

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

August 7, 2018

The North Ogden City Council convened in an open meeting on August 7, 2018 at 6:00 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 August 2, 2018. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

PRESENT:	M. Brent Chugg	Mayor
	Ryan Barker	Council Member
	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
	Rob Scott	Planning Director
	Brandon Bell	Associate Planner
	Dave Espinoza	Public Works Director
	Tiffany Staheli	Parks & Recreation Director
	Evan Nelson	Finance Director

PLANNING COMMISSION:	Eric Thomas	Brandon Mason	Scott Barker
	Lisa Arner	Don Waite	Allan Lunt
	Nicole Nancarrow		

VISITORS:	Kevin Burns	Leonard Looney	Karen McIntosh
	Greg Merrill	Julie Anderson	Dale Anderson
	Zephyr Shindoler	Rich Kotter	Kaylene Jeppsen
	Todd Mangel	Brian Solomon	Susan Clements
	Kim Christensen	Aaron Christensen	Stef Casey
	Sean Casey	Kevin Mikkelsen	Emmett Saxton
	Nelli Mangel	Meg Sanders	Richard Kotter

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

ACTIVE AGENDA

1&2. DISCUSSION AND/OR ACTION TO CONSIDER JUNE 12, 2018 AND JUNE 19, 2018 CITY COUNCIL MEETING MINUTES

Council Member Barker motioned to approve June 12, 2018 and June 19, 2018 City Council Meeting Minutes as presented. Council Member Turner seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

3. PUBLIC COMMENTS

Julie Anderson, 942 E. 2600 N., referenced the community pond project. Yesterday Brent Taylor made a Facebook post about his feelings about the project and why he thinks it would be great for the community; his post included some great points as well as some concerns and one of the concerns that caught her attention was the issue of safety. Mr. Taylor referenced several ponds in other communities that are well used by residents, so she looked into those cities and she found that Mr. Taylor had not really looked into how the ponds are used by other communities. She tried to post her feelings about the matter, but her comments were deleted; she chose to read for the record her Facebook comments that were deleted. "Brent you talk about this great community pond and how wonderful it will be for our community. I have my concerns and as you have stated safety being the main one. You show pictures of other community ponds and where they are in relationship to homes etc. There is one thing that you have omitted when talking about them, of the ones you list Farr West pond is not yet open. Farmington allows swimming and has had a least one death this year and that was an adult not a child. The others are no swimming allowed they are purely for fishing and many of them are stocked by the wildlife people. Our pond will be for wading only and that is a real concern I know they are talking about lifeguards but that is an additional cost that has not even been addressed in the budget for this pond. You will have no way of controlling who will be there and could attract people we don't want there. The other concern I have is the cost, we have not yet been given the grant from the federal government and so I wonder why we are pushing ahead and spending money on something that may not materialize. We need to have the money in hand before we begin. Thanks for listening. I do not need any long lectures because I know that we do not see eye to eye on this. But we are spending money

on things that are not needed and you are lulling people into a false sense of security. North Ogden does not have a money tree that produces money when needed. The money comes from the taxes that people pay, and you and the council need to be listening more closely to what the residents' concerns are over this and many other projects that the city is funding. The biggest one being the gondola and the backdoor meandering that is happening. There is no way this just popped up. Please be up front and honest with us and show some real transparency. That is all we ask. Thanks for taking the time to read this even if it gets deleted.” She then stated that she did not attack anyone’s character or make any assumptions about Mr. Taylor or Council Members and all she is asking is for the citizens to be heard. She is asking that the Council listen to the residents and not build a big wading pool, but a park that will be safe and may even be a good place to move the City’s dog park. She stated she hopes that the City does not choose to move forward with a project that will create a huge liability.

Emmett Saxton, 120 E. 2150 N., stated that he just moved to North Ogden from Roy after living there for 34 years. He addressed the community pond project and stated that soon after it is built it will be surrounded by a large multi-family community project that will have hundreds of little kids living there. The pond will be four-feet deep and it will be attractive to small kids and it will be very dangerous for them. He stated that there are currently dirt piles in the area where the pond is planned and there are 20 to 30 kids riding bikes on it and he has seen some of them crash. He stated it is his opinion that there are better projects for the City to consider for the property that will not create a safety hazard for resident. The aquatic center is so close to the property and many kids will go from a safe, supervised pool to the pond and they will be in danger. He agreed with Ms. Anderson that the property may be more suitable for a dog park or a free area for sporting events. He encouraged the Council to consider other recreation possibilities rather than providing something that could be detrimental to the wellbeing of young people in the community.

Greg Merrill, 2585 N. 1300 E., stated that he was recently in South Jordan and he obtained a flyer published by that city advertising a similar project they are considering. He feels North Ogden has not done a good job communicating the purpose of this project to the residents, but it is his understanding that land formerly used as a retention basin was sold for commercial development for \$1.6 million, which could eventually result in increased tax revenue of \$400,000 per year. The sale of the land requires the City to relocate the basin in another area and the reason for including a recreation component in the project is to make the project eligible for federal grant funding. He reiterated that message has not been communicated to residents and he provided the flyer he obtained from South Jordan as that city did a great job communicating a similar project to their residents. He stated that the City needs to provide information about projects that are occurring in the City; he has reviewed City information, such as the transportation plan and General Plan and he is disappointed with what he has seen. The plans include a lot of good ideas and they are well intentioned, but things are not being implemented. The City would like to provide public Wi-Fi in City facilities, but that has not happened. There are plans for improvements that would increase the walkability of the City, but those plans

have not been put in place either. He stated that so much development is occurring, but the improvements needed to accompany that development are not being pursued. 2600 North is the most travelled road in the City, but it is not being taken care of. Monroe Boulevard has not been extended, but there are plans for increased residential development in the City that will create more traffic that cannot be accommodated by the existing roads. The growth allowed should be based on the infrastructure available to handle that growth; if there were a terrible accident in the City, there are only five options to get out of the City. It is necessary to develop infrastructure before allowing the City to further expand. He understands that the City cannot stop people from selling or developing their land, but the City can stop growth if the infrastructure is not available to support it.

Todd Mangel, 2139 N. 150 E., stated that he lives south of the property where the proposed community pond would be located, and he asked if North Ogden officials have asked Harrisville about their thoughts on the pond given that it will be located very close to the Harrisville border. He stated that the Double Ott Ranch will likely be developed as townhomes and he is also concerned about the safety of the kids that will live in that development or the kids that attend the nearby schools. He added that the pond may also have a negative impact on the North Shore Aquatic Center by reducing revenues. He also referenced the Facebook post made by Brent Taylor and stated that Mr. Taylor acknowledged there is an inherent risk in any project, but this is an opportunity to talk about those risks and possibly alleviate them ahead of completing the project. He is also concerned about the parking accommodations proposed for the plan; 60 parking stalls are included on the project plan and he does not believe that is sufficient based on the parking available at other parks that have overcrowding issues. There will likely be parking issues in the nearby townhome project as parking accommodations for those types of projects are not typically well thought out. He stated that the pond would be a quarter-mile away from his home if it is built and he will use it, but he has taught his children water safety and he is not worried about their ability to be responsible and safe; many children have not been given that same education, specifically very small children that will be living in the townhome project. He concluded that not too long ago, a neighbor of his passed away and ambulances responded, and it was a difficult situation for neighborhood children to witness and he does not want to see an ambulance drive down his road to retrieve a little kid from the pond.

Dale Anderson, 942 E. 2600 N., stated that next Monday and Tuesday, Mountain Capital Partners will be holding a panel presentation on the proposed Nordic Valley expansion and gondola project. There is nothing about that meeting on the City's website and he is concerned that the City is holding a Council meeting on the same night and time. He proposed that the Council move their meeting so that all Council Members and City Administration can attend the meeting and hear resident input and the responses given by the developers. This is likely the most impactful project the City could see in its history. He then referenced the North Cove project listed on tonight's meeting agenda and noted that he reviewed the supporting documentation for the project and was concerned about the inclusion of multi-family and convenience commercial land uses in the project. He is

curious about whether that language would allow Randy Marriott to pursue those land uses on the City's hillside as this would not be consistent with existing land use or complimentary of the City's geography. He then referenced the community pond project and noted that he grew up near a gravel pit that gathered water that would range from three to six feet deep at times; the kids from town stopped using the swimming pool and swam at the gravel pit instead and he believed the same thing will occur in the proposed community

Kaylene Jeppsen, 3168 N. 450 E., stated that she operates an in-home daycare and she was told she could only have 12 kids at her home based on the zoning of her property, but the State of Utah would allow her to have 16 kids with a helper. She asked why the City's rules for in-home daycare are stricter than the State of Utah; an in-home pre-school is allowed to have up to 14 kids per class and multiple classes per day and she feels that is unfair. She stated there are many parents in her neighborhood that would like to have access to an in-home daycare especially given that she can provide a safe, loving, and nurturing environment for their kids.

Richard Kotter, 536 E. 2750 N., stated that he also has concerns about the community pond as it looks that the City will essentially be opening a second public swimming pool; this will require infrastructure, staffing, and ongoing maintenance. At one point in time he had a backyard waterfall that ran into a pond and on one occasion he had visitors who had a three-year-old son and it took him less than 30 seconds to climb over a two-foot rock wall and fall face first into the water. Shortly after that he filled in the pond because of his concerns about the safety. There will be kids that will take advantage of the community pond amenity and use it for things that it was not intended for. At one point in time the City had its public pool at North Ogden Park; the pool had a six-foot fence with razor wire around it and on one occasion he could hear the bouncing of the diving board in the late evening hours; he walked down into the park and watched approximately 10 kids that had found their way over the razor wire and were in the pool swimming. This type of thing will happen at the community pond. He would rather see the City use the money to build a splash pad at a more logical location.

Brian Solomon, 2915 N. 875 E., thanked the Council for their service and stated he has wondered how they find the time to perform their due diligence for all projects and issues that come before them for a decision. He stated he appreciated the article in the recent community magazine about the pond project and it was a good start to providing details to the residents. He is not very involved in local government and he trusts that his elected officials are doing what is in the best interest of the City. He read through Brent Taylor's Facebook post about the community pond project and it included many references to other ponds in other communities. He noted that he grew up near the pond in Layton and it was a place that kids snuck off to with their friends to swing on the rope swing and hope that they did not get caught doing so; at that point in time, the area around the pond was not developed and though it has been somewhat developed, it still does not resemble what a community pond in North Ogden would look like based upon plans. That caused him to call into question the validity of the other ponds that were referenced in Mr.

Taylor's post. He then discussed water quality at the proposed pond; each week he cleans his sprinkler filters and finds 'critters' that are living in the water system and he wondered if they will be present at the pond as well. He would like to advocate for a walking path around the pond. He then stated that his experience with North Ogden after living here for 10 years is that the City did not have a lot of ambition; he would visit parks and they seemed to be run down and not well maintained. Then he visited the Barker Park Amphitheater and was blown away by the scale of the project. He started researching park projects in other cities and he would love for the City to have a park similar to the Layton park that houses their amphitheater; it has a lot of mature trees, a walking path, and a large amount of space and a merry-go-round. He started reading the minutes of the Barker Park Committee and got excited about plans for components to be included in the park and the cost estimates for the park were under \$8 million; the amphitheater component at that time was just under \$50,000. Later, the Arts and Amphitheater Committee was created, and their work led to a much more expensive amphitheater costing approximately \$4 million and the rest of the park is no longer possible because of that large cost. He read meeting minutes about the potential creation of a sub-committee that would be tasked with raising funds for the project, but that has never happened. He would like for that group to be assembled in order to pursue funding for the rest of the park project. He concluded by referencing the agreement with the Barker Family Trust about the restrictions to be placed on the park project and noted he is hopeful that the City has properly vetted the agreement in order to ensure that the agreement is not restrictive to the point of damaging the amphitheater. This would lead to the City operating an amphitheater that hosts plays and productions that could be held elsewhere in the community simply because the City is trying not to upset residents living near the facility.

Meg Sanders, 2915 N. 875 E., referenced the agenda item tonight dealing with the potential annexation of 200 acres into North Ogden. She noted that during the July 10 meeting, Council Member Swanson commented about attempts of the City to contain commercial land use to one area and she hopes that the City will uphold that commitment. The documentation regarding the annexation indicates that it could be used for mixed use, which includes commercial components and that is concerning to her as it abuts quiet residential neighborhoods in the City.

Sean Casey, 2444 Barker Parkway, stated he is confused about the community pond project; he thinks it would be worthwhile to watch and see how the Farr West pond project proceeds since it has been in development for roughly 12 years and is still not complete. He spoke to engineers from Pineview Water and they indicated that Pineview has never participated in a project similar to what is being proposed in North Ogden and he thinks it is in the City's best interest to slow the project down. He added that it is not the City's responsibility to ensure the safety of and protect the life of children, but there are some things to consider relative to the safety of a pond. He added that the City should not be spending large amounts of money on these types of project when other City facilities and parks have fallen into disrepair and are not being maintained. He then noted that he has some friends in Los Angeles that operate a small venture capital entity and

one of the representatives of the entity that he spoke to indicated that the City holds all the cards relative to the development of the 200 acres that is proposed for annexation into the City and the expansion of Nordic Valley and gondola project. He added that the City has every right to know how the project will be funded. He concluded that it may be appropriate for the City to place a moratorium on building or public projects and 'catch our breath'.

4. **DISCUSSION AND/OR ACTION TO CONSIDER WHAT TYPE OF FACILITY TO CONSTRUCT ON THE NEW DETENTION BASIN LOCATED ON THE DOUBLE OTT RANCH PROPERTY**

A staff memo from City Administrator/Attorney Call explained the City has held several open houses about the proposed Community Pond project. His memo referenced several documents related to the project which include, cost summaries, comment cards, site plans, links to previous council meetings, and other items.

The City must inform the State of Utah as to whether it will accept the \$100,000 in the attached contract towards the pond project by August 12; therefore, the Council needs to give a firm decision on whether to plan on proceeding with the project as currently outlined. If a community pond project is decided against, the City will not receive \$100,000 in state grant money.

City Administration is recommending the Council approve the proposed pond project because it will result in a significant amount of potential savings for the completion of the project over a grass park facility. There is a chance the federal grant will allow for a half park/half Pineview irrigation facility to still qualify for the federal grant, but there is a risk of increased expenses of local tax dollars should the grant be denied. The state has not given the City an answer as to whether a change to the proposed finished facility will result in the federal grant being revoked. Matt with Jones and Associates has left several messages, but the State is not returning his call; this could be because they may not be interested in making any recommendations and getting blamed for something later on.

There have been several concerns raised about the facility and staff strongly recommends the Council review the comment cards. As the Council is aware, the City cannot guarantee safety at this facility, though several ideas for safety measures can and will be incorporated should the project move forward.

Ultimately this is a policy question for the Council to consider. Please take the time to review the documents and be ready to make a decision; if the decision is delayed, the City will not receive the \$100,000 State grant.

Mr. Call reviewed his staff memo and provided a brief overview of the history of the sale of the property that was home to the City's detention basin in this area; discussions about this transaction began in 2016 and the City ultimately reached an agreement with a

developer who purchased the property for commercial use. The City always had the understanding that it would be necessary to relocate the detention basin and the idea of combining facilities with Pineview Water was raised and such a joint project was deemed to be possible and feasible. The pond would not be appropriate for fishing as the water levels will fluctuate dramatically and that is not a suitable environment for fish. The pond would be four feet deep in the most shallow area and up to 14 feet deep at the deepest point where Pineview will take water in and out of the basin on a nightly basis for irrigation purposes. He then discussed the availability of Federal and State grant funds for this type of project if it includes a recreation component. Pineview Water is the applicant for the grant and they have been awarded \$245,000 to date in federal dollars for environmental and design work for the facility. Certain standards must be met each year in order to receive future phases of funding. With all grant fund sources considered, the City's expense for the project could be as low as \$1.7 million. If the Council decides against including a recreation component in the project and foregoes grant funds, the project to construct a six-acre detention basin and grass fields similar to Wadman Park could cost up to \$4 million. He then reviewed a concept plan for the Double Ott Ranch development project and the expansion of the existing detention basin as the larger basin and community pond. He emphasized that the City cannot guarantee safety of any individual visiting the pond, though certain measures can and will be taken to improve safety. This is the case for all City facilities and parks. The developer of the Double Ott Ranch project is not desirous of a fully fenced pond used for detention purposes only; he would prefer a facility that can be used as an amenity by residents of the development regardless of the type of recreation that occurs at the facility. Mr. Call then discussed ongoing maintenance of the facility; if the pond is grass only and used as recreational fields, it will take the City approximately 408 hours per year to mow and maintain the grass. An actual pond will take approximately 260 hours to maintain, but that only translates to a difference of approximately \$1,200 because entry level and seasonal staff are used to maintain these types of facilities. He then noted that City staff has discussed the project with administration of the nearby Montessori school and while they have some concerns about safety of their students, they have expressed excitement about the project. They will have a gate in the fence between their property and the pond and they will have the ability to keep that gate locked during school hours and at other times.

Mr. Call then referenced the information contained in Brent Taylor's Facebook post and provided photographs of community ponds referenced by Mr. Taylor; he indicated he can only speculate that the reason Mr. Taylor included these ponds in his post is due to their proximity to residential areas. The proposed pond would include a six-foot fence around the entire perimeter and a walking path inside the fence. He then identified other amenities included in the concept plan for the pond and park area and indicated landscaping improvements will be minimal at this point.

Council Member Turner inquired as to the terms for the grant funds that would be applied to the project; he asked if the funds must be used by a certain date. Mr. Call stated that the \$100,000 State grant is for the community pond aspect of the project and if the Council decides against proceeding with that type of project, the City cannot accept the

funding. The City is not required to complete improvements by a certain date, but has 18 months to request reimbursement for costs associated with the project. There is a bit more flexibility associated with the federal grant; it would be awarded in 2018 with construction to begin in 2019. Under the contract to sell the current detention basin to the developer, the City must complete the detention basin portion of the community pond project by October of 2019 so that it is available for water detention for the project that will occupy the old basin. Soil studies have been completed at the site to determine any issues with the property and it has been determined that Pineview will be required to place a costly piece of infrastructure into the ground, but their costs for the pond are still much less (70 to 80 percent) than they would otherwise be, given the ability to use grant funds.

Council Member Barker stated that he spoke to the Parks and Recreation Director from Springville who offered some feedback and suggestions regarding a community pond project; they have had problems with traffic and parking and that led to them prohibiting on-street parking at their pond. They did a survey and found that 83 percent of the users of the pond were non-residents and their 162-stall parking lot was not sufficient to accommodate them. He noted that the number of stalls proposed for the North Ogden pond is 62 and he is unsure that is sufficient, specifically if it becomes necessary for an emergency response vehicle to get in and out of the parking lot. He wondered how the City will monitor parking associated with the pond and keep it from overflowing into the nearby townhome development. Similar concerns have been expressed about the amount of parking at the Barker Park Amphitheater and he does not want to repeat any mistakes made that will set a project up for failure from the onset.

Mayor Chugg noted that some have expressed concerns about a pond increasing the number of mosquitos in the area surrounding the facility, but he noted he is an entomologist and the exchange of the water on a regular basis will prevent mosquito larva from maturing and hatching. Mr. Call added that the project may include solar powered water distributors that would keep the water circulating and prevent the larva from surviving.

Council Member Swanson stated that his biggest concern relates to safety and a six-foot fence will not be sufficient to keep people out because kids will climb it. Additionally, self-locking gates will not eliminate risk, but other types of gates with higher latches that are harder to open will somewhat mitigate the risk of children getting into the pond unsupervised. Mr. Call stated Administration understands the need to examine the appropriate types of gates to use at the facility.

Council Member Barker noted that Herriman City has assigned a patrol officer to their pond on weekends and it may be necessary for the City to do the same if use of the facility is higher on those days of the week. He added that Springville has built a 10-foot berm around their pond to mitigate sound from the pond and disturbing the nearby residential areas. He stated that may be appropriate in North Ogden given the close proximity of townhomes. Mr. Call stated that he has spoken with the owner of The

Ranches townhome development and they are excited about the project as they believe it will improve the attractiveness of their units.

Mayor Chugg noted that some residents have expressed concern about the cleanliness of the water that will fill the pond; he indicated that it is the same water that fills the Pineview Reservoir, which many swim and recreate in regularly. Mr. Call agreed and noted that the City would erect signs indicating that the cleanliness of the water cannot be guaranteed and users should enter at their own risk. Neither Herriman or Springville treat their water. Council Member Swanson stated that the signs should advertise the water as being non-potable.

Council Member Stoker asked if the Council has time to consider the issues that have been raised before making a decision on the project. Mr. Call stated that construction of the facility would not commence until 2019 so the City would have time to consider design and use of the facility until that time; however, he reiterated that the Council must make a decision before August 12 regarding whether to proceed with a recreation component that makes the facility eligible for receipt of the \$100,000 grant from the State. He noted that if the City rejects the grant, it will likely not be eligible to receive it again in the future; additionally, granting agencies communicate with one another about these types of issues and rejection of the grant may hinder the City's ability to receive grants from other agencies. He stated it would be best for the Council to take some sort of action tonight in order to give Administration direction on the way forward at this point. He emphasized that regardless of the decision made tonight, the design of the project will not be finalized until the coming winter months prior to publication of a request for proposals (RFP) and a formal bid process.

The Council participated in philosophical discussion and debate regarding the recreation component of the detention pond. Council Member Turner indicated that he supports incorporation of the recreational element as he thinks it would be a great facility for the community and there will be opportunities to adjust the design to address safety concerns. Council Member Stoker stated that she has received positive comments from people in the community about the project and she likes the idea of making it a recreational facility so long as attempts are made to address safety and parking issues. Council Member Barker stated his biggest concern is that it has been the experience of other cities that the vast majority of their users are non-residents; they will not be paying for the facility, but they are happy to use it. Council Member Cevering stated that he has concerns about safety; he has a friend who lost a son to drowning after falling through ice at a pond. The child should not have been on the ice, but the temptation was too great, and it cost him his life. He stated he knows there is inherent risk in everything, but the City should not intentionally create risk. He added he is still concerned about funding for the project; the City is still trying to determine how to fund the completion of Barker Park and the amphitheater project and it may not be appropriate to proceed with this project just because the City has the opportunity to receive grant funding to aid. He noted that of those that have reached out to him, most are opposed to the project and he would vote in opposition to the recreation component at this point as well.

Mr. Call clarified that the \$1.7 million project cost does not consider the \$1.6 million the City received for the sale of the current detention basin; that revenue can be used to fund the project.

Mayor Chugg called for a motion.

Council Member Swanson moved to approve the pond portion of the project, understanding that concerns have been expressed, but that the City can sufficiently mitigate those concerns and provide a pond that will be a benefit to the entire community.

Council Member Swanson stated the City cannot ‘spot legislate’ and, instead, should consider projects that are good for the community as a whole. He believes the facility will benefit the entire community. He is confident that the City can address the safety and parking concerns and he would like to move forward with a pond that includes a wading area and beach area as part of the detention basin/reservoir.

Council Member Turner asked Council Member Swanson if his motion is to approve the project based on the current conceptual design with the understanding that it will evolve over the coming months. Council Member Swanson answered yes.

Council Member Turner seconded the motion.

Voting on the motion:

Council Member Barker	nay
Council Member Cevering	nay
Council Member Stoker	nay
Council Member Swanson	aye
Council Member Turner	aye

The motion failed.

Council Member Barker asked if the Council needs to make a motion to proceed with a basic detention basin project at the site. Mr. Call stated he needs to reach out to the landowner to ensure that he would be amenable to that type of project being built on his property.

Council Member Turner asked if it is accurate that this item deals with the Council’s selection of the type of recreation amenity to locate at the subject property and not whether to proceed with a detention basin. He stated it has already been determined that a detention basin is needed in this area and that portion of the project will proceed. Mr. Call stated that the landowner needs a detention basin at the site for his own uses; the landowner does not want to be part of a project to create a traditional detention basin with

no recreational component. Council Member Barker stated that he would prefer a basin with a traditional park that does not incorporate water recreation, such as swimming and boating. Council Member Turner stated it may be that the motion to approve the project failed because the three Council Members who vote in opposition are not supportive of a wading pond or swimming area and it may be that the motion would have passed if the detention pond were accompanied by a traditional recreational park. Mr. Call stated that the landowner has indicated that he does not want a traditional detention basin on his property because of concerns he has about the lack of maintenance of those types of facilities. If that is his only option, he may investigate other opportunities for providing irrigation water to the development on his property and he may not sell his property to the City.

Council Member Cevering clarified that his greatest concern deals with the activities that could occur in a pond where swimming or boating is allowed; however, he loves the idea of building a traditional green space park in conjunction with the detention basin. Mr. Call reiterated he needs to discuss the project with the property owner. Additionally, it may not be possible to proceed in a joint project with Pineview based on the outcome of those discussions.

Council Member Stoker moved to approve a project that includes construction of a detention basin and green-space park with a walking trail; wading in the pond is prohibited. Council Member Turner seconded the motion.

Voting on the motion:

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

The motion carried.

Mr. Call asked if it is the Council's intent that the basin be a Pineview Irrigation facility that is fenced to be separate from the green-space park. Council Member Cevering stated that would depend upon the property owner's desires.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT BETWEEN NORTH OGDEN CITY AND DOUBLE OTT RANCH FOR THE PURPOSE OF A DETENTION BASIN AND PUBLIC PARK

A staff memo from City Attorney/City Administrator Call explained this is the purchase agreement for the property associated with the new detention basin property and the

possible irrigation storage and community pond. This agreement does a few things for the City as well as provides some assurances for the developer.

For the City, the agreement provides roughly 6.6 acres, so the City can pipe the water from the current detention basin which is under contract to sell next year. It doesn't require any upfront cash from the City, but considers this a dedication in lieu of impact fees. The City is committing by this agreement to put a public park on the property, but not a specific type of park so there is some flexibility for what the council would want to put there. It would cost at least \$500,000 to install grass, sprinklers, and other basic park amenities on the 6.6 acres.

For the landowner it gives them impact fee credits as they develop the property. It guarantees the developer a certain amount of density which complies with the MPC zone discussed at the joint Council/Commission meeting. It also requires the developer to use rock, brick, or cementitious siding (no stucco, metal, wood, or vinyl).

There are also several utilities which will be installed as part of this agreement by the City, specifically storm water lines to take pond overflows, a sewer line, and a water line. These utilities have to be installed to put restrooms on the acquired property.

In addition to these utilities the City is agreeing to take storm water from North Hampton Phase 7 & 8 (2650 N 1350 E) and put it into either the Oaklawn Park Basin or Barker Park Basin at the City's option after the developer pipes it down to 2600 N. Additionally, in the early 2000's the City had committed to bring a storm water line to some property on 2100 N. and 1200 E. but never actually installed the piping. The landowner would like to reaffirm that agreement with the stipulation that it isn't required until he develops his property for residential uses.

Staff recommends approving this agreement so that the City can relocate its detention basin in a timely fashion and look at the options of providing other amenities in this area of the City.

Mr. Call noted that given the Council's action on the previous agenda item, he needs to meet with the other party to this agreement to determine appropriate adjustments.

Mayor Chugg declared this item as being tabled until an undetermined time in the future.

6. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION FOR A HUMANITARIAN POLICY FOR DAMAGE TO HOMES CAUSED BY CITY WATER LINE BREAKS OR BACKUPS IN SANITARY SEWER OR STORM WATER LINES**

City Administrator/Attorney Call reported this is an item that has been discussed by the Council in the past; the City's adopted budget includes funding for humanitarian aid, but

a formal policy regarding the same has not been adopted. For the benefit of newer Council Members, he provided information regarding the justification for a humanitarian aid policy and the guidelines that would be in place to allow the City to aid in repairs associated with a utility line break at no fault of the City.

There was a brief discussion about occurrences in the City in the past that would have qualified for humanitarian assistance from the City. The policy includes a section that defines the amount any assistance payment should not exceed; the document currently defines that amount as \$4,000 per occurrence and if the Council would like a different amount, Mr. Call asked that they specify that in their motion. The budget currently includes \$10,000 for all occurrences in the coming fiscal year.

Council Member Cevering motioned to approve Resolution 06-2018 for a Humanitarian Policy for damage to homes caused by City water line breaks or backups in sanitary sewer or storm water lines, with a per occurrence cost not to exceed \$4,000. Council Member Turner seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER (2) NO FAULT CLAIMS ON PROPERTIES THAT HAD WATER DAMAGE DUE TO A CULINARY WATER BREAK AT 2230 N FRUITLAND DRIVE AND 2242 N FRUITLAND DRIVE

City Recorder Spendlove reported that she oversees the City's liability insurance and an adjuster has been dispatched to the subject property, but has not provided his findings. She asked that the Council delay action on this item until she has relevant information from the adjuster. That information will be used to determine whether the City was at fault or whether humanitarian aid could be used for the repairs.

Council Member Swanson stated that he would like for the Mayor and City's Public Works Director to make a decision on the best way forward once the information has been provided by the insurance adjuster. Mayor Chugg stated he will proceed in that manner.

8. **PUBLIC COMMENTS**

Julie Anderson, 940 E. 2600 N., discussed the item listed on the agenda relating to the potential to annex 200 acres of land on the hillside into the City. She stated her main concern is the land use that would be allowed in that area and she would like for the City to protect the mountainside by considering a hillside protection zoning designation, such as HP-2. She is hopeful that the zoning be consistent with other uses in the area rather than considering a zone requested by a developer that could eventually sell the property and not abide by agreements reached with the City.

Greg Merrill, 2585 N 1300 E, referenced the community pond project discussed earlier in the meeting and stated that he has a few questions. He asked if the cost of property insurance for people who live near the subject property was ever researched and if the plans relating to the site of the basin are concrete and that is why there has not been much discussion about not moving the existing basin. He asked if signs advertising the water as non-potable would truly protect the City if someone were to drink the water and become ill. Relating to the matter of parking, he feels it would be possible to issue permits to residents to give them the first opportunity to park at the facility over non-residents. He added he assumes the pond will be drained in the winter and he asked if that means there will be a large mud pit in the winter months. He wondered who the green-space park would benefit given its location and the fact that it is not central to the City.

9. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Turner provided a report on the progress of planning the Chalk It Up Festival, which will be held August 24 and 25 at North Ogden Plaza.

Council Member Cevering stated he would like to spearhead a committee that would aid in fundraising to complete the north part of Barker Park. He asked if the Council would be supportive. There was a high-level discussion about the pros and cons of creating a public committee rather than pursuing private fundraising efforts. The Council indicated they would like for private residents to undertake the endeavor, after which Council Member Cevering indicated he believes the money can be raised, but he would be willing to engage in discussions about other funding options in the future to ensure that the park can be completed as planned.

Council Member Barker stated he would be willing to aid in the fundraising efforts for Barker Park. He then reported on recent training activities completed by the North View Fire District.

Council Member Swanson asked Mr. Call to research the issues raised by Ms. Jepsen during the public comment period regarding daycare regulations; that information could be used to aid the Council in considering any warranted amendments to ensure that City regulations mirror State regulations. He added he is supportive of the idea of fundraising

to complete Barker Park, but in the next few weeks he will be proposing to the Council that they consider issuing a bond to complete the park according to plans that have been agreed upon; this will eliminate the opportunity for the land to remain vacant and for completion plans to be up for debate by future Mayors or Council Members. In addition to the money needed to finish the park, he may also recommend adding \$2 million to the bond amount to purchase parcels of property in the City for the purpose of open space preservation. He stated he would like to see Barker Park finishing within the next two or three years.

Council Member Cevering stated he feels it is important to be clear that he did not know anything about the Nordic Valley Expansion proposal until the night before it was announced online; there is an idea in the community that the Council was aware of the proposals, but he was not, and he is sure that other Council Members were in the same position.

Council Member Stoker provided Public Works Director Espinoza with information about complaints the Council has received about some dangerous situations on City roadways. She added that judges are needed for the Chalk It Up festival and she asked for volunteers. She concluded that there is a map of the Barker Park area and the proposed improvements and she suggested that information be used in private fundraising endeavors.

Mayor Chugg thanked all residents for their participation this evening and he indicated that their comments are heard by himself and the entire Council.

Mr. Call stated that he posts a lot of information on the City's Facebook page, but he has not advertised meetings about the proposed Nordic Valley Expansion project because he does not want it to appear that the Council or the City supports the project. He asked the Council if they would like him to advertise similar events if they seem to have a direct impact on the community. The Council discussed the concept of advertising these types of events and directed City Administration to do so with a disclaimer that the City does not necessarily support the event or related project.

Council Member Swanson motioned to recess the meeting and move into a joint work session with Planning Commission upon reconvening. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting recessed at 8:18 p.m. and reconvened at 8:28 p.m.

11. DISCUSSION ON DRAINAGE CHANNEL FENCING

A staff memo from Associate Planner Bell explained that the issue of fencing around drainage channels has arisen and a property owner in the City asked that the Planning Commission and City Council consider an amendment to the current fencing ordinance that would allow for certain areas to remain unfenced and open when the Planning Commission determines such action is appropriate. North Ogden City Ordinance 12-6-12 (B) currently reads:

“B. A solid board, chain-link or other non-climbable fence not less than six feet (6') in height shall be installed along the right of way containing a piped or existing open canal or irrigation ditch adjacent to the subdivision which carries five feet (5') or more of water. Like fencing shall be constructed where the subdivision borders upon open reservoirs, drainage channels, nonaccess streets and adjoining schools, churches and park sites, except where the city council determines that the areas shall remain open and unfenced. All such fences shall be maintained and kept in good repair by the owner of property contiguous to or upon which the fence is erected.”

A related City Ordinance ordinance, 12-6-2 (F), also reads:

“F. Fencing: Each developer shall be required to furnish and install fences wherever the planning commission determines that a hazardous condition or incompatibilities in land use may exist on a lot. The fences shall be constructed according to the city public works standards and shall be noted as to height and material on the final construction plans. No certificate of occupancy shall be issued until said fence improvements have been duly installed.”

The memo provided options for amending the required fencing ordinance(s) above as follows:

1. Amend ordinance 12-6-12 (B) to transfer responsibility for decision making regarding required fence locations to Planning Commission on topic of required fence locations.
2. Eliminate some categories that require a fence:
 - a. Remove “Nonaccess streets”?
3. Note qualitative factors to be considered by the approval authority (i.e. City Council or Planning Commission) for making a decision regarding when a fence shall and shall not be required in the text of ordinance, or add a quantitative standard. These may aid in ensuring decisions have less possibility of being arbitrary. For example: “taking into consideration factors such as safety, steep

slopes, water bodies, or channels of water” or (from existing ordinance “which carries 5 feet or more in water,” or “where bordering slopes are above 50%.”

4. Merge Or Otherwise Coordinate these two ordinances, possibly combining some features of both. For example:

“...A solid board, chain-link or other non-climbable fence not less than six feet (6') in height shall be installed along the right of way containing a piped or existing open canal or irrigation ditch adjacent to the subdivision which carries five feet (5') or more of water. Like fencing shall be constructed where the subdivision borders upon open reservoirs, drainage channels, nonaccess streets and adjoining schools, churches and park sites, except where the Planning Commission determines that the areas shall remain open and unfenced. Further, the Planning Commission shall also make a determination of whether a fence meeting the criteria above shall be required in other areas where an overriding hazardous condition or serious incompatibilities in land use are determined by the Planning Commission, to exist.”

Mr. Bell reviewed his staff memo and facilitated discussion among the Planning Commission and City Council relative to the four options included in his memo in order to determine the policy direction for the City to take; the Council ultimately concluded that the Planning Commission should be the Land Use Authority for this issue given that they are the City’s land use experts and can make a reasonable decision relative to the areas in which fencing around a drainage channel would be appropriate. The Council indicated they feel that fencing should be required when the proximity of a presence channel to a property may present a safety hazard, but that the Planning Commission will have the ultimate authority to make a ‘common sense’ decision about what constitutes a safety hazard.

12. DISCUSSION ON THE NORTH COVE PROJECT

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.

The property owner, West Side Investments, LC has submitted an annexation plat to begin negotiations with North Ogden City to annex and develop 200.62 acres of property at approximately 4500 North and 800 East. The property owner would like North Ogden City to consider a mix of housing types, single family and multiple family, with some convenience commercial. The design is clustered to account for adjoining residential uses, public lands, trail amenities, topography, and natural hazards.

The adjacent properties to the west are vacant. Properties to the north are Forest Service lands. Properties to the east are a combination of Forest Service and private property that are vacant. Properties to the south are located in North Ogden City and consist of single family subdivisions. The property is bisected by a power line, 9.74 acres of property, in the name of Utah Power and Light.

The purpose of this discussion is to brief the Planning Commission and City Council regarding this property and get some feedback on this project, e.g., things that both bodies would like addressed.

The applicant has submitted several documents showing conceptual designs of the proposed land uses, road layout, slope analysis, and schematic designs of building elevations.

There is a Development Chart in Exhibit B identifying 21 development areas with corresponding acreage, density averages, and dwelling unit ranges. The total number of dwelling units has a range of 542 units to 628 units.

City staff has prepared two documents to help guide the discussion. The first is entitled Talking Points, and a City Engineer memo, The Talking Points memo addresses the review process, zoning and land use options, and design standard examples. The Engineer's Memo addresses City service delivery constraints (water pressure), trails, the Utah Power property, grading and drainage standards, street alignments, low impact development standards, storm detention, and geologic hazards.

CONFORMANCE TO THE GENERAL PLAN

The North Ogden Annexation Policy Declaration in the General Plan calls for the property to be annexed into North Ogden City. The property is within the Hillside Neighborhood. The General Plan map calls for this property to be developed as residential low density.

The Hillside Neighborhood

Description – as the neighborhood generally defined as “the area further up the hill north of 3100 North”, the Hillside neighborhood overlooks the vast Weber County valley and Wasatch Front and lies under the beautiful slopes of the Ben Lomond ridge and peak. This neighborhood contains considerable open land but is constrained by topographic and access related issues.

Neighborhood character – with beautiful views, this area generally has newer homes and pleasant streetscapes. Lot sizes range from about 10,000 square feet and up. The area is expected to be developed with mostly single-family homes at low densities and may contain some areas of rural residential development where slope issues necessitate a larger lot. Depending on terrain, clustering concepts may also be logical to avoid certain terrain features or hazards and to increase open space. Storm water processes should

emphasize cutting edge sustainable techniques that return the water to the site and recharge the underground aquifer.

Existing and future concerns: Based on the input received in the open houses and other forums, the following issue categories were raised by residents:

- Transportation issues were prevalent with road condition, road maintenance, snow removal, lighting (dark sky issues), road signs, access, and slope being mentioned.
- Trail connections within the neighborhood and to the adjacent mountains.
- Underground water supplies seem to be dwindling.
- Trip length to purchase everyday goods and services.

Goals

Goal #1 – Improve road conditions

Strategies-

- Consider alternative revenue sources such as a road maintenance district to address maintenance issues in this area where slope impacts service demands.
- Utilize innovative storm water techniques to return street surface runoff to the underground aquifer and reduce piping costs.
- Promote through ordinances and public improvements dark sky philosophies through street light and yard light controls.

Goal #2 – Improve trail connections Strategies

- Establish new trails through private property to access Forest Service lands.
- Work with the Forest Service to develop trailheads and trails to access the mountains.
- Increase trails within the urban area with an emphasis on biking/hiking and walking options to include handicapped accessibility.

Goal #3 – Increase the return of natural water to the ground Strategies

- Adopt on-site water retention ordinances.
- Encourage water-wise landscaping ordinances and education.

Goal #4 – Address Hillside environmental issues Strategies

- Avoid areas with potential instability or hazards through adoption of appropriate ordinances that allow for density retention and hazard avoidance.
- Consider natural parks to preserve open space and permanently preserve hazardous areas.
- Consider the clustering techniques and environmental avoidance options found in the Hillside Protection zone.

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 this property be annexed?
- Is the annexation and zoning proposal consistent with the General Plan?
- What land uses are appropriate?
- Are there specific design issues that need to be addressed?
- What zoning should be applied?
- Are there some creative ideas for this property?
- Should the City consider a gated community?
- Should the City consider special height allowances?
- Where should trail accesses be developed?
- What natural features do we want to keep/highlight?

The memo concluded staff recommends that the Planning Commission and City Council review the annexation and development information and identify issues that they would like addressed as part of this annexation and development request.

Mr. Scott reviewed his staff memo, after which he introduced the exhibit entitled "Talking Points Memo"; he summarized the following talking points:

- Process: Annexation, Zoning (possible MPC zone), Development Agreement, Subdivision / PRUD approvals with an appropriate community outreach.
- General Plan: Property is in the North Ogden City Annexation Boundary Declaration and has a 'Hillside Residential' designation – areas with significant slopes and associated issues with proximity to the mountains, where particular land use controls are necessary.

This area is in the Hillside Neighborhood and will need to be referenced in any development plans. General Plan Page 79.

The Environmental chapter of the General Plan will also need to be addressed. Page 62

- Zoning / Density Options / Development Agreement / Transfer of Development Rights: This area will probably be an HP-2 zone; however, the North Hillside Design Study Recommendations limit the potential developable area.

- Creating a Master Planned Residential (MPR) zone similar to the Master Planned Community Zone designation is a possibility. The basis for this zone would be a minimum of 40 acres with the HP-2 zoning as a baseline and a requirement for a development agreement.
 - The City is willing to consider cluster development options, a variety of residential building styles (townhouses and single family), commercial and church locations.
 - Transfer of Development Rights potentially can increase density.
- Design Standard Examples:
 - North Hillside Design Study Recommendations
 - Constraints maps / areas acceptable to build upon, e.g., elevation contour build to line associated with water pressure, identify any predominate features or landmarks on this site that may be sensitive to this development. The Utah Geological and Mineral Survey is in the process of updating the hazard maps for North Ogden and this new information will need to be addressed / Utah Geological and Mineral Survey – contact for updated maps and input.
- City Engineer Memo 7-25-208 will need to be addressed
- Identify where and if an additional debris basin is needed on the easterly portion of this property.
- Two points of access be provided on the cul-de-sacs for fire safety.
- Community and private parks to be integrated into the city park system.

Parks: This general area is planned to have a park in the city's master plan. It may not be in this particular development, but needs to be taken into consideration as we develop this general area. The goal is to have this be a large regional park with multiple sports fields.

Trails: Because of the steepness of the terrain, the trails in this area are difficult to cut in (we are still working to complete the unfinished trail in the original Cove Subdivision. I would like to see the developer assist in development of asphalt trails as the subdivision goes in. Trail maintenance will also need to be considered with the spring runoff and with proposing a trail along a creek bed. We do not want to put in a nice trail only to have it wash or slide out in a couple of years. Currently, there is a lot of access to the powerline trail around and through this (private) property. We need a well-marked access point to help direct people up to the trails at the power line. If this were a gated community, I have concerns about the perceived accessibility of trails through the area.

- Transportation. Proposed roadways and trails should be integrated with existing transportation and parks plans. A backyard trail system design is not recommended, trails adjacent to the public right-of-way will be a more beneficial use for the community.

- Trail System. See attached map showing the trail system extending from Nebo Street up to the Bonneville Shoreline Trail. Do not support the Bonneville Community Park. Convert required detention basins into pocket parks.
- Possible gated community.
- Impacts on public safety; police and fire.

Commissioner Nancarrow stated that she would like to have access to the other exhibits in Mr. Scott's memo, such as the packet of information provided by the applicant, the engineer's report, and density information. Mr. Scott indicated that information will be made available to the group and he would suggest that the Council and Planning Commission participate in a site visit to the subject property.

Bruce Baird, legal counsel for the applicant, approached and stated that he generally works on large master planned community projects in cities throughout the State of Utah. The applicant recognizes the need to allow the conditions of the land to inform the appropriate design for the project rather than trying to work against or alter the topography dramatically. He added that he also tries to ensure that projects conform with other development in the area; this project would include a Rocky Mountain Power corridor and the developer would ensure that the design of the project would not be inappropriate for a power corridor. He noted the project would include a variety of housing types to meet various needs in the community and he identified varying densities throughout the different areas of the project. The project would include minor commercial uses, such as a "c store" to give residents of the community access to everyday items without being required to commute into downtown North Ogden. Townhomes could be built on the slope of the property in order to justify the cost of infrastructure in that area; high-end townhomes would be a great utilization of that area of the property. He noted this client fully intends to comply with the requirements listed in the engineer's memo and infrastructure needs and improvements for the project will be defined in a development agreement. Thorough studies will be conducted to determine any potential hazards on the property, such as a fault line, and those matters will be dealt on a phase-by-phase basis. Once his client and the City can agree upon a vision for the development, he and his client can work with the City to negotiate a solid development agreement, which will define the land use of the project, density, and amenities. Next, the annexation process can commence, which includes assignment of a zoning designation for the property. He noted that tonight he is looking for feedback from the group relative to various design matters in order to proceed with continued discussion of the project with staff before it is brought to the Planning Commission and City Council for final approval. He would like for the project to be finalized by March of 2019 so that his client can begin infrastructure work next spring. He noted this is a phenomenal project that he believes will bring more quality residents to the City. He then discussed the section of the City's General Plan that calls for a regional park in the area of the subject property and noted that will be difficult given the topography of that area; the hillside would need to be flattened to provide for a quality regional park and that would be virtually impossible in this area. He discussed the topographical conditions at the site and noted that he will

work closely with staff to address the issues that have been raised as the project proceeds through the City's defined processes.

High level discussion among the Council, Planning Commission, staff, and Mr. Baird centered on topics such as trail connectivity throughout the project and existing trails on the City's bench; the amount of open space in the preliminary design for the project in lieu of a regional park within the development; overall density of the project; conditions to be included in a development agreement for the project; potential land uses that could be allowed in the project – specifically commercial uses; design standards for the residential units to be included in the project; and the potential to include a gated community in one area of the development.

13. DISCUSSION ON HARD SURFACE DRIVEWAYS AND PARKING

A staff memo from City Administrator/Attorney Call explained several people have approached the City about allowing for non-hard surface materials to be used on parking locations or driveways throughout the City. The Council has heard this request, specifically from the Shupe family with their property on 750 East.

There are many properties throughout the City which have not utilized hard surface driveways to accessory buildings or for trailer and vehicle parking. There are even a few examples of individuals who have not used hard surface driveways for the main building. I imagine that several councilmembers have seen examples of these types of uses. As the current code reads all driveways are required to be hard surface material and staff is enforcing this requirement, particularly on new construction projects like the Shupe home.

Staff needs some guidance on whether or not the City should allow for alternative types of surfacing, or if there should be a requirement at all for driveways and parking locations to be hard surface. Additionally, there is the possibility to allow for non-hard surface parking/driveways in certain zones of the City like the areas which allow for agricultural uses. The City could also decide to add some additional types of approved surfacing for driveways and parking, but leave the remainder of the ordinance the same.

Staff's hope from this discussion is to get some direction on the type of ordinance the City wants to see so we can get something moving forward or be able to tell residents the City isn't approving any changes at this time.

Mr. Call reviewed his memo and facilitated discussion among the group regarding the requests the City has received to allow the use of materials for parking purposes when those materials do not necessarily meet the City's definition of hard-surface parking. Throughout the discussion, there was a focus on the reasoning behind requiring hard-surface parking and Mr. Call presented photographs of the Shupe property and other properties throughout the City where gravel driveways are used to access residential

properties. The group considered adjusting the ordinance to allow for case-by-case consideration of requests to use materials that do not conform with the hard-surface definition or for different definitions to be created for different zoning designations in the City. Planning staff indicated they will work to draft optional ordinance amendments for the Planning Commission to consider; the drafts will incorporate the feedback provided this evening.

14. PUBLIC COMMENTS

Greg Merrill, 2585 N. 1300 E., stated that if the City does not require a regional park on the property discussed by Mr. Baird, the furthest north park in the City will be Lakeview or Mountain View and the homes to be built in the development will be two miles from a park. He added during the process to update the General Plan for the City, which addresses future growth, a public survey was used to gauge the residents' feelings about how growth should be prioritized. He noted that 58 percent of the people who responded to that survey prioritized development of the 200 acres discussed tonight – and the hillside in general – as being the least favorable area for development. Only 23 percent of the population felt that development of the area would be favorable.

Planning Commission Vice-Chairman Mason asked to address the Council as a resident. He noted that he has heard the references made to the potential for the City to issue bonds to complete certain projects; he recognizes the stigma that comes with bonding, but he asked that the Council think about the equity that bonding can provide for the City. If the City always opts to pursue financing projects by saving until enough money is available to proceed, that may result in residents paying into the system to support such a project for so many years, but a resident may move from the City or die and then they do not get to realize the benefit of their contribution. He feels that bonding will push the costs of a project forward to the people that will use the asset once it is complete. He understands the importance of avoiding debt and being prudent with available money, but he is open to the idea of bonding.

15. COUNCIL/MAYOR/PLANNING COMMISSION/STAFF COMMENTS

Planning Commission Chairman Thomas asked Council Members Stoker and Swanson why they are adamantly opposed to commercial uses in the hillside development that was discussed earlier in the meeting. Council Member Stoker stated that she simply feels that commercial land use is not appropriate for the area, but it may be necessary to define the types of commercial uses the developer is proposing. Chairman Thomas stated that he feels that a small convenience store that would be mainly used by residents in the development would not be inappropriate.

Council Member Swanson noted that the City has committed to the residents that commercial uses would not be allowed in that area of the City and residents would view a

convenience store as the proverbial ‘camel’s nose under the tent’. That type of use could be the catalyst for additional commercial development in the area. Chairman Thomas stated the City would have the control to restrict that type of expansion and each application should be considered on its merits and whether it provides a benefit to the community. Council Member Swanson stated that it is not necessarily a personal issue for him as much as it is honoring a commitment to the residents. Chairman Thomas stated that the community continues to change and evolve, and he feels that the best planning possible for the future of the community should be considered.

Planning Commission Vice-Chairman Mason communicated that he feels there is great value in joint work session meetings between the Council and Commission.

A resident asked for the opportunity to provide public comments. Mayor Chugg allowed the resident to speak.

Brian Solomon, 2915 N. 875 E., stated that he often rides his bike on the Shoreline Trail and he was approached by a land owner who indicated that he had trespassed on private property. He stated there are two access points to the trail: one in Pleasant View and the other at the North Ogden Divide and there is approximately seven miles between those two points. The trails are great, but they may not be legally accessible in many areas because the two legal access points are so far from one another. He then stated that he is concerned about continued residential development on the hillside, which he likened to a scar on the mountainside.

16. ON-SITE FIELDTRIP TO THE COVE – 8:30PM

Given the late hour, the group did not participate in the field trip.

17. ADJOURNMENT

Council Member Swanson motioned to adjourn the meeting. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 10:06 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder

18 Sept 2018
Date Approved