

NORTH OGDEN CITY COUNCIL
MEETING MINUTES

May 11, 2021

The North Ogden City Council convened in an in-person meeting at North Ogden City offices at 505 East 2600 North, North Ogden, Utah on May 11, 2021, at 6:01 p.m. And electronically at <https://us02web.zoom.us/j/81490122486> Webinar ID: 814 9012 2486 Or Telephone Dial: 1 253 215 8782 or 1 346 248 7799 or 1 669 900 9128 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 May 7, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

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:	Brandon Bell	Associate Planner	
	Jon Call	City Manager/Attorney	
	Dave Espinoza	Public Works Director	
	Lorin Gardner	City Engineer	
	Katie Gerard	City Recorder	
	Scott Hess	Planning Director	
	Jami Jones	HR/ Treasurer	
	Evan Nelson	Finance Director	
	Dirk Quinney	Police Chief	
	Rob Scott	City Planner	
	Tiffany Staheli	Parks and Recreation Director	
VISITORS:	Annette	Brenda Ashdown	Genneva Blanchard
	Robert Bolar	Stefanie Casey	Susan Clements
	Sandy Cochran	John Hansen	Susan Kilborn
	Kami Marriott	Randy Marriott	Terri McCulloch
	Mark Miller	Matt Murdock	Bruce Parker
	Brett Satterthwaite	Beth Holbrook	Andy Hubbard
	Kathy		

Mayor Berube called the meeting to order. Council Member Ekstrom led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any Council member had any conflict of interest to disclose. There were no disclosures made.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE APRIL 13, 2021 CITY COUNCIL MEETING MINUTES.

Council Member Cevering motioned to approve the April 13, 2021 City Council meeting minutes. 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.

ACTIVE AGENDA

3. PUBLIC COMMENTS

Mark Miller, Pleasant View resident, thanked the Mayor and Council for their service; this group has been through a lot together over the past two years and the decision last week regarding the Cherry Days parade was a hard decision and there is no other reason for him to be here than to help to move forward as a community. He wants to restore the spirit of working together and he noted that a group of residents have been working to organize a parade to celebrate Independence Day in the community. The COVID-19 pandemic has had a dramatic impact on the event, but he and a group of community members are unified and want to come together as they did after the death of former Mayor Brent Taylor, and he asked that the Council reconsider their decision and choose to be part of the positive celebration of liberty. There is reason to celebrate and now that conditions with the COVID-19 pandemic have changed, he would like the City to be involved. He stated that a committee has been organized and they are working on a theme for the parade; they have decided the theme will be "Faith, Family, and Freedom" and there will be an increased emphasis on telling the history of the community, the Country,

and liberties. Because of the construction project underway on Washington Boulevard, they would like for the parade route to start at the North Shore Aquatic Center, heading east to Washington Boulevard and heading south to the North Ogden Plaza. He has spoken with Parks and Recreation Director Staheli about use of the North Ogden Park from about 10:00 a.m. to 5:00 p.m. on July 3, 2021. He has also spoken to the Utah Department of Transportation (UDOT) regarding securing a special event permit for the parade to be held on a State Road. As in years past, he anticipates good attendance and stated he hopes the committee can rely upon the City for public safety support to create a presence of safety throughout the day. He has spoken with the Weber County Sheriff's Office, and they have indicated they can provide support and administer the road closure for the event. He stated he would like the Police and Fire Departments as well as the City Council to participate.

Susan Kilborn, North Ogden resident, stated she pays her taxes in North Ogden and she has a say in where her tax dollars are spent. The City Council has been very clear that there would be no funds spent on Cherry Days events other than those that have specifically been approved by the Council. She is one of many who do not want to see one cent of their money dedicated to the parade and the events at the park; it is a blatant disregard of the decisions made by the City Council to continue to pursue the events. She stated the City does not need the event this year. She stated she is a patriot and has lived in the City for 33 years; she is the only resident who flies her flag every day and she does not like the insinuation that if she does not support the event, or if the City does not support it, they are not patriotic.

Brett Satterthwaite stated he resides in Liberty but owns property in North Ogden and he is in attendance tonight to hear the discussion regarding creation of a Sensitive Lands overlay zoning designation. He stated that most of his concerns have been expressed via a detailed letter, but he wanted the Council to know that he feels the ordinance gives too much discretion to the City Engineer; criteria for making certain decisions should be identified in the ordinance so that the final decision is not made at the discretion of the City Engineer. He is concerned that more requirements are being placed on developers and this dramatically increases costs for developing land in the City. He feels there are other ways to address the matters to be covered in the zoning chapter aside from what has been proposed in the version of the ordinance that will be presented to the Council tonight.

Kami Marriott, Plain City resident, stated that she also owns property in the City; she and Randy Marriott have drafted a letter from West Side Investments, Wasatch Civil Engineering, and legal counsel. She thanked the Planning Commission and staff for taking their feedback into consideration and she hoped that the Council will move to table the agenda item until further research of the matter can be conducted.

Council Member Cevering read a letter submitted by Shanna Campbell, who is a member of the North Ogden Civic League. "North Ogden Civic League needs your help to keep

going. Established in the 1950's by a group of civic minded women, its numbers in the last couple of years have dropped to a point that continuing is not feasible. The purpose of creating the civic league was for the beautification and improvement of North Ogden. If you or someone you know is interested in picking up the torch, we want to hear from you. If you are interested, contact Cheryl Ward or Shanna Campbell by May 21, we hate to lose our dedicated Civic League. Some of the projects funded by the Civic League over the years include the first swimming pool in North Ogden, the large umbrellas at the Aquatic Center, the Christmas lights – now mostly LED – at bicentennial park by Lees, trees in parks, park benches, trees at the Christmas tree lighting ceremony, creation of the North Ogden historical afghan, and many many more.”

Randy Marriott, Plain City resident, stated he is also concerned about the sensitive lands ordinance; he has been developing land on North Ogden's benches for many years and there have been many nice projects created. He does not believe anyone in the City should be ashamed of any of those projects and he is committed to continuing to do things right. There are some restrictions in the ordinance that are not reasonable and should not be codified. He stated that the mountain is shaped perfectly for winter run-off, and he has not done anything to impact those natural conditions. He asked for an opportunity to continue to discuss the details of the ordinance with the Mayor and Council before the matter is moved forward for an action.

4. **PRESENTATION AND UPDATE ON UTA'S FIVE YEAR SERVICE PLAN**

Utah Transit Authority (UTA) Trustee Beth Holbrook used the aid of a PowerPoint presentation to provide the Council with information regarding the Five-Year Service Plan for UTA. She discussed the changes that have been made to services provided by UTA responsive to the COVID-19 pandemic, many of which will likely be permanent in nature. She also discussed improvements that have been made to UTA infrastructure in the area as well as additional improvements planned for the future; all improvements are aimed at increasing and improving the level of service in the community. Regional projects include things like the Bus Rapid Transit (BRT) project in Ogden, FrontRunner improvements along the Wasatch Front, and bike-share programs. She concluded by expressing her willingness to engage in further detailed discussion with any City Official or residents of the City.

The Mayor and Council thanked Ms. Holbrook for the information provided this evening; Mayor Berube stated that one improvement that would make a huge impact on the value of UTA's bus service would be to utilize technology to give riders real-time access to bus schedules. Ms. Holbrook agreed and indicated that UTA is always exploring opportunities for introducing or improving technology features in various systems.

5. **DISCUSSION AND/OR ACTION TO CREATE A SENSITIVE LANDS CHAPTER, AMEND THE DEVELOPMENT CONSTRAINTS CHAPTER, AND AMEND THE DEFINITIONS CHAPTER**

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

The Planning Commission first discussed this amendment on August 19, 2020. Since then, the Planning Commission has had 7 additional discussions regarding the amendment. On February 17, 2021, the Planning Commission requested that a public hearing be set to consider this amendment. A public hearing was conducted for this amendment on March 17, 2021. The Planning Commission continued this item until April 21, 2021, in order to allow for additional comments from Wasatch Civil Engineering representing West Side Development.

Staff met with Kami Marriott, Wasatch Civil, and Bruce Parker on April 15, 2021. Written comments were received on April 19, 2021. Staff prepared an addendum addressing those comments which were presented to the Planning Commission on April 21, 2021. (See Exhibits B and C) The responses to these comments are contained in the attached Addendum in Exhibit H.

In addition, comments were received from Carson Jones. Additional comments were received from Richard Hall and Cherie Hall Ensminger representing Hall Brother Land Company. (Exhibits D and E)

Staff spoke with Carson Jones and made a subsequent phone call with Carson Jones, Richard Hall and Cherie Hall Ensminger to clarify their questions. There was some misunderstanding regarding the purpose and intent of the amendment which were clarified. Links were shared regarding the General Plan provisions including parks and trails.

Planning Commission Edits

The Planning Commission is recommending the following edits to the amendment. They are incorporated into the amendment and shown in the blue font.

- Added a cluster provision on page 7.
- Deleted the provision limiting height to 25 feet or 1 ½ stories on page 15. The Planning Commission is recommending that a consistent height be maintained for the entire city.

- Eliminated the potential economic or market study from the potential studies on page 16.
- Requested that a standard be established for the allowance of a greater percentage of impervious material coverage where on site detention is provided on page 7.
- Clarified the planting schedules to be consistent with the approved landscape plan on page 11.
- The disturbed soil surface standard be required to be consistent with the approved landscape plan and SWPP plan on page 11.

Staff Edits

Staff reviewed the draft amendment and found some duplication standards that have been deleted.

- The Grading, Cuts, and Fill provision on page 13 has been simplified to reference existing grading and drainage standards.
- The Streets and Ways standard on page 14 has been modified to reference the Public Works Standards.
- On page 19 the Soil Characteristics Report makes reference soil saturation conditions will use infiltration rates in sizing LID BMPs.
- The subsurface hydrology analysis on page 22 now references the 80th percentile storm.

Amendment Summary

The draft amendment (See Exhibit A) amends Chapter 11-25 Development Constraints to retain the requirement to retain specific studies prior to development that apply to all of North Ogden; it references the study details found in the new Chapter 27. Chapter 11-2 Definitions is also amended.

A new chapter 11-27 Sensitive Area Overlay Zone SA creates measurable standards that are lacking in the current Development Constraints chapter. This is consistent with State land use law that requires clear and objective standards rather than general statements.

The consultants working on the Land Use Code have been consulted regarding the draft and will make the appropriate process changes.

11-2: DEFINITIONS

The definitions chapter defines various terms in the ordinance. All definitions in the code are being located in one chapter 11-2 DEFINITIONS.

The open space definition has been edited to included trail heads and references a new natural open space definition.

The park definition has been amended to clarify its function and references natural open space.

There are two new definitions natural trail and trail heads.

11-27 SENSITIVE LANDS OVERLAY

There are seven sections in the Sensitive Lands amendment. A brief synopsis is given for each section.

11-27-1: PURPOSE AND INTENT

The purpose and intent statement emphasizes public safety as the primary focus of the ordinance. The purpose statement addresses natural hazards, storm water design, removal of natural vegetation, fire hazard, natural features, public access, transportation network, emergency access, and development designs.

11-27-2: SCOPE AND APPLICATION

This section identifies that an overlay map will be created for the application of this zone.

A map identifying the overlay is shown in Attachment A. The overlay follows lands that are north and east of the existing or future Mountain Road alignment.

11-27-3: DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

This section identifies the relationship between slope and density. Properties that have slopes below 10% are allowed to have the density for the underlying zone. Slopes between 10-20% have a minimum 15,000 square foot lot size with a minimum 100 feet of frontage. The HP-3 zone has a 2-acre minimum, and this is retained. No development is permitted when slopes are above 20%. This is consistent with existing standards.

PUDs will have the same maximum density for the underlying zone.

Impervious materials coverage standards are given.

Alternatives for incorporating areas that are above 20% into subdivisions are given.

A buildable area definition standard is given.

A flag lot provision is provided for properties within the overlay.

Only single-family projects are allowed, but with a PUD attached units would be allowed.

11-27-4: DEVELOPMENT STANDARDS

Standards are created for Drainage and Erosion, Vegetation and Revegetation, Fire Protection, Geology, Grading, Cuts and Fill, Streets and Ways, Building Design, and On-Site Development.

11-27-5: REVIEW AND APPROVAL PROCEDURE

The review process for projects with the overlay zone is a three-step process, i.e., conceptual review, preliminary, and final. Special studies are identified as part of these reviews. The requirements for each step are provided. This section will be shifted into the administrative review process in the new land use code

11-27-6: ISSUANCE OF BUILDING PERMITS

There is a separate provision for building permit issuance.

11-27-7: APPENDIX A

Appendix A identifies the standards for each of the various reports. The reports include Soil Characteristics, Grading or Erosion Control, Geology, Vegetation and Preservation Report, Hydrology and Storm Drainage, Low Impact Design, and Fire Protection.

CONFORMANCE WITH THE GENERAL PLAN

The General Plan identifies physical hazards for development in the Environmental Chapter along with appropriate goals and strategies starting on page 62. The Housing Chapter related goals and strategies are found starting on page 22.

Environmental

Goals

- Protect sensitive lands within the existing and future City boundaries.
- Protect the water quality of existing wetlands, springs, streams, ponds, and aquifers.

Goal #1 - Protect sensitive lands within the existing and future City boundaries.

Strategies

- Continue to use the land use approach found in the Hillside Protection zones to incentivize developers to avoid sensitive lands.
- Reduce and avoid impacts on sensitive lands. Sensitive lands include wetlands, riparian corridors, steep slopes, land slide runway areas, avalanche paths, and others.
- Establish preserved natural areas within the City and along the mountains.
- Proactively reassess potential sensitive land impacts at least every 5 years.
- Maintain existing landslide debris catchment basins.
- Create and reinforce use of rigorous disclosure statements for all property and home sales so buyers are aware of potential dangers. Add these to the Hillside Protection chapters of the Zoning Ordinance.
- Work with developers to dedicate open space natural areas, especially those that are sensitive and not developable such as riparian areas, drainages, rock outcroppings, steep slopes, avalanche prone areas, mud slide prone areas, wetlands, etc.

Housing

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.
- Create design standards to improve the overall quality of North Ogden's housing.

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

- Should the City create standards for development on sensitive lands?
- Should definitions be amended regarding open space and trails?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission, on a six to zero vote, recommends that the City Council adopt the sensitive lands amendment. The Planning Commission found that the amendment is consistent with the General Plan.

Mr. Scott reviewed his staff memo and facilitated a review of the proposed text of the sensitive lands ordinance. He stated that if the Council would like additional communication with impacted landowners as requested during the public comment portion of this meeting, he is not opposed to the item being tabled in order to give staff, the Council, and perhaps the Planning Commission time to continue those communications. He noted, however, he feels that the proposed ordinance will benefit the City greatly.

Mayor Berube stated that the ordinance and its subject matter are extremely complicated; it is important for the City to strike a balance between landowner's rights and protecting the beauty of North Ogden City. He has been vocal that the beauty of North Ogden is closely tied to the foothills, and it is important to protect that area. Additionally, at some point in time the City needs to focus on infrastructure projects aimed at keeping pace with growth. He understands the State of Utah is growing rapidly and it is important to ensure that the quality of life in the community is maintained as growth proceeds.

Council Member Cevering stated he is not prepared to make a decision on the ordinance tonight as he would like more time to digest the information and speak with landowners who will be most impacted by the ordinance. Council Member Swanson agreed and stated that it would be helpful to participate in field trips and perhaps work sessions dedicated to digesting the implications of the proposed ordinance and to hear more detailed information from landowners.

The Council briefly discussed the main concerns or questions they have regarding the ordinance in order for Mr. Scott to be prepared for the next discussion of this matter.

Council Member Cevering motioned to table action on a proposed ordinance creating a Sensitive Lands Chapter and amending the Development Constraints and Definitions Chapters of the Land Use Code. Council Member Swanson seconded the motion.

Voting on the motion:

**Council Member Barker
Council Member Cevering
Council Member Ekstrom
Council Member Stoker
Council Member Swanson**

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE PATRIOT POINTE SITE PLAN RELATED TO SETBACKS BETWEEN BUILDINGS AND FROM THE PROPERTY LINE

A staff memo from City Manager/Attorney Call explained Patriot Pointe LLC is currently beginning construction of the first few phases of their townhome project at 2225 N. 150 East. In obtaining the building permits and beginning construction it was discovered by the building department that the building plans submitted are larger than the plans proposed in the original site plan approval. In fact, two of the footings and foundations were poured resulting in a reduced setback on the eastern property line of approximately three feet.

To resolve this issue the developer has two options 1) request a site plan amendment and get council approval for modification of the setback numbers 2) redo all, or a portion of the footings and foundations.

For some additional background information, the building permits were approved by the building department. When the footings were inspected the contractors were informed that the setbacks couldn't be verified and that they were pouring at their own risk. When the foundation walls were formed up the building inspectors were able to get accurate enough measurements to reach the conclusion that the foundations and footings were off by three feet and were not approved and again be "poured at their own risk". The error apparently came as a result in drafting the original site plan and using footprints that were 4.5 inches smaller per unit than they were supposed to be. On an 8 unit building this ends up being 3 feet.

The Planning Commission reviewed the setbacks and has made a recommendation for the Council to just approve the setback on buildings 1 and 2 so the project may continue to work forward while working through all the other setbacks.

One planning commissioner expressed concerns that amending this setback could be seen as setting a bad precedence for setbacks in the city moving forward. The Council should discuss this concern and if the Council supports the change, provide some reasoning to

help clarify future situations. On items mentioned by the Planning Commission was the eastern setback concern was not as big of a deal since the fence was coming down along that property line and that the same landowners own both projects.

As a legislative decision the Council has the ability to make any decision it feels best fits the goals and needs of the city.

The following setbacks would be approved based on that recommendation.

- Building 1
 - Reduction in east setback by 3 feet.
 - Original distance to property line was 11.3 feet, proposed 8.3.
 - Original distance to neighboring building was 41.3 feet, proposed 38.3.
 - Increase in south setback by 5.2 feet.
 - No change in 18.9 feet east/west setback.
 - North setback to the road from 2225 North would stay at 20 feet.
- Building 2
 - Reduction in east setback by 3 feet.
 - Original distance to property line was 13.8 feet, proposed 10.8 feet.
 - Original distance to neighboring building was 43.7 feet, proposed 40.8.
 - South setback to the road from 2225 North would stay at 20 feet.
 - Reduction in west setback, from 150 East, by 1 foot to 20.1 feet.
 - North setback would be 24.4 feet between a new building in the next phase of work.

The City Council should review the site plan and determine whether or not the site plan should be amended to include the proposed revisions. This will require an amendment to the development agreement. I've attached a copy of what that provision would look like, and the Council should discuss the project and any potential friction points with the current development agreement and other agreements related to this project.

The memo concluded this is a Legislative Decision so the Council has wide discretion on whether or not to accept the proposed change and whether or not any other considerations should be resolved at this time as well. The Council should weigh its options and make a decision which they feel is the best for the City, residents, landowners, and other stakeholders.

Mr. Call reviewed his staff memo.

Mayor Berube invited input from the applicant.

John Hansen stated he is embarrassed that this meeting is necessary, but he thanked the Council for allowing this discussion tonight. He stated he has spoken with the engineer

for the project and found there was a miscommunication between him, the architect, and the builders for the project, which led to the error for which he is seeking a modification to the development agreement.

Mayor Berube invited input from the engineer for the project.

Andy Bullard, Great Basin Engineering, stated he is also embarrassed by the need to request this amendment responsive to an error that was made by the team working on this project. He stated that the error is a result of attempts to fit all buildings and roadways within the project area; the final building plans uphold as many setbacks as possible intact and internal roadways were adjusted, but some adjustments led to the error.

Council Member Barker asked how difficult it would be to adjust the lot line to ensure that setbacks can be met. Mayor Berube stated that the other property is collateralized by a mortgage and the mortgage holder would need to grant a release in order to move the lot line.

Council Member Swanson stated he is curious about how these types of errors happen and he would like to have an offline discussion with the applicant or the engineer to get further clarification. Mr. Hubbard stated from a technical standpoint, the error is a result of lack of coordination between himself and the architects regarding the actual building footprints decided upon by the builder. Council Member Swanson stated it appears that the building footprints are larger than anticipated by the engineer and architect; the result is that the setback on one side was maintained, while it was reduced on the other side of both buildings. Mr. Hubbard stated his request; he is asking that the Council consider accepting the building foundations as they are currently in place at the site. This would require an adjustment to the setbacks for these two buildings. The other option would be to uphold the approved setbacks, which would result in a requirement to remove the foundations.

Council Member Ekstrom stated she agrees with the Planning Commission who expressed concern about this action setting a precedent for future projects. Mr. Hubbard stated he understands that concern but noted that he and the entire team working on the project have since performed a thorough review of all architects, engineering, and building plans to ensure compliance with the terms of the development agreement. This will ensure that Mr. Hansen will not need to come back to the City for further adjustment request. Council Member Stoker stated she is also concerned about the precedent set by this action; it may not be the case that the same error will occur in this project, but it may occur in another project in the City and the applicant for that project could cite this situation as justification for also receiving an adjusted approval of setbacks. Mr. Hubbard stated he understands.

Council Member Cevering stated the City has considered many adjustments for another project in the City and each time the citizens of North Ogden have been upset that the

Council was not holding the original applicant for that project, Jack Barrett, to the agreements that had been approved. He stated that while he understands that errors are made, he is also concerned about the precedent set by approval of this request.

Mr. Call then provided a brief overview of the clause in the development agreement addressing any adjustments or amendments; he noted he feels the City is well positioned to respond to this matter from a legal standpoint. He noted there are a few other items that should be addressed in the agreement given the status of federal grants for which the City has applied for certain storm drain improvements in the project area. He suggested that the Council consider another action to make comprehensive changes to the agreement.

Mayor Berube allowed Mr. Hansen to provide his final thoughts. Mr. Hansen stated that he understands that one Planning Commissioner, Commissioner Barker, was concerned about the precedent set by adjusting the setbacks. However, he indicated it is important to note that this is not a traditional building lot, and the adjustment would not result in a building being located closer to a neighboring property and/or home. He stated that no ordinance will be violated, and no other property owner will be impacted. He stated a mistake was made and has been acknowledged and he is now asking for a bit of mercy. He stated that nothing will be accomplished by forcing him to tear out the concrete and there is no reason to deny the amendment for two lots in the project, especially because he is the owner of the other piece of property abutting the subject property.

Council Member Swanson stated that one thing for the Council to consider is the record the City has with Mr. Hansen for his development in the City and to compare that with the record of past developers; he has a great deal of trust in Mr. Hansen, but that has not been the case for past developers who have been involved in this project. He stated he would like Mr. Call to work in concert with Mr. Hansen to negotiate clarification of the terms of the agreement relating to setbacks for buildings one and two as well as the requirements for the storm detention pond in the project area.

Council Member Swanson moved to table action on the requested amendment to the Patriot Pointe site plan related to setbacks between buildings and from the property line, until Mr. Call has had the opportunity to meet with Mr. Hansen to negotiate additional amendments to the development agreement. The motion died for lack of a second.

Council Member Ekstrom moved to approve an amendment to the Patriot Pointe site plan related to setbacks between buildings and from the property line. The motion died for lack of a second.

Council Member Barker stated he is comfortable with granting approval of the site plan in order for the applicant to begin working on the project again, but he would also like Mr. Call to work with Mr. Hansen to negotiate an adjustment to the development agreement pertaining to storm drainage improvements.

Mr. Hansen stated that he cannot put the project on hold for another two weeks; he indicated he will contact his partners on the project and instruct them to proceed with tearing out the foundations for the two buildings. Mayor Berube noted that the Council was simply trying to find a way to address both the building setbacks issue and the storm drainage issue in the development agreement. Council Member Ekstrom agreed and stated she is willing to take action on both matters in two weeks. Mr. Hansen stated he will talk with his partners and inform City Administration of the direction he would like to proceed.

7. **PRESENTATION AND DISCUSSION ON BUDGET**

Council Member Swanson stated the purpose of this agenda item was simply to remind the Council of their role in the budget process. He stated that as each Council Member serves for a longer period of time on the Council and they become more familiar with the City's finances and each Department's budget, it can be easy to feel like an 'expert' on budgeting. However, the Council's role is one of oversight and administration of the budget and he advised the Council to trust the experts that have been hired by the City to manage their respective Departments and submit their budgets. He stated the City has great experts that will help to make appropriate fiscal decisions.

8. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE
APPROVING FISCAL YEAR 2022 TENTATIVE BUDGET**

A staff memo from Finance Director Nelson referenced the Tentative Budget for North Ogden City for the 2022 Fiscal Year. The Mayor and City Council members have worked with staff over several months to develop these proposals. As required by State law, the City Council will approve a Tentative Budget on May 11, 2021. A public hearing and open house will be held on June 8. If the Council chooses to go through the Truth in Taxation process, final budget adoption will be proposed in August. Otherwise, final adoption will be proposed on June 22. The memo summarized changes to the budget since the Council's last discussion:

- It is proposed that excess Class C road money from the current fiscal year be combined with Class C road money in Fiscal Year 2022, for a total road maintenance budget of \$800,000 in Fiscal Year 2022.
- It is proposed that the \$500,000 that was budgeted to remain in the General Fund for future use on the Public Safety Building be transferred to the Capital Improvement Fund.
- It is proposed that the property tax rate be maintained generating an additional \$162,646 in the General Fund. This is proposed to be transferred to the Capital Improvement Fund for use on the Public Safety Building or other capital projects.
- Replacement of the playground at Lomond View Park was removed from the Tentative Budget, pending further discussion.

- The budgeted cost of the vector truck in the Storm Water Fund was increased to \$410,000. This would be paid out of fund balance.

The memo then summarized the impact on residents:

- It is proposed that service charges be implemented on some types of credit card transactions, such as building fees, parks and recreation fees, and court fees. Service charges would not be added to utility bills.
- Central Weber Sewer District is increasing the amount charged to the City by \$87,980 in Fiscal Year 2022. To cover this cost, it is proposed that the sewer rate to residents be increased by \$1.10 per month. Central Weber Sewer District is proposing an additional increase in Fiscal Year 2023. Consideration of the impacts of the second increase will be addressed in the FY2023 Budget.
- As listed above, it is proposed that the property tax rate for North Ogden City. Weber County will provide accurate numbers related to this proposal in the next month. Preliminary estimates indicate that maintaining the rate would generate an additional \$162,646. \$46,000 of this is anticipated to come from new growth. The remaining \$116,646 would be generated from existing property owners at an estimated average of \$17.15 per year.

General budget highlights include:

- Health insurance has been bid out. The details of the plan have not been finalized, but a 4.5% savings in premium rates is expected, plus a one-time \$35,000 rebate. It is expected that the network will be similar enough to the current network that it will cause very little disruption.
- Wage increases are included at 3%, to be allocated according to department needs. Some certification and targeted market increases are also included.
- Leave payout is included at 40 hours, same as current year.
- One new full-time Police officer is budgeted to start in January 2022.
- One part-time Accountant at 10 hours/week.
- One new snowplow on a 6-year lease. \$41,025/year.
- One mini excavator on a 5-year lease. \$11,584/year.
- Vehicle rotation net cost is \$8,879.
- One Parks mower at \$15,000.
- One Parks trailer at \$7,000.
- 4 Police vehicles replaced.
- The Aquatic Center has an RDA operational subsidy of \$188,281.
- Implement a credit card service charge on various City fees. \$101,000.

Mr. Nelson reviewed his staff memo and facilitated discussion among the Council regarding various items referenced therein. This included a review of sales tax revenue of other communities and philosophical discussion regarding whether to adjust the budget estimate for sales tax in the coming fiscal year. The Council ultimately concluded they are comfortable adopting the tentative budget tonight but will likely reduce the sales tax

estimate included in the budget prior to adoption of the final budget.

Mayor Berube then noted that the tentative budget document includes revenue associated with maintaining the current property tax rate, which would be advertised as a tax increase. He asked the Council if they are still comfortable maintaining the current rate. All Council Members answered yes; they feel that maintaining the tax rate allows the City to capture revenues associated with inflation, which is the prudent thing to do and will help the City to avoid a more significant tax rate in the future.

Mayor Berube then invited public input.

Susan Kilborn, North Ogden resident, stated she feels the tentative budget is 'one big disaster'. The City is hurting and she has concerns about some of the expenditures that have been included in the budget. She asked why the Police Department needs four new vehicles; she is 100 percent behind the Police Department but asked for an explanation of those expenditures. She also noticed a request for a part-time accountant but noted she did not know the City already had a full-time accountant. She wondered if it would be more feasible to build overtime pay into the full-time position rather than creating a new position. She also referenced the Public Safety Facility project; she noticed funds being moved back into the General Fund and away from that project and that is very concerning to her as she is passionate about getting the project done. Building costs continue to increase and she is concerned about delaying the project because costs will only be higher in the future. She is fully supportive of an increase in property taxes in order to appropriately fund the needs of the City. She would rather see a policy that calls for scheduled tax increases to keep pace with growth rather than being forced to accept a giant tax increase when projects like this one arise.

Mayor Berube stated there is not a transfer from the capital fund to the General Fund; rather, the opposite is true. The Council has decided to transfer funds from the General Fund to the Public Safety project to help in debt service for the bond for the project. He then asked Chief Quinney to provide an explanation for the purchase of four new police vehicles. Chief Quinney stated the Department has a 27-vehicle fleet, with a seven-year expected life replacement cycle. The average mileage of a vehicle that is being removed from the fleet is 80,000 miles and these vehicles are sold for average resale value to aid in the purchase of replacement vehicles.

Council Member Ekstrom motioned to adopt Ordinance 2021-11 approving the Fiscal Year 2022 Tentative Budget. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker yes
Council Member Cevering yes
Council Member Ekstrom yes
Council Member Stoker yes
Council Member Swanson yes

The motion passed unanimously.

Council Member Stoker motioned to recess the City Council meeting and convene in the RDA meeting. Council Member Cevering seconded the motion. All Council Members were in favor.

9. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE
APPROVING THE RDA FISCAL YEAR 2022 TENTATIVE BUDGET**

Finance Director Nelson reported the Redevelopment Agency (RDA) has been established in an effort to create redevelopment opportunities through investment in defined areas of the City. There are currently two different redevelopment areas: a traditional redevelopment area and a community development area (CDA). There are two separate funds for the two defined areas and the RDA is required to adopt an annual budget for each of those funds. The CDA is newer than the original RDA and just recently started to generate increment; this new revenue will be used to repay the money borrowed from the RDA at the time the CDA was created. In the RDA budget, there is a projected \$730,000 in property tax revenue. Administration proposes expending \$35,000 for offsite improvements in the form of beautification efforts along Washington Boulevard; \$440,000 dedicated to the fund balance, or project reserve; \$60,000 for a retaining wall behind Lee's Marketplace; \$11,000 transfer to General Fund for wages for flower waterers for the hanging flower baskets on Washington Boulevard; and a \$188,000 transfer to the Aquatic Center for subsidy of that facility.

Board Member Swanson noted that the Board has had discussions about transferring the subsidy of the Aquatic Center from the City's General Fund to the RDA General Fund; additionally, there have been discussions about reducing the needed subsidy by increasing usage fees at the Aquatic Center. He asked Parks and Recreation Director Staheli to provide the Board with information regarding possible rate increases. Ms. Staheli stated that she recommends increasing daily admission rates by \$.50 for both residents and non-residents. Based upon past patronage, this will result in an increase of approximately \$15,000 for the upcoming season. She noted that her daily admission rate is currently higher than other swimming pools, but her season pass rate is lower than other facilities. She does not recommend increasing any other rates in order to keep the facility competitive with other cities' swimming pools. There was then a brief discussion about the current difficulty in hiring employees for the Aquatic Center, including lifeguards.

Mayor Berube stated it seems the \$180,000 subsidy is higher than in years past and he asked for why that is. Mr. Nelson stated the subsidy was \$138,000 in FY20 and \$170,000 in FY21; the subsidy has been stepped up yearly for the past few years. Ms. Staheli stated that the subsidy was increased last year because of the impact of COVID-19 on the facility. Mr. Nelson indicated he can perform an analysis of the subsidy dating back further than FY20 and provide a report of his findings in a future meeting.

Board Member Swanson asked if the Center could generate additional revenue if it were open on Sunday. Mr. Staheli indicated she does not feel there is sufficient demand in the community for the Center to be open on Sunday. Additionally, she believes it would be difficult to get employees to work on Sunday. Mayor Berube stated that when he managed Macey's grocery stores, days of operation were determined based upon geographic location of each store; initially all stores were closed on Sunday, but when the decision was made to open some of the stores on Sunday, he was surprised by the number of people who volunteered to work on Sundays. Ms. Staheli stated it may be necessary to increase current staffing levels in order to have enough employees to work on Sunday.

Mr. Nelson indicated the final budget matter to report is the \$5,000 contribution to the Chalk It Up North chalk festival; the event was suspended last year due to COVID-19, but event planners are hoping to hold it again this year. He stated that when the event was first held in the community, the organizers indicated they needed City support at the onset, but they planned to secure other funding sources or sponsors to replace the City's contribution. Mayor Berube asked staff to reach out to the event organizers to see if the City's support is still needed. Board Member Stoker agreed; she noted she is willing to provide the \$5,000 contribution this year, but suggested the contribution be tapered down in future years until it is no longer needed. Board Member Swanson agreed and stated that schedule should be communicated to the event organizers.

Mayor Berube invited public input. There were no persons appearing to be heard.

Board Member Swanson motioned to adopt Ordinance RDA2021-12 approving the RDA Fiscal Year 2022 Tentative Budget. Board Member Stoker seconded the motion.

Voting on the motion:

Board Member Barker	yes
Board Member Cevering	yes
Board Member Ekstrom	yes
Board Member Stoker	yes
Board Member Swanson	yes

The motion passed unanimously.

Board Member Cevering motioned to adjourn the RDA portion of the meeting and reconvene the City Council Meeting. Board Member Ekstrom seconded the motion. All Board Members were in favor.

10. **PRESENTATION ON PARKS AND RECREATION PLANNING AND MAINTENANCE.**

Presenter: Tiffany Staheli, Parks and Recreation Director used the aid of a PowerPoint presentation to discuss operations in the Parks and Recreation Department. The Department encompasses events, parks, recreation, and aquatics. The mission of the Department is to “provide the community with exceptional facilities and activities for health, learning and play”. The vision of the Department is to “create a nurturing environment for a lifetime of memories and neighborhood connection”. She discussed staffing of the Department, noting the parks team is made up of six full-time employees and 14 seasonal employees; however, it has been difficult to attract and retain quality employees over the past several years. The Department has hired twice for the Assistant Park Supervisor position in the past three years and over half of the full-time positions have turned over in the last three months. The Parks Division is currently understaffed by more than 15 percent for the upcoming summer months and the Division is constantly cycling through new employees that require training. The Parks training budget has been cut by thousands of dollars in the last two years. The Parks Division maintains a fleet of equipment used in daily operations in maintaining parks, buildings and facilities including:

- Barker Park – developed 11 acres;
- Barker Park – undeveloped 30 acres;
- Amphitheater at Barker Park;
- Bicentennial Park – 1.74 acres;
- City Hall grounds;
- Community Garden – 39 garden boxes and storage facility;
- Dog Park – detention basin maintained by Public Works;
- East Entrance Park;
- Equestrian Park;
- Historical Museum;
- Lakeview Park;
- Lomond View Park – 9.68 acres;
- McGriff Park – 5.15 acres;
- Mountain View Park 5.32 acres;
- North Ogden Park – 10.87 acres;
- North Shore Aquatic Center;
- Historical Grandstands;
- Skate Park;
- Oaklawn Park – 14.33 acres;

- Hammock Park;
- Orton/Green Acres Park – 12.4 acres.
- Parks and Recreation building and grounds;
- Police Department grounds;
- Senior Center building and grounds; and
- Wadman Park – 9.64 acres;

Additionally, North Ogden City has a variety of fields, courts, and turf that all have specific needs and a plan of care. The Parks Division handles the maintenance and treatment of each of these functions, beautification and safety. The Parks Division orchestrates the mowing, trimming, and care of over 60 acres of grass throughout the City. They also coordinate all chemical and mechanical applications and equipment needed for turf management including pesticides, herbicides, fungicides, aeration and seeding. The Parks Superintendent oversees irrigation startup, operation, repair and winterization across the 60-acres of land maintained by the Division; this includes 30 time clocks, 318 irrigation zones, and 3,600 sprinkler heads. The Division maintains nine playgrounds; the Parks Superintendent is certified by the National Recreation and Parks Association (NRPA) to inspect playgrounds; one of the goals of the Parks and Recreation Department is to have two certified playground safety inspectors. Ms. Staheli then reported on the age of each of the City's playground structures; she has asked for funding to replace the structure at McGriff Park this year and Lomond View Park next year. Both structures were originally installed in 1997. She considers the City's parks and playground structures to be 'living', meaning they are impacted by things like UV exposure, wind, all sorts of weather conditions, people, intended and non-intended use, vandalism, and animals. All parks require constant maintenance to avoid disrepair. The average playground life expectancy is 10-years. According to Superior Recreational Products, "a standard playground area should see a new installation or update within 8-10 years after its original installation date. However more recently, we have seen commercial playground areas last as long as 15-20 years without any updates..... However, when you stretch the life of your playground equipment, you need to make sure that it will be safe for children to play on." According to Miracle Recreation Playgrounds, "playground equipment updates should be performed every 8- 10 years to keep them maintained. However, many playgrounds can last well beyond 10, 15, 20 or more years. Weather, usage, and quality affect the actual lifespan of your playground." With this knowledge, the Department developed a playground replacement/rotation schedule. This schedule should provide the Council as well as citizens with a consistent expectation relative to playground life expectancy and replacement timelines. She added that part of extending the life of a commercial playground is inspections. High frequency inspections are performed and documented weekly by Parks staff; they focus on routine maintenance and structural integrity. Low frequency inspections are performed and documented biannually by the certified playground safety inspector in the City. Work orders and repair requests are prioritized according to the urgency of the matter:

Work order/repair standards:

- Safety/Urgent - Respond Immediately, take equipment out of use and submit a work request.
- High Priority - Repair within 7 working days of request.
- Moderate Priority - Repair within 14 working days of request.
- Low Priority - Repair within 28 working days of request.

Repair categories:

- Small/Minor - Equipment or hardware that is available to City staff or at a vendor nearby (Examples: s-hooks, chain links, shackles or other connecting fasteners).
- Major - Equipment or hardware not available to City staff, or that must be order by a vendor or work completed by a vendor (Example: parts specific to the manufacturer)

These schedules typically work very well when the Department is fully staffed, but with reduced staffing, it can sometimes be difficult to meet the timeframes specified above. However, safety for North Ogden residents is the number one purpose in inspecting playgrounds. While the Parks Department has always inspected playgrounds to ensure park patron safety, staff is committed to improving and refining our process. She then discussed buildings and facilities; the Parks Superintendent directs upkeep and exterior maintenance for additional buildings and facility grounds throughout the City, including:

- Parks & Recreation Building.
- City Hall.
- Police Building.
- Senior Center.
- Amphitheater.
- Storage Facilities.
- Museum.
- Aquatic Center.
- Pavilions.
 - There are nine pavilions at parks throughout North Ogden.
- Restrooms
 - There are nine restrooms at parks throughout North Ogden.

The Department also maintains trail systems throughout the community, which includes miles of trails developed and planned for the future. North Ogden City is a “Tree City USA” City and the Parks Department ensures that the City meets the guidelines to maintain this designation. Tree management includes disease control, planting, and Arbor Day commemoration. The Parks Superintendent oversees the management of hundreds of trees in parks and on City buildings and grounds. This position is also the City Arborist, certified and trained in all aspects of arboriculture. The Department also handles cleanup of tree damage resulting from windstorms, which have become a common occurrence as of late. Additionally, North Ogden is home to thousands of plants, shrubs and flowers on

its public grounds. Their planting, maintenance, and treatment is done by the Parks Department. They also manage the care of hundreds of street flowers and pots throughout the city as part of the City's beautification program. The Parks team also responds to vandalism and graffiti in parks and on City properties; in April 2021, the Parks team responded to 13 separate incidences of vandalism in our parks ranging from minor incidents to those costing thousands of dollars in labor and materials to repair. The Parks team is also behind the City holiday lighting at Bicentennial Park and City Hall. There are over 25 trees that are lit with LED lights for the month of December. The Department is also the team behind the success of the annual Cherry Days celebration, overseeing:

- Parade and Park Sound Management.
- Grounds Preparation.
- Electrical Festival Considerations.
- Facility Setup for Events and Activities.
- Day of Execution.
- Fireworks Facility Coordination.

The Department is also an important part of the team of City employees that complete snow removal through the City after storms. The Parks Department works with the streets department and is responsible for snow removal in City cul-de-sacs. In addition, the Parks team clears snow from City and park parking lots, and sidewalks to parks and city buildings. The Parks Superintendent coordinates volunteer and cleanup projects throughout City Parks and properties. The question at hand is how to make the most of what the City has and maximize the results of efforts of the Department. The Department needs to employ the most competent and skilled individuals who are able to complete their job duties with excellence and care and she needs an adequate training budget to meet this goal. She asked that the Council consider the level of service they would like to maintain in terms of Parks and Recreation offerings for the community. One way to look at level of service is by utilizing the NRPA Park Metrics, which include traditional benchmarks of the number of residents per park or the number of park acres per resident. North Ogden has 20,852 residents according to 2019 census data; this equates to 1,871 residents per park and 2287 residents per playground; both are below the NRPA suggested metrics. However, the NRPA calls for 9.8 acres of park land for every 1,000 residents, but North Ogden has just 4.0 acres of park land for every 1,000 residents. This is 41 percent of the suggested metric. She presented aerial images of the City from 2011 and 2020 to provide an illustration of the growth of the City over the past decade. She asked if the Council is satisfied with the current level of service relating to parks; if the answer is yes and the City's population is expected to double in the next 10 to 20 years, it will be necessary to add approximately 80 acres of park land. She asked if the City is prepared to do that to maintain the current level of service. Or, if the City would like an improved level of service, it is necessary to develop a prioritization and funding plan to accomplish that. The City's Parks Master Plan was developed in 2001 and updated in 2006 and 2020; the Plan includes parks inventory as well as capital planning. She then discussed improvements that have been completed in City parks over the past 10 years:

- Gaga Ball - McGriff Park.
- Basketball Court.
- Hammock Park.
- Announcer's Booth at the Equestrian Park.
- Restroom Replaced: Orton/Green Acres Park.
- Restroom Replaced: Oaklawn Park.
- Restroom Replaced: Lomond View Park.
- Football Field Renovation and Leveling: Oaklawn Park.
- Ball Field Renovation and Laser Leveling: North Ogden Park, Lomond View Park, Oaklawn Park.
- Playground Replaced: North Ogden Park.
- Playground Replaced: North Ogden Park.
- Playground Replaced: McGriff Park (2021).
- Volleyball Court Addition, sand upgrade: North Ogden Park.
- Skate Park Improvements and Relocation

The Department charges several fees aimed at generating funding for the Department; the City Council has the responsibility to adjust those fees as needed to help cover the current and future costs of City facilities. For example, fees at the aquatic center were raised in 2012 and 2019 to help cover expenses. Ms. Staheli then reported City Administration and the City Council performed a thorough review of the possibility of outsourcing parks less than 10 years ago, including an RFP and bid process. It was determined that it was in the best interest of City residents that care and maintenance of our parks and facilities stayed in-house in order to maintain the desired level of service. She would like to increase citizen/community involvement; the North Ogden Parks, Trails, and Open Lands Committee is lacking the community involvement and membership needed to provide insight and guidance to the City Council and staff. Recent meetings have been cancelled for lack of agenda items from committee members. Staff feels that this committee should provide recommendations to the City Council as to planning and timeline for future parks. She concluded that she is willing to entertain any questions or comments about the information she provided tonight or any other issue pertaining to her Department. She noted she and Parks Superintendent, Jesse Felter, are here to help and willing to engage with any elected official or resident.

There was then a brief discussion about park improvements that have been discussed in the community, with Mayor Berube noting that the Council may need to have more detailed discussions in the future to provide answers to Ms. Staheli's questions regarding the future level of service for the community. He added that he and City Manager/Attorney Call visited every park in the City last week and he invited Mr. Call to provide his assessment of the conditions of parks and facilities. Mr. Call stated that while it is possible to find things to improve at every park, he also found them to be very quaint. He also was able to see that parks are maintained and usable; there is a wide array of offerings throughout the City's parks, and he feels that every resident who desires to

recreate outdoors could find something they would enjoy at City parks. Mayor Berube stated that safety in City parks should be the top priority and he and Mr. Call noticed some safety issues that have been passed on to Ms. Staheli. He also observed that many of the City's parks are located in detention basins. He asked that the Council consider their desires for level of service improvements in the future as well as programming or development of the undeveloped 20 acres at Barker Park.

Council Member Swanson asked if the assessment that the City's park acreage per 1,000 residents ratio is at 41 percent of the NRPA metric covers developed park only or if it includes undeveloped acreage. Ms. Staheli stated that it only takes into account developed space. Council Member Swanson stated that the City has 20 acres of undeveloped space at Barker Park and 20 acres at Lakeview Park; if those spaces are developed, that would increase the amount of park space by 40 acres, or half the amount mentioned by Ms. Staheli to allow her to maintain the current level of service in line with projected growth. Ms. Staheli stated that is correct. She then addressed Mayor Berube's comment about the number of parks that also serve as detention basins; she noted that these facilities are essentially detention basins first, and parks second, which contributes to damage of amenities and turf located in the basins. In the future, she would like to discourage locating sports fields and turf in basins because they are very difficult to maintain and can lead to safety issues. Mayor Berube agreed. He also commented on the unique nature of many parks throughout the City, and it is important to develop a plan for developing park areas that have been left in a natural vegetative state.

Council Member Cevering stated it may be helpful to include some of the information from Ms. Staheli's presentation on the City's website; specifically, a facility or structure replacement schedule may be very interesting to residents who are looking for information on parks. Council Member Ekstrom agreed and added it would also be helpful to include detailed information regarding how a resident can go about submitting a work order or reporting disrepair to the City. She then emphasized that one thing Ms. Staheli is really struggling with is retaining quality employees; she has recruited and trained several people who are then leaving for higher wages in other cities or other companies. Mayor Berube agreed the City does not want to be a 'training ground' for employees who will ultimately benefit other entities.

11. **DISCUSSION AND/OR ACTION ON COMMUNITY POND PROJECT**

A staff memo from City Manager/Attorney Call explained the Council recently asked for an update on the Community Pond/Park Project. Administration would like to focus on the current status of the project and options for moving forward. The memo focused on: 1) Project Goal; 2) City Obligations; 3) Existing Basin Sale; and 4) other considerations. The main goal of this project is to relocate the existing 2550 detention basin off 2550 North and 2700 North so the property can be sold for commercial purposes. To accomplish that goal the City negotiated a deal for 6.6 acres of property on the Double

Ott Ranch. Another agreement was signed with Pineview Irrigation to facilitate the construction of a joint-use basin with irrigation water storage in addition to the storm water storage. The memo summarized the two agreements in regard to future obligations of the City.

Double Ott Ranch Agreement A17-2019

- The City accepted a dedication in lieu of impact fees under Utah Code 11-36a402. These fees will not be assessed against future development in Patriot Pointe and other projects across the City. The “dedication in lieu” was valued at \$870,025 in park impact fee credits and \$450,585 in storm impact fee credits.
- The City agreed to storm water improvements along 2100 North and 2600 North. The 2600 North improvements have been completed as part of an agreement with the Northwood Hills Subdivision. The 2100 North improvements have yet to be completed and are expected to be \$85,000 though they may be higher as construction costs increase.
- The City was obligated to construct a park and detention basin on the property. No other uses are allowed under the agreement.
- The City has provided two solar inspections and building permits for the Double Ott Ranch.
- The City is obligated to install storm drain lines along the 150 East alignment in Patriot Pointe. The cost for these improvements is \$202,220 with \$202,220 reimbursable from the NRCS grant.
- The City is obligated to install a sewer line from 2300 North to 2225 North along 150 East. The total cost is \$31,000 with \$15,500 reimbursable from the NRCS grant.
- The City is obligated to install road base along the 150 East alignment. The estimate for this project cost is \$421,800 with \$116,622 reimbursable from the NRCS grant.
- The City is obligated to install a road along 2300 North from the eastern property line to 150 East (450 feet) for a total cost of \$177,850.
- The total obligations on behalf of the City under the DOR Agreement are \$917,870 with \$334,342 as reimbursable expenses from the NRCS grant.
 - The total non-reimbursable project costs (no land costs), including the above items is \$1,486,008.

Pineview Irrigation Agreement A19-2019:

- The monetary obligations are outlined above with the City being responsible for \$1,486,008.25 in non-reimbursable project costs yet to be incurred.
 - The storm line across the neighboring property (Montessori School) has already been installed at a cost of \$529,002 in construction costs.
- The latest project estimates put the entire facility cost at over \$10,000,000.
- Between the City and Pineview over \$300,000 has been spent on engineering fees and environmental studies.

The memo noted the current 2550 North detention basin is located on property owned by the storm sewer fund based on the review of the historical records associated with the purchase. This means any proceeds from the sale should remain in the storm water funds for additional projects, operations, and maintenance of storm programs. In the past there have been several discussions about how this money could be used. As a storm water asset, it can only be used on storm water projects. Any money spent on relocating the basin should be tied directly to the costs for storm water infrastructure. Currently the property is not under contract for sale, though there have been some inquiries lately. With the above identified project costs the City also received an economic study from Zion's Bank outlining the potential property tax benefits of a commercial development on the old property between 2550 N and 2700 N. The Council has stated several times the plan for that property includes commercial uses so I will only include the commercial numbers provided by the Zion's Bank study. The estimated fiscal impact to the City would be \$15,000 a year in property taxes and \$94,000 a year in sales taxes from the development of this property as commercial/retail space. Both revenue sources would add a direct impact to the City's general fund.

Other Considerations: The North Ogden Community Development Area includes the plan for the use of CDA taxes collected on the old basin property to reimburse the City for any out-of-pocket expenses associated with moving and filling in the detention basin. These costs can be paid to either the general fund or storm water fund. The money will eventually be available from the CDA as a reimbursement of \$1,680,240 to relocate the basin and \$320,000 to fill the old basin in. This money will come in over several years but will eventually be available to repay the costs of this project.

There are some other considerations related to the Federal NCRS Grant. If it isn't ultimately received the Council will need to make some hard decisions. The agreement with the Double Ott Ranch discusses and anticipates two future activities. 1) the receipt of the grant funding, and 2) the dedication of the roadway and utility easements which correlate with the installation of utility lines and road base.

If by some reason any of these agreements fall apart or are disputed as to their meaning the parties will have the option of working on solutions as anticipated in the agreement or working on an amicable dissolution of the agreements and corresponding obligations. Because of potential legal ramifications of these agreements, Mr. Call withholds any formal legal analysis of these agreements to protect the City's position should a formal legal dispute result around these agreements. Mr. Call feels it is safe to say that should the agreements be cancelled, there will likely be some dispute about what obligations may survive the unwinding of the agreement and who might be entitled to compensation, potential impacts on grant monies received, and whether or not real property would need to be returned. If the Council would like to hold a closed meeting to discuss potential strategies the various parties may use in a lawsuit, that can be scheduled for the next regular City Council meeting.

Mr. Call reviewed his memo and engaged in discussion with the Council regarding the amount of money the City has spent to date; funding sources for ongoing City obligations; and the status of the NRCS grant application and provisions in the agreement that provide for guidance in the event the City does not receive the grant.

Council Member Swanson stated that he would prefer to discuss this matter further in a closed session meeting in order to avoid discussion of the City's legal strategy pertaining to this matter. Mr. Call included he will include an option to convene in a closed meeting on the May 25 City Council agenda.

12. **COUNCIL DEPARTMENT REPORTS:**

a. Council Member Barker – Building and Planning

Council Member Barker introduced the City's new Planning Director, Scott Hess. He reported a joint work session with the Planning Commission has been scheduled to give the two bodies the opportunity to discuss the alignment of Mountain Road and Skyline Drive, as well as other pending planning matters.

b. Council Member Swanson – Finance, March monthly financial report

Council Member Swanson reported that sales tax revenues continue to exceed expectations; if that trend continues, he may recommend that the Council consider a higher projection in the Fiscal Year (FY) 2022 budget. It is difficult to make accurate projections as there are so many unknown factors that contribute to sales tax trends.

Mayor Berube asked that Council Member Swanson provide information on the percentage of expenditures that have been completed in the current year budget. Council Member Swanson stated he will provide that in a future meeting.

13. **PUBLIC COMMENTS**

Brenda Ashdown, North Ogden resident, thanked Ms. Staheli for her presentation; it was very interesting and informative, and she learned many new things. She then stated that there have been a couple of times tonight when a Council Member has mentioned they will have an 'offline' discussion with a resident or member of City staff about an issue; that is concerning to her because she attends these meetings to hear discussions and she does not want those discussions to take place behind the scenes. She has huge concerns about the community pond project; citizens were told that the proceeds from the sale of the existing pond would be used to pay for the new pond. Some piping has been installed and other improvements are needed, but the funding plan is a hope that the City will receive the NRCS grant. This is problematic and she is concerned that the process is 'backwards'. The City will need a pond and if the current pond is sold, but the grant is not received to build the new one, the City will be forced to come up with the money for the project.

Susan Kilborn, North Ogden resident, thanked the Mayor and Council for tonight's meeting and she suggested that breaks be built into each meeting agenda to give the group time to stretch out or visit the restroom during very long meetings such as this one. She then addressed the presentation by Ms. Staheli and asked if anyone has ever performed a study on the number of people visiting parks throughout the City and whether there is one or a few parks that experience higher attendance than others. If the City's budget is fixed, it may be easier to prioritize funding for parks that are utilized more heavily. She added there are many residents that need to get out and exercise more and it may be great for someone to organize regular events that will help everyone do that.

14. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Cevering stated he was contacted by a citizen this week who is concerned about the amount of deadfall in the hollow near Barker Park; if there were a large weather event that resulted in a significant amount of water in the hollow, there could be a great deal of damage.

Council Member Swanson stated that in the past when the City was dealing with a heavy schedule due to issues in the community, there was discussion about holding weekly meetings in order to keep the Council on task and have shorter meetings. He stated he would like the Council to consider that and discuss it in the future. He then asked how Police will be utilized in the proposed citizen-organized Cherry Days parade. He asked how the City will be reimbursed for the costs associated with providing public safety and how the City can address liability associated with the event. Mayor Berube asked Chief Quinney if the City charges for Police support for other community events, such as the Weber High School homecoming parade. Chief Quinney stated the City does not charge for that event, but it is much less impactful than the Cherry Days and only requires support from one or two officers at both the front and back of the parade. The Cherry Days parade is much larger and will require a great deal of support and placement of barricades along the route. The parade takes his full staff, both sworn and non-sworn, as well as about 20 additional volunteers to cover the parade route and control traffic. Mayor Berube stated that Mr. Miller indicated that he has spoken with the Weber County Sheriff's Office, and they have offered their support for the event. He added that the event organizers need to get a permit from the City, that must be approved by the Chief, and this will give him the opportunity to provide input about the level of support and costs associated with that support. Council Member Swanson stated it is important to discuss the details of planning and costs for the event so that the City is not left with full responsibility for the expenses associated with providing public safety support. Chief Quinney stated he will reach out to Mr. Miller.

Council Member Barker asked if it is possible to water City parks less due to the current drought conditions. Ms. Staheli answered yes but noted the City will receive complaints in the event that turf is dying at City parks. However, the City also receives complaints about excessive watering. Council Member Barker stated that he is prepared to handle those complaints because it is important to conserve water at this time; he would like for actual sports fields that are used to be watered, but all other areas can be watered less. Mayor Berube stated it is true that the City will receive complaints regardless of which direction this matter goes; he supports Council Member Barker's recommendation and asked for input from the rest of the Council. All Council Members agreed and indicated it is important for residents to conserve water as well.

Mayor Berube then stated that he received an email regarding a strip of ground owned by the City that is full of puncture weeds and other weeds; the sender asked why the City requires residents to maintain their property but does not adhere to the same standards. Mr. Call stated the strip of land is on 1700 North and it runs between two homes to provide access to a trail; the City would love to asphalt the trail or transfer maintenance responsibility to the adjacent homeowners, but the City needs to retain ownership of the strip to provide access to the trail area for maintenance purposes. Mayor Berube asked that City staff secure a cost estimate to asphalt the trail. He then stated that he continues to receive requests from residents for the City to build pickleball courts and he asked the Council to be thinking of those requests.

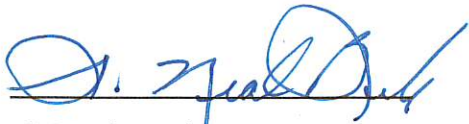
Mr. Call then reported he is working with the City Engineer and the Public Works Director to secure a contract for the retaining wall project behind Lee's Marketplace.

Ms. Staheli addressed Ms. Kilborn's comments and indicated she does not have information regarding the usership of City parks; however, she believes the most attended parks are those with the most and highest quality amenities and activities.

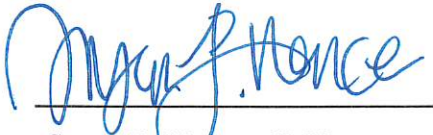
15. **ADJOURNMENT**

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

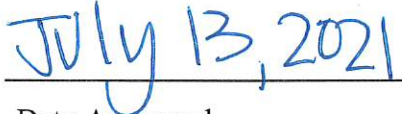
The meeting adjourned at 10:13 p.m.



S. Neal Berube
Mayor



Susan L. Nance, CMC
City Recorder



Date Approved