of public utility vehicles from accessing the detention basin accessed by the asphalt driveway.
- c. Lot Owner shall immediately repair damage to asphalt caused by Lot Owners use of the existing driveway after receiving written notice.
  - i. The Parties anticipate that there will be damage to the driveway during construction of the home on Lot Owner's property. Such damage shall be minimal and the Parties anticipate repairs be made to the asphalt after construction is completed, up to and including an overlay of asphalt.
- d. Lot Owner agrees to maintain the asphalt driveway, including slurry seals, crack seals, and complete replacement should the need arise.
- e. Failure to maintain easement and asphalt may result in forfeiture of use of the City's property.

4. Failure to Maintain

- a. Should Lot Owner, their heirs and assigns fail to maintain the easement, the Parties agree that the City may use all means necessary to enforce this agreement, including lawsuits, liens, and other actions available under law.
- b. Should City be required to repair or repave the asphalt surfaces because of neglect or abuse the City shall be reimbursed by Lot Owner and any outstanding monies owed shall be subject to penalties and interest to the maximum amount allowed under the then current rates established by the Utah Courts.

5. Attorney Fees and Costs. Each party hereto shall bear its/his/her own attorney fees and costs incurred in connection with the execution of this Agreement. However, if any party shall seek to enforce or protect its rights under this Agreement or under any document or instrument executed and delivered in connection therewith, in any suit, case, or other proceeding, including all

bankruptcy cases and proceedings, and any appeals and/or petitions therefrom, the prevailing Party shall be entitled to receive from the other Party full payment of his, her, or its costs and expenses, including reasonable attorney fees incurred (whether such costs or fees were incurred before or after the commencement of litigation or mediation to resolve the dispute).

6. Binding Effect. This Agreement is binding upon and inures to the benefit of the Parties and their respective heirs, legatees, representatives, successors, transferees and assigns. This Agreement shall run with the land of the Lot Owner's property at 3968 N. Jackson Boulevard. This Agreement cannot be utilized to benefit any additional property without the express written permission of the North Ogden City Council.
7. Force Majeure. No party hereto will be liable for any failure or delay in performing an obligation under this Agreement that is due to causes beyond its reasonable control, such as natural catastrophes, governmental acts or omissions, laws or regulations, labor strikes or difficulties, transportation stoppages or slowdowns or the inability to procure parts or materials. Any such delay beyond the control of the Parties shall toll the requirements of Paragraph 3 above for completion of the project.
8. Amendments and Waivers. This Agreement may not be modified, amended or terminated except by an instrument in writing, signed by each of the Parties affected thereby. No failure to exercise and no delay in exercising any right, remedy or power under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy or power under this Agreement preclude any other or further exercise thereof, or the exercise of any other right, remedy or power provided herein or by law or in equity.
9. Drafting and Voluntary Execution. The drafting and negotiation of this Agreement have been participated in by all of the Parties hereto, and for all purposes this Agreement shall be deemed to have been drafted jointly by all such Parties. The Parties acknowledge that they have been represented by legal counsel of their choice in all matters connected with the negotiation and preparation of this Agreement, or that they have had the opportunity to be represented by counsel, and that they have reviewed this Agreement with their counsel, or that they have had the opportunity to review this Agreement with their counsel, and that they fully understand the terms of this Agreement and the consequences thereof. Furthermore, the Parties hereto have been afforded the opportunity to negotiate as to all terms of this Agreement, and that they are executing this Agreement voluntarily and free of any undue influence, duress, or coercion. The Parties hereto further acknowledge that they have relied on their

own judgment, belief, knowledge, and advice from their affiliates and agents, as well as any other representative or consultant, as to the extent and effect of the terms and conditions contained herein without any reliance upon any statement or representation of any other party or any officer, director, employee, agent, servant, adjustor, or attorney on acting on behalf of the other party. Moreover, the headings in this Agreement are for convenience only and shall not be interpreted to limit or affect in any way the meaning of the language contained herein.

10. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and all of which shall be deemed to constitute one and the same instrument.
11. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Utah without giving effect to any choice or conflict of law provisions or rules that could cause the application of the laws of any jurisdiction other than the State of Utah. Each Party hereto irrevocably agrees that any legal action or proceeding with respect to this Agreement or for recognition and enforcement of any judgment in respect hereof brought by any other Party hereto or its successors or assigns may only be brought and determined in the courts of Weber County, in the State of Utah. Consequently, each Party hereby irrevocably submits with regard to any such action or proceeding for itself and in respect to its property, generally and unconditionally, to the exclusive jurisdiction and venue of the aforesaid courts in said situs. Each Party hereby irrevocably waives, and agrees not to assert, by way of motion, as a defense, counterclaim or otherwise, in any action or proceeding with respect to this Agreement, (a) any claim that it is not personally subject to the jurisdiction of the aforementioned courts for any reason other than the failure to lawfully serve process, (b) that it or its property is exempt or immune from jurisdiction of any such court or from any legal process commenced in such courts (whether through service of notice, attachment prior to judgment, attachment in aid of execution of judgment, execution of judgment or otherwise), and (c) to the fullest extent permitted by applicable law, that (i) the suit, action or proceeding in any such court is brought in an inconvenient forum, (ii) the venue of such suit, action or proceeding is improper, or (iii) this Agreement, or the subject matter hereof, may not be enforced in or by such courts.
12. Severability. If for any reason any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions of this Agreement nevertheless shall be construed, performed and enforced as if the invalidated or unenforceable provision had not been included in the text of the Agreement.

13. Entire Agreement. All agreements, covenants, representations and warranties, express or implied, oral or written, of the parties concerning the subject matter hereof are contained herein. No other agreements, covenants, representations or warranties, express or implied, oral or written, have been made by any party to any other party concerning the subject matter hereof. All prior and contemporaneous conversations, negotiations, possible and alleged agreements, representations, covenants, and warranties concerning the subject matter hereof are merged herein. This is an integrated agreement. The provisions of this Agreement are solely for the benefit of the Parties and will not be construed as benefiting any third party; provided, however, a transferee of an ERU Certificate shall be entitled to the benefits and credit against impact fees associated with such certificate.
14. Merger. The terms of this Agreement shall not merge with the easement deed but shall survive and be enforceable by either party and require either party to execute any documents to give full effect to the intent of this agreement.

WHEREFORE, Lot Owner and the City voluntarily enter into this Agreement as of the date(s) set forth below.

NORTH OGDEN CITY

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By: S. Neal Berube, Mayor

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

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Attest: Susan Nance, Interim City Recorder

Matthew and Susan Schweppe

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By. Matthew Schweppe

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

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By. Susan Schweppe

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

Exhibit A



Exhibit B  
Legal Description  
(Easement Description)

**RESOLUTION NO. -2021**

**A RESOLUTION OF THE CITY COUNCIL OF NORTH OGDEN CITY TO HONOR AND  
THANK DON WAITE FOR HIS DEDICATED SERVICE ON THE PLANNING  
COMMISSION AND TO THE CITY OF NORTH OGDEN**

**WHEREAS;** Don Waite served on the North Ogden City Planning Commission from August 13, 2013 to January 31, 2021; and

**WHEREAS:** In almost 7 ½ years as a Commissioner, he has attended approximately 165 regular meetings, numerous joint meetings with the City Council, and countless committee meetings; and

**WHEREAS:** He served as Vice-Chairman of the Planning Commission from September 18, 2013, to January 20, 2016; and

**WHEREAS:** He served as Chairman of the Planning Commission January 20, 2016, to January 3, 2018; and

**WHEREAS:** He served as a delegate from the Planning Commission to the General Plan Steering Committee for more than seven years; and

**WHEREAS:** He has reviewed and voted or recommended to the City Council more than 70 commercial and residential projects, countless site plans, conditional use permits, rezones of property, annexations, and amendments to the City Code.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of North Ogden City that the City recognizes Don's service and formally shows appreciation for his dedication to the City.

PASSED and APPROVED this \_\_\_\_\_ day of January 2021.

**NORTH OGDEN CITY:**

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

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Barker:</b>	___	___
<b>Council Member Cevering:</b>	___	___
<b>Council Member Ekstrom:</b>	___	___
<b>Council Member Stoker:</b>	___	___
<b>Council Member Swanson:</b>	___	___

**(In event of a tie vote of the Council):**

<b>Mayor Berube</b>	___	___
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**ATTEST:**

\_\_\_\_\_  
**Susan Nance**  
**Interim City Recorder**



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## NORTH OGDEN CITY STAFF REPORT

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**TO:** MAYOR AND CITY COUNCIL  
**FROM:** EVAN NELSON, FINANCE DIRECTOR  
**SUBJECT:** AMENDED FEE SCHEDULE  
**DATE:** 1/26/21

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Staff would like to propose three changes to the Consolidated Fee Schedule. Here is a brief explanation of each:

### **Building Department Reinspection Fee**

This fee would be applied in cases where contractors fail to meet the requirements of the building code after multiple inspections. The amount is set equal to other similar fees currently in the schedule.

### **Transportation Utility Fee**

This fee is proposed to be eliminated due to a pending lawsuit against another Utah city. The City stopped charging this fee in 2020. Eliminating it from the schedule would align the document with current practice.

### **Fire District Impact Fees**

The Fire District modified their impact fees. It is proposed that the City schedule be updated to reflect the new fees.

**RESOLUTION**

**CONSOLIDATED FEE SCHEDULE**

**A RESOLUTION TO AMEND THE CONSOLIDATED FEES CHARGED BY NORTH OGDEN CITY, UTAH FOR THE VARIOUS SERVICES, PERMITS, AND MATERIALS THE CITY PROVIDES IN ITS OPERATIONS AND FUNCTIONS AS A MUNICIPALITY IN THE STATE OF UTAH, AND MAKING SUCH FEES EFFECTIVE JANUARY 26, 2021.**

**WHEREAS**, North Ogden City desires to charge fees to the users of its various services, utilities, and programs.

**NOW THEREFORE**, be it resolved by the North Ogden Council:

**SECTION 1. Fees.**

Fees may be adjusted in unique circumstances with the approval of the Department Head and the City Administrator.

**ADMINISTRATION DEPARTMENT**

- Municipal Code .....\$150.00
- Municipal Code Update Annual Fee .....\$50.00
- Annexation City Fee ..... \$935.00 Plus Actual Cost of Postage and Publication
- Copies, Per Page .....\$0.10
- City Map, 11" X 17" .....\$1.00
- City Map, 26" X 34" .....\$3.00
- Zoning Map, 26" X 34" .....\$5.00
- Cook Books .....\$10.00 + Tax
- Return Check Fee .....\$20.00
- Certified Copy .....\$5.00
- Notary .....\$5.00
- Facsimiles
  - > First Page, Local Number .....\$1.00
  - > Each Additional Page, Local Number .....\$.50
  - > First Page, Long Distance .....\$2.00
  - > Each Additional Page, Long Distance .....\$1.00
- Green Waste Pit Card Fee ..... 10 Punches/\$25.00
  - > One-entry pass .....\$3.00
  - > Contractors ..... \$100.00 per load + \$100.00 refundable deposit
- Existing Public Document, 8½" X 11", Per Page .....\$0.10
- Prepare a Letter or Document, Per Page .....\$1.00
- GRAMA Request, Records, Research Compilation, Editing, etc.
  - > First 30 minutes ..... No Charge
  - > Additional Time Per Hour (One Hour Minimum)  
of the lowest wage of the employee who can get the information.

*I*

- Business Banners
  - › Set up to hang and use our brackets .....\$15.00
- Audit .....\$10.00 each
- Budget .....\$15.00 each

**BUILDING DEPARTMENT**

- ***For Impact Fees see Impact Fee Summary page 12 (Water, Sewer, Parks, Transportation, Fire, Central Weber Sewer, Storm Water)***

Water Connections:

- Water Connection, 1" Meter, In a Subdivision .....\$475.00
- Water Connection, 1" Meter, Outside of a Subdivision .....\$541.00
- Water Connection, 1" Meter, Unincorporated .....\$741.00
- Water Connection, 1.5" Meter, In a Subdivision .....\$2167.00
- Water Connection, 1.5" Meter, Outside of a Subdivision .....\$2405.00
- Water Connection, 1.5" Meter, Unincorporated .....\$2605.00
- Water Connection, 2" Meter, In a Subdivision .....\$2167.00
- Water Connection, 2" Meter, Outside of a Subdivision .....\$2405.00
- Water Connection, 2" Meter, Unincorporated .....\$2605.00

Sanitary Sewer Connections:

- › In a Subdivision .....\$56.00
- › Outside a Subdivision .....\$142.00
- › Unincorporated .....\$142.00

Building Permit Fees:

- Initial Waste Containers .....\$200.00
- Construction Water Connection .....\$54.08
- Single-Family Residential Permit and Commercial Building Permit Fees 1997 Version of the Uniform Building Code, Section 107.2 Table 1A plus 20%
- Residential Plan Check Fee Deposit .....\$500.00
- Temporary Power Inspection Fee .....\$56.40
- Minimum Building Permit Fee .....\$56.40
- **Reinspection Fee .....\$56.40**
- Single-Family Residential Plan Check ..... 50% of Permit Fee
- Commercial Building Plan Check ..... 65% of Permit Fee
- State Fee ..... 1% of Permit Fee
- Deposit for Off-Site Improvements .....\$1,000  
(New Homes Charged with Building Permit)
- Excavation Permit/Road Cut Fee ..... \$50.00 & Road Cut Fee/See Chart
  - › Taxing Entities-e.g. special districts, government, will be charged 75% of normal fee.
  - › Cash Bond .....\$300.00
  - › Performance Bond .....\$2,000.00
- Blasting Permit .....\$50.00
- Grading Permit .....\$150.00

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**BUSINESS LICENSES**

- Commercial Business/High-Impact Home Occupation/Residential Rental License

- > New Application Base Fee .....\$100.00
    - > Renewal Base Fee .....\$75.00
  - Temporary .....\$100.00
  - Fireworks Stands.....\$125.00
  - Solicitor’s License .....\$100.00 each
  - Beer Licenses, Class “A” and “B”
    - > New application .....\$125.00
    - > Renewal .....\$25.00
    - > Renewal with background checks .....\$100.00

In addition to the above Business License Fees, the following fees apply:

- Temporary license for Businesses with a combined display and building area covering more than 400 square feet .....License fee plus \$250.00 refundable deposit
- Temporary license for businesses with a combined display and building area covering less than 400 square feet .....License fee plus \$150.00 refundable deposit
- Late Fees:
  - > Business License renewal fees are due one year from the date the certificate of license is issued at the close of business. (North Ogden City Code 4-1-5A)
  - > If any license fee is not paid within two (2) months of the due date, a penalty of twenty-five percent (25%) of the amount of the license fee shall be added to the original amount thereof, and if not paid within four (4) months of the due date, an additional penalty of twenty-five percent (25%) shall be added to the original amount. (North Ogden City Code 4-1-5B)

**Civil Penalties**

- Abatement of property in violation of North Ogden City Municipal Code .....\$100.00
- Administrative hearing fee .....\$20.00
- Civil citation fees:
  - > Paid before 10 days from date of citation.....\$25.00
  - > Paid after 10 days but before 20 days from date of citation .....\$50.00
  - > Paid after 20 days but before 30 days from date of citation .....\$100.00
  - > Late fee to be added to fines paid after 30 days ..... \$10 per day up to a maximum of \$1,000.00 in fees and late fees.
- Storm Water and Drainage:
  - > Notice of Violation Issued, 1<sup>st</sup> Day, 24-Hour Remediation ..... No Charge
  - > 2<sup>nd</sup> Day.....\$100.00
  - > 3<sup>rd</sup> Day .....\$200.00
  - > Each Subsequent Day .....\$250.00

**PLANNING**

- General Plan, Bound Copy .....\$25.00
  - > Per Page .....\$0.10
- Zoning Ordinance, In Binder.....\$50.00
  - > Per Page, Not In Binder .....\$0.10
  - > Additional Updates, Per Year.....\$10.00
- Subdivision Ordinance, In Binder .....\$25.00
  - > Per Page, Not In Binder .....\$0.10
- Subdivision Fees
  - > Preliminary Approval .....\$800.00 Plus \$50.00 per lot
  - > Final Approval.....\$1,000 Plus \$30.00 per lot
- Minor Subdivision

- › City Fee .....\$750.00
  - › Without Technical Review.....\$580.00
- Vacation or Amendment of Subdivision
  - › City Fee .....\$695.00
- Subdivision Application Extension
  - › City Fee .....\$200.00
- Expired Subdivision Application Renewal – No Changes Required
  - › City Fee .....\$200.00
- Boundary Line Adjustment
  - › City Fee .....\$675.00
- North Hillside Study .....\$25.00
- Zoning/Subdivision Amendment
  - › Text.....\$350.00
  - › Map.....\$875.00
- Site Plan Review
  - › City Fee (with technical review) .....\$1,390.00
  - › City Fee (no technical review) .....\$730.00
- Planned Residential Unit Development (PRUD)
  - › City Fee .....\$1,695.00
- Conditional Use Permit
  - › City Fee (with technical review) .....\$1,550.00
  - › City Fee (no technical review) .....\$730.00
- Appearance Before Administrative Hearing Officer .....\$565.00
- Plat Maps, 8½" X 11" Copy .....\$0.15
- Plat Maps, 11" X 17" Copy .....\$0.25
- Chicken License Application.....\$5.00 annually
- Subdivision Special Exception Application .....\$835.00
- Zoning Verification Letter .....\$25.00
- Land Use Permits .....\$40.00
- Rebuild Letter .....\$25.00

**PARKS & RECREATION**

- Community Garden .....\$25.00 per box/per year
- North Ogden City Park and Field Reservation Time Periods and Reservation Fees:
- Bowery Reservation ..... All Day (8:00 a.m.-10:00 p.m.)
    - › North Ogden Resident or Church Group That Meets Regularly  
in North Ogden .....\$35.00
    - › Non-Resident or Church Group That Does Not Meet Regularly  
in North Ogden .....\$75.00
    - › Commercial or Corporate Group.....\$75.00
  - Amphitheater Rental - DAILY .....
    - › Apron Only – Door Down .....\$250.00/\$125.00 Non-profit
    - › Apron and Stage – Door Up.....\$500.00/\$250.00 Non-profit
    - › Event Supervisor (Required for Door Up) .....\$25.00/hr. (4 hr. min.)
    - › 2 Dressing Rooms .....\$50.00
    - › Green Room .....\$50.00
  - Amphitheater Rental - HOURLY .....

- › Apron Only – Door Down ..... \$50.00/\$25.00 Non-profit
  - › Apron and Stage – Door Up..... \$100.00/\$50.00 Non-profit
  - › Event Supervisor (Required for Door Up) ..... \$25.00/hr. (4 hr. min.)
  - › 2 Dressing Rooms .....\$50.00/day
  - › Green Room .....\$50.00/day
- Amphitheater Rental - MISC.....
  - › Garbage Cans ..... \$10.00/each (1 per 100 people)
  - › Deposit – Door Down.....\$200.00
  - › Deposit – Door Up .....\$500.00
  - › Late Change Request (Less than 2 weeks to event) .....\$25.00
- Equestrian Park Fee:
  - › Junior Posse ..... No Charge
  - › North Ogden 4-H Groups, Per Rider.....\$2.00
  - › Event Group
    - Non-North Ogden Horse Group Meeting Regularly in North Ogden\$50.00/Day
    - Non-Resident or Church Group Not Meeting Regularly in N. Ogden\$50.00/Day  
Plus \$2.00 Per Rider
    - Commercial or Corporate  
Group.....\$100.00/Day  
Plus \$2.00 Per Rider
    - One day per week all  
season.....\$350.00
- Rental of the North View Senior Center
  - › Auditorium/Kitchen-4 Hours (NOC & Pleasant View Residents) .....\$150.00+\$200.00  
Refundable Cleaning/Security Deposit
  - › Auditorium/Kitchen-Additional Per Hour.....\$50.00
  - › Auditorium/Kitchen-4 Hours (non-resident) .....\$500.00+\$300.00  
Refundable Cleaning/Security Deposit
  - › Auditorium/Kitchen-Additional Per Hour (non-resident) .....\$100.00
  - › Staffing Fee ..... \$10/hour
- Athletic Fields:
  - › Field reservation
    - › Hours 1 to 50 ..... \$10/hour
    - › Hours 51 to 90 ..... \$5/hour
    - › Hours 91 to 1000 ..... \$1/hour
    - › Hours 1,001 and above .....\$0.50/hour
  - › Field Preparation Fee (Available Monday-Saturday) .....\$30.00
  - › Staffing (per employee, when  
requested).....\$10/Hour

Resident Recreation Programs:

- Youth Basketball:
  - › Kindergarten Coed Basketball .....\$40.00/Player
  - › Boys Grades 1-2 .....\$40.00/Player
  - › Boys Grades 3-9 .....\$48.00/Player
  - › Girls Grades 1-9 .....\$48.00/Player
  - › Late Fee.....\$5.00 /Player
- Youth Baseball/Softball:
  - › Kickball (Pre-K) .....\$30.00/Player

- › T-Ball (Kindergarten) .....\$40.00/Player
    - › Grades 1-3.....\$40.00/Player
    - › Grades 4-9.....\$48.00/Player
    - › Late Fee.....\$5.00/Player
  - Football:
    - › Flag..... \$40.00/Player
    - › Tackle (Youth) .....\$115.00/Player
    - › Late Fee.....\$5.00 /Player
  - Adult Softball .....\$207.00/Team
  - Adult Basketball.....\$363.00/Team
  - Adult Volleyball, Indoor.....\$21.00 per person
  - Refund Administration Fee (No Refund After First Game).....\$5.00
  - Refund Administration Fee for Races (must apply before event).....\$10.00
  
  - Snowshoe rental
    - Weekday Individual Rates (Monday-Friday)
      - Resident.....\$8.00/pair/day
      - Non-Resident.....\$10.00/pair/day
    - Weekend Individual Rates (Friday – Next Business Day)
      - Resident.....\$12.00/pair
      - Non-Resident.....\$15.00/pair
    - Group Rate (5 or more).....\$1 off/pair
  - 5K Runs/Walks:
    - › Pre-Registered.....\$20-\$25/Runner
    - › Late and Day of Run Registration.....\$30-\$35/Runner
  - Half Marathon:
    - › Pre-Registration.....\$45.00/Runner
    - › Late and Day of Run Registration.....\$55.00/Runner
  - Youth Camps and Craft Programs:
    - › Lil' Tykes & Special Needs Sports Camp.....\$35.00/Person
    - › Day Camps.....\$50.00/Person
    - › Arts Summer Camps.....\$80-\$120/Person
  - Registration Services:
    - › For Private Lessons/Clinics \$5/Per Person/Per Session/Clinic to NOC Plus the Instructor's Fee
  - Non-resident Fee (Youth Baseball, Softball, Basketball, & Camps).....\$15.00 Additional
- North Shore Aquatic Center:
- Daily Passes:
    - › 3 and Under ..... Free w/swim diaper and plastic pants
    - › 4 Years and Up, North Ogden Residents.....\$6.00
    - › 4 Years and Up, non-resident.....\$6.50
    - › Senior Citizens (55 and over) .....\$5.00
    - › Military and Family.....\$3.50
    - › Swim Check.....\$3.00
    - › Last Hour of Open Swim.....\$4.00
    - › Flick 'N' Float.....\$6.50

- › Flick 'N' Float (with season pass).....\$3.50
  - › Swim diaper .....\$2.00
  - › Plastic pants .....\$3.00
- Special Events:
  - › Double Dip Monday & Wednesdays (6-8pm) ..... Two For the Price of One
- Passes:
  - › Individual Season Pass.....70.00
  - › Individual Season Pass (purchased between Oct-Apr).....\$60.00
  - › Group rate passes (4 or More) ..... 60.00each
  - › Picnic Pass .....3.00
  - › 10 Punch Pass (Resident) .....50.00
  - › 10 Punch Pass (Non-Resident) .....55.00
  - › 30+ Group Discount.....\$4.00each
- Facility Rentals:
  - › 2 hour Facility Rental (200).....\$225.00
  - › 3 hour Facility Rental (200).....\$340.00
  - › 2 hour Facility Rental (400).....\$450.00
  - › 3 hour Facility Rental (400).....\$680.00
  - › 2 hour Facility Rental (600).....\$675.00
  - › 3 hour Facility Rental (600) .....\$ 1020.00
  - › 2 hour Facility Rental (800).....\$900.00
  - › 3 hour Facility Rental (800) ..... \$1225.00
  - › Deposit (Refundable).....\$50.00
- Age Group Swimming (WHS) .....\$500.00/Month
- Swim Lessons:
  - › Standard Group Lessons .....\$40.00/Resident
  - › Standard Group Lesson.....\$55.00/Non-Resident
- Water Fitness Programs:
  - › Water Walking, Lap Swimming, Water Aerobics.....\$3.00 each time
  - › Land.....\$4.00 each time
- Bowery Rentals:
  - › During Open Swim hours.....\$40.00/2 hours
- Cherry Days:
  - Cherry Days Booth Rental
    - › Provide own canopy .....\$60.00
    - › We provide canopy .....\$100.00
    - › Electricity .....\$15.00/outlet
    - › Late fee.....\$10.00
  - Cherry Days Parade Fee
    - › Entry fee .....\$20.00
    - › North Ogden business .....\$15.00
    - › Schools.....\$10.00
    - › Late fee.....\$10.00
  - Cherry Days Book Advertising
    - › Full Page-Color .....\$520.00
    - › Half Page-Color .....\$320.00
    - › Quarter Page-Color .....\$200.00
    - › Inside Cover.....\$700.00
    - › Outside Cover.....\$850.00

**POLICE DEPARTMENT**

Administration:

- Missionary Clearance Letter .....\$1.00
- Notary .....\$5.00
- Fingerprint, Resident .....\$5.00
- Fingerprint, Non-Resident .....\$10.00
- Incident Report .....\$10.00
- Video/Digital Police Record (per disk) .....\$25.00
- Color Photos per Photo .....\$1.00

Chapter 10, Section 24 (Off-Road Vehicle Operation):

- First Offense .....\$25.00  
(First Offense-Juveniles up to 18 years of age who are attending school may go to Youth Court.)
- Second Offense .....\$50.00
- Third Offense .....\$100.00
- Subsequent Offenses – Determined by North Ogden Justice Court Judge..... TBD

Unspecified Criminal Infraction Penalty:

- 1<sup>st</sup> offense .....\$50.00
- Same offense, 2<sup>nd</sup> time .....\$100.00
- Same offense, 3<sup>rd</sup> time .....\$200.00

Unspecified Criminal Class B Misdemeanor Penalty .....\$100.00

Unspecified Criminal Class C Misdemeanor Penalty .....\$75.00

Construction Noise Criminal Violation:

- 1<sup>st</sup> offense .....\$250.00
- Same individual, 2<sup>nd</sup> offense .....\$500.00
- Same individual, 3<sup>rd</sup> offense .....\$750.00

Vehicle Towing Regulations

- The owner of any vehicle, trailer, recreational vehicle, or other personal item removed from the public Right-of-Way shall pay the actual fee charged to the company hired to remove the item (fee set by state statute) ..... TBD

Animal Control Fines:

- Restraint – First Offense .....\$50.00
- Restraint – Second Offense .....\$100.00
- Restraint – Third Offense .....\$100.00
- Expired Dog License/unlicensed .....\$50.00
- Licensed Dog Not Wearing License.....\$25.00
- Public Nuisance (Barking Dog).....\$50.00
- Public Nuisance (Barking Dog) – 2<sup>nd</sup> Offense.....\$100.00
- Unnecessary Punishment.....\$100.00
- Violation of Dog/Cat Limit.....\$25.00
- Animal Attacking Person/Animal.....\$100.00
- Animal Attacking Person/Animal – 2<sup>nd</sup> Offense.....\$100.00
- Animal in Park.....\$25.00
- Animal in Park – 2<sup>nd</sup> Offense.....\$50.00
- Vicious Dog Roaming.....\$100.00
- Expired Rabies Vaccination.....\$50.00
- Exotic Animals.....\$100.00

- Female Animal in Heat.....\$25.00
- Public Nuisance (Damage).....\$25.00
- Public Nuisance (Odors).....\$25.00
- Public Nuisance (Unsanitary).....\$25.00
- Public Nuisance (Defecates).....\$25.00
- Chases Vehicles or Persons.....\$25.00
- Chases Vehicles or Persons – 2<sup>nd</sup> Offense.....\$100.00
- Public Nuisance (Attack).....\$100.00
- Public Nuisance.....\$25.00

**Animal Impound Fees:**

- 1st Offense.....\$50.00
- 2nd Offense.....\$100.00
- 3rd Offense.....\$100.00
- Impound of a Dog, Per Day, After First Day.....\$12.00
- Relinquishing a Dog or Cat.....\$50.00
- Euthanasia.....\$40.00
- Transportation of Animals.....\$50.00
- Quarantined Animal.....\$120.00
- Disposal of Expired Cat or Dog.....\$12.00
- Livestock Impound.....\$150.00
- Livestock Transportation, Per Trip.....\$75.00
- Animal Trap Rental, Per Week.....\$0.00

**Animal Licenses (Per Year): Due March 1<sup>st</sup>.**

- Dog, Unneutered or Unspayed.....\$30.00
- Dog, Unneutered or Unspayed and Micro Chipped.....\$20.00
- Dog, Neutered or Spayed and Micro Chipped.....\$5.00
- Dog, Neutered or Spayed.....\$10.00
- New Dog, Part of Year (After July 1<sup>st</sup>) Unneutered or Unspayed.....\$15.00
- New Dog, Part of Year (After July 1<sup>st</sup>) Neutered or Spayed.....\$5.00
- Duplicate License and Transfer Tags (NOC only).....\$2.00
- Dog, Late Fees.....\$15.00
- Fees are waived for dogs being used as guide dogs for the blind or hearing impaired and police service dogs.

**PUBLIC WORKS**

**Solid Waste:**

- Residential Dwelling, Resident, Per Month.....\$12.39
- Residential Dwelling, Non-Resident, Per Month.....\$21.61
- Each Extra Container, Resident, Per Month.....\$19.33
- Each Extra Container, Non-Resident, Per Month.....\$37.33
- Non-Residential:
  - › 90-Gallon Dumpster, Once-a-Week Collection, Per Month.....\$16.49
- Garbage Can Replacement (90 Gallon).....\$100.00

**Water**

- Single-Family and Multi-Family Dwellings, Per Unit, Base Fee for Resident.....\$16.02
  - › Per 1,000 Gallons of Usage, Up to 6,000 Gallons.....\$1.62
  - › Per 1,000 Gallons of Usage, from 6,001 Gallons to 12,000 Gallons.....\$2.62



fee of .....	\$50.00
• If Meter Valve Lock Assembly is Damaged or Lost:	
> Property Owner Will Be Charged Per Lock Assembly .....	\$20.00
Fire Hydrant Meter Rental Fees \$900.00 Deposit is Required):	
• Short Term Meter Rental and Equipment (1-3 days) .....	\$20.00 Plus
> Consumption Charged at Up to 15,000 Gallons .....	\$50.00
> 15,001 Gallons or Greater .....	\$4.62/Per Thousand Gallons Used
• Weekly Meter Rental and Equipment .....	\$25.00 Plus
> Consumption Charged at Up to 15,000 Gallons .....	\$50.00
> 15,001 Gallons or Greater .....	\$4.62/Per Thousand Gallons Used
• Fees for Lost, Broken or For Equipment Not Returned:	
> Hydrant Meter .....	\$900.00
> Hydrant Key .....	\$35.00
> Damaged or New .....	\$1,200.00
Storm Water (9-6-1 of the North Ogden City Municipal Code):	
• Single-Family Residential Parcel or Lot, Per Month .....	\$12.10
• Multi-Family Residential Parcel or Lot, Per Month	
First Unit on Property .....	\$12.10
> Each Additional Unit on Property .....	\$7.58
• Commercial/Business	
> Per ERU .....	\$7.17
• Institutional	
> Per ERU .....	\$5.76
	(ERU – Equivalent Residential Unit)
Central Weber Sewer:	
• Residential Unit in City Limits, Per Month .....	\$16.97
• Residential Unit Outside of City Limits, Per Month .....	\$16.97
• Non-Residential Connection Based on Culinary Water Use, Per Month .....	\$16.97
> First 10,000 Gallons, Per 1,000 Gallons .....	\$1.60
> 11,000 Gallons to 29,000 Gallons, Per 1,000 Gallons .....	\$0.56
> 30,000 Gallons, But Less Than 50,000 Gallons, Per 1,000 Gallon .....	\$0.52
> 50,000 Gallons, But Less Than 100,000 Gallons, Per 1,000 Gallon .....	\$0.44
> 100,000 Gallons or Greater, Per 1,000 Gallons .....	\$0.42
Sanitary Sewer:	
• Residential Unit in City Limits, Per Month .....	\$9.93
• Residential Unit Outside of City Limits, Per Month .....	\$17.78
• Non-Residential Connection .....	\$9.93
<del>Transportation Utility Fee:</del>	
<del>• Per Utility Account .....</del>	<del>\$3.00</del>
Miscellaneous:	
• Sandbags (Flood Control):	
> Burlap or Disposable Bags .....	\$0.50

**IMPACT FEE SUMMARY**

	Single Family Residential (1 ERU)	All Other Types of Connections
Storm Water	\$1,474.40	\$ .527/sq. ft. of hard surface & roof area
Water	\$3,312.29	\$2,235.79 per multi-family unit All other types of connections based on water service line size. 1"=1.0 ERU 1¼"=1.6 ERU 1½"=2.2 ERU 2"=3.9 ERU 2½"=6.0 ERU 3"=8.5 ERU 4"=18.5 ERU 6"=41.4 ERU 8"=73.2 ERU
Sewer (North Ogden City)	\$546.00	\$368.55 per multi-family unit All other types of connections based on water service line size. 1"=1.0 ERU 1¼"=1.6 ERU 1½"=2.2 ERU 2"=3.9 ERU 2½"=6.0 ERU 3"=8.5 ERU 4"=18.5 ERU 6"=41.4 ERU 8"=73.2 ERU
Sewer (Collected for Central Weber Sewer District) Effective May 26, 2019	\$\$2,464.00	All other types of connections determined by CWSD
Parks	\$2,677.00	\$1,601.00/ unit for multiple family units. No charge for other properties.
Transportation	\$2,297.37	\$1,604.78 per Multi Family Unit \$888.06 per Senior Housing Unit  Fees for other uses are calculated using the Institute of Transportation Engineers (ITE) <i>Trip Generation</i> (9 <sup>th</sup> Edition) Handbook and the adopted impact fee calculation per trip generated of \$482.64.
Fire (Collected for North View Fire District)	<del>\$293.43</del> <u>\$225.56</u>	<del>\$212.74</del> <u>\$162.58</u> per multi-family/mobile home park unit <del>\$0.26</del> <u>\$101.08</u> per <u>1,000</u> sq. ft. commercial building

		<u>\$17.72 per 1,000 sq. ft. commercial building apparatus fee</u> <u>\$0.03 per sq. ft. industrial building</u> <u>\$0.55</u> <u>\$149.72 per 1,000 sq. ft. institutional building</u>
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NORTH OGDEN CITY STREET CUTS FEE  
APPLICATION FOR EXCAVATION PERMIT = \$50.00

Sq. feet of Road Cut	Cost of Cut	Excavation Permit Charges	Total Charge	New Road Cut Additional Fee	Total Charge
10	\$69.00	\$50.00	\$119.00	\$500.00	\$619.00
20	\$100.00	\$50.00	\$150.00	\$500.00	\$650.00
30	\$113.00	\$50.00	\$163.00	\$500.00	\$663.00
40	\$125.00	\$50.00	\$175.00	\$500.00	\$675.00
50	\$138.00	\$50.00	\$188.00	\$500.00	\$688.00
60	\$151.00	\$50.00	\$201.00	\$500.00	\$701.00
70	\$163.00	\$50.00	\$213.00	\$500.00	\$713.00
80	\$176.00	\$50.00	\$226.00	\$500.00	\$726.00
90	\$188.00	\$50.00	\$238.00	\$500.00	\$738.00
100	\$201.00	\$50.00	\$251.00	\$500.00	\$751.00
200	\$326.00	\$50.00	\$376.00	\$500.00	\$876.00
300	\$452.00	\$50.00	\$502.00	\$500.00	\$1,002.00
400	\$577.00	\$50.00	\$627.00	\$500.00	\$1,127.00
500	\$702.00	\$50.00	\$752.00	\$500.00	\$1,257.00
600	\$828.00	\$50.00	\$878.00	\$500.00	\$1,378.00
700	\$953.00	\$50.00	\$1,003.00	\$500.00	\$1,503.00
800	\$1,079.00	\$50.00	\$1,129.00	\$500.00	\$1,629.00
900	\$1,204.00	\$50.00	\$1,254.00	\$500.00	\$1,754.00
1,000	\$1,330.00	\$50.00	\$1,380.00	\$500.00	\$1,880.00
2,000	\$2,160.00	\$50.00	\$2,210.00	\$500.00	\$2,710.00
3,000	\$2,992.00	\$50.00	\$3,042.00	\$500.00	\$3,542.00
4,000	\$3,823.00	\$50.00	\$3,873.00	\$500.00	\$4,373.00
5,000	\$4,054.00	\$50.00	\$4,104.00	\$500.00	\$4,604.00
6,000	\$5,485.00	\$50.00	\$5,535.00	\$500.00	\$6,035.00
7,000	\$6,316.00	\$50.00	\$6,366.00	\$500.00	\$6,866.00
8,000	\$7,147.00	\$50.00	\$7,197.00	\$500.00	\$7,697.00
9,000	\$7,978.00	\$50.00	\$8,028.00	\$500.00	\$8,528.00
10,000	\$8,809.00	\$50.00	\$8,859.00	\$500.00	\$9,359.00

\* This schedule applies to rights of way 60 feet or less. On 66-foot rights-of-ways, fees will be 15% more. On 80 foot plus rights-of-way, fees will be 30% more. A new pavement cut fee of \$500.00 will be assessed for new and newly surfaced roads that are two (2) years old or less. Penalty for failure to obtain permit

before excavation is \$100.00. Note: If in the opinion of the City Engineer and/or Public Works Director, undo degradation will occur to the road surface due to the street cut or cuts, patching of the road cut and a full street overlay may be required.

**PASSED AND ADOPTED THIS 26<sup>th</sup> day of January 2021.**

**North Ogden City:**

\_\_\_\_\_  
**Neal Berube, Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Barker:</b>	___	___
<b>Council Member Stoker:</b>	___	___
<b>Council Member Swanson:</b>	___	___
<b>Council Member Ekstrom:</b>	___	___
<b>Council Member Cevering:</b>	___	___

**(In the event of a tie vote of the Council):**

**Mayor Berube:**                    \_\_\_                    \_\_\_

**ATTEST:**

\_\_\_\_\_  
**Susan Nance, Interim City Recorder**