

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

July 23, 2019

The North Ogden City Council convened in an open meeting on July 23, 2019 at 6:01 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 18, 2019. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2018.

PRESENT:	M. Brent Chugg	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	arrived at 6:15 p.m.
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Joyce Pierson	Deputy City Recorder
	Rob Scott	Planning Director
	Dave Espinoza	Public Works Director
	Tiffany Staheli	Parks & Recreation Director
	Lorin Gardner	City Engineer
	Lynne Bexell	Administrative Assistant

VISITORS:	Kathy Stobaugh	Gary Lierd	Kaitlan Toole
	Melissa Chertudi	Stefanie Casey	Randy Winn
	Mark Daniels	Kevin Mikkelsen	Randy Shaner
	Kim Ekstrom	Charlotte Ekstrom	Lynn Satterthwaite
	Eric Miller	Janis Christensen	Orluff Opheikens
	Sean Casey	Neal Berube	Frank Hare
	Kim Christensen	Francis Jones	Franceen Jones
	Tim Vandenade	Susan Clements	Bob Buswell
	Nick Chertudi	Lisa Smith	Lorell Fawson
	Talana Fawson	Jay Wood	Dave Humphreys
	S. Duane Bingham	Brett Hamblin	Stacey Giatras
	Mike Linsley	Kathie Linsley	Rod Barker
	Diane Little	Tami Santerre	Sally Waite
	Roger Fadel	Brent Little	Brenda Ashdown
	Matt Hartvigsen	Terry Bexell	Jennie Taylor
	Ben Quick	Eric Thomas	Julie Sorensen
	Jill Kirkham	Lisa Arner	Rodney Merrill

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

PRESENTATION(S)

Presentation to Jennie Taylor family
Presenter: Tami Santerre

Ms. Santerre stated she is a United States Air Force and Persian Gulf War Veteran and she was selected in January to carry the Utah flag in the Washington D.C. Memorial Day Parade. She carried the flag to honor all fallen Utahn soldiers, but as a flag carrier she was given the opportunity to select one individual to represent. She selected Major Brent Taylor, whom she knew personally. She stated there was a three-minute moment of prayer specifically for all the fallen soldiers. She presented the flag that she carried in Major Taylor's honor to his wife, Jennie Taylor, and she also provided photos taken during the moment of prayer and during the flag march down Constitution Avenue in Washington, D.C.

Ms. Taylor stated that tonight is the first time she has met Ms. Santerre and she commented on the honor it is to be presented with this flag. She noted that earlier today she met with some Patriot Guard Riders, which is a group made up mostly of Vietnam War Veterans, and they discussed with her the rides that they participate in to honor Utah's fallen, which numbers over 300. She stated it is a humbling honor to represent her husband's sacrifice and perhaps give a voice to his service. She stated that last night she attended the Pioneer Days Rodeo and witnessed over 150 airmen from Hill Air Force Base carry the United States Flag into the rodeo arena. She is aware that these recognitions are not just for her husband, but for all fallen soldiers. Her heart is full due to the opportunity she has to represent her husband, but to also represent this country. She noted that regardless of any individual's heritage, everyone is a member of this community and this country and she is inspired by the power of community and the role of government. She celebrates the community and the wonderful opportunities that everyone has to come together for any reason; the way this community rallies around each other is unsurpassed, beautiful, and sanctified. She referenced Mark Daniel's presence this evening and stated that he is likely unaware of the role that he plays in bringing the community together through a meaningful, high quality theatrical performance. For the youth of the community to be able to connect and know that they are part of something that allows them to connect with something that is bigger than they are individually is vital and powerful. The Greatest Generation is celebrated for the contributions they made to this country, but is also important to focus on the contributions that the future generation can and should make. She thanked everyone who serves willingly and at great sacrifice to their own time; she specifically expressed thanks to those who are willing to seek election to public office, those that are employed by government, and those that are enlisted in the various branches of military service in the United States. It is humbling to know that for 243 years, men and women have bravely stood in defense of this nation and she is grateful to have been raised in North Ogden and

to now call this City home again after moving away after high school. She then noted that her husband frequently said that democracy is messy; many people have differing opinions and that is beautiful. He died defending freedoms and the power to choose and she bears his death with great honor and an incredibly heavy weight. She thanked the Mayor and Council for the opportunity to meet Ms. Santerre; she stated that no matter the difference in politics of people in this community, she hopes that everyone is able to rally around each other and come together. She stated she is not the only person in this City with a broken heart right now; there are many others who are facing hard things and she is willing to be the public face for those individuals.

Mayor Chugg noted that he attended the funeral services for Sergeant Robins last week and the Priest officiating the services offered high accolades for the citizens of North Ogden for their efforts in rallying around the Robins family during this difficult time.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER THE MAY 14, 2019 CITY COUNCIL MEETING MINUTES

Council Member Turner motioned to approve May 14, 2019 City Council Meeting Minutes. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Stacey Giatras, 873 E. 1700 N., stated she and her husband have been working over the past eight months on plans to complete an addition on their home; they plan to include additional living space for their family, but also to create space that can be rented out as a vacation rental. She contacted the City to determine if the project was in compliance with City ordinances; she spoke with City Administrator/Attorney Call and Planning Director Scott, who both reviewed the plans for the project to determine if they were allowed based on the RE-20 zoning of their property. She was told that the zone did allow rentals,

but that they could only be accommodated in a detached building set further back in their yard. She worked with Mr. Scott to pursue amendments to the zoning codes of the City and the RCC zone was adopted a few years ago. This zone allows for her to build on the side of her home rather than building a detached building in their backyard. She moved forward with developing the blue prints for the project and when she applied for a building permit she was told she could not build an accessory dwelling unit (ADU) due to amendments to Section 11-10-34(B)(5)(k), which indicates that ADUs shall not be sold separately from the primary dwelling unit and neither shall the primary dwelling unit or ADU be rented on a transient basis (periods less than 30-days). She stated that she had not seen that language in the ordinance until she applied for her permit and Associate Planner Bell pointed it out. She noted that in June Mr. Call told her that she could move forward with the building if they would draw a red line through the 'kitchen' on the plans. She did that and obtained a building permit and the project is under construction. She stated she hopes that the wording in the ordinance can be amended to allow her to build a kitchen in her project to make the unit available for rental purposes. She asked the Council to consider an amendment to strike the language she provided above. She does not feel the use she desires will be negatively impactful; additionally, there are likely many residents who would like the opportunity to construct a mother in law apartment on their property.

Sean Casey, 2444 Barker Parkway, stated that he is looking for clarification on the intent of agenda items three through five. He asked if the Council will be taking action on the 2550 Detention Basin project and the associated agreement with Double Ott Ranch for the purchase of the property for the basin. He stated that if the Council is considering a wading pond as part of the project, he would like to have an understanding of the plans for water turnover, the temperature of the water, and other matters. He stated he would have liked the opportunity to listen to the presentation about the project and then make public comment.

Rod Barker, 2524 Barker Parkway, thanked everyone who attended the recent Meet the Candidates Event; everyone conducted themselves very appropriately and there was a respectful tone. He heard many candidates use the word 'represent' and so he looked up the definition of that word. As a writer, words mean a lot to him and he found that the technical definition of the word 'represent' means to serve as a delegate or agent for or to act as a spokesperson for. He stated that each of the candidates that spoke at the event made reference to the gondola project; some said that the City's hands are tied and the final decision on the project lies with Weber County and the United States Forest Service. He stated that he disagrees and as a representative of the City, those elected should take the position that the City can do something about the project. He suggested that the Mayor and/or Council draft a letter indicating that an overwhelming majority of the City of North Ogden is opposed to the project; all 15 candidates indicated they were opposed to the project and he has heard many residents say the same. He indicated the Mayor and all five City Council Members, as well as Mr. Call, could sign the letter and deliver it to other elected representatives of the County that could sign it as well. This would be a proactive measure in representing the City and communicating to the Forest Service that

City's position. He then stated that he also heard a number of candidates at the event discuss their personal integrity; he looked up the definition of that word as well: "adherence to moral and ethical principles; soundness of moral character; honesty; the state of being whole, entire or undiminished; being consistent through time". He stated with that in mind, he noticed that the Council is again discussing the Double Ott Ranch/2550 Detention Basin project again. The project has been rejected twice by the City Council and in tonight's discussions he would like to hear what has changed about the plan in order for him to evaluate why the Council would vote differently this time as opposed to the last two times. He asked if the concerns expressed in the past have been mitigated and if the answer to that question is 'no', the Council should maintain their nay vote. He concluded he lives on Barker Parkway and today as he drove on the street he saw many new signs prohibiting on-street parking for events at the Amphitheater. He stated the signs look much better than a-frame signs and caution tape, but in talking with his neighbors, he does not believe they were ever contacted by the City before the signs were installed. All of them would have been in favor of the signs, but out of common courtesy, it would have been nice for City employees to go door to door to inform the residents that the signs would be installed in front of their homes. He then thanked the Mayor and Council for their service and indicated he considers all of them to be great friends of his.

Mark Daniels, 263 E. Elberta Drive, stated that over the last couple of weeks he has worked with the youth of this community through a performing arts camp; there were 53 kids from grades four through nine working from 8:30 a.m. to 11:30 a.m. at the Barker Park Amphitheater. He referenced the talented staff and volunteers who supported the event and indicated they have taught music, choreography, and the different ways of storytelling. This Friday they will showcase the skills they have learned in their performance that will be free to the public. He invited all to come to the event and enjoy the talents of these young people.

Neal Berube, 1532 E. 2525 N., discussed the Double Ott Ranch/2550 Detention Basin project and noted that in section five of the development agreement between the City and the developer of Double Ott Ranch, the City authorizes the developer to develop the property under the guidelines of the Master Planned Community (MPC) zone or to get 20-units per acre as allowed by the R-4 zoning designation. He stated the question that comes to his mind is the number of high-density developments desired by the community. There are at least two other projects underway in the City and while he believes in affordable housing, he also believes focus on the culture of the City is needed to determine that its beauty can be maintained. He supports smart, balanced growth and he agreed that the current use of the property on 2550 North as a detention basin is not the highest and best use, but he also understands it will take a great deal of work and risk on the City's behalf to relocate the basin. He asked how much risk the Council is willing to take. There is no buyer for the property at this time and the retail development market has softened somewhat. The City is making commitments to do certain things for the owner of the Double Ott Ranch property. This includes installing a storm drain line and sewer line, constructing 150 East, installing a 36-inch storm drain line on 2100 North,

waive building permits for two lots, forego the installation of a detention basin on the north half of phases seven and eight, reduce landscape requirements from 25 to 15 percent for the project, and install a storm drain relief line for fishing capacity downstream from 2600 North to 1125 East. He understands the urgency associated with the storm drainage components of the project and he does not fault the developer for trying to negotiate the best agreement he could for his project, but he wants the citizens of North Ogden to understand the value of the commitments made by the City. It is his understanding that the most recent appraisal of the 6.6-acre parcel of property is \$1,150,000. He does not object to the waiver of impact fees for a portion of the project; however, the equivalent of those fee waivers is \$1,321,000. He recommended the City commission a current appraisal to determine if that value can be supported. The agreement extends to 2043 and that means that future increased fees will also be waived. The agreement further provides a provision stating that the City and the owner of the Double Ott Ranch project acknowledge that the project of building the park and associated Pineview Basin may not be constructed and that modifications may be made to the agreement. At a minimum, the City is making a commitment of \$2.4 million to the project with the hopes that expense will be offset by the sale of the 6.6 acres where the existing basin is located. This amount does include other costs related to concessions made in the agreement and it seems to him that the best-case scenario can only be realized if the entire project is completed and that the Pineview Water component is allowed. The City is relying upon \$4.5 million in federal grants and \$274,000 has already been approved. He understands that the Council must make a decision before accepting those funds. He stated he cannot fault the developer and he truly believes the developer is trying to accommodate the City; however, it must be ensured that the City is being financially responsible.

Council Member Stoker motioned to move agenda item #6 before agenda item #3. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. DISCUSSION ON PICKLEBALL COURTS

Dr. Ammon Fawson thanked the Council for including this item on their agenda. He noted there are many residents who would like to have access to pickleball courts in their

own City and he asked them to raise their hands. He then stated the demand for pickleball courts in this area is very high; most players go to Pleasant View City and there is typically a wait to gain access to a court. The sport crosses all age groups from young to old and he presented a drawing illustrating his proposal for including pickleball courts on the property adjacent to the Senior Center; he feels this property is better suited for the use than Barker Park. It would accommodate six courts. He understands that the City has committed that space to Weber County for a future parking lot for the library and he asked that additional study be completed to determine if additional parking is truly needed or if the property can be better used for pickleball courts. He indicated he is concerned about the windy conditions at Barker Park, which could be problematic for the sport of pickleball. He then noted that he has spoken with Parks and Recreation Director Staheli, who indicated to him that the cost for a pickleball court is approximately \$100,000 and that there is grant funding available for this type of project. He added he believes it would be possible to secure approximately \$100,000 through fundraising in the community.

Council Member Barker stated he feels the project could be jump started by community fundraising; this has been successful in other communities and he indicated he would personally donate to the cause.

Dr. Fawson stated he will take that advice under advisement and begin working with other community members on the project.

3. **MAJOR PROJECT: DISCUSSION AND/OR ACTION TO CONSIDER THE DESIGN AND RELOCATION OF THE 2550 DETENTION BASIN**

City Manager/Attorney Call used the aid of a PowerPoint presentation to discuss the history of this project and the reasons that this issue is being presented to the Council again for reconsideration. The project was first discussed in 2014 when the potential to relocate the existing basin to free up prime commercial property was identified by the City's economic development consultant, Better Cities. Pineview Water became involved in 2016 due to identified needs for additional detention capacity. The City Council began their discussions of the project in 2017 and City staff identified grant funding opportunities in 2017 as well. The City Council executed a pipeline agreement for the project in 2018, after which the Utah Outdoor Recreation Grant (UORG) application was submitted. The Council also declared the property as surplus, entered into a sales agreement for the property, and commenced open houses regarding the project in 2018. In June of 2018, the City received the UORG award. The Council began discussing the detention basin design in January of 2019, after which they determined they were in favor of the separated use basin in February. On May 28, 2019, Pineview Water and Jones and Associates presented information regarding the reasons the separated use basin would not provide the needed detention capacity for the community. He discussed the goals of the project related to the property tax and sales tax base of the community, recreational needs west of Washington Boulevard, the need of Pineview Irrigation, and the need for

increased storm water detention capacity. He reviewed a conceptual drawing for the current pond/park proposal and compared that drawing with what was previously approved by the Council. The perceived community benefits of the proposed project include:

- Combining compatible facilities to better utilize municipal resources;
- Completion of a landscaped irrigation facility;
- Providing alternative recreation; and
- Cost savings for both the City and Pineview Water.

Costs to the community include the amount to be expended to relocate the basin, ongoing maintenance of the completed facility, and the potential for accidents and injuries at the pond. He then reviewed the project costs currently understood by City Administration. Land acquisition costs for 6.6 acres are estimated at \$1.32 million. The City proposes an exchange for impact fee waivers for parks and storm water for the Double Ott project. The construction costs are estimated between \$3,942,484 and \$7,132,085. This is in addition to the cost of land and the City will receive an additional 12-acre feet of storage. The cost per acre foot of storage is estimated at \$328,540. If Pineview is involved in the project, the City's cost will be \$1.77 million, and the City will receive an additional 22-acre feet of storage; this equates to a cost of \$80,562 per acre foot. He also included a cost associated with the lost property for the Double Ott Ranch project; the property is currently classified as greenbelt and the City received approximately \$8,000 per year in property taxes. This could increase to \$41,250 per year if the property is developed. He then presented slides illustrating the reasons for reduced storage capacity if different types of basins are considered; this includes dry detention basins and grass-only basins.

Council Member Cevering inquired as to the appraised value of the current detention basin property. Mr. Call stated it was appraised last year for \$1.15 million; he suggested an updated appraisal be performed given changes in the market. Council Member Cevering stated he has been opposed to this project since the beginning, but he has thought a great deal about it. He has tried to consider the costs that the City will incur for the different options that have been presented relative to the repurposing of the detention basin and one thing he has heard is that there may be costs associated with filling in the basin. Mr. Call stated the existing basin is located in the City's Community Development Area (CDA) and any increase in taxable value of a property in that area is afforded to the CDA for the purpose of benefitting projects within the area. In order for a project to be eligible for CDA funding, it must have been identified on a list of projects that was approved at the time the area was created. The list for the CDA includes filling in the detention basin and relocating the detention basin. The line item for filling in the basin is \$320,000 and the relocation line item is \$1.6 million. The CDA can pay the City back any money expended for these costs once the CDA begins generating tax increment. The storm water fund will be utilized at the onset to complete the project and that fund will be replenished by CDA funds in the future. This transaction is commonly referred to as an interfund loan in government finance. He then noted that there are several professionals

present this evening to discuss this matter and the matter of basin capacity with the Council.

He then continued his review of his PowerPoint presentation with a focus on projected revenues associated with the sale of the existing basin. The estimated sales price is based upon the previous contract price, which was \$1.6 million. Current indications are that the property may sell for more than \$5.50 per square foot. Based on the changed land use of the property, the property tax could range between \$3,875 and \$6,250 per acre per year. This equates to an annual revenue between \$25,575 for office use and \$41,250 for apartments. A traditional commercial use would generate somewhere between those two figures. The sales tax revenue generated by the property could be up to \$31,333 per acre per year for the type of development anticipated on the property, which equates to \$245 per residential unit. This data is based upon a recent presentation from Zion's Bank Public Finance. He then reviewed a chart detailing costs associated with the project, emphasizing the total expected cost on the City's behalf is \$1,244,214 for detention and retention and \$528,158 for piping to the detention basin. Council Member Swanson asked if the \$528,158 for piping costs has already been expended, to which Mr. Call answered yes.

Mr. Call then discussed the differences in ongoing maintenance costs for the different types of pond facilities: grass facility versus recreational pond facility. A 6.5 acre grass park would require 12 hours per week of employee time, twice annually fertilization of the ground (\$924), weed killer chemicals (\$363), overseed and repairs (\$600 for product, plus employee time), aerating employee time, and sprinkler maintenance and repair estimated at least one hour per week from March to November. Administration estimates a total of 408 hours in employee time would be needed. For a recreation pond facility, Administration estimates a total of 268 employee hours would be needed; this is not a significant difference in staff support and should not be used to support a denial of either option. He then moved to design considerations; the City would be committed to fully landscape the 6.6 acres of property, provide irrigation to Double Ott Ranch, and fence the north edge of the property with vinyl dipped chain link or better.

Mr. Call then summarized the options available to the City Council:

- Don't move current detention basin;
- Construct a grass detention basin (City Engineer does not recommend this as a viable option because of lost detention capacity);
- Construct a dual use reservoir/detention basin (Engineer recommended)
 - Council could limit use to just a walking path, or include fishing, and/or paddleboard/kayak, and/or swimming.
 - Fully fenced facility is recommended with self-closing gates and child resistant latch locations.
 - Indemnification of Pineview (no additional cost according to insurance provider).

Council Member Turner noted that if the detention basin is not relocated, the City will have wasted the \$528,000 spent on piping for the new basin. Mr. Call stated that is correct. Council Member Turner asked if the current detention basin could be made deeper to provide the needed capacity. City Engineer Hartvigsen stated that several years ago the manager of Pineview Water approached the City about deepening the existing basin to provide additional capacity. He noted that is an option at this time. Council Member Turner stated that he has always been supportive of the project and would support the dual use reservoir with a recreational component. He stated that today he learned that Ogden has a kayak park on Ogden River, and he asked if it is managed by the City. Mr. Call stated he is unaware, but noted that Riverdale also had a kayak park that was managed by the City; when the river flooded its banks in that area, the kayak park was removed because of dangerous conditions.

Council Member Swanson stated that some have commented that people could use the pond for recreational purposes without swimming; they have indicated it could be used by kayakers or paddleboarders, but he wondered how someone would get onto their paddleboard in the water without swimming. Mr. Call acknowledged that most paddleboarders typically swim at some point during their experience. Council Member Swanson stated that if the City were to allow paddle boarding, it would almost be necessary to also allow swimming. He also asked about the survivability of fish in this type of facility. Mr. Hartvigsen stated that different types of fish would be stocked in this type of pond that can live in a shallow pond where temperature fluctuations are common. Council Member Swanson inquired as to the minimum depth in which fish can flourish, to which Mr. Hartvigsen answered 10-feet. Council Member Swanson asked if the City has reached out to its insurance provider to discuss any risk or liability the City may assume if the recreational component of the project is pursued. Mr. Call answered yes and indicated the insurance underwriter indicated there would be no increase associated with an increase in risk, though the premium will increase to cover the park regardless of the allowed uses.

Council Member Barker stated his greatest concern relates to the perceived use of the current detention basin property for retail uses; many residents have been concerned about the different types of retail uses that have already been allowed in North Ogden and he is concerned that residents will not like any retail development allowed on the project. He stated that he is concerned that developers will not want to build in North Ogden because of their perception of the public's distaste for retail projects. Mr. Call stated that most of the retail developers that are considering projects in North Ogden are national retailers. Administration has reviewed a 10-year analysis of the long-term impacts of the project and found that an office space project were pursued on the existing detention basin project, the City would still owe itself \$62,000 at the end of the 10-year period. However, a multi-family residential project or a retail project would result in the City being able to repay any initial outlay for the project as well as generate an additional \$1.6 million in tax revenues. He acknowledged there is uncertainty and risk associated with the project, however Pineview Water has indicated they are fully supportive of project because it will allow them to construct a needed basin at a lower cost than would

otherwise be available. He encouraged the Council to hear from the General Manager of the Weber/Box Elder Conservation District Board, which is one of the three entities that makes up Pineview Water Systems, and the Chairman of the Weber/Box Elder Conservation District Board Chairman David Humphreys.

Council Member Stoker asked Mr. Quick to address the questions asked by Sean Casey during the public comment period regarding the plans for water turnover and the temperature of the water if a wading pond is approved.

Mr. Quick addressed the turnover rate and noted that is a very difficult question to answer because it is determined by many variables. Turnover is a function of the detention capacity; for this basin, the capacity would be approximately 19-acre feet of irrigation storage, but Pineview does not maintain their reservoirs at maximum elevation. This affords flexibility to transfer more water when there is a surplus available or if a storm is coming, the elevation can be lowered to a minimum level. He then stated there have been questions about how Pineview got involved in this project initially and he noted that he actually approached former Mayor Taylor about digging out the bottom of the existing detention basin to provide additional storage. He stated Mayor Taylor told him that the City was considering selling the property to make it available for commercial development and that there would be a need to construct a new detention basin elsewhere. He stated that Mayor Taylor was open to working with Pineview on that project and that ultimately led to the discussions that have taken place over the last several years regarding this project. He referenced the approximately \$500,000 spent by the City to install the storm drain lines that would feed the new basin and noted that Pineview is not a 'free-loader'; rather, they would like to be a true partner on the project and so he asked the Company's engineer to perform an analysis of the shared cost to complete that work. He stated that he has provided that estimate to the City Engineer and he is willing to approach the Board of Directors of Pineview to determine if they are willing to contribute to the project to share in the costs of the storm drain line. He noted this would be based upon the fact that Pineview will benefit by being able to use the infrastructure to feed their basin. The financial support he will seek will range between \$120,000 and \$132,000. He then stated that earlier today Council Member Swanson asked him a question about the time limits associated with the NRCS grant. He stated he requested an extension for the planning phase of the application process and that was granted; the deadline for submitting planning documents is July 31, 2020. The timeline for the design phase is one year, but the design consult, JUB Engineers, has indicated they can complete their work in six months. The construction phase could be up to two years, but he does not foresee the construction of the project taking more than one construction season. He stated there has been concern expressed about the City and Pineview Water relying upon grant money that had not yet been awarded and he clarified the way the NRCS grant works; the entire project has been approved and as long as design and other requirements are fulfilled, the money has been set aside and will be made available. This means that the project must be fulfilled as expressed in the grant application and all money will be provided.

Council Member Cevering asked if the NRCS grant will be gone forever if the City decides against proceeding with the project at this time. He wondered if the money would still be available if the City decides to pursue the project at some point in the future, such as two or three years in the future for example. He asked if it is correct that the City could still apply for the NRCS grant at that time. Mr. Quick stated the City could apply for the grant, but there is no guarantee it would be awarded again.

Council Member Swanson stated it is his understanding that the NRCS grant is dependent upon the multi-use project being pursued; this means the pond would be used by Pineview Water and for City storm drain detention purposes as well as made available for recreational use. Mr. Quick stated that is correct; all three components must be present in order for the project to be eligible for NRCS grant funding. Council Member Cevering emphasized that the project will still qualify for the NRCS grant if those three components are present in the future, such as in 2026 for example. Mr. Quick stated the project may qualify, but there is no guarantee of an award. He stated the current concept for the project came to fruition at an opportune time; the grant was written by himself, Mr. Hartvigsen, and a representative of JUB Engineers over a two-day period in order for the application to be submitted on time. One of the reasons that the grant was awarded was because the time constraints were so tight that there were not many applicants as may otherwise be vying for the grant in the future. He stated that the probability of securing the same grant in the future would be less in his opinion. Council Member Cevering stated it is still possible, however.

Council Member Turner asked if the recreation component of the project must be water related in order for the project to qualify for NRCS funding. Mr. Quick stated lack of a swimming or fishing component of the project does not guarantee that it would be dismissed; however, it would be the same as elimination of one of the aspects of the project that was presented in the grant, which means that NRCS would have the option of withdrawing the money based on a deviation from the original concept. Council Member Barker asked if the walking path around the park would not be considered to be a recreation component. Mr. Quick stated he has wondered that himself; his thoughts are that using one piece of land for water detention, irrigation water functions, and active recreation outside of the water should qualify for the grant, but he has not verified that.

Council Member Swanson stated that a decision on the part of NRCS to withdraw any funding would not necessarily be based on a shift in the recreational nature of the project; rather, it would be because the joint partners in the project are deviating from the original project that was discussed in the grant application. Mr. Quick stated that he is not sure that the walking/running track would qualify as a recreational component of the project. Mr. Call added that the City could approach the project with the viewpoint that the trail is the recreation component with a pond in the middle, NCRS would entertain dialogue about that matter for a period of approximately one year during the plan review process. This would allow the Council time to hear feedback from NCRS before making a final determination about the swimming or fishing recreational component. Council Member Cevering stated he would rather wait to see if the property where the current detention

basin is located sells before engaging in discussions with NCRS and pursuing the basin relocation joint project with Pineview any further. Mr. Call stated the City cannot sell the property until the basin is relocated because the City needs that storm water capacity based on the current build out of the City.

Council Member Turner inquired as to the total depth of the new pond according to the current proposal. Mr. Hartvigsen stated that if the decision is made to proceed with a pond, there are two different components of that type of project: first is storm drain detention on the top of the pond and that would be five feet deep; second is the irrigation component and that can be any depth. If the Council desires a fishery with cold-water fish, the depth should be 10-feet or greater. The greater the depth, the greater capacity for irrigation. The five-foot depth for storm water purposes would translate to 22-acre-feet of storage across the site. He stated he needs a Council decision on these matters in order to proceed with the environmental analysis of the project. Council Member Turner asked if there is a legal requirement to fence a detention pond of a certain depth. Mr. Hartvigsen stated there is no law, but the City has a policy calling for a basin to be fenced when it will hold water. Mr. Call stated that is correct and noted the City's internal engineering standard calls for fencing of a basin over a certain depth. He reiterated the recommendation to use fencing with a dual entrance and self-closing gates with self-locking latches. Council Member Turner stated he is still supportive of the multi-use project, but he understands there are residents that are opposed to the project and he understands their viewpoint.

Mr. Call then noted that City staff members are present to answer any questions the Council may have, but he emphasized that they have taken a neutral position on this project. Administration understands the votes taken by the Council in the past regarding this project and they are not intending to argue with those decisions. He stated he is simply trying to respond to the concerns raised during the May meeting when Pineview re-approached the City regarding the project.

Council Member Turner asked if any decision against proceeding with this project would impact any agreement the City has made with the developer of Double Ott Ranch. He stated it is his understanding that any agreements made with Double Ott Ranch about the basin project are verbal in nature. Mr. Call stated that is correct; there is an agenda item on tonight's agenda for the Council to consider an agreement with Double Ott Ranch for the exchange of properties for impact fee waivers. He noted the landowner is comfortable proceeding with their development without the City's involvement in the development of this facility.

Council Member Swanson asked Council Member Barker to share the findings of his research about some of the potentially negative impacts of allowing public fishing at the pond. Council Member Barker stated that he has spoken with people who fish in public ponds in the area; they have indicated that during warm temperatures, many fish die in the pond. Additionally, many people that catch fish are gutting them on the banks rather than using gutting stations. He stated that would be unpleasant and is one reason he is not

supportive of allowing fishing at the pond. Council Member Swanson stated he shares that same position.

Council Member Cevering stated there are some aspects of this project that he is not able to fully comprehend even though it has been discussed several times. He stated there are many unknowns related to the project. He added that the City does need a new Public Safety Facility and additional improvements to the Barker Park Amphitheater and given the uncertainty of the pond project, he would feel as if he were being fiscally uncaring if he voted to support it.

Council Member Stoker inquired as to the City's ability to relocate the basin to another property if there were to be a potential buyer for the existing basin property. Mr. Call stated that other options would be located outside the City and North Ogden would need to follow standards of other cities or possibly Weber County in designing the replacement pond.

Council Member Barker stated he shares some of Council Member Cevering's feelings; he is not opposed to allowing Pineview dig out the bottom of the existing basin to achieve their needed capacity. He agreed there are too many questions and not enough answers and that makes him feel as if it would be appropriate to leave the basin where it is at this time.

Council Member Swanson stated that he has made a list of pros and cons of the proposed project throughout this discussion. The cons include the uncertainty in the retail and commercial development market, safety concerns about an open body of water – though the City has other open bodies of water near public parks and playgrounds with no dangerous situations in the past, and the negative implications of allowing fishing at the pond. The pros include making the existing basin property readily available for commercial development to augment tax revenues for the City, the availability of federal grant funding to aid in completing the project – which will benefit taxpayers, increased storm water storage capacity, and the possibility that Pineview will share in the costs that were paid for the installation of the storm drain line that would serve the basin. He stated that the last two times this issue has been raised, he has voted against it and that is because he has felt he did not have enough information. He referenced Mr. Barker's comments made earlier in the meeting about integrity and it is his opinion that integrity also means one's willingness to change their mind when facts or pertinent information contravene decisions that have already been made. He stated it is a hard thing to admit when you are wrong, but from his viewpoint at this time and based on the new information that has been presented, he would be supportive of a joint project with Pineview. This makes too much sense from a taxpayer perspective and the possibility of creating additional tax revenue in the future.

Council Member Stoker asked what will be allowed on the water if it is not used as an urban fishery. Council Member Swanson stated he would be supportive of allowing kayaks and paddleboards. Council Member Stoker stated she likes the idea of a trail

around the pond, but she is not fond of allowing swimming, kayaking, or fishing. She agreed some of the factual information presented makes sense for the taxpayers. She stated she would like to hear from City staff. Mr. Call stated that the design of the facility can be carefully examined by the Council. Council Member Stoker stated that the biggest issue in her mind is the need to sell the property where the existing basin is located for the purpose of making it available for commercial development in the future.

Council Member Swanson asked if it is an option for the Council to make a decision to support the development of a pond without making the decision about what recreational uses will be allowed on or around the pond. Mr. Quick stated that the Council has another year to address the final design of the project. Mr. Hartvigsen stated that he actually spoke to the environmental consultant for the project today and the timing of certain decisions. The decision about whether there will be a pond is needed now in order to complete the draft environmental agreement, which must be submitted by July of 2020. The decisions about what recreational components will be included in the facility must also be made; the fewer recreational opportunities available at the facility will lead to a reduced benefit when compared to the cost of the project. In other words, the project will not meet the goals that were identified in the cost-benefit analysis of the project. If the decision is made to forego the irrigation pond component of the project, he will not be able to fit the storm drain detention on the site because it would not be possible to replace the storm drain capacity available at the present basin. He concluded that in order to submit the draft environmental report, he needs to know if the irrigation pond will be part of the project. He worries about foregoing the availability of grant funds with the opinion that it will be possible to try to secure them again later in the future; he fears that rejecting the grant will jeopardize the City's access to grant funds in the future. He noted the City and Pineview have been working on this project for years with the understanding that a joint project would help to lessen costs for each entity. There is a potential to damage the City's character by 'pulling out' of the project at this time. He does not know how much opportunity the City will have to complete this type of project again in the future. Some time can be taken to consider the recreational aspects of the project, but a decision on whether to pursue the irrigation pond is needed as soon as possible. Mr. Call asked if the environmental consultant will need to know about the recreational components of the project. Mr. Hartvigsen answered yes, but he is unsure whether the grant will be jeopardized if the City does not allow fishing on the pond. The greater amount of uses that can be made available at the park will only increase the City's ability to secure the funding. Council Member Stoker asked if the trail would be considered recreational in nature, to which Mr. Hartvigsen answered yes. He noted that classifying the space as a community gathering hub could even be classified as recreational in nature. Increased recreational opportunities will improve the cost-benefit analysis for the project.

Council Member Turner asked if a decision tonight to include the irrigation pond in the project, but to wait to determine recreational uses at a later date, would be an acceptable outcome tonight. Mr. Hartvigsen stated that a greater level of specificity would be preferred, but he would rather the Council be vague about the nature of recreation at the

facility than to ‘scrap’ the entire project and jeopardize the City’s relationship with Pineview.

Council Member Swanson asked Council Member Stoker how she would feel about limiting water recreation to kayaks only. Council Member Stoker stated she does not like water sports, but she understands that many others do; allowing kayaking at Orton Park has been so well received by the community and that is why she cannot understand why there is so much negative public feedback regarding allowing public use of a pond at this proposed facility.

Council Member Swanson motioned to approve the pond multi-use/detention basin combination with a walking trail around the pond and prohibiting water surface recreation, such as paddle-boarding and kayaking. Council Member Turner seconded the motion.

Council Member Stoker asked Mr. Call for his assessment of the potential future tax revenue benefit for the City; she also asked what the City may risk losing if the project proceeds as presented tonight. Mr. Call stated that if the City says no to the project, it will be walking away from the \$518,000 in storm water line that was installed in the ground to serve the new basin location. If the City says yes to the project, it is his opinion that every cent will be repaid plus an additional \$1.6 million in sales and property tax over the next 10 years. In theory, the City has the cash on hand in the storm water fund to build the project and when the property where the existing basin is located is sold, the sale proceeds will be used to make the storm water fund whole.

Council Member Turner clarified that he still supports the kayaking and paddle boarding components of the project, but he seconded Council Member Swanson’s motion based on his belief that the detention basin should be relocated; he also feels this is a great compromise between the two schools of thought about whether recreation should be allowed at the facility.

Voting on the motion:

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

The motion did not pass by a 3-2 vote.

4. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH WEBER-BOX ELDER CONSERVATION DISTRICT FOR 2550 DETENTION BASIN PROJECT**

Given the action taken on agenda item three, there was no need to discuss or act on this issue.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH DOUBLE OTT RANCH FOR PURCHASE OF PROPERTY FOR RELOCATION OF 2550 DETENTION BASIN**

Given the action taken on agenda item three, there was no need to discuss or act on this this issue.

Council Member Turner motioned to take a five-minute break. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. **DISCUSSION AND/OR ACTION TO CONSIDER A LEGISLATIVE AMENDMENT TO CREATE A SITE PLAN REVIEW PROCESS STANDARD AND REVIEW AUTHORITY**

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.

BACKGROUND

On June 5, 2019, the Planning Commission reviewed an amendment to create a site plan review chapter and requested that a public hearing be set. The purpose of this amendment

is to organize the site plan review process and standards in one ordinance location. The amendment puts in place existing processes.

On June 19, 2019 the Planning Commission conducted a public hearing on the amendment.

The following new chapter subsections are included in the amendment:

11-26: SITE PLAN REVIEW

11-26-1: PURPOSE AND INTENT

The purpose of this chapter establishes the process for site plan review application reviews and approvals.

11-26-2: SITE PLAN APPROVAL REQUIRED

Site plans are required for all permitted uses other than single family residences.

11-26-3: LAND USE AUTHORITY

The Planning Commission is designated as the land use authority for all site plan reviews unless designated otherwise within the Zoning Ordinance.

11-26-4: APPROVAL CRITERIA

The criteria include meeting the standards within the Zoning Ordinance.

11-26-5: APPLICATION SUBMITTAL

A pre-application meeting is required prior to the application submittal. The application form identifies the required submittal information including a development plan.

11-26-6: TECHNICAL REVIEW

The Technical Review process is identified.

11-26-7: DEVELOPMENT PLAN

The development plan requirements are identified.

11-26-8: DEVELOPMENT STANDARDS

Development standards are referenced in the Zoning Ordinance and the North Ogden City Public Works Standards.

11-26-9: NOTICE OF DECISION / DEVELOPMENT AGREEMENT

The site plan approval once granted shall be followed with a written notice of decision that shall identify the final requirements of all site plan review approvals. If deemed necessary, a development agreement can be entered into.

The following sections are to be amended:

11-10-27 Site Plan Approval Required is deleted and incorporated into the new chapter 26.

11-8A-3 and 11-8B-4 now reference the new chapter 26.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015. The following excerpts identify the parameters for a successful site plan review process.

The Vision for North Ogden

- Assure that North Ogden remains a beautiful place to live, work, and recreate.
- Assure improved visual quality for all types of development.
- Preserve the essential characteristic of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.

Economic Development

Goal #3 – Assure a quality commercial shopping environment.

Strategies

- Promote improvement in City appearance through ordinance changes that require enhanced streetscapes, well designed and located buildings, and interesting, environmentally appropriate, landscaping.
- Promote walkable commercial areas through City ordinances and incentives to achieve the vision for the Downtown and Southtown.

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

- Should a site plan review process section be established?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission found that the amendment is consistent with the North Ogden City General Plan; on a six to zero vote, the Commission recommended that the amendment be adopted.

Mr. Scott reviewed his staff memo and facilitated review of the proposed ordinance, noting that the main concept of the ordinance is that any type of construction – with the exception of a single-family home – will require site plan approval.

Mayor Chugg invited public comments; there were no persons appearing to be heard.

Council Member Barker motioned to approve Ordinance 2019-16 to create a Site Plan Review process standard and review authority based on the findings and subject to the conditions listed in the staff report. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER A LEGISLATIVE AMENDMENT TO REVISE THE DEFINITION OF REAR LOT LINE

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.

BACKGROUND

On June 5, 2019, the Planning Commission reviewed a request to amend the definition of Lot Line, Rear. The Planning Commission requested that Staff prepare an amendment to give flexibility in the identification of five-sided lots.

The Planning Commission conducted a public hearing on the amendment on June 19, 2019.

The following amendment language provides an exception to the 135-degree standard.

11-2 DEFINITIONS

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line. In the case of a lot having five (5) or more sides, the rear lot line shall be any lot line, other than the front lot line, which intersects a side or a street side lot line at any angle less than one hundred thirty-five degrees (135°). An exception shall apply in the case

where one of the connected property lines, having an angle of less than 135 degrees, is twenty (20) feet or less, these property lines are considered a side yard lot line.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015. The following excerpts identify the parameters for a successful site plan review process.

The Vision for North Ogden

- Assure that North Ogden remains a beautiful place to live, work, and recreate.
- Assure improved visual quality for all types of development.
- Preserve the essential characteristic of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.

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

- Should an exception for the definition of lot line rear be established?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission found that the amendment is consistent with the North Ogden City General Plan; on a six to zero vote recommends approval of the amendment.

Mr. Scott reviewed his staff memo and noted that this text amendment came about because of the configuration of a particular lot in the City. He sketched the layout of that property to illustrate the purpose of the text amendment.

Mayor Chugg invited public comments.

Julie Sorensen, 2180 Fruitland Drive, stated that she is the resident that requested this amendment. She stated that one of the lot lines that is considered to be a rear-lot line is actually directly adjacent to her front door; it is defined as a rear-lot line by City ordinance and this definition prevents her from constructing a garage in the manner that she desires. In order to meet required setbacks, she would need to remove a beautiful, well-established tree on her property.

There were no additional persons appearing to be heard.

Council Member Swanson motioned to approve Ordinance 2019-17 to revise the definition of Rear Lot Line based on the findings and subject to the conditions listed in the staff report. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

9. PUBLIC COMMENTS

Susan Clements, 668 E. 3125 N., stated that tonight's meeting was difficult; she referenced comments made by Mr. Hartvigsen about the possibility of installing a fence with dual entry gates that are self-locking around a pond in which public wading is allowed. She stated this type of fence would prevent children from accessing the water and that amount of security may be acceptable.

Randy Winn, 2412 Barker Parkway, stated that he feels a serious error was made tonight; the joint detention basin project was an opportunity to replace a pond that is located on prime commercial property in the City. He stated making that the permanent location for the pond would be a terrible mistake. He stated that the opportunity that is lost and the harm to the City's reputation were raised tonight and those facts should have been relied upon to make the decision to accept the opportunity to move forward with the project. He stated that there is no guarantee that the City will have access to this type of opportunity in the future. He stated this will be a costly mistake for the City in the future; the City will pay for this decision and he urged that the Council rethink the decision that was made.

Kim Christensen, 2428 N. Barker Parkway, stated she wished to thank the Council because she feels they made the right decision about the pond tonight; there are too many questions and there was not enough information available to support the decision to move forward with the project. She stated that she is not opposed to the project and she thinks it would be good to allow for businesses to locate on 2700 North, but she feels there was not enough information available. She wants the City to do things the right way and she does not feel the Council should move forward with a project when there is insufficient information available. There are so many projects underway in the City that are draining the City's resources; she feels the Council made the fiscally responsible decision tonight. She referenced the unfinished Barker Park and Amphitheater projects, an aquatic center

that is a financial burden, and many other projects to be addressed before the City jumps into something else. It is her opinion that government should not be in the business of entertaining residents; rather, it should take care of the needs of the community. If all needs are met and there is money left over, it should be given back to the citizens in the form of lower taxes. She thanked the Council for their work and the decision they made tonight.

Frank Hare, 1785 N. 225 W., stated he wished to echo Mr. Winn's comments. He noted he is a member of the City's Economic Development Committee (EDC), which has discussed the relocation of the pond to make the property available for commercial development. The City has a limited amount of commercially viable land and if the Council does not move forward with these types of opportunities, it will be more costly in the future when it becomes necessary to relocate the pond. The EDC is not only working on attracting businesses to the City, but also on beautifying the City and moving the pond at a time when there are other partners in that project. He acknowledged there are fluctuations in the retail market, but the City would have recouped the money spent to relocate the pond in a matter of 10 years. He asked that residents think of a time when they have been able to repay a significant debt – such as their mortgage – in 10-years; it does not happen very often. He stated that just like Council Member Stoker, he also does not like water sports, but he thinks the fenced pond with a walking trail, would be great for the City. He stated the EDC is working on long term goals for the City; he knew Mayor Taylor for a long time, and he had a great vision for the City. It extended 15 years into the future and it included the pond. He urged the Council to reconsider their decision and consider that long range plan. He asked why the Council would stop the project at this point after spending over \$500,000 to install the pipe that would serve it. He acknowledged there are doubts about the project, but it will only benefit the City in the long term as it grows; North Ogden cannot be a bedroom community forever and in order to fund needed services, it is necessary to secure funding sources, such as increased property and sales tax that can be generated by a commercial development. He again urged the Council to reconsider now; if it is not reconsidered, all of the work that has been done and the money that has been spent will have been wasted and the City will not be able to recoup it.

Stefanie Casey, 2444 Barker Parkway, thanked the Council for resisting the pressure to vote on something for which they did not have sufficient information. He stated this is the third time this project has been brought before the Council. The same questions have been asked and not enough answers were provided. She agreed that the land on 2700 North where the detention basin is located is prime for commercial development and that should be considered in the future, but before the City starts chasing grants that must provide a recreational component, the Council and the community should be able to provide their input. She asked why the City did not seek input before applying for the grant. The project is larger than providing a detention basin; rather, it includes a significant recreation component. She acknowledged that recreation outlets are needed on the west side of Washington Boulevard, but wondered if that need is met by a pond with a walking path. The people that live in that area are families with children and they want

a park with play areas rather than a pond with a walking path that was only constructed in order to secure grant funds. These types of things should be considered from the onset of a project before a decision is made. Better planning is needed, and the Council should have never been put in the position of making that difficult decision without sufficient information.

Sean Casey, 2444 Barker Parkway, stated that he was disappointed to hear that the Pineview Water representative could not answer questions about usage of the pond. He stated the choice before the Council tonight was clear. He then noted that this is not a communist/capitalist society and the market will determine what is built here. It does not matter who is opposed to a commercial project as commercial entities will build in an area where they will be successful. He stated that no one will want the 2700 North basin property until it can be made commercially viable. He agreed that the City should not pursue the pond just because it is trying to secure a grant. He also supports liberal usage and a pond should not be built unless it can be used by all types of users rather than too many restrictions being imposed. He concluded less is more and he appreciates the Council's vote tonight.

Lynn Satterthwaite, 1143 E. 2750 N., stated it has been good to be in attendance tonight and watch how government works; one of the most difficult things a City will do is look into the future to determine how it will grow. This is done by performing various types of studies and difficult decisions must be made to plan for the future. One interesting thing about a Council-Mayor form of government is that elected terms overlap and some members are operating on a vision that was developed before their tenure; Mayor Chugg has been appointed to fill a two-year term and he has had to try to implement policy that was developed before his appointment. It can be challenging to work under those circumstances. He stated many comments have been made about decisions that were made in the past, but at the time that the storm drain line was installed, it made the best sense for the community. What he appreciates about tonight's discussion and vote is that it was based on the information available at the time; some doors are closing on opportunities that are available to the City, but he appreciates the thoughtfulness of the Council and the process they have followed. He also appreciates the civil nature of tonight's meeting.

Neal Berube, 1532 E. 2525 N., stated that he appreciates the comments that have been made tonight. He encouraged the Council to view these types of issues from an economic standpoint. He agreed that the current detention basin property is prime commercial property, but the lesson that can be learned from the discussion tonight is that all information should be made available to the Council in advance of a vote. He has read through the draft agreement with Double Ott Ranch and it includes commitments to the developer. When City Administration makes these types of commitments without consulting with the City Council or listening to the citizens, that will create great uncertainty. There is much more involved than the land transaction; the lesson to be learned is that full disclosure in advance of the need for a vote is necessary. He hopes that the property will be made available for commercial development in the future, but that

staff will learn from this decision that it is necessary to be as transparent as possible with the Council and the citizens of this City.

Brett Hamblin, 963 Deer Meadows Drive, stated that he has a traffic concern to express; it is illegal to pass on the right on 2600 North, but he has seen it happen a lot. A few weeks ago, he was travelling west on 2600 North and he got to the intersection in front of the library; he stopped behind a car that was stopped to make a left-hand turn and two other cars stopped behind him. When the car turned and he was able to start moving again, a car was attempting to pass him and the other two cars on the right-hand side. She was past the white line and against the curb. That showed to him that people do not understand that it is against the law and he asked that the Police attempt to enforce it to prevent dangerous situations in the future.

10. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Turner asked City Administration to look into whether it is viable for Pineview Water to make the existing basin on 2700 North deeper to accommodate their needs.

Council Member Cevering stated that during the last meeting there was a request to evaluate the benefit of partnering with Groupon for North Shore passes and he asked that request be responded to. He added there was also discussion about a request for a pedestrian crossing sign near The Cannery building. Mr. Call stated that the Utah Department of Transportation (UDOT) has agreed to install that sign. Council Member Cevering referenced Mr. Barker's comments about the gondola project; he understood that the project had been pulled and he asked that the City look into whether the developer is still pursuing that project with Weber County and the United States Forest Service. Mr. Call stated that he can look into the matter, but he would be concerned about issuing a public statement that the project has been halted given that there may be a potential for the project to be resurrected in the future. Council Member Cevering stated that he would simply like for a public statement to be made about the current status of the project so that residents are not stewing about it.

Council Member Swanson suggested that the City hire a polling company to gather public opinions and data about possible projects and opportunities. He stated that statements have been made that a majority of citizens feel a certain way about certain projects, but there is currently no way to verify that. He feels that a polling consultant can provide reliable data upon which decisions can be made. It can be easy for a group of residents to stack a meeting or encourage a large number of residents to reach out to Council Members, but he does not feel that type of response should be relied upon as being representative of the entire community. He asked Mr. Call to provide information about the cost for pursuing public polling. Mr. Call stated that the City has solicited bids in the past and the annual cost for public polling could be as high as \$12,000. Council Member Swanson stated that he would like to rely upon a professional consultant in order

to determine that polls are conducted in an unbiased manner; the data they could gather would be easier to rely upon. He is concerned about making decisions based upon public clamor rather than data. Council Member Cevering agreed, but he was concerned about the cost of public polling; however, if those costs can be reviewed and it is determined that public polling will increase public involvement and improve transparency, he would be supportive. Council Member Swanson then stated that he appreciates everyone who was involved tonight, and he thanked his fellow Council Members for their thoughtfulness; he does not always agree with the decisions that are made, but the Council remains friends and can move on.

Council Member Stoker stated that there have been discussions about the need for regulations for accessory dwelling units and vacation rental properties; the use is becoming more popular and she would like to pursue the development of rules governing them. She then agreed that tonight's meeting was difficult, and she would be supportive of scientific data gathering for these types of issues in the future. She stated she also appreciates public involvement and support and she enjoys working with the entire Council. She noted that City staff is great and she appreciates all they do to make the City run and to provide for the needs of residents.

Mr. Call stated that he will send an email to the Council summarizing the City's involvement in the Double Ott Ranch project due to infrastructure needs; an agreement will come before the Council to consider any commitments that have been made and any opportunities for addressing impact fee waiver requests. He concluded that he hopes that the Council and residents know that staff has no personal attachment to any project that is presented to the Council and they will support any decision that is made.

Mayor Chugg thanked all who were in attendance this evening and thanked them for their involvement in City government.

11. ADJOURNMENT

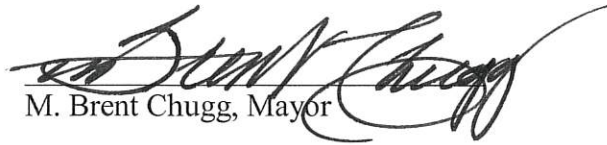
Council Member Swanson motioned to adjourn the meeting. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 9:21 p.m.


M. Brent Chugg, Mayor


Joyce Pierson
Deputy City Recorder

September 24, 2019
Date Approved