

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

March 13, 2018

The North Ogden City Council convened in an open meeting on March 13, 2018 at 6:05 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on March 8, 2018. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

PRESENT:	M. Brent Chugg	Mayor	
	Blake Cevering	Council Member	
	Sara Fawson	Council Member	(by phone)
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	

STAFF PRESENT:	Jon Call	City Administrator/Attorney
	Annette Spendlove	City Recorder/HR Director
	Rob Scott	Planning Director
	Evan Nelson	Finance Director
	Tiffany Staheli	Parks & Recreation Director

VISITORS:	Aaron Christensen	Sara Rhees	Kim Christensen
	Mark Daniels	Peggy Barker	Sean Casey
	Julie Anderson	Dale Anderson	Hannah Goodrich
	Bob Buswell	Scott Barker	Steve Barker
	Randy Winn	Matthew Lund	Margaret Schvaneveldt
	Kathie Darby	John Arrington	Dan Deuel
	Ruston Monson	Julee Smith	Paul Mackley
	Stephanie Casey	Charlotte Ekstrom	Troy Callantine
	Steve Rasmussen	Leonard Looney	Rebecca Michel
	Paul Michel	Steven Beverly	Corrie Beverly
	Patty Holling	Ryan Barker	Marianne Barker
	Steve Barker	Ryan Brown	Lyman Barker
	Susan Barker Adams		

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

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER FEBRUARY 6, 2018 CITY COUNCIL MINUTES

Council Member Swanson motioned to approve the February 6, 2018 City Council Meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Paul Mackley, 730 E. 1750 N., stated that he has two issues he would like to discuss tonight; first relates to agenda item 13, annexation of County island properties. He indicated he owns a parcel of ground that is currently located in Weber County and has been used as horse pasture for a number of years. His two adult daughters would like to build homes on that property and that will require annexation. He stated he would appreciate a very clean process whereby he could work with the City and the County to proceed with that annexation. He stated the second item relates to item nine, cul-de-sac lengths. He indicated that according to the current City ordinance, City Planners have told him that what he would need to build a road through his existing front yard to proceed with the development of the property for his daughters and still comply with the City's maximum length of cul-de-sacs, which is 500 feet. He stated that would not be the best for his property and surrounding properties and he would like for the Council to consider the proposal of Council Member Fawson to alter the ordinance to increase the maximum length of cul-de-sacs to allow for up to 30 units, which would conform with international fire protection standards. He stated he appreciates the Council's consideration of these issues and thanked them for their service.

Ruston Monson, 2564 Barker Parkway, stated he attended the February 6 City Council meeting and asked questions regarding the amphitheater. He asked that the Council and others to write down his questions and provide responses at the next Council meeting. He attended the Council meeting on February 13 and the lack of information he left with

prompted him to file two Government Records Access and Management Act (GRAMA) requests. He returned to the March 6 Council meeting in an attempt to voice his concern to the Mayor and Council about the contradiction between two building permits and a site plan for the project. After researching all documents sold to him by the City, he believes the City has violated its own codes and policies in an attempt to obtain two building permits; one building permit in particular is currently being appealed. He stated all Council Members, the Mayor, City Attorney, and Planning Director have received a copy of his summary via email; however, he wished to read the summary for the public record.

“SUMMARY: Building Permit 18-45 is not valid and should never have been issued. The issuance of both permits requires approval of a valid and complete Site Plan, and there simply is not an “APPROVED SITE PLAN”. What does exist is a motion made on September 20, 2017 (as stated in Notice of Decision letter dated September 21, 2017) asking the North Ogden Planning Commission to approve the Barker Park “CONCEPT SITE PLAN” and “AMPHITHEATER SITE PLAN”, and that “a certificate of occupancy not be granted until a final landscape and parking plan be approved by the “Planning Commission”. This motion and subsequent Notice of Decision does not constitute an approved Site Plan. As per City Code, North Ogden City has violated its own rules and regulations regarding the sequence and content requirements of the building process, putting North Ogden City residents at risk financially and ultimately not “prioritizing public safety” (as stated in 11-10-27: SITE PLAN APPROVAL REQUIRED). Building Permit 18-45 must therefore be revoked and construction stopped until all requirements are met for the issuance of such a permit.”

Aaron Christensen, 2428 Barker Parkway, stated that he has joined with Mr. Monson in filing the appeal of Building Permit 18-45. There are some major and minor problems with the staff report from the September 20, 2017 Planning Commission meeting regarding the project; first is the incorrect address for Barker Park. The address used, 2375 Barker Parkway, is on the west side of the street and the park is on the east side of the street. Additionally, the parcel identification number, 172-73-0001, is a one-third acre building lot in Pleasant View owned by a private resident. He stated that the staff report references applicable ordinances dealing with the design and location of parking spaces, but also states that the site plan does not contain information required by North Ogden City Code. He then stated that subsequent pages of the staff report reference application ZMA2017-04, Maverik Site Plan review. He concluded the report contains the wrong address, the wrong parcel identification number, the wrong application title, and an incomplete regulation. He stated that some questions have been asked regarding height regulations for the project and some Council Members have indicated there is no maximum height restriction for the RE-20 zone, but when he contacted the City and spoke to a building inspector he was told that the height restriction for all zones in the City is 35-feet. He stated the Code does not list a maximum height, but a staff member offered conflicting information. He then stated that page four of the Maverik Site Plan review document indicates staff recommends approval of the site plan and pole sign condition use permit subject to the conditions listed in the staff report. He stated that to

his knowledge, there will not be a pole sign at the amphitheater, but the language is taken word for word from the Maverik site plan application. He stated that someone has cut and paste the language. At the very least, this is sloppy work on the part of the City and this is a legal process; people have given him flack for claiming that the project has been rushed by the City, but this work is evidence that the City is not following their own legal processes. The Maverik site plan required a technical review and he asked why no technical review was conducted for the Barker Park Amphitheater project. Mayor Chugg referred Mr. Christensen to Planning Director Scott. Mr. Christensen stated that Mr. Scott's report to Mayor Taylor on September 21, 2017 indicates the Planning Commission made a motion to approve the site plan with approval subject to the conditions listed in the staff report and he also included a comment about the sign and noted the applicant had been asked to bring back more information about the sign. It appears that Mr. Scott used his documentation from the Maverik application without changing the language to be applicable to the Barker Park Amphitheater. He stated he would ask that the Council look into these issues; they took an oath of office to support and sustain the constitution of the United States and of Utah and it does not take an attorney to see that the City is not following its own rules.

Shaun Casey, 2444 Barker Parkway, stated that last week he asked questions about why the height regulations for the RE-20 zone had been removed from the City Code and he wondered if the Council is in a position to answer that question tonight. City Administrator/City Attorney Call stated he can refer Mr. Casey to the individual that could answer that question. Mr. Casey stated that he finds it interesting that the maximum height was removed from the Code in 2012 or 2013, but it appears that some members of staff are still following that Code. He stated he asked the same question last week and would like an answer to that question tonight. Mr. Call stated that he is unsure of why the change was made and indicated he was not employed with the City at that time. Mayor Chugg stated that staff can be asked to research the matter. Mr. Casey stated that he is a ham radio enthusiast and if there is no height restriction for RE-20 zoned property, he could a very tall ham radio antenna in his yard and his neighbors would have nothing to say about it. Also, if he decided to design a backyard motocross track including large structures, his neighbors would have no say in that either. He stated there are also some safety issues relating to building heights and that is something for the City to think about. He stated he would like feedback and answers to his questions during the next Council meeting.

Peggy Barker, 2553 N. Fruitland Drive, stated that as the Arts and Amphitheater Committee met to design the north and east end of the park, her cousin, Steve, repeatedly commented that there would be no houses to fund the development of the park. At one point Mayor Taylor stated that because her uncle Carl's section of the property had not been protected, the best protection was to develop it for a park as it has now been planned. Once it was developed as a park, it could no longer be considered for a housing development. She stated that when phase one of the project was determined, she asked the Mayor why the amphitheater was pushed into phase one and he told her that if people

came to the amphitheater to see a performance, they would look across to the undeveloped acreage and become aware of future plans to develop it and that would create interest and momentum for future phases of the park. She stated that many people do not understand how large the park ground is and how it can be developed, but by coming to events, they will begin to learn about that. She stated she is excited to see the amphitheater project completed and it has been discouraging to see the battles about the project. She hopes all the technicalities can be addressed and the arguments to be resolved in a way that all parties can be happy with.

Steve Rasmussen, 1093 E. 3250 N., stated the matter that has piqued his interest relates to the height restriction referenced by Mr. Casey. He stated is unsure why the restriction may have been removed from the City Code, but noted that he is not supportive of restrictions that tell people what they can and cannot do with their property. He stated he understands some restrictions are needed, but added restrictions that are not necessarily needed is inappropriate. He stated he does not see a reason for a 35-foot height restriction on anything; if he wanted to erect an antenna on his property as was mentioned by Mr. Casey, he should be able to do that. It is his property and he is not in favor of any restrictions that are not absolutely necessary. He stated that some government entities seem to enact restrictions just because they have the ability to do so, but that is not always a good idea.

2. DISCUSSION OF ESTABLISHING A CITY BAND

Loren Jeppsen representing the North Ogden Concert Band Committee approached the Council and summarized documentation included in the Council packet regarding the proposal to establish a City band.

It is proposed that North Ogden City support the organization of a concert band similar to those currently organized in similar cities in the Northern Utah area. The band would eventually be composed of 40 – 70 volunteer members of mostly unaffiliated band musicians and a volunteer director/conductor united by their love of music, a desire to promote community pride, and enrich musicians and music education.

Mission Statement: The North Ogden Concert Band is a volunteer organization of amateur and professional musicians of widely varying ages and backgrounds dedicated to the cultural life of the community; to foster the musical talent of its members; provide quality musical entertainment for the community through scheduled concerts; community events; and musical events in schools.

Band Organization: The band would be directed by a small committee composed of a Chairperson, Co-chair, Band Director, Publicity Chair, Personnel Manager, Treasurer, and a City Representative. The committee would meet monthly or as needed.

Rehearsals:

- Location: North View Senior Citizens Center
- When: Tuesday/Wednesday evenings from 7:00 p.m. - 8:30 p.m. or based on performance schedules.
- Conductor: TBA

Recruitment: Musicians of all levels and ages are welcome as long as they have had at least high school or equivalent playing experience. Volunteers will not need to be a resident of North Ogden to join. However, the target group would possibly include the northern portions of Weber County.

New members would be recruited by advertising the band, its invitation for new member, and its activities in all of the resources of North Ogden City (North Ogden City Website, Facebook Page, North Ogden Connection Magazine). Similar resources in Pleasant View or Harrisville could also be used along with bulletin boards in local businesses and music stores. Word of mouth by members, school band directors and music teachers would also help.

Annual Band Activities: The performances are only suggested at this point, but may include performing in events such as Cherry Days Parade and Fireworks event, Founder's Day in Pleasant View, summer band concerts at the Barker Park Amphitheater, other city sponsored public events, performances at local schools, etc. Included with this would be a Fall, Holiday, and Spring Concert.

Financial Support: Even though the band is a volunteer organization, certain costs would be incurred to maintain the band over time. Of prime importance would be a reliable place to meet and practice. This could be provided by the North View Senior Citizens Center at no cost to the organization. As an alternative, local band rooms in schools would be subject to a rental fee. For the long term, the band would need to acquire resources to maintain its function and stability.

All of these things would need to be acquired over time. For the short run, musicians could provide their own music stands, and transport their own percussion instruments. All instruments would be provided by the individual musicians. Eventually the band would need funding for:

- Purchase of music (see below)
- Concert programs (estimate \$20 - \$30 dollars per concert event)
- Uniforms (t-shirts with city logo) (estimate 50 shirts @\$5/shirt = \$250)
- Equipment acquisition and replacement (music stands: 50 x \$50 average each = \$2500, and certain percussion instruments will vary due to quality and need)
- Publicity (For a time, this would be city sponsored via. web sites, city magazines, bulletin boards)

To begin, we are asking the Parks and Recreation Director to apply for a RAMP grant (under \$2,000 category) to get the band started with the acquisition of music and t-shirts for identification. Sheet music for entire band instruments normally cost between \$50 - \$80 per music selection. Using \$75 as an average and 24 musical scores for the 2018 season, the music cost alone would be \$1,800. The cost of t-shirts would use up the additional amount of the grant.

Without the grant funds it would be difficult to begin the intended mission for the band. There are limited opportunities for band music through various sources. The band will not violate copyright laws to copy music for band use, so loans from other groups would be tenuous. Music from the public domain would be limited in selection and may or may not provide total instrumentation needs.

For the long run, the band would be seeking for sponsorships, donations (at the public events), grants or other assistance to maintain band needs. Any possible financial help from the city (cities) would also be appreciated. Other priorities for funding and needs will evolve over time.

This time is a tremendous opportunity for our community to step up and sponsor the performing arts and utilize the marvelous potential and existing resources we have in our midst. As is the case with the organization of any volunteer group, the start-up success is difficult to predict. However, the long-term success of other community bands of the area demonstrates success can happen with the proper support and dedication. Thank you for the opportunity to help develop it.

Mr. Jeppsen stated he feels the creation of a community band would offer great benefits to the community through various civic events, concerts, and local school performances to augment music education.

Council Member Turner asked Mr. Jeppsen if he is asking for the City to purchase musical instruments for the band. Mr. Jeppsen answered no and indicated all instruments would be provided by members of the band or volunteers. He stated that he would like for this to be a City organization that will last many years to come; he reiterated the items of cost for the band and emphasized that grant funds would be helpful in sustaining the band over time.

Council Member Swanson inquired as to the financial or other type of support the Committee is seeking from the City. Mr. Jeppsen stated that development of the band will be a grass roots effort and most things will be donated by members of the band. The band will seek private funding support and grants to pay for increased costs over the year. He stated that one item of business for the band to address at the onset is the selection of a conductor and he introduced Brent Broom, a professional musician with training in directing and conducting. He lives in the area and has volunteered to serve as the conductor. He stated he is excited to proceed.

Council Member Turner asked how soon the band will assemble. He then noted that RAMP grant applications are due in January each year, meaning it will be nearly a year from now before the band is able to apply for RAMP grant funding. Mr. Jeppsen stated that minor RAMP applications must be submitted by the end of March; these are for projects or support under \$2,000. Without that grant funding, it may be difficult for the band to 'get off the ground' this year. He stated he is optimistic that it will be possible to assemble a band this year and in time to perform at the Cherry Days celebration. He then discussed the creation of bands in other communities and read a newspaper article about the formation of the North Shore Band in Illinois. He concluded he is excited to proceed with the creation of the band and emphasized it will be made completely of volunteers who only desire to play for and serve the City. He wondered if there is any action to be taken to establish the band as being sponsored by the City in order for him to proceed in applying for a RAMP grant. Mr. Broom added that he has been involved in community bands in the past and it will take some time to assemble the band and become a group that works well together. He stated that he looks forward to working with the City to ensure participation in appropriate events. Mr. Jeppsen stated he sees the creation of the band as a win-win scenario for the City and those interested in being part of the band.

Council Member Turner noted that the Council does not have a business meeting scheduled for next Tuesday in observance of caucus meetings; if the RAMP application must be submitted by the end of March, he is comfortable taking the necessary action to night to allow Mr. Jeppsen to work with City staff to formalize that application. Council Member Swanson stated he is also comfortable directing Mr. Jeppsen to work with Parks and Recreation Director Staheli to prepare a RAMP grant application. Mayor Chugg advised Mr. Jeppsen to proceed in that direction.

3. **DISCUSSION AND/OR ACTION TO CONSIDER A CONTRIBUTION REQUEST FROM YCC**

Your Community Connection (YCC) Director, Julie Smith, approached the Council and summarized documentation included in the Council packet pertaining to the YCC's contribution request.

YCC Family Crisis Center respectfully requests that No. Ogden City contribute \$8,000 yearly to support the services that keep the residents of North Ogden and Weber County Safe in regards to domestic violence and sexual assault.

Domestic Violence was once again the biggest contributor to homicides in Utah in 2017 as reported by the Deseret News Jan. 2, 2018. In 2017, 44% of all homicides were due to Domestic Violence. The Domestic Violence lethality assessment (adopted in 2014) has impacted and has helped law enforcement and YCC save lives. North Ogden Law Enforcement is an active partner in the domestic violence lethality assessment program. It has increased the request for services by 30%.

YCC Family Crisis Center provides PUBLIC SAFETY to individuals and families who have been victims of domestic violence and/or sexual assault and homelessness. Every City in Weber Co. has referred clients to our shelter for services within the past 6 months. North Ogden had 24 residents request services in the past 6 months.

What would your City do if your police officers responded to a domestic violence call and the victims are in a life-threatening situation, the victim(s) have nowhere else to go and YCC did not exist to provide services? Is your city/county funded to spend at least \$65 a night for shelter, \$25 a day for food, clothes, case management, transportation, classes and advocacy in securing resources for each victim? This would be a minimum of \$150 a day X the average stay of 45 days = \$6,750 to move to self-sufficiency.

All other shelters in State but Richfield, get funding from cities and counties. SL County gives \$140,044 per year to their 181-bed shelter (YWCA SLC Shelter) and \$62,000 to a 53-bed shelter in West Jordan (South Valley Sanctuary). The surrounding cities and municipalities give another \$336,147 to the YWCA and another \$38,300 to the South Valley Sanctuary.

This is \$1,892.00 per bed in the West Jordan shelter and \$2,630 per bed for the YWCA SLC.

FYI, we also receive less funding from the State of Utah than some smaller and more rural shelters because there are rules for how they spread out the amount that is allotted.

The YCC is humbly asking the City to help with donations totaling \$2,459.00 per bed for 2018, based on all of the services we perform constantly and consistently for your most vulnerable citizens. The YCC seeks \$150,000 per year; they first asked in December of 2016 by attending City Council meetings in all cities in the County. YCC is extremely grateful that the Weber County Commission generously gave us support as well as the following cities: Ogden, Roy, North Ogden, West Haven, Pleasant View, Hooper, Farr West, and Plain City. We really cannot thank you enough! We would like to invite all WACOG Members to a catered luncheon and quick tour of our facility at YCC at 2261 Adams Avenue on March 29, 2018 at noon.

YCC's partnership request for 2018:
Weber County Commission's yearly commitment \$50,000

Each city would commit the other \$100,000 among them, an amount based on their respective percent of county population

Weber County Population 2016	247,560	Percent of county	Requests for Services
Latest Census		Rounded Up	
Ogden	86,701	35%=\$35,000	
Roy	38,201	16%=\$16,000	
North Ogden	18,791	8%=\$8,000	24
South Ogden	17,094	7%=\$7,000	
West Haven	12,329	5%=\$5,000	
Pleasant View	9,716	4%=\$4,000	
Washington Terrace	9,198	4%=\$4,000	
Riverdale	8,710	4%=\$4,000	
Hooper	8,466	3%=\$3,000	
Farr West	6,755	3%=\$3,000	
Plain City	6,493	3%=\$3,000	
Harrisville	6,376	3%=\$3,000	
Marriot-Slaterville (2000 census)	1,740	1%=\$1,000	
Uintah (2000 census)	1,333	1%=\$1,000	
Huntsville (from website)	647	0%	
Rest of County Unincorporated	15,008	16%	

Note: Per the Weber County Attorney for 2017, they had 83 cases of child sex assault and 125 cases of adult sex assault/rape. These were the reported cases.

Council Member Fawson stated that through her private employment she often refers people to the YCC and takes advantage of the volunteer and paid advocates that YCC provides for Weber County. She stated it might be helpful for the Council to know of the number of people from the North Ogden area that have been sheltered at YCC in the past year. Ms. Smith stated that over the past six months, the YCC has sheltered 24 people from North Ogden; that number could be doubled to determine the requests for service for a one-year period. Council Member Fawson addressed the Council and stated that YCC provides a service to North Ogden through Weber County and she would encourage the Council to consider providing the contribution requested. The shelters provide a great service to the community and the City should pay a portion of the costs associated with this service. She stated she is in favor of the contribution.

Council Member Swanson inquired as to the amount of the contribution given to YCC in last year's budget, to which Mr. Call answered \$8,000 and added he believes that is the amount of the contribution that has been included in the tentative budget for the coming fiscal year.

Council Member Swanson motioned to approve the requested contribution of \$8,000 for YCC. Council Member Fawson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER A REQUEST FROM COLDWATER ANIMAL HOSPITAL CONCERNING PARKING

A letter from Dr. Poll and Dr. Shupe, owners of the Coldwater Animal Hospital, was included in the Council packet to explain their interest in purchasing/leasing property in Pleasant View adjacent to the parcel they currently own. The reason for their interest in acquiring the property is to allow for additional parking, especially with the upcoming improvements planned for Washington Boulevard; the doctors fear the access to their facility may be hindered during this project. The Hospital is interested in knowing any plans the City has for the property and feels that a parking facility would add value to both the hospital and City property (which was previously the home to the Public Works Facility) while still allowing easy access to the cell tower in the area.

Dr. Shupe summarized the request detailed in the letter and presented a conceptual plan for the layout of additional parking space on the subject property.

City Administrator/City Attorney Call stated that if the Council decides to give up the City's interest in the property, it would be necessary to declare that property as surplus property available for sale or lease; the City could place parameters on that declaration to limit the opportunity to acquire the property to certain individuals or entities.

Council Member Swanson asked Public Works Director Espinoza to provide information about the City's future plans, if any, for the subject property. Mr. Espinoza indicated that the property is used for staging and storage of construction materials. He noted he does not believe the Hospital's proposed use of the property for parking would hinder the City's operations at the site. The Council engaged in discussion regarding the process the City would be required to follow to determine if sale or lease of the property is appropriate. Mr. Call stated that City Administration can solicit a market analysis or appraisal of the property to determine its worth and he advised the Council to set a public hearing to allow for public input regarding declaring the property as surplus and available for sale or lease.

Council Member Cevering motioned to set a hearing to consider the request of Coldwater Animal Hospital to purchase or lease City property to provide additional parking area for their facility. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO CONSIDER MINOR REVISIONS TO CHERRY SPRINGS VILLAS DEVELOPMENT AGREEMENT A15-2017

A staff memo from Planning Director Scott explained that when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action.

Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

The property located at approximately 100 East 2700 North was rezoned by the City Council on June 13, 2018 from RE-20 to the Master Planned Community zone (MPC-LVSC). The City Council approved a development agreement as part of this rezone.

Development Agreement:

Staff has worked with applicant who is now ready to record this subdivision. There have been identified several clean-up items to that development agreement that need to be rectified. The attached development agreement does the following:

- Change the legal entity from Leisure Villas to Cherry Springs Villas
- The developer is Jack Cove, LLC

Protection Strip:

The applicant is completing a complete section of 300 East between 2600 North and Pleasant View Drive. 150 East borders the west boundary of the North Ogden Ranchettes subdivision. There is the potential for the westerly lots with in this subdivision to be rezoned and further subdivided. If that occurs, then the Cherry Springs Villas applicant desires to be reimbursed for half of the cost of 150 East.

Legal staff has prepared a protection strip agreement.

CONFORMANCE WITH THE GENERAL PLAN

The following excerpt from the General Plan describes the parameters for using the Master Planned Community Zone. The proposal is consistent with the following General Plan provisions. Residential Development.

Multi-family

Multi-family residential areas traditionally include rental apartments and condominiums and are often located along major arterial streets, adjacent to community commercial centers, or adjacent to existing multi-family developments. Multi-family residential areas also allow for business and professional offices which can be creatively mixed with housing areas. The appropriate location of this type of land use can provide residential dwellings adjacent to commercial developments to create a downtown environment. Appropriate areas lie generally along Washington Blvd. and 2600/2700 North. In the General Plan (see Figure 5), these areas are suggested to complement more intense commercial uses and buffer adjacent single-family homes. The zones used to accommodate higher densities are the R-3, R-4, and the Master Planned Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the community goals of creating higher quality buildings, and better site design.

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

- Should the development agreement be amended?
- Should a protection strip be approved?

The memo concluded staff recommends that the City Council approve the amended development agreement and protection strip agreement.

City Administrator/City Attorney Call reviewed the staff memo.

Council Member Swanson motioned to approve Agreement A4-2018, minor revisions to Cherry Springs Villas Development Agreement A15-2017. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION TO CONSIDER A PROTECTION STRIP AGREEMENT FOR CHERRY SPRINGS VILLAS.**

City Administrator/City Attorney Call noted that this item is related to agenda item five and the purpose of the protection strip agreement is summarized in the staff memo for that item. He facilitated a review of the proposed protection strip agreement between North Ogden City and Jack Cove, LLC for the Cherry Springs Development. He reviewed the site plan for the project and identified the location of the protection strip as well as the locations of infrastructure improvements to be installed and facilitated a discussion among the Council regarding the process any property owner would need to follow if they desire to connect to the road along the protection strip in the future.

Council Member Swanson motioned to approve Agreement A5-2018, a Protection Strip Agreement for Cherry Springs Villas as discussed. Council Member Turner seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. **DISCUSSION AND/OR ACTION TO CONSIDER A REQUEST FOR CURB AND GUTTER DEFERRAL AT 1082 E 2850 N**

A staff memo from Planning Director Scott explained when the City Council is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the City Council if the application demonstrates compliance with the approval criteria.

The applicant is requesting that the City Council grant a deferral from installing curb, gutter, and sidewalk improvements for the frontage on lot 13 (formerly lot 11R) of the Oak Forest, 1st Amendment Subdivision.

The Oak Forest Subdivision was approved in July of 1996. 2850 North was approved with a temporary turnaround at the east end of the subdivision. The temporary turnaround consists of a concrete slab that extends into the front yard of lot 13, the Michel's property.

The Oak Forest Subdivision, 1st Amendment was granted final approval on February 7, 2018. The notice of decision required that curb, gutter and sidewalk be installed on the frontage of 2850 North Street to replace the existing temporary turnaround improvements. The applicant was given the choice of installing the improvements or seeking a deferral from the City Council. The Michel's are requesting that the City Council grant a deferral.

The vacant property to the east was approved as the Paramount Estates subdivision in 2017. 1100 East was improved on the east side of lot 13 and all improvements for 1100 East are in the process of being installed. The Michel's were required to pay for their share of the improvements on 1100 East.

The City Council makes the decision on granting deferrals. There are no specific criteria for granting a deferral.

The memo offered the following summary of potential City Council considerations:

- Is there sufficient justification to grant a sidewalk deferral for the Oak Forest Subdivision, 1st Amendment?
- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning Ordinances?

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential.

The memo concluded minor subdivisions are approved by Administrative staff, but this matter is policy decision for the City Council to determine whether to grant a deferral.

In Planning Director Scott's absence, City Administrator/City Attorney Call reviewed the staff memo. He reviewed an aerial photograph to identify the location of the subject property and he referenced the portion of the property for which the sidewalk deferral has been requested.

Council Member Turner inquired as to whether similar deferral requests have been granted by the City in the past. Mr. Call answered yes, but noted there is no other situation where hard surface material had already been placed in the vicinity where the sidewalk would have otherwise been required. He stated asphalt has been placed along the subject property that could be used for a pedestrian to traverse the area. He added that a deferral agreement should be approved if the Council agrees to proceed with allowing

the deferral and that agreement can be provided to the Council during the next business meeting.

Council Member Swanson referenced the two deferrals that have been granted in the past and stated that in both cases there is no existing sidewalk along the roadway, which was used as justification for granting the deferral. In this case there is existing sidewalk on both sides of the road or plans to install sidewalk in the near future. This instance is unique in that hardscape and asphalt has been placed along the property and he wondered if approving this deferral would set a precedent for the future. He stated his personal opinion is that there is not sufficient justification for approving the deferral at this time. This led to philosophical discussion and debate among the Council regarding the justification for the deferral, after which the applicant was invited to address the body.

Paul Michel stated that his main concern is that he recently incurred a \$35,000 expense and he cannot afford to install sidewalk at this time. He emphasized there is currently asphalt along the property that can be used by pedestrians to allow them to be out of the roadway. He noted he is not opposed to installing sidewalk in the future, but he cannot afford that expense at this time. Rebecca Michel added that she and her husband have incurred several unforeseen expenses that they did not initially understand they would be responsible for as a result of subdividing their property and they are now trying to make the best of the situation.

Mr. Call noted that the way the deferral agreement would be written, it would include a timeframe for installing the improvements at some point in the future.

High level discussion then centered on any impact the deferral could have on the City relative to infrastructure maintenance and snow removal, after which Council Member Fawson wondered if the City is placing an undue burden on a property owner by requiring sidewalk installation after they have already been required to pay for the construction of a road. She stated she is comfortable deferring the sidewalk to a certain point in the future or deferring the requirement altogether and never requiring the property owner to install the improvement. Council Member Stoker agreed in part, but noted that a specific date should be included in the agreement so that both parties have reasonable expectations and can anticipate the cost for moving forward with the improvements.

Discussion then centered on the separation of property owned by the City and the applicant; Mr. Call identified the public right-of-way line separating the applicant's property from public property, after which Council Member Swanson reiterated his concern about setting a precedent for future potential deferral requests. The City made the decision several years ago that deferrals would no longer be granted except for in extreme situations and he is unsure this situation can be defined as extreme. He stated he understands the burden on the applicant as a result of significant expenses for infrastructure construction associated with their development and would not have a

problem deferring the sidewalk to a defined date, whether that be three years or five years, but he is not in favor of a permanent deferral. He stated that his main concern is that there will be sidewalk on both sides of the subject property and that sidewalk will end at the subject property because there is asphalt in that area.

Mr. Michel stated that he and his wife are planning to sell another portion of their property in the future to generate a revenue source to cover costs associated with the development of their property and at that time they could proceed with installation of the sidewalk.

Council Member Fawson stated that she is comfortable with approving deferral of the sidewalk for a three-year period; she feels that is a fair compromise for all parties. Mr. Michel stated he would be comfortable with that same time frame.

Council Member Cevering motioned to accept a request for curb and gutter deferral at 1082 East 2850 North until October 2021 and asked that staff proceed with negotiation of the deferral agreement to formalize the Council's acceptance. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Council Member Turner asked what would happen if something were to occur that would prevent the applicant's from proceeding with the installation of the sidewalk in three years. Mr. Call stated the Council would have the ability to extend the deferral at that time if they see fit.

8. DISCUSSION AND/OR ACTION TO CONSIDER LETTING THE MISS NORTH OGDEN PAGEANT BECOME ITS OWN 501(c)3

City Recorder Spendlove reminded the Council of discussion that took place during their March 6 meeting regarding the potential creation of a 501(c)3 entity for the Miss North Ogden Pageant, which would give pageant directors complete control over funding for the event. She reported that she and Council Members Swanson and Turner met this

afternoon to discuss the matter and they were supportive of the creation of the entity and propose incorporating “Cherry Days” in the name of the entity.

Hannah Goodrich, Pageant Director, stated that she met with the Pageant Board last week and they are also recommending a name change for the pageant; when the pageant became part of the Miss America Organization, they changed the name of the pageant to conform with guidelines restricting the use of the name of a local festival or event. The name was changed from Miss Cherry Days to Miss North Ogden at that time. The Board is now recommending changing the pageant to Miss Northern Utah to allow participants from cities outside of North Ogden, but they recognize that North Ogden is the heart of the organization and they would still like to work with the City to remain involved in the Cherry Days celebration.

Discussion centered on any limitations that could be placed on the pageant to limit entrants from cities outside of the area immediately surrounding North Ogden. Council Member Turner asked if any City funding provided for the event will be managed by the 501(c)3 entity. Mr. Call clarified that the City does not provide funding for the event; rather, the City collects donations for the event and manages those donations on behalf of the Pageant. Upon creation of the 501(c)3 entity, the City will no longer have control over those donations and they will be managed by the Pageant Director.

Ms. Spendlove asked that Ms. Goodrich follow-up with the Miss America Organization to ensure that use of the name “Cherry Days” in the Pageant name would be prohibited. Ms. Goodrich stated she would be happy to do that. She added she always wants to maintain her relationship with North Ogden City and would like to continue to be involved in the Cherry Days Celebration.

Council Member Cevering motioned to approve the creation of a 501(c)3 entity for the Pageant and requesting the use of the name “Miss North Ogden” in the title of the Pageant. Council Member Turner seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

9. **DISCUSSION ON CUL-DE-SAC LENGTH**

Council Member Fawson noted that Paul Mackley has requested that the Council consider extending the maximum length for cul-de-sacs in the City in areas that are considered to be 'in-fill development'. She reviewed a letter drafted by Mr. Mackley's representative, as follows:

Introduction:

Paul Mackley owns a parcel that is actually in Weber County but is surrounded by North Ogden City. The desire is to appropriately annex and develop the property per residential standards compatible with the neighboring properties. The area around the proposed Mackley subdivision has excellent inter-looping traffic circulation (see attached map Mackley-Area). 1700 North Street, Monroe Blvd, 1850 North Street, 800 East and 850 East all provide excellent circulation in close proximity to the Mackley site. The question has arisen whether installing an on-site westward stub street from the 775 East Street bulb is really beneficial - the preliminary staff mandate is based on 775 East Street being at the City's current maximum cul-de-sac length of 600 feet. The Mackley cul-de-sac would extend 775 East Street approximately 250 feet.

As mentioned above, the area around this proposed infill development already has excellent inter-looping traffic circulation. It's been advanced that a westward stub street be connected from 775 East Street to the west subdivision boundary; eventually the street would ultimately connect to Monroe Street. From a practical development standpoint, the westward stub street is awkward. Dr. Mackley's estate house will remain on the north and is the fee simple owner of the eastward area from Monroe Blvd.- there's no compelling reason to believe there will ever be an additional lot on the north Estate side accessing from the south due to the location of the large residence. Subdividing the parcel on the south of Dr. Mackley's house parcel is somewhat of a financial stretch as only one additional lot could be garnished - installing a full City street without new lots being served on both sides of the street is probably not an economically feasible venture. If the ultimate connecting street were of major traffic circulation importance, the need for such might perhaps be obvious. However, with the 1700 North-Monroe Blvd-1850 North/800/850 East looping system, there is little reason for area residents to traverse through a 775 East Street loop.

Cul-de-Sac Length

The issue narrated above pivotally centers around internal cul-de-sac length in an in-fill environment. The matter does not revolve around a rural cul-de-sac appendage that has no close proximity to an urban setting. Further, the most appropriate street extension for 775 East would have been northward to 1850 North. Hindsight can be easily critical - this is not to proffer inadequacy of an already good inter-looping traffic system as mentioned above, but to point out that

this appears to be a situation where a cul-de-sac length extension is most appropriate in this in-fill setting.

Communities adopt a length of cul-de-sac parameter generally with no sound reasoning. Usually a number is 'pulled out of the air' but no one can really point to any validating study saying why 400 feet, or 600 feet, or 800 feet, or 1200 feet is proper. Conversations sink into a subjective battering of ideas based on traditional, personal, or 'I just feel that _____ feet is right' suppositions.

The International Fire Code

Factual research studies discussing when a secondary access is truly necessary would be welcomed. The only known written standard, and this is based on an emergency response situation, would be from the International Fire Code (attached) which declares a standard of 30 homes in a single family residential setting before a second access is required. Farr West City moved from a length-of-cul-de-sac parameter to the International Fire Code standard of 30 homes (attached).

Conclusions

In-fill environments create situations that can render a strict application of limiting cul-de-sac length aspects to be short-sighted when applied to an in-fill setting. The International Fire Code (IFC) is the 'Bible' so to speak for emergency/first responder personnel and has a clear written declaration regarding secondary access for residential development based on number of units served. It is hereby advanced that North Ogden City adopt a length of cul-de-sac standard similar to Farr West City based on the IFC, with particular applicability to in-fill developments with good surrounding area traffic circulation.

Council Member Swanson stated he would be interested to hear from the Fire Marshall regarding this matter. Fire Marshall Barker stated that the IFC provided a maximum cul-de-sac length of 750 feet and the North View Fire District has taken the position that they are not supportive of exceptions to this regulation, but such an exception would ultimately be the City's decision.

Discussion centered on exceptions that have been made to the maximum cul-de-sac length regulation in the past, after which Council Member Fawson stated she feels an exception is appropriate in this situation given the uniqueness of this property and the fact that it will be used for in-fill housing. Mr. Mackley is not planning to locate a large number of lots on the property and she feels that the proposal would not be burdensome to the City or the Fire District. Mr. Barker stated there are two stub roads in existence and it appears that there have been plans to eventually connect those stub roads through the property and a cul-de-sac may not be needed. He stated he is not comfortable recommending an exception to the cul-de-sac regulations until he has more information about the reasons to vary from those plans. He added that the City's current ordinance has

a maximum cul-de-sac length of 600 feet and he would recommend that the City either follow its own regulations or the IFC.

Council Member Swanson invited input from Mr. Mackley's representative, Jim Flint. Mr. Flint, Engineer, approached the Council and referenced a map of Mr. Mackley's property to illustrate the fact that there is already appropriate circulation in the area and it is not necessary to provide connectivity through the Mackley property and other stub roads in the area. He stated there are options for the City to consider an exception to its cul-de-sac regulations as well as the IFC regulations, specifically given the number of homes that will be accessed via the cul-de-sac and existing development in the area.

Mr. Call clarified the current land use ordinance of the City does not provide the Council with the authority to waive the cul-de-sac length requirement; if the Council is in favor of considering an exception to the ordinance, it would be necessary to consider an ordinance text amendment, which would require a recommendation from the Planning Commission. Council Member Turner stated he would like to hear the input from the Planning Commission. Mr. Flint stated he appreciates the Council's open consideration of Mr. Mackley's proposal. Mr. Call then facilitated discussion among the Council to gather feedback from them regarding the issues they would like for the Planning Commission to consider. Council Member Swanson stated that he would like for the Planning Commission to consider the issue from all vantage points; he noted that they should take into consider the Fire District's position as well as Mr. Mackley's position based upon input from Mr. Flint, his engineer.

Council Member Fawson stated she also would like for the Planning Commission to consider all information that has been presented by the Fire District, City staff, and Mr. Mackley and forward information to the Council for a more meaningful discussion in approximately one month.

10. DISCUSSION ON RESTRICTING HOUSING DEVELOPMENT AT BARKER PARK

Council Member Swanson stated this matter has been a topic of discussion for several years and he believes that there is no longer consideration of selling property at Barker Park for subdivision into residential lots. He stated that through conversations about this matter with City officials and others, he feels it would be appropriate to proceed with a conservation easement for the property to prevent any of the area from being sold for residential development. He asked if the Council is comfortable moving in that direction at this time.

The Council engaged in high level discussion about the purpose of a conservation easement and the history of the consideration of this issue in the past, ultimately agreeing that it would be appropriate to proceed with consideration of the easement at this time

and Mr. Call provided an overview of the process the City would follow to enact the conservation easement or deed restriction for the property.

Council Member Fawson stated her only concern is the fact that this action could result in binding future Councils. She would prefer that the City simply choose to follow the original agreement between the City and the Barker Family without creating additional restrictions on the property. Council Member Cevering stated he understands those concerns, but he feels that the discussion has been going on so long and it is time to take action to allay any concerns that any resident may have about the potential for the City to sell Barker Park property for residential development. Council Member Swanson agreed and stated that while he is always hesitant to bind future elected officials, he feels this situation is unique and a final decision needs to be made.

The Council concluded to direct staff to prepare documentation that can be acted upon to proceed with consideration of a conservation easement, with clear direction regarding the parties to the agreement and any person to whom the ownership of the property would revert to in the case of default in the future.

11. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AUTHORIZING THE APPOINTMENT OF A TEMPORARY JUSTICE COURT JUDGE

City Administrator/City Attorney Call explained this action item is a formality in that the City is required to act to appoint a Justice Court Judge; when the City's regular Judge is unable to preside over the court due to vacation or illness, it is necessary for him to call on a temporary Judge to act on his behalf. The proposed resolution provides a list of Judges that could be called upon to act in that capacity.

Council Member Swanson motioned to accept Resolution 01-2018 to authorize the appointment of a temporary Justice Court Judge. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

12. **DISCUSSION ON QUARTERLY FINANCIAL REPORT**

Mayor Chugg reported this item has been removed from the agenda and will be discussed during an upcoming budget retreat meeting.

13. **DISCUSSION AND/OR ACTION TO CONSIDER THE PROPOSAL FOR THE WEBER COUNTY ISLAND ANNEXATION**

A packet of information provided by City Administrator/City Attorney Call provided maps identifying island parcels to be annexed into North Ogden City. Mr. Call reviewed each of the maps and solicited Council input regarding the parcels for which they would like to proceed with a “fast tracked” annexation process. He also asked if the Council would like to request that Weber County participate in the cost associated with the annexation in order to relieve some of the burden on the City.

Council Member Turner stated that the Council discussed this issue just one year ago and he thought the decision made was to allow each individual property owner to determine whether they would like to proceed with annexation rather than having that decision made for them by the City and the County. Mr. Call stated that is correct, but Weber County has recommended the annexation of the properties and it is now up to the City to decide whether to accept the County’s recommendation or deny the recommendation and fall back on the decision made a year ago to allow residents to proceed individually.

Council Member Swanson inquired as to the justification for proceeding with the “fast tracked” annexation. Mr. Call stated that the plausible reason from the County’s perspective relates to the entity that should be responding to issues at an island property; for public safety issues, there may be a question regarding whether the County Sheriff or City Police Department should respond. Council Member Swanson asked if that issue could be addressed more simply through an interlocal agreement.

Council Member Fawson asked if any of the individual property owners would have the opportunity to opt out of the “fast tracked” annexation process. Mr. Call stated that all property owners were given notice by the County before they passed an ordinance recommending the annexation; therefore, it is not necessary for the City to notice those individuals or hold a public hearing.

Council Member Swanson stated he would not be opposed to sharing the costs of a survey for those property owners who want their property annexed into the City, but he is concerned about forcing the annexation of properties whose owners are not desirous of that annexation. He stated he feels there are other avenues for addressing response concerns without forcing the annexation of all island properties.

After continued debate and discussion about the appropriateness of proceeding with the County's recommended annexation, the Council ultimately concluded to consider each island property on a case by case basis rather than accepting the bulk annexation recommendation.

14. PUBLIC COMMENTS

Julie Anderson, 940 E. 2600 N., stated that she would like for the island properties that are located in Weber County to be left as they are so that they may remain rural in nature. She then commended Hannah Goodrich for her work on the Miss North Ogden Pageant; she noted she has worked to organize rodeo queen contests in the past and she noted the City currently has North Ogden royalty in the North Ogden Junior Posse, which has been in place since 1956. She stated the Council can rest assured that the name North Ogden will always remain with that pageant and the youth that participate in the event represent the City very well. She concluded by thanking the Council for considering the conservation easement for Barker Park; the park is a beautiful gem in the City and should be protected from residential development in future generations.

Bill Barker stated he is the owner of Cold Springs Trout Farm, which is on an unincorporated island of property. He thanked the Council for their discussion of the County's bulk annexation recommendation and indicated he feels it has been handled very fairly. The County Commission recommended that large tracts of agricultural lands remain agricultural in nature. He stated he attended the County Commission meetings regarding the matter and he later spoke to a Commissioner who felt it was appropriate to preserve agricultural tracts and that he would not recommend annexing them. For that reason, he was surprised to see the bulk annexation recommendation include his property and others. He stated that he wants to be clear that he does not want to annex his property into the City; there are benefits to remaining in the County that will make it possible for him to continue to operate his business.

Ryan Brown, 356 E. 2600 N., stated that he has also been concerned about the County's bulk annexation recommendation as well; he owns two parcels of ground: one is in the City and the other is in the County. He stated his concern is whether he will be allowed to keep his horses on his property if it is annexed into the City. He stated he also parks pieces of equipment on his property and he would like to be allowed to continue that practice if the decision is made to annex his property into the City.

15. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Stoker referenced the discussion regarding the County's bulk annexation recommendation and indicated that when the Council discussed the matter a year ago some of the same concerns were expressed by people who spoke tonight. She

still understands those concerns. Council Member Fawson reminded those present that there is a vacancy on the Council created by her resignation and she encouraged residents to become involved and consider applying to fill that vacancy. She stated that she has been pleased by the proactiveness of the Council, both past and present, and they have made the community a nice place to live. Many people find it easy to criticize those serving in elected roles, but very few step up to the challenge and consider serving in those roles. She challenged the residents to volunteer and consider this opportunity to participate in finding solutions for problems for the City, collaborating on issues, and making decisions regarding difficult issues. She stated that she has loved being a member of the Council and is thankful that the residents of the City trusted her to be assigned to this role; she is sad to leave this service behind to take a new job that will require her to move outside of the City.

City Administrator/City Attorney Call referenced the previous discussion regarding the conservation easement for Barker Park and noted the City has the ability to consider an action known as transferrable development rights (TDR), which would provide for the preservation of open space – such as Barker Park – with the knowledge that open space credits associated with that property could be assigned to another area of the City for which an applicant may be seeking approval of higher density development.

City Recorder Spendlove reported it is necessary to schedule the City Council meetings scheduled for March 27 in observance of political caucus meetings.

Council Member Swanson moved to cancel the March 27 regularly scheduled City Council meeting. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

16. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 9:08 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved