

NORTH OGDEN CITY COUNCIL MEETING MINUTES

August 8, 2023

The North Ogden City Council convened in a Council meeting at 6:01 p.m. on August 8, 2023, at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom.

Recording can be found on YouTube:

<https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on August 7, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Jay D Dalpiaz	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	Excused
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Rian Santoro	Newly sworn in City Recorder	
	Scott Hess	Planning Director	
	Dave Espinoza	Assistant City Manager/Public Works Director	
	Bryce Nelson	Administrative Services Manager/Treasurer	
	Jami Jones	Finance Director	
	Nate Davis	Building Official	
VISITORS:	Tim Billings	Robin P Strand	Christina Watson
	Kevin Burns	Chris Pulver	Alan Kerbs
	Terry Cevering	Reed Miller	M Ewing
	Sandy Cochran	Steve Huntsman	Meg Sanders
	Terry Bexell	Spencer Stephens	Doug Anderson
	Lynne Bexell	Chad Roylance	Jeanette Sweet
	Cheryl Stoker	Merrill Sunderland	Tynna Voight-Wallen
	Susan Clements	Erica Martinez	

Mayor Berube called the meeting to order. Steve Huntsman, North Ogden City Resident, offered the invocation and led the audience in the Pledge of Allegiance. He also provided a thought to open the meeting.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. Council Member Cevering indicated he will recuse himself from discussing agenda items four and five. Council Member Ekstrom stated she may have a potential conflict with the RDA item if the decision is made to spend RDA funding in the North Ogden Plaza where she owns a business. Mayor Berube stated it is his understanding that if a conflict is declared, a member of the Council can still participate in the discussion and even vote on the item for which they have declared the conflict. City Manager/Attorney Call stated that is correct.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Stephanie Casey, North Ogden resident, stated she is looking forward to the open house meeting tomorrow night on the pond project, but she is disappointed it is not listed on the City's website or the City calendar. The first she heard about it was through a Facebook post that was only posted yesterday. She is not sure what kind of community involvement the City can expect with just one day of notice.

Chris Pulver, North Ogden resident, stated that he has sat through most of the recent Council and Planning Commission meetings, and he agrees with the Planning Commission's recommendation on the issue of manufacturing uses and storage units in the City; he believes the City is settling for a project and giving up the long-term benefits of the property at 1651 North Washington Boulevard.

Doug Anderson, North Ogden resident, asked for information about the open house meeting tomorrow. Mayor Berube discussed the agenda and format of the meeting, after which, the City Manager/Attorney Call indicated that the meeting has been advertised on the Utah Public Meeting Notice website and is being hosted by NRCS.

Council Member Barker motioned to move Agenda Item 6, the Follow-Up Presentation by Cherry Days Committee up to Item 4 Council Member Eckstrom seconded the motion.

3. DISCUSSION AND/OR ACTION FOR APPOINTMENT OF NEW CITY RECORDER, RIAN SANTORO

- a. Swearing in of new City Recorder by Deputy Recorder Joyce Pierson

Council Member Cevering motioned to approve the appointment of Rian Santoro as the North Ogden City Recorder Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Deputy City Recorder Pierson administered the Oath of Office to City Recorder Santoro.

6. FOLLOW UP PRESENTATION BY CHERRY DAYS COMMITTEE

Mayor Berube stated that the City has created plaques and gifts for the Cherry Days Committee to thank them for their efforts to plan and administer a high-quality Cherry Days Celebration, 2023.

Lynn Bexell then provided information about the Executive Committee of the Cherry Days Committee and indicated they had a great vision and were grateful that they were given the opportunity to manage the Cherry Days celebration. The Committee was very grateful to Council Member Barker for his commitment and support of the Committee in the role of liaison to the group; he attended all meetings that did not conflict with City Council meetings, and he was always a great resource and helped the Committee accomplish its goals. There were also many great donors and sponsors, and the Committee was able to raise over \$59,000 for the event, not including in-kind donations to the event. There were many other community members who offered their expertise and resources for individual events in the celebration and the Committee also relied heavily on City staff who were also very supportive. She was so impressed by the volunteer support throughout the entire week of Cherry Days, and she believes everyone working together helped to achieve the theme of Cherry Days: "North Ogden, We Are One". She then played a short video that was a montage of photos taken throughout the celebration. She concluded by discussing the revenues/expenses of the celebration; the \$19,000 from the City was not needed and the Committee will also be contributing a portion of the proceeds of the event back to the City as soon as final accounting is completed. She emphasized the event was a success and the Executive Committee is grateful for the trust the City placed in them and for allowing them to be involved.

Another Committee member then noted that the Committee has conducted a public survey to gather feedback about the event; the Committee is still digesting the survey results and will present their conclusions to the City at a future date.

Mayor Berube stated that he looks forward to the report of the survey and the final revenues associated with the event; he thanked the Committee for taking ownership of the event and indicated he looks forward to working with them in future years.

4. DISCUSSION AND/OR ACTION ON AN ORDINANCE TO AMEND THE GENERAL PLAN TO PERMIT MANUFACTURING USES WITHIN THE SOUTH TOWN NEIGHBORHOOD NEAR APPROXIMATELY 1651 NORTH AND 1659 NORTH WASHINGTON BOULEVARD

Community Development Director Hess explained the Applicant requested annexation of property at approximately 1651 N. and 1659 N. Washington Blvd. Part of the Annexation process is the application of a Zoning District. This area of the City is designated as the South Town Neighborhood in the General Plan Future Land Use Map as well as in the text of the General Plan. The applicant's request is to amend the General Plan to allow manufacturing uses and zone a portion of the property as Manufacturing M-1 to permit storage units. This area of the General Plan does not currently permit manufacturing uses. This requires the applicant to request an amendment to the General Plan. North Ogden City Code 11-2-18 General Plan Amendment outlines the questions for the Planning Commission and City Council's consideration. He discussed the staff's analysis of the application and compliance with the General Plan and noted on February 15, 2023, the North Ogden Planning Commission held a Public Hearing and considered application GPTA 2023-01 to amend the General Plan to include language to permit storage units as a use in the South Town Neighborhood. Staff has included the Planning Commission minutes for the Council's review (see Exhibit B). The Planning Commission considered the application and information presented by the applicant and staff and debated the topic. Members of the Planning Commission could see the benefit of both the proposed project as well as the variety of future opportunities that this area of the City represents. The Commission debated the topic, and Commissioner Nancarrow motioned to deny the application to amend the General Plan to permit self-storage uses in the South Town Neighborhood. The motion carried on a five to two vote.

Mayor Berube asked if it is the staff's recommendation that the zoning not be changed for the property. Mr. Hess answered yes; the staff's recommendation took into consideration the amount of undeveloped land remaining in North Ogden that has sales tax generation potential; 1700 North is one of the last areas at a stop light where commercial growth may be viable. However, North Ogden is a destination community and there are some types of developments that will never be viable in North Ogden. Mayor Berube stated that when the applicant came to the Council some time ago to talk about his proposal, the direction given to him was to get a 'thumbs up' from both the Planning Commission and City Council before proceeding with a formal application. He believes they did that, and they have now proceeded to this step and have drafted a Development Agreement for the project as well. He explained that he was taken back by the approval of a storage unit project on Washington Boulevard and a recommendation of denial for this project on the corner of 1700 North and Washington Boulevard. Mr. Hess stated the other project is an existing storage unit project in the City that was grandfathered in and the owner

desired to improve the development according to updated design guidelines. This led to a high-level discussion of the improvements of the existing storage unit facility that essentially eliminates a parcel of commercial property along Washington Boulevard, in Mayor Berube's opinion.

Council Member Ekstrom stated she is also concerned about limiting the ability of the owner of the subject property to proceed as he has been told he can by both the Planning Commission and City Council in previous meetings; she does not want to go against the Planning Commission, but she wants to be consistent with past communication that was given to the applicant.

Council Member Dalpiaz stated he feels the project will be aesthetically pleasing and will help to draw other commercial developments to the area directly to the north. He is also concerned with the loss of sales tax revenue potential, but Mr. Cevering has explored commercial development of his property and has not found an interested tenant. He is prepared to move forward with the plans Mr. Cevering has presented at this time.

Council Member Barker agreed with Council Members Ekstrom and Dalpiaz.

Mayor Berube invited input from the applicant.

Terry Cevering thanked the Mayor and Council for their comments; he was confused by the recommendation of the staff and Planning Commission after working in good faith based upon the direction that he was given in past discussions.

Council Member Dalpiaz motioned to approve Ordinance 15-2023 to amend the General Plan to permit manufacturing uses within the South Town Neighborhood near approximately 1651 North and 1659 North Washington Boulevard. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION ON AN ORDINANCE TO UPDATE TITLE 11, SECTION 10 ARTICLE B, MANUFACTURING ZONE M1 TO PERMIT STORAGE UNITS AS A PERMITTED USE

Community Development Director Hess explained the Applicant has requested the Annexation of property at approximately 1651 North and 1659 N Washington Blvd. Part of the Annexation process is the Application of a Zoning District. The applicant's request is to amend the Manufacturing M-1 Zone to permit new storage units. Currently, the Manufacturing Zone permits upgrades to storage units existing prior to November 1, 2021. This request requires the applicant to amend Title 11-10B Manufacturing M-1. Mr. Hess discussed the staff's analysis of the Application and concluded on February 15, 2023, the North Ogden Planning Commission held a Public Hearing and considered Application ZTA 2023-01 to amend the Manufacturing M-1 Zone to permit Class A storage units as a reinstated Permitted Use in the Zone. Staff has included the Planning Commission minutes for the Council's review (see Exhibit B). The Planning Commission considered the Application and information presented by the applicant and staff and debated the topic. Commissioner Mason made a motion to forward a positive recommendation to the City Council to permit storage units as Permitted Use in the Manufacturing M-1 Zone. The motion carried unanimously.

Council Member Dalpiaz said that it is his recollection that as part of previous discussions, there was an intention for storage units to be allowed on the applicant's property but not necessarily on the rest of the M1-zoned properties in the City. He asked if that was correct. Mr. Hess stated that the appropriate place for the restriction is at the General Plan level rather than in the Zoning Ordinance; the Council is in the driver's seat when it comes to granting a zoning change for a property and if they do not feel that M-1 zoning is appropriate for other areas of the City, they do not need to grant it in the future. There is currently very little M-1 zoned property in the City.

Council Member Eckstrom motioned to approve Ordinance 16-2023 to update Title 11, Section 10 Article B, Manufacturing Zone M1 to permit Storage Units as a permitted use. Council Member Dalpiaz seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

City Manager/Attorney Call noted that Mr. Cevering will now be able to move forward with Development Applications, starting with a Subdivision Plan and Site Plan Application. Some adjustments to the Development Agreement are also needed.

7. DISCUSSION TO DETERMINE THE BEST USE OF RDA FUNDS TO THE BENEFIT OF THE RDA AREA

City Manager/Attorney Call noted the Council is being asked to determine the best way to utilize the existing RDA funds to benefit the RDA area and complete the requirements for the RDA program. Several items have been discussed and the goal is to narrow those items to the most important to the Council and then discuss a time to set up an RDA retreat to go into depth on the issues. This is a legislative decision with broad discretion for the Council to determine what is in the city's best interest. The City set up a Redevelopment Agency in the 1990s and since that time, has been collecting tax increments. Some of the projects and improvements that have been funded by the RDA are the Lee's Marketplace commercial area, North Shore Aquatic Center, and Smith's Marketplace. He stated the RDA will close out at the end of this year and there are several options for projects, noting this will be the third or fourth time the council discusses it. The Administration would like to narrow down the project list and then set up a longer Work Session for an afternoon to go through the narrowed-down projects and select the path forward. Staff recommends the Council prioritize their list of projects and shorten the possibilities so staff can focus on the most important items in our focused discussion. He facilitated discussion among the Mayor and Council regarding optional projects and indicated he will use the feedback from this discussion to develop a recommendation for continued discussion in an upcoming Work Session meeting; staff would like to have final decisions made by November as the RDA cycle ends December 31, 2023. There is funding in excess of \$2.5 million available, which gives the City some flexibility in accomplishing important goals. The five projects identified by staff as possible priorities include:

- North Shore Aquatic Center upgrades
- North Ogden Plaza improvements
- Washington Boulevard improvements
- Bicentennial Park redevelopment
- Moderate-income housing projects.

Mayor Berube asked the Council to keep in mind that the City has already spent a great deal of funding on the North Shore Aquatic Center and that would not be one of his top priorities; additionally, one of the main goals of the RDA law is to create job opportunities for residents and he will be focusing on that goal as he prepares for the Work Session discussion.

8. UPDATE FLOOD DAMAGE AND REPAIRS FROM SPRING 2023

City Manager/Attorney Call reported during the spring of 2023, North Ogden City experienced a significant amount of snow melt, rainfall, and other water creating several water flows that damaged various parts of the city. The discussion focused on areas in the city that experienced damage and the repairs to those areas.

- 1700 North experienced the most significant amount of damage with respect to costs. However, through the actions of residents and staff, there was no significant private property damage. There is a significant expense to repairing the roadway and originally, the estimate was going to exceed \$500,000. Mr. Call noted that after assessing the damage, the current engineer estimated the cost to repair the roadway and three of the

four culverts to be only \$106,000. There is some upgrade work to be completed to help eliminate the choke points caused by culverts which are too small to allow for the flows we experienced this spring to travel to the storm system.

- North Ogden Canyon experienced a significant amount of flow which washed out the access road we utilize to get to the canyon spring boxes and wells. The repair of those washed-out portions of the road will be undertaken soon and should not cost a significant amount.
- The intersection at 4050 North and 100 E was undermined by subsurface water flows and has been redesigned to reduce the chance of a future failure. The cost to perform the work will be \$ 165,000.

City Staff is putting together an estimate of the costs for various repairs caused by flooding including the cost to remove and replace several culverts on 1700 N. which clogged and didn't allow the water to flow properly. The purpose of this discussion is to keep the Council up to date on current information and situations for 1700 N. and other road repair projects. This is a legislative decision with broad discretion for the Council to determine what is in the city's best interest. Staff recommends the projects move forward as planned so that the roads and other areas can return to normal service.

9. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpiaz stated the Community Development Department is still trying to fill the vacant Planner position and help in spreading the word about the position would be appreciated.

b. COUNCIL MEMBER SWANSON – FINANCE -

Council Member Swanson was excused from the meeting.

10. PUBLIC COMMENTS

Doug Anderson, North Ogden resident, stated that he appreciates the job that the Mayor and City Council do; he addressed the agenda item related to the use of RDA funds and suggested that the Council conduct a Flash Vote survey to gather the feelings of the public regarding the best use of the funds. He stated the risk of doing so is that the Council may get too many ideas, but that would be a great problem to have. Another risk could be that someone may offer a suggestion and be upset if the City does not listen, but he still feels it would be a good way to gather input. He noted that he has heard from more than one person the idea of putting a cover on the pool so that it can be used throughout the year and not just during the summer months.

Sandy Cochran, North Ogden resident, commended the Council on voting to allow Mr. Cevering to proceed with the development of his property. The residents in the Village at Prominence Point project are currently in a dispute with the homeowner's association because of jet skis, boats, 4-wheelers, and trailers parked throughout the development, which is not allowed. When the development is completed, there will be over 600 residences in the project and those people need access to storage nearby. It seems in the past, the City had an aversion to storage units, but if that is the case, the Council should stop approving high-density housing developments that commonly lead to the need for storage facilities.

Meg Sanders, North Ogden resident, also referenced the agenda item dealing with the use of RDA funds; rather than using Flash Vote to gather input, she would suggest basing decisions on statistics and accounting research to ensure the City gets the 'most bang for its buck' when considering the use of the funds. She then noted that she visits City parks on a regular basis and due to the wet spring and summer, many parks are damaged and need attention. At Wadman Park, where the soccer season is starting in less than a week, there are potholes that are literally eight inches deep. She asked that the City pay attention to this issue.

Susan Clements, North Ogden resident, also referenced the use of RDA funds; one of the items listed in Mr. Call's presentation as the clean-up of hazardous waste and she asked if there is any hazardous waste in the City at present. Mr. Call stated that in some redevelopment projects, there may be the use of a property that was formerly used in a manner that polluted the site. Any removal of environmental hazards of these types of projects could be funded with RDA funds. She then offered a 'shout out' regarding Barker Park; the hollow at the Park is a magical place and it has been wonderful to be part of the committee that has focused on cleaning up that area so that kids can visit and enjoy it. She suggested that the public take their family to hollow and enjoy a walk on the trail.

Christina Watson, North Ogden resident, stated that if the City needs to identify projects on which to spend RDA funds, the Council should first focus on existing facilities in the City that need attention, such as repairs or maintenance, before starting a new project. She loves the idea of Coldwater Creek projects, but she is also aware of existing trails, parks, or playgrounds that need to be repaired or replaced. She also agreed with Ms. Sanders about the need to repair parks that were damaged by flooding this spring and summer.

Mayor Berube noted the Council has set aside funding for park repairs and the acquisition of future park land.

Jacob Sorensen, North Ogden resident, stated he and his wife go on walks frequently with their kids and he would like to see sidewalk installed in areas around his home where there is currently no sidewalk. He added that his property abuts City-owned property and has noticed an increase in the cricket population associated with tall weeds on the City property. He would be willing to purchase a portion of the land in order to maintain it, or he would ask that the City maintain it to keep the crickets out. He noted the crickets are damaging his garden extensively. Jacob said that he was a member of the Cherry Days Committee and was involved in planning the concert events. Jacob and his wife are both artists and they believe strongly that arts bring the

community together. He would like to participate in the same role in the future and noted that it would increase the quality of performances if there were a small amount of money available to pay performers.

Mayor Berube asked Council Member Ekstrom to look into Mr. Sorensen's question about the maintenance of the City-owned land.

Merrill Sunderland, North Ogden resident, stated that the Mayor and Council do a great job. He also referenced the use of RDA funds and suggested it is important for the public to have an opportunity to provide input; he is not sure the best way to solicit input, but it is important to do so before decisions are made about the projects on which the funds should be used. He agreed with Ms. Watson's comments about the need to take care of the existing projects in the City before undertaking new ones but noted that in long-term planning efforts, the Council needs to pay attention to the Coldwater Creek project and the North Ogden Plaza project.

11. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Barker stated that he and Assistant City Manager/Public Works Director Espinoza met with the individual who made a presentation about a disc golf course in the City and learned that he has already received a \$1,000 donation and a commitment for an additional \$2,000 in the near future. He would like to know if the Council is willing to move forward with the project. City Manager/Attorney Call stated that staff has discussed the project internally and feel that the City's annual Recreation Arts Museum Parks (RAMP) allocation would be a good funding source for the project. Mayor Berube stated that it would be important for the Council to discuss and decide which property would be best for the disc golf course; the Council expressed support for the property near the Equestrian Park, which was an option raised by the individual who proposed the project.

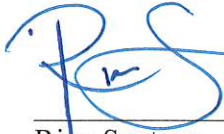
Mayor Berube then noted that the theme of Cherry Days was "We Are One North Ogden" and he feels that the meaning of community is to come together and figure out ways to help one another out. Those that were involved in planning the event understood that meaning and it was their goal to bring the community together. He stated that it is part of the responsibility of the Mayor and Council to build a community, not just manage a City. He stated he appreciates those who looked for the good things in the Cherry Days celebration and noted that the Committee will entertain additional feedback about ways to improve the events next year.

12. ADJOURNMENT

Council Member Eckstrom motioned to adjourn the meeting.

The meeting adjourned at 8:09 p.m.


S. Neal Berube, Mayor


Rian Santoro
City Recorder



9/26/23
Date Approved