

NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 27, 2015

The North Ogden City Council convened in an open meeting on January 27, 2015 at 6:30 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on January 22, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor	
	Kent Bailey	Council Member	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Bryan Steele	Finance Director/City Administrator	
	Annette Spendlove	City Recorder	
VISITORS:	Carol Campbell	Bob Campbell	Shanna Campbell
	Penny Dean	Curtis Dean	Sherry Bernard
	Bill Bernard	Kent Christensen	Don Manley
	Debra Manley	Kurt Child	Diana Amman
	Anthony Amman	Dennis Shupe	Brendon Shupe
	Jesse Felter	Lorrie Young	Lonnie Barker
	Tiffany Turner	Elizabeth Putnam	Greg Martin
	Jonathon Call	Dale Anderson	Julie Anderson
	Rochelle Fernandez	Rachel Trotter	Kari Hall
	Lewis Barker	Karla Hawks	Dennis Powell
	Kurt Trane	Melanie Trane	Michael Carter
	Craig Tingey	Brandon Obroy	

Mayor Taylor welcomed those in attendance.

Council Member Urry offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Elizabeth Putnam, 302 E. 2350 N., stated she wanted to express her gratitude for the walking path on 2550 North; she sees people using it every day and not just students from Majestic Elementary. She stated the walking path is the best thing that has happened to the neighborhood

in quite a long time. She presented the Mayor and Council with a card signed by all students (nearly 800) at the school as a token of the school's appreciation.

Tiffany Turner, no address given, stated she is the advisor for the North Ogden Youth Council and she wanted to thank the City Council as well as all residents of North Ogden for the support they receive. They are currently doing a cash and cans fundraiser for the new homeless shelter for teenagers in downtown Ogden that will be opening February 1. She provided information about the fundraiser and noted it is going very well so far. The Youth Council has also been contacted by a fitness company in West Haven that will be conducting a fundraiser on February 7; all proceeds raised by the business on that night will be donated to the Youth Council to also donate to the homeless center. She then noted the Youth Council is very excited about participating in Local Officials Day at the Legislature tomorrow.

Julie Anderson, 940 E. 2600 N., stated she wanted to talk about the dog park; she is not opposed to the dog park, but she has some issues with the PowerPoint presentation that was included in the Council packet regarding the subject. She reminded the Council that the local lacrosse club approached the City Council with a request for lacrosse facilities; there was a budget associated with the request but the Council determined that the budget was not specific enough. In looking through the budget that has been assembled for the dog park, several things are missing, which she referenced in the packet materials. She then added she feels the fence around the dog park should be taller; there are many deer that jump the fence into the basin and dogs and deer do not mix. She asked that the City Council require that the budget for the dog park be very specific just as the lacrosse club was asked to be very specific with their budget; this will allow the residents to see exactly how much will be spent. She added that she is also concerned about parking for the park; the suggestion was made that parking take place on 2600 North. Her home is directly to the east of the suggested location for the park and there is a dirt road and large parking area at the front of her property; she is concerned about the general public seeing her property as a place to park and her access to her property will be blocked. She asked that the City provide a sign indicating her property is private property and no park parking is allowed. She added she has a rental home on the back of her property and she does not want the renters' access to their unit blocked. She then addressed hours of operation and stated she is concerned about winter use of the park and adequate snow removal. She again referenced lacrosse and stated that in the past she asked the former City Manager if the lacrosse club could use the detention basin for a practice facility and she was told that they could not use the area because of the liability it would create for the City. She stated if that standard is applied to the lacrosse club, it should also be applied to the dog park as a use for the property. She concluded she does not oppose the dog park as long as some of the concerns she has expressed are addressed.

Council Member Bailey stated this is the first time the Council is hearing about the proposal for a dog park on 2600 North. Mayor Taylor stated that is correct and there will be a discussion about many of the issues that have been raised this evening.

Debra Manley, 2668 N. 850 E., stated she is also concerned about the dog park; she is concerned about it being located on a busy street. She is also concerned about dog feces contaminating the water run-off as feces can stay in the ground for four to five years. There is a disease concern for her because many people do not clean up after their dogs. She stated that she is opposed to the

\$5.00 fee to fund the park; if people want a dog park they should pay for it. She stated she will not use the park and she does not appreciate being charged for something that she is not going to use. She wondered how the City will control which dogs use the park. She also wondered who will be responsible if dogs fight or bite a child at the park.

Jonathan Call, 1895 N. 300 E., stated he is in favor of the dog park; the discussion is not whether or not to create a dog park in the City because that has already been voted upon. The item up for discussion now is the location of the park. He feels the proposed location on 2600 North is a great temporary location; there are some legitimate concerns, but responsibility for the dogs lies with their owners. He encouraged the Council to proceed with locating a dog park at the proposed location.

Kurt Child, 2695 N. 850 E., stated that he is also concerned about parking on 2600 North for the dog park. In major snow storms navigating the streets in the area of 2600 North is very problematic. He stated he feels the City can find a better location than the one that is being proposed.

Mayor Taylor welcomed the scouts in attendance working on various merit badges.

2. CIVIC LEAGUE RECOGNITION

Mayor Taylor noted the Civic League is an organization made up of wonderful women in the community whose main purpose is to make North Ogden a better place; they do a lot of fundraising throughout the year and the money they generate through those fundraisers is used to facilitate important projects throughout the year. One thing the Civic League did this year was donate \$4,000 to North Ogden to upgrade the Christmas lights at bicentennial park to LED lights and the difference was very noticeable. He reviewed photographs of the light display and stated it was very beautiful. He recognized Shannon Campbell and Lonnie Barker and expressed thanks for all they do for the City.

Ms. Campbell stated that the Civil League will have more afghans available for purchase in the near future for fundraising efforts. She reiterated the goal and purpose of the Civic League is to beautify North Ogden.

Mayor Taylor briefly provided the Council with an update regarding the process to transition to more efficient street lights throughout the City; the light that is being used to replace old lights is only \$9.00 more than sodium vapor lights and has a guaranteed life of five years. Rocky Mountain Power is currently offering a rebate incentive that will reduce the street light replacement costs by half. The new lights are much clearer and more attractive and should be replaced in sets of 100 at a time. The lights will also reduce the City's electricity costs.

3. DISCUSSION AND/OR ACTION TO APPROVE THE AUDIT FOR 2013-14

A staff memo from Finance Director/City Administrator Steele explained State Law requires that the City's financial statements be audited annually; the independent auditing firm of Christensen, Palmer, and Ambrose audited the financial statements for the 2014 Fiscal Year and will make a presentation at the meeting as well as answer any questions the Mayor or Council may have.

Mr. Steele reviewed his staff memo and introduced Kent Christensen to provide the annual audit report. Mr. Christensen provided the annual audit report and concluded by indicating the City is in a good financial state; cash balances will change as a result of using cash for the new Public Works Facility, but the City should still end up with a good fund balance position. He thanked Mr. Steele and other member of City staff that facilitated a smooth audit. He welcomed any member of the City Council to contact him at any time if they have any questions about the audit of the City's financial position. Mr. Steele added that the audit is available for public inspection on the City's website or at City Hall.

Mayor Taylor stated the audit process is very important and ensures the public's money is being used properly. He thanked Mr. Christensen and Mr. Steele for all the work that went into the audit.

Council Member Satterthwaite motioned to approve the audit for the fiscal year 2013-2014. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT WITH B2 LAND SERVICES FOR MONROE BOULEVARD

A staff memo from Finance Director/City Administrator Steele explained a committee recently interviewed two real estate firms interested in serving as the City's right of way acquisition specialist for the Monroe Boulevard project. B2 Land Services was selected for the assignment based upon their experience.

Mr. Steele reviewed his staff memo and also reviewed the scope of work and project approach provided by Maurine Bachman from B2 Land Services.

Council Member Satterthwaite referenced a paragraph in the scope of work that cites challenges and complex issues; the paragraph states “to help mitigate these damages, B2 Land Services suggests a “PR campaign” or consistent message that emphasizes the benefit to the owners and future developers. This arterial road will already be in place and the special benefits to the owners can offset the damages. This means that the future developer will already have a street in place and will not have to include it in his development costs.” He inquired as to what is considered ‘unusual’ circumstances. Ms. Bachman stated that in an advanced acquisition process where people are asked to make voluntary sales, there are challenges in addressing the issues various property owners may have because there may not be enough solutions available. The issue will come down to negotiation as the City will not be able to condemn property or have another compelling way to make a property owner sell their property. When developing large parcels, developers will need to include the cost of developing the road in their development costs and may spread those costs across future homeowners in their development, but when they move to purchase the property for development the road will already be in the name of the City and they will not be required to donate the land value to the City as part of their project. This equals a savings to the developer. Council Member Satterthwaite stated he wanted to clarify that the paragraph he is referencing does not mean that the City is responsible for the cost of developing the road. Ms. Bachman stated that is correct.

Council Member Bailey referenced the section of the document dealing with compensation and method of payment. The contract indicates a cost of \$3,000 per appraisal and \$550 per appraisal review. He asked if each appraisal will be reviewed, to which Ms. Bachman answered yes and stated that is a standard procedure. Council Member Bailey stated paying \$3,000 for a \$10,000 piece of property seems somewhat problematic. Ms. Bachman stated that according to federal guidelines, if the land value is less than \$10,000 and is not complicated, she can use a compensation estimate in lieu of an appraisal to determine the purchase offer. However, if other property acquisitions are more complex there may be cause for using an appraiser. She assured the Council she will do her best to keep the costs under control, but she had to provide the worst case scenario in order for the City to be prepared.

Council Member Satterthwaite stated that while the City Council wants to be conscious of the costs to appraise properties, they also want to ensure that those residents owning property located within the future Monroe Boulevard corridor are fairly compensated and if it costs additional money to commission a fair appraisal as well as an independent review of that appraisal, he is willing to spend that money. Council Member Bailey agreed.

Council Member Swanson asked if the funding for the appraisals and any subsequent reviews will be paid for with grant funds. Mayor Taylor answered yes; the City received a \$2.64 million grant to purchase right-of-way for the future Monroe Boulevard. He added that the City followed a competitive bid process to select Ms. Bachman’s company for this service. He noted the Utah Department of Transportation (UDOT) has policies, in addition to the City’s policies, that govern how the grant money should be spent for property acquisition. Ms. Bachman’s company is certified by UDOT to perform the type of property acquisition that must take place to facilitate the Monroe Boulevard project.

Council Member Bailey motioned to approve Agreement A1-2015 with B2 Land Services for the Monroe Boulevard project. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

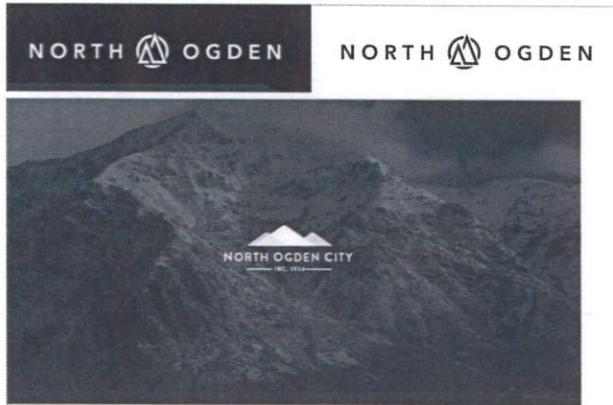
5. DISCUSSION AND/OR ACTION TO APPROVE A LOGO FOR NORTH OGDEN CITY

A memo from Mayor Taylor explained the General Plan Steering Committee proposed a Logo Contest to design a City logo. If we adopt a formal logo, it will not replace our wonderful City Seal. We would continue to use the seal for formal documents, but the logo would be used on vehicles, shirts, letterhead, marketing materials, etc. The logo would be an important part of branding our City. We launched a logo contest on Nov 24th to solicit potential logo designs from artists in the community. We offered a pool party for up to 200 people at the North Shore Aquatic Center to the winning designer. We received 11 entries, all of which were wonderful, and we had a very hard time narrowing them down to four finalists. We posted the finalists to our website and Facebook pages and have invited input from our residents. I have attached the feedback we received below. The logos have been numbered 1-4, in no particular order. We also asked the General Plan Steering Committee to weigh in on their favorite logo from among the finalists. All members of the committee voted for their top two favorite logos and overall, Logo #2 has received the most positive feedback, both by the public and the General Plan Committee. The Council can select a logo as-is, or modify the winning logo. Some logos have different color schemes to pick from, or display ways the logo could be used.

Mayor Taylor reviewed his memo as well as the four logo finalists and some of the feedback the City received from the public regarding the logos.

NORTH OGDEN

Logo #1



Logo variations shared on the 4 sessions

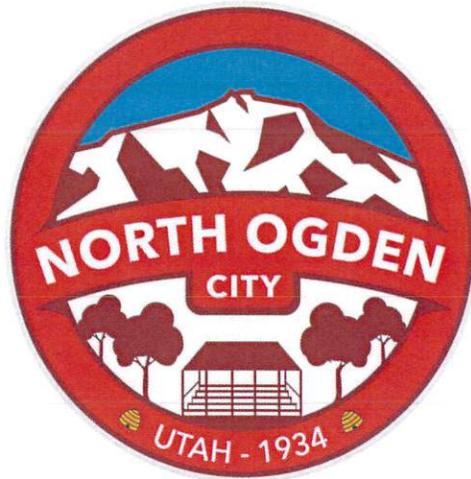


Logo #2

Below: logo design
Below: Examples of using the logo on top of pictures of the 8 square



Logo #3



Logo #4

Council Member Urry asked if the only reason for the logo change is because of the suggestion from the General Plan Committee. Mayor Taylor reiterated the City seal will remain intact; a new City logo would be used to brand the City and could be located on City equipment, clothing, and documents. Council Member Bailey added the logo is one of the elements that could help brand the City and would be unique to North Ogden. As the City reaches out to invite economic development to the community, a clean and modern logo will be helpful. He concluded there is no fiscal implication of adopting a new logo for the City. Council Member Urry agreed, but wondered if it would be necessary to change the logo again in the future when the General Plan is updated. Mayor Taylor stated the idea came from the General Plan Steering Committee, but it has been discussed by others in the past. Council Member Satterthwaite added that the General Plan Steering Committee as well as the City as a whole has heard it is necessary to rebrand to make the City more visible. Discussion regarding the purpose of adopting a new logo for the City ensued, with several Council Members stressing the need to rebrand the City to assist with furthering the City's economic development goals.

The Council then compared the four finalist logos and debated which logo should be selected as the City's new logo.

Council Member Bailey motioned to select logo number two as the new logo for North Ogden City, with the condition that "inc." be changed to the full word "incorporated" or "established". Council Member Swanson seconded the motion.

Mayor Taylor facilitated a discussion regarding how logo number two should be amended and the Council ultimately settled upon seeing the logo in a few different variations before finalizing the language and color scheme at the next meeting.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO APPROVE THE LANDSCAPING FOR THE PUBLIC WORKS BUILDING

A memo from Mayor Taylor explained there are currently no funds budgeted for landscaping in the current Public Works building budget, as this item was planned to be handled by North Ogden City instead of through the contractor. The landscaping plan received an initial review by the Planning Commission in November 2014, and the Planning Commission has requested some modifications, including an opaque fence on the east side of the property. We created a working group to address the landscaping needs in December and meet twice to discuss options. Participants were Mayor Taylor, Council Members Bailey and Satterthwaite, Bryan Steele, Rob Scott, Jesse Felter, and Gary Kerr. Our Parks Supervisor Jesse Felter has taken the lead in developing three different landscaping alternatives to present to the City Council. Each alternative has a different combination of materials and different installation and ongoing maintenance costs. Please see his presentation for more details. During the meeting we are hoping to have a choice from Council as to which landscaping option to pursue. We will also present information about the possibility of self-performing the labor, and our recommendations related to this.

Mr. Felter then used the aid of a PowerPoint presentation to review the three landscape designs he has developed as options for the Public Works Facility. He also reviewed the pros and cons as well as the cost for each landscape design. He concluded the City would be setting a very good example by opting for a water-wise landscaping design.

Council Member Bailey noted that the City must provide landscaping at the Public Works Facility in order to comply with City ordinances relative to landscaping.

Council Member Stoker stated that some water-wise landscaping requires more watering in the first year to get the plant established and to keep them from going dormant; watering needs are much less in future years.

Mr. Felter then stated he would propose selling the dirt pile at the Public Works Facility site to offset the landscaping costs. The Council discussed this option, after which they had a general discussion regarding the three landscaping designs presented by Mr. Felter. Mayor Taylor noted City Administration is looking for direction relative to the landscape design as well as funding for the landscape aspect of the project. He noted there is \$94,000 available in the project

contingency line and the earthwork contingency fund originally budgeted at \$180,000 is nearly whole.

Council Member Bailey complimented Mr. Felter for his extensive work on the three landscape designs and for his knowledge of landscaping practices and plants. Council Member Satterthwaite echoed Council Member Bailey's comments.

Council Member Urry made a motion to opt for the mixed material landscaping design for the Public Works Facility. Council Member Swanson seconded the motion.

Council Member Satterthwaite stated he is hesitant to make a final decision regarding the overall landscaping design, but he feels the motion gives Mr. Felter enough direction to refine the designs and bring them to the Council work session scheduled for February 3, for further discussion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO APPROVE THE SYRINGA AGREEMENT

A staff memo from Building Official Kerr explained he and City Attorney Call have been working with Syringa Networks for several months to get an acceptable franchise agreement. Syringa Networks has approached the City to develop a franchise agreement since they want to install fiber optics cable in North Ogden City.

City Attorney Call briefly reviewed the makeup of the franchise agreement.

Council Member Urry asked if fiber optic cables are typically located in the street or in park strips. Mr. Call stated they are typically run in the pavement, but installation does not create a large negative impact on a neighborhood.

Council Member Swanson wondered if the City needs another provider; the City currently has Comcast, Century Link, and Digis and they provide the same services Syringa is proposing to provide. He wondered at what point the City would have enough providers or decide against allowing more contractors to dig into the City's roads. Council Member Bailey asked if all four providers provide the same service to all areas of the City. Mr. Call stated he is not sure whether that is the case and he is not sure whether the City has the ability to exclude one provider over another. Council Member Bailey stated there must be some way for the City to exclude

providers, though he is not interested in creating a monopoly. Mr. Call stated Syringa has expressed that they provide a different service than Comcast, but he is not sure what the difference is. Council Member Satterthwaite stated he is inclined to allow Syringa to operate in North Ogden if they feel they can build a business case to do so and make a profit.

The Council discussed past experiences the City has had with different service providers, with a focus on boring into or trenching in roads throughout the City, with Mayor Taylor noting City Administration is currently working on revising the City's street boring policy. He added the City could also enact a moratorium on boring or trenching in City streets based on certain conditions. Council Member Swanson stated he would like to see the proposed revisions to the boring policy before considering action on the agreement. He also would like to understand what area of the City Syringa plans to serve. Council Member Urry stated he can support Council Member Swanson's requests.

Council Member Bailey motioned to table consideration of the Syringa agreement pending answers to the questions raised by the Council as well as revisions to the street boring policy. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER THE DOG PARK LOCATION

Mayor Taylor provided a brief history regarding the Council's decisions relative to providing a location for and assisting in funding a dog park in the City.

Carol Campbell, Chair of the Dog Park Committee, used the aid of a PowerPoint presentation to provide the Council with an update regarding the proposal to create a dog park in North Ogden City. The Committee has worked with City staff to take a tour of all park and open space in the City and they have decided to recommend the detention basin at 2600 North and 850 East as the future location of the park. She reviewed photographs of the property as well as photographs of adjoining properties. She discussed the condition of the park noting the fencing is in good condition and only needs a few repairs, the existing gates are in repairable condition, there is slight erosion at the inlet creating a minimal hazard, and at the outlet there is a gate vs. t-bar fencing issue. She noted that improvements need to be made based upon the level of liability the City is willing to assume at the park. She then referenced amenities that she would like to see at the park, such as benches, waste stations, a dog entry gate, and possibly a water feature. She admitted that some dog owners do not clean up after their dogs no matter the number of policies

that may be in place requiring them to do so. She stated peer pressure is the most effective way to get people to clean up after their dogs, but there is also the option of using people referred to as ‘sweepers’ that could go to the park at after park hours to clean up dog waste; this would help the park be a good neighbor to adjacent property owners. She referenced signage that could be used to enforce policies at the park as well as signage that could be erected to prevent park patron parking on private property. She then reviewed the different phases of park development the Committee has identified in order to get the park to the condition where it can be opened for public use. She reviewed the anticipated costs for the project as follows:

Culinary water	\$2,013.49
Water Stations	\$296.75
Fence slats	\$1,020
<u>Entry gate</u>	<u>\$1,090</u>
TOTAL	\$4,420.24

Ms. Campbell stated it would take 884 dog license fees to fund the total park improvements recommended by the Committee. She was told that last year there were 1,401 dog licenses and if a similar number of licenses were issued this year there would be \$7,005, which is considerably more than the budget to get the park open. She concluded the Committee is focused on creating a dog park that will be a good neighbor to existing residents in the area; they plan to develop and encourage gathering areas away from shared borders; they will implement a volunteer program to assure the park is clean; the placement of the entry will encourage parking along 2600 North to avoid congestion of parked vehicles near homes on 850 East; and dog owners will be encouraged to be responsible through rules, peer pressure, and social media. She stated the Committee feels strongly that the proposed location can provide a good option for a dog park for North Ogden citizens and it can be opened at a reasonable cost within a reasonable amount of time. There are some limitations at the site due to the slope of the retention basin, such as it will not accommodate agility equipment; however, the Committee feels it is a great location currently and for several years into the road.

Council Member Bailey stated that a resident raised a concern about dog feces contaminating the City’s water supply and he asked if Ms. Campbell can address that concern. Ms. Campbell stated she cannot answer that question, but noted that other dog parks are located in retention basins.

Council Member Urry stated that he appreciates the work Ms. Campbell and the other Committee members have done, but he would have a difficult time voting to support the dog park in the proposed location due to parking limitations and traffic issues. Council Member Stoker agreed and stated there is too much traffic on 2600 North; she was personally hit by a car on 2600 North and is very hesitant to approve additional uses on that street.

Council Member Bailey asked if the Committee has considered alternative parking ideas besides on-street parking on 2600 North. Ms. Campbell stated she is unaware of alternative parking options and the Committee was trying to avoid any parking on 850 East.

Council Member Urry reiterated he would really like to have a dog park, but he is very concerned about parking limitations at the proposed locations.

Mayor Taylor provided a summary of the reasons for creating a dog park, with a focus on preventing dog bites in the community and giving dog owners a place to exercise their dogs. Many locations have been discussed and detention basins have been identified as ideal locations because they can be converted to park space with very little cost. The Committee and Parks and Recreation staff considered six different detention basins in the City and have arrived at the decision that the proposed location is the best. If the Council would like City Administration and the Committee to consider additional locations, that is a possibility. He then addressed concerns like ensuring dogs are licensed and immunized before using the park and noted that will be part of the policies adopted for the facility.

Council Member Satterthwaite agreed with the concerns expressed regarding parking and he also wondered if only dogs licensed in North Ogden would be allowed to use the park. Ms. Campbell stated that the Committee feels that as long as a dog is licensed in the community in which they reside and as long as they are vaccinated, they should be allowed to use the park. It would be very difficult to enforce a policy that only allowed dogs licensed in North Ogden to use the park.

Council Member Satterthwaite motioned to table this issue and direct staff and the Dog Park Committee to investigate other parking options at the proposed location. Council Member Stoker seconded the motion.

Council Member Swanson stated he is very supportive of the idea of a dog park in the City, but agrees that parking on 2600 North needs to be addressed; however, he thinks all concerns expressed regarding the location can be managed.

Council Member Bailey suggested the Committee investigate the option to use the parking area at Barker Park to serve the dog park.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

9. PUBLIC HEARING TO RECEIVE COMMENTS TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 900 E 2700 N, FROM RESIDENTIAL RE-20 TO RESIDENTIAL R-1-10

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity as the land use authority the City Council has wide discretion. 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 Planning Commission conducted an initial hearing on November 17, 2014, but due to an incomplete notice continued the public hearing until December 3, 2014 after allowing those in attendance to make comment. On December 3, 2014 the Planning Commission received additional input from surrounding neighbors. The neighbors requested that the Planning Commission consider recommending an R-1-12.5 zone. It was further discussed that through a development agreement with certain conditions that an R-1-8 zone may be appropriate if the concerns raised by neighbors are addressed. On December 17, 2014 the Planning Commission considered this item. The applicant stipulated in the meeting that an R-1-10 zone is acceptable rather than pursue an R-1-8 zone with a development agreement. The General Plan calls for "All development in the community should be built on land suitable for the intended use." Additionally, "A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space." The Zoning and land-Use Policy includes guidelines for how zoning changes should be considered:

General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use.

Staff comment: The applicant has submitted a tentative plat that demonstrates how the proposed subdivision will connect to existing neighborhoods. The tentative design addresses the transition to the size of lots on 850 East; the existing home that fronts onto 850 East will have a minimum of 20,000 square feet. The revised design will provide a sufficient buffer to the adjacent properties.

2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition.

Staff comment: This area is in transition from agricultural to urban uses, primarily single family subdivisions.

3. Where possible, properties which face each other, across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff comment: This neighborhood has R-1-8 zoning on the periphery with RE-20 in the middle. The lots along 850 East are sized to be consistent with the existing RE-20 lots.

4. Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff comment: The petition will have all properties in the same zone.

Residential Guidelines

8. Avoid isolating neighborhoods.

Staff comment: The roadway design for this subdivision has been modified to connect to 850 East. The street layout provides for appropriate connections that will provide connectivity to other neighborhoods.

The General Plan map calls for this property to be developed as single family residential, low density. Both RE-20 and R-1-10 zones are allowed in this designation.

The memo concluded by providing the following summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Is the R-1-10 request appropriate for this neighborhood with the revised subdivision plat?

The Planning Commission recommends that the City Council rezone this property from RE-20 to R-1-10. The Planning Commission found that the application is consistent with the North Ogden General Plan.

Mr. Scott reviewed his staff memo and provided a brief history of the rezone application, noting it started as a request for R-1-8 and was later changed to R-1-10.

Council Member Satterthwaite stated he walked along the property today and it appears that the lots to be located on the east side would abut trees and other foliage and that may create a real challenge. Mr. Scott stated that is a very good point, but he reminded the Council that tonight they are simply considering the request to rezone the property and design issues can be addressed when the subdivision plat is considered at future steps in the development process. Staff has ensured there is a sufficient amount of buildable area and enough flat space for each lot irrespective of their location. Council Member Satterthwaite then noted that the properties that abut the subject property on 850 East are larger than any lot that would be located in the proposed development and he would prefer a nice transition from large to small lots. Mr. Scott stated the developer has been very accommodating to this point relative to the City's requests to provide a reasonable transition between the larger lot sizes and smaller lot sizes. Council Member Satterthwaite noted that another item that has been brought to his attention is that the road connecting the subdivision to 850 East will eliminate the frontage on a nearby resident, Mr. Manley's, property. Mr. Scott stated he has spoken to Mr. Manley as well as the applicant regarding designing the roadway in such a way that will leave Mr. Manley with a sufficient side yard since the road will essentially convert Mr. Manley's lot into a corner lot. The road may need to be shifted to the north somewhat in order to accomplish that goal. He reiterated that the City Council is only considering the appropriate zoning for the property at this time and all design issues will be discussed and addressed at a future date. He stated there are two more steps to the development process, preliminary and final plat, and both of those steps in the process are heard by the Planning Commission; a Technical Review Committee will also meet to review the design and provide a recommendation to the Planning Commission.

Council Member Swanson asked what would happen to lots 21, 22, 23, and 20 if there is minimal building space on that area of the subject property due to steep slopes. Mr. Scott stated that the Technical Review Committee will review topography and contour maps in order to understand the buildable area of the proposed lots. If the lots were no longer buildable, some sort of redesign would be required.

Council Member Satterthwaite inquired as to the square footage of the lots that will border 2750 North. Mr. Scott stated lot seven is just under 11,000 square feet; lot eight is 15,000 square feet;

lot nine is 15,000 square feet; lot 11 is 12,000; lot five is just over 9,000; and lot size is 10,000 square feet. He stated some of the lot sizes will need to be revised in order to meet the minimum lot size of 10,000 square feet. He noted corner lots must be 11,000 square feet in size. The City Council then reviewed the concept design for the development and discussed options for including an additional road or walking path on the property.

Mayor Taylor opened the public hearing at 9:54 p.m.

Penny Dean, 889 E. 2750 N., stated there has been flooding problems on the subject property and on adjacent properties due to excessive water during run-off periods; the water ultimately settles into the area where the developer is proposing to build homes. She then addressed her concerns about traffic feeding onto 850 East; at the bottom of the hill there is a stop sign and during winter months that area can become very icy. New traffic will be feeding onto 850 East and there will be dangerous conditions there.

Council Member Satterthwaite asked if the run-off problem is an existing problem. Ms. Dean answered yes and noted that it has been a problem since at least 2008 and her home has been flooded at least twice; she has video footage of the water flow coming down her driveway and is willing to leave it with the City. She identified the exact location of her home and noted her main concern is that she will continue to get flooded and the new homes built below her property will also experience flooding.

Brandon Obray, 850 E. 2658 N., stated he lives next to the property that will be turned into a corner lot. He stated that last Friday after he got off work he decided to count the number of vehicles on 850 East in a one hour period; nearly 40 cars used 850 East as either a thoroughfare from below or above. It is a very busy street though it does not look that way and there is a blind corner that many people try to cut or can slide through during winter months. He stated it is his hope that the development includes as few homes as possible because he does not believe the new residents will take 950 East to 2600 North and traffic on 850 East will only increase. He stated he bought his home in a nice quiet neighborhood and it is no longer that way. He then stated he is also concerned about the proposed dog park; he has never seen a dog park where it is not possible for dog owners to see their dogs at all times. The dog leg at the detention pond will create problems in that dogs will be able to get away from their owners and they could possibly have a negative interaction with neighborhood kids.

Curtis Dean, 889 E. 2750 N., stated he feels the R-1-12.5 zoning is more appropriate for the property because other neighboring properties are zoned RE-20 and lot sizes are nearly an acre. He feels it is a bad idea to go from large lots to small lots.

Denise Powell, 2575 N. 850 E., stated that she lives directly across from the Manley's and when she purchased her eight acre parcel of ground she built her home with the projection of building a future subdivision, which included providing water and sewer connections. She stated the road that would come into her subdivision is directly across from 850 East connecting to the subject property, which means there is the potential for a future intersection. She stated she does not plan to develop soon, but it is important to consider the potential for that future intersection.

Craig Gygi, 953 E. 2675 N., stated he lives across from the northern entrance into the subject property and he echoed Mr. Obray's comments regarding the potential traffic issues associated with the proposed development. He requested the lot sizes in the development be as large as possible.

Kurt Child, 2695 N. 850 E., stated he would be the first house across the street from the entrance to the subdivision; he bought his home on an acre property and would love to see the lots be as big as possible. He stated he has lived in cities that have approved developments with very small lots and the ground and homes are not well maintained and end up being a detraction to the area. He stated he hopes the same will not happen in North Ogden. He stated 850 East is a highly travelled road and it will only worsen when additional traffic is added to the area.

Lorie Young, 925 E. 2750 N., stated the main reason her family purchased their home is because of the openness of the area and the gorgeous view. She stated many of the lots in the area are half-acre or larger in size and she would like for the City to require larger lots for the subject property. She stated she would love the zoning of the property to remain as it is, but would settle for the R-1-12.5 zoning.

Bruce Barker, 850 E. 2720 N., stated that he bought his home because of the country feel of the area; twice before he has lived on properties where subdivisions were built near to him and eventually there were problems with the homes that were built in those subdivisions. There were flooding issues and fencing issues and he is concerned about similar water problems occurring on the subject property near where he lives now. He suggested that the zoning of the property be maintained with the hopes that only three homes could be built on the property.

Don Manley, 2668 N. 850 E., stated that he is very concerned about flooding problems associated with run-off on 850 East; he has already carpeted his basement twice due to flooding problems and those problems will only increase on the north side due to the proposed development. He added there is only 15 feet from the edge of his brick to his flag lot and landscaping that area is difficult; there is no opportunity for him to build a berm to keep water off his property. The issue will become the City's responsibility if the Council chooses to allow development that will overload the sewer and water systems. He stated he would hate for development to ruin the beauty that is already present.

Tiffany Turner, 2673 N. 950 E., stated the appeal for her family to build their home in the area of the subject property 13 years ago was the trees, the creek, the wildlife, the openness, and beautiful views. She stated she lives adjacent to where the road has been stubbed and she was aware that development could occur on the subject property at some point, but she asks for prudence and wisdom relative to the application because once a process is started and things are being built, it will be very hard to undo negative things that may be done. She stated it is easier to do things right the first time and the best use of the land is what the Council should be considering. She stated three large lots on the property would be ideal and it seems backward that the City considers the zoning of the property before a subdivision has been designed and approved. She referenced the tree line that buffers along Rice Creek and stated it is in her backyard and part of the covenants, conditions, and restrictions (CCRs) recorded against her property required her to leave 80 percent of the existing trees to provide deer habitat; when she

asked the developer if he would do the same he told her that the land does not belong to the deer. She stated it would make sense for the CCRs for the subject property to be similar to the CCRs for her property and if that is the case, the tree line will run right through the middle of four different lots included in the concept plan. She noted another thing for the Council to think about is sidewalks; 850 East is so busy and there is no sidewalk on either side of the street. School aged children living in the proposed development will need to walk to school in that area and that will require a sidewalk on at least one side of the road. She stated the road is very difficult to navigate at this time and she wondered who would be responsible to pay for the sidewalks in that area; it will not be the developer's responsibly because he is not developing on 850 East and, instead, it will be the City's responsibility. She encouraged the Council to think of all of these things in addition to the traffic concerns that have been expressed this night.

Dale Anderson, 940 E. 2600 N., provided an illustration to each Council Member and the Mayor; he is concerned about the property owners on all four sides of the subdivision due to storm water issues. He reviewed photographs detailing the amount of water that came onto his property last year during a storm from the Deer Hollow and Fawn Hollow Subdivisions. He believes there are two illegal drains in those subdivisions that drain water unmitigated into Rice Creek. He stated that these are Environmental Protection Agency (EPA) issues that the Council needs to be thinking about. He stated there is a mini retention basin on the back part of the property that is half full of silt that has accumulated over the past 10 years. He noted the slope of the property is very significant from top to bottom and in performing his own measurements with a laser level and tape measurer he determined the property has a 14 percent slope. The developer has not offered any explanation about how he will address the water issues and he feels those issues need to be addressed before the application can proceed. He reviewed his illustration and identified a red line that represents the edge of the hill on the subject property; when subtracting the areas with steep slopes from the property it actually measures closer to seven acres, meaning nearly 1.5 acres are unusable. He has argued all along for a separation between the low density on the west and the high density on the east and looking at the subdivision from the west it seems appropriate to continue with similar sized lots and homes, but the developer looks at the subdivision from the east and feels it appropriate to continue with smaller lots and homes heading west. He stated he feels the existing tree line provides a natural buffer between high and low density and should be maintained. He then reviewed photographs of cows; he keeps cattle and horses on his property and team roping is his passion. His property, which the developer has ignored, is agricultural based and it would be necessary to install a vinyl or chain link fence with slats to separate his property from the development to provide a separation between differing land uses.

Julie Anderson, 940 E. 2600 N., referenced the same illustration used by her husband and identified a line on the illustration that represents a fence line; a portion of Chatelain's property is actually fenced in with her property and has been that way for many years. The fence was erected by Dale Chatelain's sister and when the adjacent subdivision was built, the fence was not moved. She stated that the developer asked her and her husband to swap 20 feet of their prime property on the back side of their land for a less prime 16 foot piece of property; they denied his request and later heard that he planned to build high density units or townhomes on the property. She stated they started paying close attention to what was happening with the property and noticed that the original application was for R-1-8 zoning; she has conducted research to

understand the zones in the City and she has found a development in Ogden City that contains the types of homes that could be built on R-1-8 zoned property. The units in that development are tiny, so small that the garage cannot be attached to the home. She stated she would personally like for the RE-20 zoning to be maintained, but she understands the land is owned by someone else and he can develop it how he wants. She stated that the property is unique and is landlocked with homes on all sides and the neighbors would like for the Council to listen to them. There has been much said in the media lately about home based businesses in North Ogden and the Council's aversion to such businesses; it appears that the City Council believes that what neighbors feel is far more important than what anyone who is trying to make some money wants. She stated that when considering a rezone, the City Council should look at it like a home based business and consider the effects the action could have on the neighbors. She stated she understands this is the Council's decision and she will respect what they decide, but she does not feel that the applicant should be given anything lower than the R-1-12.5 zoning designation. She stated there are many liabilities associated with her property and the more homes are built near her property, the more there is a temptation for children to access it and play. She is not willing to assume the liability associated with that. She relayed stories she has heard where land owners have been liable for their animals hurting children and she is worried about what would happen to her, her family, and her property if one of her animals killed a child. She stated the City needs to understand exactly what a developer plans to do with their property when applying for a rezone. She stated the decision should not just be made based upon the fact that someone wants to make money on their property. She stated she has talked to the EPA and they are aware of what is happening in the subdivisions; they are watching and have said they will be testing Rice Creek and if the City is not following the guidelines for runoff into the Creek, the City will be liable. It is in the best interest of the entire City to approve nothing less than the R-1-12.5 zoning designation.

Brent Dopp stated he represents the Chatelain family; there have been so many things said that are half-truths. He stated he has no plans to cut down the trees in the gulley and, in fact, he will not do anything that the City does not have some sort of say in. He stated the applicant has met the City's requirements for this application and has followed the proper process and will do what the City tells them to do. The property is unusual and it is not possible to cut out all square lots on the property, but half of the lots are close to 15,000 square feet; the concept plan that has been provided is not the final plat. The final plat will meet all requirements of the City relative to lot sizes, infrastructure, and engineering. He stated he is not stupid and knows that he cannot do whatever he wants on the property because the City has control over development standards; he cannot do anything to address any of the concerns that have been raised tonight until the property is rezoned. Planning will take place upon rezone approval and if the design does not meet the City's development standards, it will be redesigned. He stated the storm sewer for the development will feed into storm sewer lines on 850 East and not into the Anderson's property. He stated Mr. Anderson has never seen the preliminary plan for the subdivision and half of the things that have been said tonight are half-truths. He stated the Council has control and all he is asking for is a rezone; there is a recommendation from the Planning Commission after they thoroughly reviewed the application over the course of three meetings. He stated he appreciates the concerns of the neighbors and assured them that he will only do what the City wants him to do and he will meet all requirements of the zoning. He offered clarification regarding the land swap that was proposed to the Anderson's; the 16 foot strip of property referenced by Ms.

Anderson actually starts out at a width of 25 feet and runs through the middle of their property. He asked them if they were willing to sell or trade the strip and they denied both options and that is fine; he was very cordial in dealing with them. He added he has told Mr. Manley that he will work with him to provide proper access to his property. He is not a bad guy like he is being made out to be; he is just trying to develop a parcel of property and once the rezone is approved he will work through the additional development steps dictated by the City. He stated he has no intention of doing anything that he has been accused of tonight; the gully will stay as it is and the trees will not be cut down. He is trying to be a good neighbor and will do what he is told to do. He asked the Council Members to think of how they would feel if this were their property and they wanted to proceed with a development that their neighbors were opposing; he does not like being in this situation, but is only asking for a zoning designation that the Planning Commission has approved after compromise. He apologized for being excited about this issue, but he has had to sit through the entire public hearing and listen to people tell untruths about his development proposal.

Mitch Fielding stated he is present on behalf of the developer, Jack Fisher Homes. He understands the public concern with the proposed subdivision and admits there is still a lot of work to be done relative to its design, but he has every intention of doing his best to conform to City standards, policies, and code. He stated he understands the issues with the lots bordering the creek and he understands an adequate buildable area must be provided. He added he has taken the stance to work with the City and the Planning Commission; he has already been through up to eight revisions with his engineer in response to requests and concerns raised during the Planning Commission's review of the application. He summarized the interaction he and the applicant had with the Planning Commission and at the conclusion it was determined the R-1-10 zoning would be a better fit for the property; he did look at the R-1-12.5 zoning designation at length and if that designation is demanded by the City he would be willing to accept it, but it would be very difficult. He noted the concept design includes 22 lots and there are only a few that are under the 12,500 minimum lot size; that only happened because of the odd shape of the property. When working on a concept plan with the R-1-12.5 land use designation in mind, given the roads and other development requirements, the project did not make practical sense and the Planning Commission agreed with him. He addressed the existing trees and noted he is willing to enact CCRs that would impose restrictions on the homeowners in the subdivision. One item that is still being discussed is whether the applicant will develop the property and then sell to a home builder or build the homes and sell to individual owners; either way, the applicant has the opportunity to prepare and gain approval of the CCRs. He stated he is willing to work with the City and understands there are issues, but noted this is a simple rezone request and he has tried to provide adequate information and feels that he is meeting the requirements of the City. He respectfully requested that the City Council approve the application for R-1-10 zoning for the subject property.

Kirt Train, 1005 E. 2700 N., stated he moved to North Ogden from Ogden and he saw a very similar situation there where a developer built a subdivision with small lots and homes and it led to the demise of the entire neighborhood; drug dealers moved in and there were all night parties. The development attracted a different type of people than had previously lived in the neighborhood. He stated in looking at the concept plan, he does not know how it will be possible to build the same size houses that exist in other developments in the neighborhood because the

lots are so small. He stated he is distrustful of what the applicant is planning to do and feels it will have an adverse impact on the neighborhood.

There were no additional persons appearing to be heard.

Council Member Swanson moved to close the public hearing at 10:41 p.m. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

10. DISCUSSION AND/OR RECOMMENDATION TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 900 E 2700 N, FROM RESIDENTIAL RE-20 TO RESIDENTIAL R-1-10

Mayor Taylor stated he appreciates everyone that spoke during the public hearing and meetings like this one are what America is all about. This particular issue is repeated in every community in the country to make sure growth occurs properly; there must be a balance between the property owner's rights as well as the neighborhood and City at-large. He stated the Council takes this very seriously and works hard to find the right balance.

Council Member Swanson addressed Mr. Dopp and stated that the suspicions expressed by the neighbors are based upon what past developers have done. He is concerned about the lots on the east side of the development and the buildable space available there. He is also concerned about the traffic from the subdivision exiting onto 850 East and when other future development occurs there could potentially be an intersection one house away from another intersection. He feels traffic would be very problematic in the morning and evening rush hours. He stated he is also concerned about the impact the development would have on the Manley property and he feels the road needs to be shifted to the north to give the Manley's the room they need. He stated he has walked the field several times and in his mind the transition between the large lots along 850 East and 2750 North makes no sense; an R-1-12.5 would be more appropriate and would provide a nice transition for the existing residents with larger lots.

Council Member Stoker stated that as she listened to the comments she was reminded of a past instance where a developer wanted to build a subdivision above her property on Mountain Road; she had some of the same concerns that the residents have expressed tonight relative to traffic on an already busy road. She shares the concerns about traffic in the area of the subject property; she walks and runs a lot of places that she goes in North Ogden and at certain times of the day it

is very difficult to cross 850 East as a pedestrian. She stated she is more inclined to think the zoning of the property should be R-1-12.5 rather than the R-1-10. She understands the property owner has rights, but she is also concerned about existing residents, open space, and the integrity of the City.

Council Member Satterthwaite stated it is important to remember that property owners have property rights and if the Council is going to place too many requirements upon the property owner it will come to the point where the property owner will say that the City should buy their property to control it. He added, however, that there is a way to make something work on the subject property. He stated that concerns have been expressed that the R-1-8 zoning designation would have too small of lots and small homes, but there are R-1-8 zones in the area that have large homes on their lots so he is not sure that argument is valid. He stated that the fact that on the east side there is a lot of wooded area and a steep slope, requires the R-1-12.5 zoning to allow enough room to build a reasonably sized home. He stated the Council has the responsibility to deal with the zoning request and will do so, but it would be nice to see more detailed plans for the development. He stated that the biggest concern he has is approving a zone and ending up with a development that is not what was promised. He appreciates the genuine, heartfelt input of the residents as well as the developer and noted he feels the developer is being very reasonable. He addressed the concerns raised regarding storm drainage and noted that the City will rely upon what is in City Code and the advice of the City Engineer.

Council Member Urry stated that he has lived in three homes in North Ogden and two of the three had water problems; he does not know exactly how to solve the water problems in the City. He referenced Council Member Swanson's comments regarding distrust of developers and relayed a story from a time when he previously served on the City Council regarding a developer that wanted to develop the property to the east of his; they were required to install proper drainage and one year later it was found that he did not install drainage initially. He stated he understands the distrust of developers as well as the water problems. He stated that regardless of the zoning designation, there will be a certain amount of asphalt in the development and that will compound the water run-off problems. He then stated that the size of a person's home and property does not determine whether they are going to do drugs. He also addressed Ms. Anderson's comments; he stated she is very passionate and he can understand her concerns, but he has been in similar situations as her where adjacent property owners have developed their property and he was concerned about liability associated with his animals and he has been able to work with his neighbors to prevent problems from occurring. He noted every owner has property rights and he wondered whose property rights the Council should protect; he asked if it should be the person that screams the loudest. He stated the Council should follow the law and if someone is living within the law and codes, the Council should not punish them. He asked the residents that are opposed to the development if they are all willing to contribute money to buy the subject property to keep it the way it is. He stated he also does not like the traffic of the potential subdivision exiting onto 850 East and would prefer that the developer find a way to get it to exit onto 2750 North, but there is likely no way to accomplish that. He stated as the City grows, so will traffic problems, but he is not sold on the argument that larger lots would solve traffic problems.

Council Member Bailey asked for a staff response to the concerns regarding water issues in the area of the subject property. Building Official Kerr stated there are definitely water issues in the area and the developer's engineer will be required to provide a plan for storm water drainage, but it sounds like the City should also do some work to address the existing storm water issues; once the water gets into storm water infrastructure under the street, it is much easier to control and contain and that would solve a lot of problems discussed by the residents. Council Member Bailey asked if catch basins would be required in a subdivision like the one being proposed. Mr. Kerr answered yes and noted detention may also be required. Council Member Bailey asked how water can be kept from running into Rice Creek. Mr. Kerr stated those issues will need to be addressed by the project engineer. Council Member Bailey stated that it is difficult for him to understand how the development will fit on the property with all required infrastructure. He asked what would happen if the Council approves the zoning request, but the developer is not able to come up with a design that works for the property. Mr. Kerr stated the developer will need to resolve the problems and may ultimately need to create larger lots. Those issues will be resolved during the future development application steps. Council Member Bailey stated that he has concerns that the developer can make their project work on the space they have, but he trusts the Planning Commission and believes they will work through all design issues appropriately.

Mayor Taylor reiterated that there must be a balance in all development in the City and he asked the Council to keep that in mind.

Council Member Bailey addressed Mr. Anderson and referenced the photographs that he provided illustrating flooding on his property from the Rice Creek channel and he asked why the water comes out of that channel. Mr. Anderson stated that the water goes through the chain link fence into the retention basin and ultimately onto his property. Mayor Taylor stated the water originates in the two adjacent subdivisions and not in Rice Creek. Mr. Anderson stated that is correct. Council Member Bailey asked Mr. Kerr why there are storm drains draining into Rice Creek. Mr. Kerr stated that issue should be mitigated through the design of the subdivision. Mr. Anderson provided his opinion regarding how the storm water is handled in the area of his property; there is no storm sewer infrastructure in 2600 North in front of his home and all water flows above ground. Mr. Kerr stated that issue would be addressed during the technical review process for the project.

Council Member Swanson thanked everyone for their input and concluded he is still not convinced that the R-1-10 zoning designation provides an appropriate transition between the RE-20 zoning to the west and the R-1-8 zoning to the east. He would prefer R-1-12.5 zoning for the property.

Council Member Swanson motioned to require R-1-12.5 zoning for the subject property.

Council Member Swanson's motion died for lack of a second.

Council Member Satterthwaite stated he is inclined to accept the recommendation of the Planning Commission with the understanding that there is a long list of issues with the property and the Council can rely upon those that are best equipped to resolve those issues. He stated that done correctly, it should be possible to mitigate all issues with the proposed subdivision.

Council Member Swanson stated that he is concerned about the buildable area of the subject property and he feels that lends itself to smaller homes. There are too many ‘what-ifs’ and he is not comfortable approving the R-1-10 zoning designation. He also recognizes that the R-1-12.5 zoning designation may not alleviate the problems with the property.

City Attorney Call stated that the City Council cannot require a zone other than what has been requested by the applicant; originally the developer asked for R-1-8 zoning and upon negotiation between the Planning Commission and applicant, the consensus was reached for the applicant to amend his application and ask for an R-1-10 zoning designation. The Planning Commission recommended favorable approval of that application. He added that before any changes are made, the City Council should ask for another recommendation from the Planning Commission. He added a development agreement that would go hand in hand with the zoning approval could also be required and the agreement could dictate the sizes of lots that could be located in different areas of the project.

Council Member Bailey asked how the Council should proceed if they are interested in considering a development agreement for the project. Mr. Call stated that the Council should reach a consensus to consider that option and not take action on the zoning tonight in order to give time to develop the development agreement and approve the two during the same meeting. He stated the development agreement could be negotiated with the developer and put in front of the Planning Commission for a formal recommendation. Mr. Scott stated that the Planning Commission heard several of the same concerns the Council has heard tonight and staff worked to identify many conditions that could be included in a development agreement. Those conditions were provided to the Planning Commission, who, as a compromise, offered to the developer the R-1-8 zoning with a development agreement or the R-1-10 zoning without a development agreement. That is why the Planning Commission has forwarded a positive recommendation to the City Council for the R-1-10 zoning. Mr. Call added that according to Utah law, the Planning Commission is required to make a recommendation to the City Council; the City Council can either accept or deny the recommendation or modify the recommendation upon acceptance by the applicant. However, if the Council chooses the development agreement option, the application must be referred back to the Planning Commission. If the applicant is accepting of the R-1-12.5 zoning tonight, the Council can take that action.

Council Member Urry asked Mr. Anderson to identify the area of his property that has experienced flooding on the plat map. Mr. Anderson did so and identified his understanding of the flow of water in the area. Mayor Taylor stated it appears that some of the water issues are a result of infrastructure installed by the developers of Deer Hollow and Fawn Hollow and perhaps need to be addressed with those developers rather than the developer of the subject property. He noted that issue should be considered and addressed independently of the application before the City Council this evening; it has no bearing on this application.

Council Member Swanson withdrew his motion to require R-1-12.5 zoning on the property and asked Mr. Fielding to re-approach and answer additional questions.

Council Member Swanson inquired as to Mr. Fielding’s thoughts regarding the R-1-12.5 zoning on the property. Mr. Fielding stated he would ultimately need to work with his engineer to see if

a viable development could be constructed within the R-1-12.5 zoning requirements and restrictions. He stated he has had brief conversations with his engineer about the zoning designation and he has indicated it would not be feasible, but he is willing to have a more detailed situation regarding the issue. He noted he is in somewhat of a precarious situation; he is under contract to purchase the land from Dale Chatelain, who is represented by Brent Dopp. He would like to discuss the issue with the property owner as well before giving a final answer, but noted he would prefer the R-1-10 zoning designation with a development agreement.

Council Member Bailey motioned to refer the application back to the Planning Commission with the recommendation that they consider the R-1-10 zoning designation with a development agreement. Council Member Satterthwaite seconded the motion.

Mr. Call asked that the Council provide some direction to the Planning Commission relative to some of the terms they are interested in seeing in a development agreement. Council Member Bailey stated that he would be interested in seeing something regarding lot sizes along the eastern boundary of the development that would maintain consistency with lot sizes in the community to the east. He would also like to see the development agreement address the issues that have been raised relative to Rice Creek, steep slope issues, and buffering. Council Member Satterthwaite agreed. Council Member Bailey stated that he would like to see the list of items staff developed when the Planning Commission previously considered a development agreement. He asked Mr. Scott to forward that list to the City Council so they can provide feedback before it is passed back to the Planning Commission. Council Member Swanson stated he is interested in ensuring there is sufficient buildable area on the eastern lots of the subdivision.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER A CONDITIONAL ACCEPTANCE FOR LEWIS PEAK PHASE II

A staff memo from Building Official Kerr explained Sierra Homes has completed all subdivision improvements for Lewis Peak Phase II. Bruce Higley, Public Works Inspector, has inspected this subdivision and has found all improvement items completed and in good condition. It is staff's recommendation that the City give conditional acceptance subdivision approval for the subdivision. Conditional acceptance will start one-year conditional guarantee period for the subdivision improvements.

Mr. Kerr summarized his staff memo.

There was a brief general discussion regarding the work that has been done in phases one and two of the development, with a focus on water drainage. Council Member Urry noted that construction of homes in the subdivision has already commenced. Mr. Kerr stated that is correct; the subdivision has been recorded so that the developer could begin construction. There are two lots in phase two upon which homes are currently being built. He clarified the item before the Council tonight for consideration, noting the subdivision has already been approved and this is simply acceptance of the infrastructure improvements that have been provided by the developer.

Council Member Bailey motioned to grant conditional acceptance for Lewis Peak Phase II. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

12. PUBLIC COMMENTS

There were no public comments.

13. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson provided the Council with letters written by Ms. Swanson's fifth grade class at Bates Elementary; they have the option of writing the President of the United States, a Forest Ranger, or Mayor and City Council and they decided to write the Mayor and City Council. They would love to receive a response letter with the autographs of the Mayor and Council Members.

Mayor Taylor reported Local Officials Day at the Legislature is tomorrow and the group attending the event will be departing from City Hall at 6:30 a.m. with plans to return around 3:30 p.m.

14. ADJOURNMENT

Council Member Stoker motioned to adjourn. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 11:40 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

DOG PARK ISSUES

While I personally do not have a problem with the dog park. I do have some issues with some problems that I see with the current location that need to be addressed.

BUDGET

I want to bring to your attention that are not included in the Budget. Mr. Bailey I would like to point out to you that when we approached you for money to help build a lacrosse park. We were turned down because our money numbers were not a solid amount and I see the same problem with the budget. I do not see pricing for the following items in Phase 1.

- a) Repair existing Gates
- b) Trash receptacles
- c) Rules posting
- d) General Parking Signage for Anderson
Repair of Fence on the North End of Dog Park. This is held down with cinder blocks and stakes and can easily be got under by dogs using the park.
- e) Fence should be taller to keep out deer. Dogs and Deers do not mix

(Reference page 4 and 5 in presentation.)

Just as you required of Lacrosse to pinpoint their Budget the same must be done for the dog park. I believe the above mentioned points should be included into the budget to make sure that we are not spending more money than is needed at this time.

PARKING

There is very little parking that is available at this location. 2600 N is a very well-travelled road and has a slight turn that we have seen people have a problem navigating and have ended up in our front yard.

- a) However my main concern is that people may try to use my yard as a place to park as we have a lot of space for that. We will need to have the city provide the signage that keeps people out of our yard.
- b) We do not want to come home and have our drive blocked and be unable to reach our back yard and for our renters to be unable to get to their home.
- c) My son lives in our rental and I can tell you he would have no problem hooking the problem car to his truck and dragging it out into the road.

(Reference page 4 and 5 in presentation.)

GENERAL THOUGHTS

1. Will the park be open in the winter How are you going to make sure that kids do not use this area as a sledding hill
2. How will you make sure that the roads are cleared of snow for parking?
3. We tried to use this retention basin for a lacrosse team to practice in and was told that the liability to the city did not allow that as water runs through there and our kids would not be able to get out safely in a heavy storm. Should this not also been applied to the dog park.

1/22/2015



Keeping Our Park Clean – Peer Pressure

Sweepers

- Volunteers – A person, couple, or family
- 1 day/week for 3 month period
- Allowed park access 30-60 minutes after closing

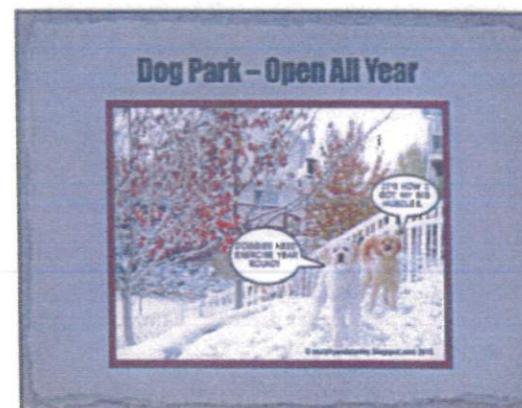
Benefits

- Able to exercise dogs not well socialized
- For owners who feel more comfortable not dealing with other dogs
- Helps keep park clean & a good neighbor

Suggested Rules

- Hours of operation
- Dogs must be actively supervised and be on a leash by adult owners at all times
- Aggressive dogs (no snarling) are not allowed
- Leashes 6' long are not allowed
- Dogs who bark excessively are not allowed
- All dogs must be up to date on vaccinations and display a current rabies tag
- Dogs must be legally licensed in their home community and wearing identifying tags
- Owners must immediately clean up after their dogs and PROHIBIT disposal of waste
- Owners must be prepared to leave their dogs if conditions require
- Owners must clearly monitor their children and control the possible actions of the presence of unlicensed dogs
- Owners should be fairly aware of the behavior of their dogs and its ability to interact with other dogs and humans
- No food, no gambling permitted in park
- No cash allowed

Be safe, Be Courteous and Enjoy your dog park!



Dog Park – Open All Year

Phase 1

- Repair gaps in fence (slats?) ✓
- Install entry gate ✓
- Repair existing gates ✗
- Provide Trash receptacles ✗
- Dog waste disposal stations
- Install culinary water
- Rules posted at entrance ✗

Phase 2

- Benches
- Message board
- Shade at west end

1/22/2015

Placements

- Entry gate located along 2600 North, toward east end.
- Rules posted (high visibility) near entrance.
- Benches located
 - First – South west section of park
 - Second – South border ("L")
 - Third – North west area
- Waste stations – Entrance & south west area
- Gathering Area (Message Board) – South west area of park
To reduce congestion near the entrance & against shared borders yet still allowing high visibility of dogs.

Anticipated Costs

• Culinary Water	\$2,013.49
• Waste Stations	\$ 296.75
• Slats	\$1,020.00
• Entry Gate	\$1,090.00
• Total	\$4,420.24 (884 dog fees)

Note: Total does not include cost for utility & down) signs.

Good Neighbor

- Plan development to encourage gathering areas away from shared borders.
- Implement volunteer program to assure park is clean.
- Placement of entry to encourage parking along 2600 North to avoid congestion of parked vehicles near homes on 850 East.
- Encourage owners to be responsible through rules, peer pressure and social media.

Coming This Spring!



Committee Members

- Carol Campbell (Chair)
- Jonathon Cull (Vice Chair)
- Heidi Monk (Sec'y)
- Bob Campbell
- Kurt Illion
- Candl Illion
- Pam Pomroy
- Holly Vanderwoude
- Laniise Heaton
- Michael Carter
- Julia Shochat
- Bonnie Taylor
- Casey May

Enter Your Title



December 14, 2014

Street Labels

Parcel Address

City Labels

Anderson
Property ↑

Red line is edge of hill

1:2,257

