



MEMORANDUM

TO: Mayor and City Council

FROM: Matthew J. Dixon, City Manager

RE: July 20, 2021 Council Meeting

WORK SESSION

Fiscal Year 2022 Budget – Steve Liebersbach will review updates that have been made since the last council meeting. He has also prepare some numbers as requested on the following: Costs associated with 401(k) contributions. Impacts of reducing business license fees by 25 percent. COLA reevaluation in November. Please come prepared with any budget questions or areas you’d like to have more discussion on as we continue to refine the budget in preparation for the August hearing and budget adoption. As late as Friday at 5:10 p.m., Steve and I were meeting discussing updates/edits to the budget. Steve will be working on the updates and we anticipate getting you a copy of the updated budget Monday afternoon. Steve will also provide a detailed description of all that is in the current budget and what has changed since your last meeting.

PRESENTATIONS

- ***Ogden-Weber Technical College*** – President Jim Taggart and Development Director Brynn Murdock will be presenting information on the college’s 50th Anniversary Community Scholarship program.
- ***Major Brent Taylor Foundation*** - A representative from the foundation will be presenting on a project they are doing on a county-wide 9/11 Commemoration Event.

PUBLIC HEARINGS

- ***City’s intent to not charge itself for water, sewer, and storm drain used for normal city operations.*** The state auditor several years ago started requiring cities to either charge itself for city-owned utilizes OR quantify, as close as possible, the value of the city’s consumption/use of these utilities and disclose the city’s intent to not charge itself for use of these utilities. Given the cost of putting meters at all city-owned facilities where the city uses water (i.e. parks, etc.) in order to be able to meter and charge ourselves for the utilities used, the city elects to do our best to

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quantify the value of these services and disclose publically our intent to not charge ourselves for use of these services.

- ***Proposed utility franchise fee transfer from enterprise funds to the general fund*** – The state auditor requires that prior to utility franchise fees that are collected on city-owned utilities (water, sewer, storm drain) can be transferred to the general fund, the city must notify rate payers and hold a public hearing. This is a practice the city goes through every year in order to comply with the state auditor's requirements.

DISCUSSION/ACTION ITEMS

- ***Resolution 21-25 – Approving an agreement with CT Davis for 850 East/450 South to Vista Drive storm drain project.*** This project is a part of the city's storm drain system improvements plan. The project includes the installation of 550 feet of 15" storm drain pipe with a few manholes and catch basins. The project will help remove storm water from the area and improve safety by reducing the potential for flooding and standing water. The city solicited bids from qualified contractors with CT Davis coming in as the lowest, qualified bidder with a proposed cost of \$172,778.60. The project is expected to take 45 days to complete, following the issuance of the Notice to Proceed. This project will be paid for out of the Storm Drain Utility fund.

DISCUSSION

- ***Proposed amendments to noticing requirements due to recent state legislative changes.*** The state legislature recently made changes to the notice requirements for cities related to land use decisions. City Recorder, Leesa Kapetanov, has reviewed the changes to state law and the city's current noticing practices and procedures and has prepared the recommendations included in the packet. Leesa will be reviewing these changes and helping the council better understand the proposed recommendations.

CDRA MEETING

- ***Resolution 21-03 – Approving an agreement with Zions Bank for completion of an Economic Development Strategy.*** One of the council's Strategic Initiatives related to economic development is to complete an Economic Development Strategy for South Ogden City. This study is intended to provide a data-drive, market-driven, approach to our economic development efforts. Zions Bank has been the city's consulting firm for several years on economic development projects and is uniquely familiar and positioned to help us with this project. This resolution approves an agreement with Zions to complete this study for \$7,500. The city has also applied for grant funding through edcUtah's match grant program. It is anticipated that the grant will cover \$5,000 of the city's costs for the study. Grants will be approved in early September.
- ***Discussion on Economic Development Strategy, Benj Becker*** – Our economic development consulting partner, Benj Becker with Zions Bank will be facilitating a discussion about what this project will entail. He will also be interested to learn about your ideas and expectations when it comes to helping craft an economic development strategy for the city.



**NOTICE AND AGENDA
SOUTH OGDEN CITY COUNCIL
WORK SESSION**

TUESDAY, JULY 20, 2021

WORK SESSION – 5 PM

COUNCIL MEETING - 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5 pm Tuesday, July 20, 2021. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing and number of people allowed to gather at one time. No action will be taken on any items discussed during pre-council work sessions. Discussion of agenda items is for clarification only. Some members of the council may be attending the meeting electronically. The meeting will also be streamed live over www.facebook.com/southogdencity.

WORK SESSION AGENDA

I. CALL TO ORDER – Mayor Russell Porter

II. REVIEW OF AGENDA

III. DISCUSSION ITEMS

A. Discussion on FY2022 Budget

IV. ADJOURN

Posted to the State of Utah Website July 16, 2021

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on July 16, 2021. Copies were also delivered to each member of the governing body.

Leesa Kapetanov, City Recorder

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



NOTICE AND AGENDA SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, JULY 20, 2021

WORK SESSION – 5 PM

REGULAR COUNCIL MEETING - 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled council meeting at 6 pm Tuesday, July 20, 2021. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing, wearing of masks, and number of people allowed to gather in one place. Some members of the council may be attending the meeting electronically. The meeting will also be streamed live over www.facebook.com/southogdencity.

CITY COUNCIL MEETING AGENDA

I. OPENING CEREMONY

- A. **Call to Order** – Mayor Russell Porter
- B. **Prayer/Moment of Silence** -
- C. **Pledge of Allegiance** – Council Member Jeanette Smyth

- II. **PUBLIC COMMENTS** – This is an opportunity to address the mayor and council with any concerns, suggestions, or praise. No action can or will be taken at this meeting on comments made.
Please limit your comments to three minutes.

III. RESPONSE TO PUBLIC COMMENT

IV. PRESENTATIONS

- A. President Jim Taggart, Ogden-Weber Technical College and Development Director Brynn Murdock - Presentation on 50th Anniversary Community Scholarship
- B. Representative from Major Brent Taylor Foundation – County-Wide 9/11 Commemoration Event

V. CONSENT AGENDA

- A. Approval of July 6, 2021 Council Minutes
- B. Set Date for City Council Special Meeting, August 3, 2021 at 5 pm
- C. Set Date for Public Hearing (August 3, 2021 at 6:05 pm) to Receive and Consider Comments on Proposed Increase to Property Tax

VI. PUBLIC HEARINGS

To Receive and Consider Comments on the Following Items:

- A. City's Intent to Continue Not Charging Itself for Water, Sewer, and Storm Drain Used For Normal City Operations During FY2022
- B. Proposed Utility Franchise Fee Transfers from the Enterprise Funds to the General Fund

VII. DISCUSSION / ACTION ITEM

Consideration of **Resolution 21-25** – Approving an Agreement with CT Davis For 850 East/4500 South to Vista Drive Storm Drain Project

VIII. DISCUSSION ITEM

Proposed Changes to Noticing Requirements Due to Recent State Changes

IX. RECESS CITY COUNCIL MEETING AND CONVENE INTO COMMUNITY DEVELOPMENT AND RENEWAL AGENCY MEETING

See separate agenda

X. RECONVENE CITY COUNCIL MEETING

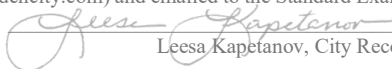
XI. REPORTS/DIRECTION TO CITY MANAGER

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

XII. ADJOURN

Posted to the State of Utah Website July 16, 2021

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Leesa Kapetanov, City Recorder

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MINUTES OF THE SOUTH OGDEN CITY COUNCIL WORK SESSION AND CITY COUNCIL MEETING

TUESDAY, JULY 6, 2021

WORK SESSION – 5 PM IN COUNCIL ROOM

COUNCIL MEETING – 6 PM IN COUNCIL ROOM

WORK SESSION MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Assistant City Manager Doug Gailey, Finance Director Steve Liebersbach, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Fire Chief Cameron West, Special Events Coordinator Jamie Healy, and Recorder Leesa Kapetanov

CITIZENS PRESENT

No one else attended this meeting.

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking the link:

https://cms7.revize.com/revize/southogden/document_center/Sound%20Files/2021/CC210706_1703.mp3 or by requesting a copy from the office of the South Ogden City Recorder.

I. CALL TO ORDER

- Mayor Porter called the work session to order at 5:03 pm and entertained a motion to open the meeting 00:00:00

Council Member Howard so moved, followed by a second from Council Member Strate. Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

II. REVIEW OF AGENDA

- Council Member Orr asked some questions about the easement agreement being created by Ordinance 21-06 00:00:20

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III. DISCUSSION ITEMS

A. FY2022 Budget 00:02:08

- Finance Director Steve Liebersbach gave each member of the council a handout. See Attachment A
- The council did not finish their discussion on the budget. Mayor Porter called for a motion to recess the work session with the intention of reconvening it after council meeting.

IV. RECESS

Council Member Strate so moved, followed by a second from Council Member Smyth. The voice vote was unanimous in favor of the motion.

00:57:48

The work session recessed at 6:01 pm.

V. RECONVENE WORK SESSION

Motion from City Council Meeting made at 7:20 pm:
Council Member Strate moved to recess City Council meeting and reconvene the work session. The motion was seconded by Council Member Orr. Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

01:21:44

VI. DISCUSSION ITEMS (continued)

A. FY2022 Budget 01:21:56

- Discussion on proposed lease 01:23:40
- During the lease discussion, the Council instructed staff to moved forward with preparing for a lease 01:35:12
- Discussion on certified tax rate 01:36:26
- Proposals from Council Member Strate on budget items 01:39:49
- Comments by Council Member Orr on budget items 01:55:13

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VII. ADJOURN WORK SESSION, RECONVENE CITY COUNCIL MEETING, AND RECESS INTO A CLOSED EXECUTIVE SESSION

- Mayor Porter called for a motion
02:02:54

Council Member Strate moved to close the work session, reconvene City Council meeting, and recess into a closed executive session. Council Member Howard seconded the motion. All present voted aye.

The work session ended at 8:04 pm.

COUNCIL MEETING MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Assistant City Manager Doug Gailey, Finance Director Steve Liebersbach, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Fire Chief Cameron West, Special Events Coordinator Jamie Healy, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Joyce & Bruce Hartman, Breanna Collard, Dr. Jeff Stephens, Lane Findlay

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking this link:

https://www.southogdencity.com/document_center/Sound%20Files/2021/CC210706_1802.mp3 or by requesting a copy from the office of the South Ogden City Recorder.

I. OPENING CEREMONY

A. Call To Order

- At 6:02 pm, Mayor Porter called the meeting to order and asked for a motion to begin
00:00:00

Council Member Howard so moved. The motion was seconded by Council Member Stewart. Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

B. Prayer/Moment of Silence

The mayor led those present in a moment of silence.

C. Pledge Of Allegiance

Council Member Howard led everyone in the Pledge of Allegiance.

133 **II. PUBLIC COMMENTS**

134 Breanna Collard 00:01:15

135 Joyce Hardman 00:03:59

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- 137 • There were no online public comments

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140 **III. RESPONSE TO PUBLIC COMMENT** 00:04:54

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143 **IV. PRESENTATION**

144 Dr. Jeff Stephens, Superintendent of Weber County School District

145 00:05:44

- 146 • Dr. Stephens' presentation was about a possible upcoming School Bond election. He also
147 presented a short video. A copy of the video may be obtained from the office of the city recorder.

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150 **V. CONSENT AGENDA**

151 A. Approval of June 15, 2021 Council Minutes

152 B. Set Date for Public Hearings (July 20, 2021 at 6 pm or as soon as the agenda permits) to

153 Receive and Consider Comments on the Following Items:

154 1. City's Intent to Continue Not Charging Itself for Water, Sewer, and Storm Drain Used
155 For Normal City Operations During FY2022

156 2. Proposed Utility Franchise Fee Transfers from the Enterprise Funds to the General Fund

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- 158 • The mayor read the consent agenda and asked if there were any comments. No one
159 spoke, so he called for a motion to approve the consent agenda.

160 00:33:36

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162 **Council Member Smyth so moved, followed by a second from Council Member Strate.**

163 **The voice vote was unanimous in favor of the motion.**

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166 **VI. PUBLIC HEARING**

167 To Receive and Consider Comments on Proposed Amendments to SOCC Title 8, Removing 8-1-7

168 Concerning Watering Restrictions That Are Outdated and No Longer Reflect Current Practices

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- 170 • Mayor Porter asked City Manager Dixon to give a brief overview of the reason for the public
171 hearing 00:34:19

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- 173 • Motion to enter into a public hearing

174 00:35:50

Council Member Stewart so moved. The motion was seconded by Council Member Howard. All present voted aye.

- Mayor Porter invited anyone in chambers or online to make public comment. No one present came forward. The mayor then called for a motion to close the public hearing but leave online comments open until 6:45 pm.

Council Member Smyth so moved. Council Member Howard seconded the motion. Council Members Orr, Strate, Stewart, Howard, and Smyth all voted in favor of the motion.

VII. DISCUSSION/ACTION ITEMS

A. Consideration of Previously Tabled Ordinance 21-06 - Approving a Storm Drain Easement Agreement With McJohnson Enterprises

- Staff Overview 00:36:37
- Council Member Stewart disclosed her husband works for the company who drew the easement plat, but had nothing to do with the design
- Discussion There was no discussion on this item
- Motion 00:39:15

Council Member Strate moved to adopt Ordinance 21-06. Council Member Smyth seconded the motion. The mayor asked if there was further discussion, and seeing none, he called the vote:

Council Member Strate -	Yes
Council Member Orr -	Yes
Council Member Stewart -	Yes
Council Member Smyth -	Yes
Council Member Howard -	Yes

Ordinance 21-06 was adopted.

- Mayor Porter went to item C next, as the time for public comments about the easement had not concluded

C. Consideration of Resolution 21-24 – Amending the South Ogden City Purchasing Policy Concerning Notification Requirements and Bid Limits

- Staff overview 00:39:53
- Discussion 00:45:26
- Motion 00:51:47

Council Member Strate moved to adopt Resolution 21-24, followed by a second from Council Member Howard. Mayor Porter asked if there was any more comment. Council Member Orr stated that due to the high costs of most projects, she did not feel that raising the bid limit would cause any issues. The mayor then called the vote:

Council Member Howard - Yes

Council Member Stewart - No

Council Member Strate - Yes

Council Member Orr - Yes

Council Member Smyth - Yes

The motion stood.

- Mayor Porter stated no public hearing comments had been received online concerning the water restriction code changes

00:52:42

B. Consideration of Ordinance 21-07 – Approving Amendments to SOCC Title 8, Removing 8-1-7 Concerning Watering Restrictions

- Discussion 00:52:49

- Motion 00:56:10

Council Member Smyth moved to adopt Ordinance 21-07. Council Member Howard seconded the motion. Mayor Porter called the vote:

Council Member Orr - Yes

Council Member Strate - Yes

Council Member Stewart - Yes

Council Member Howard - Yes

Council Member Smyth - Yes

Ordinance 21-07 was approved.

VIII. REPORTS/DIRECTION TO CITY MANAGER

A. City Council Members

- Council Member Orr - 00:56:32
- Council Member Howard - 01:02:06
- Council Member Smyth - 01:03:44
- Council Member Stewart - 01:05:05
- Council Member Strate- 01:06:30

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262 B. City Manager 01:09:58
263 C. Mayor Porter 01:18:37
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267 **IX. RECESS CITY COUNCIL MEETING AND RECONVENE WORK SESSION**

- 268 • At 7:20 pm, Mayor Porter called for a motion to recess city council meeting and reconvene the
269 work session 01:21:44
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271 **Council Member Strate moved to recess City Council meeting and reconvene the work session.**
272 **The motion was seconded by Council Member Orr. Council Members Orr, Strate, Stewart,**
273 **Howard, and Smyth all voted aye.**
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275 See Work Session Minutes.
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278 **X. ADJOURN WORK SESSION, RECONVENE CITY COUNCIL MEETING, AND CONVENE INTO A CLOSED**
279 **EXECUTIVE SESSION**

- 280 • Motion from Work Session at 8:04 pm:
281 **Council Member Strate moved to close the work session, reconvene City Council meeting,**
282 **and recess into a closed executive session. Council Member Howard seconded the motion.**
283 **All present voted aye.**

284 02:02:54
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- 286 A. Pursuant to UCA §52-4-205 1(a) to discuss the character, professional competence, or
287 physical or mental health of an individual.
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- 289 • The mayor and council remained in the council chambers while everyone else left.
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291 • At 8:57 pm, the mayor called for a motion to adjourn the closed executive session,
292 reconvene City Council Meeting, and adjourn
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294 **Council Member Strate so moved, followed by a second from Council Member Howard. The**
295 **voice vote was unanimous in favor of the motion.**
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299 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Pre-Council
300 Work Session and Council Meeting held Tuesday, July 6, 2021.
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302 
303 Kapetanov, City Recorder

Leesa
Date Approved by the City Council

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Attachment A

Handout from Finance Director Steve Liebersbach

SOUTH OGDEN CITY FY 2021 UTILITY RATES

	WATER USAGE PRICE RATE PER LEVEL		SEWER USAGE PRICE RATE PER LEVEL	WATER BASE FEE	SEWER BASE FEE	GARBAGE RATE PER CAN	RECYCLIN G RATE PER CAN	RESIDENTIAL STORM DRAIN FEE
WATER USAGE LEVELS	Rate per 1000 Gallons	SEWER USAGE LEVELS	Rate per 1000 Gallons	\$10.82	\$15.14	\$10.54	\$3.73	\$11.25
0- 3,999 GALLONS	\$1.35	0- 3,999 GALLONS	\$1.08					
4,000 - 7,999 GALLONS	\$2.97	4,000 - + GALLONS	\$4.50					
8,000 - 10,999 GALLONS	\$3.52							
11,000 - 15,999 GALLONS	\$4.05							
16,000 - + GALLONS	\$4.33							

No Utility Rate Increases

DUPLEX STORM DRAIN FEE	4- PLEX STORM DRAIN FEE	COMMERCIAL STORM DRAIN PER ERU
\$16.87	\$22.48	\$11.25

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SOUTH OGDEN CITY FY 2022 UTILITY RATES

proposal

	WATER USAGE PRICE RATE PER LEVEL		SEWER USAGE PRICE RATE PER LEVEL	WATER BASE FEE	SEWER BASE FEE	GARBAGE RATE PER CAN	RECYCLIN G RATE PER CAN	RESIDENTIAL STORM DRAIN FEE
WATER USAGE LEVELS	Rate per 1000 Gallons	SEWER USAGE LEVELS	Rate per 1000 Gallons	\$11.14	\$15.59	\$10.86	\$3.84	\$11.59
0- 3,999 GALLONS	\$1.39	0- 3,999 GALLONS	\$1.11					
4,000 - 7,999 GALLONS	\$3.06	4,000 - + GALLONS	\$4.64					
8,000 - 10,999 GALLONS	\$3.63							
11,000 - 15,999 GALLONS	\$4.17							
16,000 - + GALLONS	\$4.46							

3% & 6% scenarios

DUPLEX STORM DRAIN FEE	4- PLEX STORM DRAIN FEE	COMMERCIAL STORM DRAIN PER ERU
\$17.38	\$23.15	\$11.59

\$1.43	\$1.14	\$11.47	\$16.05	\$11.17	\$3.95	\$11.93
\$3.15	\$4.77					
\$3.73						
\$4.29						
\$4.59				\$17.88	\$23.83	\$11.93

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Road Improvement Fee Schedule

		Monthly Fee		3%	6%
Residential - Combined Residential		\$5.21			
	Single Family Dwellings	\$5.70		\$5.37	\$5.52
	Multi-Unit	\$3.50			
Non-Residential < 2 (Comm 1)		\$5.95		\$6.13	\$6.31
	Dry cleaners - Laundry Mat				
	Motel				
	Theater - Live Stage				
	Storage Warehouse, Mini Warehouse				
	Lumber & Materials Storage, Storage				
	Garage, Warehouse Food Storage and				
	Showroom Store				
	Group Care Home/ Home for Elderly				
	Barber Shop/Hair Salon				
	Office Bldg/Convention				
	Center/Shell/Laboratory				
Non-Residential 2 - 4 (Comm 2)		\$16.51		\$17.01	\$17.50
	Auto Dealership, Complete				
	Retail Store, Nbhd Shopping Center				
	Shell				
	Mini-Lube Garage & Service Garage				
	Dental Office/Clinic & Medical Center				
	Health/Fitness Club				
Non-Residential 4 - 12 (Comm 3)		\$28.75		\$29.61	\$30.48
	Veterinary Hospital				
	Restaurant/Banquet Hall				
	Bar/Tavern				
	Car Wash - Automatic & Self Service				
Non-Residential 12 - 20 (Comm 4)		\$55.66		\$57.33	\$59.00
	Day Care Center				
Non-Residential > 20 (Comm 5)		\$100.33		\$103.34	\$106.35
	Bank				
	Fast Food Restaurant				
	Conven. Market/Mini-Mart Conv.				
	Store				
Super Market/Discount Store (Comm 6)		\$301.07		\$310.10	\$319.13
Public Use		\$64.55		\$66.49	\$68.42
	Elementary School or Classroom				
	Elementary School				
	Jr. High, Cemetery, Churches				

7/6/2021 3:14 PM

U:\Steve\Budget files\FY 2022\Utility rates

Steve

#1	Resident - current bill		3% increase		6% increase	
A.	1,500 gallons of water used:	<u>Current</u>		<u>Proposed</u>		<u>Proposed</u>
	1 x \$1.35	\$1.35	1 x \$1.39	\$1.39	1 x \$1.43	\$1.43
	Base fee	\$10.82	Base fee	\$11.14	Base fee	\$11.47
	Total fee	\$12.17		\$12.53		\$12.90
B.	1,500 gallons of sewer used:					
	1 x \$1.08	\$1.08	1 x \$1.11	\$1.11	1 x \$1.14	\$1.14
	Base fee	\$15.14	Base fee	\$15.59	Base fee	\$16.05
		\$16.22		\$16.70		\$17.19
C.	Storm drain fee:	\$11.25		\$11.59		\$11.93
D.	Road Improvement Fee:	\$5.21		\$5.37		\$5.52
E.	Garbage	\$10.54		\$10.86		\$11.17
	Recycling	\$3.73		\$3.84		\$3.95
		\$59.12		\$60.89		\$62.66

#2	Resident - current bill		3% increase		6% increase	
A.	8,500 gallons of water used:	<u>Current</u>		<u>Proposed</u>		<u>Proposed</u>
	3 x \$1.35	\$4.05	3 x \$1.39	\$4.17	3 x \$1.43	\$4.29
	4 x \$2.97	\$11.88	4 x \$3.06	\$12.24	4 x \$3.15	\$12.60
	1 x \$3.52	\$3.52	1 x \$3.63	\$3.63	1 x \$3.73	\$3.73
	0 x \$4.05	\$0.00	0 x \$4.17	\$0.00	0 x \$4.29	\$0.00
	0 x \$4.33	\$0.00	0 x \$4.46	\$0.00	0 x \$4.59	\$0.00
	Base fee	\$10.82	Base fee	\$11.14	Base fee	\$11.47
	Total fee	\$30.27		\$31.18		\$32.09
B.	8,500 gallons of sewer used:					
	3 x \$1.08	\$3.24	3 x \$1.11	\$3.33	3 x \$1.14	\$3.42
	5 x \$4.50	\$22.50	5 x \$4.64	\$23.20	5 x \$4.77	\$23.85
		\$0.00		\$0.00		\$0.00
	Base fee	\$15.14	Base fee	\$15.59	Base fee	\$16.05
		\$40.88		\$42.12		\$43.32
C.	Storm drain fee:	\$11.25		\$11.59		\$11.93
D.	Road Improvement Fee:	\$5.21		\$5.37		\$5.52
E.	Garbage	\$10.54		\$10.86		\$11.17
	Recycling	\$3.73		\$3.84		\$3.95
		\$101.88		\$104.96		\$107.98

#3	Resident - current bill		3% increase		6% increase	
A.	16,500 gallons of water used:	<u>Current</u>		<u>Proposed</u>		<u>Proposed</u>
	3 x \$1.35	\$4.05	3 x \$1.39	\$4.17	3 x \$1.43	\$4.29
	4 x \$2.97	\$11.88	4 x \$3.06	\$12.24	4 x \$3.15	\$12.60
	3 x \$3.52	\$10.56	3 x \$3.63	\$10.89	3 x \$3.73	\$11.19
	5 x \$4.05	\$20.25	5 x \$4.17	\$20.85	5 x \$4.29	\$21.45
	1 x \$4.33	\$4.33	1 x \$4.46	\$4.46	1 x \$4.59	\$4.59
	Base fee	\$10.82	Base fee	\$11.14	Base fee	\$11.47
	Total fee	\$61.89		\$63.75		\$65.59
B.	16,500 gallons of sewer used:					
	3 x \$1.08	\$3.24	3 x \$1.11	\$3.33	3 x \$1.14	\$3.42
	13 x \$4.50	\$58.50	13 x \$4.64	\$60.32	13 x \$4.77	\$62.01
		\$0.00		\$0.00		\$0.00
	Base fee	\$15.14	Base fee	\$15.59	Base fee	\$16.05
		\$76.88		\$79.24		\$81.48
C.	Storm drain fee:	\$11.25		\$11.59		\$11.93
D.	Road Improvement Fee:	\$5.21		\$5.37		\$5.52
E.	Garbage	\$10.54		\$10.86		\$11.17
	Recycling	\$3.73		\$3.84		\$3.95
		\$169.50		\$174.65		\$179.64

#4	Commercial - current bill		3% increase		6% increase	
A.	146,000 gallons of water used:	<u>Current</u>		<u>Proposed</u>		<u>Proposed</u>
	3 x \$1.35	\$4.05	3 x \$1.39	\$4.17	3 x \$1.43	\$4.29
	4 x \$2.97	\$11.88	4 x \$3.06	\$12.24	4 x \$3.15	\$12.60
	3 x \$3.52	\$10.56	3 x \$3.63	\$10.89	3 x \$3.73	\$11.19
	5 x \$4.05	\$20.25	5 x \$4.17	\$20.85	5 x \$4.29	\$21.45
	131 x \$4.33	\$567.23	131 x \$4.46	\$584.26	131 x \$4.59	\$601.29
	Base fee	\$10.82	Base fee	\$11.14	Base fee	\$11.47
	Total fee	\$624.79		\$643.55		\$662.29
B.	146,000 gallons of sewer used:					
	3 x \$1.08	\$3.24	3 x \$1.11	\$3.33	3 x \$1.14	\$3.42
	143 x \$4.50	\$643.50	143 x \$4.64	\$663.52	143 x \$4.77	\$682.11
		\$0.00		\$0.00		\$0.00
	Base fee	\$15.14	Base fee	\$15.59	Base fee	\$16.05
		\$661.88		\$682.44		\$701.58
C.	Storm drain fee: 20.82 ERU	\$234.23		\$241.30		\$248.38
D.	Road Improvement Fee:	\$28.75		\$29.61		\$30.48
E.	Garbage	\$0.00		\$0.00		\$0.00
	Recycling	\$0.00		\$0.00		\$0.00
		\$1,549.65		\$1,596.90		\$1,642.73

FY 2022 Capital Equipment Lease

Based on a financed
amount of \$865,000

General	Ford Ranger - animal services	\$46,800			
	F-150 WTC a/c truck	\$46,800			
	Ford Escape XLT	\$31,452			
	Ford F-150	\$64,000			
	Ford F-150 - super crew	\$38,000			
	Elgin sweeper	\$320,000			
	Ford F-150	\$34,700			
			\$581,752	67.5%	\$122,082.53
Water	Ford F-150	\$34,000			
	Ford F-550 box w/trailer	\$108,750			
			\$142,750	16.5%	\$29,842.40
Storm	Ford F-150	\$34,000			
	Ford F-550 with plow	\$76,350			
			\$110,350	12.8%	\$23,150.46
Garbage	Roll-off bed	\$28,000			
			\$28,000	3.2%	\$5,787.62
			<u>\$862,852</u>	<u>100.0%</u>	<u>\$180,863.00</u>
5 year		1.50% Pymt	\$180,863		
		Interest	\$39,315		



STAFF REPORT



SUBJECT: 850 E. Storm Drain Project
AUTHOR: Jon Andersen
DEPARTMENT: Public Works
DATE: 7-20-21

RECOMMENDATION

City staff recommends the approval of the agreement with CT Davis Excavation for the 850 E. Storm Drain Project.

BACKGROUND

A few years ago the City completed a project on 45th Street east of Monroe Blvd. Part of the project included some work to tie into a future project (this one) to increase the efficiency of the storm drain system in that area. This project will improve the storm drain system and move the drain out of private property. The project will make the storm water flow down hill so it will not sit and become stagnant; sitting water has the potential to cause problems. Approximately 550 LF of 15" RCP storm drain pipe with a few manholes and catch basins will be added to make this area flow better during storms.

ANALYSIS

The City received two bids from qualified contractors for the project.

Bid Results:

C.T. Davis Excavation	\$172,778.60
Ormond Construction	\$196,396.37

SIGNIFICANT IMPACTS

An impact to the Storm Drain Enterprise Fund of \$172,778.60.

ATTACHMENTS

Bid results

Bid Tab

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850 East Storm Drain Project

South Ogden City Corporation

Bid Opening Date: August 5, 2020 Time: 2:00 p.m. Place: South Ogden Municipal Office



				Engineer's Estimate		CT Davis Excavation		Ormond Construction, Inc.			
	Description	Quantity	Units	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	L.S.	\$ 10,000.00	\$ 10,000.00	\$ 15,880.00	\$ 15,880.00	\$ 15,000.00	\$ 15,000.00		\$ 0.00
2	Traffic Control and Barricades	1	L.S.	\$ 1,000.00	\$ 1,000.00	\$ 4,300.00	\$ 4,300.00	\$ 7,410.00	\$ 7,410.00		\$ 0.00
3	12-inch RCP Storm Drain	20	L.F.	\$ 130.00	\$ 2,600.00	\$ 170.20	\$ 3,404.00	\$ 144.92	\$ 2,898.40		\$ 0.00
4	15-inch RCP Storm Drain	550	L.F.	\$ 140.00	\$ 77,000.00	\$ 47.13	\$ 25,921.50	\$ 132.15	\$ 72,682.50		\$ 0.00
5	4' Diameter Manhole w/ Flat Lid (4'-6' Depth)	2	Each	\$ 4,500.00	\$ 9,000.00	\$ 4,239.00	\$ 8,478.00	\$ 4,171.55	\$ 8,343.10		\$ 0.00
6	5' Diameter Manhole w/ Flat Lid (4' Depth)	1	Each	\$ 5,200.00	\$ 5,200.00	\$ 4,370.00	\$ 4,370.00	\$ 4,498.96	\$ 4,498.96		\$ 0.00
7	Install New Catch Basin	2	Each	\$ 2,500.00	\$ 5,000.00	\$ 3,612.00	\$ 7,224.00	\$ 3,162.77	\$ 6,325.54		\$ 0.00
8	Loop Existing Gas Service Lateral	4	Each	\$ 550.00	\$ 2,200.00	\$ 1,300.00	\$ 5,200.00	\$ 750.00	\$ 3,000.00		\$ 0.00
9	Loop Existing Culinary Water Service Lateral	3	Each	\$ 550.00	\$ 1,650.00	\$ 1,032.00	\$ 3,096.00	\$ 1,535.45	\$ 4,606.35		\$ 0.00
10	Remove and Replace Existing Fire Hydrant Assembly	1	L.S.	\$ 5,500.00	\$ 5,500.00	\$ 11,300.00	\$ 11,300.00	\$ 6,617.77	\$ 6,617.77		\$ 0.00
11	Remove and Replace Existing Concrete Curb and Gutter	80	L.F.	\$ 70.00	\$ 5,600.00	\$ 80.07	\$ 6,405.60	\$ 60.00	\$ 4,800.00		\$ 0.00
12	Remove and Replace Existing 4' Wide Concrete Sidewalk	20	L.F.	\$ 70.00	\$ 1,400.00	\$ 169.60	\$ 3,392.00	\$ 60.00	\$ 1,200.00		\$ 0.00
13	Remove and Replace Existing Pedestrian Access Ramp	2	Each	\$ 1,800.00	\$ 3,600.00	\$ 2,715.00	\$ 5,430.00	\$ 3,000.00	\$ 6,000.00		\$ 0.00
14	Remove and Dispose of Existing Storm Drain Manhole	1	L.S.	\$ 1,000.00	\$ 1,000.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00		\$ 0.00
15	Remove and Dispose of Existing Concrete Waterway	1	L.S.	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,470.00	\$ 1,470.00		\$ 0.00
16	Remove and Dispose of Excavated Trench Material	350	C.Y.	\$ 12.00	\$ 4,200.00	\$ 21.85	\$ 7,647.50	\$ 15.00	\$ 5,250.00		\$ 0.00
17	Remove and Dispose of Existing Asphalt, Concrete Waterway and Unsuitable Road Base Material (Intersection Area)	40	C.Y.	\$ 12.00	\$ 480.00	\$ 65.75	\$ 2,630.00	\$ 25.00	\$ 1,000.00		\$ 0.00
18	Imported Granular Backfill Borrow	600	Tons	\$ 25.00	\$ 15,000.00	\$ 37.00	\$ 22,200.00	\$ 22.50	\$ 13,500.00		\$ 0.00
19	Asphalt Road Repair in Intersection Area (3" HMA / 8" UTBC)	150	S.Y.	\$ 40.00	\$ 6,000.00	\$ 46.00	\$ 6,900.00	\$ 34.95	\$ 5,242.50		\$ 0.00
20	Asphalt Trench Repair (3" HMA / 8" UTBC)	475	S.Y.	\$ 40.00	\$ 19,000.00	\$ 46.00	\$ 21,850.00	\$ 34.95	\$ 16,601.25		\$ 0.00



850 East Storm Drain Project

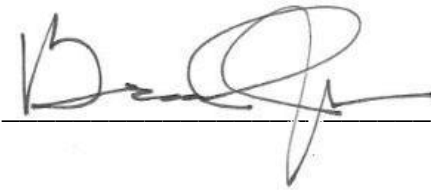
South Ogden City Corporation



Bid Opening Date: August 5, 2020 Time: 2:00 p.m. Place: South Ogden Municipal Office

				Engineer's Estimate		CT Davis Excavation		Ormond Construction, Inc.			
	Description	Quantity	Units	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
21	Landscaping and Sprinkler Repair	500	S.F.	\$ 5.00	\$ 2,500.00	\$ 4.50	\$ 2,250.00	\$ 5.50	\$ 2,750.00		\$ 0.00
22	Erosion Control BMPs	1	L.S.	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00		\$ 0.00
	TOTAL OF BID ITEMS				\$ 179,930.00		\$ 172,778.60		\$196,396.37		\$ 0.00


Project Engineer
Brad Jensen





Memorandum

To: Jon Andersen, Public Works Director
South Ogden City Corporation

From: Brad Jensen, P.E. 
Wasatch Civil Consulting Engineering

Date: July 9, 2021

Subject: 850 East Storm Drain Project

In response to our Advertisement for Bid for the 850 East Storm Drain Project, bids were accepted at the South Ogden City Municipal Offices on August 5, 2020. Two bids were received by the 10:00 a.m. deadline with the following results:

<u>Contractor</u>	<u>Bid Amount</u>
1. C.T. Davis Excavation	\$172,778.60
2. Ormond Construction	\$196,396.37

We have reviewed the submitted bids for discrepancies and have found none. Consequently, we recommend awarding the contract to **C.T. Davis Excavation for \$172,778.60.**

If you have any questions, please call.

Resolution No. 21-25

RESOLUTION OF SOUTH OGDEN CITY APPROVING AN AGREEMENT WITH CT DAVIS EXCAVATION FOR CONSTRUCTION OF THE 850 EAST STORM DRAIN PROJECT, AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AND FINAL PASSAGE.

SECTION I - RECITALS

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

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

WHEREAS, the City Council finds it necessary to address certain 850 East Storm Drain Project needs within the city; and,

WHEREAS, the City Council finds that the city staff recommends that the city contract with CT Davis Excavation for the installation and completion of the 850 East Storm Drain Project; and,

WHEREAS, the City Council finds that CT Davis Excavation has the professional ability to provide for these services to meet the city's needs; and,

WHEREAS, the City Council finds that City now desires to further those ends by contracting with CT Davis Excavation to provide such services; and,

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

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

SECTION II - CONTRACT AUTHORIZED

That The "**Contract Agreement**" For The 850 East Storm Drain Project, Attached Hereto As **Attachment "A"** And By This Reference Fully Incorporated Herein, Is Hereby Approved And Adopted; And That The City Manager Is

Authorized To More Fully Negotiate Any Remaining Details Under The Agreement On Behalf Of The City And Then To Sign, And The City Recorder Authorized To Attest, Any And All Documents Necessary To Effect This Authorization And Approval.

The foregoing Recitals are incorporated herein.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

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

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

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

SECTION V - SAVINGS CLAUSE

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

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 20th day of July, 2021, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH**, on this 20th day of July, 2021.

SOUTH OGDEN CITY

Russell Porter, Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

Resolution No. 21-25

Resolution Of South Ogden City Approving An Agreement With CT Davis
Excavation For The 850 East Storm Drain Project, And Providing That This
Resolution Shall Become Effective Immediately Upon Posting And Final
Passage.

20 Jul 21

CONTRACT AGREEMENT

THIS AGREEMENT is by and between SOUTH OGDEN CITY CORPORATION (hereinafter called OWNER) and CT Davis Excavation LLC (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1- WORK

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The work consists of furnishing and installing 800 Lineal feet of 18" and 15" RCP Storm Drain within an existing city street. The work also includes: the installation of precast manholes, inlet box grates, loops for water and gas services; import trench backfill; asphalt trench repair; and all other related appurtenance and associated work as indicated in the Contract Document.

ARTICLE 2-THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

850 East Storm Drain Project

ARTICLE 3- ENGINEER

3.01 The Project has been designed by Wasatch Civil Consulting Engineering, who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4- CONTRACT TIMES

4.01 *Time of the Essence:* All time limits for completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Dates for Completion and Final Payment:* The Work will be completed within **45** days following Notice to Proceed.

4.03 *Liquidated Damages:* CONTRACTOR and OWNER recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof,

OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER \$200.00 for each day that expires after the time specified in paragraph 4.02 for Completion until the Work is accepted.

ARTICLE 5- CONTRACT PRICE

5.01 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to the paragraph below:

For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the actual quantity of that item as measured in the field.

UNIT PRICE WORK

<u>No.</u>	<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
1.	Mobilization	1	L.S.	\$15,880.00	\$15,880.00
2.	Traffic Control and Barricades	1	L.S.	\$4,300.00	\$4,300.00
3.	12-inch RCP Storm Drain	20	L.F.	\$170.20	\$3,404.00
4.	15-inch RCP Storm Drain	550	L.F.	\$47.13	\$25,921.50
5.	4' Diameter Manhole w/ Flat Lid (4'-6' Depth)	2	Each	\$4,239.00	\$8,478.00
6.	5' Diameter Manhole w/ Flat Lid (4' Depth)	1	Each	\$4,370.00	\$4,370.00
7.	Install New Catch Basin	2	Each	\$3,612.00	\$7,224.00
8.	Loop Existing Gas Service Lateral	4	Each	\$1,300.00	\$5,200.00
9.	Loop Existing Culinary Water Service Lateral	3	Each	\$1,032.00	\$3,096.00
10.	Remove and Replace Existing Fire Hydrant Assembly	1	L.S.	\$11,300.00	\$11,300.00
11.	Remove and Replace Existing Concrete Curb and Gutter	80	L.F.	\$80.07	\$6,405.60
12.	Remove and Replace Existing 4' Wide Concrete Sidewalk	20	L.F.	\$169.60	\$3,392.00
13.	Remove and Replace Existing Pedestrian Access Ramp	2	Each	\$2,715.00	\$5,430.00
14.	Remove and Dispose of Existing Storm Drain Manhole	1	L.S.	\$2,200.00	\$2,200.00
15.	Remove and Dispose pf Existing Concrete Waterway	1	L.S.	\$1,200.00	\$1,200.00
16.	Remove and Dispose of Excavated Trench Material	350	C.Y.	\$21.85	\$7,647.50
17.	Remove and Dispose of Existing Asphalt, Concrete Waterway and Unsuitable Road Base Material (Intersection Area)	40	C.Y.	\$65.75	\$2,630.00
18.	Imported Granular Backfill Borrow	600	Tons	\$37.00	\$22,200.00

19.	Asphalt Road Repair in Intersection Area (3" HMA / 8" UTBC)	150	S.Y.	\$46.00	\$6,900.00
20.	Asphalt Trench Repair	475	S.Y.	\$46.00	\$21,850.00
21.	Landscaping and Sprinkler Repair	500	S.F.	\$4.50	\$2,250.00
22.	Erosion Control BMPs	1	L.S.	\$1,500.00	\$1,500.00
				TOTAL	\$172,778.60

TOTAL OF ALL UNIT: One Hundred and Seventy-Two Thousand Seven Hundred and Seventy-Eight Dollars and Sixty Cents (\$172,778.60).

As provided in paragraph 11.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03 of the General Conditions.

ARTICLE 6- PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments:* CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

6.02 *Progress Payments; Retainage:* OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment on or about the 15th day of each month during performance of the Work as provided in paragraphs 6.02.A. 1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established in paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work, based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER may determine or OWNER may withhold, in accordance with paragraph 14.02 of the General Conditions:

A. 95% of Work completed (with the balance being retained). If the Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100% of the Work completed less the aggregate of payments previously made; and

B. 25% of cost of materials and equipment not incorporated in the Work (with the balance being retained).

2. Upon Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 100% of the Work completed, less such amounts as ENGINEER shall determine in accordance with paragraph 14.02.B.5 of the General Conditions.

6.03 *Final Payment:* Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.07

ARTICLE 7- INTEREST

7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate of 1% per annum.

ARTICLE 8- CONTRACTOR'S REPRESENTATIONS

8.01 In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.02 of the General Conditions and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in the Supplementary Conditions as provided in paragraph 4.06 of the General Conditions.

E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9- CONTRACT DOCUMENTS

9.01 *Contents:*

A. The Contract Documents consist of the following:

1. This Agreement;
 2. Performance Bond;
 3. Payment Bond;
 4. Bid Bond;
 5. General Conditions;
 6. Supplementary Conditions;
 7. Specifications as listed in the table of contents of the Project Manual;
 8. Drawings as listed in the table of contents of the Project Manual;
 9. Addenda No.;
 10. Exhibits this Agreements;
 1. Notice to Proceed;
 2. CONTRACTOR's Bid;
 3. Documentation submitted by CONTRACTOR prior to Notice of Award;
 11. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - Written Amendments;
 - Work Change Directives;
 - Change Order(s).
- B. The documents listed in paragraph 9.01 A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in paragraph 3.05 of the General Conditions.

ARTICLE 10- MISCELLANEOUS

10.01 *Terms*: Terms used in this Agreement will have the meanings indicated in the General Conditions.

10.02 *Assignment of Contract*: Assignment by a party hereto of any rights under or interests in the Contract will not be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*: OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*: Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each has been delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or on their behalf.

This Agreement will be effective on _____, 2021, (which is the Effective Date of the Agreement).

OWNER:

CONTRACTOR:

SOUTH OGDEN CITY CORPORATION

CT DAVIS EXCAVATION LLC

By: _____

By: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest: _____

Attest: _____

Address for giving notices:

Address for giving notices:

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign)

Designated Representative:

Name: _____

Title: _____

Address: _____

Phone: _____

Name: _____

Title: _____

Address: _____

Address: _____

REPORT OF ACTION

South Ogden City Planning Commission



MEETING DATE: July 15, 2021
ITEM: Public Noticing Requirements for Land Use Items
LINK: [June 10, 2021 PC Meeting](#)
[July 15, 2021 PC Meeting](#)

Time stamps in blue (00:00:00) correspond to the audio recording

BACKGROUND

During the last legislative session, changes were made to almost all noticing requirements. The changes mostly consisted of removing all requirements to publish notices in a newspaper of local circulation. Last month, you amended the South Ogden City Purchasing Policy to remove any requirements to publish notices in newspapers. This month, staff has been working on removing notice publication requirements from the city code. Since all the publication requirements were in the zoning title of the code and involved land use issues, staff took the proposed changes to the Planning Commission first for their recommendation.

While reviewing the code, staff found other parts that were outdated and needed to be changed. They have been added to the proposed changes attached to this report, with notes of explanation.

ACTION OF PLANNING COMMISSION

The planning commission recommended the proposed changes be forwarded to the City Council.

CONCERNS RAISED AT PUBLIC HEARING

No one commented on the proposed changes in person. There was one online comment by Gage Bosgieter who stated, “it was a great idea,” although I think he was talking about the notices themselves, not the changes.

July 15 meeting 00:15:03

PLANNING COMMISSION DISCUSSION

June 10 meeting 00:34:13
June 15 meeting 00:01:53

MOTION 00:19:52

CITY CODE CHANGES BASED ON STATE CHANGES TO NOTICING REQUIREMENTS

10-1-4: CHANGES AND AMENDMENTS:

This title, including the maps, may be amended from time to time by the City Council after holding a public hearing. ~~At least ten (10) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the area.~~ Notice for the public hearing shall follow the requirements of UCA 10-9a-205 and its subsequent amendments. In addition to the requirements of UCA 10-9a-205, For notice of any amendment to the zoning map, ~~the notice for a public hearing~~ will be sent at least ten (10) calendar days before the public hearing to the record owner of each parcel to be rezoned and the record owner of each parcel within five hundred feet (500') of the property to be rezoned regardless of whether such property is within the jurisdictional boundaries of the City. All proposed amendments shall be proposed by the Planning Commission or may be submitted by the City Council to the Planning Commission for consideration and recommendation which recommendation shall be returned to the City Council for consideration within sixty (60) days of receipt by the Planning Commission. Failure of the Planning Commission to take action on any City Council proposed amendment within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The City Council may overrule any Planning Commission recommendation by a majority vote of its members.

The following definitions will be added to 10-2-1:

10-2-1 DEFINITIONS:

PUBLIC HEARING: A meeting to hear public opinions on a stated issue ; a meeting where members of the public hear the facts about a stated issue and give their opinions about it.

PUBLIC HEARING NOTICE: Unless otherwise stated, notice for any public hearing within this title shall be given as stated in the corresponding State of Utah noticing requirements. If there are no corresponding State of Utah noticing requirements for the type of public hearing required by this title, the following requirements shall apply: Notice of the date, time, place, and reason for the public hearing shall be posted on the city's website and the public notice website at least ten (10) calendar days before the date of the public hearing.

10-11-10: SUBMISSION AND APPROVAL PROCESS:

D. Preliminary Development Plan Review Process: The planning commission, subject to the requirements of this chapter, may approve or deny the preliminary development plan for the proposed PRUD. During the preliminary review process, a public hearing notice of the date, time, location, and project information shall be ~~published ten (10) days prior to the hearing or~~ mailed to the adjoining property owners to provide a minimum three (3) days notice before the planning commission.

11-1-3: DEFINITIONS:

PUBLIC HEARING: A meeting to hear public opinions on a stated issue ; a meeting where members of the public hear the facts about a stated issue and give their opinions about it.

PUBLIC HEARING NOTICE: Unless otherwise stated, notice for any public hearing within this title shall be given as stated in the corresponding State of Utah noticing requirements. If there are no corresponding State of Utah noticing requirements for the type of public hearing required by this title, the following requirements shall apply: Notice of the date, time, place, and reason for the public hearing shall be posted on the city's website and the public notice website at least ten (10) calendar days before the date of the public hearing.

11-2-1: PRELIMINARY PLAT:

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the "Public Works Standard Drawings, Details And Technical Specifications" and rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, gas company, telephone company, and other public service utility providers, school district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be ~~published ten (10) days prior to the hearing or~~ mailed to the adjoining property owners to provide a minimum three (3) day notice before the planning commission.

11-5-1 : PLAT AMENDMENTS, ALTERATIONS AND VACATIONS; CITY COUNCIL
AUTHORITY:

A. The land use authority may consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat as provided under this chapter and Utah Code Annotated section 10-9a-608 as amended.

B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided in this chapter and Utah Code Annotated section ~~10-9a-609.5~~10-9a-208 or future amended section.

11-5-5 : NOTICE:

A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

1. Mailing the notice to each record owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting ~~or public hearing~~ where the matter will be considered; ~~or. The notice shall include:~~

~~——a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the notice;~~

~~——b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and~~

~~——c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.~~

2. Posting the date, place, and time of the public meeting ~~or public hearing~~, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality reasonably calculated to give notice to passersby, or as may otherwise be required by law.

~~—B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:~~

~~——1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of the date of the notice;~~

~~——2. All of the owners in the subdivision have not signed the revised plat; or~~

~~——3. Any owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of the date of the notice. (Ord. 16-04, 1-19-2016, eff. 1-19-2016~~

This section of the code does not reflect current practices. We are proposing that the changes be made to bring it in line with what we currently do.

11-5-8 : PROPERTY LINE ADJUSTMENTS:

A. A property line adjustment or combination of lots may be approved by staff if: ~~the city council after the required notice and public hearing, that:~~

1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;
2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and
3. The adjustment does not result in violation of applicable zoning requirements.

B. The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.

C. If ~~the city council~~staff approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.

~~—D. The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)~~

Commissioner Howe moved to recommend the changes as outlined in the public hearing. The motion was seconded by Commissioner Snowden. Chair Bradley then called the vote:

Commissioner Howe -	Yes
Commissioner Amos -	Yes
Commissioner Snowden -	Yes
Commissioner Pruess -	Yes
Commissioner Layton -	Yes
Commissioner Jones -	Yes

The motion stood.



NOTICE AND AGENDA

SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD MEETING TUESDAY, JULY 20, 2021 – 6:00 P.M.

Notice is hereby given that the South Ogden City Community Development and Renewal Agency Board will hold a meeting on, Tuesday, July 20, 2021 beginning at 6:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. Any member of the board may be joining the meeting electronically.

I. CALL TO ORDER – Chairman Russell Porter

II. CONSENT AGENDA

- A. Approval of June 15, 2021 CDRA Minutes

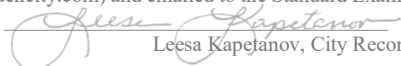
III. DISCUSSION/ACTION ITEMS

- A. Consideration of **CDRA Resolution 21-03** – Approving an Agreement with Zions Bank for Completion of an Economic Development Strategy
- B. Creation of Economic Development Strategy With Benj Becker from Zion's Bank

IV. ADJOURN

Posted to the State of Utah Website July 16, 2021

The undersigned, duly appointed Board Secretary, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on July 16, 2021. Copies were also delivered to each member of the governing body.



Leesa Kapetanov, City Recorder

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



**MINUTES OF THE
SOUTH OGDEN CITY COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY BOARD MEETING**

TUESDAY, JUNE 15, 2021 – 6:00 P.M.

COUNCIL CHAMBERS, CITY HALL

BOARD MEMBERS PRESENT

Chairman Russell Porter, Board Members Susan Stewart, Mike Howard, and Jeanette Smyth Note: Board Members Orr and Strate joined the meeting electronically, however intermittently as their connection allowed.

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Special Events Coordinator Jaime Healy, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Bruce & Joyce Hartman

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking this link:

https://www.southogdencity.com/document_center/Sound%20Files/2021/CC210615_1805.mp3 or by requesting a copy from the office of the South Ogden City Recorder.

Motion from council meeting to enter CDRA Board Meeting:

01:13:55

Council Member Howard so moved. Council Member Smyth seconded the motion. Council Members Stewart, Howard, and Smyth all voted aye.

I. CALL TO ORDER

- Chair Porter called the meeting to order at 7:22 pm and moved to the consent agenda

II. CONSENT AGENDA

- A. Approval of January 5, 2021 CDRA Minutes**

- The chair called for a motion to approve the January 5, 2021 CDRA Minutes

01:14:23

Board Member Howard so moved, followed by a second from Board Member Strate. Board Members Strate, Stewart, Howard, and Smyth all voted in favor of the motion.

III. PUBLIC HEARING

To Receive and Consider Comments on the FY2022 CDRA Budget

- Chair Porter called for a motion to open the public hearing for the reason stated

01:14:55

Board Member Smyth so moved. The motion was seconded by Board Member Howard. Board Members Strate, Stewart, Howard, and Smyth voted aye.

- Chair Porter stated the public hearing was open to receive comments on the FY2022 CDRA budget; no one came forward. The chair announced online comments would be open until 7:26 pm. He then called for a motion to close the public hearing but leave comments open until 7:26 pm.

Board Member Smyth so moved. Board Member Howard seconded the motion. Board Members Stewart, Howard, and Smyth all voted in favor of the motion.

IV. DISCUSSION/ACTION ITEMS

A. Consideration of CDRA Resolution 21-02 – Approving the FY2022 CDRA Budget

- Staff overview 01:16:22
- Discussion 01:19:58
- Chair Porter indicated there were no online public comments concerning the FY2022 CDRA Budget. He called for a motion to approve CDRA Resolution 21-02.
- Motion 01:20:17

Board Member Smyth so moved; Board Member Howard seconded the motion. The chair called the vote:

Board Member Orr-	Yes
Board Member Strate -	Yes
Board Member Stewart -	Yes
Board Member Howard -	Yes
Board Member Smyth -	Yes

88
89 **CDRA Resolution 21-02 was adopted.**
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91
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93 **V. ADJOURN**

- 94 • Chair Porter called for a motion to adjourn
95 01:20:58
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97 **Board Member Howard moved to adjourn the CDRA Board meeting and reconvene as the South**
98 **Ogden City Council. The motion was seconded by Board Member Stewart. Board Members**
99 **Stewart, Howard, and Smyth all voted aye.**

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101 The meeting adjourned at 7:29 pm.
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128 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Community Development
129 and Renewal Agency Board Meeting held Tuesday, June 15, 2021.
130

131 
132 Leesa Kapetanov, City Recorder, Board Secretary

Date Approved by Board

CDRA Resolution No. 21-03

**A RESOLUTION OF THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY APPROVING AN AGREEMENT WITH ZIONS PUBLIC
FINANCE, INC. FOR CREATION OF AN ECONOMIC STRATEGY PLAN**

WHEREAS, the South Ogden City Community Development and Renewal Agency (“Agency”) is in need of an Economic Strategy Plan; and

WHEREAS, the Agency finds that city staff recommends the Agency contract with Zions Public Finance, Inc. for the creation of an Economic Strategy Plan; and

WHEREAS, the Agency finds that Zions Public Finance, Inc. has the professional ability to provide an Economic Strategy Plan to meet the Agency’s needs ; and

WHEREAS, the Agency now desires to further those ends by contracting with Zions Public Finance, Inc. to provide such services; and

WHEREAS, the Agency has reviewed the proposal from Zions Public Finance Inc. that is attached hereto as **Exhibit A**, and desires to approve the proposal and enter into an Agreement.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH
OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY THAT:**

1. The execution of an Agreement for an Economic Strategy Plan is in the best interests of South Ogden City and its residents.
2. Prior to execution of the agreement, the chair, in consultation with the city manager and legal counsel, is authorized to more fully negotiate any remaining details under the agreement on behalf of the Agency and then to sign, and the agency secretary is authorized to attest, any and all documents necessary to effect this authorization and approval.
3. The Agency is hereby authorized to take such steps as may be necessary to carry out the obligations of the Agency under this resolution and the Agreement.
4. This resolution is effective as of the date of its adoption.

APPROVED AND ADOPTED this 20th day of July, 2021.

Russell L. Porter, Chair
*South Ogden City Community Development
and Renewal Agency*

Attest:

Leesa Kapetanov, Secretary

EXHIBIT A

Zion's Public Finance Inc. Proposal



May 13, 2021

Matt Dixon
City Manager
3950 Adams Avenue, Suite 1
South Ogden, Utah 84403

Re: Proposal for South Ogden Economic Strategy

Dear Matt:

Zions Public Finance Inc. (ZPFI) appreciates the opportunity to provide this proposal for an economic strategy plan for South Ogden. Here are the key steps and scope elements that ZPFI envisions for this possible work:

- Highlight demographic data for South Ogden in comparison to other, similar cities within the region to identify opportunities and possible hurdles to development
- Show retail sales opportunities that align with current market trends and demographics
- Identify fiscal impacts (property taxes, sales taxes, municipal energy fees, etc.) for each property type and clearly show revenue impacts from various forms of commercial and residential densities and uses
- Identify key sites within the city that are currently undervalued and/or have near-term redevelopment potential. Show highest and best use considerations for these sites
- Create implementable recommendations on how to capitalize on South Ogden strengths and to address identified weaknesses

It is our intention that this work will be a flexible process that will allow for adaptation during the collection and presentation of data. We anticipate a moderate amount of coordination with the city council, including various education events to highlight our findings and their implications for South Ogden. Our final work product will be a concise plan that is data driven with clearly outlined recommendations. We propose billing on an hourly basis, with a not to exceed initial amount of \$7,500. Our hourly rates range from \$125 to \$200 and are inclusive of all expenses.

Our work will rely upon collaboration with you and an understanding of the needs of the city. We anticipate a variety of both in-person and virtual meetings and will remain flexible based on your needs. Thank you for the opportunity to provide this bid for services. Please let me know if you have any questions.

Best Regards,

A handwritten signature in black ink, appearing to read "Benj Becker", written over a light blue horizontal line.

Benj Becker
Vice President, Zions Public Finance Inc.
801-844-8397