

**NORTH OGDEN CITY COUNCIL & JOINT WORK SESSION  
MEETING MINUTES**

June 5, 2018

The North Ogden City Council convened in an open meeting on June 5, 2018 at 5:00 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on May 31, 2018. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

PRESENT:	M. Brent Chugg	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	Carl Turner	Council Member

STAFF PRESENT:	Jon Call	City Administrator/Attorney
	Annette Spendlove	City Recorder/HR Director
	Rob Scott	Planning Director
	Evan Nelson	Finance Director
	Brandon Bell	Associate Planner
	Dave Espinoza	Public Works Director

VISITORS:	Rod Barker	Melanie Barker	Bob Napoli
	Brian Bartholomew	Kaylene Jeppsen	Brett Hamblin
	Janet Thomas	Lamont Thomas	Jim Shupe
	Craig Winder	Dave Marsh	Heidi Gross
	Eric Thomas	Susan Adams	Kevin Mikkelsen
	Stefanie Casey	Sean Casey	Tyler Crittenden
	Kim Christensen	Janis Christensen	Peggy Barker
	Susan Clements	Randy Winn	Aaron Christensen
	Karen Coleman	Ken Crockett	John Hansen
	Bob Buswell	Spencer Alexander	

1. **DISCUSSION AND/OR ACTION TO ENTER INTO A CLOSED MEETING FOR REASONS RELATED TO UTAH STATE CODE §52-4-205(1)(c) REGARDING STRATEGY REGARDING PENDING OR REASONABLY IMMINENT LITIGATION**

Council Member Swanson motioned to recess the regular meeting and convene in a closed meeting regarding strategy regarding pending or reasonably imminent litigation. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Meeting recessed at 5:09 p.m.

Meeting reconvened at 6:00 p.m.

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

**CONSENT AGENDA**

2 & 3. **DISCUSSION AND/OR ACTION TO CONSIDER MARCH 20, 2018 AND APRIL 3, 2018 CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve March 20, 2018 and April 3, 2018 City Council Meeting Minutes. Council Member Stoker seconded the motion.

Voting on the motion:

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

## **ACTIVE AGENDA**

### **4. PUBLIC COMMENTS**

Brian Bartholomew, 3712 Nebo Avenue, noted he spent an hour reviewing the City budget and there are a number of things that raised red flags for him; first is the \$700,000 allocation for the Barker Park Amphitheater project, which is an unnecessary expenditure in his opinion. He stated he has followed the court proceedings regarding the project and he feels the judge overlooked the intent of the item before him and he would prefer that the City put the project on hold before the \$700,000 is expended. He added the budget also includes \$21,000 for a theatrical production at the Amphitheater and he thinks that should be removed because the City should not be in the entertainment industry. Additionally, he is confused by the amount of money allocated to employee benefits; in some cases, the benefits costs are nearly the same as salary costs. He feels that extra money is being thrown around and the City is 'having a good time with other people's money'. There is no reason the Council could not take 10 or 20 percent from each Department of the City and require employees to 'sharpen their pencils' in order to give money back to the citizens. He has heard rumors that the City's recycling fees will be increased and that is concerning to him in the same budget that the City is considering funding the Amphitheater project. He referenced a project to build a public pond in the City and it is his opinion that is just another swimming pool, which is 'dead weight' that the citizens are forced to pay to maintain. The City should be funding necessities, such as utility infrastructure and public safety, but not entertainment venues. He concluded he would love to sit with each Council Member individually to discuss his concerns; his interest in the amphitheater project has been financially motivated from the beginning and it remains that way.

Jim Shupe, 276 E. Elberta Drive, thanked the Council for their service; he noted his grandfather and father both served on the City Council and he is familiar with the sacrifice associated with that service. He then noted he and his wife are building a new home on a flag lot in the City and he is seeking a variance to the ordinance that requires a paved driveway to be installed that is equal to the length of the lot. He stated he is on a 1.5-acre parcel that sits 297 feet back from the road. He has owned the property many years and the flag lot received approval 16 years ago. He thanked the several Council Members and City staff members that have visited his home to gain an understanding of

his situation and his variance request. He stated that in the 16 years he has owned the property, he has had the driveway rolled by a heavy-duty roller to compact the gravel; when the cement work is done, he will have 81 feet of cement in front of his garage and shop and this will leave 218 feet unpaved; he declared that the road is as hard as a rock and can handle heavy traffic. In fact, asphalt may be softer than his road. He asked the City to consider that each flag lot is different, and it is appropriate to consider a variance to the ordinance and waive the requirement for paving, which would cost him approximately \$10,000.

5. **DISCUSSION AND/OR ACTION TO CONSIDER A REQUEST BY VISIONARY HOMES FOR THE COTTAGES AT VILLAGE AT PROMINENCE POINT**

A staff memo from City Planner Scott explained Visionary Homes is the developer for the Age Restricted Cottages in the Village at Prominence Point. They are requesting that the Village at Prominence Point development agreement be modified to allow stucco as a building material for the Age Restricted Cottages. (See Exhibit A)

Agreement # A29-2017 specifies the building materials to be used in the Village at Prominence Point project. The original discussions for building materials focused on quality and durability. Stucco is not allowed as a building material in the entire project. Allowing stucco would be a departure from the original expectation for having durable and quality materials.

The development agreement states:

d. Age Restricted Cottages

i. Exterior materials, on vertical surfaces shall be of cementitious siding, hardboard, and stone veneer, with the exceptions of windows and doors.

The memo concluded this is a policy decision for the City Council to determine if stucco should be an allowed building material.

Mr. Scott reviewed his staff memo.

Craig Winder, Visionary Homes, stated that since the time that Visionary Homes acquired the portion of the project that will be developed with the age restricted cottage land use, construction costs have increased by approximately 20 percent; he is trying to reduce costs for the construction of the cottages to reach a price point that is competitive in this market. He stated he would like to use stucco rather than hardie board and he sees stucco as a very high quality and durable product. The material would be used on the rear and side elevations of the units and he would also like to use stucco on the townhome units. The cottages will be between 1,500 and 1,800 square feet and they will be marketed to exacting buyers; the average cost per unit will be \$330,000 to \$350,000 and it will be necessary to use high quality products in order to achieve this unit cost.

Council Member Turner asked if the product to be used is actually stucco or is an exterior insulation finishing system (EIFS) material. Mr. Winder stated he is unsure the answer to that question and he has reached out to the project owner to get that information. Council Member Turner discussed the difference between the two products and indicated that EIFS is not as high a quality product as stucco.

Council Member Cevering acknowledged the Village at Prominence Point project was approved prior to the Council's consideration of the Form Based Code, but he asked if this requested change would be permitted by the Code. City Planner Bell noted that the Form Based Code specifies percentages of permitted building materials, but he is unsure whether it would allow stucco for the area in which this project is located.

Council Member Swanson stated when he saw this item on the agenda he was disappointed by the fact that there continue to be discussions and requests to vary from the decisions that have been made about this project. The City has spent 3.5 years discussing the project characteristics and the developer received approval of an increased density in exchange for using higher quality products. He wondered what density the applicant is willing to sacrifice in exchange for a cheaper building material. He emphasized he is frustrated by this request.

Mr. Winder stated that the project owner indicated that Visionary Homes would use stucco and not EIFS on the project. He then responded to Council Member Swanson's comments, noting that this is not a 'bait and switch' action on behalf of Visionary Homes. He stated he is frustrated that building costs have increased since his company assumed responsibility for this component of the project, but the development agreement was in place at that time. He referenced a study published by the Kem Gardner Institute at the University of Utah indicating that there is a challenge for builders to provide housing products that people can and will buy because of construction costs and high interest rates. He stated this is a change in circumstances that Visionary Homes is trying to deal with and he feels the proposal he has made is a reasonable one. Council Member Swanson stated he does not view the proposal as a 'bait and switch', but he reiterated the Council spent three years considering the type of product to be located at the site and they were careful to craft a development agreement that will ensure high quality for what will be a high-density project. Mr. Winder stated Visionary Homes is not proposing lowering the quality. Council Member Swanson stated that the project will be a 'stucco jungle' if three sides of each unit is stucco; the sides and rear of the buildings will not be what was negotiated by the Council on behalf of the residents. Mr. Winder stated Visionary Homes has conducted independent research and does not feel that using stucco on the rear and sides of the units will deter buyers. Council Member Swanson indicated he is not concerned about the potential buyers; rather, he is concerned about the residents currently living near the project area as the Council made commitments to them as this project was being debated.

Council Member Stoker stated that she is also frustrated by the fact that the City has been working on this project for over three years, but there have been many requests to alter agreements that have been made in the past. Mr. Winder clarified that Visionary Homes is not the developer that the City has been dealing with for three years; rather, they purchased a portion of the property from the developer eight months ago and this is the first request for an amendment that they have made. Council Member Stoker stated it is not the Council's fault that the developer stalled the project for such a long period of time and, during that time, construction costs increased. Mr. Winder stated that Visionary Homes is also not responsible for that situation; he noted that prices are what they are at this point and he is just trying to find a way forward. He stated he would like to work with the City and find a solution that is best for all parties. He is not trying to take advantage of the City or its residents; rather, this is simply a request to amend the agreement in response to market conditions.

Council Member Barker inquired as to the cost difference between hardie board and stucco. Mr. Winder stated he is unsure of the cost difference. Council Member Turner stated that the cost difference is significant; in fact, 20 percent may be a low estimate.

Mr. Winder thanked the Council for their time and asked that they consider the circumstances Visionary Homes finds itself in.

Council Member Turner stated he is not opposed to stucco and it may be beneficial for him to have more time to consider the request. Council Member Swanson indicated he also is not opposed to stucco and his own home contains stucco; the main concern is that the Council made a commitment to City residents who were concerned about the project, which would require higher quality building materials in exchange for the density of the project. He is hesitant to change the agreements that have been made and disappoint those residents.

**Council Member Swanson motioned to deny a request by Visionary Homes for the cottages at Village at Prominence Point. The motion died for lack of a second.**

City Attorney/City Administrator asked if the Council would like additional information from staff or the applicant in order to consider action on the application. Council Member Turner stated he would like for the Planning Commission to consider the request.

**Council Member Turner motioned to refer the application to the Planning Commission for a formal recommendation to the City Council. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**6. DISCUSSION AND/OR ACTION TO CONSIDER A SPECIAL EXCEPTION FOR THE MARSH SUBDIVISION LOCATED AT APPROXIMATELY 173 EAST 2000 NORTH**

A staff memo from City Planner Bell explained when acting in an administrative capacity, the City Council has limited 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 Planning Commission granted final approval for the Marsh subdivision at the May 16, 2018 meeting, with some conditions. That subdivision was required because a subdivision was recorded at an earlier point in time at the County without City approval. This was discovered as part of the applicant seeking a building permit for an accessory building he would like to build. The approval of the Planning Commission was granted for the subdivision with the condition that the property line is to be adjusted to either the location needed to dedicate the full right-of-way, or to another location based on the approval of a special exception.

Related to the subdivision that was approved on May 16, 2018, the applicant has applied for a special exception, by writing a letter requesting that he not be required to dedicate property behind the curb to the City for the right-of-way (See Exhibit A). This special exception request is seeking to eliminate the standard requirement as part of a subdivision application of dedicating the full right-of-way in front of this property, due to the existence of power poles, a wrought iron fence and stamped concrete along the front of the property, and the history regarding the property between the City and the applicant. At the same meeting that the subdivision was approved, the Planning Commission recommended that this special exception not be granted. In addition to his letter requesting the special exception, the applicant has also written a letter requesting certain assurances regarding the property be given by the City, (such as that the fence will be left in place), if the special exception is not granted (See Exhibit B).

The special exception ordinance has two sets of criteria that must be considered (i.e., the guidelines and prohibitions) when a special exception is requested (See City Code 12-1-12: SPECIAL EXCEPTIONS):

C. Guidelines: In granting Special Exceptions the City Council and Planning Commission shall consider the guidelines found below. To obtain a Special Exception an applicant is not required to achieve a positive finding for each guideline. However, each guideline must be considered and addressed in the findings before the Planning Commission and City Council with an overall determination of whether or not to grant the Special Exception. In certain situations, a finding related to one of the guidelines below may override considerations for the other guidelines.

1. The health, safety, general welfare, and the best interest of the City.
  - Staff Comment: Staff believes it is in the interest of the City to have the property for the same, full right-of-way width dedicated to the City, just as with all other subdivisions.
  - The recent sidewalk deferral for this property postponed the requirement for the installation of sidewalk (which installation would have been at the homeowner's expense). In contrast to a sidewalk deferral, removing the requirement for the dedication of the property altogether by granting a special exception would eliminate the likelihood of the sidewalk being installed, at any point in the future, even at the City's expense, because the City would not own the property where the sidewalk would be installed, and would need to purchase it from the applicant at a later date. If the special exception is denied, the property where a sidewalk may be located would be dedicated to the City without cost to the City, as is typical with all other subdivisions.
2. The impact on neighboring properties, including the ability to develop neighboring parcels in accordance with the general plan.
  - Staff Comment: Not requiring the dedication of the property required for the standard right of-way reduces the flexibility of the City to use the right-of-way as needed in the future, and as it is used in subdivisions throughout the City. Further, not requiring dedication of property sufficient to meet the full standard right-of-way width of 66' may set a precedent for not requiring the full right-of-way for other projects and properties in the future.
3. Unique character of the property such as physical surroundings, shape, topographical conditions, the use of natural features, preservation of a historical/cultural/community features.
  - Staff Comment: The subdivision has a power pole and a fence along the front of the property, and stamped concrete immediately behind the curb. Almost all neighboring properties have a sidewalk.
4. Community design including connectivity between subdivisions, including utilities, trails, roads, bus routes, parks, open space, and other similar considerations.



- Staff Comment: While a sidewalk deferral has been granted for this subdivision, granting a special exception greatly increases the difficulty of ever installing the sidewalk in the future (should the property be sold to another owner), or widening the road in the future. Not requiring the standard dedication of property as part of this subdivision, at this time, would put the City in a position where the City would need to purchase property in the future, which is typically dedicated to the City by the applicant, at the time of subdivision of a property, at no cost to the City. In particular, given that this area is on the way to the Orion Junior High school, as many sidewalks as possible are recommended.
5. Traffic Flow, safety, and future transportation requirements as outlined by the City Engineer.
- Staff Comment: The City Engineer’s full comments are included as a separate exhibit (See Exhibit C). Those comments may be summarized by stating that the current plat shows the right-of-way width is 17.5 feet short of the typical right-of-way, that the City Engineer is of the opinion that automobile traffic will be alright without the full property dedication (given that the street is already in place), and finally, however, that pedestrian traffic clearly wouldn’t be possible without property dedication for the full right-of-way width necessary to accommodate sidewalk.

D. Prohibitions:

1. The Special Exception will not in any manner vary the provisions of the zoning ordinance (Title 11).
2. The Special Exception will not be granted for monetary purposes, such as increasing the number of lots which can be sold.
3. Special Exceptions shall not be granted to the following provisions:
  - A. Cul-de-sac lengths
  - B. Lot sizes
  - C. Lot frontages
  - D. Width of drivable surface in the right-of-way
  - E. Slope of buildable area
  - F. Single access subdivisions
  - G. Utility requirements
  - H. Density

Staff Comment: None of these prohibitions listed above, in and of themselves prevent this special exception application from being approved. Staff’s reasons for recommending that this special exception not be approved, and that the property be required to be dedicated (as is required with other subdivisions), are listed in the earlier guidelines.

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

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Does the special exception request comply with the proposed Special Exception Code?
- Should the right-of-way dedication be required?

The General Plan map calls for this property to be developed as single family residential. The subdivision associated with this special exception has been approved with conditions, and meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan, as approved.

The memo concluded the Planning Commission has recommended to the City Council that the special exception not be granted, and that the applicant be required to dedicate property for the full required right-of-way, as is a standard requirement for all subdivisions.

Mr. Bell reviewed his staff memo and facilitated discussion among the Council regarding the timing and process for installation of a sidewalk at some point in the future when the City determines those improvements necessary. He clarified that this is not just an issue of granting a sidewalk deferral; rather, the Council should consider the dedication of the property upon which the sidewalk would eventually be constructed.

Mayor Chugg invited input from the applicant.

Dave Marsh, 173 E. 2000 N., stated that he is comfortable dedicating the 33 foot right of way width to the City because he is fairly certain that the sidewalk will not be deemed necessary in his lifetime. He would prefer to define the property line as back of curb to allow him to retain property that he has improved, but if that is something the Council is not comfortable with, he is willing to dedicate the 33-foot width.

Mayor Chugg invited input from Planning Commissioner Waite.

Commissioner Waite stated that the Planning Commission discussed the history of the development of Mr. Marsh's property and they felt that the property owner should not be punished for failure to follow the City ordinances relating to property dedication when he followed all defined processes and the error made was on behalf of the City. The Planning Commission recommended that Mr. Marsh be allowed to leave his improvements in place, but dedicate the needed property to facilitate the eventual construction of a sidewalk. He stated there is no sidewalk from Mr. Marsh's property to Washington Boulevard on the south side of the road.

High level discussion centered on options available to the Council that would allow Mr. Marsh to retain control of the portion of his property that he has placed improvements upon, while denying the request for the special exception.

Council Member Turner motioned to deny a special exception for the Marsh Subdivision located at approximately 173 East 2000 North allowing him to keep stamped concrete and fencing until road is widened. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. **DISCUSSION ON CAMPAIGN SIGNS**

Council Member Swanson motioned to table this item to another Council Meeting. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. **DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING THE HALL BROTHERS LAND CO. LLC AND ENSMINGER PETITION FOR PROCESSING TOWARDS ANNEXATION, LOCATED AT APPROXIMATELY 1500 EAST 2750 NORTH.**

Council Member Stoker motioned to move Agenda Item #8 to later in the meeting. Council Member Swanson seconded the motion.

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**9. PUBLIC HEARING TO RECEIVE COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED NORTH OGDEN CITY BUDGET FOR FISCAL YEAR 2018-2019**

A staff memo from Finance Director Nelson explained City staff is pleased to submit to the City Council, the proposed final budget for Fiscal Year (FY) 2019. The City Council adopted a tentative budget on May 1st. A public hearing will be held for the Final City budget as well as the Redevelopment Agency Budget on June 5th . Final adoption of the budgets is proposed to take place at the Council meeting and Redevelopment Agency Board meeting on June 12th .

The proposed Final Budget is provided in the attached document, in the column so designated. The "Tentative Budget" column contains budget numbers that were approved by the Council on May 1st . The far-right column shows the amount each account has changed since the Tentative Budget was approved. These few changes are explained below.

*Property Tax.* We have updated our property tax estimate based on the latest information from Weber County. They have not yet released final numbers. The current estimate is much higher than our previous estimate. The surplus is budgeted to go to fund balance. We hope to have an accurate estimate from the County in time for final budget adoption on June 12<sup>th</sup>. Also, we have separated out the RDA tax increment into a separate line. In the past, this was combined with the Property Tax revenue line. This is the amount of property tax the City has agreed to pass on to the RDA.

*Community Band.* The City received a grant in the amount of \$2,000 from RAMP for the Community Band. The check has already been received, but will be spent in the new fiscal year. The budget is adjusted to make use of this fund balance to expend the grant money in Fiscal Year 2019.

*2550 Intersection.* The City is working in partnership with UDOT to realign the intersection at 2550 North. The budget has been adjusted to utilize \$54,000 of Transportation Utility Fund money to pay for the City's portion of this project.

The funds are proposed to be transferred from the Transportation Utility Fund into the Capital Projects Fund.

Below is a chart detailing proposed budget changes for the items referenced in the memo above.

<b>DETAIL OF PROPOSED BUDGET CHANGES</b>		2018-19 Tentative Budget	2018-19 Final Budget	2017-17 Change
<b>Account Number</b>	<b>Account Title</b>			
<b>GENERAL FUND</b>				
<b>Property Tax</b>				
10-31-100	Property Tax	\$1,261,691	\$1,247,318	\$(14,373)
10-31-120	RDA Tax Increment		\$85,000	\$85,000
10-80-810	Transfer to Fund Balance		\$70,627	\$70,627
<b>Community Band</b>				
10-38-900	Beginning Balance	\$-	\$2,000	\$2,000
10-62-420	Community Band	\$-	\$2,000	\$2,000
<b>2550 Intersection</b>				
23-40-800	Transfer to Capital Projects	\$-	\$54,000	\$54,000
23-40-810	Transfer to Fund Balance	\$227,000	\$173,000	\$(54,000)
40-38-150	Transfer from Transp. Utility Fund	\$-	\$54,000	\$54,000
40-40-408	2550 Intersection	\$-	\$54,000	\$54,000

The memo concluded the Final Budget for FY19 contains major proposals to further the City's priorities. Some of these include:

- One new full-time Police Officer
- One Parks position moving from part-time to full-time
- Addition of a grant-funded Victim Advocate position
- Merit wage adjustments as discussed in prior meetings
- Market increase in lifeguard wages
- One new full-time Storm Water position
- One new full-time Water Department position
- A re-designed vehicle replacement program
- Preliminary work on the 2600 North Intersection Project
- Preliminary work on the new Storm Water Basin/Community Pond
- Continued work on the Barker Park Amphitheater, funded in part through grants
- Replacement of a playground at North Ogden Park
- Phase III of the street lighting project on Washington Blvd.
- Regular road maintenance
- Preliminary work on a new water reservoir

- Continuation of the sewer pipe relining project
- Completion of the new Solid Waste storage building.

Mr. Nelson reviewed his memo.

Mayor Chugg opened the public hearing at 7:05 p.m.

Aaron Christensen, 2428 Barker Parkway, read from the following written statement:

“My comments today are expressed with a hope that your leadership can help our city rise to challenges we face with growth, restraint, and fiscal responsibility. Also, in light of recent events, it is obvious that remaining silent is considered endorsement of decisions made at the city level. Therefore, I am here to add my voice to the city record.

Looking at the proposed North Ogden City budget for the coming year, there are several items that should raise concern for all citizens of our city. From paying to have flowers on light poles and to have them watered, to building a 5-acre community pond, to ever growing taxes that have been labeled utility fee increases and of course the building of the largest municipal amphitheater in the state, our city government has lost its vision of the proper role of government.

Thanks to personal experience, I am most aware with the current Barker Park Amphitheater project. The proposed budget asks for the expenditure of another \$700,000 of taxpayer's money-call it RAMP, call it impact fees, call it general funds ... it is not the city's money ... it belongs to the taxpayers. To continue to pour additional funds into this project is reckless and wrong.

To date, we have seen no evidence from the city that there is any type of business plan for the commercial project being built in the park-and the contractor does consider it commercial in nature. Parks and Rec Director, Tiffany Staheli, recently testified under oath that the city only intends to use the amphitheater for theatrical productions, symphonies, weddings, festivals, recitals, talent shows and the likes. In that light, consider the following costs: power equipment for the new shop, upkeep on the equipment, and insurance for when someone gets hurt using equipment; how will you determine who gets to use the equipment?; is the city buying a grand piano for recitals?; how will that piano be kept in tune in a hot/cold facility?; are we going to install and run A/C or heat year round to keep the piano in tune?; are we hiring someone to clean up after events?; who provides security, insurance, can a piano teacher afford to rent out such a facility even if we only charge enough to cover costs of maintaining the facility-not looking for a profit? ; if we don't recoup actual costs for using the facility for recitals, talent shows, etc., exactly how much are we expecting other citizens to pay to subsidize the use of the amphitheater. These are things that should be known before using taxpayer dollars in what then becomes an experiment.

Some citizens are excited about shows coming in. However, according to Tiffany Staheli's testimony, the city has no intent of bringing in large commercial events like rock shows. She said the city intends to focus usage on community events. That testimony conflicts with statements from Mayor Taylor, who has encouraged concerts with Donnie and Marie, Tears for Fears, and a rave. As a member of the Arts and Amphitheater committee, I've started looking into contracts associated with some of those shows. According to booking agents, Donnie and Marie charge between \$150,000 and \$200,000 just for showing up-that does not include transportation, staffing, security, food, equipment, or a number of other expenses.

Other conflicts are present; relating to parking, Brent Taylor has indicated there will be four to five attendees per vehicle, but Council Member Swanson communicated the City is relying upon an estimate of three attendees per vehicle. He stated tomorrow the estimate may be six attendees per vehicle. City is either 1) deceiving 2) just saying what they think people want to hear or 3) just have no idea yet.

There are too many questions still unanswered. Pouring more money into this project at this point is reckless - you, the administration, council, and staff, are only guessing at what costs will be. After multiple discussions with management at other amphitheatres, it is obvious there is much more involved here than "if you build it, they will come." Citizens need to know what this is really going to cost year in and year out. He stated that he appreciates the service provided by the Council and asked that they put a hold on Phase 2 of the project until accurate numbers can be obtained and a feasible business plan can be worked out. Use the park impact fees in some of the other neighborhoods that are paying into the fund without receiving benefit of their own parks. Don't keep experimenting with our tax dollars."

Melanie Barker, 2524 Barker Parkway, stated she has heard several interesting comments recently; the City has commented that it needs to stick to the commitments made to residents and honor contracts entered into with the Barker family. She stated the Barker family made a contract with the City 20 years ago and the City made contracts with residents 20 years ago. The Barker family sold property to the City for \$37,500 per acre and the City turned around and sold that property to residents for \$60,000 per half acre and there were several requirements placed on the people purchased those building lots. There are many lies being spread about the amount of money the Barker family made off of the City, but truth is that the City made money off the residents by reselling the property; residents are now being ridiculed on the City's Facebook page with claims that their homes are ugly and are too large, but those are symptoms of the design standards and requirements placed upon the residents by the City. Additionally, the City provided those residents with a plan for a City park that included picnic tables, a bowery, and a small amphitheater that was large enough for a group the size of a classroom of kids to learn about the Indians that used to occupy the area. She stated that the amphitheater being built today is not representative of the City sticking to commitments made to the Barker family or to residents. The residents of development are tired of fighting elected

officials each time new Council Members or a Mayor are elected. She stated the City has spent \$800,000 and is planning to spend \$700,000 next year and it will continue to be costly to operate the facility and attract performers to the City. She stated she attended a recent Davis Arts Council meeting to listen to information about the operations of their amphitheater and they were excited about only having to pay \$75,000 to get a ventriloquist to the venue; that does not cover things necessary to make an event a success. She stated the amphitheater will eventually be a dark hole in the City; she is a piano teacher and she could never afford to rent the facility for an event like a piano recital; it would cost the City \$80,000 to locate a grand piano at the amphitheater and then keep it properly maintained and tuned. She asked that the Council consider things like this when determining whether it is appropriate to spend more money on the amphitheater project.

Sean Casey, 2444 Barker Parkway, stated the comments made by those that spoke before him are excellent, but he has a few things to add from a perspective of someone in an industry that would support the amphitheater. He stated the City has no idea what they are doing when it comes to this kind of project. He asked when the last time was a member of the Council attended an event or production at a nearby amphitheater and noted the lack of participation in those kinds of things makes the Council clueless and he is confused about why they are making decisions without that background. He stated that concerts are the types of events that make money for an amphitheater, not theatrical productions. He noted the amphitheater has a roof and bands will not play in an amphitheater with a roof. They also will not play at a facility where they have no control over artistic content. The only acts that will come to this amphitheater are 'has beens' that play in small municipal amphitheaters for \$200,000 because they like to relive their glory days. He stated that the City should really think about the first amendment problems they will create by trying to control content.

Brett Hamblin, 963 Deer Meadows Drive, stated he is not happy about the consideration of spending more money on the amphitheater project and it is now obvious to him that there was not enough discussion and consideration before the City decided to proceed with the project. He attended a meeting where Mayor Taylor was asked the annual cost of maintenance and upkeep for the amphitheater and his answer was that the City would find out once the project was done. He stated the tax payers should have that information before they can weigh in on whether to support this type of project. He then discussed the community pond project; he has heard of no planning or discussions about the project, except that it is going to happen. This is construction of a five-acre pond and it is necessary to consider the water supply and maintenance of the facility; he is nervous about proceeding with the project given the example of the lack of planning that took place for the amphitheater project. He stated that he has not heard of any public discussions about that project, yet it is listed on tonight's agenda.

Kevin Mikkelsen, 837 E. 2750 N., provided to the Mayor and each Council Member a list of taxes that American citizens pay; there are currently 99 taxes listed and the country's



founding fathers would be appalled. He stated he is a descendent of Samuel Adams, who was the perpetrator of the revolution against the British for excess taxation. The City needs to think carefully about any extra fees or taxes being imposed on all citizens. Families are forced to tighten their belts to live within a budget and government at all levels should be required to do the same. In the last 13 years he has not received a pay increase at the last two jobs he has held, but the City's budget includes pay increases for City employees. He stated it is interesting how more money can be taken from the taxpayer pocketbooks, but no consideration is paid to where the citizens will get the extra money needed to pay increased fees or taxes. He stated the amount taken from citizens can easily grow by \$5 from year to year and North Ogden should find a way to set the example of fiscal responsibility for other government entities rather than continuing to take from residents.

Bob Napoli, 816 E. 2750 N., stated he is also very concerned about the spending trends in the City's budget; over the past 12 years the City's population has increased by approximately 20 percent, yet utility rates have increased 120 percent. He now pays \$12 per month to North Ogden City for the privilege of having a cell phone and that is in addition to other taxes and fees. The City continues to take money from residents rather than making the decision to be self-sustaining. Additional fee increases or growing City staffing levels does not make sense when considering the population growth. He wished the Council would sharpen their pencils and decide against projects like a community pond, which seem to be risky and problematic.

Scott Barker, 2592 N. Barker Parkway, stated he is also concerned about the amount of money being spent on the amphitheater and where that money is coming from. The thought has crossed his mind about whether there will be enough money available to finish the rest of the park. He stated he has told people over the years that he would be dead before the project would ever start and now, in 2048, the easement will be dissolved. At that time, the City may choose to sell the property for building lots because there will be no money left for the project. He stated the amphitheater will never pay for itself and it will also need support from other areas of the City, but the right questions are not being asked about where that money will come from. He stated he is concerned that because of the amphitheater project, the rest of the plans for the park will be eliminated.

Kim Christensen, 2428 Barker Parkway, voiced her concerns about the fiscal responsibility of the City; she does not believe government should be in the entertainment business or providing fishing ponds. Rather, there are necessities that need to be taken care of for the citizens. She and several of her neighbors attended a Davis Arts Council meeting; they even invited members of the City Council to attend with them in order to get information about costs of operating an amphitheater. No Council Members attended, and, to her, that shows they do not care what it costs and that they will move forward regardless of what the citizens are saying. She referenced the community pond project and asked how much it will cost to build and maintain and whether the City will provide insurance in the event of a drowning accident. She stated these things are concerning to

her and she wonders when things like this will stop. She asked if the Council is considering the residents of the community in these projects; they should ask why people have moved here and many would say that it is because of the country feel, but that is being taken away. She asked that the Council consider the feelings of long time residents and those moving in and to also consider how they would feel if they were in these residents' shoes.

Peggy Barker, 2553 N. Fruitland Drive, stated that she was raised by very frugal parents, but she has watched the building being built at Barker Park and it is beautiful as promised; she does not understand the idea of stopping in the middle of the project without installing lights, sound equipment, and other finishes that will make the building usable. She stated she and Scott Barker participated on the Barker Park Committee and they dedicated their hearts and souls to the project and would like for the rest of the project to be finished. They were told this would be the beginning and the rest of the park will grow from the amphitheater and she believes that is still possible. As people come to the amphitheater and enjoy productions, the rest of the park will be possible. She stated she cannot drive past the amphitheater without hearing music and seeing the potential; it can be a special place and the City needs to continue on with it. She suggested that maybe the community pond project be delayed until final decisions can be made about the scope of the Barker Park project.

Brandon Mason, 1114 E. 3300 N., stated he is ignorant about the overall budget, but he heard a comment made about employee salaries and he wanted to voice his opinion about that issue. He supports a competitive wage for City employees. As a resident of the community, he feels he is the employer of those City employees and he supports competitive wages. He stated he does not want to overpay or underpay and if things like merit increases are taken away from employees, that will lead to turnover, which will eventually cost the City more money. He stated that as someone who has been eligible for pay increases each year he has been in the work force, he supports the same opportunities for deserving employees. He stated he is not someone who believes that just because someone is employed by the City that they are working for a higher purpose that does not include money; everyone considers employment as a way to support their family and the same is true for City employees.

There were no additional persons appearing to be heard.

**Council Member Swanson motioned to close the Public Hearing. Council Member Turner seconded the motion.**

**Voting on the motion:**

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

The motion passed unanimously.

The public hearing was closed at 7:34 p.m.

## JOINT WORK SESSION AGENDA – CITY COUNCIL & PLANNING COMMISSION

### 13. DISCUSSION ON WASHINGTON BLVD STREETScape

A staff memo from Planning Director Scott explained the Planning Department is working on a project that will establish a streetscape design for Washington Boulevard from the intersection of 2600 North to the City south boundary.

Two interns from Weber State have completed an inventory of the existing street cross section that includes the dimensions of the street, park strip, existing street furniture, street lights, and landscaping.

The next step will be to propose options for this design to the Planning Commission who will make a recommendation to the City Council.

One of the key components of this project is to identify a consistent street tree species for the park strip. Consistent with the North Ogden Cherry Days; it is recommended that two species of Cherry trees be approved.

Prunus serrulata Akebono\*

\*Prunus serrulata Yoshino may be used as a substitute to the above, at the discretion of the City Planner or his or her designee, after it has been demonstrated that diligent effort has been made to acquire the Akebono variety from 3 or more suppliers and they are not found to be available.

The memo concluded staff is recommending that the following species be approved so that they can be included with site plan reviews for properties along Washington Boulevard.

Mr. Scott reviewed his staff memo and used the aid of a PowerPoint presentation to provide photos of streetscapes in other areas where the two species of cherry trees being recommended are used. He stated these streetscapes are beautiful and he feels the same result can be achieved in North Ogden City along Washington Boulevard.

Mr. Bell stated that typically the goal would be to use a larger tree species, but there are challenges due to the presence of overhead power lines and the power poles on Washington Boulevard.

He facilitated discussion among the Council and Planning Commissioner regarding staff's proposal, noting Planning staff and the Planning Commission is looking for support from the Council and direction to pursue policy that would require developers to use the two species of cherry trees in streetscapes along Washington Boulevard. The Council ultimately agreed to direct staff to pursue a streetscape design policy, with attention to be paid to the life span of the trees being recommended as well as the required caliper of tree to be planted by anyone developing property along Washington Boulevard. Council Member Stoker asked that the Planning staff gather input from members of the Parks and Recreation Department who have expertise in horticulture. She would also like to hear from other cities that have enacted similar streetscape policies to understand some of the problems they encountered.

Planning Commissioner Nancarrow stated that she likes the concept of the cherry tree and the manner in which it aligns with the City's annual Cherry Days celebration; the beauty of the trees when they are in the blooming season is spectacular and a policy to require the trees on Washington Boulevard may create a draw and make North Ogden a destination during blooming season. Mr. Bell agreed and stated that street trees are a critical component of the development model for downtown North Ogden in the Form Based Code; a street tree policy will encourage walkability in the downtown area of the City.

#### **14. DISCUSSION ON THE PROCESS OF FORM BASED CODE**

City Planner Bell provided the group with information regarding the process to consider a Form Based Code for the City and solicited feedback relative to the proper public outreach process for the City to follow in advance of formal consideration of adopting the document. He provided background regarding the number of meetings and types of discussion the Planning Commission has participated in to this point, and noted that each of these meetings and the section of the Form Based Code to be discussed has been publicly advertised to allow public involvement. He noted that prior to pursuing further public outreach, such as open house meetings or public hearings, it would be his suggestion that the Council be very familiar with the fundamentals and principles of the Code. This would include the division of the City into districts, street types, and building types, all of which are geared towards encouraging walkability in the downtown and commercial areas of the City. The group engaged in philosophical discussion and debate regarding the intent of the various policies that make up the Form Based Code document, ultimately concluding to schedule a widely advertised public house prior to scheduling public hearings before the Planning Commission and City Council.

15. **DISCUSSION ON DOUBLE OTT RANCH**

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

The applicant submitted an application to rezone the property at approximately 200 East 2550 North from Suburban Residential (RE-20) to Master Planned Community Zone (MPC). The North Ogden General Plan and MPC zone were adopted on July 28, 2015 as an interim measure while the North Ogden General Plan was being updated. A form-based code will eventually replace the MPC zone.

The purpose of this joint work session is to identify those things the City Council and Planning Commission like about the project and identify any concerns they wish to be addressed.

The purpose of the MPC zone is stated in 11-7K-1 Purpose:

The purpose of the Master Planned Community Zone is to provide opportunities for creative and unique developments within North Ogden City. This ordinance includes guidelines for creating neighborhood-oriented village projects that may include a mix of residential, commercial, recreational and/or public uses.

An integral part of this Zone is a multistep review process to assure compatibility of proposed land uses with existing, and proposed adjacent neighborhoods, as well as the vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and walkable neighborhood centers, with integrated streets.

Proposed plans for development must follow or exceed design standards found within this ordinance. Specific plans shall be a reflection of a required development agreement.

The Planning Commission and City Council are discussing this application for the first time. The Double OTT Ranch proposal is for a mixed-use project (residential and commercial) that will be built in multiple phases.

The initial project will be an apartment complex similar to the neighboring Ranches project. The Master Planned Community zone has a range of 6 to 18 units per acre. They would like to have a density of 12 units per acre. The Ranches project has a density of approximately 9 dwelling units per acre.

The concept has 35 buildings with 3 to 6 units per building. The amenities are yet to be determined.

North Ogden City is working jointly with the applicant and property owner to relocate the detention basin from 2600 North to this property. That design will be forthcoming to the Planning Commission as a site plan review.

The applicant has provided a concept site plan and building elevations. There are colored renderings which will be available at the June 5 meeting

### **11-7K-9 MASTER PLANNED COMMUNITY ZONE CONFLICTS WITH OTHER REQUIREMENTS IN THE CITY CODE**

When the requirements of this chapter are found to be in conflict with other provisions of the City Code, the standards, requirements, and processes of this chapter shall take precedence, especially where a development agreement has been approved.

The Master Planned Community zone provides ultimate flexibility in applying design options for an applicant and the City. Where provisions conflict with existing code they may be modified in the required development agreement. There are several design issues in this project that are being requested, e.g., a modification of the parking requirement standard. As the Planning Commission reviews this project these standards should be identified, and a recommendation made to the City Council regarding these modifications.

Thus far Staff has not identified any areas where allowances will need to be considered. The applicant may be making requests as the design is finalized.

### **CONFORMANCE WITH THE GENERAL PLAN**

The General Plan map shows this as medium density residential; 6 to 18 dwelling units per acre.

The following excerpt from the General Plan describes the parameters for using the Master Planned Community Zone.

#### **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 Boulevard 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 Planning Commission and City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- Is the MPC request appropriate for this neighborhood?
- Does the application meet the purpose / intent of the MPC zone?
- Are there any standards that should be included in the development agreement?

The memo concluded staff advises that the Planning Commission and City Council review the application and identify any items they want the developer to address and specify those provisions that you want in the development agreement.

Mr. Scott reviewed his staff memo and he and City Administrator/Attorney Call provided a review of the concept plan for the project with a focus on the body of water that occupies the center of the property and is being recommended for utilization as a Pineview Water Systems pond, but not a fishing pond maintained by the City. Mr. Scott clarified that the pond itself is not part of the current application, but there has been much public discussion about the matter of the City possibly developing a community fishing pond and staff felt it appropriate to discuss that matter.

Applicant John Hansen stated that he initially purchased 15-acres of property and sold a portion for the construction of the Montessori School; he was left with nine acres and he and his partner initially envisioned constructing very nice townhomes that they would retain ownership of for rental purposes. However, there was reluctance to develop the entire site for multi-family housing and the decision was made to pursue a mix of residential building types that will still be high quality; the current housing trend is for buyers to purchase smaller homes on smaller lots with limited maintenance obligations to provide them with a more flexible lifestyle.

Mr. Scott then facilitated discussion among the Council and Planning Commission regarding the items they would like the developer to address in their concept plan before applying for site plan review and approval. There was a focus on maintenance and management of the property utilizing the aid of a homeowner's association (HOA), accessibility of the pond located at the center of the community, other amenities to be provided to residents in the development, parking accommodations, the potential use of the units in the development as short-term rental properties, and phasing of the project. Mr. Scott concluded that staff will work to address the items referenced by the Council with the applicant.

8. **DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING THE HALL BROTHERS LAND CO. LLC AND ENSMINGER PETITION FOR PROCESSING TOWARDS ANNEXATION, LOCATED AT APPROXIMATELY 1500 EAST 2750 NORTH.**

A staff memo from City Recorder Spendlove explained Cherie H. Ensminger and Hall Brothers Land Co. LLC submitted an application petitioning for annexation of 15.959 acres located at approximately 1500 East and 2750 North, North Ogden, Utah. As required by Utah State Code the Weber County Surveyor has reviewed the annexation plat map and finds it to be a correct plat. The property being proposed for annexation is within North Ogden City's Annexation Declaration Policy Map. The Petitioner is requesting a RE-10 Zone, which the Planning Commission will review and make recommendation to the City Council at a later date. The petitioner meets all the requirements to start the annexation process and it is recommended that the City Council accepts the petition to start the annexation process. A typical annexation takes 3 – 4 months due mainly to the certification of the petition, 3 week noticing requirements for the City to receive written protests, and Public Hearing. The petitioner will hookup to all City utilities.

City Administrator/Attorney Call reviewed Ms. Spendlove's staff memo and used the aid of an aerial photograph to identify the location of the subject property. He concluded acceptance of the petition this evening will commence the City's noticing process for this type of application.

**Council Member Turner motioned to accept the Hall Brothers Land Co., LLC and Ensminger petition for processing towards annexation, located at approximately 1500 East 2700 North. Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**



12. **ADJOURNMENT**

**Council Member Swanson motioned to adjourn the regular Council meeting and enter into an RDA meeting. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 9:25 p.m.**

## RDA AGENDA

### 1. PUBLIC HEARING TO RECEIVE COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED RDA BUDGET FOR FISCAL YEAR 2018-2019

Finance Director Nelson reported the City's Redevelopment Agency (RDA) budget consists of two funds: the redevelopment fund and the community development area (CDA) fund. The CDA fund has a \$0 budget for expenditures and revenues because there are no plans to borrow money from the RDA in the coming fiscal year; it is anticipated that the CDA will begin receiving tax increment in Fiscal Year (FY) 2020. The redevelopment fund has \$695,000 in projected revenues. He briefly reviewed various expenditures included in the redevelopment fund budget for things such as street lighting, the aquatic center debt payments, and offsite beautification projects and noted that \$269,523 is being set aside in a reserve fund for future use.

Board Member Cevering inquired as to the amount budgeted for use at the Aquatic Center, to which Mr. Nelson answered \$303,477.

Mr. Call explained that Redevelopment Agencies are created to collect tax increment for a defined period of time that would have otherwise been paid to other taxing entities; these other entities would have collected approximately \$290,000 in the coming FY if the RDA was not in existence. Mr. Nelson added that each taxing entity must vote to support the creation of the RDA and favorable votes are typically based upon the understanding that investment in an RDA area will yield higher tax revenues in future years.

Board Member Turner inquired as to the year the RDA will mature, to which Mr. Call answered 2022.

Board Chairman Chugg opened the public hearing at 9:28 p.m. There were no persons appearing to be heard.

**Board Member Swanson moved to close the public hearing. Board Member Turner seconded the motion.**

#### **Voting on the motion:**

<b>Board Member Barker</b>	<b>aye</b>
<b>Board Member Cevering</b>	<b>aye</b>
<b>Board Member Stoker</b>	<b>aye</b>
<b>Board Member Swanson</b>	<b>aye</b>
<b>Board Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

2. **PUBLIC COMMENTS**

There were no public comments.

3. **ADJOURNMENT**

**Board Member Swanson motioned to adjourn the RDA meeting and reconvene in the regular Council meeting. Board Member Turner seconded the motion.**

**Voting on the motion:**

<b>Board Member Barker</b>	<b>aye</b>
<b>Board Member Cevering</b>	<b>aye</b>
<b>Board Member Stoker</b>	<b>aye</b>
<b>Board Member Swanson</b>	<b>aye</b>
<b>Board Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**The regular Council meeting reconvened at 9:29pm**

10. **PUBLIC COMMENTS**

Brett Hamblin, 963 Deer Meadows Drive, stated that he is a member of the Board of Trustees for the North View Senior Center and he needs to find out who to talk to about an issue that has arisen at the Center; the Center hosts an annual boutique/fundraising event and items are collected annually and a member of the Board has been storing those items and it has rendered her unable to use her garage space. He stated there is a vacant parcel of property adjacent to the Center and he has been told there are plans to convert it to a parking lot in the future, but he wondered if it would be possible to locate a storage facility, such as a shipping container, on that property. He asked who he should work with on that recommendation. City Attorney/City Administrator Call stated the City does own the property and the Council is the appropriate body to address to determine if the site could be used for something other than parking. Outdoor storage facilities are allowed in commercial areas as long as the facility is identified on the site plan, so if the Council chose to allow the storage facility, it would be necessary to amend the site plan. He stated that Planning staff can consider the recommendation and proceed with discussion of a potential site plan amendment with the Planning Commission.

Council Member Turner asked Mr. Hamblin to keep in mind that the Center is used by Pleasant View City as well and any costs to purchase a storage facility for the site should be split between the two cities.

Karen Coleman, 1988 Fruitland Drive, stated the first time she heard about the Barker Park Amphitheater was when she received a message from a friend about the project. She had not heard about the update to enlarge and improve the facility. She is now starting to hear rumblings about a community pond, which would be very costly to construct and maintain. She stated she feels if the Council was truly interested in what the residents want in their community and if they were truly transparent, they would do everything they could to get information out to residents rather than simply complying with minimal legal requirements. She stated that many people do not know how to navigate the internet or do not have a subscription to a local newspaper. Information about projects of this magnitude should be made more readily available to residents; she suggested advertising in the City's utility bill or the North Ogden Connection Magazine. She stated she wants people to be heard, and they cannot be heard if they do not know what is happening in their community.

Spencer Alexander, 1740 N. 150 E., asked if the proposed dog park to be located in the detention basin at 1700 North is still in the works. Mr. Call stated that the park has not received formal approval and several different ideas have been discussed for the property. Mr. Alexander stated that he is concerned about contamination of the water in the area if it is used for a dog park; flooding will flush dog waste into the water stream, which feeds the Harrisville Pond that is stocked with trout. He then addressed the plans for the community pond and stated there are too many conflicts that could occur at the pond. He is not necessarily opposed to the pond, but there is much work to be done to iron out the wrinkles in the plan. He recommended the City take a step back and ensure the work is done right. He is most concerned about preserving as much wild habitat as possible in the community.

Sean Casey, 2444 Barker Parkway, stated the City's website is looking better and he thanked the Council for that. He referenced the North Ogden Connection Magazine and stated it is essentially a collection of advertisements that he throws away each month.

## 11. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Turner reported the Chalk It Up North festival is scheduled for August 24 and 25 and planning is underway. He then asked Mr. Call to look into what would need to be done to respond to Mr. Shupe's request for a variance to the City's ordinance requiring asphalt or concrete driveways for flag lots. Mr. Call stated he is unsure exactly what Mr. Shupe was requesting, but it may require an ordinance change because he would not be granted a variance as the main reason for the request is financially motivated.

Council Member Barker stated that he is no longer a fan of the Mayor Taylor Facebook page as it has become so negative and mean spirited and it is very divisive. He stated

maybe the City should consider eliminating the page and relying upon the website to get information to the residents; as a citizen of North Ogden he does not want to be part of it. He then stated he is not a fan of the idea of developing a Community Pond either and he looks forward to the open house meeting to discuss the idea further. City Recorder Spendlove reported the open house meeting is scheduled for June 12 from 4:00 p.m. to 6:00 p.m.

Council Member Swanson stated he sent an email to the Council to recommend an adjustment to the City's sign ordinance to allow small political signs in the park strips throughout the City. He would like consent from the Council to direct Mr. Call to draft a proposed ordinance that would amend the ordinance. Council Member Turner stated he is willing to discuss the proposal, but at this time he is not in favor of changing the ordinance as the park strip is part of the public right-of-way. Council Member Stoker stated she is also open for discussion, but at this time she would not support the change because of issues the City has encountered in the past relative to the argument that businesses should be allowed to place advertising signs in the park strip as well.

Council Member Swanson referenced Council Member Barker's comments about the Mayor Brent Taylor Facebook page and stated it is a private page, not a City page. Council Member Barker stated that he understands that, but there is much City information advertised and posted on the page. Council Member Swanson stated that meeting agendas posted on the page are being reviewed by many people and he is hesitant to halt that practice. He then added that the North Ogden Connection Magazine is a private publication that the City participates in through the purchase of space that is equal to the City newsletter; the City saves money by utilizing the Magazine when compared to costs to print and mail the City's newsletter in its former format.

Mr. Call stated he felt it important to offer some clarification in response to a comment made earlier in the meeting about the high costs of employee benefits; there is one Department in the City that has a large number of employees nearing retirement age and their benefits are costlier, which increases the percentage of the budget allocated to benefits. He added that relative to parking accommodations at Barker Park Amphitheater, it is his understanding that the ratio is one space for four attendees and he will ensure that is correct tomorrow during his meeting with all Department Heads. He concluded that the earlier plans for development of a Community Pond have transitioned dramatically and he looks forward to discussing those plans with the Council and residents at the upcoming open house meeting.

12. ADJOURNMENT

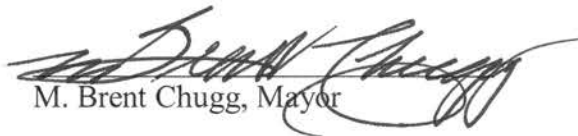
Council Member Stoker motioned to adjourn the meeting. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 9:53 p.m.

  
M. Brent Chugg, Mayor

  
S. Annette Spendlove, MMC  
City Recorder

  
Date Approved