

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

July 10, 2018

The North Ogden City Council convened in an open meeting on July 10, 2018 at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on July 5, 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	excused
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	

STAFF PRESENT:	Annette Spendlove	City Recorder/HR Director
	Jonathan Call	City Administrator/Attorney
	Rob Scott	Planning Director
	Dave Espinoza	Public Works Director

VISITORS:	Wesley Williams	Kimberly Williams	Julia Shochat
	James Kukula	Kevin Burns	Lisa Butts
	Craig Butts	Fenton Bingham	Edwin Hymas
	Gerald Halliday	Mary Settlemire	Annie Bingham
	Gay B. Barker	Lewis G. Barker	Diana Lea
	James Coleman	Kent Malan	Mark Malan
	Dale Anderson	Julie Anderson	Jon Warner
	Anne Warner	Kurt Child	Bill Hart
	Allen Christensen	Johnson Webb	Terry Haines
	John Cayle	Alan Christiansen	Joseph Jackson
	Craig Campbell	Denise Campbell	Ginger Brown
	Leonard Looney	Chris Campbell	Loren Jepsen
	Janis Christensen	Kyle Anderson	Steve Campbell
	Ben Olas	Janet Thomas	Debbie Child
	Pat Burns	Art Stowers	Peg Stowers
	Ila Woods	Jane Sorensen	Kyle Johnson
	Larry Knobla	Wendy Kunz	David Kunz
	Ira Barfuss	Carol Barfuss	Laurie Haines
	Cal Heiner	Kim Christensen	Roger S. Fadel
	Aaron Christensen	Heather Swanson	Jeff Barker
	Justin Fawson	Tragen Jones	Melanie Barker
	Rod Barker	Christopher J. Heiner	Alan Trout

Richard Hall
Stef Casey
Scott Chambers
Joe Chambers
Kylie Johnson
Alison McClennan

Bruce H. Jones
Sean Casey
Alene Chambers
Todd Mangel
Shelly Hart

Mona Wald
Susan Clements
Greg Merrill
Nelli Mangel
Megan Sanders

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

ACTIVE AGENDA

1. PUBLIC COMMENTS

Julie Anderson, 942 E. 2600 N., referenced the agenda item relating to the request to allow the use of stucco on certain buildings at the Village at Prominence Point project; she recommended the City Council uphold the original agreement, which prohibits the use of stucco. This will protect the existing residents in that area and the City is not responsible for ensuring that developers make money on projects they are completing in the City. She then referenced the Double Ott Ranch agreement agenda item and stated that it is important that the City Council ensure that this agreement will result in the City and the citizens being the winners in this deal; she believes the City should require all developers to provide green space as required in the land use ordinance and not allow them to use the pond in their green space calculations. She stated she is not totally comfortable with the proposed agreement and while she understands the Council makes the final decision, she hopes they will listen to residents. She concluded her third concern relates to the presentation that will be made tonight regarding the Nordic Valley expansion plan; she is concerned about the impact this plan would have on North Ogden and specifically the impact on the equestrian park, which is part of the City's park system and considered open space in the City. If the park is decreased to allow for the expansion, the total amount of open space in the City will be decreased. The arena was built using money from the posse system following the sale of an arena in Harrisville as well as through the generous donation of land by the Fife family. She has copies of all agreements and minutes of the discussions about that project. She added the posse has built the bathrooms and the bowery and they have maintained the facility for many years. She would like the presenter, Mr. Coleman, to address what will happen to the posse facility if the gondola is built and if the posse will be rebuilt elsewhere. She stated the posse continues to grow in numbers and the facility is well used by the posse and other residents. She does not want the facility to be 'thrown under the bus' for the gondola project. She asked that the City seriously consider this facility and other areas of the City and how they would be impacted by a potential gondola project.

Ginger Brown, 1537 E. 2750 N., stated she is concerned about the proposed rezone of property at 2700 N. 850 E., and she is also concerned about the Nordic Valley expansion plan. She stated she has horses and an agricultural business at her property and as recently

as two years ago she was able to drive down her road and pass three hay fields; those hay fields have been developed for residential use and she is unsure where she will get hay for her horses. Once agricultural land is gone, it is gone forever. She is concerned about the future of the community for her grandchildren and future generations. She talked about the lifestyle her children enjoyed in North Ogden before the extensive residential growth that has consumed so much open space and stated that this same lifestyle is not available to children currently growing up in the City. She also talked about a time in her life when she and her late husband lived in New Jersey working for an amusement park; she recently visited that same area again and saw that much of the area – which is very close to New York City – is still farm land. She asked how that was still possible and she was told that New Jersey has implemented something called farmland preservation; the State buys real estate rights to the land and the owner still owns the land, but can only use it for agricultural purposes. She is unsure of Utah laws regarding farmland preservation, but she would like to know if the City would look into that option.

Rod Barker, 2524 Barker Parkway, stated he is also concerned about the Nordic Valley expansion; he is completely opposed to it even though he does not know much about it. He grew up in North Ogden and Coldwater Canyon is one of the most beautiful canyons in all of Northern Utah. He would like for it to remain pristine and beautiful and he is concerned about the impact the project would have on it; he is also concerned that 2600 North would need to be widened to accommodate the project and that would impact many homes. Mountain Road may also need to be expanded at the cost of homes on that road. He stated the project could also impact the City's green waste site and the posse grounds; he also wonders the financial burden that this project could place on the City. He wondered why the City would ever consider annexing the Nordic Valley area as that would result in the loss of water rights that would be instead dedicated to making snow. He wondered if the fire and police departments would also service the area, which would cost taxpayer dollars. He wondered when North Ogden stopped being a quiet, peaceful community where people chose to live and when it became a destination area. He wondered when that transition occurred. He concluded that the Nordic Valley project would be such a major project and it may be appropriate for the residents to vote on it.

Melanie Barker, 2524 Barker Parkway, referenced the General Plan of North Ogden City, which was adopted in 2015 and read the following language:

“General Plans are advisory but have legal authority. The Planning Commission should reference the Plan in every decision. The City Council will use the Plan in their decisions and take into account the Planning Commission's recommendation... The Plan provides a long-range point of view to address today's decisions. It helps to answer the question of, “Does today's decision detract or enhance the future vision of the community”? For each request to change the General Plan, a serious decision should be made by each governing body”

She stated that the General Plan regulates roads, businesses, and housing and those regulations are delineated within the document; there is no reference of the Nordic Valley plan whatsoever. The plan to widen 2600 North was referenced as being very costly and the recommendation of the Plan was to make it a three-lane road with a turn lane in the

middle. Multi-family housing is to be located along Washington Boulevard and within the business district of the City, not in single-family neighborhoods. One of the goals of the General Plan is to preserve the rural character of neighborhoods. Relative to environment, the Plan calls for the protection of sensitive lands within the existing and future City boundaries and to 'continue to use the land use approach found in the Hillside Protection zones to incentivize developers to avoid sensitive lands'. For downtown North Ogden, the Plan recommends creation of 'a unique, pedestrian friendly "Downtown" near the intersection of 2700 North and Washington Boulevard with amenities, resources, attractions and programming that makes this area function as the "heart of the community"'. She stated this is not recommended in the single-family zones of the City. The Plan also discussed the Vision for North Ogden and one of the components of that vision is to 'preserve the essential characteristics of a family friendly community that assures an enduring legacy'. She stated that the Nordic Valley plan would be contrary to all of these goals of the General Plan. She stated that when the Barker Park Amphitheater project was opposed by residents, many claimed that those residents did not 'do their homework'. She stated that is not true and, instead, she does not believe the City Council read all pertinent documents before approving the project. She stated she is not opposed to arts; she is opposed to such a huge facility in a residential neighborhood. Relative to the Double Ott development, she is very concerned about a four-foot deep pond that will be used by the community with no life guards onsite. There are so many children living near that facility and the Montessori school has asked for access to the facility, but with no lifeguards she would be fearful of someone drowning. She again referred to the General Plan relative to Barker Park and stated it calls for the following: "Memorial Grove on stream, new pavilion, additional trails, additional restroom, and additional 100 trees for arboretum." She stated it is important to preserve North Ogden; when she moved to the City she was prepared and knew exactly what she was getting into moving to the neighborhood she moved to. But, for some reason that she is unsure of, those things that North Ogden stands for and that are dictated by the General Plan, are being lost.

After applause from the audience, Mayor Chugg asked that they refrain from clapping as it is not in order.

Shelly Hart, 2285 N. 1225 E., stated that she attended a past meeting and witnessed a Council Member lose his temper relative to an agenda item regarding the Utah Transit Authority (UTA). Council Member Swanson stated that he did not lose his temper and his response was appropriate for that meeting; he stated Ms. Hart is entitled to her opinion. Ms. Hart disagreed and stated that she has similar emotions about the Nordic Valley project as were expressed by Council Member Swanson regarding UTA. She stated that her point is that how passionate he was about UTA is how passionate the residents are about the Nordic Valley expansion plan. She has heard over the past two years that the Barker Park Amphitheater project was publicly advertised, but she did not hear about that project until the publicity resulting from citizen involvement started. She feels that some projects are moving so fast without public input and she agrees that perhaps the Nordic Valley project should be voted on by the citizens rather than pushed through like other projects.

Mary Settlemyre, 2701 Mountain Road, stated she lives across the street from the equestrian park and she is unsure of the plans for the Nordic Valley expansion, but she is unhappy about it. She likes where she lives; it is beautiful and quiet most of the time and she does not want the project to proceed as she is fearful of how it will impact the City and her property. She agreed that the project should be voted on by the residents. She also agreed about the importance of preserving green space in the City; she does not want it completely developed like the rest of the world.

Megan Sanders, 2950 N. 875 E., addressed the lack of sidewalks in various areas of the City and stated that if the Nordic Valley project is to proceed, it will be very important to have sidewalks on Washington Boulevard and other busy streets on which schools are located or where children must walk to and from school. The project would increase traffic on those streets and it is important for pedestrians to have the ability to walk safely on City's roads. The City needs to address small things before considering huge things.

Chris Heiner, 972 E. 2650 N., stated he is also concerned about the rezone of property at 2750 N. 850 E., the proposed City pond, the Nordic Valley project, and the widening of 2600 North and Washington Boulevard; he has made comments at several previous City meetings and he and others are tired of not being heard by their residents. They are tired of being ignored by the people they elected to office to represent them. He stated that the residents will fight for the community they love and that most of them grew up in and that they call home. He stated North Ogden is not a world-renowned resort; rather, it is a bedroom community in the foothills of Ben Lomond and the residents should be allowed to keep their mountains unscarred by trails, gondolas, and ski lifts. There is not enough snow on the west side of the mountain and it would not be possible to operate a successful ski resort. This place is cherished by its citizens and they are tired of it being run over by developers. He stated that nine years ago there was enough snow on Ben Lomond that, when it melted, turned 1050 East into a river; he asked if the City is really prepared for that much snow again. He thinks that many have forgotten how close they live to the mountains and to nature and that the environment that drew so many people here is being eliminated. He asked for North Ogden to be protected, development to be slowed, and for the City to oppose the annexation of Nordic Valley into the City. The City cannot afford that type of transaction; enough is enough.

Greg Merrill, 2585 N. 1300 E., stated he had a conversation with a 15-year-old girl from Ogden Valley, a friend of his daughters. She expressed concern about the impact that development in the Valley will have on her. This development is associated with another ski resort and it will result in widened roads and increased traffic; her quiet neighborhood will become a thoroughfare. He stated he was struck by the fact that a 15-year-old girl can see the impact of this type of development on her quality of life; the same will happen in North Ogden and it feels like the City thinks it is necessary to jam as many people as possible into the community. Ever time he drives on 2600 North he sees how the town has exploded; there are two ways in and out of North Ogden and that is a symptom of being a small City. Allowing development without addressing these types of issues will negatively

impact the quality of life of those already living here. There are 18,351 residents in the City and they should be considered before future development projects are concerned; the existing quality of life should be maintained. He is concerned about the impact that Nordic Valley would have on 2600 North and the entire City.

Alison McClennan, 2750 N. 1416 E., stated she lives by Ginger Brown in the last home on Mountain Road; she is a skier and she moved to the area for skiing opportunities, but she can attest to the fact that there is not enough snow; she has looked at the hill from her house every year and hoped for enough snow to ski, but it is not feasible whatsoever and the Nordic Valley project is unreasonable. The home she lives in was built in 2600 North and she likely blocked someone else's view of the mountain, but development has continued eastward up the mountain past her home and the orchards have been removed. There does not seem to be any plan to replace the former agriculture lands with anything green and beautiful that will protect the City from oppressive heat. She stated building a gondola on this side of the mountain is a ridiculous idea; she enjoys the trail through Coldwater Canyon, which is low impact and is widely used by hikers and those on horseback. She asked that the Council think very carefully about this project and listen to the citizens. She then referenced the Barker Park Amphitheater project and stated she cannot recall seeing any notification from the City about the project; she cannot believe it was built in the middle of a neighborhood and it is insane that the City was willing to impact those residents in that manner. She hopes that the Council will consider what they would like the legacy of North Ogden to be.

Gerald Haliday, 595 E. 2600 N., stated he and his wife have lived in their home for 42 years. He stated that decisions need to be made about what will be done if all of the projects that are being discussed are approved; all of this in the name of making North Ogden a world-renowned City. He said "don't tell me 'if they build it, they will come'" as that kind of philosophy is only great for novels, fairy tales, and movies. The City of North Ogden does not have a sufficient economic base to ask for those kinds of facilities. The City does not have nor does it want hotels and the kinds of restaurants that tourists desire.

Bill Hart, 2285 N. 1225 E., stated he read about the Nordic Valley topic in the newspaper and it caused him to think about the length of the ski season at Nordic Valley last year, which was approximately three weeks. Snow Basin and Powder Mountain resorts are being expanded and they have a huge impact on the availability of water in the county; there is not sufficient infrastructure to support additional resorts. If the resort were expanded to the west side of the mountain, it would not survive; there are other options available, such as expanding into South Fork. He thanked the Council for their time.

Kim Christensen, 2428 Barker Parkway, stated that the City's noise ordinance provides for three nights per week of sound amplification at the Barker Park Amphitheater, but last week there were six nights when considering rehearsals, productions, and the Fourth of July celebration. She stated she does not want to listen to sound every night and she asked for the Council to fix it. She stated the project is not a moot point at this point in time as only half of the project has been completed; there are still plans for concessions stands,

bathrooms, and other improvements. She stated that the citizens in the neighborhood did their due diligence to research the project when it was being considered. She stated she is concerned that citizens will also do their due diligence relative to the proposed Nordic Valley expansion project and that it will still be pushed through anyway. She stated that she lives here because of the feeling of the community and the open space; she knows that development will happen, but it should be development that is right for the area and not development for the sake of squeezing as many homes into an area as possible. She purchased her lot because of the promise of open green space across the street from her home; it was on a half-acre with plenty of room for her kids to play and a park across the street. Now the homes being built around her are being built on smaller and smaller lots. People have said the residents in the Barker Park subdivision are opposed to the arts, but that is not true, and she has supported productions at Weber High financially for years; she is just opposed to theatrical productions, concerts, and other things that are forced upon her night after night. She does not want to live in a world-renowned City; she wants to live in a quiet bedroom community where she knows her neighbors and where she can rest peacefully in her home. She stated that she has heard rumors that two major hotels have the rights to build in the City following other commercial projects. She stated she would like for that rumor to be addressed if possible.

Lewis Barker, 2720 N. 850 E., stated he has a 'no amph' sign on his property; he did not hear about the Amphitheater project before it started, and he was surprised by it. He then referenced the Nordic Valley expansion project and stated that the map included on the project website identifies the gondola as going across part of his property between Coldwater and North Ogden Canyons. One of the ski runs on the map also goes across his property, but as of yet he has not been contacted about the project.

Todd Mangle, 2139 N. 150 E., stated he lives near the detention basin property and he and his wife are concerned about the lack of a fence and lifeguards; he has gathered a list of others who are also concerned about the project and they are not comfortable with open water in their neighborhood. He stated he attended the open house for the project, but he had not visited the area until a few days ago. The pond currently has no water in it and he wondered if the irrigation component of the project would result in water being present in the pond at all times. He stated he would prefer a pond without water that could be covered in grass and serve as green space. The area around the pond is intended for dense development; most people living in townhomes are families with little kids and he is concerned about the potential for a drowning in the pond. He would prefer single family development to reduce that possibility. He then referenced the Nordic Valley expansion project and stated he does not think it is a good idea; there is a world-renowned City in Utah already – Park City – and North Ogden does not need to try to be like that city. He stated he grew up in Riverdale and was happy to move to North Ogden because of the small-town feel; he would like to see that preserved.

Dale Anderson, 940 E. 2600 N., stated that he can recall three years ago an open house where residents of the community were invited to participate in the future planning of the City and development of the General Plan. The people felt like they were being listened to

and they reached the general consensus to allow higher density in the middle of the City where it is appropriate and even the Village at Prominence Point project fit in with that vision because it is on Washington Boulevard. He stated people are now surprised to hear rumors about a gondola, hotels, convention centers, underground parking structures, the potential annexation of forest service property, etc. He stated that when the development of the Bonneville Shoreline Trail was underway he was walking on the trail and ran into the crew working there; they had built the trail up to the back of Coldwater Canyon with a small track hoe and they were then digging by hand with picks and shovels because there was an endangered plant in the area that they needed to protect and that kept them from using equipment. He stated if someone has proposed a project, he wondered if any environmental impact study has been done; there will be some serious hurdles and he would hate for a project to be halfway finished and then discover that it cannot be completed. He then stated that during the General Plan process, the citizens said they did not want big box stores. When he moved to the City more than 30 years ago he was able to ride his horses through the orchards and everywhere he used to ride is now covered in subdivisions; Ginger Brown's late husband used to laugh about the development in the City because the basements would be flooded in a normal water year. He stated that did end up happening and he thinks that the City is proceeding quite rapidly without considering the impacts. At one time he saw a track hoe working on the mountainside to dig trenches along the fault line; they were looking at the movement and stability of the hillside. He wonders why the people thinking of proposed projects, like the Nordic Valley expansion, does not consider those types of issues before trying to move forward. Living on 2600 North is pretty dangerous for he and his horses; he hopes that the Council will take into consideration the comments that have been made and where their loyalties should lie. The City's residents are much more important than one or two developers who are just trying to make money and will then be gone from the City.

Susan Clements, 668 E. 3125 N., stated that many of the people that are in attendance tonight do not come to City Council meetings regularly and she wished that would change; it is important to have the Council Chambers full every week so that the Council can hear what they have to say and how they feel. If the Council is not contacted by residents, they do not know what they are thinking. She suggested that the Council concentrate more on Barker Park and getting it finished; it has been in the planning stages for years and it should be completed before the City takes on another big project, like the Nordic Valley expansion, which she is not in favor of. The City needs green space and Barker Park is a great location for that. She stated she knows that the Council listens because she has witnessed it in the past. She encouraged residents to attend meetings and be involved in the community.

Justin Fawson, 1205 E. 2325 N., stated he tries to be very careful about speaking in generalities since he has held public offices; he knows there are topics that are very sensitive and populations that are very vocal, and they may be right and representing the general sentiment of the City residents. But, he also has been involved in discussions about the Nordic Valley expansion for a couple of years and there has been a lot of conjecture and unanswered questions. He would encourage the general public to be patient, but stay

involved. He commended them for coming tonight and being involved because that is very important. He stated he trusts the City Council to listen to the people and take any development through the proper course. He trusts that they have the City's best interest in mind.

Sean Casey, 2444 Barker Parkway, stated that he does not like censorship and this is the platform for someone to express their comments, especially when they are not being disparaging or untruthful. The censorship that is happening in the Facebook forums is ridiculous and if someone has something to say, it should be said in public. The City's General Plan adopted in 2015 does not address any of the big projects that are being discussed presently, but it is predated by the plan for the Nordic Valley annexation, which is a publicly accessible document. Mr. Fawson has known about the potential for the annexation for several years, but when was the public to be informed. He asked if the Council knows ski resorts do not make money on skiing; they make money on real estate and homeowners associations (HOAs). When Mr. Fawson asks the public to trust the Council and be patient, it makes him very angry because he lives across the street from the amphitheater. He does not want his property values to increase because of projects like this because his bank account is not his home; he pays enough taxes. He studied history in college; when people were taxed 50 percent of more, they revolted. The power of constitutional democracy is at this level; government exists for protection. Democracy was a laughable concept in 1776, but it works very well. He has come to a few City Council meetings over the course of his life and each time it was related to censorship of productions that he was putting on in the community. He then started attending again six months ago when the Amphitheater project started and the Mayor at the time, Brent Taylor, said to him that he has been elected to make these types of decisions for the people. He stated that is not how this works and anyone that has been told that has been sold a line of hogwash. This is a representative democracy with a constitution that guarantees certain and very specific rights; first is freedom of expression – which includes religion by design. He stated he is all for development, especially development that complies with the General Plan, but the Nordic Valley plan has been in the works since January of 2015. Nordic Valley is currently for sale for \$7.6 million; there are a lot of things that do not make sense to him. There is currently a world class ski resort in Snow Basin that is very close to this community. There is fantastic skiing on the front and back side of Ben Lomond, but Ben Lomond is one of the wettest spots in North America for snowfall; every 30 years it will flood horribly and that is very problematic for the residential developments on the east and north benches. He concluded the government was designed in a manner that allowed citizen participation and it is up to the residents to perform that duty.

Mona Wald, 2457 N. 750 E., thanked the Council for everything they do; it is not easy to be in their role and being criticized and attacked for everything they do, and she wanted them to know that she appreciates them. She also congratulated and complemented them on the Barker Park Amphitheater project; she lives 500 yards from the site and while there are many residents against the project, she believes there are more that are in favor of it. She was able to witness that support over the past weekend as she was volunteering at the amphitheater for the theatrical production. Her observation was that community support

was overwhelming, with two of the three performances selling out. She witnessed disappointed people being turned away. Those managing the production were diligent in tracking admissions and assisting with parking accommodations; the show's director, Mark Daniels, remained aware and considerate of noise levels and other details to ensure a quality performance while limiting the impact on nearby neighbors. Prior to the show she could sense the excitement of the crowd, who was there to support the production and have a great time. She has heard nothing but praise and great feedback. After the sellout shows, the decision was made to hold another performance to accommodate the high demand; she spoke personally with people who had come from other cities, like Pleasant View and Layton, and the pictures posted on social media pages display the beauty of the facility and the setting and everyone can see for themselves that the amphitheater does belong in its location. The design is in complete harmony with the neighborhood and does meet the needs of residents in the City. The arts are the treasures of humans that get passed down through centuries and survive many challenges and wars in order to enrich our lives. When Winston Churchill was asked to cut arts funding in favor of the war effort, he simply replied 'then what are we fighting for?'. She again thanked the City Council, they are citizens just like the rest and their concern for the City is tremendous. She knows they are doing the best they can to make the best decisions for the City. She encouraged them to keep up the great work; they will always be surrounded by those of certain movements such as NIMBY (not in my backyard), BANANA (build absolutely nothing anywhere near anything), and CAVE (citizens against virtually everything). She wished them good luck and indicated she is here to support them.

Janis Christensen, 1233 E. 2250 N., stated she and her husband comment regularly that if someone states something over and over, whether it is in news print, social media, or in a Council meeting, and if they can get others to believe it then it is the truth. She stands in awe of some of the untruths that have been represented about certain projects. It is astounding to her that the freedoms of the residents in the Barker Park subdivision have been taken away for whomever felt the Amphitheater project was suited for that area. Everyone she talks to has said they cannot believe the amphitheater was built in its present location. She agrees with the premise that huge projects and issues should be put to a vote of the citizens. As she has contacted residents, 90 percent of them are opposed to things that are happening. She does not wish to discredit the service of the City Council members and she believes they are trying to do their best, but she asked them to have a better listening ear and attentiveness to the citizens of the community.

Mark Malan, 2740 N. 1300 E., stated he works for the school district and teaches at Weber High School so he knows many people in the community. He is opposed to the amphitheater being in its present location and he feels for the residents of the Barker Park subdivision. He also feels the Council is in a tough situation, but their job is tough for a reason. He provided some information about his background in North Ogden and noted he knows the mountains very well, particularly the area where the Nordic Valley gondola would be proposed to run. There would be a huge impact to the community and there would be much scarring to the canyon. In the back of Coldwater Canyon is a very dense forest that is very difficult to get through; it could be opened up, but it would be a

significant amount of work. He understands the concept behind the expansion and the gondola because so many people hate driving through Ogden Canyon. However, the cost to ski is so high and that is because it is so costly to built ski resorts, ski lifts, and other needed infrastructure. Therefore, Nordic Valley is asking a middle-class area to support a development and activity that can only be enjoyed by the upper class. Lift tickets at Nordic would be much more expensive if this project is pushed through.

Kim Christensen, 2428 Barker Parkway, stated that she wanted to stand again and say that she is not part of the NIMBY or CAVE movements; she knew there would be a park across the street from her home when she purchased her lot. What she is opposed to is the plans being changed since the time that she built her home; she was told that she was required to build a home of a certain size with certain landscaping and lighting. The park across the street was supposed to be smaller and open for families to enjoy. It was later switched to be the home of the amphitheater. She knows that the open space around her will be developed, but she hopes that development is harmonious with the existing development in the area. She is tired of people standing up and saying that the residents of the Barker Park Subdivision are snobs because of where they live; anyone could have built their home there and the construction of the homes was dictated by the City and now the Council will not even defend those residents for those construction requirements. She stated she is tired of being told that she is in the wrong when she is not. The park was intended to benefit the entire City, but she is now paying for an amphitheater and the productions there and if she wants to participate, she has to pay to attend. The impact will only worsen and create worse problems for the residents.

Kylie Johnson, 2348 W. 3300 N., Farr West, stated she hopes that the City takes into consideration that the Nordic Valley expansion project would be impactful to other communities besides North Ogden; she hoped they would hear the voices of people from Liberty and Eden in the Ogden Valley.

Melanie Barker, 2524 Barker Parkway, re-approached and stated that she knows the job of the City Council is difficult, but when the residents of the Barker Park subdivision were promised one thing and received something else, that is when they became very upset. Barker Park was always to be a preserve with a small amphitheater with natural seating; it was never intended for concerts or large theatrical productions. Mayor Muirbrook started changing plans and at that time the residents were told they did not have a voice. The first notice that the residents got about the project was dated September of 2017; they came to the City and asked that the project be halted before a conclusion could be reached. She wants the other residents of the City to know that the Barker Park residents are not against the City, they are just against what has been done to them as property owners. No other neighborhood in the City would put up with what has been done to them. There is now a huge monstrosity in their neighborhood that is not paid for; there is still \$4 million left to pay from taxpayer dollars. There are other infrastructure needs in the community that are being ignored. For those that say it is a beautiful building, her response is that it is a concrete mound that has blocked the view of Ben Lomond and the beautiful trees. The hollows were not to be touched according to the agreements between the Barker family and

the City, but the hollow across the street from Ray and Fern Barker's home has been destroyed because it was important to move fast. She asked for the City to stop and rethink everything.

Diana Lee, 2352 Mountain Road, stated she has lived in the City for 20 years and has seen a lot of growth. She is concerned about the Nordic Valley gondola that she just recently heard about and she also never heard about the Barker Amphitheater project until she started seeing the 'no amph' signs in residents' yards. She stated she will be a regular attendee of future Council meetings in order to voice her feelings about the need to preserve open space. A gondola in Coldwater Canyon where she gets her drinking water does not make any sense to her. Aside from climate change, water resources are dwindling, and it is important to slow growth and preserve precious water resources.

Aaron Christensen, 2428 Barker Parkway, stated he is saddened by the contention and frustration; he has lived in the City since he was a young child and he is sad about the difficulty the City Council has gone through, but he thinks there are things that can be done to encourage better dialogue. He stated that the Brent Taylor North Ogden Discussions Facebook page is a cesspool and there is constant fighting and mocking of those that have tried to bring reason to the discussion about the Amphitheater. The City has a Facebook page and that should be used by City leaders and elected officials. It is easy to say that someone is part of the NIMBY movement and call names, but the residents of Barker Park have done their due diligence to discover the history of the project; the City took on the role of developing the subdivision and nearby park and they understood the risks of that decision; the residents do not feel that the Council has honored the agreements that were made when that decision was made. He is not sure who is driving the things happening in the community, but it may be necessary for the Council to rethink some of the decisions they have made or are being asked to make. He loves North Ogden, but he hates the feeling of the community right now. Last night, the residents had the option of challenging the City and asking that the theatrical production not be allowed to proceed since the number of consecutive nights of amplification had already been reached; the residents chose not to pick that fight because they understand the amount of work that has gone into the production. But, they would ask the City to follow their own rules; North Ogden is a wonderful place. Not everyone will always agree, but there are ways to do a better job and for the City Council to listen and act in behalf of the greater good.

2. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH CRS ENGINEERS FOR THE DEBRIS BASIN DESIGN**

A staff memo from City Administrator/Attorney Call explained the City has received the preliminary approval for a federal grant to build a detention basin on the east end of our City right above the divide road (see attached map). In getting that approval the City has been working with the property owner on the design and location of the basin. The owner has hired a few different firms to do some of the work on the project and ultimately has settled on having CRS design the basin to apply for the grant in partnership with the City.

Now that the grant has been awarded to the City we need to hire an engineering group to finish the design plans, manage the project during construction, and handle the grant portion of the project. Staff is recommending that we continue with CRS Engineers to finalize the project because they understand the scope and the fees are in line with what we have seen on other projects across the state. CRS also has employed some unique features in the design of the basin which will decrease the size of the basin as well as provide some cheaper future maintenance compared to other debris basins around the City.

This is also a unique circumstance where the City is receiving a “donation” to cover our end of the expense related to the basin. This money is coming from the property owner and will cover 100% of the City costs associated with the basin that is not covered by the federal grant. The City will be obligated to carry around \$200,000 of construction related costs at any time while we wait for reimbursement from the federal grant.

The total cost for the project is \$1,166,260; \$874,695 will be covered by the federal grant and \$291,565 will be covered by the City via a donation from the property owner. Any additional costs will be paid for by the land owner based on the agreement which will be brought to the council in the coming weeks. The total cost to the City would end up being the loss of some interest we could have earned on the money we are waiting to be reimbursed by the federal grant.

The attached contract for engineering services is for \$258,918.16 which would cover the total cost to design, manage the project, and deal with the various federal grant requirements. Staff is recommending the Council approve the contract so that CRS can finalize the grant application and we can move forward with the project.

Mr. Call reviewed his staff memo and provided a map to identify the location of the proposed basin, which is located in the vicinity of 1400 East and Mountain Road. It will be built as two different basins to divert the flow of water and debris.

Mike Wilson, CRS Engineers, stated that he spoke with the Utah Division of Emergency Management today and they indicated that the Federal Emergency Management Agency (FEMA) grant will flow through the Utah Division and will be awarded within the next two to three weeks. Given the use of federal funds, there will be strict compliance standards, with which CRS Engineers is very familiar with.

Mr. Call reiterated the total project cost is \$1,166,260; \$874,695 of that cost will be covered by the FEMA grant and the remainder will be covered by the property owner.

Council Member Swanson asked when the City should receive the money from the property owner. Mr. Call stated that he will be bringing the final contract with the property owner to the Council in August; the property owner has committed to wire the City funds within three or four days of execution of the contract. Council Member Swanson asked if there is any reason the Council needs to approve the contract with CRS Engineers tonight

rather than waiting until the same night that the agreement with the property owner will be approved. Mr. Call stated that work will be billed as it is completed rather than the City paying the entire \$295,918 to CRS in one payment and work will not begin until the City receives the final formal award of the FEMA grant. Council Member Swanson asked if it is correct that the City will expend no funds until the grant is approved. Mr. Call stated that the City will actually not spend any money until construction begins, which will be after the formal award of the FEMA grant. He added that any project overruns will be paid by the land owner.

Council Member Stoker asked what would happen if the land owner were to back out of the agreement. Mr. Call stated the land owner is participating in the project because they desire to develop the property below the basin, but FEMA requires the City to be the controlling entity in order for grant funds to be used for the project. The basin is a good thing for the entire City, but will largely benefit the property owner.

Council Member Barker motioned to approve Agreement A11-2018 with CRS Engineers for the debris basin design. Council Member Turner seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH DOUBLE OTT RANCH

A staff memo from City Administrator/Attorney Call explained this is the purchase agreement for the property associated with the new detention basin property and the possible irrigation storage and community pond. This agreement does a few things for the City as well as provides some assurances for the developer.

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

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

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

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

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

Mr. Call reviewed his staff memo; he stated the agreement has been reviewed in a previous meeting and an open house has been scheduled for next Tuesday in order for the public to provide input regarding the project. He had anticipated that the Council would not approve the agreement tonight, but he would like to know if there is any feedback from the Council regarding the agreement so that changes can be made prior to the next business meeting.

Council Member Swanson stated that the comment was made during the public comment period that the pond would not be fenced, and he asked if that is accurate. Mr. Call stated there will be a fence around the pond and it will be lockable at night; during the day the gates will be open to allow public access, with the exception of a gate between the property and the Montessori school property – that gate will remain locked at all times and only the City and the school will have a key. Discussion centered on the type of fence and gate that would be installed to ensure safety of the facility.

Council Member Barker suggested that the fourth whereas statement in the agreement be adjusted to communicate that the City see the opportunity to construct a fishing pond, park, and/or secondary water storage; this will give the City the opportunity to pursue just one of the options rather than all options listed in the clause. Mr. Call stated that adjustment is appropriate, but noted the City is committed to build a park, but is not required to build a pond. Mr. Call stated he will adjust the agreement to reflect those changes.

Mayor Chugg stated that he believes it is a good idea to hold the open house before formally approving this agreement. Mr. Call agreed and stated that he has also asked for an engineers estimate for the cost to complete the pond with the grant and without the grant;

the general consensus of the engineer and City Administration is that if the secondary water component is not incorporated into the project, the City likely will not receive the grant.

Council Member Stoker asked if Pineview Irrigation Company is still invested in the project. Mr. Call stated they are at this point, but if the grant is not received, they will not build the facility as proposed. Council Member Swanson stated that without Pineview's participation, the pond will not be needed. Mr. Call agreed and reiterated that the grant will likely not be awarded without Pineview's participation.

4. **PRESENTATION ON APPLICATION TO FOREST SERVICE TO EXPAND SKI OPERATIONS AT NORDIC VALLEY**

Mayor Chugg reported that since this topic was publicized in the Standard-Examiner, City Administration and the City Council felt it appropriate to invite a representative of the proposed Nordic Valley expansion project to attend a City Council meeting and provide the City and residents with information about the proposal. He invited James Coleman to discuss the issue.

Mr. Call stated that as Representative Fawson mentioned during public comments, he and some City officials have been aware of discussions regarding this project for a few years; as is typical of most private development projects, things are not made public until landowners choose to make their projects public. He emphasized that nothing has been formally presented to the City or approved.

James Coleman stated his firm, Mountain Capital Partners, owns and operates Nordic Valley and seven small to medium size ski resorts and he is grateful for the opportunity to participate in this public dialogue. He stated he understands the concern expressed by residents tonight and he regrets that they feel that the project was 'sprung' on them, but the Forest Service, which is the major land owner in the proposed project area, wanted public dialogue before they consider a formal project process. He stated a website was created to advertise the proposal and invite public dialogue regarding the project, which is very preliminary in nature. He stated he plans to hold a public meeting on August 14 to invite residents to discuss the project and their ideas with him and the various consultants working on the project. He then reviewed the information included on the nordicvalleyproject.com website. The website includes a map illustrating the proposed expansion area, which Mr. Coleman reviewed to identify existing lifts, proposed lift locations, and proposed new ski runs.

Council Member Swanson asked Mr. Coleman where the resort will get additional water to aid in the snow making process. Mr. Coleman stated that the resort already has sufficient water and research has been conducted that indicates there is additional water available on both sides of the mountain, though no application for those water sources has been made at this point.

Council Member Turner inquired as to the next steps in the process. Mr. Coleman stated he will proceed with the public process and continue to work with the Forest Service, which includes negotiation of a master development plan. Council Member Turner asked how long that process will take, to which Mr. Coleman answered one year to 18- months. Council Member Turner asked if Mr. Coleman would then approach the City for approval of the project. Mr. Coleman answered yes; once he has gained positive traction with the Forest Service, he will approach the City for annexation of the property.

Council Member Swanson inquired as to the benefits to North Ogden associated with the proposed annexation. Mr. Coleman stated the City's tax base would be increased and the expansion would provide additional recreational opportunities for the community and visitors. He stated that his past projects have improved the communities in which they are located, and those communities are well rounded.

High level discussion then centered on projects that have been completed by Mountain Capital Partners in other communities, after which Council Member Stoker asked Mr. Coleman what he would do if he only receives negative feedback and resistance from residents in the community. Mr. Coleman stated that he has been talking to many people in the area and he has received only positive feedback; this is the first time he has heard this much negative feedback about the concept. He stated he will take that feedback into consideration.

Council Member Barker asked Mr. Coleman if he has completed a project in another community similar to what is being proposed for Nordic Valley; specifically, has he constructed a gondola over a mountain and annexed one property on the other side of the mountain into another community. Mr. Coleman answered no, but noted that he built the largest ski lift in the country two years ago. Council Member Barker stated that his private profession is in the public safety field and he is concerned about how public safety services would be provided to the annexed property on the other side of the mountain. Mr. Coleman reiterated that he is in the very early stages of the project and those issues have not been addressed and considered; the annexation of the property was not his idea, though it is something he may be open to considering.

Council Member Swanson asked Mr. Coleman what he would gain by annexing the property into North Ogden as opposed to leaving his property in Weber County. Mr. Coleman stated it is his understanding that he may be able to secure a higher density for the residential development component of his proposed project. However, that is not his primary focus as he is mostly concerned about the recreation component of the resort. Council Member Stoker asked what side of the mountain the residential component would be located on. Mr. Coleman answered the housing would be located on the other side of the mountain. Council Member Stoker stated that if that is the case, the land should be annexed into Liberty or Eden.

Council Member Swanson stated that there have been many ‘crazy’ ideas regarding opportunities for expanding or improving Nordic Valley; in the last five years, there have been three or four different owners and there are reasons that past projects have not moved forward. He stated that he can understand the concerns about the annexation and he would expect that residents of the Ogden Valley would be very upset if North Ogden were to approve an annexation that would result in high density housing developing on their side of the mountain.

Continued high level discussion centered on providing services to the project area, the role land owners in North Ogden will play in the process, the City’s hesitation to locate commercial land use on the City’s east bench in residential areas and land that is currently open space, with Mr. Coleman noting that those issues have not been addressed in detail. He also reiterated that his focus is on the recreational aspect of the project and not the real estate development component. He then provided the details of open house meetings that have been scheduled to allow the public to discuss and hear more details about the project: the first meeting has been scheduled for this Thursday, July 12 in Ogden Valley and the second will be held August 14 at the North View Branch of the Weber County Library in North Ogden from 5:00 to 7:00 p.m.

Council Member Swanson motioned to take a break. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Meeting recessed at 8:20 p.m.

Meeting reconvened at 8:35 p.m.

5. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER A REZONE TO PROPERTY LOCATED AT APPROXIMATELY 2700 N AND 850 E FROM RE-20 TO R-1-8

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.

There are multiple applicants for this rezone application. (See Exhibit A) This report will describe them referencing them as Area 1, 2, and 3. (See Exhibit C) The R-1-8 zone and RCC zones border the surrounding properties on three sides, north, west, and south. The RE-20 and R-1-10 zone are to the east.

Area 1 includes properties located at approximately 2700 North 850 East and 745 East 2600 North from Suburban Residential (RE-20) to Residential (R-1-8).

The applicants are requesting an R-1-8 zone in anticipation of subsequent subdivision applications. A concept subdivision design is provided as one possible scenario. (See Exhibit B)

Area 2 is a resident with two parcels at 800 East 2600 North. This applicant is examining the options as being R-1-8, R-1-8 (AG) and RCC. There are two existing homes on these parcels. The applicant is working with the owner of the Powell property, parcel 170190010, to sell a portion of parcel 170740023, to the Powell property owner to add additional property in the subdivision and make a street connection to Monroe Boulevard. Having the option for an accessory dwelling unit is a desire for them.

Area 3 is a companion consideration regarding the zoning in the surrounding properties. The properties in this area are going through a transition from agricultural to residential. The timing seems appropriate to consider rezoning this entire 'block' as we plan for the future of the City.

Notices have been sent to the surrounding properties to receive input on the property owners zoning preferences. Some of these properties are zoned RE-20 but do not meet the area requirement of 20,000 square feet. This is an opportunity to bring these properties into compliance by giving them a zoning designation which complies with their current lot sizes.

The Planning Commission conducted a public hearing on June 27, 2018 regarding this petition. There were a number of residents that commented. (See Exhibit D Planning Commission Minutes)

CONFORMANCE WITH THE GENERAL PLAN

The General Plan map shows this area as: Low Density Residential and is in the eastern edge of the Old Town Neighborhood. This rezone application is consistent with that designation.

The General Plan Zoning and Land Use Policy has the following applicable guidelines:

Zoning and Land-Use Policy

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.
 - **Staff Comment:** The low density general plan designation calls for a variety of single family zones including the R-1-8 and R-1-8 (AG) zones. The zone boundaries reflect this mixture along well-defined lines.
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.
 - **Staff Comment:** The properties in this area are transitioning from open space and agricultural lands to single family residential uses.
- Where possible, properties which face each other, across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.
 - **Staff Comment:** The request involves both local and collector streets. The Planning Commission can identify the appropriateness of each zone designation by the referenced area. The proposals will provide connectivity with the surrounding neighborhoods.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.
 - **Staff Comment:** The proposed zoning will not cross property lines.

Residential Guidelines:

- Avoid isolating neighborhoods.
 - **Staff Comment:** The proposed subdivision connects the low-density residential neighborhoods. This rezone and the related subdivision will have no isolating effect on the adjacent neighborhood.
- Require excellence in design.
 - **Staff Comment:** The proposed rezone requires the development to go through the subdivision process.

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

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded by summarizing the Planning Commission recommendations for each of the three areas:

Area 1. The Planning Commission found that the proposed rezone in Area 1 from RE-20 to R-1-8 is consistent with the General Plan and recommends adoption by the City Council.

Area 2. The Planning Commission found that based upon the property owner's request that his property remain RE-20 except for the portion to be included in the Mountain Valley Villas subdivision, this property to be rezoned R-1-8.

Area 3. The Planning Commission received input from a few of the property owners in Area 3. The Planning Commission recommends that Area Three be rezoned to R-1-8 with the condition that any property owner wishing to opt out of the zone change be allowed to do so.

Mr. Scott reviewed his staff memo; he noted he has prepared two ordinances for Council consideration tonight. The first ordinance would allow for action on the recommendations relating to areas one and two and the second ordinance would allow for action on the desires of the property owners in area three. He facilitated discussion among the City Council regarding the various properties included in each of the three areas and the implications of the zone change for those properties.

Council Member Turner referenced the presence of a barn on one of the properties that would be developed if the proposed rezone is approved and he asked what will happen with that barn. City Administrator/City Attorney Call noted the barn is on a property that the City is working to acquire as part of the Monroe Boulevard corridor preservation property purchase action; the City will take ownership of the barn with the understanding that it will be moved to Barker Park in the island area. If the move is not possible, ownership of the barn will revert to the current property owner and they can decide what to do with it at that time. Council Member Turner asked who would pay to move the barn, to which Mr. Call answered the City.

Council Member Turner then stated that as he reviewed the staff report for this action, he noticed references to R-1-8 and R-1-8 AG zoning and he asked if the Council has the ability to consider either of the two zoning designations. Mr. Scott stated the R-1-8 AG zone is similar to the RE-20 zone in the sense that smaller lots are allowed, but one acre of ground would be required in order for a property owner to keep animals. He added that the RE-20 zone has been pursued as well because the owner is interested in allowing for accessory dwelling units (ADUs).

Council Member Swanson inquired as to the history of the non-conforming lots that are referenced in the staff report. Mr. Scott stated he is unsure when the RE-20 zone was applied to various parcels in this area of the City; none of the non-conforming properties are part of a subdivision project and they range between 9,000 and 12,000 square feet in

size. Council Member Swanson asked if there would be an advantage to the property owner maintaining the RE-20 zoning for their property. Mr. Scott stated it is his personal opinion that the RE-20 zone does not benefit the property owners because the setbacks for that zone are much more restrictive and would likely prevent the property owner from being able to build an ADU on their property.

Council Member Turner asked if there are duplexes in the area that is being considered for this rezone action. Mr. Scott stated he is not aware of any, but he has been informed there is one. In addition, there is one parcel that has been purchased by the applicant and will be converted back to a single-family home.

Mayor Chugg invited input from the applicant.

Pat Burns, 1407 N. Mountain Road, stated that he bought the subject property and has spent a significant amount of time working with surrounding property owners relative to the design of the type of development that the neighborhood would be comfortable with. He tried to provide a seamless transition between RE-20 zoning and R-1-8 zoning and he has heard no opposition to his latest concept plan. He stated he has lived in North Ogden for 20 years and he loves the community and his neighborhood and he only desires to develop a quality project.

Mayor Chugg opened the public hearing at 8:52 p.m.

Al Trout, 2670 N. 750 E., stated his property is on the west side of the subject property; he has not had a chance to talk to Mr. Burns tonight, but he wanted to raise the point that the properties on the western boundary of Mr. Burns' property are larger lots, even though they are in the R-1-8 zone. He stated his lot is approximately 10,000 square feet in size and his request would be that the size of the lots that will abut those properties are similarly sized to blend with existing residential development.

Kurt Child, 2695 N. 850 E., stated that the only thing that bothers him about this project is that it is connected to Henry Hall's property for the matter of convenience. He stated that those that live in North Ogden presently bought their homes here to live in a rural area. He stated that Mr. Burns has done everything that the neighboring residents have asked, but he still wished that Henry Hall's property was not part of this rezone action. It is his opinion that this is just a way for the City to pursue smaller building lots in that area. He identified the Henry Hall property for the Council's reference and reiterated that he objects to the property being made part of this rezone action for the sake of convenience. He stated that the Council has heard from the community tonight about their desire for the community to remain rural and for open space to be preserved. He discussed the history of proposals for the Powell property, indicating that application for a single-family home on the property was denied as was an application for a project that would yield 12 lots. He stated he feels this is because the City wants to pursue smaller lots and he concluded he hopes that Mr. Burns' project is approved as it is currently designed.

J.D. Dalpias, 2734 E. 700 N., stated that in his review of the concept plan, it is difficult for him to determine where the R-1-8 lots will be located, and he would like to see that design eventually. He added he is in the subdivision along 750 East and he reiterated Mr. Trout's comments that the lots in that area are larger than typical R-1-8 sized lots.

Richard Hall, 2781 N. 1375 E., stated he is the co-manager of Hall Brothers Land Company, LLC. He stated he needs to talk with his cousin, who is the other co-manager of the entity, to determine that they are comfortable with the R-1-8 zoning for their property. He added that they recently sold land to the City for the Monroe Boulevard extension project and he believes that there will be no objection to the R-1-8 zoning.

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 Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The public hearing was closed at 9:02 p.m.

6. DISCUSSION AND/OR ACTION TO CONSIDER A REZONE FOR THE PROPERTY LOCATED AT APPROXIMATELY 2700 N AND 850 E FROM RE-20 TO R-1-8

Council Member Swanson asked Mr. Hall to identify the location of his property on the aerial photo of the area, which Mr. Hall did. Council Member Swanson then asked for confirmation of Mr. Child's claims that a single-family home and a 12-lot subdivision on the Powell property were both denied. Mr. Scott stated he has had multiple conversations with various individuals regarding potential development of the project, but no formal application for a single home or a 12-lot subdivision has ever been submitted. The only formal application he has dealt with for his property is that submitted by Mr. Burns. Council Member Swanson asked Mr. Scott to research whether there was ever an official application for any other type of development of the Powell property. Mr. Scott stated he is confident that this is the only application that the City has ever received for development of the Powell property. Mr. Call clarified that there could have been a conversation between a City official and a property owner that led them to understand that the land use ordinance would not allow for certain types of developments, and that could be interpreted by a resident to be a denial of a development concept. Council Member Swanson stated he

is simply trying to ensure that other formal applications were not denied based on a belief that the City desires smaller lots and more homes in that area. Mr. Call stated that is not the case.

Council Member Turner inquired as to the zoning of other subdivisions in the vicinity of the subject property. Mr. Scott reviewed the City's land use map and identified the zoning of other subdivisions in close proximity to the subject property. He reiterated two ordinances have been prepared for Council consideration tonight; the first relates to areas one and two and the second relates to area three. He recommended that area three not be considered until a later date when the City has received final input from the property owners in that area regarding the zoning they desire for their property.

Council Member Swanson motioned to approve Ordinance 2018-14 for rezone of property located at approximately 2700 N. and 850 E., areas 1 & 2, from RE-20 to R-1-8. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER AN ORDINANCE ANNEXING PROPERTY LOCATED AT APPROXIMATELY 1500 EAST 2750 NORTH, HALL TREE SUBDIVISION PHASES 17, 18, & 19

A staff memo from City Recorder Spendlove explained Cherie H. Ensminger and Hall Brothers Land Co., LLC submitted an application on May 11, 2018 petitioning for annexation of 15.959 acres located at approximately 1500 East 2750 North in North Ogden, Utah. The annexation process requires the City Council to accept the petition for annexation so that we can start the process, which was done on June 6, 2018. Weber County Surveyor has reviewed the annexation plat map and had no changes. This property is within North Ogden City Annexation Declaration Policy. The petitioner is requesting an R-1-10 Zone; however, the Planning Commission has not reviewed that request and provided a recommendation to the City Council.

The law requires that the City give notice of an annexation for (3) consecutive weeks no later than 10 days after the Council receives Notice of Certification which was certified by the City Recorder on June 6, 2018. Written protests to this annexation were to be filed by July 6, 2018. No written protests have been received as of date of this staff report and the City Recorder will advise if one is received before or on the due date. If no protests are

received by the due date the City Council may adopt this Ordinance annexing this property.

Ms. Spendlove reviewed her staff memo and noted the Planning Commission will be considering the zoning request for the property at their next business meeting on July 18, but staff recommends the Council hold a public hearing tonight.

City Administrator/City Attorney Call reviewed an aerial map to identify the location of the subject property and the previous phases of the project developed by the same land owner.

Council Member Turner inquired as to those individuals that would be eligible to protest an annexation. Ms. Spendlove stated that any owner of property subject to the annexation could protest, as could surrounding property owners or entities that provide service to the property. She added that the City has never received a protest of an annexation

Mayor Chugg opened the public hearing at 9:13 p.m.

Ginger Brown, 1537 E. 2750 N., stated that she previously expressed her concerns about elimination of open space, but for this particular subdivision proposal, she is concerned about roads; it has been brought to her attention that the intersection of Mountain Road and 2750 North will be built as a roundabout. She stated she cannot see how that will accommodate the traffic associated with all the building in the area. She stated she would like to know if the Council will take into consideration the comments that have been made tonight.

Dale Anderson, 940 E. 2600 N., stated that the idea of a roundabout as mentioned by Ms. Brown is also very concerning to him. He stated that Ms. Brown could testify to the Council that several years ago the City basically stole the east part of the Brown property where the road currently sits and now to hear that more land may be taken from her for a roundabout is very disturbing. He stated that Ms. Brown's late husband did not fight the City, but if he had done so he could have required the City to push the road to the property line. He asked that the City be very sensitive to the sacrifice Ms. Brown has already made to allow the road where it currently is. He then stated that he has heard Mr. Scott state before that zoning will not bisect a property, but it is his understanding that this action would bisect a single parcel.

Carson Jones, 1106 W. 4050 N., stated he has been developing land for the Halls for a number of years now and this project has been conducted one phase at a time dating back to phase one. He addressed the proposal to use a roundabout and noted the reason for that proposal is two-fold: first, he is seeking a creative solution to water retention issues and he is working to design a detention/retention solution in the center of the planter strip of the roundabout. Second, the City or other property owners will not be asked to participate in the construction of a roundabout. He stated this area of the City is such an awesome area and he is trying to develop a very nice, upscale area and a roundabout fits into that concept.

He noted that the action before the Council tonight is simply the annexation of the property and not review of the design or conceptual plan for the subdivision and associated infrastructure. He stated that the zoning recommendation may cross parcels as they are currently defined, but he is working with the County to redefine those parcels to ultimately create new parcels that will not be bisected by zoning lines.

Julie Anderson, 940 E. 2600 N., stated she has watched the Hall property be developed over the years and she is not opposed to the annexation, but she does not see any open space included on the concept plan for this new project. She does not believe a roundabout is the best idea for the area as they end up being trash collection areas. They also become overgrown because they are not properly maintained. She understands the purpose of a roundabout for traffic flow, but she does not believe this is the right area for one. She reiterated her desire for open space and park land for children that will be living in the developments that are constructed on the property subject to the annexation.

Mary Settlemire, 2701 Mountain Road, stated that this project will increase traffic on Mountain Road immensely and the road is already heavily traveled. She asked if the road will be widened between 2750 North and 2600 North.

There were no additional persons appearing to be heard.

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

Voting on the motion:

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

The motion passed unanimously.

The public hearing was closed at 9:23 p.m.

8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING PROPERTY LOCATED AT APPROXIMATELY 1500 EAST 2750 NORTH, HALL TREE SUBDIVISION PHASES 17, 18, 19

Mayor Chugg reported this proposed ordinance will be tabled until the City Council has received the zoning recommendation from the Planning Commission.

9. **DISCUSSION AND/OR ACTION TO CONSIDER AMENDING THE VILLAGE AT PROMINENCE POINT DEVELOPMENT AGREEMENT**

A staff memo from City Planner Scott explained Visionary Homes is the developer of the Age Restricted Cottages and Townhomes 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 and Townhomes. The rationale for the request is that stucco will make the price point for the project be more competitive.

On June 5, 2018, the City Council considered this request. The City Council requested the Planning Commission's recommendation before making a final decision. The Planning Commission considered this matter on June 27, 2018.

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:

10. Architectural Design Standards

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 the Planning Commission voted four to one with one abstention to not approve stucco as a building material. The minutes reflect the Planning Commission discussion regarding, building material cost savings, the relationship to the homes to the north, and the quality of stucco as a building material.

Mr. Scott reviewed his staff memo.

Janet Thomas stated she is present this evening to represent Visionary Homes. She stated Visionary Homes believes that stucco is a very durable building product that can add value to the development; the issue Visionary Homes has encountered is that the development agreement for the project prohibits the use of stucco. She stated that Visionary Homes is not the original developer that worked with the City to negotiate the terms of the development agreement; they are simply the builder at this time. She stated that she understands the comments that have been made by Council Member Swanson and a Planning Commission regarding the amount of compromise the City had made when negotiating the development agreement with the original developer and noted that it is important to consider that there are changes inherent in the process of taking a plan from the conceptual phase to finalization. For that reason, Visionary Homes is asking for an amendment to the agreement to allow the use of stucco. During the Planning Commission

discussion of this application, there were comments that were made that allowing stucco would essentially break promises that were made to the residents of the City and she noted that if the City Council shares that same sentiment, Visionary Homes understands that problem and would support upholding the original development agreement. However, she believes that Visionary Homes is offering a great product for the community and that will not be changed by the use of stucco on the sides and back of buildings.

Council Member Turner motioned to uphold the original Development Agreement with Village at Prominence Point, Age Restricted Cottages, relative to allowed building materials. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER AN ADMINISTRATIVE HEARING OFFICER AGREEMENT

A staff memo from City Administrator/Attorney Call explained the City has utilized the services of Megan Ryan for the past several years as Administrative Hearing Officer for variances, appeals, and other code related situations. Staff has appreciated having her expertise and guidance in the several appeals which have been filed recently along with the variance requests made by our residents.

Staff is recommending approval of the revised contract which extends the length of service for an additional two years and increases Ms. Ryan's hourly rate. There are a few individuals across the state who perform this type of service at comparable rates.

Mr. Call reviewed his staff memo and facilitated a brief review of the agreement between Ms. Ryan and North Ogden City.

Council Member Swanson motioned to approve Agreement A12-2018 for Administrative Hearing Officer Services. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

11. **DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT WITH WEBER COUNTY ALLOWING NORTH OGDEN CITY TO DO BUILDING INSPECTIONS DURING THE MACKLEY ANNEXATION FOR PROPERTY LOCATED AT APPROXIMATELY 1750 NORTH 775 EAST**

A staff memo from City Administrator/Attorney Call explained the City has received a contract from the County which gives us the authority to handle building permits and other land use approvals on the Mackley property located at 775 E. and 1750 N. This agreement allows for Dr. Mackley's daughter to construct a home while they work on annexation and subdivision process. Staff recommends approval of this agreement.

Mr. Call reviewed his staff memo and used the aid of an aerial photograph to identify the location of the property subject to this agreement. He concluded the agreement would not be executed until the City has received the formal annexation application.

Council Member Swanson asked if there is any reason to approve the agreement before receiving the annexation application. Mr. Call stated that if the applicant understands the City is willing to enter into the agreement, it may encourage them to complete their annexation application and provide all required documentation. He noted, however, that there is no negative impact to the City if the agreement is not approved tonight. City Recorder Spendlove reported that she has received some documentation from Mr. Mackley, but the legal description provided does not match the County's records and the engineer for the project is hesitant to expend additional funds for a survey and report that corrects the legal description.

Council Member Swanson stated that he believes that it would be a great incentive for the City to deny the agreement until such time that accurate information regarding the property has been provided to the City. Ms. Spendlove stated that she sees no problem with that action.

Mayor Chugg declared the item as tabled and noted it will be considered at a future date when proper annexation materials have been submitted to the City Recorder.

12. **PUBLIC COMMENTS**

Kim Christensen, 2428 Barker Parkway, stated that she wanted to leave the Council with a few thoughts regarding the Nordic Valley expansion project after hearing from Mr.

Coleman. She stated she would like to know who Mr. Coleman has been talking to about the project and how residents in other communities where Mr. Coleman has developed have been impacted; it sounds as if Indian Tribes in Arizona were ‘bulldozed’ by a project and now Mr. Coleman is trying to make amends for those issues. She hopes the same thing will not occur in North Ogden. It sounds as if the residents of Ogden Valley do not want this project and it may be the case that Mr. Coleman is trying to annex into North Ogden just to get what he wants relative to residential density. She referenced Council Member Swanson’s question to Mr. Coleman about how the project may benefit North Ogden and noted she believes the answer can be found in a June 26, 2016 Standard-Examiner article on the subject; County Commissioner Ebert commented that “Brent Taylor, North Ogden Mayor, approached the County Commission about the development a year to 18 months ago inquiring about the possibility of the City annexing the unincorporated land encompassing the proposal. If the land was in North Ogden City limits, the City’s zoning rules would apply, which would allow for denser residential development bearing on the projects potential probability. Some 3,300 to 3,400 new housing units near the Nordic Valley facilities were in a proposal Taylor outlines.” She stated that the Council should ‘look a little closer to home’ relative to the project.

Greg Merrill, 2585 N. 1300 E., stated that he is a resident of the City, but he drives to Hill Air Force Base every day for his employment and he can attest to the congestion on the City’s roads; it is only building and getting worse. He has read the City’s plans relative to transportation improvements, but some of those projects have caused him to question how he will get to work each day. He asked if the City has long-range plans relative to the amount of growth that will be allowed. He stated he understands that property owners have rights to develop their properties, but it seems as if the City is interested into ‘shoe horned’ as many people as possible into the community. The City is unique and there is one way in and one way out; 1050 East, 2600 North, and 3100 North are not intended to be main roads and he is concerned about growth of 44,000 people as defined in the City’s plans. He stated that if the City were ever to close the intersections of 2600 North and Washington Boulevard and 1700 North and Washington Boulevard at the same time, people will not be able to get in and out; they will not be able to use Mountain Road and Pleasant View Drive because those roads cannot handle the amount of traffic generated in the City. If the City grows as some of the City feel it should, it will become a miserable place to live. He does not believe that it is the right of property owners to rezone to provide for as high a density as they desire; rezone requests should be considered in the vein of what is beneficial for the long-term growth of the City. He does not want to be forced to move from the community because it is impossible to get in and out of. He suggested the City do what it can to moderate growth and ensure that any growth has adequate infrastructure. He thanked the Council for what they do and believes that the majority of the citizens believe that the Council is doing the best they can for the community. He apologized that some comments made earlier in the meeting were somewhat personal and noted that should not happen; the citizens should be working with those that they have elected for the betterment of the community.

13. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson commented on some of the issues raised tonight. He noted that growth is driven by landowners; if a landowner does not sell their land, growth will not happen. Landowners' rights are protected and the only control the City has relates to zoning, but when a zoning precedent has been set in a certain area of the City, the Council cannot require something much more restrictive on another landowner as such an action will not hold up in a court of law. He stated that residents and neighbors of those that have expressed concern are the parties that are driving growth; the City is not driving growth by encouraging developers to buy land or encouraging annexation of land formerly located in the County. It is important to understand the Council is not driving growth and is only doing what they can to limit growth legally. He then thanked Ms. Christensen for her comments, but cautioned her against making claims against people who are not present to defend themselves as she did about Brent Taylor. Ms. Christensen stated that she simply read a quote from the newspaper and Mr. Taylor is a public official. Council Member Swanson stated that is correct, but unless he is present to defend himself, such accusations are unfair. He added that Commissioner Ebert is in a position where he is willing to throw North Ogden under the bus to protect himself and the readers of that newspaper article were just getting one side of the story. He suggested that people get both sides of the story before making accusations.

A resident, no name or address given, asked if the City can confirm or deny whether Nordic Valley applied for and was denied by the Ogden Valley Planning Commission the type of zoning they desire for the expansion project. Residents are frustrated by the fact that many discussions have been held behind closed doors and they have been surprised by something that seems to be very secretive and possibly related to incentives or dishonest activity. It is terrifying that so much can be hid from residents. Council Member Swanson stated he understands that position, but asked if there is proof that Brent Taylor approached the County. The resident stated the newspaper article cited by Ms. Christensen indicated such. Council Member Swanson reiterated that claim was made by Commissioner Ebert; it is equally possible that if the application was denied by Eden and the County, that the County suggested the applicant approach North Ogden about a possible annexation. Mayor Taylor could have gone to the County seeking clarification about whether the County actually referred the applicant to North Ogden. He stated that is a possibility. Mr. Call stated that is actually what happened; the developer was told by someone at Weber County to approach North Ogden City and Mr. Taylor went to the County Commissioner for discussion about the issue. He stated it may be true that the first time Commissioner Ebert heard of the issue was from Mr. Taylor, but it is true that the developer was referred to North Ogden by a representative of Weber County.

Mr. Christensen stated that someone from Senator Lee's Office confirmed that Mr. Taylor approached him about the project. Additionally, Commissioners Ebert and Gibson as well as Gage Froerer, candidate for County Commission, all confirmed that they were approached by Mr. Taylor who indicated that he felt the project would be an economic boon for North Ogden.

Council Member Swanson stated that the point he is trying to make is that when casting dispersions and saying things that could implicate someone of doing something wrong, a public forum is not the right place to do that without the other person present to defend themselves. He stated he is sick of claims that are thrown about on the slightest rumor and the fact that the person making the claim will not identify their source; he likened it to 'garbage' and stated that if someone is not willing to identify the source of their information, they should not be saying it in public.

Council Member Stoker stated that she appreciated the comments made about the Nordic Valley project, but she wanted the residents to know that some of the information about the project has blindsided the Council as much as the residents. She stated she does not mind public comment and strong opinions, but she could not help but feeling attacked and taking the harsh comments personally. The assumption was made that the Council knew about the project, but she did not know and did not find out until the same time as the public. She asked the residents to consider that sometimes the Council is innocent and is trying to figure things out as they go. She then asked why the ground around the library has been dug up. Mr. Call reported the sewer lateral to the library was clogged and damaged and it was necessary to address it to prevent extensive damage associated with a backup.

Mr. Call reported that Planning Commissioner Barker was involved in a motorcycle accident and he is currently recovering at his home.

Ms. Spendlove reported that on August 14 the Council will receive a presentation from the Salt Lake Chamber's Housing Gap Coalition regarding housing affordability. There was a brief discussion regarding other meetings scheduled for that same night, such as the Nordic Valley expansion plan open house, after which Mr. Call noted the City completed its most recent affordable housing plan two years ago, but it may be necessary to consider amendments to that plan to comply with changes to State law regarding housing affordability.

Public Works Director Espinoza provided a progress report on construction projects occurring on 2550 North specific to storm drainage and street lighting. Council Member Swanson asked that the Public Works Department do their best to keep communication between the City and residents on 2550 North open and clear during the projects.

Council Member Stoker thanked Mr. Espinoza for his responsiveness to a leak created by someone driving stake through a sprinkler line during the Cherry Days events.

14. ADJOURNMENT

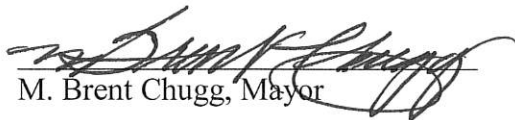
Council Member Swanson motioned to adjourn the meeting. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 10:09 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved