

NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 13, 2020

The North Ogden City Council convened in a virtual meeting on October 13, 2020 at 6:02 p.m. at <https://us02web.zoom.us/j/81242545432> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 8592 626 6799 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 October 8, 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
	Rob Scott	City Planner
	Dirk Quinney	Chief of Police
	Lorin Gardner	City Engineer
	Evan Nelson	Finance Director

VISITORS:	Alexis Riggs	Brett Hamblin	Kevin Burns
	Ryan Forsyth	Stefanie Casey	Brenda Ashdown
	Susan Clements	Korilyn Hietala	Terri McCulloch
	Julie Anderson	Lynne Bexell	

Mayor Berube called the meeting to order. Council Member Barker offered the Invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **DISCUSSION AND/OR ACTION TO CONSIDER SEPTEMBER 8, 2020 CITY COUNCIL MEETING MINUTES**
2. **DISCUSSION AND/OR ACTION TO CONSIDER SEPTEMBER 22, 2020 CITY COUNCIL MEETING MINUTES**

Council Member Ekstrom motioned to approve the September 8, 2020 and September 22, 2020 City Council Meeting Minutes. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

3. PUBLIC COMMENTS

Mayor Berube read comments submitted by Duane and Hailey Richards who reside at 193 E. Country Boy Drive. The written statement expressed the Richards' concerns regarding the 7-Eleven project proposed for the corner of 1700 North and Washington Boulevard. They are concerned about the City settling for a gas station as the gateway to North Ogden. They are also concerned about the negative impacts that a gas station can have on the adjacent neighborhoods. They asked that the Council not sell out their ideas for the Village at Prominence Point project for the sake of getting a business to locate on the property.

4. DISCUSSION AND/OR ACTION TO CONSIDER A SITE PLAN FOR THE 7-11 PROJECT LOCATED AT 1700 NORTH AND WASHINGTON BOULEVARD

A staff memo from Planning Director Scott summarized the site plan application for the 7-Eleven project located at 1700 North and Washington Boulevard; the memo evaluated the application's conformance with the City's land use code and General Plan. The project was most recently discussed during the September 1 meeting and the City Council requested that building elevations be revised as follows:

- Orient the building on an angle to 1700 North and Washington Boulevard;
- Eliminate the clock tower;
- Have a two-story building;
- Building elevations that front Washington and 1700 North would have variations in the buildings with high quality building materials;
- Have an outdoor seating area with direct access from the building;
- Consider an atrium and design for a restaurant in the future; and

- Electronic charging stations should be considered.

The applicant has submitted a revised site plan responsive to the City Council's feedback. Staff recommends that the City Council determine whether this proposal is a gateway building. If it is determined by the Council that this building qualifies as a gateway building, the Council should consider the Planning Commission recommendations regarding the following design recommendations:

- Only allows monument signs;
- The utilities be removed from Washington Boulevard and put on the north side of building;
- The 7-Eleven be excluded from any shared parking at VPP;
- A clock face on both sides of the clock tower;
- No necessity to put "dummy doors" on the east side of the building. (The alternative discussed was that there be windows that are the proper size to be replaced with doors, if the use changed; the present elevation includes these windows);
- The majority of the PC recommends the darker color elevation materials.

Finally, the City Council should evaluate the revised submittals to determine if they are acceptable for the 7-Eleven project. Based upon the Council's determination and direction the applicant can proceed to a final design submittal.

Mayor Berube noted that the applicant submitted a revised landscape plan earlier today and he would like to review that plan before proceeding with deliberation of the site plan application.

Ryan Forsyth, 1835 S. Highway 89, presented the updated landscape plan; he identified existing easements that impacted the site layout, but indicated that the easements actually preserve open space that can be used for outdoor seating. The pumps have been stacked in order to shorten the pump canopy area and to accommodate the addition of electric charging stations in the future. This will promote walkability of the entire area. The landscaping is manageable, but very nice. There is plenty of visibility for traffic and pedestrians. He then reviewed the elevations for the project, drawing the Council's attention to lighting and awnings as well as the amount of glass used in the project. He evaluated the option of a second story or an atrium space, but in the updated design, the feature overpowered the project and he could not make it work. However, he feels that there is adequate space for people to gather and visit either indoors or outdoors in the project. He concluded he is happy to answer any questions the Mayor or Council have this evening.

The Council discussed the site plan and expressed their gratitude that Mr. Forsyth has tried to adjust the plan responsive to the feedback provided by the Council and the community. There was a focus on signage, with Mr. Forsyth indicating that the site plan includes four signs, but he is willing to reduce this signage if the Council so desires.

Mayor Berube suggested a monument sign that is oriented towards the corner of Washington Boulevard, but he would like for the sign on 1700 North to be removed; he would also like the signage advertising fuel prices on the pump canopy to be removed. He would also like some decorative features added to either the signs or the building to signal that this is the entrance of North Ogden. The Council discussed this idea and ultimately supported it.

Mayor Berube then invited input from the City Engineer, Lorin Gardner. Mr. Gardner discussed the signalization of the intersection and the number of lanes on Washington Boulevard and 1700 North, noting that any adjustments that are to be made to the intersection and roadways must be warranted by traffic counts conducted by the Utah Department of Transportation (UDOT). He indicated that 1700 North is a collector road and is intended to have more traffic than a local road.

There was then discussion about future landscaping plans for adjacent parcels of property – namely tree plantings along 1700 North. Mr. Forsyth stated that his plan does not contemplate those improvements because he does not own those parcels, but he can work with the property owners to pursue landscaping while his project is under construction.

Mr. Forsyth discussed the proposed adjustments to the signage and removing fuel prices from the pump canopy; he is willing to remove fuel prices from the canopy and use building materials that will improve the appearance of the canopy.

Mayor Berube then asked if the amendments that have been suggested to the plan require it to be resubmitted to the Planning Commission or if the Council must wait for a final landscape plan for the project before they can take action on the site plan application. Mr. Scott stated that the Council could grant approval subject to the Planning Commission approving the landscape plan. Mayor Berube asked what will happen if the Planning Commission approves a landscape plan that is different than what the Council has directed and is expecting. Mr. Scott stated the City Council approved the development agreement for the project, which designates the Planning Commission as the approval authority for the landscape plan. Mayor Berube stated that his concern is that the Planning Commission may approve a landscape plan that is not acceptable for the City Council. Mr. Scott stated that what Mr. Forsyth has presented tonight is not a finalized plan; it needs refining and staff can work with the applicant to identify outstanding issues and reach a resolution that can be accommodated by both the Planning Commission and the City Council.

Council Member Swanson stated the draft landscape plan is very nice and he does not think Planning Commission will vary from it dramatically to the point that their recommendation would be unacceptable to the Council. He stated that they are charged with ensuring code compliance and he is comfortable putting his trust in the Planning Commission to address details. Mayor Berube stated that he would like to consider a process amendment to allow the City's Planning staff to review and approve landscape plans. He added he would like the applicant to plant trees in the area west of the site.

Council Member Barker stated that as the member of the Council assigned as the liaison to the Planning Division and the Planning Commission, he would be happy to attend the meeting when the plan will be discussed and convey the Council's desires to them.

Mr. Forsyth asked if there is a plan for sidewalks along the private road to the west of this site. Mr. Call stated he is aware that a dedication plat has been created for that area, but he deferred to Mr. Gardner to answer questions for any future sidewalk plans. Mr. Forsyth stated that if there is a sidewalk, it may be necessary to widen the plantings in the area; all the plans he has seen do not include sidewalks along the private road. Mr. Gardner stated that the private roads within the development have two five-foot sidewalks on both sides of the road. He is unsure whether the development agreement requires the same for all private roads, but the project was intended to be walkable. Mr. Forsyth stated that the design he saw in the development agreement includes a sidewalk on the west side to connect to the residential areas of the project; he is not opposed to a sidewalk on the east side of the private road as well, but he is trying to get clarification of the actual requirements that will be placed on him.

Council Member Cevering asked how soon this project can be placed on a Planning Commission agenda. Mr. Scott stated this is a preliminary plan and once staff has received a final landscape plan, it can be included on a Planning Commission agenda within two weeks. City Manager/Attorney Call added that if the Council approves the action before them tonight, Mr. Forsyth can begin working on the building plans to submit to the Building Division for review.

Closing discussion centered on the overall development application process that the project will continue to follow before Mr. Forsyth is able to proceed with the project.

Council Member Cevering motioned to approve Site Plan for the 7-Eleven project located at 1700 North and Washington Boulevard as proposed. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION TO CONSIDER MEMBERS OF THE AUDIT COMMITTEE.**

A staff memo from the City Recorder explained Mayor Berube proposed in July 2020 that the City create an auditing committee based on a recommendation from the Utah State Auditor's Office. Mayor Berube suggested that Council Member Swanson chair the committee and asked for Council Member Ekstrom and himself to be part of the committee. The Council approved this suggestion on July 28, 2020. Council Member Cevering asked if it would be beneficial to invite private citizens to participate on the committee as well. All were open to his idea. The following names are before the City Council for consideration to be part of the audit committee: Thayne Shaffer, Randy Winn, and City Recorder Annette Spendlove.

Council Member Swanson reviewed the memo and asked that the Council support the recommended appointments to the Audit Committee.

Council Member Swanson motioned to approve members of the Audit Committee as discussed and named. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

6. **PRESENTATION OF MAJOR PROJECTS**

City Manager/Attorney Call referenced a memo included in the Council's meeting packet summarizing the status of major projects that will be completed in the City over the course of the next few years. The projects include street projects for 2020-2021, Culinary Water Storage Facility project, Barker Park Amphitheater, the 2550 Detention Basin, and the 400/450 East Widening project. Residential projects on the horizon include Coopers Towne, Village at Prominence Point, The Ranches, and North Hills. Projects that have been completed include Monroe Boulevard property acquisition (all voluntary purchases have been made); and the 3100 Detention Basin, which is now 100 percent completed.

7. **COUNCIL REPORTS:**

a. Council Member Barker – Building and Planning

Council Member Barker reported the General Plan Steering Committee continues to make progress on the General Plan update project.

b. Council Member Swanson - Finance

Council Member Swanson reported that sales tax revenues are tracking at 17 percent above the budget projections. He still wants to maintain a conservative position relative to expenditures because the COVID-19 pandemic is not over and with surges this fall, there may be situations similar to those that occurred in the spring of 2020 that impacted the City's tax revenues. The cautious manner in which the City approached budgeting this year has proven to be beneficial and North Ogden is in a better position than other cities who were not as conservative.

8. **PUBLIC COMMENTS**

Korilyn Hietala, 218 E. 1850 N., stated she lives in the Village at Prominence Point Project and she has concerns about the 7-Eleven project in addition to other concerns about the area. The roads are so narrow throughout the project and she is concerned about existing and future traffic issues associated with the increase in traffic for the 7-Eleven project. She asked if there are ways to get the roads any wider and she invited the Council to drive through the project to gain an understanding of her concern. She added that there are not adequate streetlights to give enough light for pedestrian activity in the area and she is especially concerned about the safety of children who may be playing outdoors after sunset. She then stated the dumpsters associated with the construction activity in the project are located on the street, which makes the roads narrower and only able to handle one-way traffic. She then noted that employees who work at the nearby carwash are parking on the sidewalk and the towel returns for the carwash are also on the sidewalk; this means the five-foot sidewalk is actually not that wide. She stated that parking for the 7-Eleven may only exacerbate those issues. She stated she is aware that continued development on the east side will be commercial in nature, which she prefers over more residential. She stated there are several residents of the project who are concerned about the wetland area in the project; she believed that it would remain open space, but she has learned that there are plans to build a three-story building with 55-and-over units and underground parking. She stated that with the amount of people already in the project, plans to allow apartments will lead to the City taking on more than it can handle in regard to density and population growth. She stated that burglaries have occurred in the project given the poor lighting conditions; the residents are sitting ducks. She concluded by asking if building has been approved for the lots on the west side of the project near the Coldwater Creek.

Mayor Berube stated that the development agreement for the project identifies different types of residential buildings, which includes the 55-and-older building Ms. Hietala described; however, there have been discussions about moving it closer to the south end of the project. He asked Mr. Call to dispatch someone to the project to evaluate the parking issues raised and to examine the condition of the internal private roads. Mr. Call stated he will visit the area and will report back to the Council and to Ms. Hietala. There was a brief discussion about private management of the site and plans for the creation of a homeowner's association (HOA) in the future. Mayor Berube stated that the latest he has heard from the developer in regard to Coldwater Creek is that he is still working with the Army Corps of Engineers; he has made some commitments to preserve and improve the creek as development continues.

Council Member Barker reported that parking on the sidewalk is a fire code violation and he will dispatch a Fire District employee to the carwash to determine if the employees are parking in a manner that is a violation of that code.

Julie Anderson, 940 E. 2600 N., reported that there have been many people in the City's dog park after dark and they are using flashlights because the lighting in the area is poor. The park is open until 10:00 p.m. and she suggested that lighting be improved, especially in the area where people park their vehicles to access the property. She then stated that campaign signs have been placed on City property or in line of sight triangles and she asked that the City address the matter and enforce political sign regulations.

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

Council Member Swanson echoed Ms. Anderson's concerns regarding political signs; it is important for candidates to be reminded that signs cannot be placed on public property and only on private property with the permission of the property owner. He stated he would like for the City's Code Enforcement Officer to look into the matter.

Mayor Berube stated that City Manager/Attorney Call has worked very hard to address the issues that residents have raised regarding trash collection operations; he has contacted Republic Services to ask that an additional account manager be assigned to North Ogden City in order to assist residents. He then noted that he receives a weekly report of COVID-19 cases in the County and the City; in the last month, Weber County has had nearly a 44 percent increase in COVID-19 cases, which is fairly substantial. On September 9, there were 92 residents that had tested positive, and the most recent report indicates there are now 151 residents that have tested positive. He offered a word of caution for residents and ask that they strive to comply with precautionary directives aimed at reducing the spread of the virus. He then addressed budget issues related to the pandemic; when the current budget was adopted, the Council committed to evaluating the budget in the event that revenues were exceeding projections. To that end, Administration will perform those evaluations and will be reporting to the Council in the near future. He then noted the City has received CARES Act funding and it has been confirmed that

money can be used for public safety salaries and he will be evaluating the concept of providing hazard pay to public safety employees. He concluded that today he had the opportunity to visit with two third-grade classes at North Ogden Elementary School; their teachers had them write letters to the Mayor to communicate the things they would like to see in North Ogden. He stated he would like to offer a 'shout-out' to teachers; he was reminded of the hard job they are performing and the great service they are providing to their students.

Mr. Call stated that the City has received an inquiry from a business that would like to buy a piece of property in the Village at Prominence Point commercial area; he will be sending the Council an email with detailed information about the business, a restaurant, but added that the City has been asked to keep the information confidential for the time being. He then stated he participated in the school visit with Mayor Berube and it was a very positive experience.

10. **ADJOURNMENT**

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

Voting on the motion:

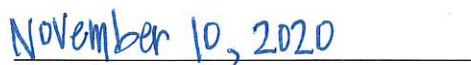
Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 8:04 p.m.


S. Neal Berube, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved