



**CITY COUNCIL MEETING AGENDA
APRIL 25, 2023 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND:

In person OR:

Click the link below to join the webinar: <https://us02web.zoom.us/j/87159214124> Webinar ID: 871 5921 4124

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

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation/Thought & Pledge of Allegiance: Council Member Barker

PRESENTATIONS

1. Flood Control Presentation
Presenter: Tamara Stillwell and David Elvir, U.S. Flood Control

CONSENT AGENDA

2. Call for conflict of interest disclosure
3. Discussion and/or action to consider March 14, 2023, City Council meeting minutes
4. Discussion and/or action on final acceptance of Major's Mini Farm Subdivision
Presenter: Dylan Hill, Public Works Inspector
5. Discussion and/or action to consider amending Ordinances to add language clarifying code content as per Lieutenant Governor's office
Presenter: Susan Nance, City Recorder
 - a. Ordinance 2023-05: Cevering
 - b. Ordinance 2023-06: Farr

ACTIVE AGENDA

6. Public Comments*
7. Discussion and/or action to consider a budget related to Cherry Days
Presenter: Cherry Days Committee Members
8. Discussion and/or action to consider amending the Subdivision Development Agreement for North Oaks Cove, Phase 17; located at approximately 3550 North and Mountain Road
Presenter: Jon Call, City Manager/Attorney

****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 the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by 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 20th day of April, 2023 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2022 meeting schedule was also provided to the Standard Examiner on December 16, 2021. Susan L. Nance, CMC, City Recorder

9. Budget Presentations:
 - a. Police Department
Presenter: Dirk Quinney, Chief of Police
 - b. Community Service Officers (CSO's)
Presenter: Dirk Quinney, Chief of Police
 - c. Parks Maintenance
Presenter: Dave Espinoza, Assistant City Manager/Public Works Director
 - d. Aquatic Center
Presenter: Justin Rasmussen, Aquatic's Center Manager
 - e. Recreation
Presenter: Justin Rasmussen, Aquatic's Center Manager
 - f. Events
Presenter: Justin Rasmussen, Aquatic's Center Manager
 10. Council Department Reports:
 - a. Council Member Dalpiaz – Building and Planning
 - b. Council Member Swanson – Finance
 11. Public Comments*
 12. Mayor/Council/Staff Comments
 13. Adjournment
-

Public Comments/Questions

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

NORTH OGDEN CITY COUNCIL MEETING MINUTES

March 14, 2023

The North Ogden City Council convened in a Council meeting at 6 p.m. on March 14, 2023, at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube:

<https://www.youtube.com/channel/UCrigbePBxTucXEzRr6fclhQ/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 March 9, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Jay D Dalias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Scott Hess	Community and Economic Development Director	
	Trent Wilkins	Sanitary Sewer Superintendent	
	Dave Espinoza	Assistant City Manager/Public Works Director	
	Dirk Quinney	Chief of Police	
	Nate Davis	Building Inspector	
	Jami Jones	Finance Director	
VISITORS:	Brenda Ashdown	Wendy	Susan Clements
	Kevin Burns	Stefanie Casey	Sandy Cochran
	Ben Olas	Chris Pulver	Hilary Willis
	Clint Willis	Chad Jensen	

Mayor Berube called the meeting to order. Chris Pulver, North Ogden Resident offered both a thought and invocation then led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. No declarations were made.

2. **ACCEPTANCE OF THE MUNICIPAL WASTEWATER PLANNING PROGRAM (MWPP) ANNUAL REPORT FOR 2022**

Trent Wilkins, Sanitary Sewer Superintendent, briefly summarized the purpose of the Municipal Wastewater Planning Program and indicated that the City's annual report for 2022 has been completed and staff needs an action from the Council indicating that they have accepted the report so it can be submitted to the State of Utah.

Council Member Ekstrom motioned to accept the Municipal Wastewater Planning Program (MWPP) Annual Report for 2022. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

3. **PUBLIC COMMENTS**

Ben Olas, North Ogden resident, stated that a Flock Security License Plate Reader (LPR) system has recently been implemented in North Ogden and this system collects data on all comings and goings in North Ogden City by vehicle type, color, license plate, and unique vehicle alterations. He reached out to the City Manager to inquire as to the purpose of the City's use of the system and he was informed that it is mostly being used for amber alerts and that there are just two people that have access to the data collected by the system, but he still has some questions about the system. He asked if there was any formal approval process involving the City Council prior to the system being installed in the City. Mayor Berube answered yes. Mr. Olas asked if any ordinances have been enacted to regulate data collection and retention; he noted that the data is being held in a cloud-based system and Flock Security has access to it and he is curious to know if other cities have access to the information through Flock Security. He asked what rules have been enacted by the Council to safeguard residents of North Ogden. Mayor Berube stated that the City does not collect the name of the vehicle owner; rather, only information on the vehicle itself is collected and can be used in the event a vehicle is stolen, involved in a crime, or party to a child abduction. He asked Police Chief Quinney for additional input. Chief Quinney stated that the system performs two functions: it cross checks National Crime Information Center (NCIC) entries relating to stolen vehicles, fugitive situations, amber alerts, and endangered persons. He stated that if the entry includes information that a vehicle was seen in North Ogden, the City can pull the data on that vehicle. The system also collects an image of any car entering the City and

stores that image for 30 days on the cloud-based system. The City does not/cannot access that information unless there is a legitimate investigation and a case number created by the Police Department. He briefly provided examples of the types of cases in which the system has been used. Mr. Olas asked if the City is able to retrieve data by entering a license plate number. Chief Quinney stated that if he has a license plate number, there is no need to retrieve data from the system because it will be possible to identify the vehicle through other means. Mayor Berube noted that proper controls have been put in place to protect the data gathered by the system; he advised Mr. Olas to sit down with Chief Quinney if he has more questions about the operation of the system.

Council Member Ekstrom asked if Flock Safety owns the data once they collect it and she asked if the City has safeguards in place to control what Flock Safety does with the data. Chief Quinney stated that the City is working with Flock Safety on a trial basis right now, but there will be a follow-up meeting with the Council regarding the terms of service and protection of data; he noted that the City owns the data, but it is stored by Flock Safety, and they purge all data after 30 days. He reiterated that the data is not utilized unless it is needed as part of an active investigation or case.

4. DISCUSSION ON TITLE 8 PUBLIC WAYS AND PROPERTIES AND NEIGHBORING PROPERTY OWNERS

Planning Director Hess facilitated discussion among the Council regarding their appetite for considering an ordinance amendment that addresses private landscaping on public property and the requirement to obtain a permit for making improvements on public property; such permit would not allow installation of permanent structures, fences, underground sprinkler systems, retaining walls, compacted gravel, concrete, or asphalt and the property may not be regraded. Certain landscaping improvements would be allowed if a permit is secured. The Mayor polled the Council to determine if they would like to allow the use of City property in this manner and if they would like to consider an ordinance amendment to that end. All Council Members indicated they are willing to engage in discussion of the proposed ordinance amendments and possibly allowing private property owners to lease a property that they would like to improve. Mr. Hess indicated that he and City Manager/Attorney Call will work to draft an ordinance for continued discussion and potential consideration by the Council. There was a brief discussion among the Mayor, Council, and staff regarding administration and enforcement of this type of ordinance.

5. DISCUSSION ABOUT NORTH OGDEN CITY PROPERTIES AND SHORT-TERM LEASES

City Manager/Attorney Call explained the intent of this agenda item is to receive feedback from the Council about whether to allow for some flexibility in North Ogden City property and have the Mayor approve the lease and maintenance of property without Council approval. This discussion directly ties to the discussion of letting neighboring property owners beautify City property if they

agree to maintain it. He noted that if the Council is comfortable with the change, an ordinance amendment would be appropriate to communicate that property which is leased for less than a two-year term is not considered a significant parcel of real property and would not be subject to the property disposal process. He stated he feels this change would simplify current processes relating to the lease and maintenance of properties owned by the City. Mr. Call facilitated discussion among the Mayor and Council regarding this matter; there was a brief focus on any liability associated with designating maintenance responsibilities to a party different than the City and which individuals the Council would like to cede authority to for the approval of a use agreement for City property.

Council Member Ekstrom inquired as to the number of properties in the City that would be subject to this type of use agreement. Planning Director Hess stated he can research that issue and provide information regarding the number of properties at a future meeting. Mr. Call stated that staff will work on a recommendation for the Council to consider in that same meeting.

6. DISCUSSION AND/OR ACTION TO CONSIDER A PROPERTY LOCATED AT APPROXIMATELY 234 EAST 3900 NORTH FOR SURPLUS

Council Member Cevering stated that he and Council Member Barker asked for this issue to be brought back before the Council again; during the last discussion of this matter, Council Member Barker made a motion regarding Mr. Willis's request, but there was no second for the motion and it died. He stated that he has been involved in discussions about this property for the past several months, but he was not in attendance during the December 13 meeting and could not second the motion and vote; he felt it appropriate to continue to discuss the issue and clarify both sides of the story. He has conducted his own research about the Willis property and Council Member Barker did the same; he referenced a letter sent to the City by Mr. Willis in September of 2022 in which he indicated that he met with former Planning Director Rob Scott, who communicated that he was 'ok with the use' of the property as long as Mr. Willis obtained permission from the Public Works Department. He added that Mr. Willis then met with Public Works Director Espinoza and City Engineer Gardner, who both indicated they were 'ok with the proposal' as long as there is space for the City to enter the basin. Council Member Cevering stated that based on his research, three different individuals told Mr. Willis that as long as he ensured the City would have access to the detention basin, it would be fine for him to use the property as desired. He asked Mr. Call to provide copies of a text message exchange with Mr. Espinoza. Mayor Berube stated that Mr. Espinoza has represented that his response to Mr. Willis was that he would need to talk to the Mayor about the request. Council Member Cevering stated that the reader's interpretation of those text messages is important; in his reading of the exchange, Mr. Willis could have understood that he had received preliminary approval of their improvements and that Mr. Espinoza's message that he was seeking a response from the Mayor would constitute a formal approval. However, nowhere in the communication is there any message from any City official that Mr. Willis needed to stop the work that he was performing on the property. It is his opinion that Mr. Willis performed his due diligence by applying for a land use permit to install a fence and there was plenty of time for the City to provide clarity as to whether his request would or would not be approved. He presented photographs provided by Mr. Willis of the landscaping that he has installed; in the spirit of the earlier discussion regarding the

City's intent to allow residents to lease ground and install certain improvements, he feels the Willis's have done a great job. However, it does not seem to him that the City has done a very good job in this situation. Mayor Berube stated that the ordinance that was discussed by the Council earlier tonight would prohibit the installation of fencing. He added that in February of 2020, Mr. Willis indicated that he was going to proceed with his plans, but he did not apply for the land use permit until May of 2022. Mr. Willis installed the fence without a land use permit. He added Mr. Willis is a developer and is well aware that land use permits are required for a project such as installing a fence. Council Member Cevering stated that the copy of the permit he has obtained is dated May of 2020. Council Member Dalpiaz stated that is the date the work was completed, not the date the permit was applied for; it was essentially backdated to reflect the date the work was done. Council Member Cevering stated that his position is that the Council is interested in offering use agreements or leases to residents who are interested in beautifying City property that they live next to and in his opinion the request made by Mr. Willis is a win-win situation for both the City and Mr. Willis. The Public Works Department will have one less property to maintain and the residents that live near the property will benefit by living next to a piece of ground that is beautified and well maintained. The City will also still preserve its access to the basin. Mayor Berube asked Council Member Cevering if he would like to make a motion. Council Member Cevering answered yes, but first stated that there is an opposite side to the story, and he does not believe Mr. Willis was a 'thief' in this scenario, though that information has been shared publicly.

Council Member Cevering motioned to declare property located at approximately 234 East 3900 North for surplus. Council Member Barker seconded the motion.

Council Member Barker asked if approval of the motion would result in this property being subject to the process discussed earlier regarding changing the surplus property process to allow the City to simply negotiate use agreements or leases rather than selling the property. Mr. Call answered yes; he anticipates that the language discussed earlier in the meeting would, if approved, allow for this property to be leased by Mr. Willis in the future.

Council Member Swanson stated he appreciates the work Council Members Cevering and Barker have done on this issue; however, there is no information that has been presented tonight that also was not available during the December 13 meeting. His biggest concern continues to be that it is clear that approval from someone higher than the Public Works Director was required because the applicant was asking if that approval was given. The fact that a month, or two months, or 10 months went by without that approval being given does not justify assuming that the approval was granted. That type of operation is not appropriate for any property. One of the reasons he has asked for the ordinance regarding private improvements of public property is that he wants to accommodate this type of situation, but he cannot support fencing public property for private use.

Council Member Dalpiaz stated that he agrees with Council Member Swanson based on his own personal property ownership experiences; no response from the City should not have been interpreted as approval of Mr. Willis's request.

Council Member Ekstrom stated she supports private residents being invested in the beauty of the community, but she is concerned by an individual taking public property and essentially making it their own. If someone wants to beautify public property, she loves that idea, but the property still needs to be accessible by the public and she will support a new ordinance that clearly states that. She does not support allowing Mr. Willis to fence the property and she is still of the same mind as when she voted on the issue on December 13.

Mayor Berube called for a vote on the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	nay
Council Member Ekstrom	nay
Council Member Swanson	nay

The motion failed with a vote 2-3.

7. DISCUSSION AND/OR ACTION TO CONSIDER LIGHT AND SOUND IMPROVEMENTS ON THE AMPHITHEATER

Council Member Swanson stated that last year the City received a Recreation, Arts, Museum, and Parks (RAMP) grant award from Weber County for sound and lighting at the Amphitheater. The award was \$147,500 and the City budgeted \$75,000 in matching funds, with the intent of fundraising from the community to cover those matching funds. According to the contract with Weber County, the City is obligated to complete the contract on or before June 30, 2023, or ask for an extension, or return the funds to the County, including interest. He stated that City Manager/Attorney Call has been working on a business plan for the Amphitheater and he read some of the goals included in that draft document. He asked that the Council consider funding the \$75,000 needed to complete the work and authorize Administration to apply for the extension in order to get the project done. It is hard to implement a business plan for the Amphitheater since it is incomplete, and he feels that this project is critical to making it usable and successful. He indicated he is willing to take on the role of overseeing fundraising in the community, but he wants to ensure that the City does not lose the grant funding that is available to the City at this time. He added he has received communication from Sean Casey who has volunteered his expertise regarding sound work to be completed at the facility and his information can be used to solicit proposals and bids for the project.

Mr. Call stated that the total project cost is included in the current budget and if the Council authorizes Administration to proceed, he can begin working with Mr. Casey to formulate a request for proposals (RFP) document that can be published. Mayor Berube stated he supports that way forward and he is pleased the City was able to secure RAMP funding for the project. He is concerned it will be difficult to raise funds in the community to help support the project due to

the fact that the funding has already been included in the budget. He stated he has commonly referred to the Amphitheater as a community gathering place but this investment will elevate the facility and make it attractive to professional users who can help to generate revenue in the community. Council Member Swanson agreed, but noted that he feels there are some in the community who will make a donation to the facility once they believe the Council and Mayor support the facility and will endeavor to make it usable. Mayor Berube stated he would like to speak to those individuals to stress to them his support for the project.

High level philosophical discussion among the Council centered on other projects in the community that are desired by residents that have been delayed because the City has asked the requestors to try to raise the funding for the project privately. Council Member Ekstrom stated she believes the City has the means to fund the completion of the project and she believes this project will create momentum for support from private businesses and residents in the community.

Council Member Delpias stated that funding the project will get the Amphitheater to a more viable stage and make it usable; he agreed that this will help to encourage fiscal support from the community.

Council Member Swanson motioned to commit funds to light and sound improvements on the Amphitheater. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	nay
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed 4-1.

8. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT WITH PLEASANT VIEW CITY RELATING TO THE NORTHVIEW SENIOR CITIZEN CENTER

City Manager/Attorney Call explained Pleasant View (PV) and North Ogden cities have for a long time discussed the maintenance of the senior center and the use of the facility by the various communities. The current request to PV was for a contribution of \$12,000 which is roughly 19% of the annual cost of operating the facility. The County also contributes a person to the operation of the senior programs, with North Ogden City covering ½ of the salary. With all the city costs, the estimated expenses this year are \$64,000. The Agreement contains some language about the purpose of the building and includes some language around the priority of its use. The Council

should review the language and make any recommended changes. At this point the Agreement has not been approved by PV Council yet, though in concept it has been agreed upon by several members of their group. He concluded staff recommends approval of the extension of the agreement for another year.

Council Member Swanson thanked the members of City Administration who worked on this issue, which has been discussed for several years.

Council Member Barker motioned to approve Interlocal Agreement #A03-2023 with Pleasant View City relating to the Northview Senior Citizen Center. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT WITH WEBER COUNTY CLERK'S OFFICE, ELECTIONS DIVISION

City Recorder Nance stated that the City's current interlocal agreement with Weber County has expired and she recommended that a new agreement be executed for the 2023 and 2025 elections. She provided a brief overview of the costs for service per municipal election and noted she will include funding in her budget request for the 2023 election.

Council Member Swanson stated he is surprised at the potential cost to the City if it is necessary to hold both a primary and general election in 2023.

Council Member Barker questioned the accuracy of the number of registered voters in the City. Ms. Nance stated that information is based upon the current voter rolls maintained by the County.

Council Member Swanson motioned to approve Interlocal Agreement #A04-2023 with Weber County Clerk's office, Elections Division. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

10. COUNCIL DEPARTMENT REPORTS:
a. COUNCIL MEMBER CEVERING - POLICE

Council Member Cevering relayed a message from the Police Department regarding recreational vehicle parking throughout the City; during the upcoming spring months, many will take their RVs out of storage and residents are encouraged to follow the City's ordinances regarding the locations where RV parking is permitted. He added that the Department is hosting a 'drug take back' event on April 22 from 10:00 a.m. to 2:00 p.m. at Smiths and they will ensure that drugs are properly disposed of. He noted winter parking season comes to an end tomorrow and the Department thanks residents for their efforts to keep roads clear during a snow storm; they also recognized the efforts of the City's snow plow drivers' response to the many snow storms.

b. COUNCIL MEMBER EKSTROM – PUBLIC WORKS

Council Member Ekstrom stated the Public Works Department is beginning to transition from winter activities to spring activities; they are monitoring storm drains and preparing for snow run-off. They are optimistic that there will be plenty of water this coming summer season.

11. PUBLIC COMMENTS

Sandy Cochran, North Ogden resident, stated that at the budget review subcommittee meeting a few weeks ago, she raised the subject of the Amphitheater and asked who was handling fundraising and Mr. Call stated that he was. She asked him how it was going, and he told her that he knew where almost all of the money was coming from. She was shocked to hear tonight that the City does not know where the funding contributions will come from. She also remembers when the Council agreed to budget \$75,000 and raise the other \$75,000 for the project and that is what the citizens of the City are expecting to happen. She recalled the Truth in Taxation meeting and the input the Council received from the citizens about closing the Amphitheater and not dedicating another dollar to it until the City has more money. She is shocked by the vote the Council took tonight; they could have waited and discussed the matter further. They could have given the citizens the chance to tell them how they feel, but they did not.

Chris Pulver, North Ogden resident, referenced the report from Council Member Ekstrom regarding the Public Works Department; he noted he is aware there is an online mechanism for submitting a work order for issues on City streets and other infrastructure, but he asked if the City proactively monitors the condition of roads without receiving a workorder. He added that residents who submit a work order should receive a response in a timely manner and he asked if the City has a policy about that. Mr. Call stated that most work orders are addressed within three or four days, but sometimes work is weather dependent.

Chad Jensen, North Ogden resident, asked for an update on the creek on 1700 North; the road along the creek is eroding and will eventually impact his property. Mayor Berube stated that he met with Mr. Call and Mr. Espinoza; he asked Mr. Call to respond. Mr. Call stated that the creek is on City property and there is a project in the City's master plan to eventually pipe it. It is a naturally flowing creek and also handles storm water and discharge from Bona Vista; the City is in charge of keeping the road stable and will continue to do so, but in terms of private improvements, each landowner should protect their property from the creek. That is the case in this situation since it is a natural creek. The City will visit the property and monitor the condition of the creek, but a project to pipe the creek would be upwards of \$400,000. Mayor Berube stated that the City can offer sandbags to help keep the water out of the private property in the meantime.

12. MAYOR/COUNCIL/STAFF COMMENTS

Mr. Call referenced a recent letter to the editor in a local newspaper; it related to a response from the Police Department and asserted that the response was inappropriate, but he has spoken with the Police Department and has found the response to be reasonable and in no way similar to a recent event in Farmington City.

Council Member Dalpiaz stated the rain barrel program is now active and residents can apply for rain barrels.

Council Member Cevering stated that the Youth Council has been invited to attend the Council meeting on March 28 to sit with the Council Members on the dais and experience a live Council meeting for themselves.

Mayor Berube reported on the need to set a public hearing for March 28 to address a budget amendment to recognize new funding for road improvement projects.

13. ADJOURNMENT

Council Member Ekstrom motioned to adjourn the meeting. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker **aye**
Council Member Cevering **aye**
Council Member Dalpias **aye**
Council Member Ekstrom **aye**
Council Member Swanson **aye**

The motion passed unanimously.

The meeting adjourned at 7:41 p.m.

S. Neal Berube, Mayor

Susan L. Nance, MMC
City Recorder

Date Approved

Not Approved

NORTH OGDEN CITY STAFF REPORT

TO: NORTH OGDEN CITY COUNCIL

FROM: DYLAN HILL

PUBLIC WORKS INSPECTOR

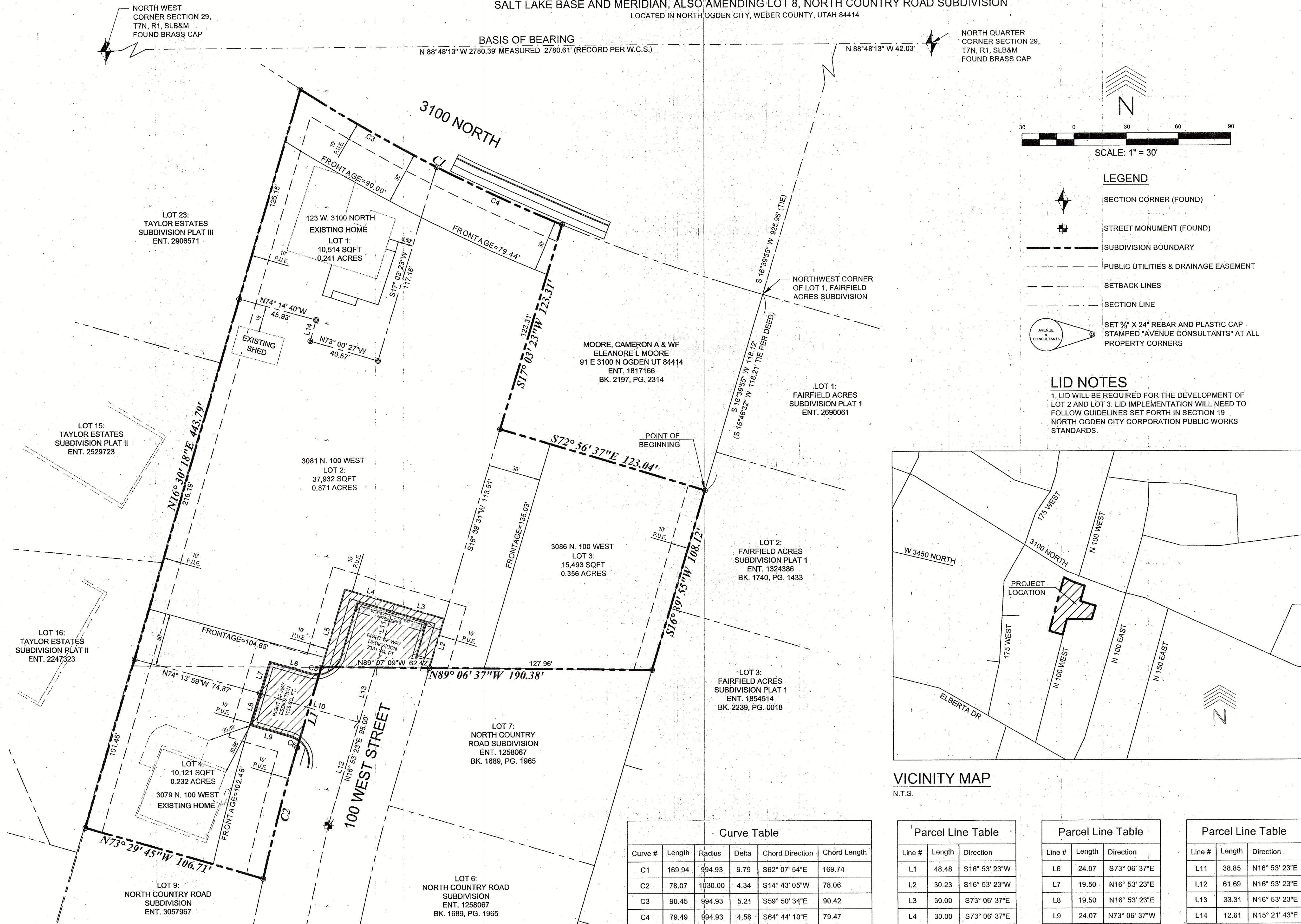
DATE: 04/19/2023

BASED ON RECOMMENDATION FROM OUR CITY ENGINEER, ERIC CASPERSON, FINAL INSPECTIONS HAVE BEEN COMPLETED ON THE MAJOR'S MINI FARM AND IT HAS BEEN FOUND UP TO CITY CODE AND STANDARDS.

A REQUEST TO RELEASE ALL REMAINING FUNDS HAS BEEN PROVIDED TO THE ESCROW AGENT ASSIGNED TO THIS SUBDIVISION. UPON CITY COUNCIL APPROVAL, NORTH OGDEN CITY WILL TAKE OVER ALL RESPONSIBILITY FOR THE INFRASTRUCTURE AND ROADWAY.

MAJOR'S MINI-FARM SUBDIVISION

A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, ALSO AMENDING LOT 8, NORTH COUNTRY ROAD SUBDIVISION
LOCATED IN NORTH OGDEN CITY, WEBER COUNTY, UTAH 84414



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	169.94	994.93	9.79	S62° 07' 54"E	169.74
C2	78.07	1030.00	4.34	S14° 43' 05"W	78.06
C3	90.45	994.93	5.21	S59° 50' 34"E	90.42
C4	79.49	994.93	4.58	S64° 44' 10"E	79.47
C5	5.65	14.00	23.13	S84° 40' 35"E	5.61
C6	5.65	14.00	23.13	N61° 32' 39"W	5.61

Parcel Line Table		
Line #	Length	Direction
L1	48.48	S16° 53' 23"W
L2	30.23	S16° 53' 23"W
L3	30.00	S73° 06' 37"E
L4	30.00	S73° 06' 37"E
L5	51.09	N16° 53' 23"E

Parcel Line Table		
Line #	Length	Direction
L6	24.07	S73° 06' 37"E
L7	19.50	N16° 53' 23"E
L8	19.50	N16° 53' 23"E
L9	24.07	N73° 06' 37"W
L10	59.57	S73° 06' 37"E

Parcel Line Table		
Line #	Length	Direction
L11	38.85	N16° 53' 23"E
L12	61.69	N16° 53' 23"E
L13	33.31	N16° 53' 23"E
L14	12.61	N15° 21' 43"E

avenue CONSULTANTS

Avenue Consultants, Inc
6605 South Redwood Road, Suite 101
Taylorsville, UT 84123
801-207-7660
www.avenueconsultants.com

GEOTECHNICAL REPORT
COMPANY: NINYO & MOORE
REPORT TITLE:
GEOTECHNICAL EVALUATION
JENNIE TAYLOR RESIDENCE
123 WEST 3100 NORTH
NORTH OGDEN, UTAH
REPORT DATE: JULY 20, 2020
ADDENDUM DATE: NOVEMBER 18, 2020

NORTH OGDEN CITY APPROVALS

This plat was approved by the City Engineer and the Planning Director.

By: John Mardner 8/16/2021
City Engineer Date
By: Shawn Cox 8-12-2021
Planning Director Date

LAND USE AUTHORITY

This is to certify that this plat and the dedication of this plat along with the dedication of all easements were duly approved and accepted by the Land Use Authority of North Ogden City this 16 day of August, 2021.

By: Shawn Cox 8-16-21
Chairman Date
Attest: Shawn Cox 8/16/21
Secretary Date

NORTH OGDEN CITY ATTORNEY

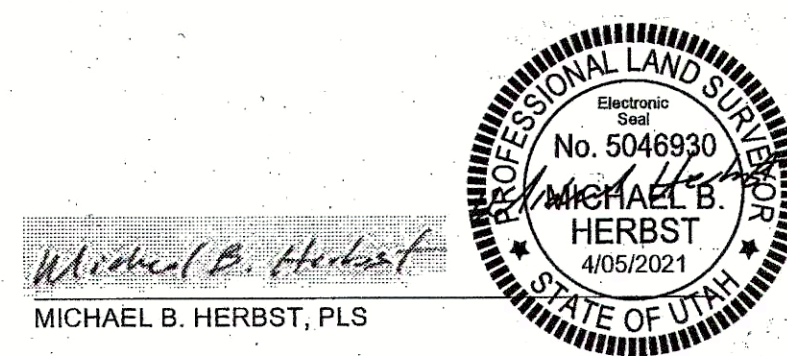
I certify that the requirements of all applicable statutes and ordinances prerequisite by the state of Utah and the ordinances of North Ogden City of the foregoing plat and dedications have been complied with.

Signed this 16 day of August, 2021
By: Shawn Cox 8-16-21
City Attorney Date

SURVEYORS CERTIFICATE

I, MICHAEL B. HERBST WITH AVENUE CONSULTANTS INC, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 5046930 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS MAJOR'S MINI-FARM SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

April 5, 2021
DATE:



BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

BEGINNING AT A POINT ON THE WESTERLY LINE OF FAIRFIELD ACRES SUBDIVISION PLAT 1, SAID POINT BEING LOCATED SOUTH 16°39'55" WEST 118.12 FEET (PLATTED AS SOUTH 15°46'32" WEST 118.21 FEET) FROM THE NORTHWEST CORNER OF LOT 1 FAIRFIELD ACRES SUBDIVISION PLAT 1, SAID POINT ALSO BEING NORTH 88°48'13" WEST 42.03 FEET ALONG THE SECTION LINE AND SOUTH 16°39'55" WEST 925.96 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 29, AND RUNNING;

THENCE SOUTH 16°39'55" WEST 108.12 FEET ALONG SAID WESTERLY LINE OF FAIRFIELD ACRES SUBDIVISION PLAT 1, TO THE NORTHEAST CORNER OF NORTH COUNTY ROAD SUBDIVISION;
THENCE NORTH 89°06'37" WEST 190.38 FEET ALONG THE NORTH LINE OF SAID NORTH COUNTY ROAD SUBDIVISION, TO A POINT ON THE WEST LINE OF 100 WEST STREET;
THENCE SOUTH 16°53'23" WEST 48.48 FEET ALONG SAID WEST LINE OF 100 WEST STREET;
THENCE SOUTHWESTERLY 78.07 FEET ALONG THE ARC OF A 1030.00-FOOT RADIUS CURVE TO THE LEFT; LONG CHORD BEARS SOUTH 14°43'05" WEST 78.06 FEET, ALONG SAID WEST LINE OF 100 WEST STREET TO THE NORTHEAST CORNER OF LOT 9, NORTH COUNTY ROAD SUBDIVISION;
THENCE NORTH 73°29'45" WEST 106.71 FEET ALONG THE NORTH LINE AND TO THE NORTHWEST CORNER OF SAID LOT 9, NORTH COUNTY ROAD SUBDIVISION, ALSO BEING A POINT ON THE EAST LINE OF TAYLOR ESTATES PLAT 2;
THENCE NORTH 16°30'18" EAST 443.79 FEET (PLATTED AS NORTH 16°10' EAST) ALONG THE EAST LINE OF SAID TAYLOR ESTATES PLAT 2, TO AND ALONG THE EAST LINE OF TAYLOR ESTATES PLAT 3, MORE OR LESS, TO THE SOUTH LINE OF 3100 NORTH STREET;
THENCE SOUTHEASTERLY 169.94 FEET ALONG THE ARC OF A 994.93-FOOT RADIUS CURVE TO THE LEFT, LONG CHORD BEARS SOUTH 62°07'54" EAST 169.74 FEET ALONG THE SOUTH LINE OF SAID 3100 NORTH STREET, MORE OR LESS, TO THE WEST LINE OF THE CAMERON AND ELEANORE MOORE PROPERTY;
THENCE SOUTH 17°03'23" WEST 123.31 FEET ALONG SAID WEST LINE, TO THE SOUTHWEST CORNER OF THE CAMERON AND ELEANORE MOORE PROPERTY;
THENCE SOUTH 72°56'37" EAST 123.04 FEET ALONG THE SOUTH LINE OF THE CAMERON AND ELEANORE MOORE PROPERTY, TO THE POINT OF BEGINNING.

CONTAINS: 77,549 SQUARE FEET OR 1.780 ACRES, 4 LOTS

OWNER'S DEDICATION

THE UNDERSIGNED OWNER(S) OF THE HEREON DESCRIBED TRACT OF LAND HEREBY SET APART AND SUBDIVIDE THE SAME TRACT INTO LOTS AND STREETS AS SHOWN ON THIS PLAT, AND ASSIGN THE LANDS INCLUDED IN THIS PLAT THE NAME OF MAJOR'S MINI-FARM SUBDIVISION, AND HEREBY DEDICATE, GRANT AND CONVEY TO NORTH OGDEN CITY ALL THOSE PORTIONS OF SAID TRACT OF LAND DESIGNATED HEREON AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER; AND FURTHER DEDICATE, GRANT AND CONVEY TO NORTH OGDEN CITY THOSE CERTAIN STRIPS DESIGNATED HEREON AS PUBLIC UTILITY EASEMENTS (P.U.E.), THE SAME TO BE USED FOR DRAINAGE PURPOSES AND THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITIES AS MAY BE AUTHORIZED BY NORTH OGDEN CITY.

DATED THIS 6th DAY OF August, 2021.

BY: Jennie Taylor SIGNATURE
TITLE: Owner - Trustee
NAME: Jennie Taylor
BY: Jennie Taylor SIGNATURE
TITLE: Owner - Trustee
NAME: Jennie Taylor

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WEBER) S.S.

ON THIS 6th DAY OF August, IN THE YEAR 2021, BEFORE ME, Becky Skelton, A NOTARY PUBLIC, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF WEBER, IN SAID STATE OF UTAH, Jennie Taylor, WHO PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.

COMMISSION NUMBER: 713448
MY COMMISSION EXPIRES: 08-13-2024
PRINT NAME: Becky Skelton
A NOTARY PUBLIC COMMISSIONED IN UTAH

TRUSTEE ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WEBER) S.S.

ON THIS 6th DAY OF August, IN THE YEAR 2021, PERSONALLY APPEARED BEFORE ME, Jennie Taylor, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME BEING DULY SWORN (OR AFFIRMED), DID SAY THAT SHE IS THE TRUSTEE, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF JENNIE TAYLOR, SOLE TRUSTEE, OR HER SUCCESSORS IN TRUST, UNDER THE JENNIE TAYLOR LIVING TRUST, DATED MARCH 4, 2019, WHO, ACKNOWLEDGED TO ME THAT SHE SIGNED THE FOREGOING INSTRUMENT IN ACCORDANCE WITH THE AUTHORITY AS TRUSTEES GIVEN UNDER THE INSTRUMENT CREATING SAID TRUST.

COMMISSION NUMBER: 713448
MY COMMISSION EXPIRES: 08-13-2024
PRINT NAME: Becky Skelton
A NOTARY PUBLIC COMMISSIONED IN UTAH

MAJOR'S MINI-FARM SUBDIVISION

A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, ALSO AMENDING LOT 8, NORTH COUNTRY ROAD SUBDIVISION
LOCATED IN NORTH OGDEN CITY, WEBER COUNTY, UTAH 84414

COUNTY RECORDER
ENTRY NO. 317966 FILED 58 FILED FOR RECORD AND RECORDED ON 30-AUG-21
AT 10:10 IN BOOK 91 OF OFFICIAL RECORDS, AT PAGE 31
FOR JENNIE TAYLOR
By: Shawn Cox DEPUTY
DATE: 8-16-21
By: Shawn Cox DEPUTY
DATE: 8-16-21
By: Shawn Cox DEPUTY
DATE: 8-16-21
By: Shawn Cox DEPUTY
DATE: 8-16-21

NUMBER
ACCOUNT
19-002
SHEET NO.
1 OF 1

AMENDED ORDINANCE 2023-05

AN ORDINANCE DECLARING THE ANNEXATION OF TERRITORY TO THE MUNICIPALITY OF NORTH OGDEN CITY. THE PROPERTY IS 9.47 ACRES IN AREA AND IS LOCATED AT APPROXIMATELY 1651 AND 1659 NORTH WASHINGTON BOULEVARD, NORTH OGDEN CITY AND OWNED BY AND PETITIONED BY TERRY CEVERING, KELLY CEVERING, AND LYNN CEVERING.

WHEREAS; Terry Cevering, Kelly Cevering, and Lynn Cevering are requesting to have their property annexed into the corporate limits of North Ogden City; and

WHEREAS; Terry Cevering, Kelly Cevering, and Lynn Cevering have submitted a petition with an accurate plat or map of the territory to be annexed prepared under the supervision of the city engineer or a competent surveyor and certified by the engineer or surveyor; and

WHEREAS; Terry Cevering, Kelly Cevering, and Lynn Cevering owns the land petitioned to be annexed into the City; and

WHEREAS; The Weber County Clerk/Surveyor was notified and approved on December 1, 2022 of the North Ogden City petition; and

WHEREAS; The Planning Commission of North Ogden City, where the property is located has been notified of this annexation petition and has recommended the City Council that it be annexed; and

WHEREAS; The petition has meet all necessary requirements of Utah State Code §10-2-425.

Be it ordained by the governing body of the municipality of NORTH OGDEN CITY.

SECTION 1. TERRITORY ANNEXED. The following territory, legally described as follows, is hereby annexed into the corporate limits of North Ogden City, Utah:

BEGINNING AT A POINT THAT IS NORTH 01°03'36" EAST 1503.67 FEET ALONG THE QUARTER SECTION LINE AND SOUTH 89°03'50" EAST 315.80 FEET ALONG AN OLD FENCE FROM THE CENTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°03'50" EAST 1386.03 FEET TO A POINT ON A 226.50 FOOT RADIUS NON-TANGENT CURVE; THENCE

SOUTHEASTERLY 16.92 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 04°16'47" (WHICH LONG CHORD BEARS SOUTH 70°16'15" EAST 16.91 FEET) TO A POINT ON A 273.50 FOOT RADIUS REVERSE CURVE; THENCE SOUTHEASTERLY 99.92 FEET ALONG THE ARC OF SAID REVERSE CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 20°55'58" (WHICH LONG CHORD BEARS SOUTH 78°35'51" EAST 99.37 FEET); THENCE SOUTH 89°03'50" EAST 150.04 FEET; THENCE NORTH 00°50'15" EAST 23.50 FEET; THENCE SOUTH 89°03'50' EAST 64.68 FEET TO THE CENTERLINE OF WASHINGTON BOULEVARD; THENCE SOUTH 00°50'15' WEST 14.67 FEET TO THE OGDEN CITY SURVEY INTERSECTION MONUMENT AT WASHINGTON BOULEVARD AND 1700 NORTH STREET; THENCE SOUTH 00°50'15" WEST ALONG SAID CENTERLINE 228.28 FEET; THENCE NORTH 89°07'00" WEST 1714.27 FEET; THENCE NORTH 00°48'00" EAST 244.53 FEET TO THE POINT OF BEGINNING.

CONTAINS 412,563.44 SQ/FT OR 9.47 ACRES

SECTION 2. ZONING CLASSIFICATION: The entire area being annexed is zoned both R-4 and M-1.

SECTION 3. EFFECTIVE DATE: This Ordinance shall take effect upon the recording of the Annexation plat.

PASSED and ADOPTED this 25th day of April 2023.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Dalpiaz:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Swanson:	_____	_____

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

Mayor Berube:

ATTEST:

Susan L. Nance, MMC
City Recorder

ORDINANCE 2023-06

AN ORDINANCE DECLARING THE ANNEXATION OF TERRITORY TO THE MUNICIPALITY OF NORTH OGDEN CITY. THE PROPERTY IS 1.003 ACRES IN AREA AND IS LOCATED AT APPROXIMATELY 2117 NORTH WASHINGTON BOULEVARD, NORTH OGDEN CITY AND OWNED BY PAUL D. FARR.

WHEREAS; Paul D. Farr is requesting to have their property annexed into the corporate limits of North Ogden City; and

WHEREAS; Paul D. Farr have submitted a petition with an accurate plat or map of the territory to be annexed prepared under the supervision of the city engineer or a competent surveyor and certified by the engineer or surveyor; and

WHEREAS; Paul D. Farr owns the land petitioned to be annexed into the City; and

WHEREAS; The Weber County Clerk/Surveyor was notified and approved on November 18, 2022 of the North Ogden City petition; and

WHEREAS; The Planning Commission of North Ogden City, where the property is located has been notified of this annexation petition and has recommended the City Council that it be annexed; and

WHEREAS; The petition has meet all necessary requirements of Utah State Code §10-2-425.

Be it ordained by the governing body of the municipality of NORTH OGDEN CITY.

SECTION 1. TERRITORY ANNEXED. The following territory, legally described as follows, is hereby annexed into the corporate limits of North Ogden City, Utah:

A tract of land for purposes of annexation into North Ogden City located in the Southeast Quarter of Section 32, Township 7 North, Range 1 West, Salt Lake Base and Meridian, being described as follows;

BEGINNING at the southeast corner of an annexation plat recorded Plat book 74 page 81 of Weber County records;

RUNNING thence South 03°05'02" West 63.25 feet;
 Thence South 87°11'27" East 43.19 feet;
 Thence South 01°57'24" West 51.23 feet;
 Thence South 84°30'56" East 42.46 feet, more or less to North Ogden City boundary as recorded Plat book 8 Page 72;
 Thence South 01°16'28" West 167.81 feet, more or less along said city boundary, to an annexation for North Ogden City as recorded Plat book 9 page 12;
 Thence North 88°58'32" West 185.82 feet, more or less along said city boundary, to an annexation for North Ogden City as recorded Plat book 63 page 42;
 Thence North 04°42'40" East 299.32 feet, along said city boundary, to said North Ogden City boundary as recorded Plat book 74 page 81;
 Thence South 81°03'13" East 85.72 feet, along said city boundary, to the point of beginning.

Containing 1.003 acres, more or less.

SECTION 2. ZONING CLASSIFICATION: The entire area being annexed is zoned R-4.

SECTION 3. EFFECTIVE DATE: This Ordinance shall take effect upon the recording of the Annexation plat.

PASSED and ADOPTED this 25th day of April 2023.

North Ogden City:

Phillip Swanson
North Ogden City Mayor Pro Temp

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	
Council Member Barker:	_____	_____	(excused)
Council Member Cevering:	<u> X </u>	_____	
Council Member Dalpiaz:	<u> X </u>	_____	
Council Member Ekstrom:	<u> X </u>	_____	

Council Member Swanson: X _____

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

Mayor Berube: _____ _____ (excused)

ATTEST:

Susan L. Nance, CMC
City Recorder



Staff Report to the North Ogden City Council

SYNOPSIS

Description: This is a request from a developer to amend the existing Developer's Agreement to include some language providing for property to be returned to their control if a road connection is not feasible at the time the property to the east develops.

Date: April 20, 2023

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Would the Council like to amend the escrow agreement for these types of situations?

DISCUSSION

The language below is the requested change to the existing Developers Agreement that all developers are required to sign when they record a subdivision.

Due to the uncertainty of the connection of 3550 North and Mountain Road. A separate escrow agreement will be established to hold until Mountain Road is built along the connection area, and feasibility is determined for the ability to make the connection. If it is determined that a connection to Mountain Road is not feasible North Ogden City agrees to vacate the ROW and return the property back to the developer.

There could be some possible changes to this language, including eliminating the term “vacate” as a word because of the implications and processes involved in vacating a roadway. Additionally, the Council should consider whether or not just a road connection would be a legitimate reason to give the property back to the developer.

Here is some additional potential language:

Due to the uncertainty of the connection of 3550 North and Mountain Road. A separate escrow agreement will be established to hold until Mountain Road is built along the connection area, and feasibility is determined for the ability to make the

roadway connection. The property on the plat shall not be considered a roadway until such time that it is determined if a connection can be made. If it is determined that a road connection to Mountain Road is not feasible North Ogden City agrees construct a pedestrian connection with the escrow funds and to return any unneeded property and funds back to the developer.

This proposed language meets the current language of the code which identifies that in long blocks where topographical issues don't allow for road connections that the city and landowner create pedestrian connections.

STAFF RECOMMENDATION

The staff recommends that the alternative language be included in the escrow agreement to allow for a pedestrian connection, if a road isn't feasible.

DEVELOPER'S AGREEMENT WITH NORTH OGDEN CORPORATION

This Agreement entered into this ____ day of _____, 2023, **Regency Development**, County of Weber, State of Utah, or its assigns, hereinafter referred to as Developer, and **NORTH OGDEN CITY CORPORATION**, a municipal corporation of the State of Utah located in Weber County, hereinafter referred to as the City, hereby agrees as follows:

1. FINAL. Developer has obtained approval of a final plat from North Ogden City for the subdivision of, and construction of improvements on, certain land in North Ogden City to be known as **North Oaks Cove Phase 17**. The Developer has presented to the North Ogden City Planning Commission and the North Ogden City Council a proposed final plat for the subdivision of, and construction of improvements, on the subdivision. On **March 16, 2021**, a Notice of Decision was sent and is attached hereto for convenience as Exhibit "A" (the "Notice of Decision"). As consideration for the granting of said approval and acceptance, Developer has agreed and does now agree to the provisions hereof and all other ordinances of North Ogden City.

2. COMPLIANCE WITH SUBDIVISION STANDARDS. Developer agrees to comply with all of the ordinances, rules, regulations, requirements and standards of the City with respect to the construction and completion of said subdivision, and particularly to install and complete all of the off-site improvements required, within the time hereinafter stated, including but not limited to the following:

- A. Rough grading and finish grading and surfacing of streets.
- B. Curbs, gutters, waterways, and driveway approaches.
- C. Sanitary sewers, including laterals to property line of each lot.
- D. Street drainage and drainage structures.
- E. Water lines, including laterals to each property line of lot.
- F. Fire hydrants.
- G. Sidewalks and walkways.
- H. Traffic control signs.
- I. Street signs with numbers.
- J. Screening when required.
- K. Chip and seal coat on new streets.
- L. Monuments.
- M. Fencing.
- N. Pressure irrigation, including laterals to each property line of lot.
- O. 10% Contingency Fund.

Said improvements and any others designated shall be done according to the specifications and requirements of the City. All work shall be subject to the inspection of North Ogden City and any questions as to conformity with the City specifications or standards or as to the technical sufficiency of the work shall be decided by the City Engineer and his/her decision shall be final and conclusive. For convenience a plat map is attached as Exhibit "B".

Developer agrees as consideration for City issuing building permits after initial acceptance of improvements to allow the City to collect and retain utility fees for the time between initial and final acceptance of the utility lines.

Building permits will be issued on condition that all improvements necessary to satisfy fire code requirements have been installed and that enough security is held in escrow to complete all required improvements for the subdivision, including any repairs or replacement after initial installation.

3. TIME FOR COMPLETION AND EXTENSION OF TIME. All of the said off-site improvements shall be fully installed and completed within two (2) years from the date of the recordation of the Final Plat. If not completed within two (2) years, the Developer may apply to the Planning Commission and the City Council for an extension of time of one year with additional one-year extensions after the first extension if the Planning Commission and City Council agree. Said extensions shall be subject to adequate security for the completion of said improvements being made by increasing the amount of the escrow account.

4. SECURITY FOR COMPLIANCE. As security for compliance by Developer with the ordinance, rules, regulations, requirements and standards of the city and of Developer's agreements herein stated, Developer has delivered to the City an acceptable Escrow Agreement for **North Oaks Cove Phase 17**, and agrees to hold **\$TBD** (which represents the cost of all required improvements as determined by the City Engineer plus 10% contingencies) in escrow for the use of the city in the event of Developer's failure or refusal to install, complete, construct, repair, or replace any off- site improvements in accordance with the provisions of this agreement, the escrow agreement and all City codes and ordinances. For convenience the Escrow Agreement is attached as Exhibit "C". The decision of the City as to whether an improvement needs to be installed, constructed, completed or replaced will be final.

Due to the uncertainty of the connection of 3550 North and Mountain Road. A separate escrow agreement will be established to hold until Mountain road is built along the connection area, and feasibility is determined for the ability to make the connection. If it is determined that a connection to Mountain Road is not feasible North Ogden City agrees to vacate the ROW and return the property back to the developer.

Should Developer fail or refuse to complete the said off-site improvements in accordance with the provisions hereof, and particularly within the time stated, or should Developer become insolvent before a completion thereof, then the City may, at its option, determine the cost of completing said off-site improvements on the basis of reliable estimates and bids and may apply all sums deposited in escrow against the said cost of completion and may proceed to legally obtain the escrow funds and use the proceeds therefrom to pay the cost of completing the said off-site improvements and to pay all related expenses including but not limited to court cost and attorney's fees.

The 10% of above stated, shall constitute a guarantee that the said off-site improvements are installed in accordance with the subdivision standards of the City as to quality and serviceability and shall be held by the City for a period of one (1) year from the time the last improvement is "conditionally accepted" by the City or until one (1) year after the time the last improvements needing repair or placement is again accepted. At the end of the one year period the said 10% shall be returned to Developer provided the off-site improvements have proved to have been constructed or installed in accordance with the standards of the City as to quality and serviceability, otherwise, to be applied toward construction or installation of said improvements in accordance with City standards or the repair or replacing the same so as to bring them into conformity with City standards, Developer will pay the difference to the City on demand. The city shall not issue any building permits until the improvements needing repair, replacement, etc., are completed and again accepted.

5. APPLICABILITY OF ORDINANCE. This agreement does not supersede, but implements the North Ogden City Subdivision Ordinance and all other ordinances and regulations applicable to the subdivision of land and construction of improvements thereon, and Developer agrees to comply in all respects with the provisions of said ordinances. No provision of this agreement shall limit the City in its rights or remedies under said subdivision ordinance or other applicable building ordinances.

6. SUCCESSORS ENFORCEMENT. The terms of this agreement shall be binding upon the parties hereon, their heirs, executors, administrators, assigns or any parties legally acquiring the parties interest through foreclosure, trust deed, sale, bankruptcy or otherwise. In the event either party must take legal action to enforce the terms of this agreement, the prevailing party shall have costs of court, including a reasonable attorney's fee.

7. NO REVISION OF REQUIREMENTS. Except as set forth herein, the terms of this agreement shall not be construed as amending or modifying any requirements of the ordinances of North Ogden City or supersede or supplement any conditions of approval by the City Staff, Planning Commission, Engineer, or any other approving or advisory body which has already given approvals of **North Oaks Cove Phase 17**. Developer is still required to comply with any conditions previously imposed by the Planning Commission.

IN WITNESS WHEREOF, the undersigned parties have executed this agreement this _____, 2023.

Company Name

Signature, Manager (with Notary on next page)

ACKNOWLEDGEMENT OF DEVELOPER OF CORPORATION

State of Utah }
§
County of _____ }

On this _____ day of _____. 2023, personally appeared before me, _____, proved to me on the basis of satisfactory evidence to be the person (s) whose name(s) is/are subscribed to on this instrument, and acknowledged that he/she/they executed the same.

Notary Public

Residing at:

My Commission Expires:

NORTH OGDEN CITY CORPORATION

Mayor

ATTEST:

City Recorder