

**CITY COUNCIL MEETING AGENDA  
SEPTEMBER 27, 2022 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/83696344910> Webinar ID: 836 9634 4910

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 & Pledge of Allegiance:** Council Member Covering

**CONSENT AGENDA**

1. Call for conflict of interest disclosure
- [2.](#) Discussion and/or action to consider July 12, 2022, City Council meeting minutes
- [3.](#) Discussion and/or action to consider July 26, 2022, City Council meeting minutes
- [4.](#) Discussion and/or action to consider August 9, 2022, City Council meeting minutes
- [5.](#) Discussion and/or action on conditional acceptance of White Rock Phase 2 Subdivision  
Presenter: Dylan Hill, Public Works Inspector
- [6.](#) Discussion and/or action on conditional acceptance of Patriot Point Phase 1A & 2 Subdivision  
Presenter: Dylan Hill, Public Works Inspector

**ACTIVE AGENDA**

7. Public Comments\*
- [8.](#) Discussion, and/or action to consider Development Agreement amendments and Site Plan updates for Village at Prominence Point  
Presenter: Scott Hess, Planning Director
- [9.](#) Discussion and/or action to consider the Declaration of Surplus Property located at approximately 3660 North 600 East  
Presenter: Scott Hess, Planning Director
  - a. Public Hearing
  - b. Discussion and/or action to consider a Resolution declaring Surplus Property located at approximately 3660 North 600 East
10. Council Department Reports:
  - a. Council Member Barker – Parks and Recreation
  - b. Council Member Dalpiaz – Building and Planning
  - c. Council Member Swanson – Finance

***\*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 22<sup>nd</sup> day of September, 2022 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

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 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.



**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

July 12, 2022

The North Ogden City Council convened in a Council meeting at 6 p.m. on July 12, 2022, 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/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 July 7, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

PRESENT:	S. Neal Berube	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Jay D Dalpiaz	Council Member
	Charlotte Ekstrom	Council Member
	Phillip Swanson	Council Member

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Susan Nance	City Recorder
	Jami Jones	Finance Director
	Scott Hess	Planning Director
	Brandon Bell	Associate Planner
	Kai Johnsen	Planning Technician
	Tiffany Staheli	Parks & Recreation Director

VISITORS:	Brenda Ashdown	Ladd Marshall	Dave Bradshaw
	Susan Clements	Terri McCulloch	Kevin Burns
	Ashley McCann	Sandy Cochran	Bob Buswell
	Grant Protzman	Tyler Crittenden	Kiley Crittenden
	Mary Milan	Ava Van der Mast	Peggy Barker
	Leonard Looney		

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

**CONSENT AGENDA**

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

Mayor Berube declared a conflict of interest for an agenda item that involves his son's best friend. He then asked if any member of the Council had a conflict of interest to declare. No additional declarations were made.

**2. DISCUSSION AND/OR ACTION TO CONSIDER THE MAY 24, 2022, CITY COUNCIL MEETING MINUTES.**

Council Member Cevering identified an error in the minutes that needed to be corrected; in a section dealing with comments made by Council Member Barker, there is mention of the North Davis Fire District rather than the North View Fire Department. He asked that the error be corrected in the approved minutes.

**Council Member Swanson motioned to approve May 24, 2022, City Council Meeting minutes as amended. 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 Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**3. PUBLIC COMMENTS**

Bob Buswell, North Ogden resident, stated he was concerned about the parade being on 2600 North, but it ended up being a great event and he thanked the City for it.

**ACTIVE AGENDA**

**4. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR SIDE YARD SETBACKS FOR GARAGES IN THE R-1-10 ZONE**

Associate Planner Bell explained a resident of the City recently brought the issue of amending the R-1-10 zone to permit a reduced side setback up at a City Council meeting. The City Council directed Staff to consider this issue. As Planning Department Staff has considered this issue, they hold the opinion that the core requirements of a zone, such as side setbacks in the R-1-10 zone, create the character of a neighborhood, a character that people bought into when they constructed

or bought their homes in the R-1-10 zone. Geographically speaking, the R-1-10 zone is the largest zone in the City. It is estimated that well over a thousand structures have been held to, and required to meet, the 10' side setback requirement. Keeping the setback requirement consistent, is viewed as a matter of fulfilling expectations to residents who bought into the character of the R-1-10 zone, and who also have been required to meet the 10' setback. Even though an amendment on this issue may seem like a small potential change – it can easily be considered an erosion of the standards that have been consistently applied in the R-1-10 zone. A change such as this sets a precedent and may also encourage changes to other core requirements of the zone. These core standards of the zone (11-9B-4), including front, side, and rear setbacks, as well as lot width, lot area, and maximum building heights, together, create the character of the zone. Such erosions to the core standards can significantly affect the character of the zone. Staff is not presenting the perspective that a 10' side setback requirement is a standard that solves all problems, but it is a standard that has been applied broadly and consistently in the zone to single-family homes for decades. It is reasonable to conclude that the many residents of this zone for whom this setback has been enforced, have a reasonable expectation that the same standard be enforced when it comes to their neighbor's property. To be clear, in the City's current ordinance, there is an exception regarding the 10' setback requirement for homes that are older than 1980 and that do not have the required parking (11-9M-8). At this time, what is being considered is whether a broader exception to the side setback requirement should be provided. The current issue that brought this agenda item to be considered by the Planning Commission and City Council, involved a desire on the part of a resident to add space in an existing garage for a third vehicle, where the minimum parking requirements are already met for the property. As Staff, however, has considered this topic, they have not been able to identify any additional exceptions that they believe should be considered, especially for structures that already have garages that fulfill the parking requirement. Any additional exceptions, or more general amendments on this issue would require a more general reduction of the 10' requirement, especially as the parking requirement is met in the overwhelming majority of structures, and use of a reduced setback would then likely be for garage space beyond the minimum parking requirement, or for additional occupied living space. Staff is not arguing that consistency should always be the prevailing principle that should govern decisions. There are of course, other principles that should influence a decision. However, in this case, staff believes that consistency should prevail. Maintaining the 10' setback requirement in place is best to retain and support the character of the R-1-10 zone. Staff has spoken to the resident involved in discussing this issue with the City Council and informed him that the option is available to pursue solving his issue regarding his property by seeking to purchase a few feet of his neighbor's property and apply for a subdivision amendment which would, if approved, move the property boundary a couple of feet, and enable him to then meet the existing side setback. Staff recommendation is that the ordinance not be amended regarding the side setback. This recommendation is based on the perspective that consistency with regards to this core requirement, is in this case, the primary consideration, and that amending this requirement could lead to unintended consequences in the R-1-10 zone. If the Council believes that the ordinance should be amended, Staff is of the opinion that a reduction should apply to garages only, and not be permitted for living space. The Planning Commission approved a motion, in a 5 to 1 vote, to leave the ordinance on this topic (and the existing setback requirements in the R-1-10 zone) to remain as is, on this topic (and thus to recommend that the proposed ordinance amendment not be approved). The City Council should conduct a review of

and discussion regarding the proposed ordinance amendment and consider whether they believe the ordinance amendment should be adopted.

Council Member Cevering inquired as to the number of requests the City has received to extend their garage. Mr. Bell stated that this is the first such instance that he can remember that would require an ordinance change; others have sought to build something outside the required setbacks of the ordinance, but they have adjusted their plans to comply with the ordinance.

Mayor Berube invited input from the applicant.

Tyler Crittenden, North Ogden resident, provided a description of his property layout and identified the restrictions created by the natural layout; he asked that the side yard setback be split to allow eight feet on each side. He loves North Ogden and does not want to build something that will create a negative impact for his neighbors or others in the City.

Council discussion of the application centered on the efforts of the Planning staff and Planning Commission; Mayor Berube stated that he supports a desire for consistency but does not necessarily believe that all ordinance decisions should be based upon historical decisions and things are always changing and evolving. Council Member Cevering agreed and stated he would be supportive of amending the ordinance in this situation because he feels that it will not have broad-reaching unintended consequences based upon Mr. Bell's communication that the City has not received many requests for this type of adjustment.

**Council Member Cevering motioned to approve Ordinance 2022-16 for side yard setbacks for garages in the R-1-10 Zone. 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 Dalpiaz</b>	<b>no</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed 4-1.**

**5. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO AMEND CONSOLIDATED FEE SCHEDULE FOR 2022-2023**

Finance Director Jones discussed the following items to be considered for amendment to the Consolidated Fee Schedule:

- Water Fund:
  - Water rate base fee increase of \$1.00

- Operation costs
- Added additional staff
- Sewer Fund:
  - Sewer rate base fee increase of \$.80
  - Central Weber Sewer Improvement District is Increasing sewer fees by \$140,000/year
- Solid Waste Fund:
  - Solid Waste increase of \$1.00
  - Increased rates from Weber County tipping fees (\$0.30)
  - Increased rates from Republic Services for GB pick-up (\$0.30)
  - Increase in fuel costs
  - Reserve fund balance (\$0.40)
- Storm Water Fund:
  - Proposed rate decrease of half (50%) of projected net income
  - As of June 14th, net income is budgeted at \$151,248
  - A reduction of \$0.90 ( $\$151,248/2 = \$75,624/7000/12 = \$0.90$ )
- Total City utility bill increase:
  - \$1.90/mo or \$22.80/year

Council Member Dalpiaz suggested that the solid waste fees be adjusted to ensure that the cost ‘per tip’ is the same for garbage and recycling cans. Mayor Berube suggested that point be considered and researched by City staff; he asked that Council Member Ekstrom provide the suggestion to Public Works Director Espinoza for review. Council Member Dalpiaz indicated he is comfortable acting upon the current proposal and considering future amendments based upon staff response to his suggestion.

Council Member Barker indicated he will recuse himself from voting on this matter as he does not pay utility fees. Mayor Berube stated it would be nice for the City Council to know how many unincorporated island properties are located in the City.

**Council Member Swanson motioned to approve Resolution 08-2022 to amend the Consolidated Fee Schedule for 2022-2023. Council Member Ekstrom seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>(recused)</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>

**Council Member Ekstrom            aye**  
**Council Member Swanson        aye**

**The motion passed 4-0, with 1 recusing themselves.**

**6.    DISCUSSION ON BARKER PARK PRESERVE**

Council Member Cevering provided a presentation regarding completion of Phase Two of Barker Park; a non-profit organization has been established, along with a committee, and they have considered proposals for the project, which they have called “The Preserve”. He discussed projects that have been completed to date, namely related to maintenance and improvements of existing conditions at the Park, after which he presented an aerial image/sketch plan for the project, which identified the areas of the following potential projects within the park:

1. Parking Lot 23 spaces
2. Picnic Bowery
3. Grandma's Flower and Herb Garden
4. Pioneer Themed Playground
5. Picnic tables and Chicken Coop Historic Exhibit
6. Orchard - Apricot, Plum, Apples. Raspberries. Cherries, Currents, Mulberries, grapes, etc.
7. Demonstration Gardens
  - a. Water Wise Landscaping
  - b. Bee, Butterfly and Beneficial Insect Habitat
  - c. Edible Perennial Landscaping Garden
  - d. Native American Food and Medicine Garden
8. Observation Platform or Gazebo for classes, photo shoots, live music, yoga. etc.
9. Maintenance of existing and establishment of new footpaths
10. Sidewalk along Barker Parkway connecting North Ogden trail system to Wadman Park and Oak lawn Park.
11. Benches- see detailed maps
12. Picnic Tables - see detail
13. Signs to mark paths, historical information, and plants species
14. Erosion Control on the riverbed in the Hollows
15. Playground - Native American Themed
16. Large Bowery. Park Maintenance Storage, and Restrooms
17. Playground with shade and water feature
18. Parking Lot
19. Old Water Aqueduct - Historical Marker
20. Possible future parking expansion

Inside Barker Park that has been called “The Preserve” includes the following projects:

1. Bowery, restrooms, park maintenance storage
2. Native American themed playground - full sun
3. Playground with natural looking water feature

4. Observation platform or gazebo for classes, yoga, photos, bands, etc.
5. Water-wise garden
6. Bees, Butterfly, and Beneficial Insects Garden
7. Edible Perennial Landscaping
8. Food & Medicinal Plants of the Shoshone Tribes
9. Gabions for erosion control
10. Historic Aqueduct with story signage
11. Parking for 15 cars

He concluded by presenting the list of Committee members and the businesses and/or individuals that have made donations or offered sponsorships for the project. He then stated that he sees Barker Park as one of the great legacies that can be left behind for the citizens of North Ogden and he asked for support from the Council in this endeavor.

Mayor Berube noted that Parks and Recreation Director Staheli has offered a response to the proposal made by Council Member Cevering and the volunteer group, and he invited her to provide input on this matter. Ms. Staheli stated she has nothing but good to say about the discussions she has had with the Committee and the suggestions she has made. She has communicated the need for certification of some of the elements of the Park and has offered support for different types of cultural elements to be included in the project. She stated the Park will be literally and figuratively at the center of North Ogden and she foresees many great things happening there. She is willing to work side by side with the group as they fundraise and move forward with formal plans for the project.

Discussion among the Council then centered on a shift in the layout plan for the project and whether there will be limited access to certain areas in the park. Council Member Cevering stated nothing has been formalized and he is committed to working with Ms. Staheli in ongoing planning efforts.

Mayor Berube suggested that a reserve fund be created that would be dedicated to funding ongoing maintenance of the facility and improvements that will be completed in the park. Council Member Cevering agreed.

City Manager/Attorney Call suggested that the Mayor and Council provide direction regarding the types of decisions that can be made by the Committee, Ms. Staheli, and himself without involvement from the entire Council. Mayor Berube suggested that Mr. Call, Ms. Staheli, and Council Member Barker – as the liaison to the Parks and Recreation Department – be given decision making authority, with regular updates to be provided to the Council. Council Member Swanson stated that he feels a formalized plan should be established by the Council, after which the group mentioned by Mayor Berube will be given the authority to proceed with implementing the plan. Mayor Berube agreed and asked that Council Member Cevering and the committee prepare a recommendation for a formal plan for the park for the Council to consider.

Council Member Dalpiaz inquired as to the status of fundraising for the project. Mr. Cevering stated that fundraising efforts continue, with some providing donations direction to the non-profit



organization and others offering in-kind donations for improvements or products to be located in the Park.

**7. DISCUSSION AND/OR ACTION ON AMENDING THE FIREWORKS RESTRICTIONS MAP FOR 2022**

Council Member Barker stated that he participated in a meeting last week in his capacity as the Fire Marshall; the purpose of the meeting was to discuss adjustments to fireworks map boundaries in communities along the Wasatch Front. He is supportive of changing the City's boundary and he presented a conceptual map to the Council for review. He asked if the Council likes the proposed boundaries or if further adjustments should be made.

City Manager/Attorney Call asked if the map would apply to City sponsored fireworks events. Council Member Barker answered no and indicated it will apply to private residents.

The Mayor and Council briefly discussed the fireworks map and the North View Fire District's ability to enforce fireworks restrictions; they ultimately expressed their support for the amended boundaries.

**Council Member Swanson motioned to approve the amended Fireworks Restriction Map for 2022. 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 Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**8. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT TO HELP FUND CHILDREN'S JUSTICE CENTER**

City Manager/Attorney Call explained the question before the Council is to determine whether to fund a portion of the Weber Children's Justice Center in partnership with Weber County. He briefly reviewed the terms of the proposed agreement with the County, noting the requested amount from the City is \$95,000. Mayor Berube added that the source of the requested funds are those received from the Federal Government (American Rescue Plan Act (ARPA)), rather than property or sales tax revenues. The money must be spent by the year 2026.



Council Member Swanson asked if this allocation will impact the City’s ability to complete other projects that are ARPA funding eligible, to which Mr. Call answered no.

**Council Member Ekstrom motioned to approve Agreement A10-2022 to help fund the Children’s Justice Center donating \$95,000 of ARPA Funds. Council Member Dalpias 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 Dalpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**9. DISCUSSION AND/OR ACTION TO CONSIDER AN ARTESIAN WELL AGREEMENT IN SHAW CENTURY FARMS**

City Manager Call stated the question before the Council is whether to approve an agreement for dedication of water rights associated with an artesian well near the old Public Works facility. He noted the Council has signed an agreement to develop a park in conjunction with the Shaw Century Farms subdivision. The developer was required to provide water to the City for a water feature in the new park. This proposed agreement accomplishes this task. The most interesting provision of the agreement relates to the requirement that the water be kept active for ten years. If the water is turned off, the Developer is subject to a \$30,000 penalty. The City, as an heir or assign, would be subject to the terms of the agreement and so the City needs to accept the financial liability. The City does not have any plans to terminate the water source, but instead to increase the access to the water and utilize it to beautify the proposed park.

The Mayor and Council briefly discussed the terms of the agreement and any restrictions on the water source.

**Council Member Dalpias motioned to approve Agreement #A11-2022 regarding an artesian well in Shaw Century Farms Subdivision. 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 Dalpias</b>	<b>aye</b>

Council Member Ekstrom            aye  
Council Member Swanson           aye

**The motion passed unanimously.**

**10. DISCUSSION AND/OR ACTION TO CONSIDER A REVISION TO AN AGREEMENT FOR LIBRARY PARKING**

City Manager/Attorney Call noted the proposed agreement will amend the 2018 agreement regarding the library, parking, and associated improvements. The only outstanding obligation from the agreement is the construction of the parking lot around the North View Senior Center. This parking lot was supposed to be completed by June 30, 2023. With the proposed amendment the City will be allowed to delay the construction into June of 2024. One additional allowance from the library is the temporary use of six parking stalls in the lower part of the library’s current parking lot during the construction of the public safety building.

The Council briefly discussed the cost associated with the parking improvements, after which they expressed support for executing the agreement.

**Council Member Cevering motioned to approve Agreement #A12-2022 for a revision for the library parking lot with Weber County. 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.**

**11. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH SENAWAVE TO LEASE GROUND FOR UTILITY SUBSTATION**

City Manager/Attorney Call explained the City has been approached by Senawave about leasing this property for a telecommunication hub as they roll out fiber internet services in the City. The Agreement has several provisions in the document for time and terms of the agreement. Section 5.1 and 5.2 contain the main terms and obligations, however, the length of the Agreement is longer than what may seem normal at 20 years, however, in the context of telecommunication agreements longer terms are normal because of the costs of infrastructure to get these facilities

up and running. Staff recommends approval of the agreement if the terms are agreeable to the Council.

Discussion with Dave Bradshaw, representative of Senawave, centered on the timeline for proceeding with the installation of fiber infrastructure throughout the City.

There was then some debate regarding the appropriate lease amount for the property; Mr. Bradshaw indicated that Senawave just needs a small area on the property for a concrete slab with a rock building that will blend into its surroundings. Mr. Call noted that the total amount of revenue the City will receive for the lease over the term of the agreement is nearly \$100,000. He added it is hard to value land that cannot be built upon in a traditional manner, but he and Mr. Bradshaw negotiated the lease amount in good faith.

**Council Member Barker motioned to approve Agreement #A13-2022 with Senawave to lease ground for utility substation. 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 Delpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**12. COUNCIL DEPARTMENT REPORTS:**

**a. COUNCIL MEMBER CEVERING - POLICE**

Council Member Cevering reported on recent efforts in the Police Department to arrest people who are stealing items off of front porches. He added construction on the new Public Safety building has started. He added that the Youth Court will be attending an annual Youth Court conference at Weber State University. He concluded by reporting on the Police Department's National Night Out Against Crime.

Mayor Berube added it is his understanding that the Police Department is now fully staffed with 22 Officers.

**b. COUNCIL MEMBER EKSTROM – PUBLIC WORKS**

Council Member Ekstrom reported on ongoing road and infrastructure construction projects.

### 13. PUBLIC COMMENTS

Bob Buswell, North Ogden resident, stated he is a representative of the Kiwanis Club on the North View Senior Citizens Board and at their last meeting there was a lengthy discussion about the Kiwanis band. They feel strongly about using the Senior Center on Thursday nights at 7:30 p.m., but the Center is used for a senior dinner and dance at that time. The director of the Center does not feel the seniors should be pushed out of the Center by 7:30 p.m.

Mayor Berube stated that he has discussed this issue with Council Member Dalpiaz given that he is the City's liaison to the Senior Center. He also asked that involved parties coordinate with Parks and Recreation Director Staheli as she is charged with oversight of the Senior Center. He noted it is his opinion that the seniors have priority for use of the facility. Council Member Dalpiaz stated he would like for all parties to meet to determine if there is a resolution that can be reached that is acceptable to all.

Brenda Ashdown, North Ogden resident, referenced the agenda item related to the Century Farms project; in past discussions the decision was made to not assign an individual's name to the project, but the City continues to call it the "Shaw Century Farms" project. Mayor Berube stated that is the case for the park – that amenity will not carry a private resident's name – but the development can have an individual's name. Ms. Ashdown then stated she is unsure it will be possible to get volunteers to help with the Barker Park project after it was so difficult to get people to volunteer for the Cherry Days celebration. She then asked who has final say about what will be included in the Park, to which Mayor Berube answered the City Council. Ms. Ashdown asked if residents have any recourse if they do not like the elements that are being proposed for inclusion in the park. Mayor Berube stated that any resident can make a request to provide a presentation and recommendation to the Council. Ms. Ashdown asked who will manage ongoing maintenance of the Park. She asked that the Council be aware of the difficulty and cost of maintaining different types of structures and elements in public spaces.

Ava Van der Mast, North Ogden resident, stated he is looking to interview either the Mayor or a member of the City Council for his Eagle Scout project.

Peggy Barker, North Ogden resident, discussed events in the Fruitland Drive project that caused disruption for residents that live along the road. She thanked the utility companies for being diligent in ensuring the safety of residents. She then thanked Council Member Cevering for discussing the proposed "Preserve" project at Barker Park. She is very supportive of something being developed that will be loved by the citizens and that will honor her family.

Sandy Cochran, North Ogden resident, asked if the fireworks show has been rescheduled. Mayor Berube stated the City is working to plan an event on August 1 that will include a concert, food trucks, and fireworks. The event will be at Barker Park. Ms. Cochran then referenced the trail that runs south of the patio homes in the Village at Prominence Point project; the weeds along the trail are very tall and are impeding access to the trail. Residents have called the City and the HOA for the project, and no one has responded to abate the nuisance. Mr. Call stated that the

owner of The Lodge is responsible to maintain the trail, but they have been resistant. Mayor Berube advised Mr. Call to instruct code enforcement to handle the situation.

**14. COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Cevering noted he has been contacted by residents about areas along the City’s trail system that are not being properly maintained. Mr. Call asked him to forward information about those locations and the City will respond. Council Member Cevering then stated that it would be helpful for the Council to receive a monthly update regarding the status of secondary water supply.

Council Member Barker reiterated the Mayor’s announcement of the event being planned to produce the fireworks show that was cancelled on July 4; the event will be August 1 at Barker Park and will include a concert and food trucks.

Council Member Dalpias provided a report on efforts of staff to assist Terry Cevering with the annexation of his property into North Ogden. There are also studies about the highest and best use of that property.

Mayor Berube asked that the Council be thinking about a few topics of public interest, including setting out chairs for the parade in advance of the parade; offering temporary conditional occupancy for those building a home but are unable to get concrete poured due to supply chain limitations; and the potential purchase of a painting of the old Campbell Barn for placement in the museum.

Mr. Call provided a report of the temperature settings in the rooms at the Barker Park amphitheater; he is told that setting a constant temperature is more cost effective than trying to cool the facility in advance of individual events.

City Recorder Nance announced Administration has recommended cancelling the August 2 City Council meeting to give the Council the opportunity to attend the Police Department’s Night Out Against Crime event.

**15. ADJOURNMENT**

**Council Member Ekstrom motioned to adjourn the meeting. 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 Dalpias</b>	<b>aye</b>

**Council Member Ekstrom**  
**Council Member Swanson**

**aye**  
**aye**

**The motion passed unanimously.**

**The meeting adjourned at 8:17 p.m.**

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

\_\_\_\_\_  
Susan L. Nance, CMC  
City Recorder

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

Not Approved

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

July 26, 2022

The North Ogden City Council held a closed session from 5:00 - 6:00 p.m., before they convened in a regular Council meeting on July 26, 2022, at 6:05 p.m. at the North Ogden City Office at 505 East 2600 North and electronically on Zoom. Recording can be found on 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 July 21, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

**CLOSED MEETING FROM 5-6 PM**

1. **DISCUSSION AND/OR ACTION TO ENTER A CLOSED MEETING FOR REASONS RELATED TO UTAH STATE CODE §52- 4-205(1)(F) REGARDING DEPLOYMENT OF SECURITY PERSONNEL, DEVICES, OR SYSTEMS**

**Council Member Swanson motioned to convene in a closed meeting. Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Dalpias</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The closed meeting opened at 5:02 p.m.**

**The closed meeting adjourned at 5:58 p.m.**

**Regular meeting opened at 6:05 p.m.**

<b>PRESENT:</b>	<b>S. Neal Berube</b>	<b>Mayor</b>	
	<b>Ryan Barker</b>	<b>Council Member</b>	
	<b>Blake Cevering</b>	<b>Council Member</b>	
	<b>Jay D Dalpias</b>	<b>Council Member</b>	
	<b>Charlotte Ekstrom</b>	<b>Council Member</b>	<b>(excused)</b>
	<b>Phillip Swanson</b>	<b>Council Member</b>	

STAFF PRESENT: Jon Call City Manager/Attorney  
Susan Nance City Recorder  
Scott Hess Planning Director  
Brandon Bell Associate Planner  
Dirk Quinney Police Chief  
Tiffany Staheli Parks & Recreation Director

VISITORS: Brenda Ashdown Kayli Susan Kilborn  
Edythe Sandy Cochran Kevin Burns  
Phillip Child Dan Birch Rick Scadden  
M Scadden Stefanie Casey Debbie Child  
Bob Buswell Bob Napoli Sara Urry  
Dallin D

**REGULAR SCHEDULED MEETING AT 6 PM**

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

**CONSENT AGENDA**

**2. 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.

**3. DISCUSSION AND/OR ACTION TO CONSIDER THE MAY 31, 2022, CITY COUNCIL MEETING MINUTES**

**Council Member Swanson motioned to approve May 31, 2022, City Council Meeting minutes. Council Member Cevering seconded the motion.**

**Voting on the motion:**

**Council Member Barker aye**  
**Council Member Cevering aye**  
**Council Member Dalpiaz aye**  
**Council Member Swanson aye**

**The motion passed unanimously.**



4. **DISCUSSION AND/OR ACTION TO CONSIDER THE JUNE 7, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Barker motioned to approve June 7, 2022, City Council Meeting minutes. Council Member Dalpias seconded the motion.

**Voting on the motion:**

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Swanson	aye

The motion passed unanimously.

**ACTIVE AGENDA**

5. **PUBLIC COMMENTS**

Brenda Ashdown stated that she had an involved conversation with Parks and Recreation Tiffany Staheli regarding the Barker Park project that was discussed in depth during the July 12 City Council meeting. She thanked her for the information she provided and for her willingness to engage in that discussion.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING 9.93 ACRES LOCATED AT APPROXIMATELY 3525 NORTH 100 WEST (SCADDEN)**

City Recorder Nance explained Rick Scadden submitted an annexation petition for himself, George Evans, and Brett Johnston on May 11, 2022, petitioning for annexation of 9.93 acres located at approximately 3525 North 100 West in North Ogden, Utah. The annexation process requires the City Council to accept the petition for annexation so that the annexation process can begin, which was done on May 24, 2022. The Weber County Surveyor has reviewed the annexation plat map and they approved it on January 11, 2022. This property is not currently within North Ogden City Annexation Declaration Policy and Map as the property was originally in the Pleasant View City Annexation Plan. Action was taken by the Pleasant View City Council to remove the property from their Annexation Plan on May 10, 2022. The petitioner is requesting the zoning of RE-20 zone, which the Planning Commission recommended on June 1, 2022. The Utah State Code requires that the City give notice of an annexation for (3) consecutive weeks no

later than 10 days after the City Council receives notice of certification which was certified by the City Recorder on June 9, 2022. A Public Hearing is required and was noticed on July 12, 2022. She concluded the annexation meets all the requirements from the Recorder’s office to be annexed and before the City Council is an Ordinance for consideration of annexing this property into North Ogden City.

**a. Public Hearing to receive comments on a petition of annexation**

**Mayor Berube opened the public hearing at: 6:12 p.m.**

There were no persons appearing to be heard.

**Council Member Swanson motioned to close the public hearing. 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 Dalpiaz</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The public hearing was closed at: 6:12 p.m.**

**b. Discussion and/or action to consider an Ordinance annexing 9.93 acres located at approximately 3525 North 100 West (Scadden)**

**Council Member Cevering motioned to approve Ordinance 2022-17 annexing 9.93 acres located at approximately 3525 North 100 West (Scadden). 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 Dalpiaz</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING 11.114 ACRES LOCATED AT APPROXIMATELY 1500 NORTH 150 EAST (CHENEY-BIRCH)**

City Recorder Nance explained Dan Birch submitted an Annexation Petition for Howard W. Cheney on November 18, 2021, petitioning for annexation of 11.114 acres located at approximately 1500 North 150 East in North Ogden, Utah. The annexation process requires the City Council to accept the petition for annexation so that the annexation process can begin, which was done on November 30, 2021. The Weber County Surveyor has reviewed the annexation plat map and approved it on November 1, 2021. This property is within North Ogden City Annexation Declaration Policy. The petitioner is requesting the zoning of R-4 zone, which the Planning Commission has recommended on December 15, 2021. The Utah State Code requires that the City give notice of an annexation for (3) consecutive weeks no later than 10 days after the City Council receives notice of certification which was certified by the City Recorder on January 4, 2022. As a reminder this Annexation was withdrawn on February 8, before the Ordinance and Public Hearing were heard by the City Council. The applicant has worked to address water provision issues for the property and has since re-instated their application. A Public Hearing is required and was re-noticed on July 12, 2022. This annexation meets all the requirements from the Recorder’s office to be annexed and before the City Council is an Ordinance for your consideration annexing this property into North Ogden City.

Mayor Berube asked if one of the conditions of approval is that the City assure sufficient water service for the subject property. Ms. Nance answered yes.

**a. Public Hearing to receive comments on a petition of annexation**

**Mayor Berube opened the public hearing at: 6:16 p.m.**

There were no persons appearing to be heard.

**Council Member Swanson motioned to close the public hearing. 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 Dalpiaz</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The public hearing was closed at: 6:17 p.m.**

**b. Discussion and/or action to consider an Ordinance annexing 11.114 acres located at approximately 1500 North 150 East (Cheney-Birch)**

**Council Member Dalpias motioned to approve Ordinance 2022-18 annexing 11.114 acres located at approximately 1500 North 150 East (Cheney-Birch). 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 Dalpias</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING EXTERIOR BUILDING COLORS FOR COMMERCIAL PROPERTIES**

Associate Planner Bell explained a site plan has been approved for a Nielsen’s Custard location in North Ogden. The signature color for the company’s building is white. The Council has expressed a desire to accommodate the color scheme for the company. At the same time, there has been significant enforcement of the existing requirement for earth-toned exterior building surface colors in the City along Washington Boulevard. Staff is of the opinion that if there is going to be an exception to the requirement for earth-tones on buildings, that it should be limited, so that the desire to add the Nielsen’s Custard color scheme is respected, but in a way that does not impact Washington Boulevard where significant investment has been made in an earth-tone color scheme. Staff holds the view that the best way to accommodate both goals, is to simply add a restriction to the existing color requirement that limits where the exception applies. This earth tone exterior color requirement would then continue to apply to areas where it has had the most impact, (and where removing the requirement would create the most visual inconsistency and negative impact). The area where removing these requirements would have the most potential negative impact is along Washington Boulevard, and thus Staff is of the opinion that this would be the best area to leave them in place. The limited exception made in the proposed ordinance amendment would allow other properties that do not visually impact the Washington Boulevard corridor, to not be held to the same standard, while maintaining the investment in the existing color requirement along Washington Boulevard. Mr. Bell summarized the Planning Commission’s discussion on the topic; members of the Planning Commission voiced their support of adopting the ordinance amendment in these same terms; allowing an exception not directly on Washington boulevard, while maintaining the investment in the earth tone color scheme for buildings, along Washington Boulevard within North Ogden City, specifically. The Planning Commission voted five to zero to recommend adoption of the proposed ordinance. Staff recommends that the City Council conduct a review and discussion of the proposed ordinance amendment and consider whether they believe the ordinance amendment should be adopted.

Mayor Berube stated it is his understanding that this application is a result of the applicant's franchise agreement with Nielsen's Frozen Custard; that entity requires the color scheme being requested and he asked if it would be appropriate to include language in the ordinance to indicate that exceptions to the exterior building color requirements only be granted if associated with a franchise agreement. Mr. Bell stated the proposed ordinance does not make mention of any such arrangement. Mayor Berube stated that could easily be added if the Council desires and he asked the body to be thinking of that matter.

Council Member Cevering wondered if the City would consider allowing a pink color on the exterior of a building if the argument could be made that the color is required by a chain/franchise agreement. Mr. Bell stated that the current ordinance calls for earth tones and there are also accent colors identified in the ordinance; branding and identity requirements for chain businesses are allowed for so long as earth tones are incorporated into the color scheme of the building.

Mayor Berube invited input from the applicant. The applicant did not provide input.

**Council Member Swanson motioned to approve Ordinance 2022-19 amending exterior building colors for commercial properties, with the following amendment: exceptions will be contingent upon Franchise Agreements for the applicant. 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 Dalpiaz</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**9. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING THE PURCHASE AGREEMENT FOR PROPERTY LOCATED AT APPROXIMATELY 457 EAST 2600 NORTH**

City Manager/Attorney Call provided background information about the proposed purchase agreement; under the current agreement the City has agreed to cover \$275,000 worth of excavation and fill expense due to the existence of improper soils on the property. The current bid for that portion of the project is \$155,500 to \$242,500. There is a need for a larger than normal parking lot and stacking area for those who will be trying to purchase food from Nielsen's Frozen Custard. To accommodate this stacking without spilling into the roadway, the purchaser is requesting \$60,215 of RDA funds to offset the burden of the additional expenses caused by this roadway. Because of grading issues there is a need for an almost 200' long retaining wall with an estimated cost of \$35,000. The request is for some RDA funds to help

accommodate this additional cost. With the property sale the City and buyer needed to agree on an initial subdivision of the property so the buyer could close on the portion needed for the Nielsen's now and then the remainder parcel later. Because of the additional stacking area, the buyer is requesting that the City allow the installation of the stacking lane on property to be purchased in the future as opposed to right now. There would be an easement for the stacking lane as well as an obligation for the maintenance of the remainder parcel to eliminate that burden on the City. At property closing there will be an agreement which memorializes the obligation to close on the remainder parcel in the next five years.

Mayor Berube facilitated brief discussion among the Council regarding the implications of the matter before them.

**Council Member Swanson motioned to authorize the Mayor to sign the closing documents that will include the moved property line for property located at approximately 457 East 2600 North. Council Member Dalpias 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 Dalpias</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**a. Discussion and/or action to recess the City Council meeting and convene in the RDA**

**Council Member Cevering motioned to adjourn the meeting and convene in the RDA. 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 Dalpias</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**10. DISCUSSION AND/OR ACTION TO CONSIDER THE USE OF RDA FUNDS FOR PROPERTY CONSTRAINTS FOR PROPERTY LOCATED AT APPROXIMATELY 457 EAST 2600 NORTH**

City Manager/Attorney Call indicated this item is related to the City Council action taken in the previous agenda item. He suggested the Board hear from the applicant, Phil Child, regarding the constraints of the property that have contributed to his request for the RDA funds.

Phil Child presented a site plan for the subject property to identify potential access points and the different layout options for the development of the site; he highlighted vehicle stacking associated with the drive-thru use and indicated funds would be use to create a new access road for vehicle stacking, the cost of which is approximately \$60,215. Additionally, a keystone retaining wall would be built to address the significant slope from the northeast to the southwest totaling 11 feet ranging from an elevation of 4409 down to 4398. The preliminary cost estimate for this work is \$35,000. He then noted he understands he is asking a lot of the RDA Board, but he feels that the improvements will benefit the safety of the community as they navigate and use the site. He thanked the Board for their consideration.

Board Member Swanson stated he feels that this project is a warranted use of RDA funds and meets the intent of the RDA that has been created to incent investment in the community. Board Member Dalpiaz agreed.

Mayor Berube stated that the City has authorized use of up to \$275,000 on this project; he suspects that whatever authorization the Board gives for this project will also be requested for another similar sized property in the RDA which will be entering the development phase soon. He stated he feels that the RDA can authorize assistance for both projects without compromising the RDA's budget.

Mr. Child stated that there is the potential for similar work to be required on the other parcel of property that he does not plan to acquire for up to five years. He expects that he will be approaching the Board again in the future to request assistance from the RDA.

Board Member Swanson suggested that the Board authorize an 'up to' amount to be included in an agreement with Mr. Child. He suggested a cap of \$96,000.

Board Member Dalpiaz inquired as to the cost of the retaining wall at the Northern Ice project, to which Mr. Call answered \$65,000.

The Mayor, Board, and staff debated the appropriate amount of money to allocate to the two projects to be completed on the project and whether it would be appropriate to wait to learn the total cost of the excavation of the property (which was addressed by the Council action) before determining the amount to be allocated by the RDA. The Board concluded to authorize a maximum amount of funding capped at \$96,000.



Board Member Swanson motioned to expend up to \$96,000 for property located at approximately 457 East 2600 North. Board Member Cevering seconded the motion.

**Voting on the motion:**

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Swanson	aye

The motion passed unanimously.

a. Discussion and/or action to adjourn the RDA meeting and convene in the regular City Council meeting

Board Member Barker motioned to adjourn the RDA meeting and convene in the regular City Council meeting. Board Member Cevering seconded the motion.

**Voting on the motion:**

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Swanson	aye

The motion passed unanimously.

**11. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO APPROPRIATE UNCLAIMED PROPERTY FOR PUBLIC INTEREST USE**

City Manager/Attorney Call introduced a resolution regarding the appropriation of unclaimed property for public interest use; the property is held by the Police Department, and he referenced the list of items included in the Council's meeting packet.

Council Member Dalpiaz motioned to approve Resolution 09-2022 to appropriate unclaimed property for public interest use. Council Member Swanson seconded the motion.

**Voting on the motion:**

Council Member Barker	aye
Council Member Cevering	aye



**Council Member Dalpias**            **aye**  
**Council Member Swanson**       **aye**

**The motion passed unanimously.**

**12.    DISCUSSION ON CHERRY DAYS**

Council Member Barker stated that North Ogden and Pleasant View Cities both spend about the same amount of money on their community celebrations; events are well attended and there has been some discussion about potentially adjusting/combining the events included in both the Cherry Days celebration and the Pleasant View Founders Day celebration. He facilitated discussion among the Mayor and Council regarding the history of the Cherry Days celebration, focusing on the variance in the number and type of events that have been included in the past; whether the event should be administered by the cities or a volunteer group; whether to change the date(s) of the celebration; and private sponsorships of the events.

Mayor Berube invited input from a Pleasant View Council Member who was in attendance at the meeting. Sara Urry stated that Council Member Barker attended Pleasant View’s post-Founders Day meeting. The Founders Day celebration is led by their City Council, with support from City staff. The budget for the celebration was just increased to \$52,000 and costs exceeding the annual budget are covered by individual Council Members, private donors, or residents. Employees who work during the event are paid time and a half for after hours service. She discussed the idea of possibly combining the fireworks show for both celebrations, noting that Pleasant View’s fireworks show is currently held at Weber High School. There are other options, but all present logistical issues.

There was then brief discussion among the Mayor, Council, and Ms. Urry about different events included in the Pleasant View Founders Day celebration and the cost associated with those such as the salmon dinner.

Mayor Berube then invited input from Parks and Recreation Director Staheli. Ms. Staheli discussed her post-Cherry Days review; the public input she has received is that many wish that the celebration would be similar to those held in the past, which had a ‘hometown’ feel. She stated this is difficult to do because of the size of the City. Many people attend North Ogden’s celebration because it is held on July 4, which is a National and State holiday and people throughout the county have the day off work and are able to attend one of North Ogden’s events. She suggested that changing the date may make it possible to keep the celebration smaller and provide a return to the ‘hometown’ feeling. Additionally, the City is paying a premium cost for services or products that are needed for the July 4 holiday and that may change if the date shifted. She stated she is looking forward to continued discussion and a decision from Mayor and Council regarding changes to the event in the future. If the Council wants the event to be citizen led, it would be appropriate to create multiple citizen committees that are given specific event assignments.

Mayor Berube continued to facilitate discussion among the Council regarding potential adjustments to various events included in the Cherry Days celebration; this included adjusting the parade route and length; pursuing a citizen led format; and cost of the fireworks show.

**13. RECOGNITION OF PARKS AND RECREATION PROFESSIONAL DAY IN UTAH**

Council Member Barker read a declaration made by Utah Governor, Spencer J. Cox, declaring July 15, 2022, as Parks and Recreation Professionals Day in Utah. He thanked Parks and Recreation Director Staheli and her Department for the service they provide to the entire community.

**14. COUNCIL DEPARTMENT REPORTS:**

**a. COUNCIL MEMBER BARKER – PARKS AND RECREATION**

Council Member Barker reported Music Monday will be held on August 1; there will be food trucks and a fireworks show at the end. He also noted pool attendance for the 2022 summer season has been great, there are efforts to plant new trees in parks, and staff is working to form tackle football teams for the 2022 season.

**b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING**

Council Member Dalpiaz reminded the Council of an upcoming joint meeting with the Planning Commission, during which the group will receive valuable land use training. He added that building seems to be slowing and he will provide a detailed report of the drop in the number of building permits issued in recent months.

**c. COUNCIL MEMBER SWANSON – FINANCE (Report for May and June)**

Council Member Swanson provided a review of the financial report for May and June; sales tax revenues continue to exceed expectations. Expenditures are underbudget, which is a sign of each Department being conservative with the funding they are given. He noted that there is talk of imminent recession and many are monitoring how that will impact the local economy. This is information that will be helpful as the Council proceed with considering a property tax increase and adoption of a final budget for Fiscal Year (FY) 2022-2023.

Mayor Berube discussed the efforts of City Administration to prepare for the upcoming Truth in Taxation hearing in August; there has been some discussion about the City's use of American Rescue Plan Act (ARPA) funding and some insinuation that the City has misappropriated those funds. He stated that is not correct and the City has been very careful to appropriate those funds in accordance with the guidelines provided by the Federal Government.

## 15. PUBLIC COMMENTS

Bob Mackley, North Ogden resident, discussed the Cherry Days celebration. When the parade was held on Washington Boulevard, it benefitted all of the businesses located along there, and this benefitted the entire community through sales tax generation. He suggested that the parade be moved back there and that it be held on July 4 rather than on another day of the year. He stated that the City already partners with Pleasant View in some ways and it is not necessary to totally combine with them on their Founders Day celebration. He stated he has been involved in Cherry Days since the 1980s and has seen volunteerism and business support, which can be difficult to manage, but which also does benefit the entire community. Booth rental at the park is also a minor revenue generator, but also serves to bring the community together. He spoke to his experience in managing volunteer groups for individual events; he acknowledged again that it is a lot of work, but it is worthwhile work for the benefit of the entire community.

Susan Kilborn, North Ogden resident, stated she is supportive of Council Member Barker's recommendations regarding the Cherry Days celebration. She then stated that on social media she regularly defends the City Council and Mayor and the decisions they make, and she has also encouraged more citizen involvement. She suggested conducting a poll to determine how the community feels about the future of the event and whether it should be citizen-led. That feedback could then be considered as decisions are made going forward.

Mayor Berube agreed it is important to get ideas and feedback from the residents; he suggested a poll be conducted through the "One North Ogden" Facebook page, pushing participants to the City's official page.

Stefanie Casey, North Ogden resident, also discussed the Cherry Days celebration. She knows that it is hard to get volunteers, but there were no Facebook posts where the City was asking for volunteers for the event this year. The City is missing easy opportunities to recruit people.

Brenda Ashdown, North Ogden resident, offered an idea to place a poll taker at a local business, perhaps a grocery store, to get people to provide their input about the future of Cherry Days. This may increase participation on a public survey.

Sandy Cochran, North Ogden resident, agreed with Ms. Casey in that she never saw a public advertisement or recruitment efforts for volunteers for Cherry Days. She stated the City needs to pursue other options for getting the word out.

Kevin Burns, North Ogden resident, also referenced Cherry Days; he does not want this to be the most important issue the City Council is dealing with as the Council should be more focused on fiscal management of the City.

**16. COUNCIL/MAYOR/STAFF COMMENTS**

City Recorder Nance reported the Truth in Taxation Hearing will be held August 9 at the Senior Center.

Several Council Members and the Mayor expressed a willingness to hear from residents about the City’s potential property tax increase in advance of the Truth in Taxation hearing.

Mayor Berube stated that he has asked City Manager/Attorney Call to look into the legality of a City ordinance that would prohibit people from attaching things to light poles. He asked if the Council has any objection to that matter. Council Member Swanson stated that he believes Rocky Mountain Power already has such a regulation for their infrastructure and it may not be necessary for the City to duplicate it. Mayor Berube stated the City ordinance would only apply to poles owned and maintained by the City.

Council Member Cevering reminded the Council and residents about the upcoming Police Department Night Out Against Crime event.

**17. ADJOURNMENT**

**Council Member Cevering motioned to adjourn the meeting. 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 Dalpiaz</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 8:33 p.m.**

---

S. Neal Berube, Mayor

---

Susan L. Nance, CMC  
City Recorder

---

Date Approved

Not Approved

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

August 9, 2022

The North Ogden City Council convened on August 9, 2022, at 8 p.m. at the North Ogden City North View Senior Center located at 485 East 2550 North and available electronically on 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 August 4, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Jay D Dalpiaz	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Jami Jones	Finance Director	
	Scott Hess	Planning Director	
	Dirk Quinney	Chief of Police	
	Jeremy Hindes	Lieutenant	
	Clark Crowther	Lieutenant	
VISITORS:	Keith Ashdown	Brenda Ashdown	Deborah Grushcow
	Derek Nightingale	Amy Lindblom	Jim Urry
	Justin Scott	Sandy Cochran	Jaylene Nielson
	Walt Nielsen	Sandy Heiner	Bill Despain
	Maryann Rackham	Kim Christensen	Clayton Berrett
	Kevin Burns	Greg Daniels	Tony Spencer
	Carolyn R. White	Kalee Aaron	Nathan Roessler
	Gene Willits	Ben Olas	Ron Silver
	Suzanne Bronson	Bob Buswell	Steve Huntsman
	Allen Christensen	Janis Christensen	Jessica Barraza
	Anthony Martinez	Dave Hulme	Jim Shaw
	Gloria Shaw	Kerry Wangsgard	Susan Wangsgard
	Doug Anderson	Jeffrey Smith	Nathan Nelson
	Jonathan Aaron	John Arrington	Charles Schmalz
	Ashley McCann	Kent Malan	Christine Malan
	Sheila Olsen	Kenneth Hipwell	D. Hipwell
	Glenn Donnelson	John Telle	Blake Hansen
	Mary Hadley	Ryan Hadley	Melinda McCalmant

Marc Colhman	Peggy Barker	Laurel Pendleton
Michiko Carroll	Kathleen Peterson	Don Miller
Lesa Miller	J. Shawn Heiner	Melissa Blackwell
Doncias Nany	Phillip Nelson	Alan E. Giles
Clark Jensen	Wade Hasler	Mary Brown
Marion Brown	Reed Miller	Jeremy Draper
Tina Bill	John Pendleton	Kathy Jacobs
David Jacobs	Dallin Duce	Chris Heiner
Lynda Pipkin	Leonard Looney	George Chino

VIA ZOOM:

Curt Fuller	Lesley Pelka	Mike Kuhn
Brett Hamblin	Deborah Eddy	Natalie
KCJ	Dee Anna Ito Elmer	Wendy
Randall Winn	Steve Olney	Nancy
C	Edythe	Spendlove
Susan Kilborn	Garcia	Lisa
Julie Anderson	Silver Garcia	Maryann Rackham
Spencer Stephens		

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

**ACTIVE AGENDA**

**1. TRUTH IN TAXATION PUBLIC HEARING ON PROPOSED PROPERTY TAX RATE**

Mayor Berube discussed the format of tonight’s meeting; it is intended to be informational and directional, and no decision will be made. All questions asked by residents will be captured and responded to via the City’s website. He then noted that the City has two main sources of revenue: sales tax and property tax and the City’s annual sales tax revenue is approximately double the annual property tax revenue. The Council has included a very conservative sales tax revenue projection in the proposed Fiscal Year (FY) 2022-2023 budget based upon predictions of a recession. He then noted there have been some comments made on social media about the City’s receipt and use of \$2.4 million in American Rescue Plan Act (ARPA) funds; there are restrictions on those funds and they cannot be used to cover all operational costs. They can only be used for infrastructure projects and the money has been placed in the City’s water enterprise fund to aid in replacement of a water tank to service the southern part of the City. Some have inferred that the money could have been used for general operations, but that is not correct. There have also been comments about the increase in the number of homes in the City and that such growth should have generated a lot of additional money to operate the City; he noted that money is actually paid in the form of impact fees, which must be used to improve infrastructure responsive to growth. Finally, another comment that has been made is that the City is increasing its traffic enforcement efforts to increase the revenue associated with that activity. He stated that it is important to understand that 85 percent of the money collected as a result of a traffic citation



is dedicated to the State of Utah; North Ogden only retains 15 percent, which is just enough to cover the costs of managing the City's Justice Court. Some have asked if the tax increase is needed to pay for the construction of the Public Safety building; he noted that a bond was issued to pay for that project and the City has adequate funds to pay debt service on that bond. The bond is actually a revenue bond and sales tax revenue is the repayment source for the bond. He stated that Council Member Swanson will provide explanations for the needed property tax revenue increase.

#### **a. PRESENTATION BY CITY COUNCIL**

Council Member Swanson used the aid of a PowerPoint presentation to provide information regarding the basis for the proposed property tax rate increase. The primary purpose of the tax increase is to reduce the Police Department's dependence upon sales tax; the Police Department budget is \$4.2 million, but the City's sales tax revenue (if the proposed budget is approved) will be \$2.3 million. He stated that it is not appropriate to depend upon a revenue source that is so volatile. Additionally, there are several large expenditures in the budget that are contributing to the need for increased revenue:

1. Implementation of property accounting: \$225,000
2. Increase in employee compensation: \$253,000
3. Increased fuel costs: \$40,000
4. Employee retention: \$100,000.

The Council has had to consider how to pay for these increased costs; sales tax revenue in the City's budget has been adjusted to consider that a recession is imminent, but the City should realize \$100,000 more than last year. If the property tax rate is increased, the City will capture an additional \$460,000 in revenue. Additionally, the building permit revenue has been increased by \$58,000. He then presented a chart illustrating the history of the City's tax rate; from 1997 to present, the City's property tax rate has actually decreased. He stated that the truth in taxation advertisement published by the City referenced a possible increase of 41.55 percent; if the City were to maintain the current tax rate, that would be advertised as a 29.5 percent increase, but instead the Council has adjusted the budget to reduce the proposed increase to just 24.5 percent. He added that an individual's property tax bill is based upon their property value and if anyone feels their valuation is incorrect, they can contact the Weber County Clerk/Auditor. Appeals for tax relief can be filed with the Weber County Assessor's Office. He then offered a comparison of the City's current property tax rate and proposed tax rate:

- Current rate – 0.001180.
- Advertised rate – 0.001289 – would generate an additional \$779,000
  - The impact of the advertised tax rate on a \$524,000 home would have been \$108.94 (\$9.08 per month)
- Proposed tax rate – 0.001130 – would generate an additional \$460,000
  - The impact of the proposed tax rate on a \$524,000 home is \$63.12 (\$5.26 per month)



**b. PUBLIC HEARING TO RECEIVE COMMENTS ABOUT PROPOSED TAX RATE**

Mayor Berube opened the public hearing at 8:30 p.m.

Bob Buswell, North Ogden resident, stated he is opposed to higher taxes.

Jessica Barraza, North Ogden resident, stated that the public safety request for proposal (RFP) document was proposed in October of last year, but the frequently asked questions (FAQ) document regarding the project indicates that the RFP process still has not been completed. She asked when that will take place and what timeline the professional estimate is based upon. She stated that the project cost is vulnerable to changing market costs. She then asked if the revenue associated with the sale of the old Police Station and land can be used to offset the proposed tax increase. Mayor Berube stated that the existing Police Station has reached the end of its useful life and will be demolished. The land it is sitting upon will be retained for expansion of the new facility.

Steve Thompson, North Ogden resident, stated that he moved to North Ogden two years ago from Utah County after living there for 18 years. The timing of the City's adoption of its budget and proposed property tax increase is horrible. He stated the City is behaving like the Biden Administration, which spends and taxes. Residents are facing impacts from all directions, including double digit inflation, the impending recession, and fixed incomes. He stated that for his property in Springville he never paid more than \$200 to \$300 for a property tax increase, but now he is facing a \$1,200 property tax increase. He referenced the City's proposed budget, which includes addition of a department for the City Recorder and funding for employees and equipment. He asked if the Recorder has been a volunteer in the past. He then stated that the amphitheater project is costly, the Cherry Days celebration is costly, and the Public Safety building is very high in cost. He stated that his property tax bill is way too high and difficult for him to pay on a fixed income. Mayor Berube reminded Mr. Thompson that the increase is for all taxing entities, but the increase he will pay to North Ogden City is an average of \$6.00 per month.

Thad Thorpe, North Ogden resident, stated that he remembers many of the City's elected officials campaigning for their office and they promised lower taxes. He then noted that the City's Public Safety project was not properly advertised to residents, and they were not prepared for this property tax increase. He suggested that the project be put to a vote of the residents, and he asked if the Council is afraid of doing so. He stated the Davis County Sheriff did something similar to this when he 'dropped a bomb' on residents by commissioning a new police facility that required issuance of a bond.

Justin Scott, North Ogden resident, discussed inflation, which is at a 40-year high. Utah has experienced inflation of 15 percent and property values are also over inflated. The proposed property tax rate increase comes at a very difficult time. He noted he works as a real estate broker and is familiar with the factors that are impacting values and tax rates, but salaries are not keeping pace with inflation. He stated that first time home buyers are having a very hard time

buying a home because of higher costs. He hopes that property tax values are not a reflection of the over-inflated real estate market the area has seen in the past few years; the North Ogden market is one of the most over-inflated areas in the nation, but it is also dealing with large price reductions as of late. He stated the current average price for a single-family home is \$590,000; last year it was \$516,000 and the year before that it was \$390,000; this is a \$200,000 increase in just two years. He asked that the Council not over-inflate property taxes commensurate with the over-inflated real estate market.

Doug Anderson, North Ogden resident, stated that he appreciates the work that the Mayor and Council do for the City. He stated that he understands the City's budget is complicated as is the manner in which property tax rates are calculated. He suggested that the Council do additional work to reduce the budget to make it possible to further decrease the impact of the property tax increase. He volunteered to create or join a committee of private residents who could come up with additional ways to reduce expenditures in the City without impacting the quality of services or the safety of the community.

Nathan Ressler, North Ogden resident, stated he is grateful for the opportunity to provide input tonight. He is also grateful for the work done by the Mayor and City Council; he understands the difficulty they are facing and that they are trying to do the best they can. He is a proponent of bringing solutions to the table and he referenced the area of the City's budget dealing with contributions and transfers, which includes a \$375,000 transfer to capital improvement fund and \$415,000 to class C road monies and he inquired as to the difference between those two funds as they both seem to be related to capital improvements, That is \$790,000 total, but includes funding for the Barker Park amphitheater and the Mountain Road trailhead project. He asked if some of those funds could be reduced to preserve revenues and offset the property tax revenue. He stated that he loves the City and wants to see it thrive but suggested that some of the projects and expenditures included in the budget may be nonessential. He stated he would also be happy to volunteer to participate on a citizens committee that could examine the budget and determine opportunities for reducing costs.

Kevin Burns, North Ogden resident, thanked the Mayor for his explanation and commitment to improving accounting principles in the City, which will benefit the entire community in the future. He stated that he has been frustrated with the condition of the City's finances but thanked the Mayor for visiting with him and providing meaningful explanations. He then stated that Council Member Swanson's presentation placed a heavy emphasis on the demand that public safety places on the City's budget. He understands that providing public safety is very expensive and it is easy to place the burden of taxes on that area of the City, but it is unfair. There are many other departments in the City that have not been mentioned in terms of a need for increased revenues. The burden of the tax increase should be placed on the shoulders of the City Council rather than law enforcement professionals. He stated that the Mayor told him last night that accounting is very technical, but 'right and wrong' is not technical and he advised the Council to do what is right.

Jessica Barraza reapproached and asked what the City will do if sales tax revenues are not received as expected. She stated that there has been mention of a set cost for the public safety building and she asked if the RFP has already been issued.

Alan Christensen, North Ogden resident, stated that he has represented the City of North Ogden at the City and State level and he is no stranger to budgets. He suggested that the City do additional work to prioritize needs in the City, re-analyze budget requests, and implement a mandated budget reduction for all Departments. He discussed his work on the State's social services budget and indicated that 10 percent reduction was mandated to avoid a tax increase. He stated there are needs and wants and it is appropriate for the Council to prioritize needs over wants. He referenced discussion of the proposed tax increase by Weber School District, noting his wife serves on the District's School Board and she was the only member who voted in opposition to their tax increase. He concluded by suggesting that the Council handle the City's budget in the same manner they would handle their private budget; if a need arises, it would be appropriate to eliminate a want.

Steven Huntsman, North Ogden resident, stated he understands the difficulty the Council is facing. He moved to North Ogden because he loves this City, but he asked that the Council protect his home rather than make decisions that will result in taking his home. The County Assessor increased the value of his home, but they reduced the tax rate to capture the same amount of revenue with additional revenue associated with growth. He stated the City is doing the opposite; they are trying to capture revenue associated with growth, while also increasing revenue for existing homes. He stated that he voted to elect the Council to protect his home and if they do not do the right thing, residents will vote them out of office. The City Council will be considered the worst in history if they continue to increase taxes year after year.

Jean Willis, North Ogden resident, stated that his greatest concern is that the City has no water, but it is still allowing new homes to be built. He asked what will be done in the future when all of these new homes, along with the existing homes, have no water.

Glen Donaldson, North Ogden resident, stated he served as a member of the State Legislature for eight years and he made a commitment that he would never vote for a tax increase. In that time, he never voted for a tax increase. He asked where the water tank is located that was referenced by Mayor Berube at the first of the meeting. Mayor Berube stated that it will be located above 2100 North. Mr. Donaldson asked if it will be located in the same spot at the existing water tank, to which Mayor Berube answered it will be located in essentially the same spot. Mr. Donaldson stated that will make development of the adjacent property very advantageous. His greatest concern is the misuse of water in the City; his lawn looks terrible because of drought conditions and his adherence to the City's watering regulations. If the aquifer is dug deeper, it will eventually exhaust the City's water resources. He stated that China had a great civilization, but their water table dropped, and the civilization suffered. He stated the same will be true for Utah, which is already a desert state.

Debra Grushcow, North Ogden resident, echoed the concerns expressed regarding the availability of water; she has dead grass in her yard because she is following regulations, but she

sees others who are not following the regulations and they are exhausting resources. She stated that apartment buildings are being built and she is not sure where their water is coming from. She added her utility costs are also increasing. She stated she understands that the Police Department needs a new building and equipment, but they may not need a multi-million-dollar facility and the most expensive equipment. She inquired as to the percentage of sales tax generated in North Ogden that stays in North Ogden. Mayor Berube stated that question can be answered following the meeting and will be posted on the City's website.

Reed Miller, North Ogden resident, stated that it seems the Mayor and Council care more about employees than residents. This may be just a perception, but it is something that the Council should keep in mind and take into consideration.

Peggy Barker, North Ogden resident, stated that she just retired, and her taxes are going up and have gone up incredibly since 1991. She stated that her home has a high value, which is nice, but that only benefits her if she sells her home; she may be forced to sell while values are high, and she will move into a tent because she cannot afford a new home. She stated that inflation has impacted the cost of everything she buys and the same is true for all residents.

Bill Decker, North Ogden resident, stated that the property tax bill for just the portion that goes to North Ogden has increased 107 percent since 2019. He asked why the City's taxes are increasing at that rate. The Planning Department's budget has increased by 200 percent and there are unnecessary projects in the Parks and Recreation Department budget, including \$295,000 at the Barker Park Amphitheatre and a \$120,000 project at Lomond View Park. He stated that he believes volunteers are contributing to or managing some of these projects and he asked for an explanation of these projects.

Amylynn Vaughan, North Ogden resident, stated her taxes have increased by 89 percent in the past two years. She asked if the City has advocated for increased property values to increase revenues; rather, the Council should be reaching out to the County to communicate that the dramatic increases in property values are not right and not what is best for North Ogden residents. Property taxes are based upon speculation, not on the true value of homes. Values fluctuate depending on the real estate market, but residents should not be forced to budget their income based upon speculation and an 89 percent increase in taxes in such a short period of time is immoral. She then asked how many employees and City Council Members are receiving a pay increase and what percentage their salaries are increasing by. Mayor Berube stated that the Council's pay is not increasing, and they have not received an increase for some time. He added they actually reduced their pay during the COVID-19 pandemic. The City employees are receiving pay increases of approximately five percent. Ms. Vaughan thanked the Council for not taking a pay increase. She then asked why the City is not increasing impact fees to require developers to pay for the cost associated with new infrastructure and schools to accommodate growth.

Ryan Summerhill, North Ogden resident, thanked the Mayor and Council for taking questions from the Council. He noted there seems to be a general lack of communication from the City to its residents and he suggested a list of frequently asked questions (FAQ) regarding budgeting and

accounting could have been posted in advance of this meeting. He stated people are wanting specific information, not vague information regarding the purpose of the property tax increase. He asked if improper accounting practices have existed in the past and if those practices have been investigated to determine if retroactive action could be taken to correct the error.

Blaine Mockley, North Ogden resident, stated he is new to the area, and he praised the elected officials for accepting the challenge of serving. He also referenced the Barker Park Amphitheater project and a trailhead project, the cost of which total over \$400,000; he would also like details about those projects and suggested it is a mistake to spend money on those matters rather than reallocating the funding to basic needs, such as public safety. The Police Department definitely needs to be properly supported. He inquired as to the terms of the bond, to which Mayor Berube answered \$9.7 million for a 20-year period. Mr. Mockley stated that the City is essentially spending \$9 million at one time, and he wondered why the project was not broken down into phases to make it more attainable. The project should have been put to a vote of the people to allow them to make choices about how their money is spent in the community.

Art Forsman, North Ogden resident, stated that he is also on a fixed income and he and many others are dealing with inflation and the impending recession. He encouraged the Council to consider him and residents like him when voting on the tax increase and the final budget for the City. He stated he cannot go to a Council and ask for them to vote for a raise for him. He stated that of the 19 taxing entities in Weber County, 18 of them are asking for a tax increase. The cumulative impact for his home is a 34 percent increase, which is \$1,300. This is due to the value of his home, but that increased value does nothing to help him cover increased costs. Residents are paying increased costs for everything they need to survive. North Ogden's proposed tax rate increase is the third highest of the top four; year to year his property tax in North Ogden has increased by 56 percent. He asked that the Council do whatever they can to reduce the burden on residents.

Kerry Wangsgard, North Ogden resident, also spoke to the trends in property tax rates over the past several years and the reasons that taxes have been increased. He stated that in 1978 the State of California enacted Proposition 13; at that time, the State of California was experiencing a booming economy and record growth rates. Inflation was also an issue. He stated that 67 percent of voters supported the Proposition, and this was based upon a fear of losing their homes or being forced from their homes; they were angry that government could not reduce and control their spending. He suggested North Ogden learn from what happened in California. When evaluating a personal budget, if someone finds that their income will not cover their expenses, they have three options: either get another job to increase their revenue, cut their expenses, or ask for a raise in their primary job. The City of North Ogden is essentially choosing the third option; the Council is asking their boss (the residents) for a raise and the answer is that if the residents take the money from their wallets to give to the City, they could 'go out of business'. He stated he appreciates the suggestion from Council Member Swanson that residents appeal their property valuations, but it is important to realize that when such an appeal is made and granted, someone else will pick up that cost because taxes do not just go away. He liked the comment made earlier about mandating budget reductions across all Departments of the City.



Doug Nandell, North Ogden resident, wondered why the City is spending so much on a Public Safety facility; the cost is not comparable to the cost of similar projects completed in other cities or even projects completed by the School District. North Ogden has streets that are crumbling, and the City should be spending money to fix those problems rather than completing other unnecessary projects in the City.

Jessica Barraza reapproached and addressed the employee wage increases commensurate with the market; she noted government employment is known for its good benefits, not for matching civilian market rates. Government employees experience slow salary growth and capped potential, with high quality benefits and people who accept that employment are aware of those conditions. She stated that a three percent pay increase and changing step increases is an irresponsible use of public funds.

Derrick Nightingale, North Ogden residents, stated that he believes property taxes are immoral and he thinks there are better ways for a community to increase its funding; allowing a government entity to have a lien on a private property in perpetuity is immoral. He stated that his property value has gone up 83 percent and he understands this is based upon the insane market. Taxable value is going up 41 percent, which is drastic. He believes every dollar the City is asking for should already be provided based upon increased values and he encouraged the Council to vote in opposition to the property tax increase. He stated that he also attended the Weber School District meeting during which the tax increase was voted upon, and it passed by a four to one vote; residents are angry that their representatives are not listening to them, and he surely hopes that the North Ogden City Council is listening.

Ashlynn McCann, North Ogden resident, stated that the old Public Safety building needs to be torn down because the City's public safety officials do not deserve to work in a facility that is outdated and too small. However, projects such as this one need to be better explained to the public. Additionally, there are other expenses in the budget that need to be expounded upon, such as the creation of an Events Coordinator position and unnecessary projects.

Kim Christensen, North Ogden resident, suggested that government should be focused on covering actual needs, not wants. The City should be pinching its resources whenever possible. The amphitheater should be paid for and managed by volunteers or sponsors as residents were told would be the case when it was constructed. She noted she is grateful for police support and for essential services, but the City is spending a great deal of money on unnecessary wants. The City should focus on what is important and necessary at this time.

Ben Olan, North Ogden residents, stated that the flowers that are placed along Washington Boulevard cost \$30,000 per year and that is not a necessity; also, the City has a band, theatrical productions, and other special events, but those are not necessities as it is not the City's job to entertain its residents.

Dave Hulme, North Ogden resident, suggested the Council consider adoption of a policy aimed at defeating a tax increase their year. He stated that some retired people are being forced to get a job and all residents are cutting their expenses to cover an increased tax bill.

Janis Christensen, North Ogden resident, stated that she is a member of the Weber School District Board, and she voted in opposition to those entities proposed property tax increase. She loves the School District, the Board, teachers, and students and she knows what it is like to be on both sides of the desk as a teacher. She went to the meeting in which the tax increase was to be voted upon fully intending to vote for the tax increase, but as she listened to the public comments and concerns – which have been reiterated tonight by those that have spoken – she could not vote to support a tax increase in this time of great economic uncertainty and inflation. She stated that was the hardest decision she has made over her professional career. She feels it would be a bad idea for the Council to make a decision tonight and she is grateful they will not be voting this evening; she suggested they take time to think about the input that has been received tonight and to further evaluate the budget to determine what costs can be cut. She thanked the Mayor and Council for their service.

Melissa Blackwell, North Ogden resident, stated her parents still live in the same home she was raised in, but they are considering selling their home because they are retired and on a fixed income and they cannot afford the increases. She noted the residents of this community are what makes North Ogden great, but if they are being forced to leave their homes, that will be lost. She asked the Council to consider the burden being placed on residents associated with a tax increase. There are opportunities to cut expenses and be more fiscally conservative and there are other avenues for increasing revenue aside from property taxes.

Jim Urry, North Ogden resident, stated that the City needs police protection, garbage, sewer, water, and other essential needs, but there are many wants in the budget that need to be eliminated. It is not government's responsibility to provide recreation for its residents. In the last two years there has been a \$2 million increase in the City's Police Department budget; he is not a proponent of the 'defund the Police' movement, but he suggested a \$2 million increase is unreasonable. He added that recreation has increased by \$300,000, which is almost half of the amount of money the City needs to balance its budget. He reiterated government should not be paying for sports and he suggested reevaluation of participation costs to make the Department self-sufficient. He concluded the North View Fire District receives \$50 less per household than the City, but they operate two fire stations; he suggested the Council review their budget and operations to determine what adjustments can be made in North Ogden City.

Phillip Nelson, Pleasant View resident, stated that he owns a few homes in North Ogden and operates a business here. He is being impacted by property tax increases as well. He stated that the comment was made that the property tax increase is in no way related to the Public Safety facility project, but it has also been said that the Police budget is a reason that the tax increase is needed. He suggested that property taxes are being used as the City's 'piggy bank', which is inappropriate; no one has spoken in favor of a property tax increase and the City needs to reevaluate its budget to address the concerns expressed by residents.

Clark Jensen, North Ogden resident, stated that residents are being pinched in all areas of their budget and many of them are not receiving a pay increase. His property taxes would have increased by 55 percent based upon the advertised rate and he is happy to hear that the actual

amount will be lower. Homeowners have experienced a dramatic increase in taxes due to increased property values; the State of Utah has established taxation laws to ensure that taxes are revenue neutral except to capture increased revenue associated with growth. He agreed there are unnecessary projects in the budget, including the Barker Park Amphitheater capital expenditure and the Mountain Road trailhead. He is sure these are very good and valuable projects but wondered if they should be completed in these uncertain economic times.

Doug Anderson reapproached and stated that the residents who have spoken tonight need to ‘put their money where their mouths are’ and start a committee to help the City Council figure this problem out.

Linda Pipken, North Ogden resident, stated that Jim Urry has great wisdom and she agreed with the comments he made tonight; it is easy to spend other people’s money, but the proper role of government is to protect residents’ God given rights. The amphitheater is not a God given right and should be cut from the budget.

Ben Olas reapproached and stated that the City’s aquatic center runs with a deficit of approximately \$200,000 per year. He added that he believes the trail system is a necessity and something that many residents use on a very regular basis.

Jeff Smith, North Ogden resident, stated that home values increased an average of 31 percent in his neighborhood and taxes are increasing by 25 percent. He understands the average cost per household for the proposed tax increase is \$6.00, but residents are paying taxes to other entities to the tune of \$64 per month. He stated that if taxes are not paid, a lien will be placed on the home. He is the victim of sewer pipe problems; it has been very costly to pay for those problems and he has had to adjust other areas of his budget to cover those costs.

Keith Ashdown, North Ogden resident, stated that the flowers along Washington Boulevard look nice and the Baker Park Amphitheater looks nice, but both are wants rather than needs. He suggested the Amphitheatre be closed for a few years to save money.

Glen Donaldson reapproached and stated that the citizens’ money is not the governments money to spend.

Mayor Berube stated that Jim Urry was a member of the Council when the amphitheater was built, and he suggested that he may be able to explain why the project exists. Mr. Urry stated that he was the only member of the Council who voted against the project.

Mayor Berube then reiterated that the questions that have been asked tonight have been documented and answers to the questions will be posted on the City’s website soon. He added that a vote on the final budget and the City’s certified tax rate will be voted upon in the coming weeks. That vote will be publicly advertised.

**Council Member Ekstrom motioned to close the public hearing. 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 Dalpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The public hearing closed at 9:56 p.m.**

**2. MAYOR/COUNCIL/STAFF COMMENTS**

Council Member Cevering thanked everyone who spoke tonight; it may seem that some of the expenses included in the budget are a surprise to some, but the Council has been reviewing the budget since January of this year and they have evaluated every line item in the budget, but he is willing to go back and look at it again.

Council Member Swanson stated that Mr. Huntsman suggested that the City Council was considering the 2017 tax rate, but that has not been contemplated. In fact, the City's tax rate will be well below the 2017 rate and even below last year's tax rate. He added there was a suggestion that the City challenge property valuation on behalf of the entire citizenry, but that is not possible to do as it must be done on an individual basis in accordance with Utah law. He referenced the comment made about the Events Coordinator position and noted that position has already been removed from the budget. The flowers along Washington Boulevard are funded through the City's Redevelopment Agency (RDA) budget, not the general fund. He suggested that residents carefully review their tax statement to determine the accurate amount that will be paid to North Ogden City, after which he concluded he is happy to meet with any resident to discuss their concerns further.

Council Member Dalpias thanked all residents who have taken time to get involved in the budget process.

Council Member Ekstrom stated that she and her fellow Council Members love North Ogden and that is why they are serving; they are not trying to negatively impact residents, but rather they are trying to make wise investments to provide the expected level of service to residents. She addressed the comments made about the City's Parks and Recreation Department, noting that the greatest asset the community has is the relationships everyone has with one another; those relationships are formed through togetherness and shared experiences, which are provided by that Department. She feels the investment in Parks and Recreation is a good investment, but she does agree that some expenses could be reduced, and she is committed to continued review of the budget to determine what can be accomplished. She grew up in North Ogden and wanted to

stay here; she wants the same for her children and she is committed to keeping North Ogden great.

Mayor Berube apologized for the perception that the tax increase is being blamed on the Police Department; he stated that public safety is his number one priority and for years the City's Police Department was a training ground for other agencies in the area. He will accept any criticism lodged against him, but he will stand firm that the number one priority is to protect residents. Any city who is concerned about public safety will make sure their Police Officers are properly compensated, have the equipment they need, and have a Police Station that can adequately house them. He is also committed to continuing to review the budget and to take into consideration the comments that have been made. He also does not like property taxes as he feels it is the most aggressive form of taxation, but the City is bound by State laws regarding taxation and budget funding sources.

### **3. ADJOURNMENT**

**Council Member Cevering motioned to adjourn the meeting. 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.**

**The meeting adjourned at 10:04 p.m.**

---

S. Neal Berube, Mayor

---

Susan L. Nance, CMC  
City Recorder

---

Date Approved



---

---

**NORTH OGDEN CITY  
STAFF REPORT**

---

---

**TO: NORTH OGDEN CITY COUNCIL**

**FROM: DYLAN HILL**

**PUBLIC WORKS INSPECTOR**

**DATE: 09/13/2022**

---

I HAVE COMPLETED A CONDITIONAL INSPECTION ON THE PUBLIC IMPROVEMENTS FOR WHITE ROCK PHASE 2. THEY ARE UP TO CITY CODE AND STANDARDS.

THE ORIGINAL SUM OF THE ESCROW IS \$282,011.94 FOR IMPROVEMENT COSTS, A REMAINING \$114,965.94 WILL REMAIN WITH THE ESCROW AGENT THROUGH THE ONE YEAR PERIOD AFTER CONDITIONAL ACCEPTANCE BY CITY COUNCIL.



\*W3213825\*

**SUBDIVIDER'S ESCROW AGREEMENT**

Agreement made this 26<sup>th</sup> day of January, 2022,

between North Ogden City, a municipal corporation of the State of Utah,

located in Weber County, Utah, (the "City"), and **White Rock, LLC**

of **Weber County, Utah**, (the "Subdivider") and **In West Title,**

of **Weber County, Utah** (the "Escrow Agent").

2. Deposits in Escrow. The Subdivider shall deposit with Escrow Agent the sum of **\$282,011.94** representing 110% of the entire cost of all improvements enumerated in paragraph 2 of the Developer's Agreement, a copy of which is attached hereto, marked Exhibit A and incorporated herein by this reference. The cost of the improvements shall be determined by the City Engineer for each off-site improvement item.

3. Application of Escrow Funds. It is agreed by all parties to this agreement that the sum of money indicated in paragraph 2 of this agreement shall be used exclusively for the purposes of paying for the costs of materials and the construction and installation of all improvements required by the City Subdivision Ordinance. The undersigned further agrees that the money held in the Escrow Account shall be distributed to appropriate contractors and subcontractors only upon written authorization by an authorized officer of the City. Such written authorization shall be made upon the City stationary and will bear the City's corporate seal indicating review and approval by the City.

4. Retention of Escrow Funds. A sum equal to 10% of the escrowed amount or **\$114,965.94** shall remain with the Escrow Agent for a period of one year after conditional acceptance by the City, pursuant to the terms of Exhibit A.

5. Application and Return of 10% Security. All demands by the City to perform corrections or completion of improvements, if not performed or completed in accordance with City Ordinance, rules and regulations, shall be made by certified mail, with a copy also sent to the Escrow Agent. If the defect

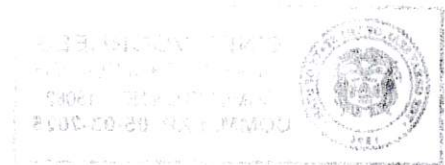
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

NORTH OGDEN CITY, a  
Municipal Corporation,  
State of Utah

By: *[Signature]*  
Mayor

Attest:

*[Signature]*  
City Recorder



*[Signature]*  
By: Alan D Russey  
Subdivider (sign with Notary on next page)

*[Signature]*  
By: Ed Dayton  
Escrow Agent (sign with Notary on next page)

Name: Rachel Miller *Ed Dayton*  
Phone: (801)475-4410  
Email: Rachel@inwesttitle.com

Approved as to Form:

*[Signature]*  
North Ogden City  
Attorney





# Exhibit A



## NORTH OGDEN CITY

— SETTLED 1851 —

**Lorin Gardner**  
**City Engineer**

[lgardner@nogden.org](mailto:lgardner@nogden.org)

White Rock Phase 2 Subdivision January 25, 2022 SUMMARY		
	Original Total	Remaining
<b>ROADWAY</b>		
Full Depth Saw Cut	\$76.80	\$0.00
Street Lights	\$20,000.00	\$20,000.00
Signs & Striping	\$2,975.00	\$2,975.00
Curb Cuts for LID (Mountain Road)	\$4,900.00	\$4,900.00
Overall Site Grading	\$30,665.00	\$0.00
3" AC paving	\$32,306.95	\$0.00
8" Aggregate Base	\$15,648.50	\$0.00
Crushed Granite Wear Course	\$45,000.00	\$0.00
Excavation embankments	\$12,388.93	\$0.00
C & G 30"	\$30,988.50	\$0.00
4" concrete sidewalk (Width Varies)	\$45,675.00	\$45,675.00
Power to lots	\$27,000.00	\$0.00
Survey monuments	\$1,200.00	\$1,200.00
ADA Ramps	\$8,400.00	\$8,400.00
Property Corner Monuments	\$1,230.00	\$1,230.00
Compact Clay Soils	\$16,667.67	\$0.00
<b>Subtotal =</b>	<b>\$295,122.35</b>	<b>\$84,380.00</b>
<b>SEWER</b>		
8" sewer	\$87,633.00	\$0.00
SSMH < 6'	\$66,000.00	\$0.00
SSMH adjustments	\$1,135.00	\$0.00

Concrete Collars	\$3,500.00	\$3,500.00
Sewer Laterals	\$41,470.00	\$0.00
Access Drive	\$2,500.00	\$2,500.00
Testing, Cleaning, CCTV	\$1,500.00	\$1,500.00
<b>Subtotal =</b>	<b>\$203,738.00</b>	<b>\$7,500.00</b>
<b>WATER</b>		
Water service to lots	\$20,400.00	\$0.00
Water laterals	\$7,320.00	\$0.00
8" water main - pvc	\$102,399.00	\$0.00
Fire Hydrant	\$9,750.00	\$0.00
8" Irrigation Line	\$74,815.00	\$0.00
Irrigation Valve	\$750.00	\$0.00
Water Valve	\$1,000.00	\$0.00
10" Ductile Iron Main	\$89,880.00	\$0.00
Water Meter	\$20,400.00	\$0.00
Secondary Water Meter	\$18,000.00	\$0.00
Irrigation Lateral	\$5,688.00	\$0.00
Water Valve Collars	\$1,500.00	\$1,500.00
<b>Subtotal =</b>	<b>\$351,902.00</b>	<b>\$1,500.00</b>
<b>DRAINAGE</b>		
15" SD	\$70,516.00	\$0.00
18" SD	\$26,220.00	\$0.00
24" SD	\$26,245.00	\$0.00
4' Type C drop inlet	\$32,000.00	\$0.00
8' Type A drop inlet	\$8,750.00	\$0.00
Geotextile (LID)	\$13,170.00	\$13,170.00
4"-6" River Washed Cobbles w/weed barrier	\$21,100.00	\$21,100.00
Angular Rip Rap: d <sub>50</sub> = 12"	\$11,300.00	\$11,300.00
60" SDMH	\$14,000.00	\$0.00
Detention Basin Grading	\$4,296.00	\$4,296.00
Treatment Box	\$15,000.00	\$15,000.00



Flared End Section	\$1,600.00	\$1,600.00
4'x6' Combo Box	\$44,000.00	\$0.00
4'x4' Catch Basin	\$3,500.00	\$0.00
SD Collars	\$700.00	\$700.00
Det Basin Fencing	\$2,500.00	\$2,500.00
Det Basin Access Drive	\$1,500.00	\$1,500.00
Det Basin Irrigation and Landscaping	\$2,500.00	\$2,500.00
Subtotal =	\$298,897.00	\$73,666.00
<b>TOTAL IMPROVEMENT COSTS</b>	<b>\$1,149,659.35</b>	<b>\$167,046.00</b>
10% GUARANTEE		\$114,965.94
<b>TOTAL ESCROW AMOUNT</b>		<b>\$282,011.94</b>

**SUBDIVISION COST ESTIMATE APPROVAL**

*Lorin Gardner*

Lorin Gardner  
City Engineer

*1/25/2022*

Date

# WHITE ROCK PHASE 2 SUBDIVISION

LOCATED IN PARTLY NORTH WEST AND NORTH EAST QUARTERS OF SECTION 27 T7N R1W, SALT LAKE BASE & MERIDIAN,  
WEBER COUNTY, NORTH OGDEN CITY, UTAH

## SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SUBDIVIDE THE PROPERTY SHOWN HEREON INTO 18 RESIDENTIAL LOTS AND PARCEL A (STORM WATER DETENTION) WITHIN HP-2 ZONING REGULATIONS TO BE KNOWN AS WHITE ROCK PHASE 2 SUBDIVISION. THE CONTROL USED TO ESTABLISH THE BOUNDARY LINES WAS THE CAMARREN COVE ESTATES SUBDIVISION PHASE 5 TO THE SOUTHWEST ALONG WITH THE WEBER COUNTY SURVEY MONUMENTATION SURROUNDING SECTION 27, T7N, R1W, S18M. THE BASIS OF BEARINGS FOR THIS PLAT ARE THE WEST LINE OF SAID SECTION 27, WHICH BEARS NORTH 00°51'53" EAST 5286.72 FEET FROM THE SOUTHWEST SECTION CORNER TO THE NORTHWEST SECTION CORNER OF SAID SECTION 27 TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, UTAH NORTH ZONE NAD83 STATE PLANE COORDINATE SYSTEM.

## BOUNDARY DESCRIPTION

A CERTAIN TRACT OR PARCEL OF LAND LOCATED PARTLY IN THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING FURTHER DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT WHICH IS ON THE EASTERLY LINE OF CAMARREN COVE ESTATES SUBDIVISION PHASE 3 (16-099), SAID POINT BEING LOCATED 5.00'51'53"W, A DISTANCE OF 1,992.34 FEET; THENCE S 89°00'07"E, A DISTANCE OF 2,646.97 FEET FROM THE NORTHWEST QUARTER CORNER OF SECTION 27 T7N, R1W, S18M TO THE POINT OF BEGINNING; THENCE FOLLOWING THE EASTERLY LINE OF CAMARREN COVE ESTATES SUBDIVISION PHASE 3 THE FOLLOWING TWO (2) COURSES 1) N 00°56'20"E, A DISTANCE 394.79 FEET; 2) N 40°33'40"W, A DISTANCE OF 37.85 FEET; THENCE LEAVING SAID EASTERLY LINE TO THE SOUTHERLY LINE OF WHITE ROCK SUBDIVISION PHASE 1 THE FOLLOWING FIVE (5) COURSES 1) N 32°20'27"E, A DISTANCE OF 148.79 FEET; 2) S 57°39'33"E, A DISTANCE OF 170.41 FEET; 3) S 32°20'27"E, A DISTANCE OF 207.04 FEET; 4) S 58°49'36"E, A DISTANCE OF 104.50 FEET; 5) S 73°33'48"E, A DISTANCE OF 98.79 FEET; THENCE LEAVING SAID SOUTHERLY LINE THE FOLLOWING NINE (9) COURSES 1) S 48°23'39"E, A DISTANCE OF 141.11 FEET; 2) S 28°31'01"E, A DISTANCE OF 231.38 FEET; 3) S 10°49'20"E, A DISTANCE OF 120.29 FEET; 4) S 83°39'14"W, A DISTANCE OF 46.89 FEET; 5) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 124.78 FEET, AND A CENTRAL ANGLE OF 11°59'58"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 25.81 TO THE END OF THE CURVE 6) S 72°26'20"W, A DISTANCE OF 30.17 FEET; 7) S 17°37'30"E, A DISTANCE OF 60.01 FEET; 8) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 14.00 FEET AND A CENTRAL ANGLE OF 90°17'17"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 22.02 TO THE END OF THE CURVE 9) S 17°35'24"E, A DISTANCE OF 61.37 FEET TO THE NORTHERLY LINE ON HALL TREE SUBDIVISION (160490154); THENCE FOLLOWING AND LEAVING SAID LINE N 88°56'26"W, A DISTANCE OF 635.40 FEET TO THE EASTERLY LINE OF CAMARREN COVE ESTATES SUBDIVISION PHASE 3 TO THE POINT OF BEGINNING.

CONTAINING 342,884.79 SQUARE FEET OR 7.8716 ACRES, MORE OR LESS.

S. 72° 31' 54" N, A distance of 4.01 Feet  
9)

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON AND NAME SAID TRACT:

WHITE ROCK PHASE 2 SUBDIVISION

DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THROUGHFARES AND ALSO DO HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREOF AS PUBLIC UTILITY, PARCEL A FOR STORM WATER DETENTION AND DRAINAGE EASEMENTS AS INTENDED FOR PUBLIC USE.

DATED THIS 28 DAY OF January, 2022.

President White Rock Dev. LLC

Alan D Russell Alan D Russell

## ACKNOWLEDGEMENT

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



ON THIS 27 DAY January, A.D. 2022, PERSONALLY APPEARED BEFORE ME Alan D Russell 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 (T)SHE(Y) IS/ARE THE TRUSTEE(S) OF THE END TRUST, AS SHOWN ON THE PLAT AND THAT SAID DOCUMENT WAS SIGNED BY (T)SHE(Y) IN BEHALF OF SAID TRUST BY AUTHORITY OF THE TRUST, AND SAID Alan D Russell - President White Rock Dev. LLC ACKNOWLEDGED TO ME THAT SAID TRUST EXECUTED THE SAME.

Notary Public Seal for Alan D Russell  
9113/25 # 720438

SHEET 1 OF 2

## WHITE ROCK PHASE 2 SUBDIVISION

NORTH EAST QUARTER CORNER SECTION 27 T7N R1W, SALT LAKE BASE & MERIDIAN, WEBER COUNTY, UTAH.

## COUNTY RECORDER

ENTRY NO. 3213524 FEE PAID \$135.00 FILED FOR RECORD AND RECORDED 21-JAN-2022 AT 3:26 PM IN BOOK 92 OF OFFICIAL RECORDS, PAGE 2021 FOR ALAN RUSSELL  
LENNY H. RUD COUNTY RECORDER  
DEPUTY

### LINE TABLE

LINE #	LENGTH	DIRECTION
L1	37.65'	N40° 33' 40"W
L2	58.48'	S67° 04' 02"E
L3	65.50'	N12° 17' 31"W
L4	27.45'	S12° 17' 31"E
L5	25.14'	N12° 17' 31"W
L6	12.81'	S57° 39' 33"E
L7	6.70'	N57° 39' 33"W
L8	5.54'	S56° 49' 36"E
L9	33.97'	S48° 23' 39"E
L10	68.79'	S73° 33' 48"E
L11	46.89'	S83° 39' 14"W
L12	30.17'	S72° 26' 20"W
L13	20.03'	N17° 35' 25"W
L14	37.65'	N40° 33' 40"W
L15	65.38'	S17° 35' 24"E
L16	4.01'	S72° 31' 54"W
L17	60.01'	S17° 37' 30"E
L18	30.17'	S72° 26' 20"W
L19	46.89'	S83° 39' 14"W
L20	68.79'	S73° 33' 48"E

### CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD
C1	16.27'	10.00'	93° 13' 39"	S11° 02' 44"E 14.53'
C2	8.91'	180.00'	2° 50' 07"	S34° 08' 02"W 8.91'
C3	90.00'	180.00'	28° 38' 50"	S18° 24' 33"W 89.06'
C4	10.07'	180.00'	3° 12' 24"	S2° 28' 56"W 10.07'
C5	72.65'	120.00'	34° 41' 21"	N18° 13' 25"E 71.55'
C6	15.14'	10.00'	86° 46' 21"	N78° 57' 16"E 13.74'
C7	95.71'	510.00'	10° 45' 09"	S52° 16' 59"E 95.57'
C8	112.83'	510.00'	12° 40' 34"	S40° 34' 07"E 112.60'
C9	94.18'	510.00'	10° 34' 49"	S28° 56' 28"E 84.04'
C10	53.94'	510.00'	6° 03' 37"	S20° 37' 12"E 53.92'
C11	25.81'	124.78'	11° 59' 58"	S78° 21' 29"W 25.76'
C12	15.70'	10.00'	89° 58' 16"	N62° 34' 32"W 14.14'
C13	60.92'	590.00'	5° 54' 56"	N20° 32' 52"W 60.89'
C14	101.13'	590.00'	9° 49' 17"	N28° 24' 58"W 101.01'
C15	85.65'	590.00'	8° 19' 02"	N37° 29' 08"W 85.57'
C16	85.65'	603.51'	8° 07' 52"	N45° 50' 40"W 85.57'
C17	79.27'	590.00'	7° 41' 53"	N53° 48' 37"W 79.21'
C18	25.81'	124.78'	11° 59' 58"	S78° 21' 29"W 25.76'
C19	15.73'	10.00'	90° 07' 17"	S27° 28' 15"W 14.16'
C20	384.64'	550.00'	40° 04' 10"	S37° 37' 28"E 376.85'
C21	90.82'	150.00'	34° 41' 21"	N18° 13' 25"E 89.44'

## FINAL PLAT LEGEND

- SECTION MONUMENT
- PROPOSED SECTION MONUMENT
- PROPERTY CORNER
- SURVEY CURVE, LINE ENDPOINT
- SECTION LINES
- SURVEY TIE LINES
- SUBDIVISION BOUNDARY
- ADJACENT BOUNDARY
- LOT LINE
- 20' WIDE PUBLIC UTILITY EASEMENT
- 10' WIDE PUBLIC UTILITY EASEMENT
- 10' WIDE DRAINAGE EASEMENT
- ROADWAY CENTERLINE



## ZONING

ZONE: HP-2  
MINIMUM LOT AREA: 12,500 SF  
FEMA ZONE: X

**CRS ENGINEERS**  
Answers to Infrastructure®  
4246 S Riverboat Rd, Ste 200 | Salt Lake City, UT 84123 | P: 801.599.5565 | www.crsengineers.com

## NORTH OGDEN ENGINEER AND PLANNING

THIS PLAT WAS APPROVED BY THE CITY ENGINEER AND THE PLANNING DIRECTOR:

By: Joan Gardner 1/20/2022  
CITY ENGINEER DATE  
By: Alan D Russell 1-20-2022  
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 25 DAY OF January, 2022.

By: [Signature]  
CHAIRMAN DATE  
Attest: [Signature]  
SECRETARY DATE

## NORTH OGDEN 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 FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.

SIGNED THIS 25 DAY OF January, 2022  
By: [Signature]  
CITY ATTORNEY DATE

## SURVEYOR'S CERTIFICATE

I, JON BEHR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 290669 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND SURVEYORS LICENSING ACT. 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 IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREAFTER TO BE KNOWN AS THE WHITE ROCK PHASE 2 SUBDIVISION AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE OF PLAT OR MAP: MAY 12, 2020  
JON BEHR, PLS  
LICENSE NO. 290669



- NOTES:
- PROPERTY LABELED AS "PARCEL A FOR STORMWATER DETENTION" IS TO BE DEDICATED TO NORTH OGDEN CITY.
  - PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG PROPERTY LINES ARE DENOTED BY DASHED LINES (UNLESS OTHERWISE NOTED).
  - 5/8" REBAR & CAPS TO BE SET AT BACK OF LOT CORNERS, 3" MARK NAILS TO BE SET IN CURB AT LOT LINE EXTENSION.
  - THIS SUBDIVISION IS BEING APPROVED AND DEVELOPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NORTH OGDEN CITY (HP-2) HILLSIDE PROTECTION ZONE. THE HP-2 ZONE REQUIRES COMPLETION OF HAZARD STUDIES. COPIES OF THESE HAZARD STUDIES ARE ON FILE AT THE NORTH OGDEN CITY OFFICE FOR REVIEW BY INTERESTED PARTIES.
  - BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL OFF-SITE AND ON-SITE CULINARY WATER AND SECONDARY WATER SYSTEMS ARE FUNCTIONAL AND APPROVED BY NORTH OGDEN CITY.
  - HORIZONTAL DATUM IS REFERENCED TO NAD83, UTAH STATE PLANE COORDINATE SYSTEM NORTH ZONE.



---

---

**NORTH OGDEN CITY  
STAFF REPORT**

---

---

**TO: NORTH OGDEN CITY COUNCIL**

**FROM: DYLAN HILL**

**PUBLIC WORKS INSPECTOR**

**DATE: 09/13/2022**

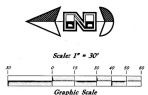
---

I HAVE COMPLETED A CONDITIONAL INSPECTION ON THE PUBLIC IMPROVEMENTS FOR PATRIOT POINT PHASES 1A & 2. THEY ARE UP TO CITY CODE AND STANDARDS.

THE ORIGINAL SUM OF THE BOND IS \$246,354.59 FOR PUBLIC IMPROVEMENT COSTS. DUE TO THE NATURE OF THE BOND, FUNDS HAVE NOT BEEN RELEASED AT THIS TIME.

# Towns at Patriot Point - Phase 2

A part of Lot 1, Patriot Point Subdivision Phase A, and  
A part of Section 32, T7N, R1W, SLB&M, U.S. Survey  
North Ogden City, Weber County, Utah  
February 2021

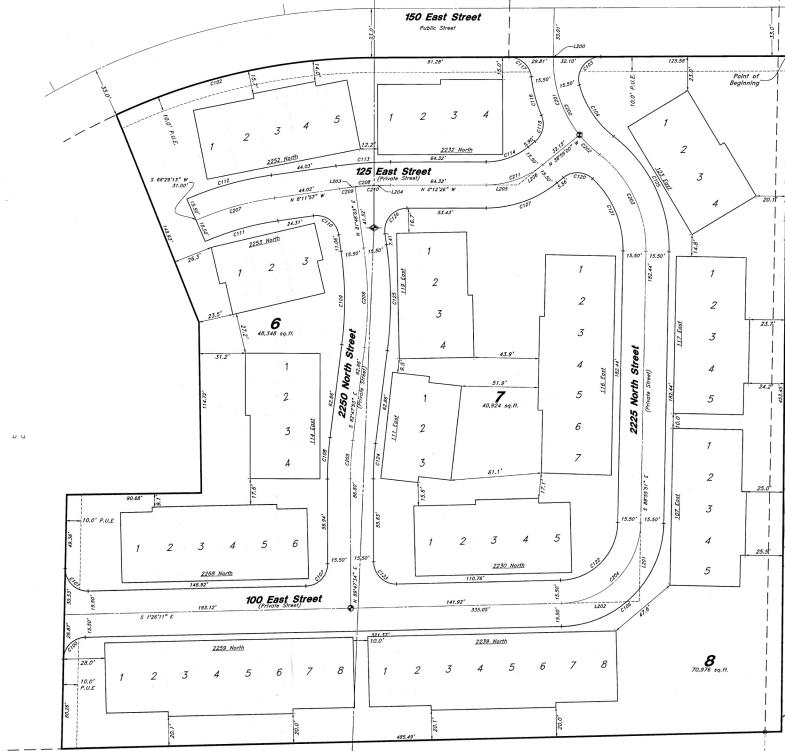


Towns at Patriot Point - Phase 1B      Towns at Patriot Point - Phase 1A



LINE DATA	Bearing	Length
L201	S 89°53'57" E	0.58'
L202	S 89°53'57" E	0.58'
L203	S 89°53'57" E	0.58'
L204	S 89°53'57" E	0.58'
L205	S 89°53'57" E	0.58'
L206	S 89°53'57" E	0.58'

- NOTES:**
- In accordance with Appendix B of the 2012 International Fire Code, Homes with a fire-flow calculation area greater than 6,250 square feet will be required to install an enhanced fire sprinkler system.
  - Common areas, Private Streets and Private Utilities will be owned and maintained by Owners Association of this development.
  - Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the "Public Utility Easements," "Common Area" and "Private Roads" as identified on this plan or as may be necessary or desirable in providing utility services within and without the lots identified herein. This may include the right of access to such facilities.
  - At no time may any permanent structures be placed within the P.U.E. or any other obstruction which interferes with the use of the P.U.E. without the prior written approval of the utilities with facilities in the P.U.E. The utilities in the P.U.E. have the right to remove all structures within the P.U.E. of the lot or over to operate without the written approval of the utilities.
  - A Geotechnical Report prepared by CWF Engineering Laboratories, dated July 17, 2019 (CWF Project #2287) has been prepared on this property and it has been provided to North Ogden City.



Jedd McCormick & ETAL

NOTE  
See Sheet 1 for Section and Boundary Line Information.

Anthony & Shaws Born

Property line Curve Data					
Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C100	87°29'00"	15.00'	22.80'	S 49°12'12" E	20.74'
C101	87°29'00"	15.00'	24.21'	S 44°49'17" E	21.67'
C102	24°36'54"	412.00'	176.13'	S 12°35'42" E	177.25'
C103	104°47'32"	15.00'	27.43'	S 52°41'11" E	23.77'
C104	37°23'14"	64.50'	45.16'	N 56°11'26" E	41.42'
C105	55°38'20"	85.50'	89.25'	N 64°15'09" E	86.11'
C106	87°29'00"	70.50'	103.68'	S 69°11'01" E	97.50'
C107	88°46'18"	15.00'	22.84'	N 42°49'19" W	20.84'
C108	75°24'31"	215.50'	27.87'	N 86°30'09" W	25.65'
C109	157°24'04"	234.50'	63.03'	S 89°30'05" W	62.84'
C110	90°00'00"	15.00'	23.56'	S 38°48'03" W	21.21'
C111	157°24'04"	192.16'	51.13'	S 153°22'17" E	50.88'
C112	157°24'04"	223.18'	39.40'	N 129°33'16" W	39.22'
C113	75°24'31"	265.50'	37.63'	N 4°12'12" W	35.00'
C114	58°46'54"	45.57'	30.71'	N 18°35'43" W	30.12'
C115	75°24'31"	15.00'	19.37'	N 79°58'20" W	18.65'
C116	181°01'13"	80.50'	26.44'	S 70°01'24" W	26.27'
C117	82°25'24"	15.00'	21.84'	S 47°25'24" W	19.85'
C120	81°52'38"	15.00'	21.44'	S 1°51'18" W	19.64'
C121	48°10'13"	64.50'	54.23'	S 68°18'32" W	52.65'
C122	87°29'00"	39.50'	60.32'	N 45°11'01" W	54.61'
C123	91°12'05"	15.00'	22.88'	N 44°19'42" E	21.44'
C124	75°24'31"	184.50'	23.88'	S 86°30'09" E	23.84'
C125	152°04'04"	265.50'	71.37'	N 89°30'09" E	71.15'
C126	87°29'00"	15.00'	23.65'	S 49°12'12" E	22.64'
C127	38°46'54"	76.57'	51.69'	S 19°35'43" E	50.70'

Centerline Curve Data					
Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C200	53°28'14"	80.00'	74.80'	N 64°15'09" E	72.15'
C201	40°05'01"	70.75'	65.55'	S 71°02'48" E	54.78'
C202	135°58'11"	72.52'	16.52'	S 84°19'38" W	16.66'
C203	53°28'14"	80.00'	74.85'	N 64°15'09" E	72.15'
C204	87°29'00"	55.00'	83.93'	S 45°11'01" E	76.06'
C205	75°24'31"	200.00'	23.88'	S 86°30'09" E	23.84'
C206	152°04'04"	265.00'	71.29'	N 89°30'09" E	69.87'
C207	157°24'04"	407.68'	53.27'	N 152°52'22" E	53.10'
C208	75°24'31"	250.00'	34.87'	N 4°12'12" W	34.84'
C209	2°28'50"	250.00'	10.80'	S 1°52'42" E	10.80'
C210	51°11'02"	250.00'	24.07'	S 2°57'50" E	24.06'
C211	38°46'54"	80.00'	31.20'	S 19°35'43" W	40.81'



Sheet 2 of 2

6.

ENGINEER:  
Jedd McCormick  
1504 South 195 East, Suite 200  
Ogden, Utah 84405  
(435) 445-1100

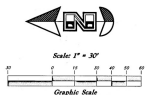
DATE: 02/02/2021  
JOB NO: 2020-01  
DRAWN BY: J. W. HANSEN & ASSOCIATES  
CHECKED BY: J. W. HANSEN & ASSOCIATES  
SCALE: AS SHOWN  
DATE: 02/02/2021

Page 54

RECORDED  
BY: J. W. HANSEN & ASSOCIATES  
DATE: 02/02/2021

# Towns at Patriot Point - Phase 2

A part of Lot 1, Patriot Point Subdivision Phase A, and  
A part of Section 32, T7N, R1W, SLB&M, U.S. Survey  
North Ogden City, Weber County, Utah  
February 2021

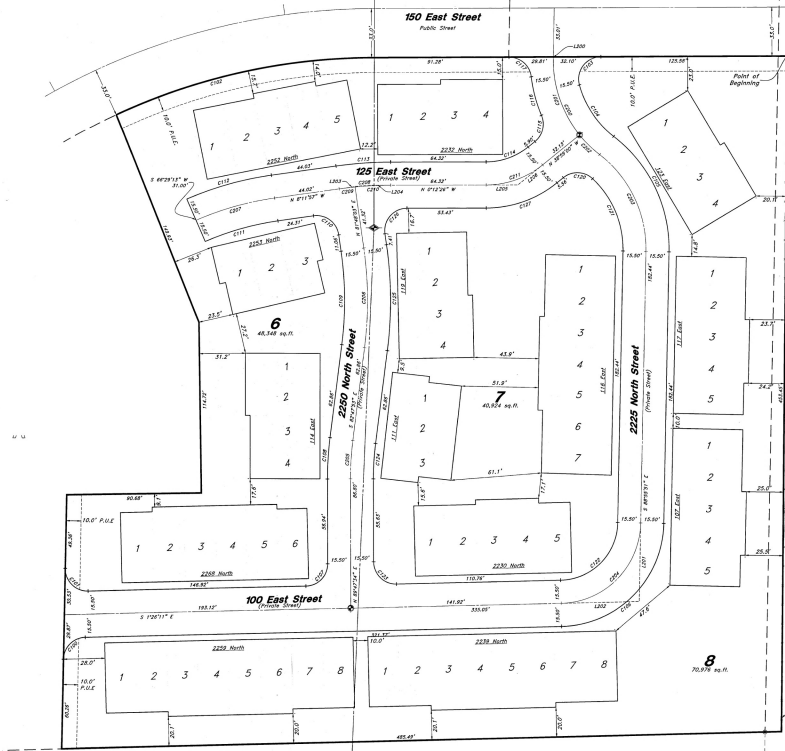


Towns at Patriot Point - Phase 1B      Towns at Patriot Point - Phase 1A



LINE DATA	Bearing	Length
L201	S 89°53'27" E	0.58'
L202	S 89°53'11" E	32.85'
L203	S 73°07'11" E	32.85'
L204	S 81°12'37" E	17.48'
L205	S 91°27'26" E	17.48'
L206	S 91°27'26" E	21.42'
L207	S 38°10'36" E	21.42'

- NOTES:**
- In accordance with Appendix B of the 2012 International Fire Code, Homes with a fire-flow calculation area greater than 6,250 square feet will be required to install an enhanced fire sprinkler system.
  - Common areas, Private Streets and Private Utilities will be owned and maintained by Owners Association of this development.
  - Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the "Public Utility Easements," "Common Area" and "Private Road" as identified on this plan or as may be necessary or desirable in providing utility services within and without the lots identified herein. This may include the right of access to such facilities.
  - At no time may any permanent structures be placed within the P.U.E. or any other obstruction which interferes with the use of the P.U.E. without the prior written approval of the utilities with facilities in the P.U.E. The utilities agree to remove all structures within the P.U.E. of the lot owner's expense without any other approval.
  - A Geotechnical Report prepared by CMT Engineering Laboratories, dated July 17, 2019 (CMT Project #12870) has been prepared on this property and it has been provided to North Ogden City.



Jedd McCormick 1/4 ETAL

**NOTE**  
See Sheet 1 for Section and Boundary Line Information.

Anthony & Shaws Born

Property line Curve Data					
Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C100	87°29'00"	15.00'	22.80'	S 45°12'41" E	20.74'
C101	87°29'00"	15.00'	24.21'	S 44°49'37" E	21.67'
C102	24°16'54"	417.00'	176.13'	S 12°35'42" E	177.25'
C103	104°47'32"	15.00'	27.43'	S 52°41'11" E	23.77'
C104	37°27'34"	64.50'	45.16'	N 56°11'26" E	41.42'
C105	55°38'20"	85.50'	89.25'	N 64°15'09" E	86.11'
C106	87°29'00"	70.50'	107.86'	S 8°11'01" E	97.50'
C107	88°46'15"	15.00'	22.84'	N 42°48'19" W	20.84'
C108	75°24'31"	215.50'	27.87'	N 86°30'59" W	25.65'
C109	157°24'04"	234.50'	63.03'	S 89°30'05" W	62.84'
C110	90°00'00"	15.00'	23.56'	S 38°48'03" W	21.21'
C111	157°24'04"	192.16'	51.13'	S 153°22'07" E	50.88'
C112	157°24'04"	223.18'	39.40'	N 129°33'16" W	39.22'
C113	75°24'31"	265.50'	37.63'	N 4°12'12" W	35.00'
C114	58°46'54"	45.37'	30.71'	N 18°35'43" W	30.12'
C115	75°24'04"	15.00'	19.37'	N 79°58'20" W	18.65'
C116	181°01'31"	80.50'	26.44'	S 70°02'24" W	26.27'
C117	83°23'24"	15.00'	21.84'	S 47°25'24" W	19.89'
C120	81°52'38"	15.00'	21.44'	S 17°18'17" W	19.64'
C121	48°10'31"	64.50'	54.23'	S 68°18'32" W	52.63'
C122	87°29'00"	39.50'	60.32'	N 45°11'31" W	54.61'
C123	91°12'45"	15.00'	22.88'	N 44°19'42" E	21.44'
C124	75°24'31"	184.50'	23.88'	S 86°30'29" E	23.84'
C125	152°04'24"	265.50'	71.37'	N 89°30'05" E	71.15'
C126	87°29'31"	15.00'	23.65'	S 49°12'12" E	22.64'
C127	38°46'34"	76.87'	51.69'	S 19°35'43" E	50.70'

Centerline Curve Data					
Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C200	53°28'14"	80.00'	74.80'	N 64°15'09" E	72.15'
C201	40°05'01"	70.75'	65.55'	S 71°02'48" E	54.78'
C202	135°58'11"	77.52'	16.82'	S 84°19'39" W	16.86'
C203	53°51'20"	80.00'	74.85'	N 64°15'09" E	72.15'
C204	87°29'40"	55.00'	83.99'	S 45°11'31" E	76.06'
C205	75°24'31"	200.00'	23.88'	S 86°30'09" E	23.84'
C206	152°04'24"	265.00'	71.29'	N 89°30'05" E	71.07'
C207	157°24'04"	407.68'	53.27'	N 129°33'16" W	53.10'
C208	75°24'31"	250.00'	34.87'	N 4°12'12" W	34.84'
C209	27°28'50"	250.00'	10.81'	S 47°42'42" E	10.80'
C210	51°11'32"	250.00'	24.07'	S 27°57'37" E	24.06'
C211	38°46'34"	80.87'	31.20'	S 19°35'43" E	31.17'



Boundary line agreement file: 105588

**6.**

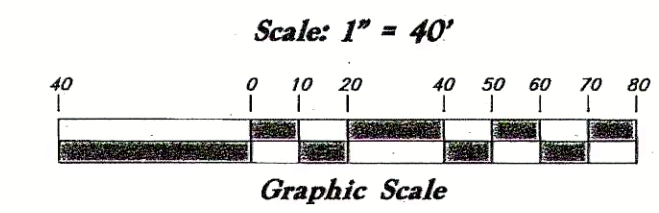
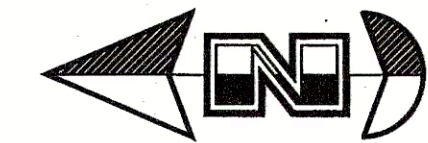
**GREAT BASIN ENGINEERS**  
7744 SOUTH 1950 EAST, OGDEN, UTAH 84405  
PHONE: 435-791-5555 FAX: 435-791-5556  
WWW.GREATBASINENGINEERS.COM

RECORDED  
BY: [Signature]  
DATE: [Signature]

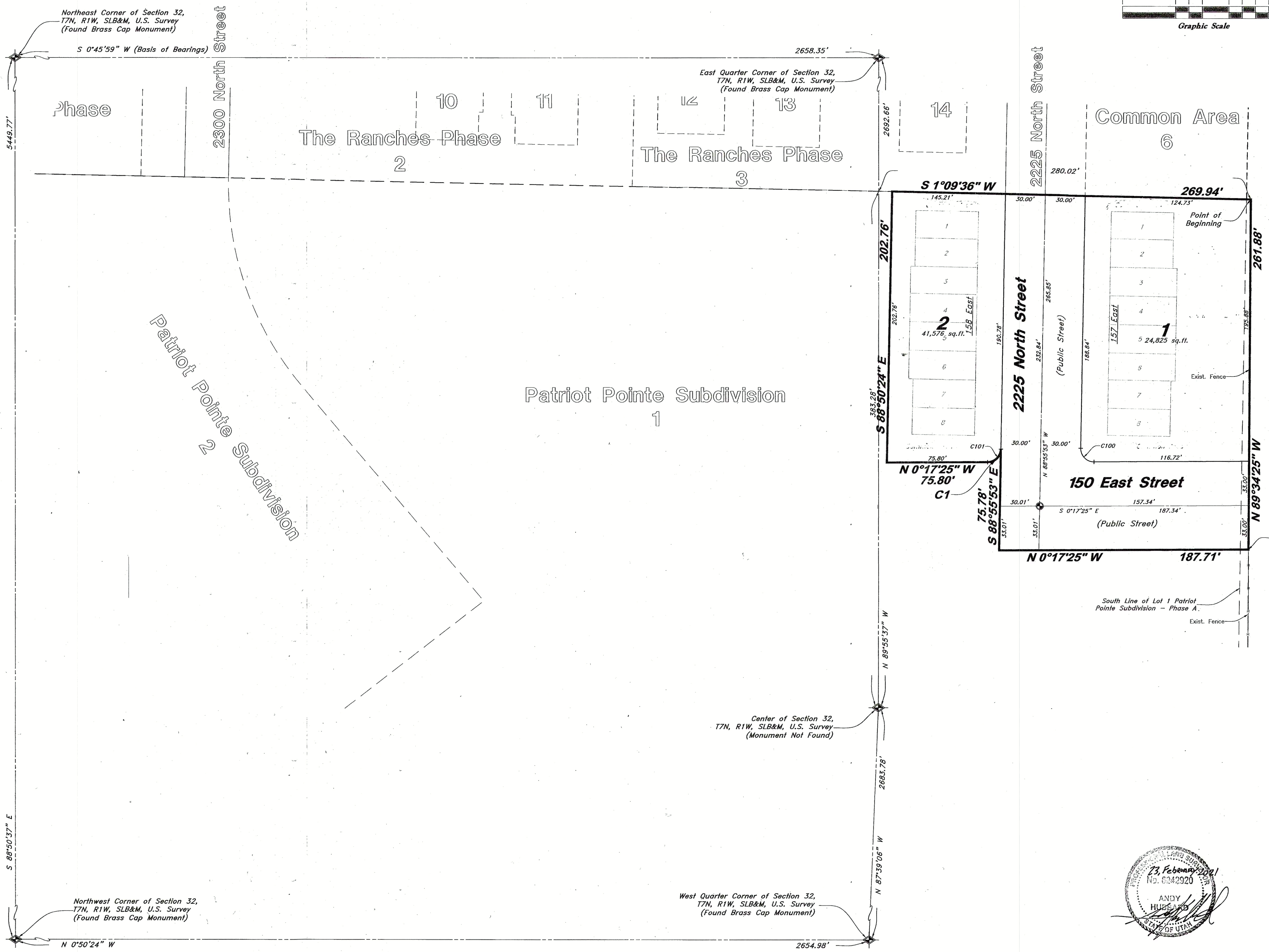


# Towns at Patriot Pointe - Phase 1A

A part of Section 32, T7N, R1W, SLB&M, U.S. Survey  
 North Ogden City, Weber County, Utah  
 February 2021



- Legend**
- ▲ Set Nail & Washer
  - Set Rebar & Cap w/ Fencepost
  - Set Hub & Tack
  - ⊕ Monument to be set
  - (Rad.) Radial Line
  - (N/R) Non-Radial Line
  - (W.C.S.) Weber County Surveyor
  - Int. Intersection
  - Public Utility Easement
  - Building Setback Line
  - ▲ Set 5/8" x 24" Long Rebar & Cap w/ Lathe



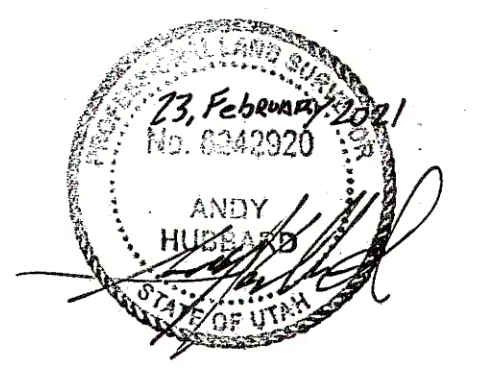
Curve Data					
Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C1	88°38'39"	10.00'	15.47'	N 44°36'44" W	13.97'
C100	91°21'31"	10.00'	15.95'	N 45°23'21" E	14.31'
C101	88°38'19"	10.00'	15.47'	N 44°36'34" W	13.97'

- NOTES:**
- In accordance with Appendix B of the 2012 International Fire Code, Homes with a fire-flow calculation area greater than 6,200 square feet will be required to install an internal fire sprinkler system.
  - Common Areas and Private Utilities will be owned and maintained by Owners Association of this development.
  - Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the "Public Utility Easements" and "Common Area" as identified on this plat as may be necessary or desirable in providing utility services within and without the lots identified herein. This may include the right of access to such facilities.
  - At no time may any permanent structures be placed within the P.U.E or any other obstruction which interferes with the use of the P.U.E without the prior written approval of the utilities with facilities in the P.U.E. The utility may require the lot owner to remove all structures within the P.U.E at the lot owner's expense without his written approval.
  - A Geotechnical Report prepared by CMT Engineering Laboratories, dated July 17, 2019 (CMT Project #12870) has been prepared on this property and it has been Provided to North Ogden City.

**GREAT BASIN ENGINEERING**  
 5746 SOUTH 1475 EAST OGDEN, UTAH 84403  
 MAIN (801)394-4515 B.L.C (801)521-0222 FAX (801)392-7544  
 WWW.GREATBASINENGINEERING.COM

ENGINEER:  
 Great Basin Engineering Inc  
 c/o Andy Hubbard  
 5746 South 1475 East Suite 200  
 Ogden, Utah 84405  
 (801) 394-4515

DEVELOPER:  
 John W. Hansen & Associates  
 c/o John Hansen  
 5730 South 1475 East  
 Ogden, UT 84403  
 (801) 479-1500



Anthony & Shawna Bown

Boundary Line Agreement  
 Entry No. 1401906

Sheet 2 of 2

WEBER COUNTY RECORDER  
 ENTRY NO. 2328165 FEE PAID  
 \$104.00 FILED FOR RECORD AT 11:04 AM AT 2:30 PM  
 RECORDED IN BOOK 20 OF OFFICE RECORDS PAGE 11 RECORD FOR NORTH OGDEN  
 LEANN H. KIRTS  
 WEBER COUNTY RECORDER  
 BY: Corinne Marshall DEPUTY

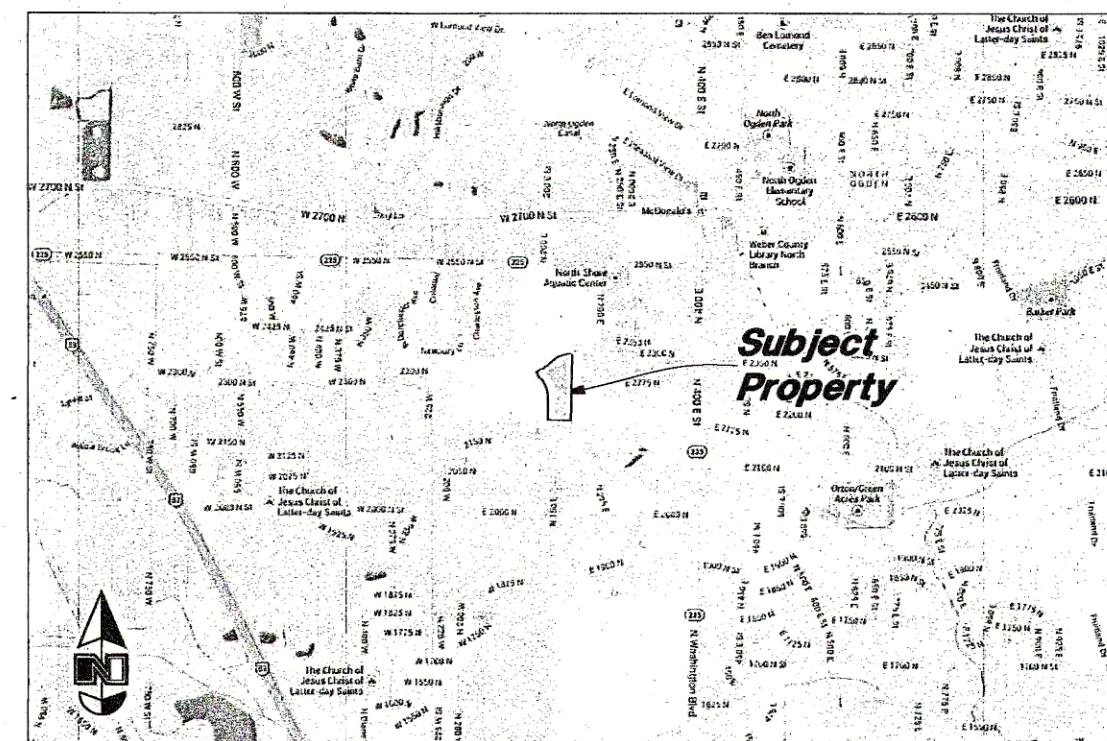


# Towns at Patriot Pointe - Phase 1A

A part of Lot 1, Patriot Pointe Subdivision - Phase A and  
A part of Section 32, T7N, R1W, SLB&M, U.S. Survey  
North Ogden City, Weber County, Utah  
February 2021

## NARRATIVE

This Subdivision Plat was requested by Mr. John W. Hansen for the purpose of dividing this property into Two (2) lots.  
Brass Cap Monuments were found at the Northeast Corner and East Quarter Corner of Section 32, T7N, R1W, SLB&M.  
A line with the bearing of S 0°45'59" W between the Brass Cap Monuments was used as the Basis of Bearings for this plat.  
A Rebar & Cap stamped "HAI" Was Found at the Southwest corner of Blackhawk Townhomes Phase 2, its location checked with the information on the Blackhawk Townhomes Phase 2 recorded plat (Book 46, Page 044).  
Subdivision plats for The Ranches Subdivision Phase 1 (Book 71, Page 033), Browns Farm Townhomes (Book 59, Page 033), Sundbrook Condominiums Phase No. 8 (Book 54, Page 085), Ranch View Townhomes Phase 3 (Book 65, Page 055), The Ranches Phase 3 - A P.R.U.D. (Book 83 at Pages 83-84); New Towne Square at Colonial Springs S.A.P. Phase-4 (Book 64 at Page 71); New Towne Square at Colonial Springs S.A.P. Phase-5 (Book 64 at Page 72), The Georgian at Colonial Springs a Condominium Project (Book 64 at Pages 81 and 82), and The Ranches Phase 2 - A P.R.U.D. (Book 81 at Pages 86 and 87) were all used in the preparation of this subdivision plat.  
Property Corners were set as depicted on this plat.



VICINITY MAP  
Not to Scale

## DESCRIPTION

A part of Lot 1, Patriot Pointe Subdivision - Phase A, North Ogden City; and a part of Section 32, Township 7 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey;  
Beginning at the a point on an existing fence line as called in that certain boundary line agreement (Weber County Recorder Entry No. 1401906), said point being 383.28 feet South 89°55'37" East along the Quarter Section Line to the East Boundary of said development and 280.02 feet South 1°09'55" West along said West Boundary line; from the center of said Section 23; and running thence North 89°34'25" West 261.88 feet along said fence line and said boundary line agreement; thence North 0°17'25" West 187.71 feet; thence South 88°55'53" East 75.78 feet to the point of a non-tangent curve; thence Northwesterly along the arc of a 10.00 foot Radius curve to the right a distance of 15.47 feet (Central Angle equals 88°38'39" and Long Chord bears North 44°36'44" West 13.97 feet) to a point of tangency; thence North 0°17'25" West 75.80 feet; thence South 88°50'24" East 202.76 feet to the East Boundary Line of said Subdivision; thence South 1°09'36" West 269.94 feet along said East Boundary Line to the Point of Beginning.  
Contains 1.524 Acres, More or Less

## NOTES:

- In accordance with Appendix B of the 2012 International Fire Code, Homes with a fire-flow calculation area greater than 6,200 square feet will be required to install an internal fire sprinkler system.
- Common Areas and Private Utilities will be owned and maintained by Owners Association of this development.
- Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the "Public Utility Easements" and "Common Area" as identified on this plat as may be necessary or desirable in providing utility services within and without the lots identified herein. This may include the right of access to such facilities.
- At no time may any permanent structures be placed within the P.U.E or any other obstruction which interferes with the use of the P.U.E without the prior written approval of the utilities with facilities in the P.U.E. The utility may require the lot owner to remove all structures within the P.U.E at the lot owner's expense without his written approval.
- Report prepared by CMT Engineering Laboratories, Project # 122870

## NORTH OGDEN CITY APPROVALS

This plat was approved by the City Engineer and the Community Development Director.

John Gardner 2/25/2021  
City Engineer Date  
Brenda Davis 3/3/2021  
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 4 day of MARCH 2021.

by: Brenda Miller  
Chairman  
Attest: Lynne Befere  
Secretary

## 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 3rd day of March, 2021.

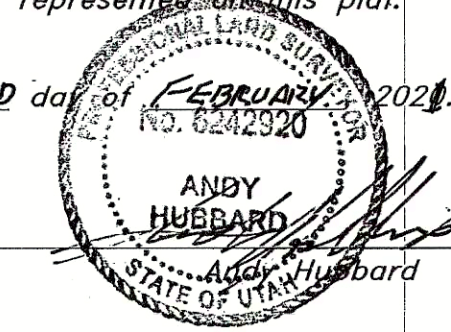
John W. Hansen  
City Attorney

## SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I also certify that I have verified all measurements shown hereon this plat of Towns at Patriot Pointe, Phase 1A in North Ogden City, Weber County, Utah and that it has been correctly drawn to a designated scale and is a true and correct representation of the following description included in said subdivision, based on data compiled from records in the Weber County Office. Monuments have been found or placed as represented on this plat.

Signed this 23rd day of February, 2021.

6242920  
License No.



## OWNER'S DEDICATION

We, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide same into Lots, Common Areas and Streets as shown on this plat, and name said tract Towns at Patriot Pointe - Phase 1A, and hereby dedicate, grant, and convey to the Owners Association, all those portions of said tract of land designated as Common Area. I also hereby dedicate to North Ogden City, Weber County, Utah all those portions of said tract of land designated as Streets, the same to be a public thoroughfare forever, and also hereby dedicate and grant to North Ogden City those parts or portions of said tract designated as Common Areas for public utility, drainage, and stormwater management purposes as shown hereon, the same to be used for the installation, maintenance and operation of utility service lines, drainage and stormwater detention, as may be authorized by North Ogden City.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Patriot Pointe, LLC

John W. Hansen - Manager

Ken R. Crockett - Manager

## ACKNOWLEDGMENT

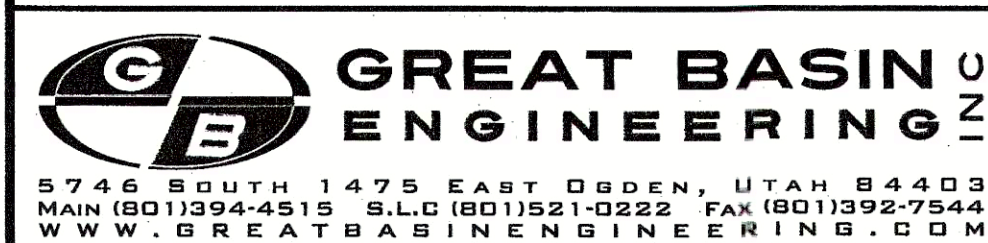
State of Utah  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 23 day of February, 2021 by John W. Hansen - Manager.  
Residing At: Davis Co.  
Commission Number: 702755  
Commission Expires: 10/10/22  
A Notary Public Commission Expires  
Meggan Da  
Print Name

## ACKNOWLEDGMENT

State of Utah  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 23 day of February, 2021 by Ken R. Crockett - Manager.  
Residing At: Davis Co.  
Commission Number: 702755  
Commission Expires: 10/10/22  
A Notary Public Commission Expires  
Meggan Da  
Print Name



ENGINEER:  
Great Basin Engineering Inc  
c/o Andy Hubbard  
5746 South 1475 East Suite 200  
Ogden, Utah 84403  
(801) 394-4515

DEVELOPER:  
John W. Hansen & Associates  
c/o John Hansen  
5730 South 1475 East  
Ogden, UT 84403  
(801) 479-1500

WEBER CO  
ENTRY NO. 2102  
ST 104-00  
RECORDED 11-M  
IN BOOK  
RECORDS PAGE  
FOR NORTH U  
LEANN H  
WEBER CO  
BY: [Signature]



## Staff Report to the North Ogden City Council

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion, Consideration, and Action Regarding Development Agreement Amendments and Site Plan updates at Village at Prominence Point.  
Agenda Date: September 27, 2022  
Applicant: Greg Cronin and Steve Davies  
File Number: N/A

### PUBLIC NOTICE:

Mailed Notice:  
City Website: September 21, 2022

### PROPERTY INFORMATION

Address: 1850 N 300 E. Approximately  
Project Area: 4.325 (remaining acres to be developed)  
Current Zoning: Master Planned Community (MPC-VPP)  
Proposed Land Use: Multi-Family Housing  
Parcel ID: 11-437-0045, 11-014-0081 \*Current Parcels (subject to change via subdivision plat)

### STAFF INFORMATION

Scott A. Hess  
Planning Director  
[shess@nogden.org](mailto:shess@nogden.org)  
(801) 737-9841

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-17K Master Planned Community Zone MPC  
Development Agreement – A29-2017 (Exhibit E)

### BACKGROUND

The Village at Prominence Point was recently acquired by a new development group. As part of that acquisition, the City reviewed and approved a revised Development Agreement that amended building types and locations, total unit count, open space configuration, and timing of amenities. The Development Agreement was approved on May 24, 2022.

Leading up to the City Council meeting in May, the developer worked quickly to assure that the City and the new development team were on the same page with the overall development changes. After considering the Site Plan over the summer of 2022, the developer is proposing minor amendments to the Site Plan and Development Agreement to improve functionality of the overall development.



The Village at Prominence Point has been a high profile project, and as such, staff feels that the development amendments should go back to the Council for their approval.

## **ANALYSIS**

Mr. Cronin and Mr. Davies have completed the requested items for the Development Agreement. These include an updated Site Plan, Landscape Plan, Elevations, and Floor Plans of the new four story buildings, and updated Site Data.

There are two main pieces to focus on for the Council's consideration. First is the redlined Development Agreement (see Exhibit A). These minor revisions amend language within the Development Agreement, but do not substantively change or alter the approval. Staff recommends approval as drafted.

The second element of change is the location of buildings on the Site Plan. In order to maximize the central connected open space, the developer is proposing to move and consolidate two of the three story apartment buildings into the east/central area of the development and move the northern five three story buildings slightly closer together. These combined changes do not increase the total unit count on the project, as well as consolidate the connected open space into a large useable central court for the project. This change retains the second clubhouse in the apartment phase and provides an attached open space for that amenity that was previously occupied with a building. Staff recommends approval as drafted.

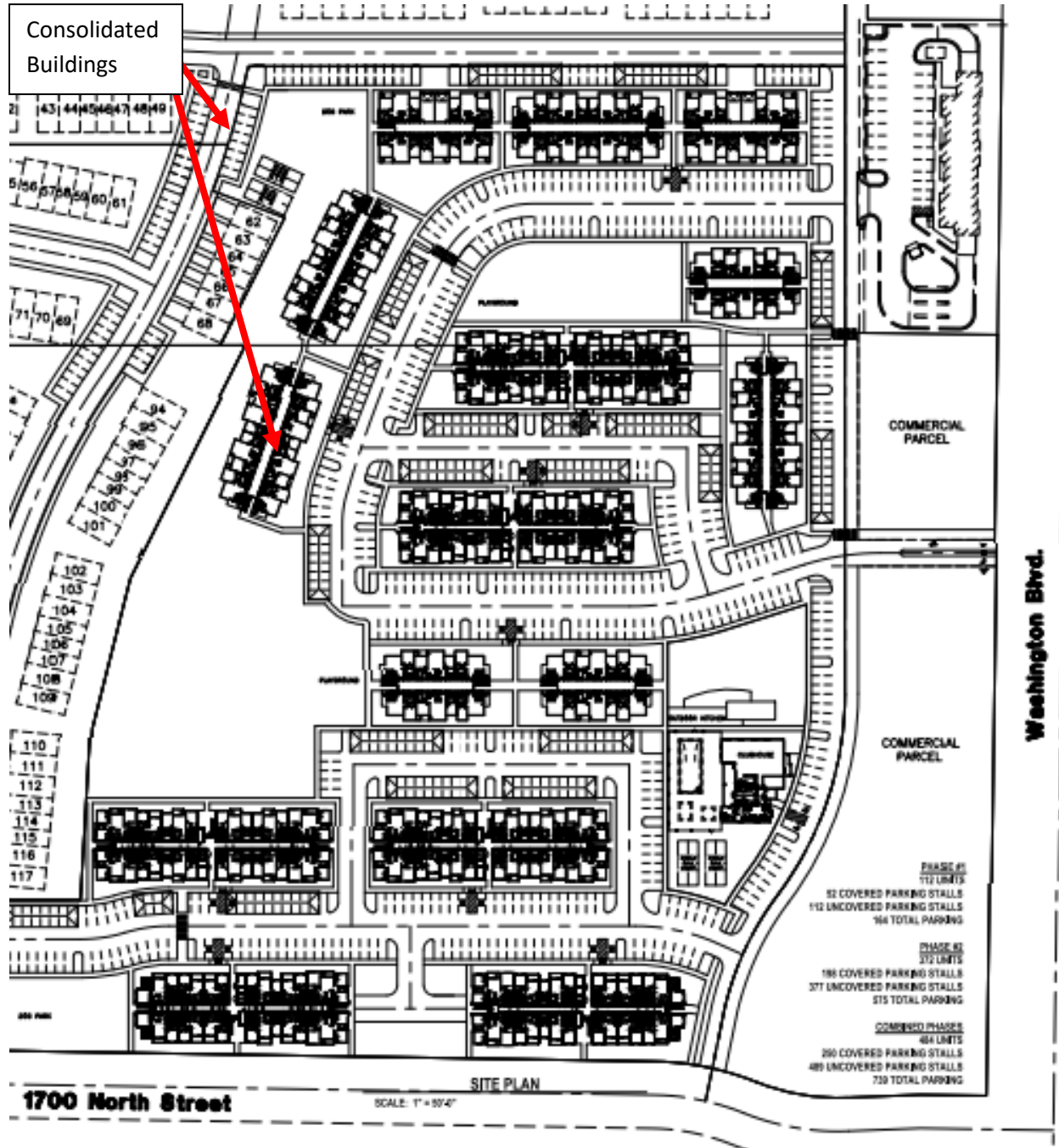
The developer provided the following context on the Site Plan changes:

"1- The revised Exhibit "L" (see Exhibit C below): We have indicated in the footprint of each of the buildings the building number, the type and the color scheme assigned to each building. Each building is assigned a number indicating the phase we will build them in (100,200, etc.) and the number of the building in the phase (101, 102, etc.) There are five types: two 17 unit buildings, (Type 100); three 18 unit buildings (Type 200); four 24 unit buildings (Type 300); four 48 unit buildings (Type 400); and two 48 unit buildings with underground parking (Type 500). We have included three color schemes; Scheme A, B and C (see Exhibit F below). and provided that there will be no color schemes adjacent to one another.

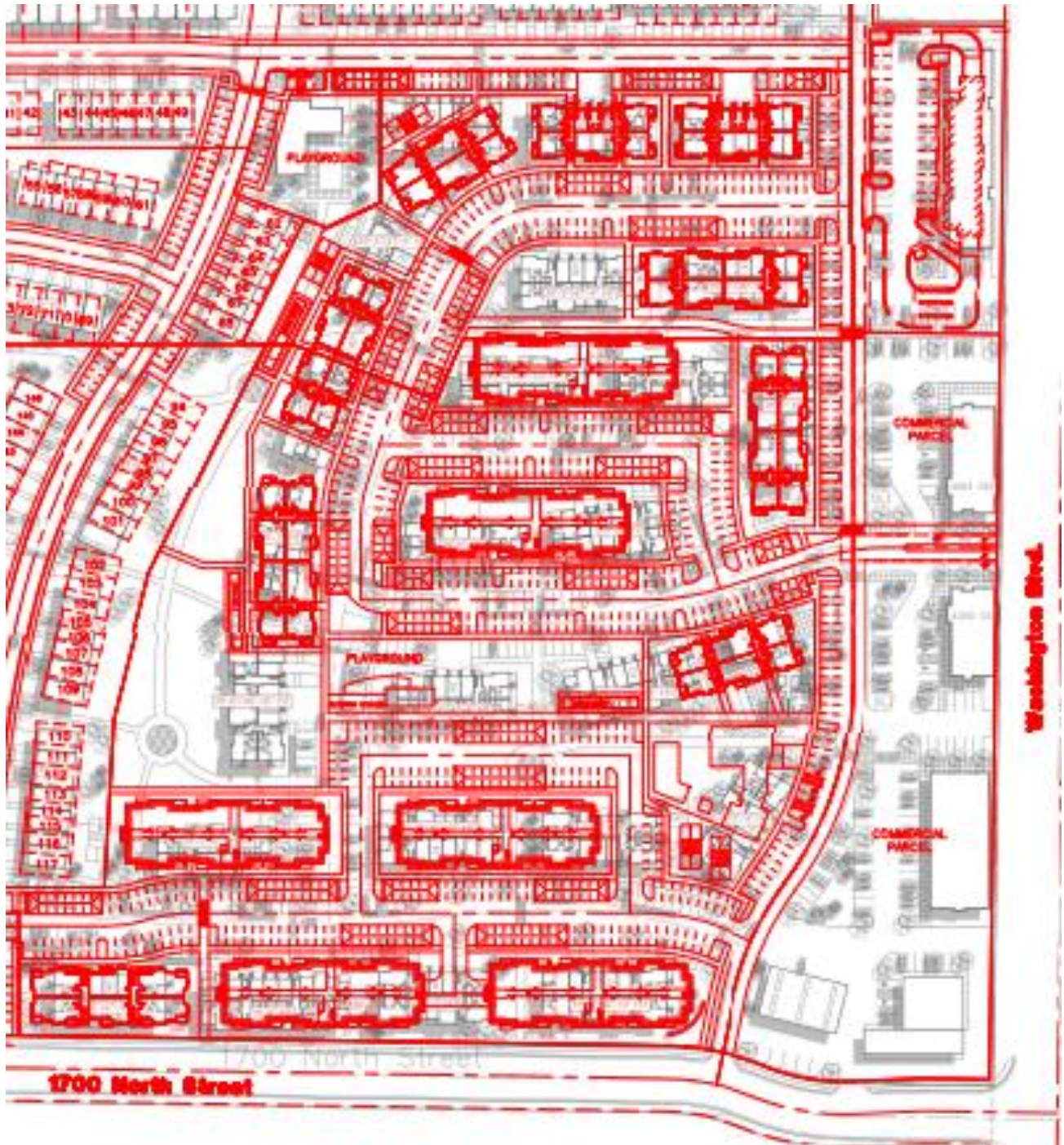
2- The three color schemes applied to the 24 unit building for illustration purposes. While the illustration is on Building Type 200, the scheme applies to the other types.

3- Floor plans and elevations of Building Types 100 - 400. Building Types 400 and 500 are essentially the same, thus only one elevation but two floor plans." (see Exhibit D below)

Revised Site Plan



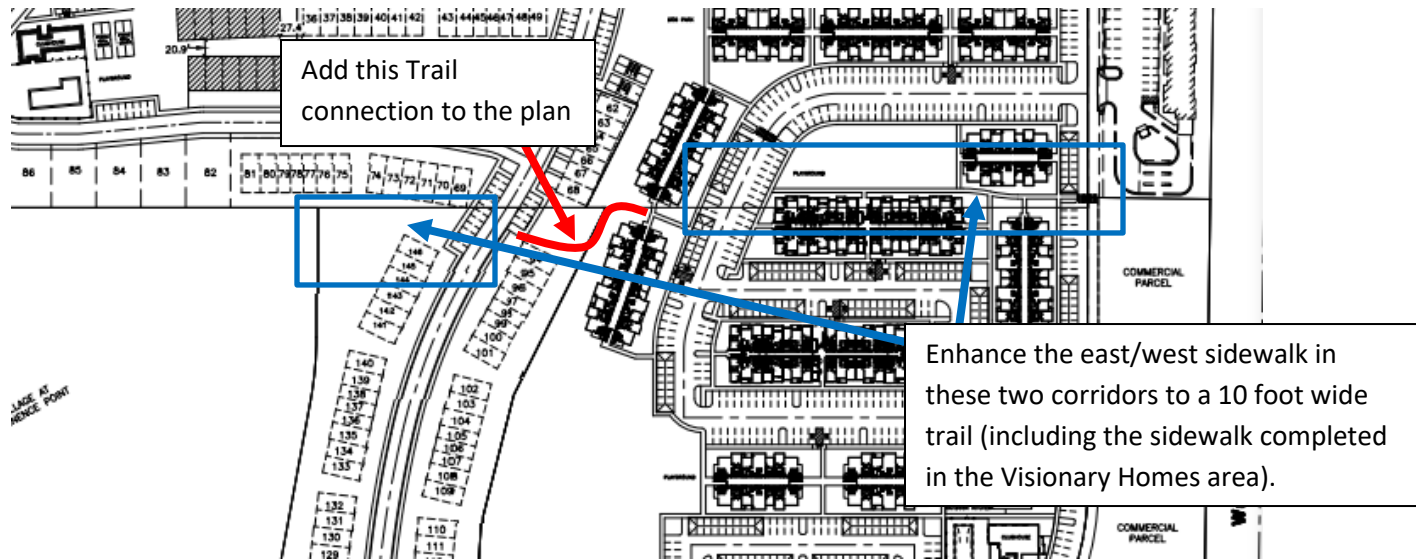
*Previously Approved Site Plan – May 24, 2022*





### Other Changes

In the change of hands from Jack Barrett to the new owners, staff noticed the loss of a central east/west trail/sidewalk corridor. Pedestrian connectivity is a vital component of this project. Staff recommends that this connection be restored to connect the western trail system to Washington Blvd to. The connection is recommended to be a sidewalk at least 10 feet wide, in the approximate location seen below.



The Developer is committed to the project and wants to make sure that this becomes a true amenity in North Ogden City. The housing units created at Village at Prominence Point are necessary to assist the City in meeting its goals for providing housing choice, and relatively more affordable housing for residents. In addition to meeting housing needs, the City desires the Village at Prominence Point project to be completed and built out with amenities in a timely fashion.

### CONFORMANCE WITH THE GENERAL PLAN

The General Plan map shows this area as: “Mixed-Use/Multi-family/Commercial.” This project is consistent with that designation.

### RECOMMENDATION

Staff is supportive of the proposal and amendments to the Development Agreement and Site Plan. Staff recommends the City Council review the plans in the Attachments below, host a discussion with the developer, and take action on the Amended Development Agreement.

### EXHIBITS

- A. Redlined Development Agreement, dated August 12, 2022
- B. Revised Site Plan
- C. Revised Landscape Plan
- D. Building Types and Elevations (Development Agreement Exhibit D)
- E. Site Data (Development Agreement Exhibit F)
- F. Color Palette (Development Agreement Exhibit G)

# THE VILLAGE AT PROMINENCE POINT DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT, hereinafter (“Agreement”), is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022~~17~~<sup>17</sup>, by and among URE Fund I – Prominence Point, LLC ~~Meritage Companies, LLC, an Alaskan limited liability company (Alaska Entity #10014218) and Mountain Vista Trails, LLC, a Utah limited liability company (Utah Entity #10420822-0160)~~, (hereinafter collectively “Developer”) Owner of ~~as the owner and developer of~~ certain real property located in North Ogden City, Weber County, Utah, at approximately 1750 North 200 East, and NORTH OGDEN CITY, (hereinafter “the City”), a Utah Municipal Corporation. Developer and the City shall hereinafter be collectively referred to as “Parties” and sometimes individually as a “Party”.

## RECITALS:

A. Developer is ~~the owner of~~ the Owner of approximately ~~34~~<sup>120.038</sup> +/- acres of real property (“Parcel A”) located in North Ogden City, Weber County, Utah, which it intends to develop as a Mixed Use Development. A legal description of the property is attached hereto as Exhibit “A”.

### B. SITE INFORMATION

Tax Lots: 1101400~~4548~~, 1101400~~8169~~, 1101400~~8470~~, ~~110140071, 110140072, 110140016, 110140062, 110140066, 110140065, 110140064, 110170063~~  
Current Zoning: ~~Commercial (C-2), County A1-A2 Agricultural~~ MPC-VPP  
General Plan: Southtown Mixed Use (SMU), County Mixed Use and Residential

Location: The subject property is located within the North Ogden City limits and in an unincorporated island of Weber County entirely surrounded by North Ogden City corporate limits. The proposed project is located on the west side of Washington Blvd, north of 1700 North.

The property is more specifically located within North Ogden City’s general plan and identified as MU or mixed use. The existing zoning for the site is ~~C-2 MPC-VPP but the proposal is based~~

Commented [1]: Insert the correct name here

Formatted: Font: (Default) Times New Roman

~~upon a rezone to include MPC Masterplan Community Zone.~~

C. The subject property is zoned Master Plan Community by North Ogden City and ~~A1 A2 Agricultural by Weber County~~ and is designated as mixed use (MU) zone on the North Ogden City General Plan Map and mixed use and residential in the Weber County General Plan.

D. The subject property is bounded on the west by the R-4~~future~~ independent living, assisted living and memory care facility. The other adjacent lots are agricultural and residential in nature.

E. ~~Developer also has acquired rights to purchase adjoining property currently owned by the Hales Trust which will be developed as part of Parcel A.~~

F. The Parties jointly agree that the City will benefit from all aspects of this proposed development.

G. The Parties desire to enter into terms relevant to Developer's proposed development as set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and The City hereby agree as follows:

1. **Recitals.** The above recitals are incorporated herein by reference and made a part hereof.
2. **Rezone Amend Development Agreement.** The City and Developer agree that upon the acquisition of the property by Developers this Agreement goes into effect. Prior to acquisition by Developer, this agreement is non-transferrable without written consent from the City, which shall not be unreasonably withheld. ~~agrees to rezone only the subject property as described in the legal description in Exhibit "A" to Master Planned Community (MPC) zone.~~
3. **Intended Use.** The Developer agrees that only the proposed Mixed Use Development will be allowed or authorized under the terms of this Agreement or on Parcel A as approved by the City under the MPC zone.

4. **Development Terms.** The following constitutes terms for development of the Parcels.
- a. Concept Approval. The North Ogden City Council has approved the Developer’s proposed concept and has entered into this agreement to facilitate the Developer to develop the subject Property as proposed.
  - b. Compliance with Subdivision Standards. Developer agrees to comply with all of the conditions of approval, the ordinances, rules, regulations, requirements, and standards of the City with respect to the preparation, submission, and recording of the subdivision application. All preliminary and final plats, the construction and completion of said development, particularly to the installation and completion of all required subdivision improvements and the provision of the financial guarantee guaranteeing completion of such improvements (the “Subdivision Guarantee”), will be consistent with current City Ordinances.
  - c. Phasing and Project Division. The Parcels may be developed in any order or phasing as best seen fit by the Developer. However, all terms related to the completion of landscaping and commercial space remain in force as describe in other locations of this document. For purposes of this development agreement the project shall be divided into the following seven five development areas as shown on Exhibit B:
    - i. Commercial Area, which is the area directly adjacent to Washington Blvd.
    - ii. Apartment Area, which is the area directly west of the Commercial Area and includes all 24-157 individual apartment buildings.
    - iii. Townhome Area I, which is the area directly west and north of the Apartment Area and includes all-1213607 townhome units.
    - iv. Townhome Area II, which is the area west of Townhome Area I and includes 12 townhome units.

**Commented [2]:** verify this number it should include the 12 additional

~~iii-v.~~ Clubhouse #1, which is the area west of Townhome Area II and includes Clubhouse #1.

~~vi.~~ Age Restricted CottagesPatio Home Area, which is the northwestern most corner of the project and includes ~~22~~8 patio home units.

~~vii.~~ Clubhouse #2, which is the area between the Apartment Area and the Commercial Area and includes Clubhouse #2.

~~iv.~~ \_\_\_\_\_

~~iv.~~ Independent Living Facility, which are one building containing four stories and 68 units.

5. **Vesting.**

a. The Developer shall have the vested right to develop Parcel A in accordance with the applicable land use ordinances of North Ogden City as established on the date of this Agreement as well as per the terms of this Agreement. Except as set forth in 5.b., the City's future laws are not applicable to the Project.

b. Exceptions:

i. The restrictions on the applicability of the City's Future Laws to the Project as specified in Section 5(a) are subject to only the following exceptions:

ii. Developer Agreement. City's Future Laws that Developer agrees in writing to the application thereof to the Project;

iii. State and Federal Compliance. City's Future Laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

iv. Building Codes. City's Future Laws and safety standards that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA

Formatted: Indent: Hanging: 0.01 ch, Left -0.01 ch, First line: -0.01 ch

Formatted: No bullets or numbering



Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet countervailing public safety concerns related to public health, safety or welfare.

- v. Roads. Reasonable requirements for roadway grades, widths, access points, maintenance, and standards.
- vi. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.
- vii. Fees. Changes to the amounts of fees for the processing of Development Applications, or impact fees that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law. Developer is vested in the fees in place at the time a complete application is submitted. Specifically, Developer will only pay impact fees legally in place on the date a complete building permit application is submitted to the City.
- viii. Compelling, Countervailing Interest. Laws, rules, or regulations that the City’s land use authority finds on the record are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code.

6. **Existing On-Site Conditions.**

- a. There are two distinct areas of the proposed project. They are as follows:
  - i. The ~~20.0348.26~~ acre parcel “Southern Property” is largely undeveloped but is currently under construction with the proposed subdivision improvements with the construction of 1700

North. Smaller dilapidated structures along Washington Blvd. have been removed and the property is within the corporate limits of North Ogden City.

ii. The 124.85 + or – acres of largely ~~developed~~undeveloped ground “Northern Property” ~~where the townhomes and cottages are located, along with some apartment buildings and commercial, is currently in the process of being annexed into the North Ogden City Limits.~~

b. The subject property slopes generally downhill from the northeast to the southwest at an average slope of about 1%. The vegetation present on the property includes native shrubs and grasses.

**7. Conformance with North Ogden General Plan.**

a. Residential Density.

i. This proposal consists partly of multi-family housing, which is listed as a permitted use in the MPC zone. It is also consistent with the desire to provide increased density along Washington Blvd. and a mix of housing types. The multi-family housing complex will contain amenities for residences, including a clubhouse, pool, large greenspace, and associated smaller pocket parks. Developer will provide ~~for~~ at least one pathway with public access to connect to the public sidewalks on the north at 300 East and south at 1700 North, and east at Washington Blvd. and west at the assisted living facility.

ii. The setbacks are approved as shown on the Preliminary Master Plan ~~for~~ the individual buildings/groups of buildings which may be different than is currently anticipated in the MPC zone. Preliminary Master Plan dated 40-3-174-19-22 attached as Exhibit L

iii. The subject property is within the North Ogden Southtown area and is allowed as a MPC zone based upon satisfying the 5 acre minimum parcel development. The density in the amended MPC zone will result in 47294 apartment units in 24-157 multifamily buildings; 133607 Town

Home units; ~~and 228~~ single family age restricted Patio Home lots; ~~and 68 units of Independent Living Facility resident units~~ as shown on Exhibit B, F, and L..

iv. The density allowed shall not override the setbacks between buildings and property lines as approved on the Preliminary Master Plan dated ~~10-3-17~~19-22 and attached as Exhibit L. Any unidentified setbacks and distances shall be rounded up to the closest ½ foot as measured on a 24x36 plan sheet.

**8. Conformance with MPC Requirements**

a. The Development has been shown to be in compliance with the terms and conditions expressed in the MPC Zone under 11-7K-2. Any modifications to the MPC zone or any other development standards are clearly identified in this Agreement pursuant to 11-7K-5. Any standards which are not specifically waived by this Agreement, or subsequent agreements, will be complied with by Developer and City. The modification of the standards is acceptable under the MPC zone to accommodate favorable design and other concessions of the Parties.

b. The City Council has considered the items outlined in 11-7K-2 to assess the suitability of Parcel A to be zoned under the MPC zone and finds that the majority are in favor of this Project and Agreement moving forward.

**9. Building Height.**

a. The subject property is within the MPC zone, an area that contains special height allowances based upon setbacks and separations. In the Apartment Area the Developer will build mostly three-story structures; however, some four-story end units have been included to provide variety in exterior elevation design. The building height of the three-story apartments is approximately 42' to the ridgeline. Four-story units have approximately 51' of overall height to the peak ridgeline. There will be a maximum number of ~~65~~ (five) 51' buildings.

b. The maximum building height in the Townhome Area directly adjacent to the northern property line is ~~thirty-one~~twenty nine (29~~31~~) feet with a corresponding twenty (20) foot setback from the property line. All other Townhomes Areas are allowed to build to ~~forty-five~~thirty-nine (45~~39~~) feet with setbacks between buildings and property lines as shown on Exhibit L.

c. The maximum building height in the Age Restricted Cottages is twenty~~-four~~-five (25~~4~~) feet, or must comply with the one foot (1') additional setback over twenty feet (20') for each one foot (1') in height up to a maximum of thirty five feet (35')

d. ~~The maximum building height in the Independent Living Area is forty (40) feet for the western portion and fifty (50) feet for the eastern portion.~~

e. The maximum building height in the Commercial Area is thirty-five (35) feet.

10. **Architectural Design Standards.**

a. Commercial Area.

i. All site plans, landscape plans, and building elevations shall be approved by the City Council as identified in section 23.

b. Apartment Area.

i. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Recesses (e.g., deck, patios, courtyards, entrances, or similar features) shall have a minimum depth of six feet. All building elevations adjacent to a public street right-of-way are provided with doors, porches, balconies, sidewalks, approaches, and/or windows to give the appearance of the building fronting on the public street. Unit entries are from breezeways typical on all units. All buildings have units that front facing units. There are no backyards or rear yards for ground floor

Formatted: Font: (Default) Calibri, 11 pt  
Formatted: Left, Indent: Left: -0", Hanging: 0.01 ch, Right: 0.04", Widow/Orphan control

units. Units that front along 1700 North have front yards and may not have ground floor decks and/or enclosed ground floor patios.

ii. The building design incorporates offsets, decks and windows. Larger building masses will be divided into varying heights and sizes by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, roof canopies, and changes in the roofline. Each building elevation has been designed and approved as shown in Exhibit “E”. Building designs may be used in multiple locations throughout the Project; however, no two identical buildings shall be constructed next to each other unless clearly identified on Exhibit “B”.

iii. Exterior materials, color, or textures on vertical surfaces shall be of cementitious siding and stone veneer, with the exceptions of windows and doors. Developer has provided material specifications identifying the grade of materials, a color palette has been submitted as shown on Exhibit “G”, and a detail of the maintenance set aside with the lending institution to the City. The building scale shall be broken down with vertical board and batten compendious panel on the second and third floors. The ground floor shall have cementitious siding combined with stone piers to help establish more permanence and offset and screen garage door locations.

a. After installation, all stone veneer and similar products shall be sealed with a product designed for commercial application to prevent weathering and fading. Landscaping shall be consistent with section 15.

b. All cementitious siding and wood trim shall be primed on all six sides, or otherwise properly sealed, to provide for long lasting workmanship.

c. All roofing material shall be 30 year minimum warranty with an architectural tab.

iv. Private open space areas shall be provided. These spaces will be enclosed with metal railings and all apartment housing units will have balconies or decks. The windows shall be

Millguard Montecito or similar grade. All vents, or cavities in vertical surfaces shall be similar in color to the buildings and in no case shall be white.

v. A preliminary signage plan is attached as Exhibit "I". Final signage shall be approved by the Planning Commission.

c. Townhome Area.

i. Exterior materials, on vertical surfaces shall be of cementitious siding, hardboard, and stone veneer, with the exceptions of windows and doors.

a. After installation, all stone veneer and similar products shall be sealed with a product designed for commercial application to prevent weathering and fading. Natural stone is not required to be sealed. Landscaping shall be consistent with section 15.

b. All cementitious siding and wood trim shall be primed on all six sides, or otherwise properly sealed, to provide for long lasting workmanship.

c. All roofing material shall be 30 year minimum warranty with an architectural tab.

ii. The building elevations, colors, and site plans shall be approved by the City Planner and Mayor, provided that all setbacks as shown on Exhibit L and outlined in Subsection 7 are maintained and the number of parking stalls is not reduced.

d. Age Restricted Cottages.

i. Exterior materials, on vertical surfaces shall be of cementitious siding, hardboard, and stone veneer, with the exceptions of windows and doors.

a. After installation, all stone veneer and similar products shall be sealed with a product designed for commercial application to prevent weathering and fading. Natural stone is not required to be sealed. Landscaping shall be consistent with section 15.



b. All cementitious siding and wood trim shall be primed on all six sides, or otherwise properly sealed, to provide for long lasting workmanship.

c. All roofing material shall be 30 year minimum warranty with an architectural tab.

ii. The building elevations, colors, and site plans shall be approved by the City Planner and Mayor, provided that all setbacks as shown on Exhibit L and outlined in Subsection 7 are maintained and the number of parking stalls is not reduced.

e. ~~Independent Living Area~~

i. ~~All site plans, landscape plans, and building elevations shall be approved by the City Council and shall utilize similar materials, colors, plants, and themes as identified in the Apartment Area.~~

11. **Density.** The maximum number of dwelling units shall be up to ~~62719~~<sup>07</sup> units as indicated in section 7 above. Buildings shall be laid out as identified on Exhibit L and as clarified under subsection 7 above. All Area Site Plans for phasing purposes shall comply with the standards and requirements of this Development Agreement and any subsequent amendments.

12. **Design.** Developer shall provide a variety and mixture of unit types and densities in a coordinated neighborhood layout. Developer shall install street, sidewalks, and building locations as outlined in the attached site plan to create streetscapes that are safe and accessible for all modes of transportation and to allow for convenient pedestrian and bicycle circulation to all trail connections. Trash receptacles shall have lids and are located next to parking, and shall have walls of 7'-0" feet in height, and shall be screened on at least three sides with an evergreen hedge material. Receptacles will be located on the site for easy access by trash pick-up vehicles.

13. **Streets.** All streets are being improved in association with North Ogden City requirements. No public streets will be required internally in the development; however, 1700 North and

Washington Boulevard provide public access to the development and private streets shall service the internal development needs. The North/South road which runs into 300 East will have a public access easement should a connection to 300 East ever be made. No private streets may be closed to access by the general public, or fire and emergency vehicles. Notwithstanding the foregoing developer may restrict access to the Cottage Development Area as approved by the First Marshal. The design shows a private road with 26 feet of pavement width and the dimension as shown on Exhibits “B” & “H”. The final plat shall include language prohibiting the landowner from restricting the use of the private streets or sidewalks. Pedestrian right-of-ways that connect all building entrances within the development to one another shall be created. Developer shall connect to all parking areas, storage areas, recreational and common areas, and adjacent development to the building’s entrances and exits throughout the development site, and connect to all future phases of development. Developer shall include public paths to connect the North/South and East/West property lines, along with a public park in the detention basin. Developer shall provide pedestrian facilities within developments that are safe, accessible, reasonably direct, and convenient connections between primary building entrances and all adjacent streets that do not involve a significant amount of out-of-direction travel for users. Developer shall create bicycling and pedestrian routes that are free from hazards and safely designed by ensuring no hidden corners, sight-obscuring fences, dense vegetation or other unsafe conditions. All pedestrian access routes will comply with all applicable accessibility requirements. Where walkways are parallel and abut a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum, landscaped strip.

14. **Access.** The proposal shall include a total 3 main road access points and one future secondary access point. All of the main access points are proposed on private local streets whose entry point begins at both 1700 North and Washington Boulevard which are both public roads.

~~The secondary access point may be provided via connection to 300 East, such that no structure shall be placed within twenty (20) feet of the proposed future connection point and a public easement for roadway purposes shall be recorded during the subdivision phase of the Townhome Area.~~ Private roads, parking, and access points shall be constructed according to necessary engineering standards as shown and approved in Exhibit M. The proposed access points are on internal private streets with public access and thus will not adversely impact the transportation system. Also, as designed, the access points are well spaced to accommodate the proposed development and (orientated across from one another) improve site circulation.

A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or an approved fire equipment access drive as measured around the building. A Fire Plan to be attached as Exhibit "H" shall be approved by the Technical Review Committee and Fire Marshal. Driveways, required parking areas, aisles, and turn-around shall be paved with asphalt, concrete, or comparable surfacing.

15. **Landscaping.**

a. Plant selection and native vegetation shall be planted where practical. A combination of live deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. Ground-level areas for passive pedestrian use, such as sidewalks and plazas cover approximately ~~87,368,207,924~~ GSF or roughly ~~6.143~~ percent of the site area. Developer shall

provide approximately ~~439,994~~<sup>297,982</sup> GSF of drivable surfaces or roughly ~~30.727~~<sup>5</sup>% of the site area. Developer shall provide approximately 516,237 GSF or roughly at least 36.20% of the site in landscaping as shown on the attached approved Preliminary Landscaping Plan as Exhibit “C”.

A final Landscape Plan shall be approved by the Planning Commission which includes the number of plants, size, species, and other technical information for each phase and/or development area of the Project.

b. All yards, parking lots, and required street tree planters landscaping shall provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering based on the following standards. Based on the proposed use of the site, Developer shall provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes.

c. Developer shall include pedestrian pathways and open space areas with landscape materials and provide focal points within the development, such as signature trees (i.e., large or unique trees), hedges, and flowering plants. Developer shall use landscaping to generally screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds. The proposal will include a mix of native and nonnative vegetation, all of which can tolerate the harsh condition of the high desert environment. An irrigation system will be provided to accommodate the type and species of all planted areas, including ground covers.

d. Preliminary tree species include:

<b>1. Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines or in small planting areas:</b>	
Amur Maple/Acer ginnala	Hawthorn/Crataegus ‘variety’
Canada Red Cherry/Prunus virginiana ‘Shubert’	Japanese Lilac Tree/Syringa reticulata

Eastern Redbud/Cercis canadensis	Serviceberry/Amelanchier
Flowering Crabapple/Malus 'variety'	
<b>2. Trees with Medium Mature Tree Height (30 to 45 feet):</b>	
American Hornbeam/Carpinus caroliniana	Hedge Maple/Acer campestre
Callery Pear/Pyrus calleryana	Mountain Ash/Sorbus acuparia 'variety'
<b>3. Tall Mature Tree Height (50 feet or larger):</b>	
Green Ash/Fraxinus pennsylvanica	Pin Oak/Quercus palustris
Honey Locust/Gleditsia tricanthos 'variety'	Red Maple/Acer rubrum 'variety'
Littleleaf Linden/Tilia cordata	Red Oak/Quercus rubra
Norway Maple/Acer platanoides 'variety'	Pin Oak/Quercus palustris
Green Ash/Fraxinus pennsylvanica	

A refined species list shall be approved as part of the final Landscape Plan approved by the Planning Commission.

e. Growth Characteristics: Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance to provide a broad canopy tree variety unless limited by overhead clearance. Developer shall use narrow or "columnar" trees where awnings, other building features, or narrow sidewalks limit growth, or where greater visibility is desired between buildings and the street. Developer shall avoid using trees that are highly susceptible to insect damage, and using trees that produce excessive seeds or fruit. Developer will use deciduous trees for summer shade and winter sun and will select trees for their seasonal color, as desired.

f. Street trees shall be selected and planted according to current City ordinances and shall be planted within existing and proposed planting strips or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees shall be planted no closer to the curb or sidewalk than three feet; medium trees – three feet; and large trees – four feet.

Formatted: Indent: Left: -0", Hanging: 0.01 ch, Line spacing: Double

Formatted: Font: (Default) Lucida Grande, 11 pt

Formatted: Font: (Default) Calibri, 11 pt

g. All irrigation shall be designed to eliminate overspray on structures, fences, or other vertical materials. Drip irrigation shall be used in any areas which are directly adjacent to vertical materials to avoid discoloration.

h. All final landscape plans shall be approved by the group or persons authorized to approve the building elevations in Subsection 10.

**16. Vehicle Parking, Loading, and Bicycle Parking.**

a. Parking spaces in the project may include spaces in garages, carports, parking lots, private side streets, and/or driveways so long as vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), and meet the minimum size required by North Ogden City code of nine (9) feet by nineteen (19) feet. This will be verified during the site plan review process for each of the Development Areas and approved by those authorized to approve the site plan in this Agreement.

b. Vehicle parking is allowed only on approved streets, within garages, carports, and other structures; or on driveways or parking lots that have been developed.

c. Although the proposal includes a clubhouse, a pool, and green space; these uses are accessory and only intended for residents of the complex unless otherwise designated, thus additional traffic and associated parking will not be generated from them.

d. The project shall provide 1204 residential parking spaces and 148 commercial parking spaces on site as shown on the Site Plan on Exhibit B & F. The foregoing parking spaces include 19 commercial spaces along Washington Blvd. ADA Accessible Parking Spaces. Accessible parking shall be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking is included in the total minimum number of required



parking spaces. Accessible parking facilities shall comply with the design requirements of the current building code as adopted by the State of Utah.

e. A snow removal plan shall be approved by those authorized to approve the site plan.

**17. Bicycle Parking.**

a. Each required bicycle parking space shall be on asphaltic concrete, Portland cement, or similar hard surface material and each space shall be at least two feet wide by six feet long.

b. The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per use.

c. Bicycle parking will be conveniently located to both the street right-of-way and at least one building entrance. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage. There will be at least 43 bike parking stalls, 35 near apartments and an estimated 8 near retail. Every residential building will be within 100 feet of bicycle parking. The number of commercial bike parking will be reviewed as part of the commercial site plans and be consistent with 11-7K-5 (J).

**18. Transportation Improvement Standards.**

a. Washington Blvd. will be improved in accordance with the Utah Transportation Authority (UTA) and approved UDOT access points.

b. All new and/or existing streets and alleys shall be paved according to North Ogden City Standards and Specifications. Sewers and Water mains are required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing

mains in accordance with the City’s construction specifications as described in the pre-application meeting. The City shall be granted easements for any publicly owned utilities which run through the development.

19. **Storm Drainage Improvements.**

a. Drainage facilities shall be designed and constructed to accommodate increased runoff so that discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbance or development activity.

b. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will channel to the new park existing drainage facilities, appropriate new facilities shall be installed by Developer to maintain existing discharge rates from this project.

c. The detention basin on the parcel identified in Exhibit “K” shall be improved by Developer as a public park for the benefit of all residents, in addition to any park impact fees to be paid. Developer acknowledges that this park and the improvements are satisfying the City’s concerns related to the quality of the project and open space requirements and not to offset the burden of new residents moving into the City. A final site plan shall be reviewed and approved by the Planning Commission.

20. **Site Lighting.** All outdoor lighting fixtures subject to this section shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties. A Lighting Plan shall be approved by the Planning Commission prior to construction.

**Commented [3]:** This is the detention basin on the South side of 1700 north. It is a project basin, not a regional basin that jack started but never finished since he wasn't required to until the apartments came in.

21. **Preliminary Grading and Drainage Plan.** A preliminary grading and drainage plan will be prepared by a registered professional engineer. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. This plan shall be reviewed by and be subject to approval of the City Engineer.

22. **Building Permits.** The City will process building permits in accordance with established policy. The City shall not unreasonably delay issuance of building permits.

a. Building Permits. Building permits will only be issued after completion of any necessary subdivisions and final plat recording as approved by the Planning Commission in a regularly scheduled meeting.

b. A Technical Review Committee is required for all phases/Development Areas of the Project. All utility designs shall be approved by the City Engineer prior to issuance of a building permit.

23. **Commercial Development.** The Developer is not required to complete any commercial development prior to the completion of the residential portion of this Project. However, within one (1) year after the completion of all phases of the residential portion of the Project, Developer shall landscape and maintain all vacant portions of the commercial property in accordance with City standards regardless of whether or not the area will eventually become a commercial space or parking lot. The City envisions that the Commercial Development will be the southerly entrance to North Ogden with a prominent “gateway building” at the northeast corner of 1700 N and Washington Blvd. Conceptual commercial building elevations are provided in Exhibit “J”, though the ultimate design will be determined by Developer at the time suitable tenants are located. The Mayor shall determine if the proposed commercial elevations are significantly

modified enough to require an amendment to this Agreement.

a. **Uses to be allowed in the commercial area:** Developer agrees to the list of uses which are considered “Permitted Uses” in the North Ogden C-2 zone and which are entirely contained within the building in which the use occurs. No outdoor storage or other uses are allowed except for outdoor seating associated with a café, restaurant, or other similar eating establishment.

b. **Uses not allowed in the commercial area.** The uses not allowed in the commercial area of this development despite being listed as a “permitted use” in the C-2 zone:

- Adult themed stores
- Agricultural use
- Auto Sales or Repair
- Bail Bond Companies
- Bars or Taverns except as associated with a restaurant.
- Bed and Breakfast
- Boarding Houses
- Boat/Recreational Vehicle Sales and Service
- [Bowling Alley](#)
- Christmas Tree Sales
- Drive-in Refreshment Stands
- Drive-thru businesses where the drive-thru lane is located between the building and the public street
- Educational Institutions similar to K-12 public schools
- Hotel/Motel
- Heavy Equipment Sales/Repair
- Medical Supply/Sales
- Monument/Mortuary Services
- Pawn shop
- Temporary Businesses
- Thrift stores
- Used Restaurant Supply store

**Commented [4]:** Would you want this removed? Council would likely consider allowing sit down restaurants to have a drivethru. (not mcdonalds, but maybe a café rio or habit, or tai food restaurant)

Any other use that is not specifically permitted under the current C-2 zoning designation, [with the exception of allowing the existing car wash and auto fueling stations.](#)

24. **Construction.** Developer shall provide the contact name and number of the on-site foreman for the project to respond to issues and concerns immediately. During construction of the Project the Developer will following the approved SWPPP Plan. Additionally, Developer

agrees to fully comply with landscape maintenance standards and mow or remove any weeds or plants which grow taller than twelve (12) inches, which are not designed and/or planted to do so, within fourteen (14) days of being notified in writing by the code enforcement officer. Any failure to meet these requirements will expose Developer to abatement remedies available under City and State codes.

25. **Technical Review.** Developer shall be required to address any technical requirements related to engineering and building standards which are typically addressed during the technical review process in the City. The Parties have not yet made the required determinations for design of facilities including, but not limited to, water, sewer, electrical, storm drain, fire suppression, etc.

26. **Other Conditions.** If any condition, covenant, or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be modified in writing by both parties to conform to the law. Should the parties be unable to agree upon a modification of the condition, covenant, or provision the contract becomes voidable by either party.

a. Management of Property. The Developer shall establish a Home Owners Association or other entity to maintain and manage on behalf of ownership of all common areas and collect dues for the maintenance of all landscaping, exterior building treatments, private streets, parking, snow removal, underground utilities, sidewalks, plazas, and other similar improvements. The Mayor and City Planner shall verify the CC&R's are in place prior to final approval of the Development Areas.

b. The first clubhouse in the northwest corner of the project shall be completed prior to the 5<sup>th</sup> apartment building receiving its occupancy permit.

c. the second clubhouse shall be completed prior to the 200<sup>th</sup> apartment unit receiving

- Formatted: Superscript
- Formatted: No underline
- Formatted: Superscript

occupancy.

d. Near Coldwater Creek in the northwest corner Developer shall completed the public trail access contemplated in the original agreements and subdivisions as well as landscaped area for members of the development to access the trail where three cottage lots were originally contemplated.

27. **Successors and Assigns.**

a. Binding Effect. This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

Assignment. Neither this Agreement nor any of the provisions, terms, or conditions hereof can be assigned to any other party, individual, or entity without assigning the rights as well as the responsibilities under this Agreement, and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the Mayor of the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

28. **General Terms and Conditions.**

a. Term. This Agreement shall be in effect until December 31, 2025.

b. No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto, nor any rights or benefits to third parties.

c. Severability. If any part or provision of this Agreement shall be determined to be



unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

d. Attorney's Fees. If this Development Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breeching party.

e. Counterparts. This Agreement and any originals of Exhibits referred to herein may be executed in any number of duplicate originals or counterparts, each of which (when the original signatures are affixed) shall be an original, but all of which shall constitute one and the same instrument.

**29. General Terms and Conditions.**

a. Construction of Agreement. This Agreement shall be construed so as to effectuate the public purpose of implementing long-range planning objectives, obtaining public benefits, and protecting any compelling countervailing public interest.

b. State/Federal Law. The parties agree, intend, and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be amended in writing by both parties. Should the parties be unable to agree upon a modification of the condition, covenant, or provision the contract becomes voidable by either party.

c. Relationship of Parties and No Third-Party Rights. This Agreement does

not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto; nor, unless otherwise stated, create any rights or benefits to third parties.

d. Laws of General Applicability. Where this Agreement refers to laws of general applicability to the Project, this Agreement shall be deemed to refer to other laws of North Ogden City and the State of Utah.

e. Integration. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto.

f. Applicable Law. This Agreement is entered into under and pursuant to and is to be construed and enforceable in accordance with the laws of the State of Utah.

g. Arbitration. All disputes under this Agreement shall be resolved through binding Arbitration. If the City and Developer are unable to resolve an issue through discussions, the parties shall attempt within ten (10) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator, they shall each within ten (10) business days appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Developer shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fifteen (15) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties. If the arbitrator determines as a part of the decision that the City's position was not only incorrect but was also

maintained unreasonably and not in good-faith, then the arbitrator may order the City to pay the arbitrator's fees.

h. Notices. Any notices, requests, or demands required or desired to be given hereunder shall be in writing and shall either be delivered personally, by certified mail, or express courier delivery to the parties at the following addresses:

**If to the City:**

North Ogden City  
~~S. Annette Spendlove~~, City Recorder  
505 E. 2600 N.  
North Ogden, Utah 84414

**Developer**

~~URE Fund I – Prominence Point, LLC~~ **Davies Design-Build**

**If to Meritage Companies, LLC**

~~e/o Jack Barrett~~  
~~34806 North 80<sup>th</sup> Way~~  
~~Scottsdale, AZ 85266~~

**If to Mountain Vista Trails, LLC**

~~e/o Dawn Barrett~~  
~~4144 North 250 West~~  
~~Pleasant View, UT 84414~~

**WITH A COPY TO:**

~~M. Darin Hammond~~  
~~SMITH KNOWLES, P.C.~~  
~~2225 Washington Blvd., Suite 200~~  
~~Ogden, UT 84401~~  
~~3400~~

Any party may change their address by giving written notice to the other party in accordance with the provisions of this section.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022~~17~~.

~~MERITAGE COMPANIES, LLC~~ ~~URE Fund I – Prominence Point, LLC~~ ~~DAVIES DESIGN~~  
~~BUILD~~

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

~~MOUNTAIN VISTA TRAILS, LLC~~

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**NORTH OGDEN CITY**

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest: ~~Susan Nance~~ ~~S. Annette Spendlove~~

## TABLE OF CONTENTS FOR EXHIBITS

**A: Legal Description – Included.**

**B: Preliminary Site Plan – Included.**

**C: Preliminary Landscape Plan – Included with specific plans to be approved by planning commission as presented prior to building permit approval.**

**D: Floor Plans – Included for Apartment Area and not required for other development areas as outlined above.**

**E: Building Elevations – Included for Apartment Area. Individual development area approvals are provided as outlined above.**

**F: Site Data – Included.**

**G: Color Palette and Building material board.**

**H: Fire Plan to be approved by Fire Marshal during technical review of the development.**

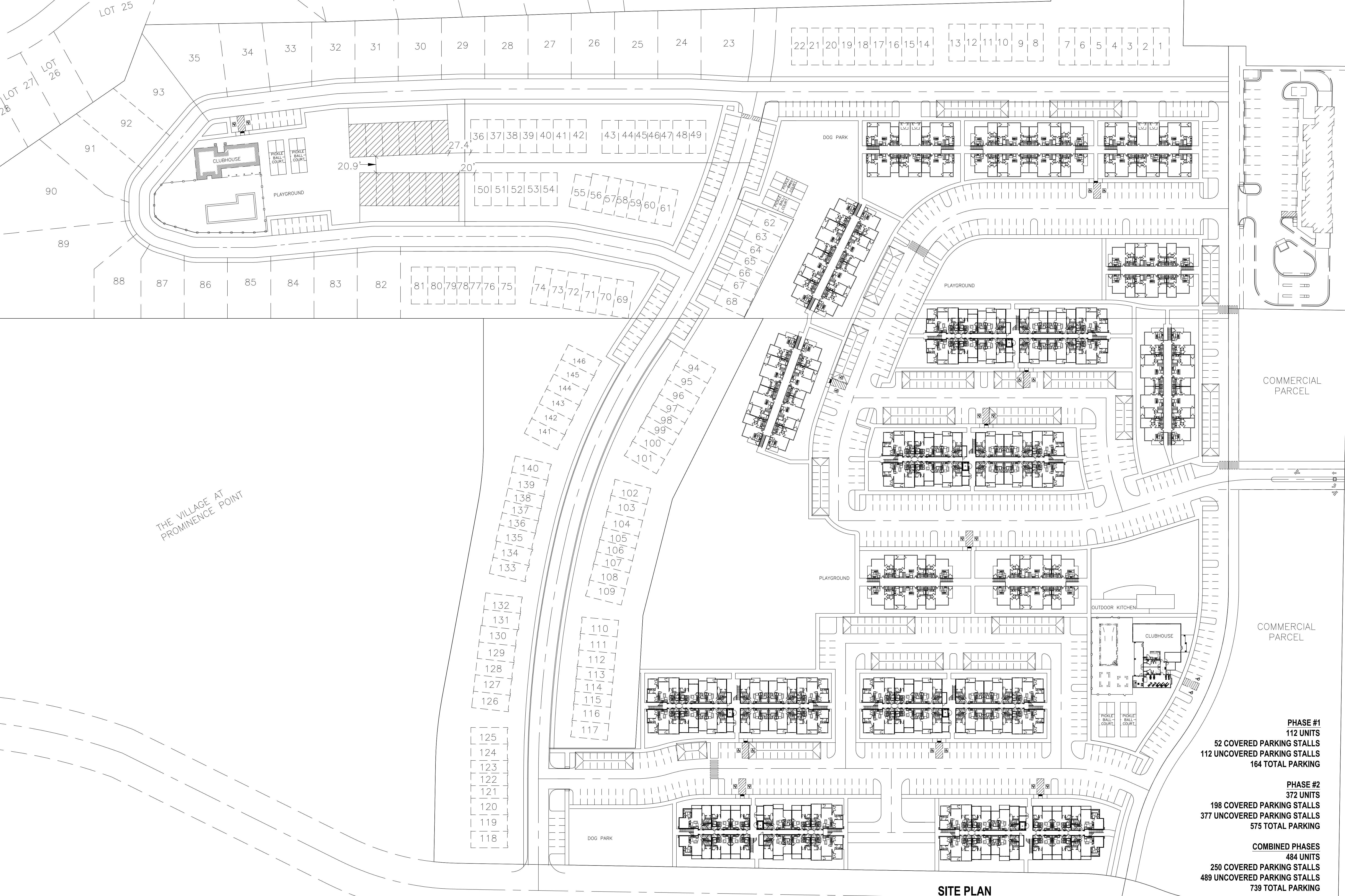
**I: Signage – to be approved by Planning Commission at a later public meeting.**

**J: Commercial Elevations – to be approved by City Council at a later public meeting.**

**K: Detention Basin Park – to be approved by Parks Department at a later date.**

**L: Preliminary Master Plan – Included.**

**M: Private Street Cross section – Included.**



THE VILLAGE AT  
PROMINENCE POINT

1700 North Street

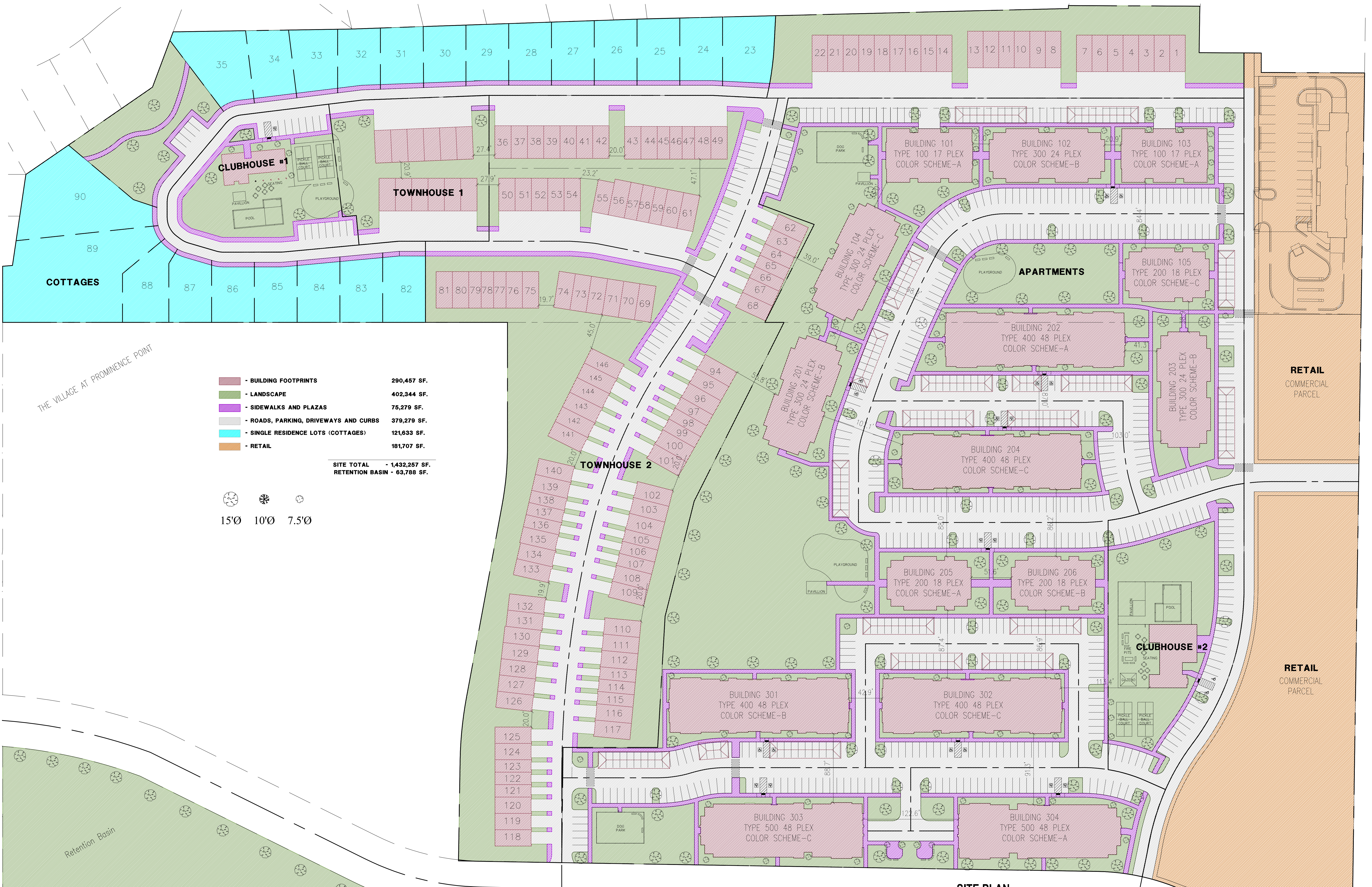
SITE PLAN

SCALE: 1" = 50'-0"

- PHASE #1**  
112 UNITS  
52 COVERED PARKING STALLS  
112 UNCOVERED PARKING STALLS  
164 TOTAL PARKING
- PHASE #2**  
372 UNITS  
198 COVERED PARKING STALLS  
377 UNCOVERED PARKING STALLS  
575 TOTAL PARKING
- COMBINED PHASES**  
484 UNITS  
250 COVERED PARKING STALLS  
489 UNCOVERED PARKING STALLS  
739 TOTAL PARKING

Washington Blvd.





COTTAGES

CLUBHOUSE #1

TOWNHOUSE 1

TOWNHOUSE 2

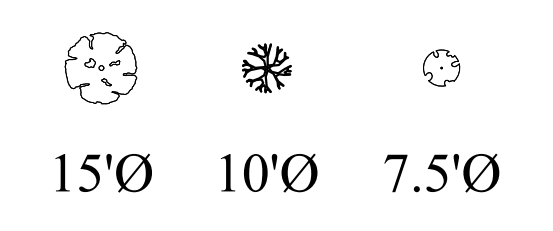
APARTMENTS

CLUBHOUSE #2

RETAIL  
COMMERCIAL  
PARCEL

RETAIL  
COMMERCIAL  
PARCEL

	- BUILDING FOOTPRINTS	290,457 SF.
	- LANDSCAPE	402,344 SF.
	- SIDEWALKS AND PLAZAS	75,279 SF.
	- ROADS, PARKING, DRIVEWAYS AND CURBS	379,279 SF.
	- SINGLE RESIDENCE LOTS (COTTAGES)	121,633 SF.
	- RETAIL	181,707 SF.
<b>SITE TOTAL</b>		<b>- 1,432,257 SF.</b>
		<b>RETENTION BASIN - 63,788 SF.</b>



1700 North Street

SITE PLAN

SCALE: 1" = 50'-0" (24x36")



**VILLAGES AT PROMINECE  
POINT**  
BUILDING 100

A DEVELOPMENT FOR  
**Davies Design Build**

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

REVISION

DATE

DESCRIPTION

REV

REVISION

DATE

DESCRIPTION

REV

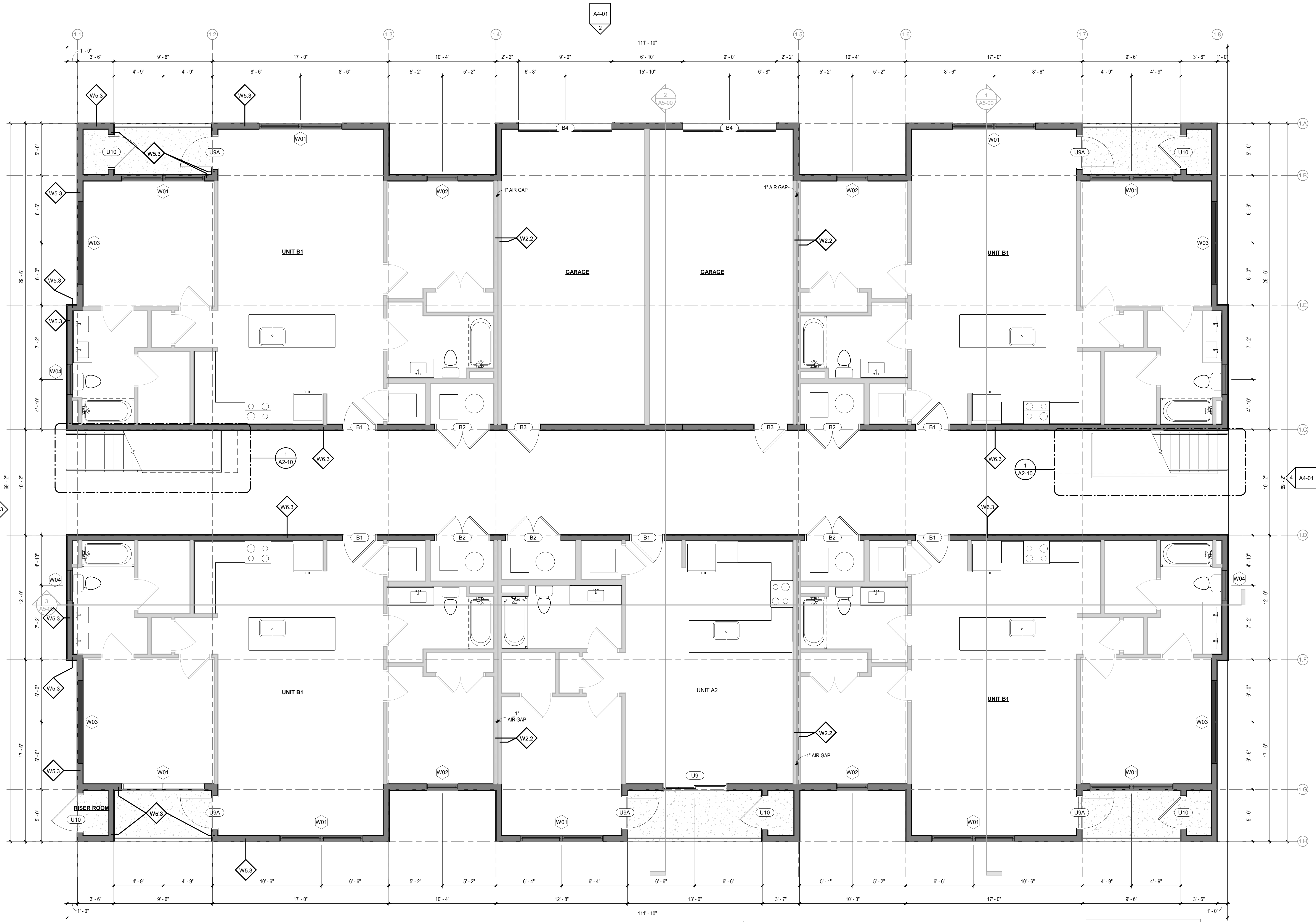
DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD, AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. EXCEPT AS REQUIRED FOR THE STATED PROJECT, THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED AREAS AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY, THE DIMENSIONS OF WHICH ARE 24 X 36 INCHES.

SHEET NAME:  
**LEVEL 1 ENLARGED PLAN**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

**A1-01**  
Page 92



**1 LEVEL 1 ENLARGED PLAN**  
1/4" = 1'-0"

LIVABLE SQ = 6,1420 SF  
COMMON AREA = 1,118 SF  
BALCONIES / DECKS = 182 SF  
(PER LEVEL)

**VILLAGES AT PROMINECE  
POINT**  
BUILDING 100

A DEVELOPMENT FOR  
**Davies Design Build**

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

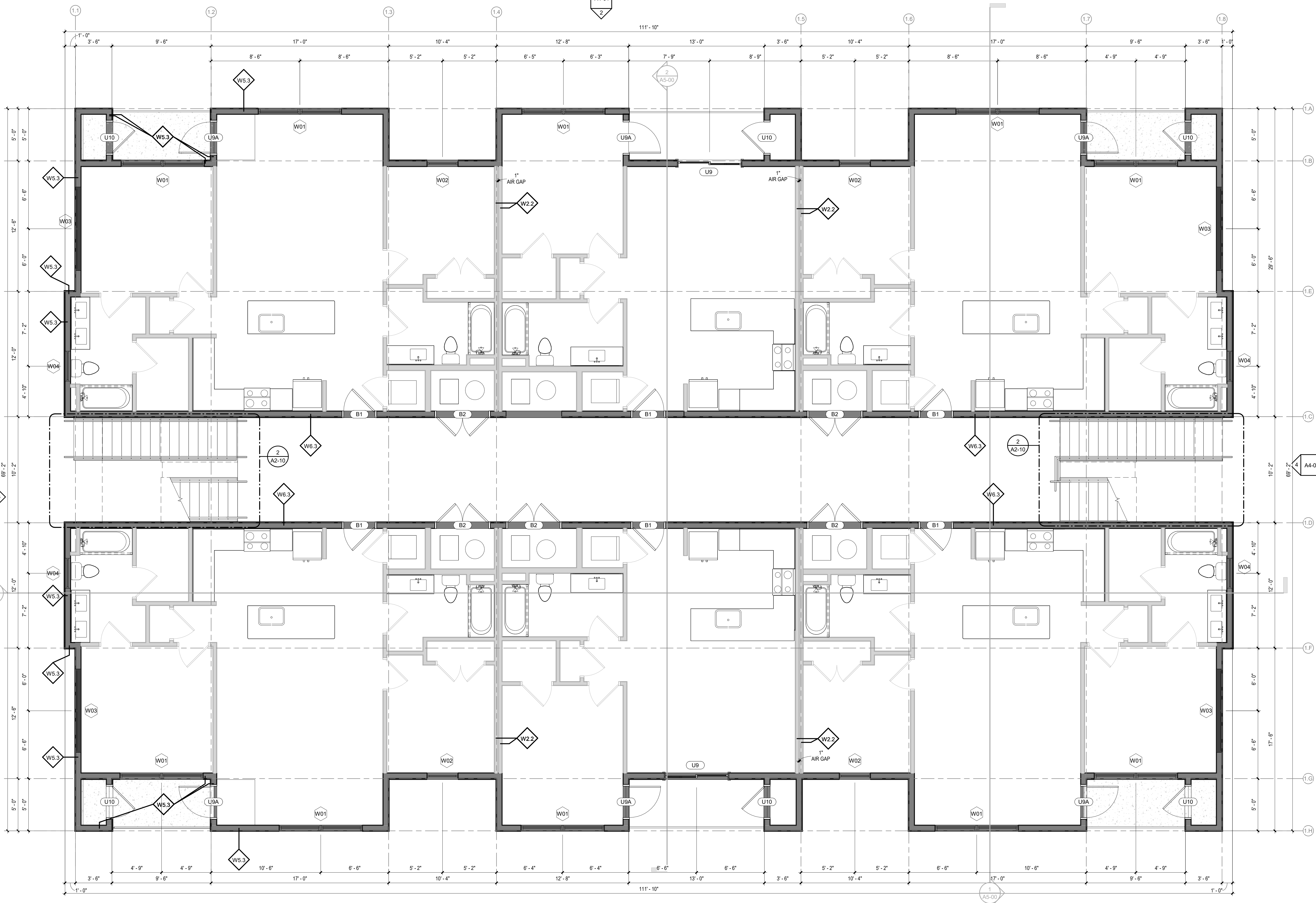
ENCUMBRANCE:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD, AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART, EXCEPT AS REQUIRED FOR THE STATED PROJECT. THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED AREAS AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 X 36 INCHES.

SHEET NAME:  
**LEVEL 2 ENLARGED PLAN**

JOB NUMBER:  
DRAWN BY: Author  
CHECKED BY: Checker

**A1-02**  
Page 93

© Davies Design Build - ALL RIGHTS RESERVED



**1 LEVEL 2 FLOOR PLAN**  
1/4" = 1'-0"

1  
A4-01



**VILLAGES AT PROMINECE  
POINT**  
BUILDING 100

A DEVELOPMENT FOR  
**Davies Design Build**

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

REAL:

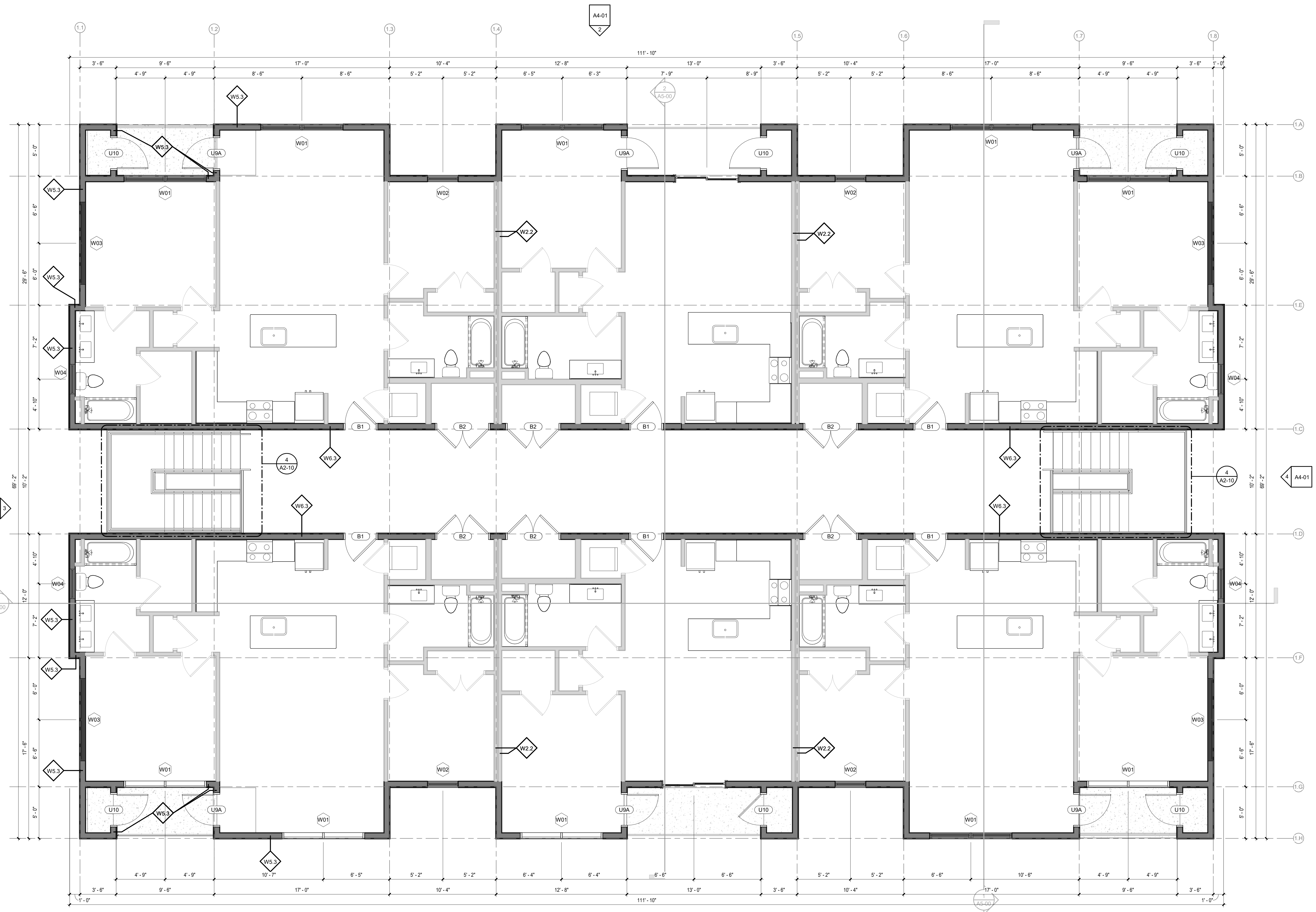
DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD. AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. EXCEPT AS REQUIRED FOR THE EXISTING PROJECT THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED AREAS AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS ARE 1/4" = 1'-0".

SHEET NAME:  
**LEVEL 3  
ENLARGED  
PLAN**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

**A1-03**  
Page 94



**1 LEVEL 3 FLOOR PLAN**  
1/4" = 1'-0"

8/23/2022 3:20:42 PM

© Davies Design Build - ALL RIGHTS RESERVED

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

SCALE:

DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD, AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART, EXCEPT AS REQUIRED FOR THE PROJECT. THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED PERSONS AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 x 36 INCHES.

SHEET NAME:

**BUILDING 3D VIEW**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

**A4-00**  
Page 95

© Davies Design Build - ALL RIGHTS RESERVED



1 EXTERIOR VIEW 1



2 3D VIEWS 2



<b>WEST COURT FACADE :</b>	<b>2,035</b>	<b>SQ. FT.</b>	<b>100%</b>
WINDOWS:	158	SQ. FT.	8%
GARAGE:	0	SQ. FT.	0%
STUCCO:	768	SQ. FT.	38%
FIBER CEMENT:	1,109	SQ. FT.	54%
<b>EAST COURT FACADE :</b>	<b>2,035</b>	<b>SQ. FT.</b>	<b>100%</b>
WINDOWS:	158	SQ. FT.	8%
GARAGE:	0	SQ. FT.	0%
STUCCO:	768	SQ. FT.	38%
FIBER CEMENT:	1,109	SQ. FT.	54%
<b>NORTH COURT FACADE :</b>	<b>4,094</b>	<b>SQ. FT.</b>	<b>100%</b>
WINDOWS:	847	SQ. FT.	20%
GARAGE:	120	SQ. FT.	3%
STUCCO:	515	SQ. FT.	13%
FIBER CEMENT:	2,612	SQ. FT.	64%
<b>SOUTH COURT FACADE :</b>	<b>4,094</b>	<b>SQ. FT.</b>	<b>100%</b>
WINDOWS:	957	SQ. FT.	23%
GARAGE:	0	SQ. FT.	0%
STUCCO:	515	SQ. FT.	13%
FIBER CEMENT:	2,622	SQ. FT.	64%

EXTERIOR FINISH LEGEND	
FC 1	CEMENT VERTICAL LAP SIDING - BOD NICHIA VINTAGE WOOD, WOOD SERIES COLOR SPRUCE
ST 1	STUCCO FINISH - COLOR TBD
MTL 1	PRE-FINISHED METAL PARAPET CAP - CHARCOAL
MTL 2	ALUMINUM MESH RAILING SYSTEM AT BALCONY - CHARCOAL
MTL 3	ALUMINUM FASCIA - CHARCOAL
VW 1	VINYL WINDOW - BLACK
ARS 1	ARCHITECTURAL ROOFING SHINGLES - ONYX BLACK



ADDRESS ???????  
PHONE: ?????  
WEBSITE

VILLAGES AT PROMINECE  
POINT

BUILDING 100

A DEVELOPMENT FOR  
Davies Design Build

ISSUE	DATE	DESCRIPTION	INCLUDED
			X

REVISION	DATE	DESCRIPTION	REV

REAL:

DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD. AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. EIGHTY-FIVE PERCENT OF THE COST OF THIS PROJECT ARE ONLY TO BE USED FOR THIS PROJECT AND THE SPECIFICALLY IDENTIFIED WORK AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 X 36 INCHES.

SHEET NAME:  
**OVERALL EXTERIOR BUILDING ELEVATIONS**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

A4-01

Page 96



4 East Elevation  
1/8" = 1'-0"



2 North Elevation  
1/8" = 1'-0"



3 West Elevation  
1/8" = 1'-0"



1 South Elevation  
1/8" = 1'-0"

© Davies Design Build - ALL RIGHTS RESERVED

8/23/2022 3:20:52 PM

**VILLAGES AT PROMINECE  
POINT**  
BUILDING 200

A DEVELOPMENT FOR  
**Davies Design Build**

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

REAL:

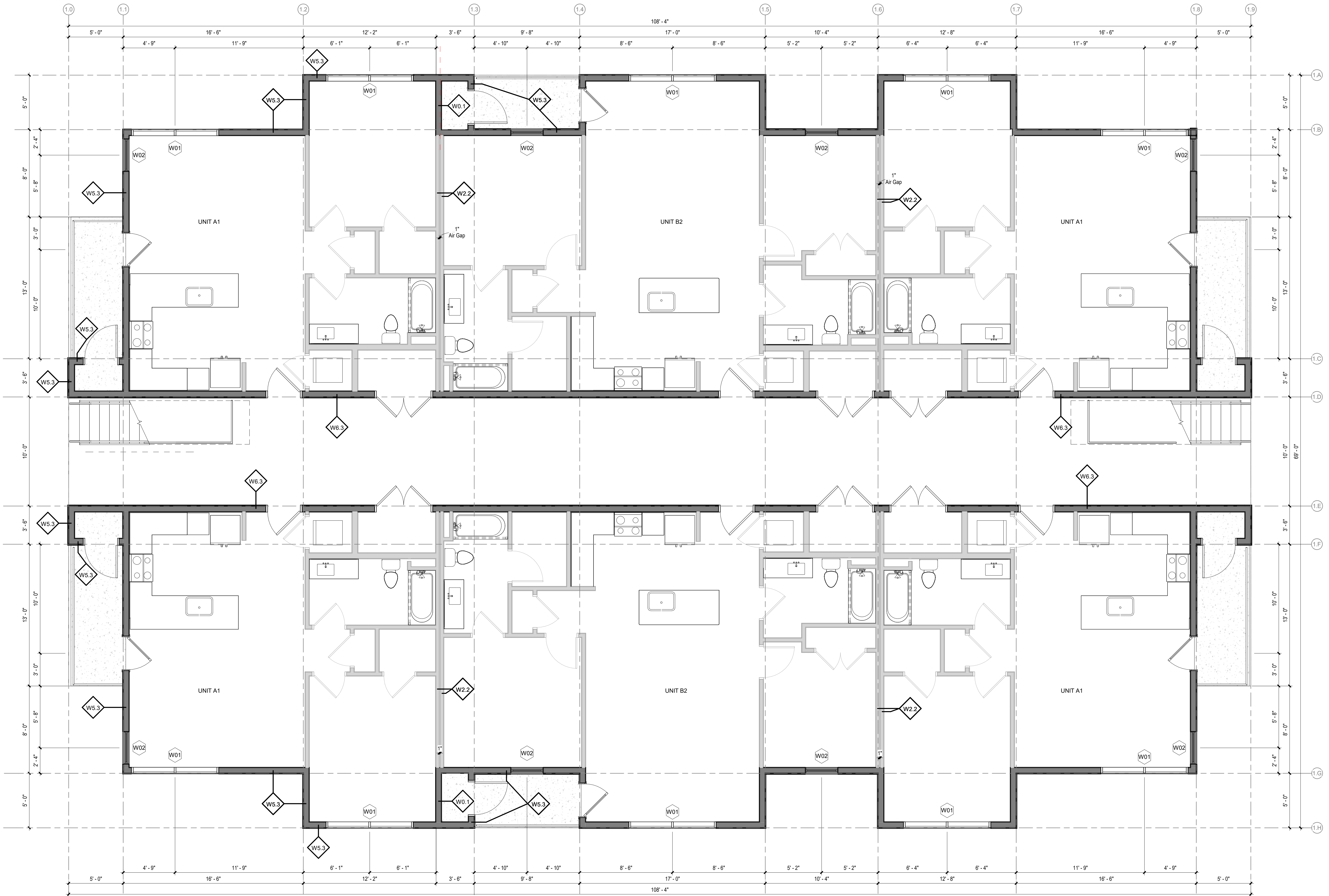
DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD. AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. EXCEPT AS REQUIRED FOR THE STATED PROJECT, THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED RESIDENTS AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 X 36 INCHES.

SHEET NAME:  
**LEVEL 1  
ENLARGED  
PLAN**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

**A1-01**  
Page 97



LIVABLE SQ = 5,392 SF  
COMMON AREA = 1,064 SF  
BALCONIES / DECKS = 350 SF  
(PER LEVEL)

**1 LEVEL 1 ENLARGED PLAN**  
1/4" = 1'-0"

© Davies Design Build - ALL RIGHTS RESERVED

8/23/2022 3:39:28 PM



**VILLAGES AT PROMINECE  
POINT**  
BUILDING 200

A DEVELOPMENT FOR  
**Davies Design Build**

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

SCALE:

DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD, AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART, EXCEPT AS REQUIRED FOR THE SAME PROJECT. THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED WORK AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 X 36 INCHES.

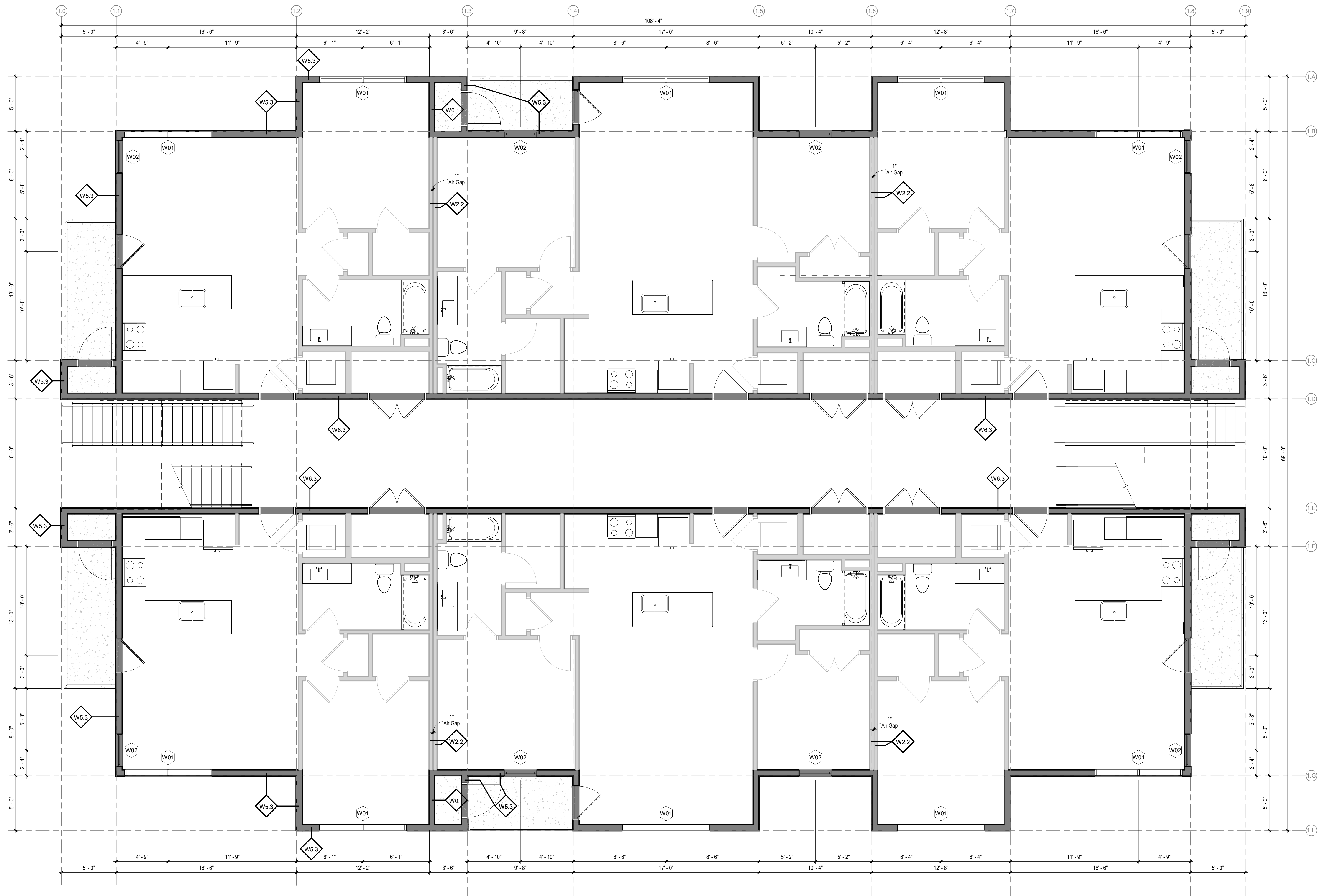
SHEET NAME:

**LEVEL 2  
ENLARGED  
PLAN**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

**A1-02**



**1 LEVEL 2 FLOOR PLAN**  
1/4" = 1'-0"



**VILLAGES AT PROMINECE  
POINT**

BUILDING 200

A DEVELOPMENT FOR  
**Davies Design Build**

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

SCALE:

DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD, AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART, EXCEPT AS REQUIRED FOR THE STATED PROJECT. THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED AREAS AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 X 36 INCHES.

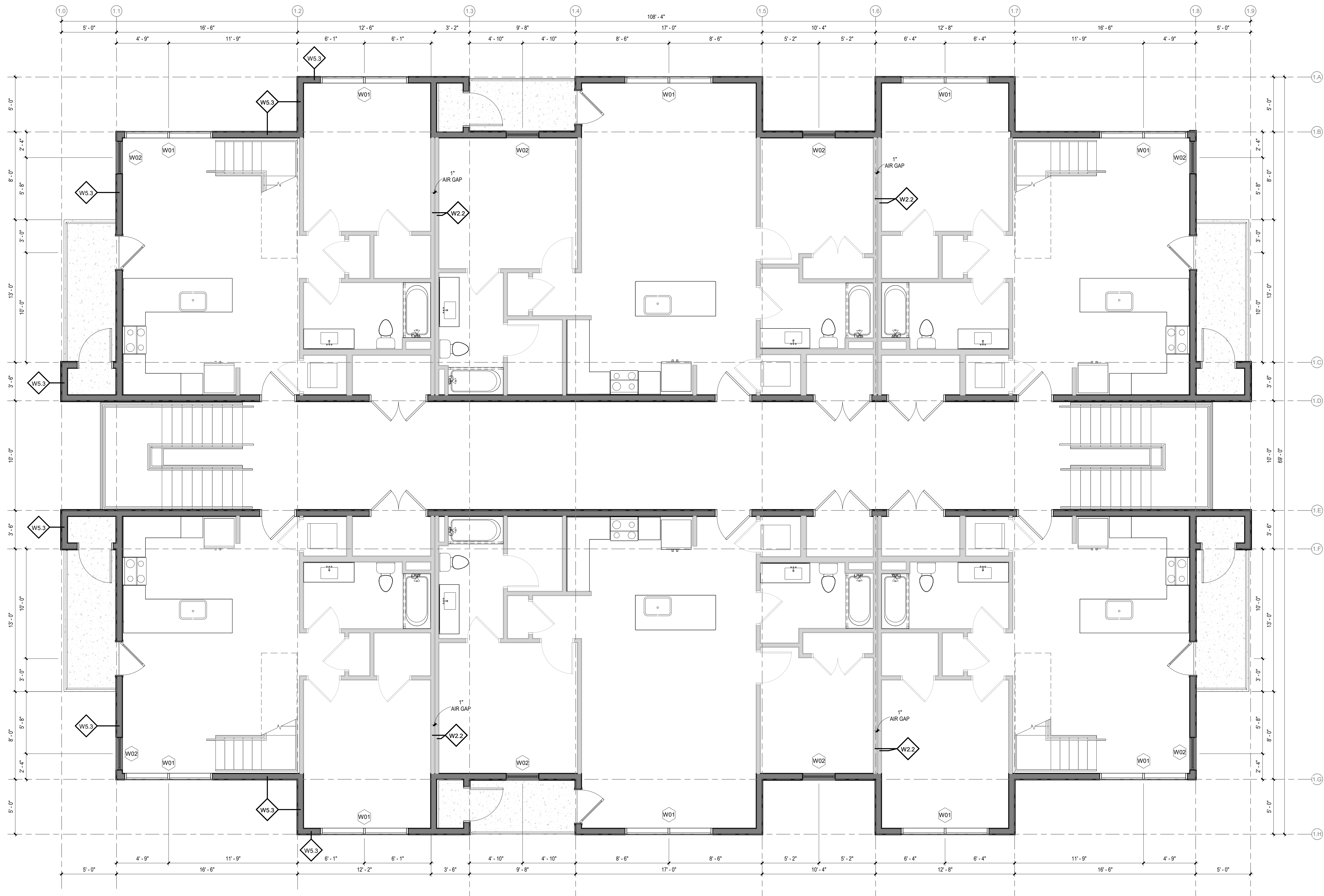
SHEET NAME:

**LEVEL 3  
ENLARGED  
PLAN**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

**A1-03**



**1** LEVEL 3 FLOOR PLAN  
1/4" = 1'-0"

© Davies Design Build - ALL RIGHTS RESERVED

8/23/2022 3:39:30 PM

ISSUE	DATE	DESCRIPTION	INCLUDED

REVISION	DATE	DESCRIPTION	REV

SEALED:

DISCLAIMER:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD, AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. EXCEPT AS REQUIRED FOR THE SAME PROJECT, THEY ARE ONLY TO BE USED FOR THE PROJECT AND THE SPECIFICALLY IDENTIFIED PERMITS AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 x 36 INCHES.

SHEET NAME:  
**BUILDING 3D VIEW**

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

**A4-00**  
Page 100

© Davies Design Build - ALL RIGHTS RESERVED



1 EXTERIOR 3D VIEW



2 EXTERIOR 3D VIEW



ISSUE	DATE	DESCRIPTION	INCLUDED
			X

REVISION	DATE	DESCRIPTION	REV

ENCLOSURE:  
THIS DRAWING AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DAVIES DESIGN BUILD. AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. EIGHTY-FIVE PERCENT OF THE TOTAL PROJECT COST IS TO BE PAID FOR THIS PROJECT AND THE SPECIFICALLY IDENTIFIED AREAS ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DAVIES DESIGN BUILD. THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 24 X 36 INCHES.

SHEET NAME:  
**OVERALL EXTERIOR BUILDING ELEVATIONS**

JOB NUMBER:  
DRAWN BY: Author  
CHECKED BY: Checker

**A4-01**  
Page 101

WEST COURT FACADE :			
1,962	SQ. FT.	100%	
WINDOWS:	104	SQ. FT.	5%
DOORS:	169	SQ. FT.	9%
STUCCO:	218	SQ. FT.	11%
FIBER CEMENT:	1,471	SQ. FT.	75%
EAST COURT FACADE :			
1,962	SQ. FT.	100%	
WINDOWS:	104	SQ. FT.	5%
DOORS:	169	SQ. FT.	9%
STUCCO:	218	SQ. FT.	11%
FIBER CEMENT:	1,471	SQ. FT.	75%
NORTH COURT FACADE :			
4,234	SQ. FT.	100%	
WINDOWS:	843	SQ. FT.	20%
DOORS:	140	SQ. FT.	3%
STUCCO:	670	SQ. FT.	16%
FIBER CEMENT:	2,581	SQ. FT.	61%
SOUTH COURT FACADE :			
4,234	SQ. FT.	100%	
WINDOWS:	843	SQ. FT.	20%
DOORS:	140	SQ. FT.	3%
STUCCO:	670	SQ. FT.	16%
FIBER CEMENT:	2,581	SQ. FT.	61%

EXTERIOR FINISH LEGEND	
FC 1	CEMENT VERTICAL LAP SIDING - BOD NICHIIA VINTAGE WOOD, WOOD SERIES COLOR SPRUCE
ST 1	STUCCO FINISH - COLOR TBD
MTL 1	PRE-FINISHED METAL PARAPET CAP - CHARCOAL
MTL 2	ALUMINUM MESH RAILING SYSTEM AT BALCONY - CHARCOAL
VW 1	VINYL WINDOW - BLACK



**4 North Elevation - Building 200**  
1/8" = 1'-0"



**2 West Elevation - Building 200**  
1/8" = 1'-0"



**3 South Elevation - Building 200**  
1/8" = 1'-0"

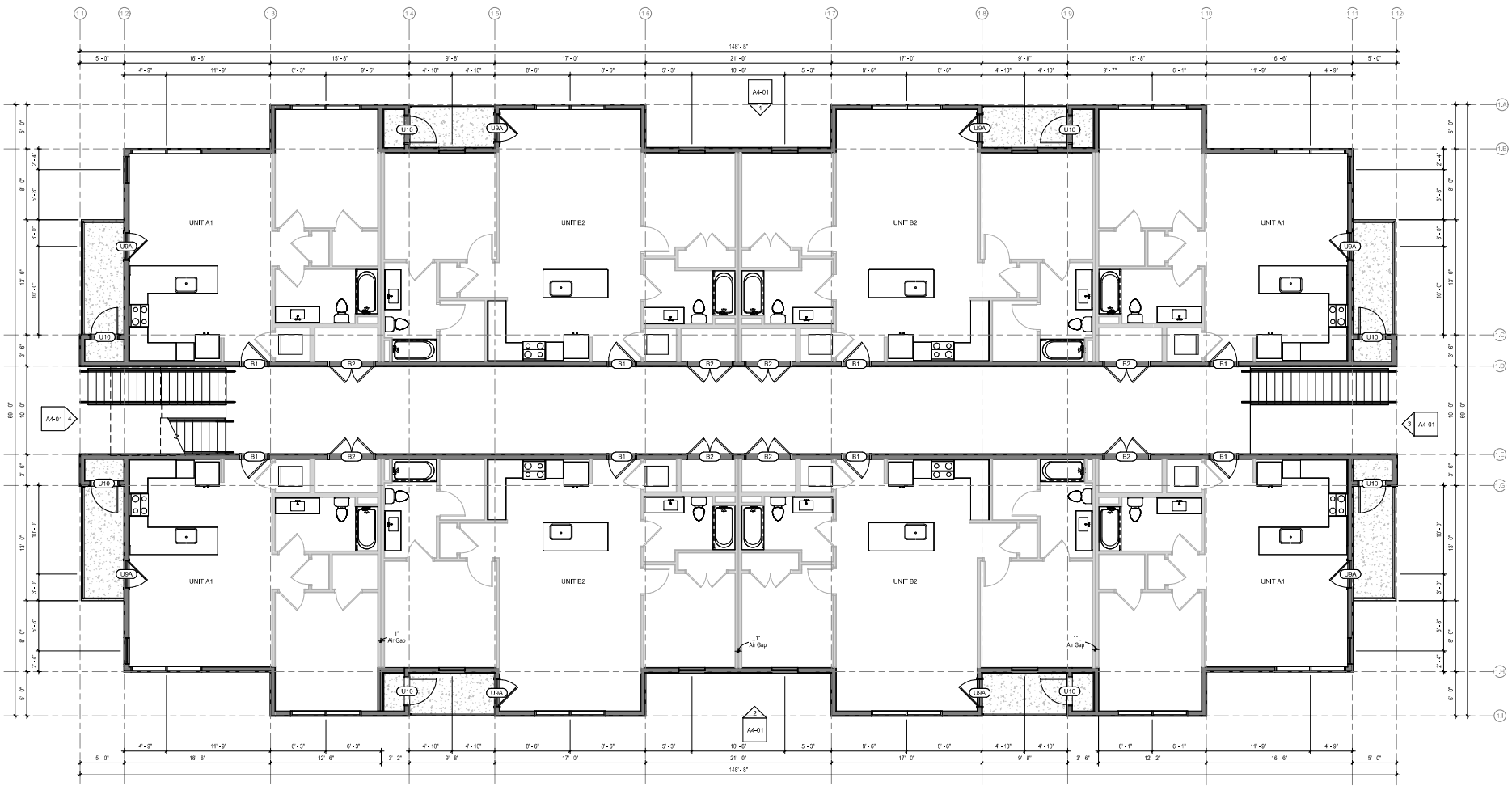


**1 East Elevation - Building 200**  
1/8" = 1'-0"

© Davies Design Build - ALL RIGHTS RESERVED

8/23/2022 3:39:38 PM





**1** LEVEL 2 FLOOR PLAN  
3/16" = 1'-0"





1 EXTERIOR VIEW 2



2 EXTERIOR VIEW 1

ISSUE	DATE	DESCRIPTION	BY

REVISION	DATE	DESCRIPTION	BY

THIS DOCUMENT IS THE PROPERTY OF DAVIES DESIGN BUILD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF DAVIES DESIGN BUILD.

**BUILDING 3D  
VIEW**

JOB NUMBER:  
DRAWN BY: Author  
CHECKED BY: Checker

**A4-00**

© Davies Design Build - ALL RIGHTS RESERVED



<b>WEST COURT FACADE :</b>	<b>2,081 SQ. FT. 100%</b>
WINDOWS:	108 SQ. FT. 5%
DOORS:	143 SQ. FT. 7%
STUCCO:	221 SQ. FT. 11%
FIBER CEMENT:	1,619 SQ. FT. 77%
<b>EAST COURT FACADE :</b>	<b>2,081 SQ. FT. 100%</b>
WINDOWS:	108 SQ. FT. 5%
DOORS:	143 SQ. FT. 7%
STUCCO:	221 SQ. FT. 11%
FIBER CEMENT:	1,619 SQ. FT. 77%
<b>NORTH COURT FACADE :</b>	<b>5,532 SQ. FT. 100%</b>
WINDOWS:	1,105 SQ. FT. 20%
DOORS:	141 SQ. FT. 3%
STUCCO:	1,183 SQ. FT. 21%
FIBER CEMENT:	3,103 SQ. FT. 56%
<b>SOUTH COURT FACADE :</b>	<b>5,532 SQ. FT. 100%</b>
WINDOWS:	1,105 SQ. FT. 20%
DOORS:	141 SQ. FT. 3%
STUCCO:	1,183 SQ. FT. 21%
FIBER CEMENT:	3,103 SQ. FT. 56%

EXTERIOR FINISH LEGEND	
FC 1	CEMENT VERTICAL LAP SIDING - BOD NICH HA VINTAGE WOOD, WOOD SERIES COLOR: SERRICE
ST 1	STUCCO FINISH - COLOR TBD
MTL 1	PRE-FINISHED METAL PARAPET CAP - CHARCOAL
MTL 2	ALUMINUM MESH RAILING SYSTEM AT BALCONY - CHARCOAL
MTL 3	ALUMINUM FASCIA - CHARCOAL
VW 1	VINYL WINDOW - BLACK
ARS 1	ARCHITECTURAL ROOFING SHINGLES - GRYX BLACK



ADDRESS ???????  
PHONE: ?????  
WEBSITE:

VILLAGES AT PROMINECE  
POINT  
BUILDING 300

Davies Design Build

ISSUE	DATE	DESCRIPTION

REVISION

NO.	DATE	DESCRIPTION

Notes:  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. FINISH GRADES ARE TO BE DETERMINED BY THE GENERAL CONTRACTOR.  
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
6. THE CONTRACTOR SHALL MAINTAIN PROPER DRAINAGE AND EROSION CONTROL MEASURES.  
7. THE CONTRACTOR SHALL MAINTAIN PROPER SAFETY MEASURES ON THE CONSTRUCTION SITE.  
8. THE CONTRACTOR SHALL MAINTAIN PROPER RECORD DRAWINGS AND AS-BUILT DRAWINGS.

OVERALL EXTERIOR BUILDING ELEVATIONS

JOB NUMBER:

DRAWN BY: Author  
CHECKED BY: Checker

A4-01

Page 106



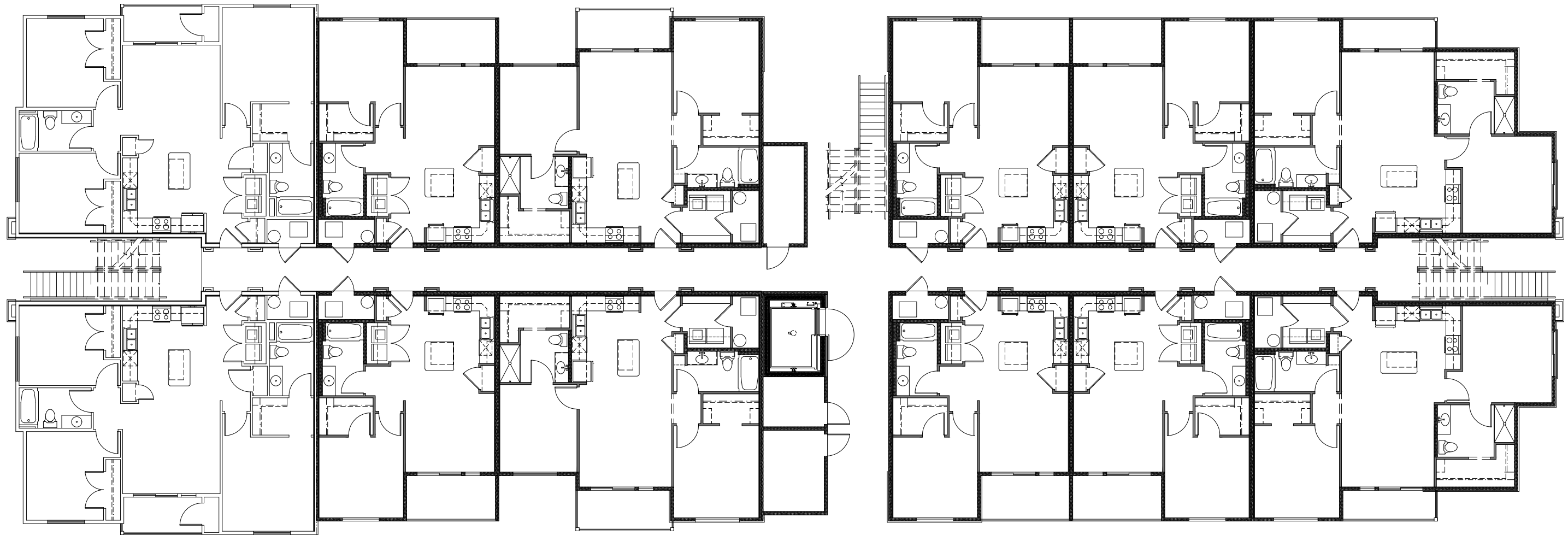
1 NORTH ELEVATION - BUILDING 300  
1/8" = 1'-0"

3 EAST ELEVATION - BUILDING 300  
1/8" = 1'-0"

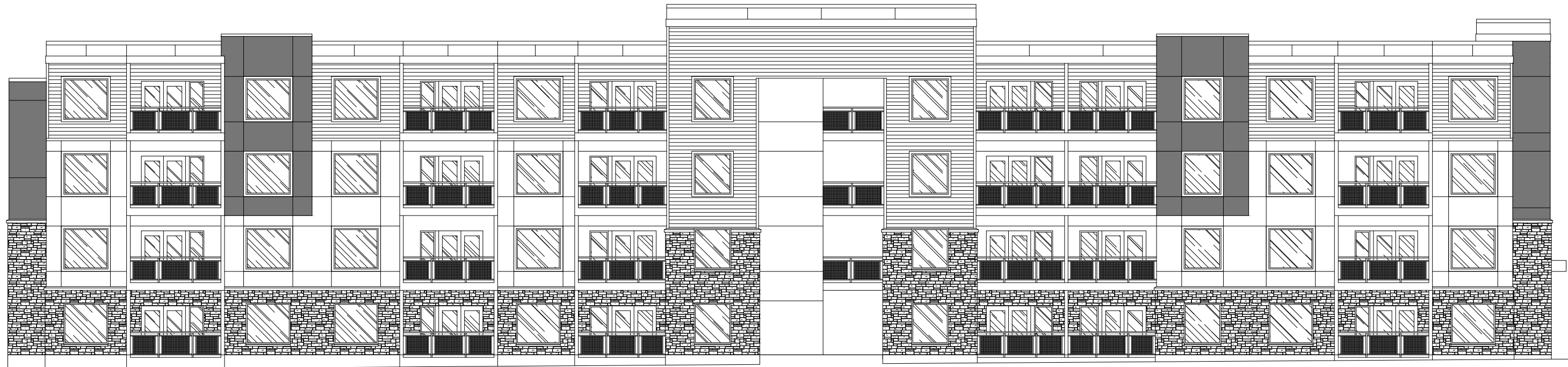


2 SOUTH ELEVATION - BUILDING 300  
1/8" = 1'-0"

4 WEST ELEVATION - BUILDING 300  
1/8" = 1'-0"



48 UNIT BUILDING TYPE 500



**48 UNIT BUILDING TYPE 400 (500 SIMILAR)**





BUILDING 200 - COLOR SCHEME A









BUILDING 200 - COLOR SCHEME C





# NORTH OGDEN CITY

SETTLED 1851

---

## Staff Report to the North Ogden City Council

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration of a resolution declaring certain property owned by North Ogden City as surplus  
Agenda Date: September 27, 2022  
Applicant: Planning Department  
File Number: N/A

### PUBLIC NOTICE:

Mailed Notice: N/A  
Newspaper: N/A  
City Website: September 22, 2022

### PROPERTY INFORMATION

Address: approximately 3660 North 600 East  
Parcel ID: 16-317-0022

### STAFF INFORMATION

Scott Hess  
[shess@nogden.org](mailto:shess@nogden.org)  
801-737-9841

### BACKGROUND

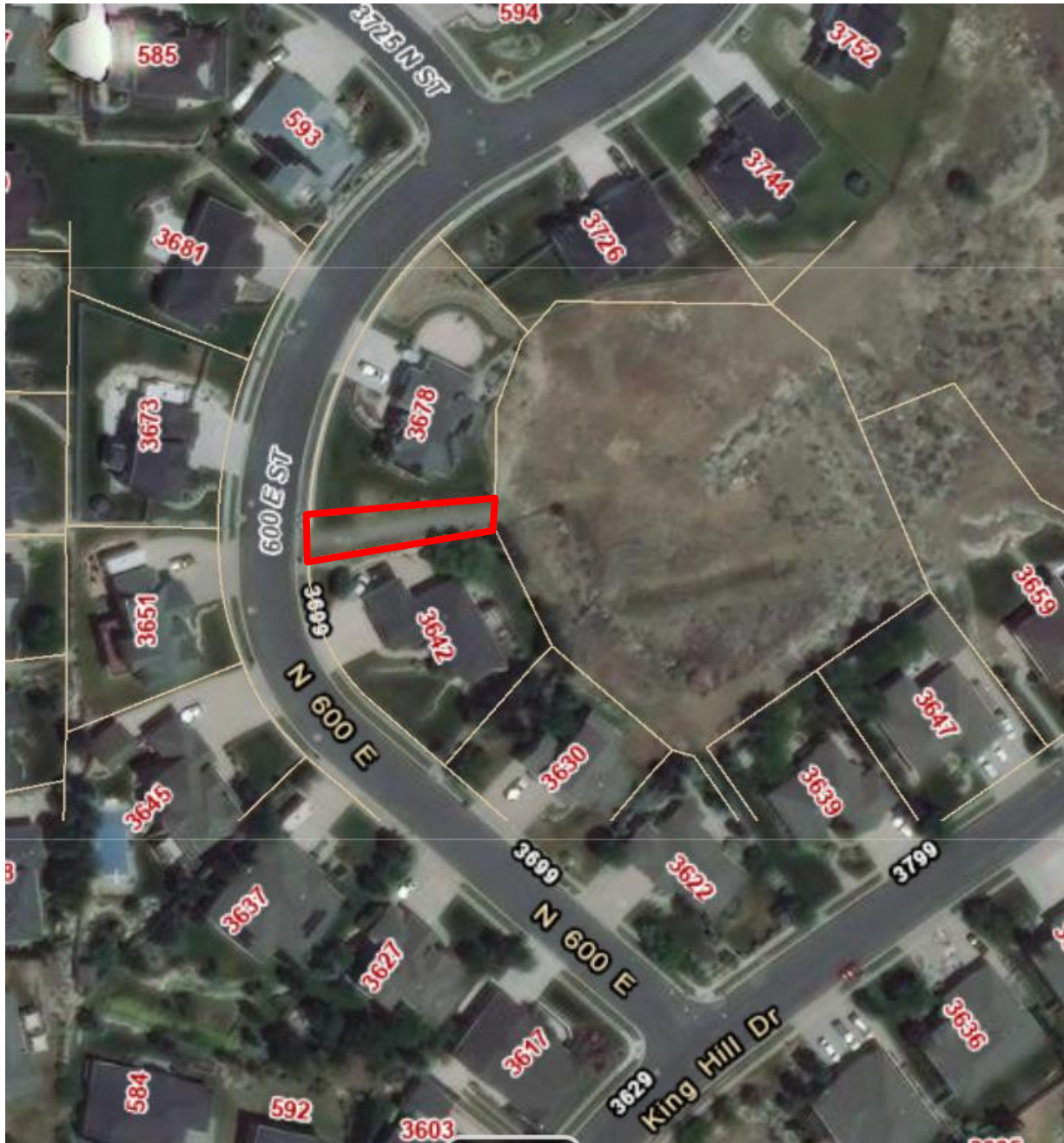
Property Owners in North Ogden City have approached the City Council asking to purchase or occupy land owned by the City. Most recently, property owners Jonathan and Denise Keyes have asked the Council to sell a portion of property used to access a detention basin.

### ANALYSIS

The Keyes family have constructed a shed that is currently occupying land owned by North Ogden City. The property owner has received a judgment and resolution through the Code Enforcement process. The decision of the judge was for the property owner to move the shed into a location that meets City Code. The property owner has asked the Council to consider selling the property and retaining a perpetual access easement.

Staff has discussed this access road with the Public Works, Building, and Engineering Departments. The Planning Director's opinion at this time is that it does not serve the best interests of the City to sell this property.

The detention basin behind the Keyes' home is part of a regional detention basin system. The detention basin currently holds limited water and requires minimal access and maintenance. However, this detention basin is sized to accommodate future water from development north of Mountain Road and west of The Cove. Over time, the access to this detention basin will become more critical. Staff is concerned with the long-term viability and utilization of an access easement, versus the ease of access that is provided by owning the property.





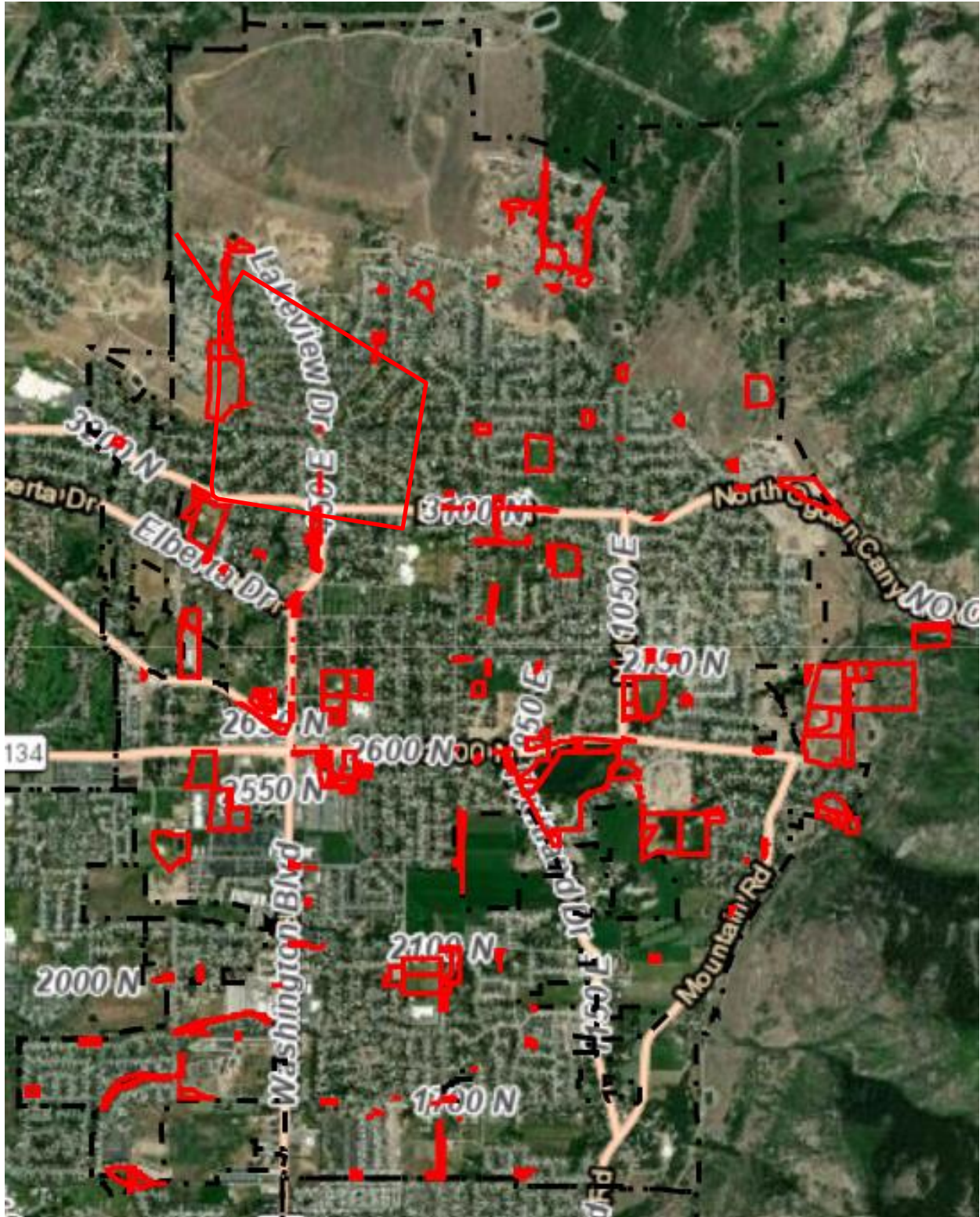
**RECOMMENDATION**

Staff recommends the Council hold the public hearing, consider the resolution for surplus property, and determine a path forward for this parcel.

**EXHIBITS**

- A. Resolution Surplus Property SUR 2022-01 Keyes-Jones Detention Parcel

**AREA MAP**



**RESOLUTION XX-2022**

**A RESOLUTION OF NORTH OGDEN CITY DECLARING AS SURPLUS CERTAIN REAL PROPERTY LOCATED AT APPROXIMATELY 3660 NORTH 600 EAST**

**WHEREAS:** The City has been notified of a shed constructed on City-owned property; and

**WHEREAS:** The property in question serves as an access to a storm water detention basin; and

**WHEREAS:** The property owner desires to purchase the property and move the property line to bring the shed into compliance with City Ordinances; and

**WHEREAS:** The City desires to limit maintenance obligation for small parcels of property, and can maintain access to the detention basin with a perpetual easement; and

**WHEREAS:** The City has held a public hearing with public notice of such hearing; and

**WHEREAS:** The City wishes to provide the property for public sale.

**NOW THEREFORE, BE IT RESOLVED** by the North Ogden City Council that the property located at approximately 3660 North 600 East, parcel ID 16-317-0022, as shown on the attached map, in North Ogden City is hereby considered surplus, obsolete, or unusable. The Mayor is authorized to market the property for sale and enter into a contract which is in the best interest of the City.

**PASSED and ADOPTED this 27<sup>th</sup> day of September 2022.**

**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 Cevering:</b>	_____	_____
<b>Council Member Dalpiaz:</b>	_____	_____
<b>Council Member Ekstrom:</b>	_____	_____
<b>Council Member Swanson:</b>	_____	_____
<b>(In event of a tie vote of the Council):</b>		
<b>Mayor Berube</b>	_____	_____

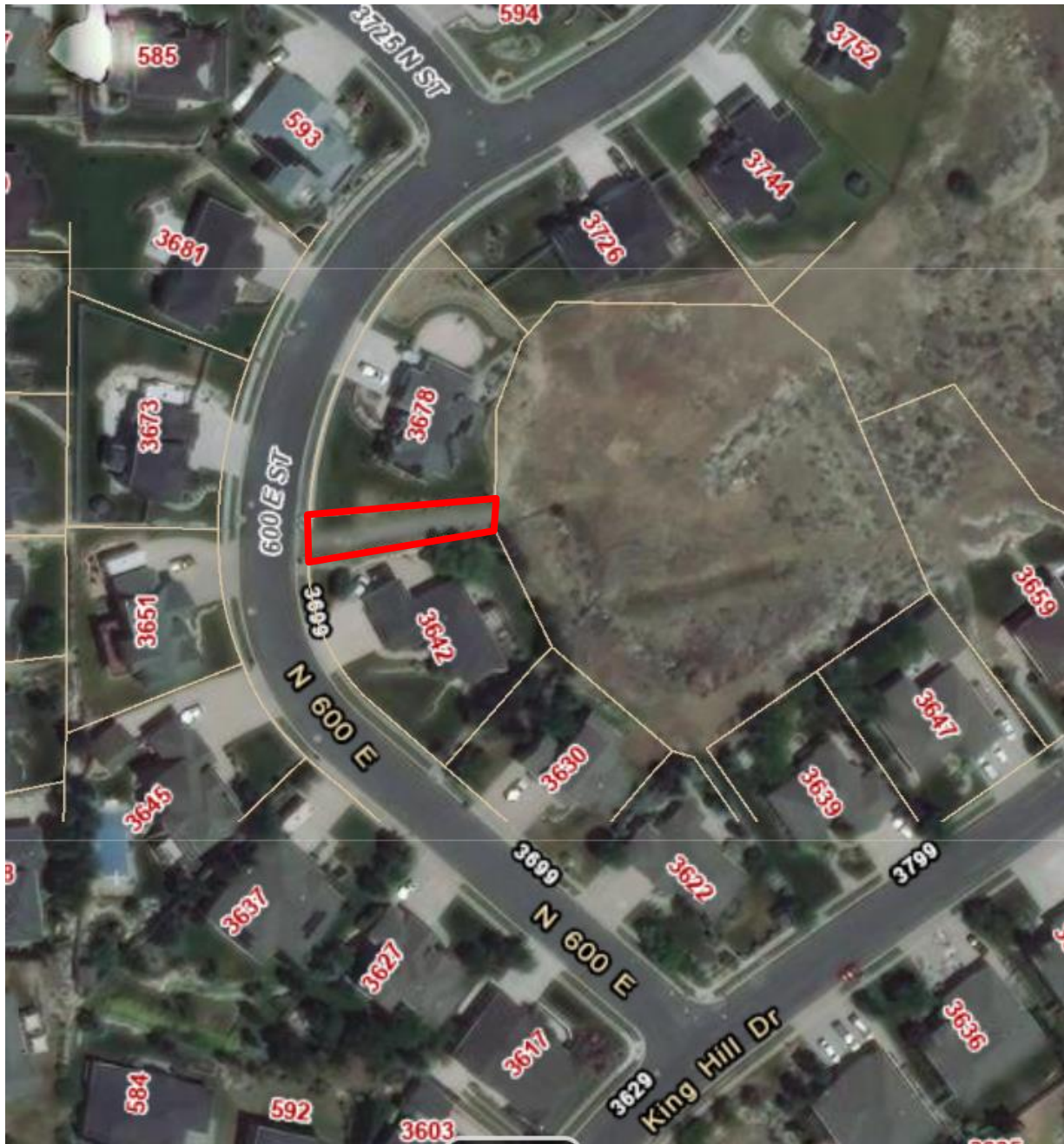
**ATTEST:**

---

**Susan L. Nance, CMC**  
**City Recorder**



Map: Parcel 16-317-0022, Approximately 3660 North 600 East



**PUBLIC NOTICE  
NORTH OGDEN CITY  
PUBLIC HEARING TO  
DECLARE PROPERTY SURPLUS**

The North Ogden City Council will hold a public hearing on Tuesday, September 27, 2022, at 6:00 p.m. or shortly thereafter at the North Ogden City Hall, located at 505 East 2600 North, North Ogden, City, UT 84414. The hearing will be held to receive comments related to the declaration of surplus property at approximately 3660 North 600 East.

In compliance with the ADA individuals needing special accommodation (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-737-9830 at least 48 hours prior to the meeting.

Susan L. Nance, CMC  
City Recorder

Published: September 15, 2022