



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

**TUESDAY, OCTOBER 4, 2022, 5PM**

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5 pm Tuesday, October 4, 2022. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the EOC. The meeting is open to the public; anyone interested is welcome to attend. No action will be taken on any items discussed during the pre-council work session. Discussion of agenda items is for clarification only. Some members of the council may be attending the meeting electronically.

## **WORK SESSION AGENDA**

**I. CALL TO ORDER** – Mayor Russell Porter

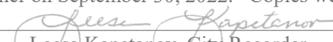
**II. REVIEW OF AGENDA**

**III. DISCUSSION ITEMS**

A. Strategic Plan

**IV. ADJOURN**

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on September 30, 2022. 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 24 hours in advance.



# STRATEGIC PLAN

STATUS	WBS	DESCRIPTION	OWNER	DUE DATE	RESOURCES	%	COMMENTS
	1.0	<b>FISCAL SUSTAINABILITY: Ensure the ability of the City to provide quality public services through careful, long-range planning and evaluation of current decisions in context of future fiscal impacts.</b>					
Completed	1.1	Complete Sewer Capital Facilities Master Plan update	Jon Andersen	1/31/2022	Brad Jensen, Shane Douglas, Josh Sully	50	<b>MattDixon</b> : Matt, The Storm Drain Capital plan should be done around the end of August. The
On Track	1.2	Hold quarterly work sessions to review and update the City's Sustainability Models	Steve Liebersbach	2/1/2022			<b>MattDixon</b> : Next meeting scheduled for Oct. 05 <b>MattDixon</b> : Fred came and presented a CFSP 101 overview for the council on Oct.
On Track	1.3	Expand the City's fleet lease program when doing so results in cost savings and benefits to the City	Steve Liebersbach	6/30/2022	Jon & Garth		<b>MattDixon</b> : Talked with Young Automotive Group and they referred me to their fleet sales person, Rick Bailey, at 801.710.4401, (rbailey@youngauto.net)
Attention	1.4	Analyze the effects of increased use of solar on City power utility revenues.	Steve Liebersbach	6/30/2022	FA consultant(s)		<b>SteveLiebersbach</b> : I've met with Kirk Nigro with Rocky Mountain Power and have info to share for Oct. or Nov. meetings.
On Track	1.5	Update Sustainability Model to address inflation and population growth	Steve Liebersbach	12/31/2022			
On Track	1.6	Prepare an Accountability and Spending Plans for CARES, ARPA, and Impact Fees	Steve Liebersbach	12/31/2022		33.33	<b>SteveLiebersbach</b> : CARES can be removed - that is completed. ARPA - waiting on departments for "real" bid information - I think an 11/01/2022 deadline should be
	2.0	<b>EMPLOYEES: Recruit, develop and retain quality employees by maintaining competitiveness in pay and benefits and demonstrating a commitment to every employee's growth and development.</b>					
Completed	2.1	Increase Employee Satisfaction	Doug Gailey	1/2/2023		100	
Completed	2.2	Evaluate and make recommendations for Benefit changes that may be necessary to remain competitive	Doug Gailey	6/30/2023		100	
On Track	2.3	Improve access and quality of Mental Health Resources for employees	Doug Gailey	6/30/2023	Chief Parke, Chief West		

On Track	2.4	Identify areas for improvement with the City's Employee Wellness program	Doug Gailey	6/30/2022		50	
On Track	2.5	Prepare Succession Plans for departments	Doug Gailey	6/30/2023			
	3.0	<b>INFRASTRUCTURE: Invest in the maintenance of existing City infrastructure (i.e. utilities, parks, roads, etc.) and plan for new infrastructure needs necessary to support new growth and development within the City.</b>					
Completed	3.1	Evaluate and determine interest in providing fiber connectivity for residents and businesses	Matt Dixon	6/30/2022		100	<b>Matt Dixon</b> : Council met in work session and decided, after learning about the different options, the best approach will be to be franchise city. The Council
On Track	3.2	Increase resident satisfaction rating of the City parks by 10 percent	Jon Andersen	6/30/2022		79.04	
On Track	3.3	Increase resident satisfaction with the quality of the City's streets by 10 percent	Jon Andersen	6/30/2025		33.33	
On Track	3.4	Complete design and project plans for a Skate Park.	Matt Dixon	12/31/2022	Mayor Porter, Mark Vlasic (Planner), City Council, Grants	58.33	
On Track	3.5	Ensure adequate staffing and funding to maintain current and new parks.	Shane Douglas	9/15/2021	Doug Gailey, City Council, Budget	33.33	
Attention	3.6	Increase opportunities for resident utilization of sidewalks and trails by identifying gaps and making improvements in areas such as School Safe Routes.	Jon Andersen	6/30/2022		22.22	
Attention	3.7	Complete a plan for the remodel/relocation of the Public Works yard and facilities.	Jon Andersen	6/30/2022		25	
Attention	3.8	Increase resident access to public transit through construction of Ogden BRT Phase II and coordination and planning with UTA	Matt Dixon	6/30/2026	City Council, Mark Vlasic	20	
Attention	3.9	Work with Weber Basin Water to improve resiliency of the City's water service	Jon Andersen		Brad Jensen, Jason Brennan, WBWCD	16.66	
Attention	3.10	Prepare Phase II of Security Camera Program	Jon Andersen	6/30/2022	David, Curtis (DSI)	25	

	4.0	<b>ECONOMIC DEVELOPMENT: Foster quality economic development by focusing on new development (i.e. businesses, housing, etc.) opportunities, zoning options, code enforcement, increased leveraging of development resources and effective branding.</b>					
<b>Completed</b>	4.1	Develop an Economic Development Strategy for South Ogden.	Matt Dixon	12/31/2021	CDRA Board, Consultants	100	<b>MattDixon</b> : Talked with Benj Becker (Zions Bank and CDRA Consultant) about this project. We talked about finding out what the city's focus should be, based on
<b>Attention</b>	4.2	Increase availability of affordable housing in South Ogden.	Matt Dixon	6/30/2025	City Council	20	<b>MattDixon</b> : Weber County Housing Affordability and Access Plan Initiative held a kick off meeting. Attached are the notes and the slides from the meeting. Melissa
<b>Attention</b>	4.3	Complete a public project(s) within the City Center CRA that will increase the likelihood of drawing redevelopment attention from investors.	Matt Dixon	9/30/2022			
<b>On Track</b>	4.4	Complete project with private investment that will drive interest and new investment in the City Center CRA	Matt Dixon	6/30/2023			
<b>On Track</b>	4.5	Strengthen the City's brand.	Jamie Healy		City Council	4.68	
<b>Attention</b>	4.6	Strengthen the City's relationship with our business community.	Jamie Healy	6/30/2023	Mayor and City Council,		
<b>NEW</b>	<b>4.7</b>	<b>[new] Pursue redevelopment of deteriorating commercial properties with low property values at key sites.</b>	Matt Dixon				
	4.7.1	Provide appropriate public assistance for demolition of key properties and improved infrastructure at key sites, particularly along the northern end of Highway 89. These sites have good access and visibility but present a poor					
	4.7.2	Consider public assistance to create a public gathering place at an appropriate site that will attract the public through amenities such as plazas, fountains, pavilions, eating areas, etc.					
	4.7.3	Create and implement long-term plans to maximize highest-and-best use development at key intersections along Highway 89 extending between the northern and southern clusters in the City.					
<b>NEW</b>	<b>4.8</b>	<b>[new] Retain and strengthen existing businesses.</b>	Matt Dixon				
	4.8.1	Provide sales tax leakage information to specific businesses which show the potential for business expansion opportunities within related industries.					

	4.8.2	Work with existing businesses to adapt to changing retail trends including the need for drive-thru/pickup space, assistance with online retailing, etc.					
	4.8.3	Continue to promote and highlight "Shop South Ogden" to encourage local residents to support the businesses located throughout South Ogden.					
<b>NEW</b>	<b>4.9</b>	<b>[new] Recruit additional businesses to South Ogden</b>	Matt Dixon				
	4.9.1	Approach property owners of key sites, especially those providing connectivity with other retail sites in the northern business cluster, regarding retail opportunities (such as those identified in the sales leakage analysis).					
	4.9.2	Approach businesses desired by the City, that are lacking in the surrounding area, (including Riverdale & Ogden) through avenues such as ICSC, local brokers and drop in visits.					
<b>NEW</b>	<b>4.10</b>	<b>[new] Develop a community gathering place that will add to the image and reputation of the City and provide increased quality of life for residents.</b>	Matt Dixon				
	4.10.1	Identify potential key sites, properties and property owners that would provide an ideal site for a community gathering destination.					
	4.10.2	Create a Small Area Master Plan for the site.					
	4.10.3	Consider the use of all available economic tools to assist with this project.					
<b>NEW</b>	<b>4.11</b>	<b>[new] Recognize that residential redevelopment with increased density, in key locations, can provide fiscal benefits to the City through increased property, sales and municipal energy revenues.</b>	Matt Dixon			33.33	
	4.11.1	Consider assistance with podium parking needs for higher-density development.					
	5.0	<b>COMMUNITY ENGAGEMENT: Create opportunities for residents and businesses throughout the City to work and serve together while being connected to and valued by the City.</b>					
<b>On Track</b>	5.1	Increase utilization of City facilities (i.e. amphitheater, parks, etc.).	Jamie Healy	4/1/2022	City Council, Grants,	50	<b>MattDixon</b> : 11/05/20 - Received grant money from both Walmart and RAMP for amphitheater <b>MattDixon</b> : 04/17/20 - Filed EZ Grant on

<b>Attention</b>	5.2	Strengthen inclusion through improved communication and engagement with diverse groups (e.g. youth, ethnic groups).	Doug Gailey	6/30/2023	City Council, Minority groups, Churches	66.66	
<b>On Track</b>	5.3	Strengthen engagement and sense of Community through Special Events.	Jamie Healy	6/30/2023			
<b>Attention</b>	5.4	Improve communications with residents & businesses.	Jamie Healy	6/30/2023		10.41	<b>MattDixon</b> : 11/05/20 - Discussed ideas with Doug after 2020 Wind Event about coming up with a communication tree for the community.
	6.0	<b>COMMUNITY BEAUTIFICATION: Improve the visual appearance of the City.</b>					
<b>On Track</b>	6.1	Increase community engagement through service opportunities	Jamie Healy	6/30/2022	Jon Andersen	66.66	<b>MattDixon</b> : 10/16/19 - Council discussed this goal on 10/15 and decided to do it in the spring, possibly in conjunction with the National Day of Service. Mayor Porter
<b>On Track</b>	6.2	Improve visual appeal of the City by creating a tracking/maintenance system for all City-owned properties and right-of-ways	Shane Douglas, Josh Sully	12/31/2022		66	
<b>Overdue</b>	6.3	Evaluate Code Enforcement Progress/Improvements	Darin Parke	7/1/2022	Code Officer, City Council		



## NOTICE AND AGENDA SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, OCTOBER 4, 2022, 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled council meeting at 6 pm Tuesday, October 4, 2022. 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; anyone interested is welcome to attend. Some members of the council may be attending the meeting electronically. The meeting will also be streamed live over [www.facebook.com/southogdencity](http://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 Strate

- 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. CONSENT AGENDA

- A. Approval of September 20, 2022 Council Minutes
- B. Approval of Class C Beer License for Ramblin Roads Restaurant Located at 1765 Skyline Drive

**V. DISCUSSION / ACTION ITEMS**

- A. Consideration of **Resolution 22-39** – Agreement With Mark H. Bott Company for Heritage Trail Monuments
- B. Consideration of **Ordinance 22-17** – Amending SOCC 10-7 by Changing Wording for Setbacks and Amending Building Height Allowances

**VI. DISCUSSION ITEMS**

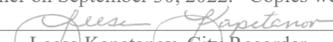
- A. Discussion on Planning Commission Review of Vacations and Amending Subdivision Plat Review Process
- B. Discussion on Corrections to SOCC 10-19-3 Concerning Home Occupation Licenses

**VII. REPORTS/DIRECTION TO CITY MANAGER**

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

**VIII. ADJOURN**

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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, SEPTEMBER 20, 2022

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, and Mike Howard

COUNCIL MEMBERS EXCUSED

Jeanette Smyth

STAFF MEMBERS PRESENT

Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Police Chief Darin Parke, Communications and Events Specialist Jamie Healey, and Recorder Leesa Kapetanov

MEMBERS OF THE PUBLIC 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://files4.1.revize.com/southogden/document\\_center/Sound%20Files/2022/CC220920\\_1704.mp3](https://files4.1.revize.com/southogden/document_center/Sound%20Files/2022/CC220920_1704.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 5:05 pm and entertained a motion to open the meeting 00:00:00

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

- The mayor excused City Manager Dixon and Council Member Smyth who would not be attending the meetings that evening 00:00:09

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**II. REVIEW OF AGENDA**

- Council Member Stewart asked some questions about the previous meeting’s trail maintenance contract 00:00:26

**III. REPORT ON CODE ENFORCEMENT**

Chief Parke and Lieutenant Todd Hardman

- Chief Parke gave a visual presentation. See Attachment A. 00:01:37

**IV. DISCUSSION ITEMS**

A. Amendments to Wording for Setbacks and Height Restrictions in Residential Zones

- Staff overview 00:29:20
- Discussion 00:31:33
- Staff was instructed to create an ordinance with the amendments to be considered at the next council meeting 00:52:06

**V. ADJOURN**

- At 5:57 pm, the mayor called for a motion to adjourn the work session 00:52:57

**Council Member Orr so moved, followed by a second from Council Member Howard. All present voted aye.**

## COUNCIL MEETING MINUTES

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### COUNCIL MEMBERS PRESENT

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

### COUNCIL MEMBERS EXCUSED

Jeanette Smyth

### STAFF MEMBERS PRESENT

Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Police Chief Darin Parke, Communications and Events Specialist Jamie Healy, and Recorder Leesa Kapetanov

### MEMBERS OF THE PUBLIC PRESENT

Joyce & Bruce 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://files4.1.revize.com/southogden/document\\_center/Sound%20Files/2022/CC220920\\_1804.mp3](https://files4.1.revize.com/southogden/document_center/Sound%20Files/2022/CC220920_1804.mp3)

**or by requesting a copy from the office of the South Ogden City Recorder.**

## I. OPENING CEREMONY

### A. Call To Order

- At 6:04 pm, Mayor Porter called the meeting to order and entertained a motion to begin  
00:00:00

**Council Member Howard so moved. The motion was seconded by Council Member Strate. In a voice vote Council Members Orr, Strate, Stewart, and Howard all voted aye.**

### B. Prayer/Moment of Silence

The mayor led those present in a moment of silence

### C. Pledge Of Allegiance

Council Member Orr led everyone in the Pledge of Allegiance.

107 **II. PUBLIC COMMENTS**

- 108 • There were no people in the audience other than staff at this time. The mayor gave those online  
109 until 6:10 pm to post their comments.

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112 **III. RESPONSE TO PUBLIC COMMENT**

- 113 • Not relevant at this time

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116 **IV. CONSENT AGENDA**

117 A. Approval of September 6, 2022 Council Minutes

118 B. Declaring Certain Fleet Vehicles as Surplus to the City's Needs

- 119 • Mayor Porter read through the consent agenda and asked if there were any questions

120 00:01:07

- 121 • Council Member Stewart asked some questions about the surplus vehicles

122 00:01:16

- 123 • Mayor Porter called for a motion to approve the consent agenda

124 00:03:29

125

126 **Council Member Howard so moved. The motion was seconded by Council Member**  
127 **Strate. The voice vote was unanimous in favor of the motion.**

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- 130 • Finance Director Steve Liebersbach joined the meeting to answer questions concerning  
131 what was done with the revenues received from selling the surplus vehicles

132 00:04:11

133

134

135 **V. PUBLIC HEARING**

136 To Receive and Consider Comments on the Proposed 2022 Water Conservation Plan

- 137 • Staff overview of public hearing item

138 00:07:44

- 139 • The mayor called for a motion to enter into a public hearing

140 00:11:16

141

142 **Council Member Howard so moved. Council Member Stewart seconded the motion. The**  
143 **vote was unanimous to open the public hearing.**

144

- 145 • Mayor Porter asked if anyone present would like to comment. No one came forward. He then  
146 asked if any online comments had been received from the earlier public comments section.  
147 Nothing had been received. 00:11:28

148



193 • The mayor asked if there had been any online comments for the public hearing. He was told  
194 no comments had been made.

195 00:17:05

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198 C. Consideration of Ordinance 22-15 – Approving the 2022 Water Conservation Plan

- 199 • Staff overview 00:17:11  
200 • Council discussion 00:17:55  
201 • Mayor Porter called for a motion to adopt Ordinance 22-15, approving the 2022 Water  
202 Conservation Plan 00:24:15

203

204 **Council Member Orr so moved, followed by a second from Council Member Stewart.**  
205 **The mayor called the vote:**

206

207 Council Member Strate - Yes  
208 Council Member Stewart - Yes  
209 Council Member Orr - Yes  
210 Council Member Howard - Yes

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212 **Ordinance 22-15 was adopted.**

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216 D. Consideration of Ordinance 22-16 – Amending South Ogden City Code 10-5.1A and 10-  
217 5.1B, Changing What the City Allows for Existing Signs And Creating a New Sign Category  
218 Called Non-Commercial Expressive Signs

- 219 • Staff overview 00:24:36  
220 • Council discussion 00:25:43  
221 • Mayor Porter entertains a motion to approve Ordinance 22-16  
222 00:28:55

223

224 **Council Member Strate so moved, followed by a second from Council Member Howard.**  
225 **The mayor asked if there was further discussion, and seeing none, he called the vote:**

226

227 Council Member Stewart - Yes  
228 Council Member Strate - Yes  
229 Council Member Howard - Yes  
230 Council Member Orr - Yes

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232 **The motion stood.**

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238 **VII. REPORTS/DIRECTION TO CITY MANAGER**

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A. City Council Members

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- Council Member Stewart- 00:29:25

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- Council Member Orr- 00:30:40

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- Council Member Strate- 00:36:03

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- Council Member Howard - 00:39:17

244

245

B. Assistant City Manager 00:39:52

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C. Mayor 00:41:00

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251 **VI. ADJOURN**

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- At 6:48 pm, Mayor Porter called for a motion to adjourn the meeting  
00:43:12

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**Council Member Strate so moved. Council Member Howard seconded the motion. The voice vote was unanimous in favor of the motion.**

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I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Pre-Council Work Session and Council Meeting held Tuesday, September 20, 2022.

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Leesa Kapetanov, City Recorder

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\_\_\_\_\_  
Date Approved by the City Council

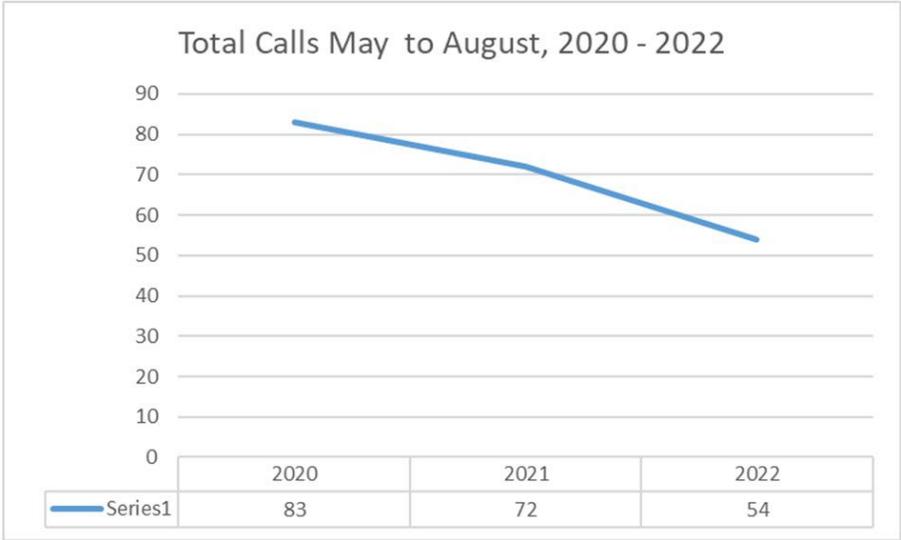
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**ATTACHMENT A**

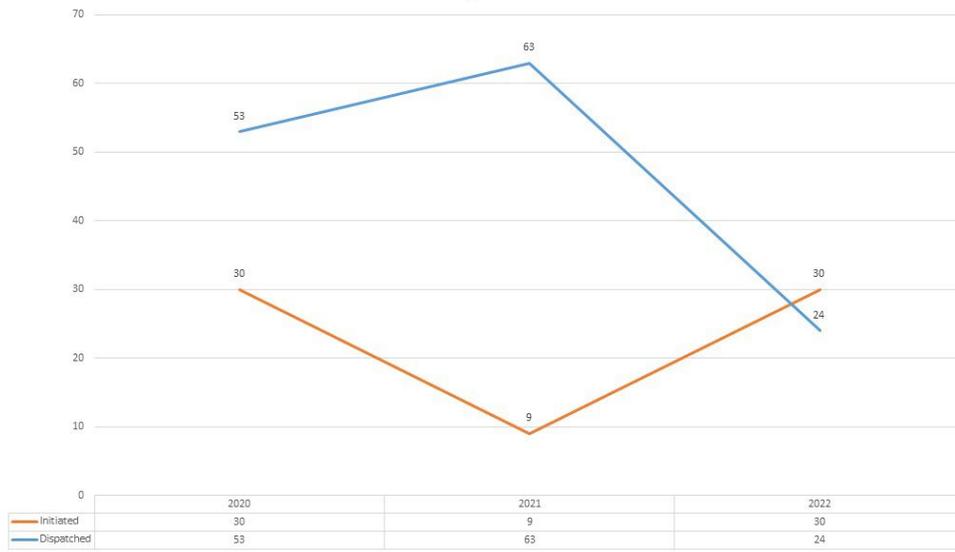
Visual Presentation by Chief Parke

# Code Enforcement

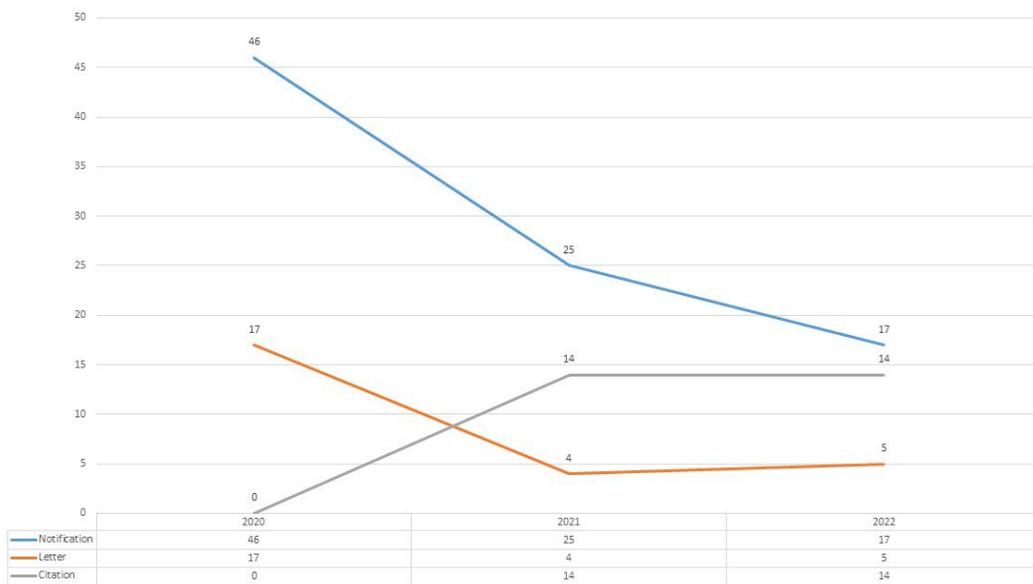
2020 to 2022 for the months of May to August

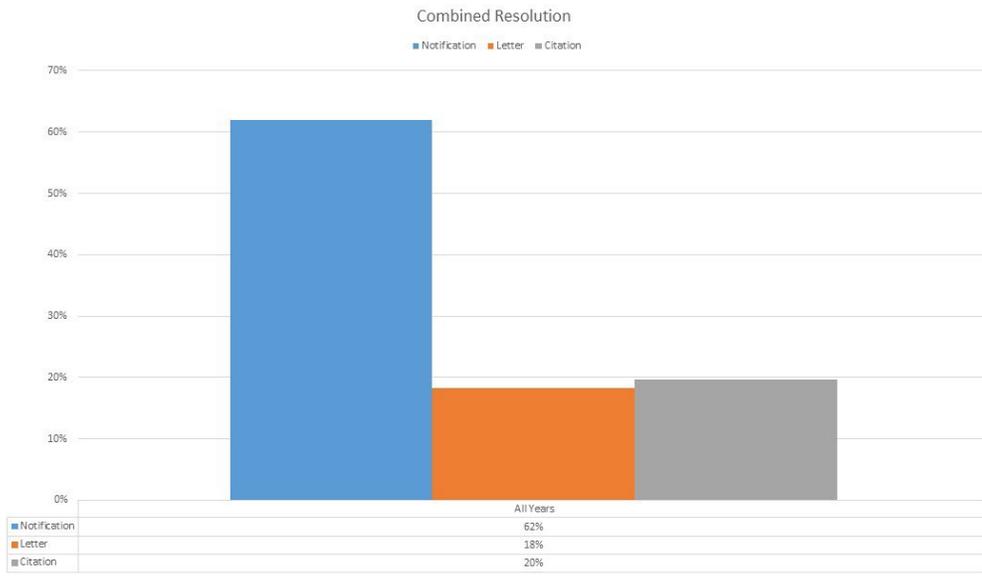


### Origination



### Resolution





326

Not Approved

# STAFF REPORT



**SUBJECT:** Beer License for Ramblin Roads Restaurant  
**AUTHOR:** Leesa Kapetanov  
**DEPARTMENT:** Administration  
**DATE:** October 4, 2022

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## RECOMMENDATION

Staff recommends approval of this Class C beer license for Ramblin Roads Restaurant located at 1765 Skyline Drive (where Village Inn used to be).

## BACKGROUND

South Ogden City Code requires anyone who wants to sell beer in the City to get a beer license.

There are three types of licenses:

Class A- This would be for a bar or tavern

Class B- This is for grocery and convenience stores where beer is sold but cannot be consumed on the premises.

Class C- This is for restaurants where beer is served with a meal.

The code says that a beer license may not be granted to any person "unless he shall be of good moral character, over the age of twenty one (21) years and a citizen of the United States, or to anyone who has been convicted of a felony or of any violation of any law or ordinance relating to intoxicating liquors, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications hereinbefore set out, or to any corporation, director or officer of which lacks any of such qualifications."

## ANALYSIS

The City requires that anyone applying for a beer license must also include a background check. The background check would show if the person had been convicted of a felony or any law relating to alcohol. The police chief then makes a recommendation to the City Council as to granting or denying the license. It is then up to the Council to "act upon the application as it shall deem fair, just and proper, in regard to granting or denying the same."

## SIGNIFICANT IMPACTS

None



# BEER LICENSE APPLICATION

Business Name \_\_\_\_\_

Business Address \_\_\_\_\_

Owner(s) Name(s) \_\_\_\_\_

Owner Address \_\_\_\_\_

Date of Birth \_\_\_\_\_ Driver's License No. \_\_\_\_\_

I, we, \_\_\_\_\_  
*(If partnership, please attach names and addresses of all partners; if corporation, names and addresses of all principal officers)*

hereby apply for a license to conduct the business of (check one):

**Class "A"** -- entitles the licensee to sell beer on draft or in original containers, only on the licensed premises for consumption on or off the licensed premises in accordance with the Utah Liquor control Act and the Ordinances of the City. **License fee is \$250.00 per year.**

**Class "B"** -- entitles the licensee to sell beer in original containers only on the licensed premises for consumption off the licensed premises in accordance with the Utah Liquor Control Act and the Ordinances of the City. **License fee is \$100 per year.**

**Class "C"** -- entitles the licensee to sell beer on the licensed premises in original containers only, not for takeout, but for consumption with meals on the premises in accordance with the Utah Liquor Control Act and the Ordinances of the City. Applicant must be engaged in business of sales of food in area where beer is sold and the annual gross receipts from sale of food must exceed the annual gross receipts from sale of beer. **License fee is \$200.00 per year.**

***I have complied with the requirements and possess the qualifications specified in the Utah Liquor Control Act and the South Ogden City Ordinances.***

\_\_\_\_\_  
Owner/Agent Signature

\_\_\_\_\_  
Date

*Office Use Only*

**Approved by the Chief of Police:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Approved by the South Ogden City Council:**

\_\_\_\_\_  
Date



Department of Public Safety

JESS L. ANDERSON  
Commissioner

State of Utah

SPENCER J. COX  
Governor

DIEDRE M. HENDERSON  
Lieutenant Governor

Criminal History Report

This is an official Utah Criminal History Report for the following person:

Name: <b>MARTHA BELL CELIA</b>	Date of Birth: <b>01/03/1952</b>
Other Names Used:	
Other Dates of Birth Used:	
<b>No other birth dates exist.</b>	

**NO CRIMINAL RECORD FOUND**

This report reflects the criminal history as of: **09/09/2022**

The Bureau of Criminal Identification did not find a match for this individual in the Utah Criminal History database.

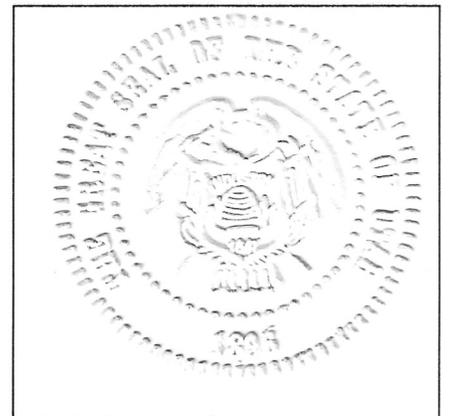
The database was searched by name only.

This is a report of search results from the Utah Criminal History file only. It does not preclude the existence of juvenile arrests, arrests in other states, or arrests not reported to the Bureau of Criminal Identification.

This report is not valid without the official seal of the State of Utah embossed in the box to the right.

I hereby certify that the information contained in this document is true and correct.

*Tina Lupello*  
Signature of B.C.I. official



# STAFF REPORT



**SUBJECT:** Heritage Trail Monuments Agreement  
**AUTHOR:** Jon Andersen  
**DEPARTMENT:** Park & Recreation  
**DATE:** October 4, 2022

---

## RECOMMENDATION

Staff recommends approval of the agreement with Mark H. Bott Co. for monuments at the Heritage Park Trail Project.

## BACKGROUND

The City was approached awhile ago about relocating the Kit Carson Memorial located on Washington Blvd. on the East side close to 40<sup>th</sup> St. The monument was destroyed in the wind storm of 2020. City staff has been working with the Sons of Utah Pioneers (SUP) to have options to place/relocate the monument. During the discussions it was decided to do a whole project to represent the city, county as a whole with it's history. The project has been called "The Heritage Park Trail" and will not only have one monument but up to 10-12 three sided monuments along the trail located at Friendship Park that the community can enjoy. It is intended to be a very educational piece of history for many to enjoy for years to come. RAMP funding of \$48,216.00 has been awarded and donations from various groups have been received. The City has received \$83,000 to this point with a few more donations possible. This agreement will be the first two monuments of the project.

## ANALYSIS

AN RFP was sent out in July of this year for two weeks to solicit bids for the monuments for the Heritage Trail Project. Six companies were contacted directly and it was publicly advertised. The City only received one bid back. The bid was received from Mark H. Bott Co. They assisted the City with coming up with the original design and used their information for the RAMP application. They are a qualified company to complete the project and have done very satisfactory work for the City on past projects. The cost for the for each monument provided in the RFP was \$22,724.00 for a total for two of \$45,448.00

## SIGNIFICANT IMPACTS

Cost of the two monuments is estimated at \$45,448.00

## **ATTACHMENTS**

RFP

Bott Information Letter

Informational Tri-Fold



**PUBLIC ADVERTISEMENT**  
**REQUEST FOR PROPOSALS**  
**Heritage Park Trail Monuments**

**South Ogden City Corporation**

**RECEIPT OF PROPOSALS:**

Proposals will be accepted by South Ogden City at the Public Works Office Building, 5590 S 600 E South Ogden, Utah 84405, until 2:00 p.m., July 14, 2022, for a maximum 5-year contract from a qualified contractor to assist in the planning, designing, construction and installation trail monuments.

**Late Submittals Will Not Be Accepted**

- No facsimile or email transmittals will be accepted. All submittals must be delivered by the mail or other delivery service or hand-carried to the Public Works Office Building Information Desk at the same address. It is the sole responsibility of those responding to this Request for Proposal to ensure that their submittal is made to the correct location and in compliance with the stated date and time. City offices are closed on holidays.

- The City reserves the right to accept or reject any submittal as it best serves convenience and/or is found to be in the best interest of the City.

- South Ogden City encourages and welcomes bids from local, small, women and minority owned businesses and other disadvantaged business enterprises

**DESCRIPTION OF WORK:**

The work consists of building 10-12 potential monuments for the South Ogden Heritage Park Trail (see Attachment A – Project Concept Plan). The location where the monuments will be placed is in South Ogden City's Friendship Park (5500 S. 650 E.). The monuments will be constructed of granite type material four feet wide x three feet 8 inches front to back and five feet six tall (4'wide x 3'8" front -back x 5'6" tall, see Attachment B – Monument Design Concept). The monuments will be able to be lettered on all three sides. All materials will be quoted to FOB to South Ogden City and any necessary materials, equipment, footings, foundation or additional concrete work needed to have the monuments free standing after installation.

**PROJECT ADMINISTRATION:**

All questions relative to this project shall be directed to Jon Andersen, Public Works Director, at 801-622-2901 or Shane Douglas, Assistant Public Works Director, at 801-622-2908.

**OWNERS RIGHTS RESERVED:**

South Ogden City reserves the right to reject any or all proposals, waive any informalities in a proposal, and make awards in the interest of the City. Award of a contract will be at the City's discretion based on their evaluation of the proposal best determined to meet their needs.

Dated: May 19, 2022

Published: June 1, 2022

By: Jon Andersen, South Ogden City

## **PROPOSAL INFORMATION**

### **PROJECT BACKGROUND:**

South Ogden City is a mostly residential community located in Weber County, Utah. South Ogden City's mission statement shows the city's commitment to "preserving and enhancing quality of life." This project helps the city fulfill our mission by providing a unique, creative way for individuals and families to enjoy the outdoors while preserving our rich history. The idea for this project was conceived during discussions between the Sons of the Utah Pioneers (SUP) and South Ogden City officials related to the recent destruction of a Kit Carson monument that came down during the wind event in September of 2020. The simple replacing/relocating of this monument grew into discussions about combining outdoor recreation with history. Over the last few years, with the help of the SUP, this project now has wide-spread support from many organizations, including: Weber School District, Daughters of the Utah Pioneers, Weber Heritage Foundation and the Trails Foundation of Northern Utah. This project is in a great location because it sits right next to H. Guy Child Elementary School, South Ogden Jr. High School, the south branch of the Weber County Library and is in one of the most used parks in southern Weber County. Large sporting events are held throughout the year at this park as well as South Ogden Days that brings thousands of people into the park. The project includes adding historical monuments around an existing walking trail at Friendship Park. Major monuments will be used to highlight important historical groups (e.g. Native American Indian Tribes, Trappers, etc.) and small non-major monuments/plaques will be used to highlight important historical individuals (e.g. John Fremont). This project will also incorporate QR codes on each monument that will enable people to access a website where more can be learned about the group or individuals highlighted on the monument/plaque. The project may also include adding videos to the QR code links that will allow people to listen to local historians share stories about the areas' rich history. Within the next few years, the city would like to see 10-12 historical monuments located around this trail providing a rich, outdoor, historical venture for families to enjoy.

### **WORK DESCRIPTION:**

The selected contractor shall be responsible for providing all labor and equipment necessary to perform the design, lettering, and installation of the monuments.

- All monument's will be approved by the South Ogden City before any construction begins
- All monuments will be similar in design and installation.
- Providing additional monuments upon the City's request

The Heritage Park Trail Monuments contract will be administered by the South Ogden City Public Works/Parks Department. Installation will be supervised for quality and level of service by the Public Works Director or his designee.

---

## Request for Proposals – Heritage Park Trail Monuments 2022 Contract

### EXISTING CONDITIONS:

Contractors proposing monuments and installation services are responsible to visit the City site and observe the conditions which might affect the work.

### QUALIFICATIONS:

The Contractor must meet the following minimum qualifications:

- At least ten (10) years of experience with design, build, and installation of the monuments
- A list of five (5) similar projects that have been completed recently with references and contact information
- Sufficient equipment and employees to complete the work within the scheduled time

### INSURANCE REQUIREMENTS:

Prior to beginning work on the project, the Contractor shall deliver to South Ogden City:

- A certificate showing of automobile and liability insurance coverage with minimum coverage amounts of \$1,000,000.00 per occurrence with a \$2,000,000.00 aggregate

### Bond Requirements:

Submission of a Bid constitutes a promise that the successful bidder will enter into a contract with South Ogden City. Bidders should carefully examine all required bonds and insurance information

- The Performance Bond is a guarantee of faithful performance of the requirements of the Contract Documents, including all applicable warranties. The Payment Bond is a guarantee of payment of all labor, materials, or supplies used directly or indirectly in the prosecution of the work provided in the Construction Documents.
- The sum of the Performance Bond and the Payment Bond shall be increased or decreased during the course of the work in the event that Contract Modifications, Change Orders or Addenda increase or decrease the total contract price. The sum of each bond shall be in an amount equal to the completed contract price at the completion of the work.
- South Ogden City does not provide any release of Performance Bonds or Payment Bonds. The bonds are in effect throughout all periods during which a suit may be brought under the provisions of applicable law.

### PROPOSAL REQUIREMENTS:

Proposals shall consist of a price proposal and supporting information. Specific information shall include:

- A brief company profile and contact information
  - Price proposal for the work (see Attachment C - Schedule of Values)
  - Descriptions of proposed equipment and personnel
  - Experience with similar projects/work
  - References
-

Request for Proposals – Heritage Park Trail Monuments 2022 Contract

**Attachment B – Monument Design Concept**

Dimensions:

- 4'x3'8" (front to back)
- 5'6" tall
- Lettering on three sides

Monument Example

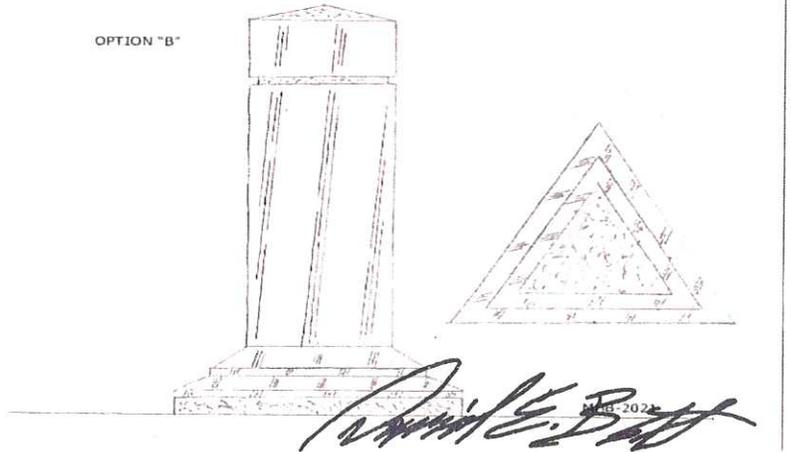


Sons of the Utah Pioneers QR Code



South Ogden City  
3050 Adams Ave. Suite 4  
South Ogden City, UT 84403  
Phone: 801.432.9200  
E-mail: mdixon@southogdencity.gov

OPTION "B"



## Request for Proposals – Heritage Park Trail Monuments 2022 Contract

Proposals will be evaluated by South Ogden City Public Works Department staff. The proposal pricing shall remain firm for not less than ninety (90) calendar days from the date of receipt of proposal.

### EVALUATION FACTORS:

South Ogden City will evaluate proposals based upon the following factors:

- 50% Ability to provide required services (qualifications, experience, equipment, references)
- 25% Completion of the project within the determined timeframe  
(contract length will be approximately ninety (90) days for the first three monuments)
- 25% Price Considerations
- 100%

### CONTRACT:

South Ogden City intends to award a contract that will be renewable for four (4) additional years based upon a positive evaluation of contractor performance and agreement by both parties upon annual prices. Contract unit price adjustments will be considered annually based upon inflation, as determined by the consumer price index (CPI) for the Mountain West Region.

The City reserves the right to unilaterally terminate the contract agreement at any time upon thirty (30) days written notice to the contractor.

Company: MARK H. BOTT CO.

Signature: *David E. Bott*

Date: 7.14.22

# MHB

## MARK H. BOTT CO.

*A Family Craft Since 1875*



David Bott, CM, AICA  
President

1679 Washington Blvd.  
Ogden, UT 84404  
p (801) 393-8087

david.bott@markbottco.com  
www.markbottco.com

Request for Proposals – Heritage Park Trail Monuments 2022 Contract

TO THE MAYOR OF SOUTH OGDEN CITY, UTAH

Dear Sir:

The undersigned is familiar with the local conditions affecting the cost of the work at the place where the work is to be done, has carefully examined the specifications and other contract documents, and has examined the locations of the proposed work.

The undersigned hereby proposes and agrees to perform everything required to be performed, and to provide and furnish any and all required labor, materials, necessary tools, expendable equipment and all utility and transportation services necessary to perform and complete, in a workmanlike manner, all the work required in connection with the plans and specifications and other contract documents, at the following bid prices for the several bid items of work named.

Receipt of the following addenda is hereby acknowledged:

Mark H. BOTT Co Name of Bidder

 Authorized Signature

Date: July 14-2022

Request for Proposals – Heritage Park Trail Monuments 2022 Contract

SOUTH OGDEN CITY CORPORATION  
CONTRACTOR INFORMATION SHEET

Business name: Mark H. Bott Company Year Est. 1875

Owner or Parent Company: David E. Bott

Business address: 1679 Washington Blvd - Oden, UT 84404

Business Tel.: 801-393-8087 Mobile Tel.: 801-791-4580 Federal I.D. #

Tax ID: 87-0292041

If you do not have a federal

I.D. #, please list your Social Security Number:

BID FORM

NAME OF BIDDER MARK H. BOTT COMPANY DATE 07-14-2022

The Project is defined in the Scope of Work and

The undersigned, in compliance with the Request for Bid, and having examined the information and specification provided, do hereby propose:

TWENTY-ONE THOUSAND SEVEN HUNDRED TWENTY-FOUR Dollars

\$ 21,724.00

This bid shall remain in effect for 90 days after bid-opening.

For all the work shown on drawings and specification, I/we agree to perform for the total sum stated above and include 100% Performance Bond, and Material & Payment Bond and other required Insurances.

Respectfully submitted,

MARK H. BOTT COMPANY

Name of Bidder

1679 WASHINGTON BLVD. - OGDEN

Address



Authorized Signature

Request for Proposals – Heritage Park Trail Monuments 2022 Contract

Attachment C – Schedule of Values

Description	Quantity <sup>1</sup>	Units	Unit Price	Amount
Monument (1) Granite	1	10-12		
Lettering per side (up to three sides)	1	3 sides		
Installation	Per Monument	10-12	<b>ALL INCLUSIVE</b>	
Total Cost	Per Monument	----		<b>\$ 22,724.00</b>

**WE HAVE BEEN WORKING WITH LYNN AND MATT SINCE NOV. 9, 2021  
TO DESIGN, CONTACT QUARRIES, FREIGHT COMPANIES AND  
MANUFACTURERS.**

**AS OF JAN 12, 2022, THE COMPLETED UNIT PRICE WAS \$ 21,175.00**

**THE COST FOR FREIGHT & GRANITE HAS RISEN, AS WELL AS CONCRETE...  
WHICH CHANGES THIS COMPLETED UNIT TO \$ 22,724.00**



# MHB

---

## MARK H. BOTT CO.

*A Family Craft Since 1875*



**Locally owned and operated, ensuring your ability to contact us.**

With our 135-year history you can be confident that there is no area in the memorial industry that we have not experienced, providing confidence in what we can accomplish for you.

Mark H. Bott Company is a member of the American Institute of Commemorative Art, Monument Builders of North America, and Rocky Mountain Monument Builders. You can be confident that our company will hold to their codes of good practice.

Our professional staff has been trained in the latest and most influential resources available, including four staff members who have earned the Certified Memorialist recognition; certification to those memorialists that demonstrate a high level of knowledge of the principals and practices associated with the memorial profession.

**Each detail of the project is personally overseen by the owner and president of Mark H. Bott Company; David Bott.**

We have the trust and dedication from the best manufacturers in the country who have been diligent in helping us succeed. We only use the finest materials; from large granite blocks, to the smallest spacer needed to level a monument.

Mark H. Bott Company has the experience and capability to work with one solid piece of granite weighing 35,000 pounds down to a piece weighing less than 100 pounds.

**We take great satisfaction in the quality our company constructs and are certain you will be pleased with the result.**

We know it is critical to honor our past in order to remind our future.



# MHB

## MARK H. BOTT CO.

*A Family Craft Since 1875*



### **Monuments & Memorials Designed, Manufactured and Completed Mark H. Bott Company Commissioned by Private, City, County and State Committees**

Utah State Vietnam Veteran's Memorial – Utah State Capitol Grounds, Salt Lake City, UT  
Morgan County WWII, Korea, Vietnam Veteran's Memorials – Morgan County Complex – Morgan, UT  
Farr West Veteran's Memorial – Farr West City Offices, Farr West, UT  
Chosin Few Memorial – Wahlen Veteran's Center, Weber County, UT  
Veteran's Memorial – Eden Park, Eden, UT  
WWII, Korea, Vietnam Veteran's Memorials, Uintah County Complex, Evanston, WY  
Wyoming WWII & Korea Veteran's Memorials, Cody, WY  
Sublette County Veteran's Memorial, Pinedale Veteran's Complex, Pinedale, WY  
Sublette County Veteran's Memorial, Big Piney Memorial Park, Big Piney, WY  
Rich County WWII, Korea, Vietnam Memorials – Randolph, UT  
Veteran's Memorial – Riverton, WY  
George Wahlen Memorial & Medal of Honor Citation Memorial, Roy City, UT  
Veteran's Memorial – Lovell, WY  
Uintah County Police & Fireman's Memorial Clock Tower – Evanston, WY  
Serviceman's Memorial – City Complex, Cheyenne, WY  
Esther Hobart Morris Women's Suffrage Monument – Wyoming State Capitol – Cheyenne, WY

\*\*\*\*\*

Captain John Brown Monument – Weber County Complex, Ogden, UT  
Lorin Farr & Chauncey West Monument – Farr West City, UT  
Mayor Papageorge Monument – Mountain View Park, Farr West City, UT  
Thomas L. Kane Historic Monument – West Haven, UT  
Legacy Monument – West Haven City Park, West Haven, UT  
Fallen Fireman Kendall O. Bryant's Memorial - Layton Fire Department, Layton, UT  
George Wahlen Dedicatory Bronze – Wahlen Veteran's Hospital – Salt Lake City, UT  
Tiffany Mack Memorial – Pet Memorial Cemetery Complex, Ogden, UT  
Romrell Park Memorial – 4<sup>th</sup> Street Ball Complex, Ogden, UT

\*\*\*\*\*

Moench Monument – Original Weber College Campus Site, Ogden, UT  
Carnegie Library Monument – Weber County Complex (SE Side), Ogden, UT  
Jefferson Avenue Historic District Monument – Jefferson Avenue, Ogden, UT  
Pioneer Monuments, Veil Crossing, Martins Cove, Sun Ranch, WY  
WSU Mascot Monument – WSU Football Stadium Complex, Ogden, UT  
Roy, Morgan, Bonneville & Weber High School Mascot Monuments

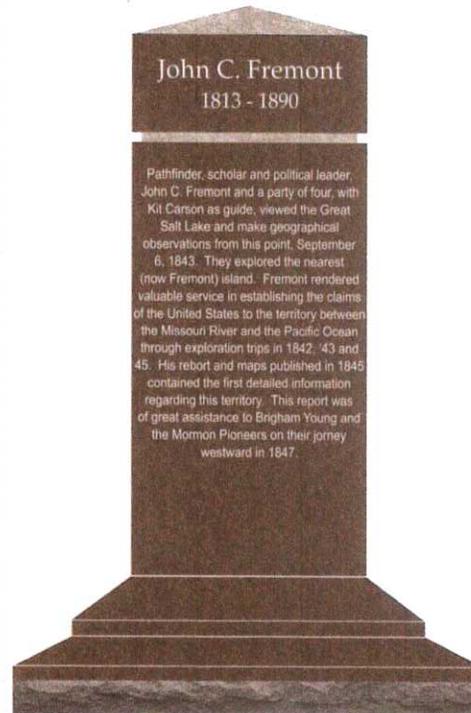
## SOUTH OGDEN CITY HERITAGE TRAIL

*This Heritage Trail at Friendship Park will feature major monuments to highlight such groups as: Native Americans, Trappers, Explorers, Mormon Pioneers, etc.*

*Minor monuments or plaques will be featured between major monuments to highlight important individuals.*

*Lastly, aluminum QR codes will be placed on each monument. This will allow visitors the opportunity to access additional information about the group or individual being highlighted. This information can be modified and updated as needed.*

### Monument Example



### Sons of the Utah Pioneers QR Code



South Ogden City  
3950 Adams Ave. Suite 1  
South Ogden City, UT 84403  
Phone: 801-622-2702  
E-mail: [mdixon@southogdencity.gov](mailto:mdixon@southogdencity.gov)



## SOUTH OGDEN CITY HERITAGE TRAIL

*In partnership with the Ogden Chapter of the Sons of the Utah Pioneers, South Ogden City is excited to develop a Heritage Trail at Friendship Park.*

# John C. Fremont

1813 - 1890

Pathfinder, scholar and political leader, John C. Fremont and a party of four, with Kit Carson as guide, viewed the Great Salt Lake and made geographical observations from this point, September 6, 1843. They explored the nearest (now Fremont) island. Fremont rendered valuable service in establishing the claims of the United States to the territory between the Missouri River and the Pacific Ocean through explorations trips in 1842, '43 and 45. His report and maps published in 1845 contained the first detailed information regarding this territory. This report was of great assistance to Brigham Young and the Mormon Pioneers on their Journey westward in 1847

© *David E. Bitt*

**Resolution No. 22-39**

**RESOLUTION OF SOUTH OGDEN CITY APPROVING AN AGREEMENT WITH MARK H. BOTT COMPANY FOR CREATION OF HERITAGE TRAIL MONUMENTS, AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AND FINAL PASSAGE.**

**SECTION 1 - 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 has created Strategic Initiative 3.1- "Increase resident satisfaction rating of City parks by 10 percent" as part of the 2022 Strategic Plan; and,

**WHEREAS**, the City Council finds that in order to meet the objective of Strategic Initiative 3.1 a Heritage Trail should be created; and,

**WHEREAS**, the City Council finds that the Sons of the Utah Pioneers and others are willing to donate money to help create a Heritage Trail; and,

**WHEREAS**, the City Council finds that City now desires to begin work on the Heritage Trail by entering into an Agreement with Mark H. Bott Company for creation of monuments for the trail; and,

**WHEREAS**, the City Council finds that Mark H. Bott Company has the necessary professional capabilities to create the monuments for the Heritage Trail,

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

**SECTION 2 - CONTRACT AUTHORIZED**

That The "**Agreement**" For The Creation of the Heritage Trail Monuments 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, Reasonably Necessary To Effect This Authorization And Approval.

The foregoing Recitals are incorporated herein.

### **SECTION 3 - 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 4 - 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 5 - SAVINGS CLAUSE**

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall render no 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 6 - DATE OF EFFECT**

This Resolution shall be effective on the 4<sup>th</sup> day of October, 2022, 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 4<sup>th</sup> day of October, 2022.**

**SOUTH OGDEN CITY**

---

Russell Porter  
Mayor

**ATTEST:**

---

Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **Resolution No. 22-39**

Resolution Of South Ogden City Approving An Agreement With Mark H. Bott Company For Creation Of Heritage Trail Monuments, And Providing That This Resolution Shall Become Effective Immediately Upon Posting And Final Passage.

04 Oct 22

# CONTRACT AGREEMENT

**THIS AGREEMENT** is by and between SOUTH OGDEN CITY CORPORATION (hereinafter called OWNER)

And Mark H. Bott Co. (MHB) (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:

**DESCRIPTION OF WORK: Two monuments to be purchased at this time with the option to buy more in the future as funding becomes available. The unit price does reflect a 3 sided granite monuments measuring five feet six inches tall, four feet by three feet eight inches(front to back) with lettering on all three sides. The price does include FOB of all material and installation at the Friendship Park where the Heritage Trail is located.**

## 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:

### **Heritage Trail Monuments** Friendship Park

## ARTICLE 3- CONTRACT TIMES

3.01 *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.

3.02 *Dates for Completion and Final Payment:* The Work for the first two monuments to be completed in 6 months from Notice to Proceed and the contract can be renewed up to **4 years**.

OWNER and CONTRACTOR may negotiate annually a one-year extension for a possibility of up to 4 years.

3.03 *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 3.02 above, plus any extensions thereof allowed. 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 3.02 for Completion until the Work is accepted.

**ARTICLE 4- CONTRACT PRICE**

4.01 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	Granite Monument with Lettering on three sides, FOB to South Ogden and installation	2		\$22,724	\$45,448

TOTAL OF ALL UNIT PRICES **Forty-five thousand four hundred and forty-eight dollars and no cents**

**ARTICLE 5- PAYMENT PROCEDURES**

5.01 *Submittal and Processing of Payments:* CONTRACTOR shall submit Applications for Payment to OWNER no more than one time per each month.

5.02 *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 5.02(1)(A) and 5.02(1)(B). All such payments will be measured by the schedule of values indicated:

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 OWNER may determine or OWNER may withhold, in accordance with the following:

A. 95% of Work completed (with the balance being retained). If the Work has been 50% completed as determined by the OWNER, and if the character and progress of the Work have been satisfactory, OWNER, 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.

5.03 *Final Payment:* Upon final completion and acceptance of the Work, OWNER shall pay the remainder of the Contract Price.

## **ARTICLE 6- INTEREST**

6.01 All moneys not paid when due shall bear interest at the rate of     1%     per annum.

## **ARTICLE 7- CONTRACTOR'S REPRESENTATIONS**

7.01 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 obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions 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. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

## **ARTICLE 8- CONTRACT DOCUMENTS**

### **8.01 Contents:**

A. The Contract Documents consist of the following:

1. This Agreement;
2. 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 8.01 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 8.

D. The Contract Documents may only be amended, modified, or supplemented by OWNER through work change orders or quantity modifications.

## **ARTICLE 9- MISCELLANEOUS**

9.02 *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.

9.03 *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.

9.04 *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.

9.05 *Termination Due To Non-Appropriation*: Owner may terminate this Agreement if any of the following events shall have occurred and Contractor has received, not less than 30 days prior to the end of Owner's then current fiscal year, a written opinion from Owner's counsel verifying the occurrence of these events:

- a) If funds are not budgeted and appropriated in any fiscal year for payments due under this Agreement for the succeeding fiscal year, or for acquiring services, equipment or functions, which in whole or in part are essentially the same as those being obtained, this Agreement shall not obligate the Owner as to such succeeding fiscal year and shall become null and void except as to the payments herein agreed upon for which funds will have been appropriated and budgeted, and no right of action or damage shall accrue to the benefit of Contractor, its successors and assigns, for any further payments;
- b) If the provisions of Section (a) are utilized by Owner, Owner agrees to immediately notify the Contractor or its assignee of this Agreement that funds were not budgeted and appropriated, and to peacefully surrender possession of the Equipment to Contractor or its assignee.
- c) Owner made all payments due during the fiscal period immediately preceding the fiscal period for which sufficient funds were not appropriated.

Any early termination due to non-appropriation must be at the end of Owners then-current fiscal year.

9.06 *Voluntary Termination* Either party may, without cause, and upon written notice to the other party, terminate the agreement. The Owner shall pay the Contractor for all services rendered prior to the termination date.

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 \_\_\_\_\_ (which is the Effective Date of the Agreement).

**OWNER:**

**CONTRACTOR:**

SOUTH OGDEN CITY CORPORATION

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: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

# STAFF REPORT



**SUBJECT:** Building Heights  
**AUTHOR:** Leesa Kapetanov  
**DEPARTMENT:** Administration  
**DATE:** October 4, 2022

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## RECOMMENDATION

The planning commission recommended approval of the amendments to the removal of the wording for setbacks and the proposed building height of 35' or 2 1/2 stories in residential zones.

## BACKGROUND

At the last council meeting, questions were brought up as to whether 35' was too high for a residential building.

## ANALYSIS

I checked the code to see how it says building height should be determined. SOCC 2-10-2 gives the following definitions:

**BUILDING, HEIGHT OF:** The vertical distance from the finished grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

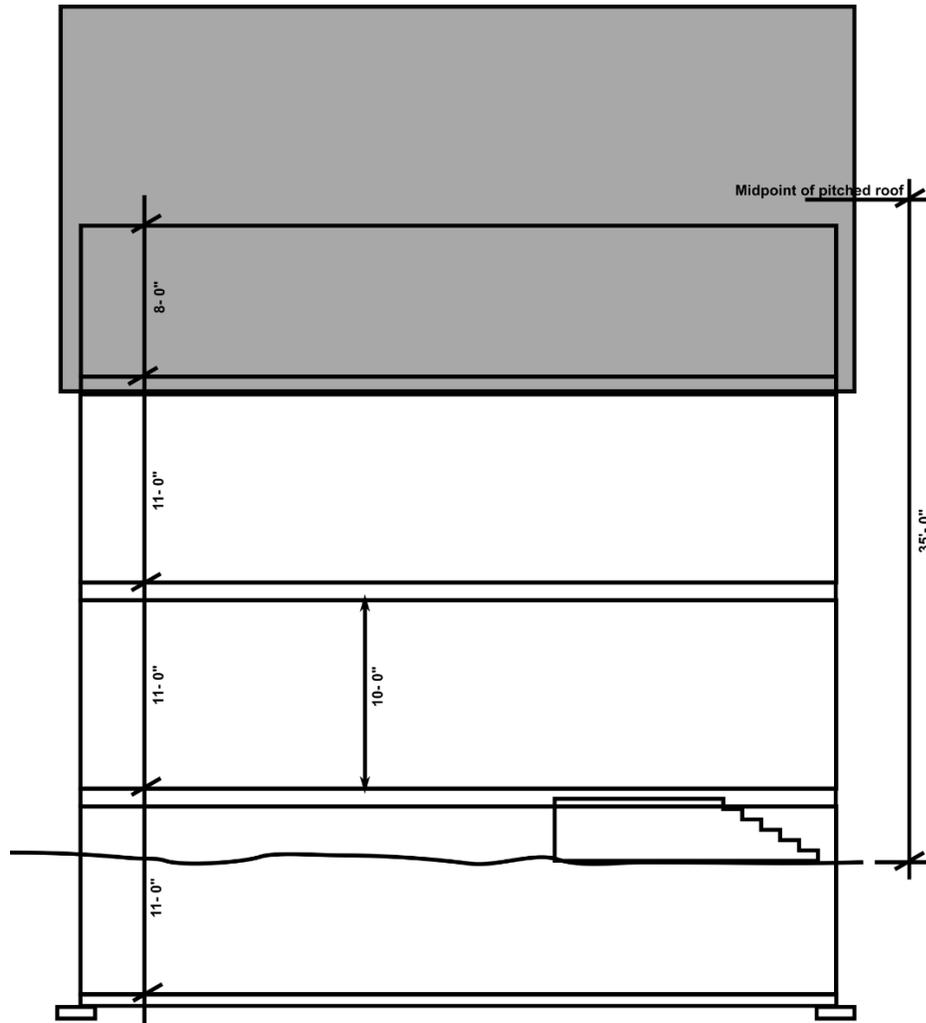
**STORY:** A habitable level within a building measured from finished floor to finished floor.

**BASEMENT:** A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground. A basement shall not be counted as a story, for purposes of height measurement.

I also spoke with our Building Official, Tyson Egbert, to see how he actually measures the height of a building, especially if the 'finished grade elevation' slopes on a lot. In that case, he takes an average of the elevation and measures the height from the average. This is only done on the front of the house facing the street.

Tyson also mentioned that on very steep sloped lots, homes would not be able to be built unless they have enough stories on the back to reach the ground and retain the dirt. This is usually three stories on the back, but since the basement doesn't count as a story for purposes of height measurement, the home is still less than 2 1/2 stories or 35'.

As for the front of the house, I took the worst case scenario and drew it to scale below. The worst case would be a square house with 10' ceilings on the first and second floors, an 8' story under the eaves (half story), a 12/12 pitched roof (45 degrees), and the average grade in front a few feet below the main floor height.



As you can see in this case, 35' feet would be needed and still have 2 1/2 stories.

## SIGNIFICANT IMPACTS

None

## ATTACHMENTS

None

**ORDINANCE NO. 22-17**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 10-7, REVISING LANGUAGE CONCERNING RESIDENTIAL SETBACKS AND AMENDING MAXIMUM BUILDING HEIGHTS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**SECTION I - RECITALS:**

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

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

**WHEREAS**, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

**WHEREAS**, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

**WHEREAS**, the City Council finds that the Planning Commission has recommended certain changes to the city zoning ordinance as it pertains to Setbacks and Maximum Building Heights; and,

**WHEREAS**, the City Council finds that South Ogden City Code, Title 10, Chapter 7 and various of its subsections should be amended by adding new language governing these changes and related regulations for the city; and,

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

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City Code be changed and amended:

**AMENDED SECTION:**

Upon the adoption of this Ordinance, Title 10, Chapter 7 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

**SECTION II - REPEALER OF CONFLICTING ENACTMENTS:**

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

**SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:**

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

**SECTION IV - SAVINGS CLAUSE:**

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

**SECTION V - DATE OF EFFECT**

This Ordinance shall be effective on the 4<sup>th</sup> day of October, 2022, and after publication or posting as required by law.

DATED this 4<sup>th</sup> day of October, 2022.

SOUTH OGDEN CITY

\_\_\_\_\_  
Russell L. Porter, Mayor

ATTEST:

\_\_\_\_\_  
Leesa Kapetanov, CMC City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 22-17**

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 10-7, Revising Language Concerning Residential Setbacks And Amending Maximum Building Heights; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

04 Oct 22

#### **10-7A-4: Site Development Standards**

##### A. Minimum lot area:

1. R-1-10 zone: Ten thousand (10,000) square feet.
2. R-1-8 zone: Eight thousand (8,000) square feet.
3. R-1-6 zone: Six thousand (6,000) square feet for dwelling and eight thousand five hundred (8,500) square feet for other main building.

##### B. Minimum lot width:

1. R-1-10 zone: Eighty feet (80').
2. R-1-8 zone: Sixty five feet (65').
3. R-1-6 zone: Sixty feet (60').

##### C. Minimum yard setbacks:

###### 1. Front:

- a. R-1-10 and R-1-8 zones: Thirty feet (30'), ~~except average where fifty percent (50%) frontage is developed, but not less than twenty feet (20').~~
- b. R-1-6 zone: Twenty five feet (25'), ~~except average where fifty percent (50%) frontage is developed, but not less than twenty feet (20').~~

###### 2. Side:

###### a. Dwelling:

- 1) R-1-10 zone: Ten feet (10') with total width of two (2) side yards not less than twenty four feet (24').
- 2) R-1-8 and R-1-6 zones: Eight feet (8') with total width of two (2) side yards not less than eighteen feet (18').

###### b. Other main building: Twenty feet (20').

###### c. Accessory building:

- 1) R-1-10 zone: Ten feet (10'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.
- 2) R-1-8 and R-1-6 zones: Eight feet (8'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.

###### 3. Side facing street on corner lot: Twenty feet (20'), ~~except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').~~

###### 4. Rear:

###### a. Main building: Thirty feet (30').

###### b. Accessory building:

- 1) R-1-10 zone: One foot (1'), except ten feet (10') where accessory building rears on side yard of adjacent corner lot.
- 2) R-1-8 and R-1-6 zones: One foot (1'), except eight feet (8') where accessory building rears on side yard of adjacent corner lot.

##### D. Building height:

1. Minimum: One story.
2. Maximum: Two and one-half (2 1/2) stories or thirty-five feet (35').

#### **10-7B-4: Site Development Standards**

- A. Minimum lot area:
  - 1. Single-family dwelling: Six thousand (6,000) square feet.
  - 2. Single-family dwelling with Interior Accessory Dwelling Unit: Six thousand (6,000) square feet.
  - 3. Two-family dwelling: Ten thousand eight hundred ninety (10,890) square feet.
  - 4. Other main building: Eight thousand five hundred (8,500) square feet.
- B. Minimum lot width: Seventy five feet (75').
- C. Minimum yard setbacks:
  - 1. Front: Fifteen feet (15').
  - 2. Side:
    - a. Main building: Eight feet (8'), with total width of two (2) sides of not less than eighteen feet (18') for single-family dwelling or two-family dwelling and twenty feet (20') each side for other main building.
    - b. Accessory building: Eight feet (8'), in side yard if located at least six feet (6') from main building, except one foot (1') in minimum rear yard if located at least six feet (6') from main building; but not closer than ten feet (10') to dwelling on adjacent lot.
  - 3. Side, facing street or corner lot: Fifteen feet (15').
  - 4. Rear:
    - a. Main building: Thirty feet (30').
    - b. Accessory building: One foot (1'), except eight feet (8') where accessory building rears on side yard of adjacent corner lot.
- D. Building height:
  - 1. Minimum: One story.
  - 2. Maximum: Two and one-half (2 1/2) stories or ~~twenty-seven feet (27')~~ thirty-five feet (35').

#### **10-7C-4: Site Development Standards**

- A. Minimum Lot Area:
  - 1. One-building dwelling:
    - a. For single-family: Six thousand (6,000) square feet.
    - b. For two-family: Eight thousand five hundred (8,500) square feet.
    - c. For multiple-family: Eight thousand five hundred (8,500) square feet, plus two thousand (2,000) square feet for each dwelling unit in excess of two (2) in each building.
  - 2.
    - a. Multiple buildings on a single lot: Eight thousand five hundred (8,500) square feet for each building, plus two thousand (2,000) square feet for each dwelling unit in excess of two (2) in each building.

3.
  - a. Other main building: Eight thousand five hundred (8,500) square feet.
  - b. For nursing home: An additional seven hundred fifty (750) square feet for guest or patient accommodation in excess of four (4).
- B. Minimum Lot Width: Sixty feet (60').
- C. Minimum Yard Setbacks:
  1. Front: Twenty five feet (25'), ~~except average where fifty percent (50%) frontage is developed, but not less than twenty feet (20').~~
  2. Side:
    - a. Main building:
      1. One-building dwelling and multiple buildings on a single lot: Eight feet (8') with total width of two (2) required yards of not less than eighteen feet (18'), plus one foot (1') each side for each one foot (1') main building is over thirty five feet (35') high.
      2. Other main building: Twenty feet (20') each side, plus one foot (1') each side for each one foot (1') main building is over thirty five feet (35') high.
    - b. Accessory building: Eight feet (8'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.
  3. Side facing street on corner lot: Twenty feet (20'), ~~except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').~~
  4. Rear:
    - a. Main building: Thirty feet (30').
    - b. Accessory building: One foot (1'), except eight feet (8') where accessory building rears on side yard of adjacent corner lot.
- D. Building Height:
  1. Minimum: One story.
  2. Maximum: ~~Nursing home, t~~Two and one-half (2 1/2) stories or thirty ~~five feet (35'), none for other buildings.~~
- E. Lot Coverage: No building or group of buildings with their accessory buildings shall cover more than forty percent (40%) of the lot area.
- F. Open Green Space: At least forty percent (40%) of the lot area shall be left in open green space.
- G. Special Regulations: In no case shall the ratio of total floor area in the building to the lot area exceed one to one (1:1). (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

**Commented [LK1]:** Nursing Homes were removed as a permitted use in this zone when the city included it in a use known as 'Group Living Arrangments'.

# STAFF REPORT



**SUBJECT:** Planing Commission to Review Street and Alley Vacations and Submit Recommendation to City Council  
**AUTHOR:** Leesa Kapetanov  
**DEPARTMENT:** Administration  
**DATE:** October 4, 2022

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## RECOMMENDATION

The planning commission recommended approval of the amendments to the subdivision ordinance, including their review of vacations and changes to the plat review process to bring it in line with actual practices.

## BACKGROUND

In a discussion with the planning commission concerning the use of alleys in the City, it was requested that the planning commission review any vacations of streets or alleys and make a recommendation to the City Council.

As I was looking for the correct place to add the wording that would require alley and street vacations to go to the planning commission first, I realized that the subdivision plat review process in the code was much different that what is practiced. I thought we should bring it in line with how we review and approve subdivision ordinances. In for a penny, in for a pound!

## ANALYSIS

As the land use authority, the planning commission felt they should weigh in on vacations of streets and alleys. This is common in other cities and just makes sense.

As for the subdivision plat review process, it was previously divided into two parts; a preliminary approval and a final approval. This may have been necessary in the days when large subdivisions were being created and new streets built and deeded to the City; however in a built out city, most subdivisions are simply dividing one property into two, or amending an already existing subdivision. A two part approval process is not needed and would add an extra month to the approval process.

## SIGNIFICANT IMPACTS

None

## 11-2-1: Preliminary Plat

1. ~~Preliminary Information: Each person who proposes to subdivide land in the city shall confer with the planning commission staff before preparing any plats, charts or plans to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract.~~
2. ~~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.~~
3. ~~Preliminary Plan Requirements:~~
  1. ~~All drawings and/or prints shall be clear and legible, and drawn according to professional engineering practices. The preliminary plan shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100'), on a twenty four inch by thirty six inch (24" x 36") sheet and shall show:~~
    1. ~~The proposed name of the subdivision (such name must be cleared through the county recorder's office).~~
    2. ~~Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area and other surrounding areas.~~
    3. ~~Sufficient information to locate accurately the property shown on the plan.~~
    4. ~~The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.~~
    5. ~~Contours at intervals of one foot (1'), or as otherwise approved.~~
    6. ~~The boundary lines of the tract to be subdivided shall be indicated.~~
    7. ~~The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, utility conduits, and buildings within or immediately adjacent to the tract to be subdivided.~~
    8. ~~Existing sanitary sewers, storm drains, water supply mains, culverts and natural drainage channels within the tract and immediately adjacent thereto.~~
    9. ~~The locations, widths and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public or designated as private streets.~~

- ~~2. Plans or written statements regarding the proposed stormwater drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots.~~
- ~~4. Preliminary Plan Approval: The preliminary plan shall be reviewed by the planning commission which shall act on the plan as submitted or modified within sixty (60) days after its presentation. If approved, the planning commission shall express its written approval with or without conditions. If the preliminary plan is disapproved, the planning commission shall indicate its disapproval in writing and list the reasons for such disapproval. Approval of the preliminary plan shall be authorization for the subdivider to proceed with preparing the final plat improvement drawings and specifications for the minimum improvements required by this title and the "Public Works Standard Drawings, Details And Technical Specifications."~~
- ~~5. Time Limitation: Approval of the preliminary plan by the planning commission shall be valid for a maximum period of one year after approval, unless upon application of the subdivider, the planning commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the planning commission for reapproval; however, preliminary approval of a development shall not be voided; provided, that the final plat of the first section is submitted for final approval within the one year period.~~
- ~~6. Grading Limitation: No large scale excavation, grading or regrading shall take place on any land for which a subdivision preliminary plan has been submitted until such plan has been given preliminary approval by the planning commission.~~

## **11-2-21: Subdivision Final Plat Requirements, Review, and Approval**

A. Each person who proposes to subdivide land in the city shall confer with planning commission staff before preparing any plats, charts or plans to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. Planning staff shall inform subdivider if there are any master plan requirements for the area proposed to be subdivided.

~~A.B.~~        Tentative Final Plat Required:

1. Prior to the submission of the final plat, the subdivider shall submit ~~two (2) copies~~ a digital copy of the tentative final plat and any required construction drawings to the planning ~~commission~~ staff at least 30 days before the planning commission meeting at which they would like the final plat to be considered.;

2. Fees: At time of submission of the tentative plat and/or construction drawings, there shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the planning commission and finance director require to cover engineering review and field inspection costs. Fees shall be paid to the city as per adopted fee schedule which may be amended from time to time by the city council.
3. ~~who~~ The City Engineer shall check the tentative final plat against the following requirements: ~~and conditions of approval of the preliminary plan, and refer one copy to the city engineer for checking.~~

The plat shall be clear and legible, and drawn according to professional engineering standards. Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch (1/2") border on top, bottom and right sides, left side border shall be one and one-half inches (1 1/2").

The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

- a. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.
- b. Where a subdivision complies with the cluster subdivision provisions of the zoning title and this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision."
- c. A north arrow and scale of the drawing, and the current date.
- d. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
- e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.
- f. Parcels of land to be dedicated as public park, storm water detention basins, or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space," whichever applies.

g. The standard forms approved by the planning commission for all subdivision plats lettered for the following:

- 1) Description of land to be included in subdivision, with total acres.
- 2) Land surveyor's certificate of survey.
- 3) Owner's dedication certificate.
- 4) Notary public's acknowledgment.
- 5) Planning commission's certificate of approval.
- 6) City engineer's certificate of approval.
- 7) City attorney's certificate of approval.

h. A three inch by three inch (3" x 3") space in the lower right hand corner of the drawing for recording information.

4. Construction Drawings: Construction drawings shall conform with South Ogden City "Public Works Standard Drawings, Details And Technical Specifications" and as stated in subsection 11-2-3C of this chapter.

~~1.~~

~~2.5. The p~~ Planning commission staff -shall return ~~one~~ a copy of the checked tentative final plat and construction drawings to the subdivider indicating thereon any changes required by ~~the planning commission staff~~ and/or the city engineer.

~~B. Final Plat Required:~~

- ~~1. After compliance with the provisions of section 11-2-1 of this chapter, the subdivider shall submit a final plat with the current required number of copies thereof to the planning commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer and/or surveyor, indicating that all lots meet the requirements of the zoning title.~~
- ~~2. The final plat and accompanying information shall be submitted to the planning commission at least ten (10) days prior to a regularly scheduled planning commission meeting to be considered at the meeting.~~

~~C. Final Plat Requirements: The final plat shall be clear and legible, and drawn according to professional engineering standards. Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one half inch (1/2") border on top, bottom and right sides, left side border shall be one and one half inches (1 1/2").~~

~~The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:~~

- ~~a. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.~~

- ~~b. Where a subdivision complies with the cluster subdivision provisions of the zoning title and this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision."~~
  - ~~c. A north arrow and scale of the drawing, and the current date.~~
  - ~~d. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.~~
  - ~~e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.~~
  - ~~f. Parcels of land to be dedicated as public park, stormwater detention basins or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space," whichever applies.~~
  - ~~g. The standard forms approved by the planning commission for all subdivision plats lettered for the following:
    - ~~1. Description of land to be included in subdivision, with total acres.~~
    - ~~2. Land surveyor's certificate of survey.~~
    - ~~3. Owner's dedication certificate.~~
    - ~~4. Notary public's acknowledgment.~~
    - ~~5. Planning commission's certificate of approval.~~
    - ~~6. City engineer's certificate of approval.~~
    - ~~7. City attorney's certificate of approval.~~~~
  - ~~h. A three inch by three inch (3" x 3") space in the lower right hand corner of the drawing for recording information.~~
- ~~D. Construction Drawings: Construction drawings shall conform with South Ogden City "Public Works Standard Drawings, Details And Technical Specifications" and as stated in subsection 11-2-3C of this chapter.~~

6. Engineer's Cost Estimate: [If requested by the City,](#) ~~t~~The subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items, quantities and estimated unit bid prices and/or lump sum bid prices. This estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining the escrow amount or other agreements required of the developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.)

7. Subdivision Agreement: [An agreement between the city and subdivider \(if needed\) shall be approved by the city attorney. This agreement shall include the city engineer's approved estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.](#)

E.

F.C.          Approval Of Final Plat:

1. ~~Prior to approving and signing the final plat, After determining that the plat meets all requirements of this Title and the Public Works Standard Drawings, Details and Technical Specifications based on review and approval by staff, and any financial guarantee has been approved by the city attorney, the planning commission shall approve the plat during a planning commission meeting. submit the plat for approval to the city engineer who shall collect all checking fees from the subdivider and who shall check the engineering requirements of the drawings, and determine the escrow amount, or other agreements, to assure construction of the improvements where necessary.~~
2. ~~After approval by the planning commission, the subdivider shall print a copy of the final plat suitable for recording and submit it to planning staff who will gather all necessary approval signatures on the plat. and signature by the city engineer, the plat shall be submitted to the planning commission for approval and signing by the chair. The plat and financial guarantee shall be submitted to the city attorney for his/her approval. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder by the subdivider. for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder.~~ No building construction shall be started until recording of the final plat.
- 1.3. Recording: The plat shall be recorded by the subdivider within a period of seven (7) days after all required signatures have been obtained. The owners or developers shall pay all recording fees
- 2.4. No plats shall be recorded in the office of the county recorder and no lots identified in such plat shall be sold or exchanged unless the plat is approved, signed and accepted by the city.
5. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished.
6. City staff and/or the city engineer shall make inspections of all improvements as they deem necessary and shall inform the subdivider of the results of the inspections.
7. Final Inspection: After final inspection by city staff and/or the city engineer, the results shall be made known to planning staff and the subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city.
3. ~~At the time of recording, the subdivider shall pay all costs associated with supplying a reproducible mylar of the plat for filing in the office of the city engineer.~~

### 11-2-3: Filing 11-2-2: Reserved

- ~~1. General: This section summarizes the procedure required by the city for submitting preliminary and final plats, utility construction drawings and other supporting data to construct subdivisions within the corporate limits of the city.~~
- ~~2. Preliminary Plat: The following procedure shall be followed in submittal and review of the preliminary plat:
  - ~~1. Master Plan Review: A review shall be made by the subdivider with the planning commission to determine the master plan requirements for the area proposed to be subdivided.~~
  - ~~2. Engineer's Report: After completion of his review, the city engineer will prepare and transmit to the planning commission a report summarizing the requirements for utilities and surface improvements, with results of his review of the preliminary plat.~~
  - ~~3. Approval/Rejection:
    - ~~1. After completion of its review, the planning commission shall approve, reject or conditionally approve the preliminary plat.~~
    - ~~2. Approval or conditional approval is authorization for the subdivider to proceed with preparation of the final plat.~~~~~~
- ~~3. Final Plat: The following procedure shall be followed in submittal and review of the final plat:
  - ~~1. Plat Submittal: Copies as required by staff, shall be submitted to the planning commission.~~
  - ~~2. Fees: There shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the planning commission and finance director require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council.~~
  - ~~3. Construction Drawings: Drawings as required by the city engineer showing engineer proposed construction shall be sent to the city engineer for approval.~~
  - ~~4. Subdivision Agreement: An agreement between the city and subdivider shall be approved by the city attorney. This agreement shall include the city engineer's approved estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.~~
  - ~~5. Notice Of Approval: After review and approval of the planning commission, city engineer and city attorney, the subdivider will be notified by the planning commission that the plat has been approved.~~
  - ~~6. Recording: The plat shall be recorded by the city recorder within a period of seven (7) days after all required signatures have been obtained. The owners or developers shall pay all recording fees, with the cost to provide the city with a reproducible mylar copy of the recorded plat.~~~~

~~7.1. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished.~~

~~8. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider of the results of the inspection. "As built drawing" prints shall be submitted to the city engineer prior to his making this inspection.~~

~~9. Final Inspection: One year after completing construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results shall be made known to the planning commission and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city.~~

[11-2-3; Reserved](#)

### **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 [receiving a recommendation from the Planning Commission and after](#) public hearing and notice as provided in this chapter and Utah Code Annotated section 10-9a-208 or future amended section.

### **11-5-2: Standards And Procedures**

- A. Compliance With Zoning Title And Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the zoning title. Approving an amended subdivision plat shall comply with the standards and procedures for approving a new subdivision plat, except for those procedural requirements waived in this title.
- B. ~~Preliminary~~ [Amended](#) Plat Approval:
  1. Besides the petition requirements under section 11-5-3 of this chapter, [the petitioner shall submit](#) any information or documents otherwise required for ~~preliminary~~ plat approval for any proposed amended subdivision plat that:
    1. Requires the additional dedication of any land for street or other public purposes; or
    2. Creates over five (5) new additional lots.
  2. Under such circumstances, the petitioner shall meet with the city planner prior to submission of the petition to determine what additional documents or information will be necessary to adequately review the proposal.

- C. Resubdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for the resubdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or resubdivided plat by the same procedures prescribed for the subdivision of land.
- D. Approval And Recording: All subdivision amendments shall be approved by recording an amended plat in the office of the Weber County recorder meeting all requirements of this title for approving a final plat, except where approval by another instrument is authorized.
- E. Waiver Of Requirement To File Amended Plat: Filing an amended plat shall not be required to implement a subdivision amendment, alteration or vacation under the following circumstances:
  - 1. A property line adjustment approved by staff.
  - 2. The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor, following approval by the city council, quitclaiming any interest the city may have in the described easement.
  - 3. The vacation of an entire subdivision plat, where the resubdivision of the property is not intended, may be approved by recording a resolution duly adopted by the city council containing a legal description of the entire subdivision.
- F. Planning Commission Review: All petitions to vacate, alter or amend a subdivision plat shall be ~~reviewed~~ considered for approval by the planning commission, ~~and its recommendations made to the city council.~~
- G. Required Owner Signatures: Any amended plat, or conveyance document ~~effectuating~~ effecting a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.
- H. Effective Period Of Approval: Approval of a petition to amend a plat shall be valid for twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension upon showing good cause. If the amended plat has not been recorded within twelve (12) months, or the end of any approved extended period, the amended plat must be submitted anew for approval. A final plat shall be recorded within one month after receiving approval from the city. If a final plat is not recorded within one month after receiving final approval, the approval shall be null and void and the petitioner must again submit for final approval.

### **11-5-3: Petition Requirements**

- A. A fee owner of land, as shown on the last county assessment roll, in a subdivision laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley as part of the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as required. A petition shall include at a minimum:

1. The name and address of each owner of record of the land in the entire plat ~~or on that portion of the plat described in the petition; and~~
  2. The signature of each of these owners within the plat who consents to the petition.
  3. The name, address, telephone number, fax number and e-mail address of the designated contact person.
  4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.
  - ~~5. Copies of the proposed amended plat as determined by staff.~~
  - ~~6. A recent title report covering the property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the staff if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.~~
  - 7.5. Any additional information or documents required to adequately review the proposed amendment, alteration or vacation.
- B. Unless an amended plat is not required under this chapter, a copy of the proposed amended plat is required.
- C. No petition shall be accepted unless accompanied by the fee required. Regardless of the outcome of any action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have been agreed to or approved by the city in writing, specific to the petition.
- D. To determine whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the petition requesting the amendment, alteration or vacation. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### **11-5-4: Criteria**

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions.

#### **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 affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended and each owner of record 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 where the matter will be considered. The notice shall include:

1. 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;
2. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and
3. The date, place, and time when a public meeting will be held to consider a vacation, alteration, or amendment.
4. The planning commission shall hold a public hearing within 45 days after the day on which the petition is filed if:
  1. any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or
  2. a public hearing is required because all of the owners ~~in the subdivision~~ within the plat have not signed the revised plat.
  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.~~

#### **11-5-6: Street Or Alley Vacations**

1. Procedure:

1. Any person desiring to have a public street or alley vacated as part of a subdivision amendment or as a separate action shall file a petition to that effect following the requirements of Utah code section 10-9a-609.5, or any successor legislation thereto.
- ~~1.2.~~ The planning commission shall consider the petition to vacate a public street or alley and forward a recommendation to the city council.
- ~~2.3.~~ The action of the planning commission and city council in vacating some or all of a public street or alley, howsoever acquired by the city, the city council shall be accomplished following the requirements of Utah code section 10-9a-609.5, or any successor legislation thereto.

#### **11-5-7: Plat Vacation By City**

1. Planning Commission Recommendation: The planning commission, on its own motion, may recommend that the plat of any recorded subdivision be vacated when:
  1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;

2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city cannot obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots then owned by the developer or its successor;
  3. The plat has been of record for over five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots then owned by the developer or its successor.
2. Procedure: Upon motion of the planning commission to vacate the plat of any previously approved and recorded subdivision, the proposed vacation shall be referred to the city council, which may approve the vacation of the subdivision plat, by way of an adopted resolution, containing a legal description of the entire vacated subdivision, after notice and public hearing as provided in this chapter. The approved resolution shall be recorded in the records of Weber County.
  3. Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats.

#### 11-5-8: Property Line Adjustments

1. A property line adjustment or combination of lots may be approved by staff if:
  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.
2. 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.
3. If 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.

# STAFF REPORT



**SUBJECT:** Correcting Oversight for Home Occupation License Requirement  
**AUTHOR:** Leesa Kapetanov  
**DEPARTMENT:** Administration  
**DATE:** October 4, 2022

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## RECOMMENDATION

The planning commission recommended approval of the correction that Home Occupation Business Licenses are not required.

## BACKGROUND

Several years ago, the state legislature created statutes with the intent that cities not require business licenses for people operating a business from their home.

## ANALYSIS

After the legislation was passed, amendments were made to South Ogden's code stating that Home Occupation licenses were no longer required; however, this section in the code was overlooked. These changes will correct that oversight.

## SIGNIFICANT IMPACTS

None

## ATTACHMENTS

None

### 10-19-3: Required Conditions

A home occupation must meet all of the following conditions and requirements:

1. Number Of Persons Limited: The occupation is limited to not more than two (2) persons who actually reside on the premises.
2. Alterations; Character Retained: The occupation shall not require interior or exterior alterations and shall retain the general character and appearance of a residential dwelling.
3. Square Footage Allowed: The occupation may include the use of not more than four hundred (400) square feet or over twenty five percent (25%), whichever is less, of the floor area of the home, including the basement.
4. Use Outside Dwelling: The occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling.
5. Storage Of Goods: The occupation shall not include the storage on or sale from the premises of goods or commodities which are not produced on the premises. This does not apply to phone order or mail order sales with delivery direct to an off premises buyer.
- ~~6. Permit, License Required: The occupation must obtain a home occupation permit or conditional use permit and obtain an annual business license.~~
- ~~7.6.~~ Hours Open To Public: The occupation shall not be open to the public at times earlier than eight o'clock (8:00) A.M., nor later than nine o'clock (9:00) P.M. (Ord. 901, 2-18-1997)
- ~~8.7.~~ More Than One Home Occupation Permitted: More than one home occupation may be permitted in a dwelling so long as the maximum cumulative impact of all such businesses shall not exceed the impact of a single home occupation. (Ord. 13-01, 1-8-2013, eff. 1-8-2013)
- ~~9.8.~~ Multi-Family Dwelling Units:
  1. An occupation that attracts customers, clients or students to the premises for sales or services; which require the storage of goods and/or using special equipment; which requires parking or storage of trucks or special vehicles; or which serves as a gathering place for off site workers and employees shall not be allowed in multi-family dwellings units. Multi-family home occupations are limited to internet, online, mail order and similar minimal impact uses only.
  2. As part of the application process for a home occupation license under this section, where the business will be at a rental property and the applicant is not the property owner, a letter from the property owner stating he/she knows of the application and interposes no objection to the operation of the business must be provided. (Ord. 13-06, 4-16-2013, eff. 4-16-2013)
- ~~10.9.~~ Instruction: An occupation which teaches voice, dance or other instruction shall be limited to five (5) students on the premises at any time. Instruction on musical instruments shall be limited to two (2) students on the premises at any time.
- ~~11.10.~~ Selling Parties: Selling parties shall be limited to not more than ten (10) buying customers at any one time and not more than one party every three (3) months.
- ~~12.11.~~ Parking: An occupation that attracts customers, clients or students to the premises shall provide adequate off street parking as determined by the building official.

~~13.~~12. Storage, Parking: There shall be no storage or parking on the premises or on the streets in the vicinity of the premises of tractor trailers, semitrucks, or other heavy equipment in an off premises business for which the dwelling is being used as a home occupation office, except that not more than one truck of one ton capacity or less may be parked on premises during off hours at night.

~~14.~~13. Notification Of Adjacent Property Owners: Property owners within one hundred fifty feet (150') of the premises proposed for a home occupation, shall be notified of the application by the city. Names and addresses are to be furnished by the applicant at the time of application. (Ord. 901, 2-18-1997)