

Minutes of the joint work session of the Ogden City Council, also acting as the Redevelopment Agency and Municipal Building Authority, held on Tuesday, March 26, 2024, at 4:00 p.m., in the Council Work Room, and via electronic meeting, on the third floor of the Municipal Building, 2549 Washington Boulevard, Ogden City, Weber County, Utah.

Present:

Chair	Ken Richey
Vice Chair	Marcia L. White (<i>arrived at 4:05 p.m.</i>)
Council members	Bart E. Blair
	Angela Choberka
	Dave Graf
	Richard A. Hyer
	Shaun Myers

Council Executive Director Janene Eller-Smith
Council Deputy Director Glenn Symes
Council Policy Analyst Steve Burton
Communications and Public Engagement Coordinator Brandon Garside
Communications Project Coordinator Eric Davenport

Also present:

Chief Administrative Officer Mara A. Brown
Community and Economic Development Interim Director Jared Johnson
Planning Manager Barton Brierley
Community Development Manager Jeremy Smith
Senior Planner Brandon Rypien
Public Services Director Justin Anderson
City Engineer Taylor Nielsen
Management Services Director Lisa Stout
Human Resources Manager Heather Briskey
Comptroller Justin Sorensen
Deputy Business Development Manager David Sawyer
Building Services Manager Chris Tremea
Chief Deputy Recorder Lee Ann Peterson

The purpose of the joint work session was to review the agenda for the special City Council meeting scheduled to begin at 6:00 p.m.; discuss proposed Community Plan Amendments – Historic Preservation in the Lynn Community Plan Area; proposed Zone Text Amendments – Prohibiting Painting or Covering of Exterior Brick in Commercial or Multi-Family Zones in the East Central District; proposed Rezone – 1450 Gibson Avenue; proposed Partial Street Vacation – Cahoon Street between F Avenue and G Avenue (*extended from February 20, 2024*); proposed Fiscal Year 2023-2024 Budget Amendment – Mid-Year Adjustments; proposed Fiscal Year 2023-2024 RDA Budget Amendment – Sales Tax and Tax Increment Bond Proceeds Series 2023; Proposed Fiscal Year 2023-2024 MBA Budget Amendment – Sales Tax and Tax Increment Bond Proceeds Series 2023 and Municipal Lease Revenue Bonds, Series 2023A and 2023B; Council/Board/Trustee business; and hear Council/Board/Trustee comments.

Agenda Review

Chair Richey and members of Council staff reviewed the items listed on the agenda for the City Council meeting scheduled to begin at 6:00 p.m.

Proposed Community Plan Amendments – Historic Preservation in the Lynn Community Plan Area

Senior Planner Rypien explained that in May of 2022, Council member Hyer submitted a Council Initiative to update the Lynn Community Plan. Council member Hyer’s intent was to add language to the plan that would state that the city values the historic nature of the area and that future land use decisions should consider the historic structures and events of the community. After the Initiative submission, a letter was sent by the Council requesting a recommendation from the Planning Commission on the suggested changes. City planning staff and the Planning Commission have worked to develop language meeting the intent of the Initiative. Planning staff have also performed outreach with both a community meeting and a community survey to receive input on the proposal. The Planning Commission has forwarded a recommendation to the City Council with changes to the Lynn Community Plan that would satisfy the Council Initiative. The proposed changes provide new language regarding historic preservation in the area, particularly the neighborhood around 2nd Street west of Wall Avenue. The proposed language also provides recommendations for local historic designations, monuments, and markers that would further the work the residents of the area have done regarding historic preservation.

Mr. Rypien used the aid of a PowerPoint presentation to orient the group to the area encompassed within the Lynn Community Plan Area; historical properties that should be preserved and protected; community engagement on the Plan amendments; and to expound on the proposed text amendments to the Community Plan specific to historic preservation. The Planning Commission has recommended approval of the proposed Community Plan amendment. For a copy of the PowerPoint presentation in its entirety, see the information packet.

Council member Hyer spoke to the history of the Lynn Community Plan area and the passion of the residents of that area regarding preservation of the history.

Discussion among the Council, Mr. Rypien, and Lynn Community resident Anna Keough, centered on the implications of the text amendments; the viability of developing a park in the Community Plan area; and the status of remaining undeveloped parcels in the Plan area.

Proposed Zone Text Amendments – Prohibiting Painting or Covering of Exterior Brick in Commercial or Multi-Family Zones in the East Central District

Planning Manager Brierley explained the Planning Division staff have proposed a zoning ordinance text amendment regarding the painting of exterior brick in the commercial and multiple-family zones in the East Central District. The current regulations around brick painting in the East Central District prohibit the painting and covering of exterior brick in most residential zones, but not the commercial and multiple-family zones. He used the aid of a PowerPoint presentation to provide context regarding the topic of painting brick and how the practice can impact the historic character of a home. He noted the current ordinance prohibits painting brick in the East Central residential zones and Planning staff proposes expanding that prohibition to the following zones in the East Central district: NC, PI, R-4, R-MFV, R-MFH, C-MU, and R-9. The Planning Commission has voted unanimously to forward a recommendation to approve the proposed text amendment. For a copy of the PowerPoint presentation in its entirety, see the information packet.

Discussion among the Council and Mr. Brierley centered on the City's ability to communicate the ordinance amendments to property owners in the East Central district as well as the City's ability to enforce the updated ordinance; and the reason that the prohibition is only being imposed in the East Central District rather than City-wide.

Council member Blair expressed his opposition to the prohibition of painted brick; he does not believe that painted brick is unsightly or impacts the value of a home. This led to debate of the appropriateness of brick painting and different methods that can be used to achieve durability of the brick after it is painted.

Chair Richey indicated that the item is currently scheduled for action during the April 9, 2024, meeting, and he suggested continued discussion of the proposed amendments take place during that meeting.

Proposed Rezone – 1450 Gibson Avenue

Planning Manager Brierley explained Darcel Stucki has submitted a petition to rezone two parcels totaling 6.37 acres located at 1450 Gibson Avenue and 1483 Wall Avenue from M-1 (Limited Industrial) to C-3 (Regional Commercial). The petitioner's intent is to establish zoning on the property that allows for multiple-family dwellings. He used the aid of PowerPoint presentation to orient the Council to the location of the subject property and surrounding development; to provide information regarding the economic directives of the City's strategic plan; conformance to the General Plan; development and land use trends; buffering between differing land uses; and zoning policies. The presentation provided the following conclusions:

- Industrial land demand is growing, and the supply is shrinking.
 - The subject site is well suited to industrial development.
- Retail and office land demand is rebounding
 - The site is not well suited for retail or office
- Ogden has enough multiple-family land to meet needs through 2040 and beyond.
 - The site is poorly suited for multiple-family development

For a copy of the PowerPoint presentation in its entirety, see the information packet.

Mr. Brierley reported the Planning Commission has voted unanimously to recommend denial of the zone change, finding that:

1. Ogden needs to retain its existing industrial land such as this site to promote economic development in the community.
2. Ogden currently has adequate land zoned to meet future multiple-family land needs.
3. Ogden does not have a demonstrated need for additional commercial land along Gibson Avenue.
4. Rezoning this land to allow multiple-family housing would create potential conflicts with existing industrial uses.
5. Rezoning this industrial land to commercial to accommodate multiple-family development conflicts with the Gibson Community Plan map and policies that show retaining the area as industrial.
6. The proposal conflicts with several General Plan zone change policies, including:
 - a. The rezoning does not protect the integrity of the industrial uses nor provide buffers between housing and industrial uses (Policies 1 and 6)
 - b. The zoning does not reflect the industrial character of the area (Policies 2, 7, and 8)
 - c. The rezoning is not supported by a need for additional commercial land or need to create a commercial center (Policies 12 and 15).

The Council heard from the petitioner regarding his opinion that Mr. Brierley's presentation is very misleading and does not represent the actual land use trends in the area of the community surrounding the subject property. He referenced changes to the Gibson Community Plan in 2016 as well as subsequent zone changes in line with that Community Plan and noted that his plans for his property align with the directives of the Community Plan. His property is the only property that is still zoned M-1 and changing the zoning to one that allows housing development would be in line with other zoning actions that have been taken in the Plan area. He wants to have the ability to sell his property to a developer who is working in the area, and he has previously received positive feedback from City staff about appropriateness of the desired use in the area.

Mr. Brierley stated there are residential land use directives in the Community Plan for the area south of the subject property, along the Ogden River. However, there have been no promises or commitments made to the petitioner regarding townhomes being a viable use of the subject property that would receive support from Planning staff or the Planning Commission.

Chair Richey stated that he feels further discussion of the petition is needed in a future work session.

Proposed Partial Street Vacation – Cahoon Street between F Avenue and G Avenue (extended from February 20, 2024)

City Engineer Nielsen summarized background information regarding the petition; the petitioners, Tyler Gray, Teresa McCandless, and Rental Investors, LLC, are requesting to vacate a portion of the Cahoon Street right-of-way between F Avenue and G Avenue. The portion of the public right-of-way proposed to be vacated is 137.9 feet long, with a total area of 9,320 square feet. The Planning and Engineering Divisions have recommended that the petition be denied based upon the need to preserve the right-of-way for future utility planning. The petitioners have proposed to provide easements or land dedication for utility routing. Although the petitioners have proposed to provide area for utility routing, Planning and Engineering staff still expressed concerns with the proposed vacation because the Utah Department of Transportation's (UDOT's) plans for the nearby Interstate 15/24th Street interchange are not yet finalized. Mr. Nielsen noted that Engineering staff has worked to schedule a meeting with UDOT to discuss their environmental assessment and consideration of possible interchange layouts, but that meeting has been delayed until April 9, 2024. He suspects the final determination regarding the alignment of the freeway and interchange will not be available until September of 2024. The project will provide the City with a unique opportunity to pursue long term utility projects and staff wants to be sure to keep all avenues open for these utility projects and staff still recommends that the street vacation be denied.

Chair Richey thanked Mr. Nielsen for the update and indicated that action on the street vacation has been scheduled for the April 9, 2024, City Council meeting.

Proposed Fiscal Year 2023-2024 Budget Amendment – Mid-Year Adjustments

Comptroller Sorensen explained the proposed Fiscal Year (FY) 2023-2024 budget amendment totals \$7,508,720. He used the aid of a PowerPoint presentation to summarize the proposed amendment, which recognizes revenues from various sources in the General (\$265,400), Capital Improvement Plan (CIP) (\$870,676), Water (\$729,850), Sanitary Sewer (\$547,387), Refuse (\$453,400), Storm Sewer (\$373,432), Medical Services (\$111,200), Fleet and Facilities (\$833,325), IT (\$700,000), Major Grant (\$300,000), and Miscellaneous Grant (\$2,324,050) Funds. Sources of revenue vary from use of fund balance, interest income, sale of assets, grants, and internal billing. Expenditures in the General Fund are for debt service, equipment, and wages and benefits, as well as an interfund transfer. Appropriations in the CIP Fund are for various projects. Excess funds from completed CIP's are also reappropriated to other projects. Appropriations in the four utility funds provide funding for master plan projects. Appropriations in the remaining funds are for mission-related expenditures. For a copy of the PowerPoint presentation in its entirety, see the information packet.

Throughout Mr. Sorensen's presentation there was discussion about expenses included in the General Fund, such as wages and benefits for a new school resource officer (SRO) at the Ogden Preparatory Academy for \$55,000 and to purchase a vehicle and equipment for the new SRO for \$75,000; the source of matching funds for various grants; the status and timing of various CIP projects; and the terms and interest earned on the Marshall White Center (MWC) bond.

Proposed Redevelopment Agency (RDA) Fiscal Year 2023-2024 Budget Amendment – Sales Tax and Tax Increment Bond Proceeds Series 2023

Comptroller Sorensen explained Administration is requesting approval of a Fiscal Year 2023-2024 Budget amendment in the amount of \$66,064,650. He used the aid of a PowerPoint presentation to summarize the proposed amendments:

- Redevelopment Agency (RDA) General Fund. Recognizes interfund transfers from the Continental Project Area and Housing Fund for marketing costs that were originally budgeted as a General Fund expenditure (\$478,150).
- Hinckley Drive Project Area. Appropriates remaining fund balance from the expired Hinckley Drive Project Area for airport-related expenses (\$785,150).
- Continental Project Area. Recognizes revenues from bond proceeds and premiums (\$64,801,350) and the sale of surplus property (\$315,025) in the Continental Project Area and appropriates those funds for bond issuance costs (\$801,350), property improvements (\$62,185,000), repayment of existing debt (\$1,815,000), and a transfer to the General Fund for marketing costs (\$315,025).
- Housing Fund. Recognizes the sale of property in the Housing Fund (\$163,125) and transfers those funds to the General Fund for marketing costs.

For a copy of the PowerPoint presentation in its entirety, see the information packet.

Proposed Municipal Building Authority (MBA) Fiscal Year 2023-2024
Budget Amendment – Sales Tax and Tax Increment Bond Proceeds Series
2023 and Municipal Lease Revenue Bonds, Series 2023A and 2023B

Comptroller Sorensen explained Administration is requesting approval of a Fiscal Year 2023-2024 Budget amendment in the amount of \$61,258,700. He used the aid of a PowerPoint presentation to summarize the proposed amendments:

- Recognizes RDA Sales Tax and Tax Increment Bond Proceeds (\$4,627,850) and bond premiums (\$439,825) and appropriates those funds for construction of parking structures at the WonderBlock project (\$5,000,000) and bond issuance costs (\$67,675).
- Recognizes MBA Lease Revenue Bond Proceeds (\$55,075,800)* and premiums (\$1,115,225) and appropriates those funds for construction of parking structures at the WonderBlock project (\$55,129,000) and issuance costs (\$1,062,025).

*Staff Note: Remaining bond proceeds of ~\$9M will be held in restricted debt service and capitalized interest accounts for appropriation at a later date.

For a copy of the PowerPoint presentation in its entirety, see the information packet.

The meeting adjourned at 5:49 p.m.

LEE ANN PETERSON, MMC
CHIEF DEPUTY CITY RECORDER

KEN RICHEY, CHAIR

APPROVED: April 23, 2024