

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

February 26, 2019

The North Ogden City Council convened in an open meeting on February 26, 2019 at 6:02 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on February 21, 2019. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2018.

PRESENT:	M. Brent Chugg	Mayor	
	Ryan Barker	Council Member	excused
	Blake Cevering	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	

STAFF PRESENT:	Jon Call	City Administrator/Attorney
	Annette Spendlove	City Recorder/HR Director
	Evan Nelson	Finance Director
	Rob Scott	Planning Director
	Tiffany Staheli	Parks & Recreation Director
	Brandon Bell	Planning Associate
	Dave Espinoza	Public Works Director

VISITORS:	Cecil Rhoades Jr.	Kevin Burns	Jerry Shaw
	David Gordon	Bill Aeschlimann	Stefanie Casey
	Sean Casey	Ryan Forsythe	Chris Forsythe
	Julie Farr	Dennis Farr	Brent Call
	Randall Winn	Joe Langeveld	

Mayor Chugg called the meeting to order. City Recorder Annette Spendlove offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER JANUARY 8, 2019 CITY COUNCIL MEETING MINUTES

Council Member Turner motioned to approve January 8, 2019 City Council Meeting Minutes. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

2. PUBLIC SWEARING IN OF NEW POLICE OFFICER TYLER JACKSON BY CITY RECORDER

City Recorder Spendlove administered the Oath of Office to new Police Officer Tyler Jackson.

Mayor Chugg and the Council welcomed Officer Jackson to North Ogden and thanked him for the service he and his family provide.

3. PUBLIC COMMENTS

Jerry Shaw, 2281 N. 525 E., stated that he was in attendance at a City Council meeting six weeks ago to request a traffic light and a reduction of the speed limit at the intersection of 2300 North and 400 East. He stated since he last spoke, he has gathered a number of signatures from residents living near the intersection who are afraid to approach the intersection to try to get onto 400 East. Motorists are required to cross three lanes of traffic to get onto the road and the intersection is very busy morning, noon, and night. He personally went to the intersection for a three-hour period to observe traffic; in the morning, he counted 16 cars coming from the south and turning west to get to the Montessori Academy. He also noticed that people coming from the west to get onto Washington Boulevard were stacked by at least nine cars in line waiting to turn south. Multiple people come to the intersection and make a U-turn to get to 2275 N. and to the dental offices that are blocked by a median in the road. He also found that of the people coming from the east trying to enter to the south, at least 30 percent of the motorists had to 'duck into' the lane that they did not belong in, which is an illegal procedure. He concluded it is a dangerous intersection and at least two people have been killed in the

area. He would like for some action to be taken to address this issue. He asked what will happen to the information he has presented to the City from this point. Mayor Chugg stated that Washington Boulevard is a State road and the City does not have jurisdiction over these matters. Mr. Shaw stated he understands that, but inquired as to which party is responsible to precipitate action. He asked who initiated the changes to the intersection of 2600 North and 400 East. Mayor Chugg stated that the project is being pursued by the Utah Department of Transportation (UDOT) and they have accepted City input.

City Administrator/City Attorney Call stated that the information presented by Mr. Shaw can be presented to UDOT. They have indicated in the past that they will permit a traffic signal at 2300 North if the signal at 2550 North were eliminated. There is a joint agreement between North Ogden, Pleasant View, Harrisville, and UDOT that limits the number of traffic signals on the road and the distance between those traffic signals; the most likely action that could occur would be to build a median throughout the entire section in question to limit left turn traffic onto Washington Boulevard. Mr. Shaw stated that the lights at 2550 North and 2600 North are already very close. He then stated that he feels the speed limit on the roadway is excessive and he believes it should be lowered below 35 miles per hour in City limits. He stated he is asking that the City do something about this issue and not just let it die at this point; there are residents who do not feel safe and something needs to be done.

Joe Langeveld, 2249 N. 515 E., stated he lives in the area referenced by Mr. Shaw and he had the misfortune of witnessing two fatalities there. North Ogden City just lost its Mayor and the residents know the suffering that has occurred due to that loss; he likened that to the loss of the families who are grieving the loss of life at the intersection. He stated that he previously owned property on North Street where the Ogden Lowe's store is located; at that time, he approached UDOT about installing a street light at the intersection. They denied the signal because it was not warranted by traffic levels, but the problem was that traffic eventually grew so great that the signal was needed. He stated that things have changed and when driving from North Ogden to South Ogden on Washington Boulevard, there is a traffic signal at nearly every intersection; some of those intersections do not have the same level of traffic as is present at the 2300 North intersection in North Ogden. He thinks the City needs to be aggressive in approaching the State of Utah to make sure the citizens are taken care of appropriately. He stated he has told his own family and many others not to turn at the intersection because it is dangerous. That is something that needs to change. Many residents have signed the petition and many more would sign it if asked. If the City fails to plan, the risk to residents will be greater; the City is making changes to other areas of Washington Boulevard and changes at 2300 North would also be appropriate. He would hate to see another fatality at the intersection.

4. DISCUSSION ON 2019 MUNICIPALITIES RAMP GRANT

A staff memo from Parks and Recreation Director Staheli explained that each year, North Ogden City receives \$1 per person in the City (based on the latest census) from Weber County to go towards Recreation, Arts, Museums and Parks projects and events. The Parks and Recreation Department would like to utilize the 2019 allocation to hold community events at Barker Park.

A recent survey was sent out to North Ogden City residents inquiring about the types of programs and activities they would like to see in the City. Of requests for additional activities, many residents wished to see concerts, activities, performances and events at the amphitheater at Barker Park. Additional requests were for festivals of different varieties, farmers markets, youth activities, service opportunities and art shows.

Some of the events and activities, in particular musical talent, require advanced booking in order to secure performance dates. The industry typically books out six to twelve months in advance of performances. Because of this, we are requesting permission to book talent and events for the 2019 summer utilizing the 2019 RAMP municipalities allocation prior to the final approval of the FY 2020 budget.

Ms. Staheli reviewed her staff memo; she reviewed RAMP projects that have been completed in the past and noted that she believes that using future RAMP monies to increase community events will meet the RAMP objective of enhancing quality of life in Weber County and promoting economic vitality. She then noted that the City is slated to receive approximately \$18,000 in its annual RAMP allocation, but she received word today that the RAMP Committee is recommending to the Weber County Commission that the City receive a major project grant of \$312,779 to be used to finish the interior of the Barker Park Amphitheater. In conclusion, Ms. Staheli asked for Council support to pursue a formal recommendation regarding the manner in which RAMP funds should be allocated. After brief discussion among staff and the Council regarding the types of community events that would be hosted at the Amphitheater, the Council offered the support requested by Ms. Staheli.

5. QUARTERLY FINANCIAL REPORT

A staff memo from Finance Director Nelson referenced the Quarterly Financial Report for the quarter ending December 31, 2018. The detail report provides revenue, expenditure, and balance sheet information for all City funds. A summary sheet is included to provide a visual representation of the sales tax trend, and a revenue and expenditure comparison to budget.

Sales Tax revenues are coming in slightly higher than projections. After the January disbursement we are \$22,264, or 1.96%, ahead of budget. Comparing the figures to last fiscal year, we are \$66,013, or 6%, ahead of last year. The growth in revenue continues the trend we have been seeing for the past several years. North Ogden City Sales Tax

revenues are fueled by the strength of the local and statewide economy. While economic indicators continue to show positive trends, some economists expect a slowing in the next couple years.

The summary graph shows the status of revenues and expenditures compared to budget. Here are a few notes:

- Aquatic Center – Expenditures are slightly ahead of revenues due in part to the annual bond payment.
- Transportation Funds – The three transportation funds continue to accumulate revenue to be expended on the widening of Washington Blvd.
- Water Fund – Expenditures exceed revenues due to the purchases of meters and vehicles that occurred early in the fiscal year.
- Storm Water Fund – Expenditures exceed revenues due to work on the pond/detention basin and the White Rock detention basin. Expenditures on the White Rock basin will be reimbursed by the developer and a federal grant.
- Motor Pools – Expenditures exceed revenues due to vehicle purchases early in the fiscal year as well as budgeted use of fund balance.
- RDA – Most of the RDA property tax revenue for the fiscal year is received in December.
- Non-departmental – The annual insurance payment puts expenditures at 75% of budget.

The memo concluded the City's financial position remains healthy and continues to grow. The budget process is underway and will help the City chart a course into the next fiscal year. We will continue to monitor revenues, expenditures, and budgets and will work with departments to accomplish the budget priorities established by the City Council.

In Mr. Nelson's absence, City Administrator/City Attorney Call reviewed the staff memo. He also presented graphs to illustrate the information included in the memo relating to sales tax trends and revenues and expenditures by fund.

6. **PRESENTATION ON AN AMENDMENT TO REVISE SETBACK STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

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

At the December 18, 2018 City Council meeting Brent Call requested that the City consider an amendment to the RE-20 accessory building setbacks standards. (See Exhibits A, C, and D)

The Planning Commission discussed this proposal on January 9, 2019. The Planning Commission requested that a public hearing be scheduled based upon the staff recommendation for Option 1 and that the R-1 zone standards also be included. (See Exhibit E)

The Planning Commission conducted a public hearing on January 23, 2019. There was one comment from Mr. Brent Call, who commented on the speed and efficiency that had been demonstrated by staff and the commission in getting this item to public hearing.

Mr. Call is processing a building permit to construct a hay barn on his property located at 835 East 2100 North. This property is located in the RE-20 zone. His letter recounts the history of our recent accessory building setback amendment and his own plans.

The current accessory building setback standards are based upon the size and scale of accessory buildings and the impacts on adjoining uses. The RE-20 zone has different standards than the R-1 zones that reflect these differences.

Mr. Call presented two options for amending the setbacks for accessory buildings that are based upon a sliding scale. The Planning Commission directed that Option 1 be used in drafting the amendment because it more clearly anticipates potential impacts to adjoining properties. There are already standards in the existing ordinance that address the maximum size and location of accessory buildings. (See Exhibit B)

The Planning Commission determined that the RE-20 and R-1 zones should have the same setback of 15 feet for buildings between 19 and 25 feet in height. The table from Option 1 retains the separation standard to neighboring dwellings on adjoining properties in a new subsection 5.

CONFORMANCE WITH THE GENERAL PLAN

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.

- Work with homeowners, landlords, and renters to maintain and improve existing properties.

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

- Should the accessory building setbacks standards be modified with a sliding scale?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission, on a five to zero vote, recommends adoption of the amendment. The Planning Commission found that the amendment is consistent with the General Plan.

Mr. Scott reviewed his staff memo.

Council Member Turner referenced an accessory building that was located in the City that recently burned to the ground; the building was a point of contention for neighboring property owners and he asked how this proposed ordinance would have impacted the design and construction of that building. Mr. Scott stated the amendment would have a positive impact on that specific situation.

6a. PUBLIC COMMENTS

Brent Call, 835 E. 2100 N., stated that he appreciates the City's quick response to address this issue; Mr. Scott was very helpful, and he is hopeful that the Council will support the proposed amendment.

6b. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE SETBACK STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES.

Council Member Swanson motioned to approve Ordinance 2019-03 amending the setback standards for accessory buildings in residential zones, based on the findings and subject to the conditions listed in the staff report. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

7. **PRESENTATION ON AMENDING THE NORTH OGDEN ZONING ORDINANCE TO ADJUST THE REQUIREMENTS FOR FENCES ON RETAINING WALLS.**

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

The issue of fence height on retaining walls came up when a resident came to City Staff in the fall of 2018, wanting to build a fence on top of a retaining wall. The residents' desire to have a six-foot-tall fence on top of a retaining wall is currently not allowed under City ordinance. The resident spoke to the City Council in December 2018 and the City Council directed Staff to review the ordinance with the Planning Commission. The Planning Commission discussed and reviewed a draft of this potential amendment to City ordinance 11-10-11 Fence Height Regulations at the Planning Commission meetings on January 9, January 23, and February 6, 2019. The proposed ordinance is the result of that discussion and review at those meetings.

The proposed ordinance reflects changes requested by the applicant as well as the Planning Commission. The proposed ordinance amendment has been written to allow six-foot fences for many residents with retaining walls, and to ensure residents are able to have privacy whenever that privacy does not create too great of a visual impact for neighbors and the public. A minimum 3.5' fence height is required, for the purpose of addressing safety concerns, namely the minimization of falls. However, if a retaining wall is greater than 5' in height, a certain amount of transparency is required in order to lessen the visual impact for neighbors and the public, of a fence on top of a tall retaining wall. The ordinance has been drafted to balance each of these varied concerns which different parties impacted by a fence constructed on a retaining wall may have. An exception to the transparency requirements is allowed if the fence, and the retaining wall on which it is located, are both on the same parcel of property as the low side of the retaining wall and the applicant is the owner of that property.

The ordinance addresses a range of varying concerns anticipated on the part of different parties regarding fences on retaining walls, which are expressed in the following table:

		<u>Different Situations</u>	
	<u>Concerns for Different Parties In Different Situations</u>	<u>High Side of Fence & Retaining Wall</u>	<u>Low Side of Fence & Retaining Wall</u>
<u>Different Parties</u>	<u>Applicant / Fence Builder</u>	<ul style="list-style-type: none"> ✓ Too High of Fall (Created by Fence) ✓ Lack of Privacy / Too Low of Fence 	<ul style="list-style-type: none"> ✓ Lack of Privacy / Too Low of Fence
	<u>Neighbor & Public</u>	<ul style="list-style-type: none"> ✓ Too High of Fall ✓ Safety / Too Easy To Fall 	<ul style="list-style-type: none"> ✓ Too High of Fence / Visual Barrier

Staff has crafted the ordinance to address each of these concerns.

CONFORMANCE WITH THE GENERAL PLAN

Housing Goals

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

The memo offered a summary of Land Use Authority considerations. There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is the proposal consistent with the General Plan?

The Planning Commission recommended that the City Council approve the ordinance amendment in a 6 to 1 vote, with one change recommended to the ordinance amendment, which has been incorporated into the version being presented to the Council tonight. The recommended change in the amendment addresses the issue of when a degree of transparency for fences on retaining walls is not required. Commissioners Thomas, Mason, Lunt, Barker, Waite, and Nancarrow voted to recommend this amendment with the recommended change for approval, while Commissioner Arner voted to not recommend this ordinance with the recommended change for approval.

Commissioner Arner was of the opinion that there are a wide range of situations where the earlier provision in the amendment (which provided the ability for a neighbor on the low side of a retaining wall to waive the transparency requirements existed) may be useful. This prior provision was replaced in the current version of the amendment, at the recommendation of the remaining six members of the Commission, with a provision that allows the transparency requirements for a fence to not apply, when that fence and the exposed surface of the retaining wall on which it is located, are both fully on the same parcel of property as the low side of the retaining wall, and the applicant is the owner of that parcel.

Mr. Bell reviewed his staff memo and facilitated a review of the proposed ordinance to provide the Council with the opportunity to gain an understanding of the implications of the proposed amendments.

7a. PUBLIC COMMENTS

Cecil Rhoades, 3098 N. 750 E., thanked Mr. Bell for his work to address this issue. He stated that he had significant concerns about the previous version of the ordinance regulating fences on retaining walls and this change addresses those concerns.

There were no additional persons appearing to be heard.

7b. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE NORTH OGDEN CITY ZONING ORDINANCE TO ADJUST THE REQUIREMENT FOR FENCES ON RETAINING WALLS.

Council Member Swanson motioned to approve Ordinance 2019-04 amending the North Ogden City Zoning Ordinance to adjust the requirement for fences on retaining walls, based on the findings and subject to the conditions listed in the staff report. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

8. PRESENTATION AND DISCUSSION ON FORM BASED CODE

Associate Planner Bell used the aid of a PowerPoint presentation to discuss with the Council the intent of a Form Based Code; one goal of this type of document is to create walkable neighborhoods and a “main street America” feeling. He provided several photos to illustrate the definition of ‘main street America’ and he also discussed the main two different fundamental patterns of development: drivable suburban and walkable downtown/neighborhood. It is difficult to combine drivable and walkable patterns effectively. The North Ogden downtown has been divided into three different subdistricts: Downtown Main Street, Downtown Market, and Downtown Neighborhood. A map in the code document highlights the location of each of the subdistricts as well as the required location of streets, street categories, and street types. This will help establish connected street systems or a grid of appropriate streets.

Mr. Bell then referenced a nationwide study regarding the desires of the demographic group known as “millennials”; this group is becoming a significant force in the economy. The “American Dream” for millennials is transitioning from the white picket fence in the suburbs to the historic brownstone stoop and other moderate density dwelling types in the heart of the city. Millennials are aged 18-36 they are 77 million strong, 24 percent of the population, almost exactly the same percentage of the population as the Baby Boomers; they have strong lifestyle preferences which affect cities and towns. 62% prefer to live in the type of mixed-use communities found in urban centers, close to shops, restaurants and offices and they are currently living in these urban areas at a higher rate than any other generation. Growth in U.S. ‘cities’ outpaces growth outside of them, for the first time since the 1920’s. Mr. Bell then discussed data that has been gathered by a group called Envision Utah regarding the State of Utah’s preferences for future development; they surveyed 54,000 Utahns and, at the time, it was the largest community visioning survey ever conducted. They found 78 percent of Utahns want communities to include a variety of housing options and a design that is convenient for walking, transit, and short drives. The belief is that this will keep housing and transportation costs reasonable. Utahns are very willing to have more communities allow a variety of housing types other than large-lot homes. This includes small lots, townhomes, apartments, duplexes, and mother-in-law and basement apartments. Utahns are also willing to build mixed-use centers of jobs, compact housing, shopping, and recreation throughout urban areas even if this means a little inconvenience for cars, multi-story buildings close to people, and somewhat greater traffic congestion combined with shorter drives.

Mr. Bell then noted that a form-based code deals not just with the design guidelines for a building, but rather block sizes; building types, mixes, and locations; street types; and pedestrian/vehicular access. There are generally three priorities or components of development: cities and towns, developers, and consumer demand/residents’ preference. This includes high-quality community character, density/compact walkable neighborhoods, and developer profitability. A form-based code can be considered as being central to these three groups. Mr. Bell discussed the manner in which form-based codes have been effective in other communities; studies have been conducted to evaluate the manner in which a form-based code can increase property values, retail sales tax revenues, and ensuring efficient and quality use of land.

The Council then participated in high level philosophical discussion and debate of the appropriateness of enacting a Form Based Code for development of the downtown area of the City and along Washington Boulevard. There was a focus on differences between North Ogden and other communities in which a form-based code has been enacted; this included geographic differences and the scale of the area to which the form-based code would apply. The Council acknowledged the benefits a form-based code can offer, but indicated that the entire length of Washington Boulevard may not be appropriate for this type of development. There was also a discussion about the manner in which the character of Washington Boulevard would need to change to contribute to the success of

the form-based code; this related to speed limits on Washington Boulevard which may inhibit pedestrian activity and walkability in general.

8a. PUBLIC COMMENTS

Randy Winn, 2412 Barker Parkway, stated he is pleased by the discussion tonight. He then noted that North Ogden is considered the bedroom community of Ogden; people do not distinguish between North Ogden and Ogden and North Ogden should be allowed to continue as it has been. He stated he does not believe the public want the concentration of commercial and high-density housing uses that are contemplated in the form-based code document. He was pleased by the Council's discussion about the differences between North Ogden and the other communities in which a form-based code has been implemented and he agrees that Washington Boulevard is much different and not appropriate for a form-based code environment. The road has heavy levels of traffic that move at a high rate of speed, but it may be possible to concentrate commercial and business uses at the true City center, in the area surrounding the intersection of Washington Boulevard and 2700 North. He added that any action taken by the Council should provide some balance and flexibility for businesses that will locate in the City in the future.

Ryan Forsythe, Layton Utah, stated he is hoping to start his O'Reilly's development project soon; he was also involved in the Smith's Marketplace project in the City and he is working on other prospective development projects for the City's town center. He stated he wanted to offer a developer's standpoint to this issue, and he discussed the complexity and reality of how a form-based code can hinder the timeline of a development project. He stated that the types of places that are most suitable for the kind of development that a form-based code would incent are smaller streets that may have fallen into underutilization and are in need of redevelopment or revitalization. This can include main streets in smaller towns that were previously walkable. Additionally, developments are successful because of job opportunities rather than the fact that they are supported by one certain population demographic, such as millennials, as was mentioned in Mr. Bell's presentation. He stated that walkability has many components, such as access to public transit and open spaces and it is not based solely upon whether a street layout in a given project is easily navigable by a pedestrian. He stated that he is currently the government relations chair for the International Council of Shopping Centers (ICSC), and that group focuses on the success of large shopping centers. There has been so much attention in Utah on the Farmington Station project, but it is not as successful as many previously believed. It has great access to public transit and is located in close proximity to Interstate-15, yet many businesses have closed because the population of the surrounding area is not great enough to support them. He stated this should be an example the City considers when determining the appropriate type of development for this community. He then stated that he likes the idea of diverse housing and a streamlined process that are provided for in the form-based code, but it can also be very complicated for a developer to navigate it. Complications lead to increased costs and that will give developer's pause when considering whether to proceed with a project in North Ogden.

He added that online shopping is killing brick and mortar retail locations and, for that reason, many retailers – especially ‘mom and pop’ retailers – are not opening new locations. He acknowledged that development cycles fluctuate, but development history should not be ignored in favor of forcing new development ‘trends’. He stated the City should consider what North Ogden truly is and that is a bedroom community north of Ogden City. That should be embraced and built upon. He then noted that developers are obviously in their line of work to support their family and they can be viewed as only being concerned about the financial aspect of a project, but there are others who truly care about the quality of a project and the benefit it can provide to a community and those developers should not be pushed away by things like a form based code or restrictions that do not make sense for the community.

Dennis Farr, 4275 N. 500 W., Pleasant View, stated that he is part of the Barker Family and that family has collectively been working on development options for their property that is in the City’s town center. After 17 years, the family is nearly ready to submit an application for development of three to eight commercial entities on their property, but many of them would not comply with the tight restrictions of the form-based code. The timing of the consideration of the form-based code is very troubling as his family has spent many years working with the different entities who have jurisdiction over the property, but he has appreciated the depth of discussion about the form-based code and the opportunity he and his family have had to provide input. The family is well aware that their property is located in the City center, but they want to have input about the manner in which their property is developed rather than being forced to consider options that are included in the form-based code. He thanked the Council for asking hard questions as they consider this matter and for their willingness to listen to residents and landowners.

Julie Barker Farr, 4275 N. 500 W., referenced the same property that was discussed by her husband, Dennis Farr. They have been working to entice many different types of businesses to locate on their property; she thought it would be easy to attract certain businesses here because everyone loves this community, but many businesses have indicated they will not locate here because North Ogden is a ‘dead end’ community with inadequate population to support them. She urged the Council to proceed with caution as they consider regulations for the town center and she thanked them for the careful consideration they have given to this matter.

Chris Forsythe, Brigham City Utah, stated that he is very grateful for what he has heard tonight; he thought Mr. Bell’s presentation was excellent, but as a developer he felt it necessary to communicate to the Council that it is not always possible to choose what type of business will locate in a given city. He provided examples of personal experiences that he has had in other communities in the past and noted that the market and economics of an area drives the type of development that will occur. Guidance is possible, but the economics are of utmost importance.

Mr. Ryan Forsythe re-approached and added that most of the roads in the City on which commercial development can occur are State roads, which means that the impact fees for

developing on those roads are much higher. This is already a barrier to entry that the Council should consider.

8b. DISCUSSION AND/OR ACTION TO CONSIDER DIRECTION ON FORM BASED CODE

The Council continued their philosophical debate of the best way to proceed relative to consideration of a form-based code; they focused on certain areas that may be more viable for the type of development that is afforded via a form-based code. The Council indicated they would like to defer action on a form-based code until after a formal recommendation has been provided by the Planning Commission and a streetscape policy document has been acted upon. They concluded to schedule a joint work session meeting with the Planning Commission to discuss the best way to proceed. City Administrator/Attorney Call noted that the temporary land use regulation in relation to the form-based code was adopted in December, which means that if no final action is taken by May, that regulation will expire, and the form-based code will not be binding. Mayor Chugg stated City Administration will work to schedule a joint meeting that can take place soon in order to facilitate an action on the form-based code before May.

9. DISCUSSION AND/OR ACTION TO CONSIDER A CLASS A RETAIL BEER LICENSE FOR SMITH'S MARKETPLACE

City Recorder Spendlove reported that Smith's Marketplace has applied for their Class A Retailer Beer License and has met the requirements for this type of license being granted.

Council Member Swanson motioned to approve a Class A Retail Beer License for Smith's Marketplace. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER A CLASS B RETAIL BEER LICENSE FOR HUG-HES

City Recorder Spendlove reported that Hug Hes Restaurant has applied for their Class B Retailer Beer License and has met the requirements for this type of license being granted.

Council Member Stoker motioned to approve a Class B Retail Beer License for Hug-Hes. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

11. CONVENE IN THE RDA

Council Member Stoker motioned to recess the regular meeting and enter into an RDA meeting. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting recessed at 8:54 p.m.

RDA AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER RETAINING WALL IMPROVEMENTS IN THE REDEVELOPMENT AREA AT APPROXIMATELY 300 EAST AND PLEASANT VIEW DRIVE

A staff memo from City Administrator/Attorney Call explained that several weeks ago the City Council was approached about doing some improvements along the Pleasant View Drive trail at approximately 300 East to shore up the hillside and help facilitate the future development of the property just south of the trail where another office building has been slated for construction.

The Redevelopment Agency (RDA) currently has an expected fund balance of \$1,349,806 at the end of June 2019. The project will be expensive enough the City is

required to obtain bids and based on some preliminary information expect the cost to be between \$40,000 and \$60,000.

The RDA Board has been provided with materials which identify the construction methods and some of the ideas related to how the landscaping at the top of the wall could be completed. The applicant is requesting that the RDA fund the project and that the RDA Board approve the design of the landscaping and wall. The RDA can either do this as an RDA project, or have the applicant complete the project and reimburse up to a specific amount of money for the project. The difference would be that if there is an overrun of costs it would change who was responsible for those costs.

This request is similar to other RDA improvements completed in the past, including the bicentennial park improvements, Lee's Plaza improvements and other items. The Board may make any decision they feel is appropriate, including funding the project or not funding the project. The Parks Department sees some benefit to cleaning up this area of the Pleasant View Drive trail to assist with maintenance obligations.

Board Member Turner motioned to approve retaining wall improvements up to \$60,000. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Cevering	aye
Board Member Stoker	aye
Board Member Swanson	aye
Board Member Turner	aye

The motion passed unanimously.

Dave Gordon stated that he can update the plans accordingly before the project is advertised for bid. Mr. Call stated that he will work with Mr. Gordon to accomplish those updates.

2. ADJOURN AND RECONVENE IN REGULAR MEETING

Board Member Swanson motioned to adjourn RDA meeting and reconvene in regular meeting. Board Member Turner seconded the motion.

Voting on the motion:

Board Member Cevering	aye
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Board Member Stoker	aye
Board Member Swanson	aye
Board Member Turner	aye

The motion passed unanimously.

Reconvened in regular scheduled meeting at 8:59 p.m.

12. PUBLIC COMMENTS

There were no public comments.

13. COUNCIL/MAYOR/STAFF COMMENTS

Mayor Chugg provided a report of economic development projects that are underway or slated for construction in the coming months.

Council Member Swanson commended Animal Control Officer Andra Jones for work she did to help some residents retrieve lost animals; the resident who was impacted was very grateful for the service Ms. Jones provided.

Council Member Swanson passed on compliments from residents regarding snow removal performed at City parks and on the trail system.

Mr. Call stated he plans to provide a major project report at the next City Council meeting, but briefly reported on the status of the debris basin project that is being managed by BHI.

City Recorder Spendlove reported that during the last City Council meeting there was a brief discussion about bonding options for completion of large capital projects in the City. She stated she has done some research regarding that issue and learned that the Council can place a ballot question on the November 5, 2019 municipal election ballot for a general obligation (GO) bond. In order to proceed in this direction, the Council would need to adopt a resolution detailing the projects to be completed by the bond by July 22, 2019. Approval of the GO bond would result in a tax increase to generate debt service funds for the bonds. Mr. Call added there are other types of bonds that the Council could consider, and those bonds do not require public approval through an election, but they are referable by the voters. Council Member Cevering asked that the Council be provided with cost estimates for some of the capital improvement projects that have been considered by the Council in order to form an opinion regarding whether to proceed with a GO bond ballot question.

14. ADJOURNMENT

Council Member Turner motioned to adjourn the meeting. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting adjourned at 9:10 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder

26 March 2019
Date Approved