

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

September 22, 2020

The North Ogden City Council convened in a virtual meeting on September 22, 2020 at 6 p.m. at <https://us02web.zoom.us/j/85687904138> or by Telephone: US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or Youtube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. 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 September 17, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT:	S. Neal Berube	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Charlotte Ekstrom	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Annette Spendlove	City Recorder
	Brandon Bell	Associate Planner
	Evan Nelson	Finance Director
	Lorin Gardner	City Engineer

VISITORS:	Brenda Ashdown	Katie Kluge	Phoebe Moorhead
	Stefanie Casey	Terri McCulloch	Val Poll
	Susan Clements		

Mayor Berube called the meeting to order. Council Member Swanson offered a thought and led the audience in the Pledge of Allegiance.

**CONSENT AGENDA**

1. **DISCUSSION AND/OR ACTION TO CONSIDER AUGUST 25, 2020 CITY COUNCIL MEETING MINUTES**
2. **DISCUSSION AND/OR ACTION TO CONSIDER SEPTEMBER 1, 2020 CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve the August 25, 2020 and September 1, 2020 City Council Meeting Minutes. Council Member Ekstrom seconded the motion.

**Voting on the motion:**

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

**The motion passed unanimously.**

**ACTIVE AGENDA**

3. **PUBLIC COMMENTS**

Brenda Ashdown, 193 E. Pleasant View Drive, thanked City Manager/Attorney Call for his recent assistance in finding something she was looking for on the City website. She also thanked the City for planting the trees on old Public Works facility site across the street from her. She noted it looks very nice.

4. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE NORTH OGDEN CITY ZONING ORDINANCE CHAPTER 11-10-16 FAMILY SWIMMING POOL STANDARDS**

Associate Planner Bell explained Katie and Kyle Kluge have submitted an application requesting an amendment to the standards for family swimming pools (See Exhibit A). They are requesting an amendment that would allow for a family swimming pool to be allowed in the side yard of corner lots. The current ordinance allows family swimming pools only in rear yards. The Planning Commission considered this proposed ordinance amendment and recommended it to the City Council with minor adjustments; the proposed ordinance amendment would adjust City ordinance 11-10-16 to:

- Expand the location where family swimming pools are currently located, in rear yards, to also be permitted in the street-facing side yards of corner lots (known as corner side yards).
- Pools in side yards would need to be at least 10' from the side property line.
- Pools, decking, and related machinery would be required to be behind the required front setback of the zone, and also no farther forward than the front corner of the main dwelling) which is closest to the pool.
- Additionally, the proposed ordinance amendment would simplify the definition of Corner Side Yard, in the City Code (see Exhibit C for the location of a Corner Side Yard on a Corner Lot).

The Planning Commission recommended the ordinance amendment, with two adjustments from a prior version. The two adjustments were, first, that swimming pools in side yards be allowed to be 10 feet away from the side property line (see Exhibit B), and second that the language of the ordinance clarify that it applies to the single-family residential zones. Both of these modifications are reflected in the current language of the proposed ordinance amendment. Another important requirement in the proposed ordinance amendment which is worth noting, is that any pools, decking, and related equipment in side yards, need to be both behind the required front setback for a zone, and no farther forward than the forward most point of the main side wall of the home.

Mr. Bell discussed the application's conformance with the General Plan and provided the following summary of Land Use Authority considerations:

- Should the standards for family swimming pools be amended to allow family swimming pools in the corner side yard of corner lots?
- If so, what should the standards be?
- Is the amendment consistent with the General Plan?

He concluded that the Planning Commission voted unanimously to recommend approval of the ordinance amendments; he also presented a diagram illustrating the locations of side yards and corner lots where swimming pools would be allowed if the ordinance amendments are approved. Pools located in the side yard must be behind the front yard setback and no farther forward than the front of the home.

Mayor Berube indicated that Mr. Bell's diagram clearly identifies the allowed location of the swimming pool, but he asked if the decking surrounding the pool could extend to the property line. Mr. Bell answered yes, so long as other green space/open space requirements are met for a given property. Mayor Berube asked if the pool must be located 35 feet from the property line or from a dwelling. Mr. Bell stated that measurement is from a dwelling on an adjoining lot.

Council member Ekstrom asked what will happen in the event that a resident installs a pool on their property next to undeveloped property or a vacant lot; will the future owner

of the undeveloped property be required to ensure that their home is located 35 feet from the existing pool and will the City get involved in enforcement of that distance requirement. Mr. Bell stated that the City can only enforce ordinances that are in place for a property owner who has applied for some kind of permit. The buyer of the vacant lot will need to take into consideration that the neighboring property owner has a pool and that will impact the location of their home on their property. Mayor Berube asked if the lot behind the petitioner's home is vacant. Mr. Bell stated he is unsure and deferred to the petitioner. Mayor Berube asked how close the pool can be located to the rear property line. Mr. Bell stated that the pool would need to be 10 feet from the rear property line. The Council reviewed a google maps image of the petitioner's property and surrounding property to gain an understanding of the manner in which this ordinance could impact future development in the area, after which Mayor Berube invited input from the petitioner.

Katie Kluge stated she and her husband are building their home at 2786 N. 1175 E.; their home will face west and they would like to include a swimming pool in their side yard. The distance between the pool and the home to behind them will be roughly 55 feet. She thanked the Council for considering this ordinance amendment.

a. Public Comments

Phoebe Moorhead, 2771 N. 400 E., stated she will be building her home across the street from the Kluge property and she also plans to build a pool in her backyard. She noted she supports this ordinance amendment and the Kluge's ability to construct a pool. She noted that the plat for her property indicates she is required to adhere to a 20-foot rear yard setback, but now she is hearing that it is 10 feet. She asked Mr. Bell to clarify. Mr. Bell stated that the setback is actually 20 feet, and the 10-foot distance he referred to was for the pool to be located from the property line.

b. Discussion and/or action to consider an Ordinance amending the North Ogden City Zoning Ordinance Chapter 11-10-16 Family Swimming Pool Standards.

**Council Member Cevering motioned to approve Ordinance 2020-22 amending the North Ogden City Zoning Ordinance Chapter 11-10-16, Family Swimming Pool Standards, and 11-2-7, Definitions and Terms. Council Member Barker seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

**5. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR THE SALE OF .12 ACRES OF PROPERTY FROM OLD PUBLIC WORKS SITE.**

City Manager/Attorney Call indicated there have been ongoing discussions about selling .12 acres of property off the old Public Works facility site. The property is located at 346 E. Pleasant View Drive and the Council is required to hold a public hearing to declare the portion of property as surplus. The City has received a purchase offer for the property of \$19,500; the potential buyer will provide a cross access easement to give the ability to utilize the access for parking if the old Public Works site redevelops. He then facilitated discussion among the Council and the potential buyer regarding renderings they have submitted to illustrate the animal hospital's plans for the property. Val Poll representing the animal hospital stated he has worked closely with Mr. Call to understand future plans for the area and the subject property, which includes the potential to close one of the major roads that runs by his business. He asked why the City is considering that road closure. Mayor Berube indicated that the closure would be to address the dangerous nature of the intersection of Pleasant View Drive and Washington Boulevard; additionally, the City would like to route traffic to 300 East to make it easier for patrons of Lee's Marketplace to get in and out of the parking lot more safely. Increased traffic on 300 East will make it easier for the City to secure a warrant for a traffic signal at 300 East and 2700 North. Council member Swanson echoed Mayor Berube's comments and indicated that traffic at the intersection of Pleasant View Drive and Washington Boulevard will only become more dangerous in the future when the 400/450 East road widening project is completed and as Bicentennial Park is improved upon.

Council Member Ekstrom stated that the City does not want to negatively impact any business by closing an access road, but it is also the City's job to look out for the safety of residents driving on City streets. She stated that she feels that there will still be adequate visibility of the business and she asked Mr. Call if the animal hospital will still have an access onto the abandoned portion of Pleasant View Drive. Mr. Call stated that State law guarantees landowners access to their property, but not necessarily the most convenient or commercially beneficial access. He stated that he would recommend that the Council still provide an access point from the lower parking lot of the animal hospital to 400 East in some manner, as that would be most fair to the property owner. He stated

that he feels that the City can continue to work with the property owner to provide commercially viable access onto Washington Boulevard. This led to continued review of the renderings of the property to evaluate access options and the relationship between the property and the area dedicated to the future expansion of Bicentennial Park. Mr. Poll stated that he would recommend a blend of the two renderings that have been presented. Council Member Swanson stated that he would like to have a work session meeting to further explore the options for addressing the concerns of the animal hospital as well as the safety hazards at the intersection of Pleasant View Drive and Washington Boulevard. Mayor Berube stated he would support that concept and asked that Mr. Poll be patient as the City works through these issues.

Council Member Barker asked if it would be appropriate to take action on the land sale tonight even though there are issues to work out with the access to the site. Mayor Berube stated that he would rather ensure that the concerns that have been raised can be addressed before the property is sold. Council Member Covering stated he would like for the City Engineer to attend the work session meeting regarding this topic to ensure the Council has factual information about the access options. Mr. Poll added he would like to understand the scope of the planned Washington Boulevard road widening project as well.

6. **TRAINING AND DISCUSSION ON THE OPEN MEETINGS ACT**

City Manager/Attorney Call provided the Mayor and Council with the annually required training on the State of Utah Open and Public Meetings Act (OPMA).

7. **COUNCIL REPORTS:**

**a. Council Member Stoker – Police**

Council Member Stoker reported the Public Safety Facility Committee is working to schedule a few public open houses to solicit public feedback regarding the Public Safety Facility project. She then reported on new hires in the Department. She concluded by reminding everyone to secure their vehicles and homes to deter crimes of opportunity in the community. The Police Department's website and Facebook page include information for residents for identifying and avoiding scams.

**b. Council Member Covering – Public Works**

Council Member Covering read a statement provided by Public Works Director Espinoza, which addressed staffing levels in the department and new hires. The Department has

mobilized to help other communities that suffered damage from the windstorm; this includes South Ogden and Washington Terrace.

Mayor Berube stated he is proud of the City's Public Works employees; before responding to other cities, they made sure that residents in North Ogden were taken care of. He then added that he is happy to see that they are effectively managing their work order system to ensure proper and timely response to citizens.

Council Member Covering then reported on his participation with the Economic Development Committee; the group has created a charter to identify the mission for the group and they are working to revive the 'spend it in North Ogden' campaign.

**c. Council Member Ekstrom – Parks and Recreation**

Council Member Ekstrom stated that the North Shore Aquatic Center recently closed and she provided a comparison of the participation numbers for 2020 to those for 2019; there were only a few days where the pool was near the 50 percent capacity limit and people were turned away. The City heard a great deal of positive feedback about the pool being opened as most other facilities in neighboring communities were closed and people were looking for things to do. With all difficulties considered, the pool still reached 94 percent of its projected revenues for the season, which is commendable. Mayor Berube agreed; he was hesitant to open the pool this year, but he feels that the Parks and Recreation Department did a great job following health guidelines and providing residents with a recreational option in the community.

**8. PUBLIC COMMENTS**

There were no public comments.

**9. COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Ekstrom encouraged the City's residents to stay involved in Council proceedings; she was grateful to hear the training on the Open and Public Meetings Act and she hopes this will remind residents that City Council actions are to be taken openly and transparently and she benefits from the input and suggestions she receives from residents. Mayor Berube agreed; he also welcomes public input. He referenced ongoing conversations about garbage collection services and noted that he understands many residents are concerned and the City is working to address those concerns

Council Member Covering indicated a resident informed him of some solar lights along the trail that are not working. City Manager/Attorney Call stated he will ask staff to look into the issue.

Council Member Swanson stated that he was contacted by a group that would like to make a historical video to document the project to take the old Campbell barn down. The group does not have the funding for the project and they have asked that the City donate \$1,000. He stated he is in favor of it and asked that the Mayor poll the rest of the Council to get their opinion. Mayor Berube added that he would like to first try to facilitate a campaign to raise funds or in-kind videography work. Council Member Cevering stated that he has reached out to a local historical foundation that is interested in helping with the project and it may not be necessary for the City to consider the \$1,000 donation request at this time.

Mr. Call reported on the status of the land use and City code update projects; the final recommendations will be coming to the Council soon and he advised them to be prepared for a lot of reading. He then stated that as City facilities are reopening, staff has become aware that traffic on Fridays is much lower than prior to the COVID-19 shut down; he will be conducting a study to determine if it is possible to close City Hall for a half day each Friday.

**10. ADJOURNMENT**

**Council Member Ekstrom motioned to adjourn the meeting. Council Member Stoker seconded the motion.**

**Voting on the motion:**

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

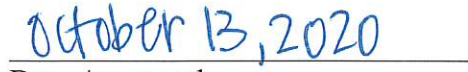
**The motion passed unanimously.**

**The meeting adjourned at 7:56 p.m.**



  
S. Neal Berube, Mayor

  
S. Annette Spendlove, MMC  
City Recorder

  
Date Approved