

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

July 13, 2021

The North Ogden City Council convened on July 13, 2021, at 6 p.m. at the North Ogden City Office at 505 East 2600 North. And also available electronically at <https://us02web.zoom.us/j/85038350223> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 253 215 8782 or +1 312 626 6799 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on July 8, 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:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Scott Hess	Planning Director	
	Dave Espinoza	Public Works Director	
	Lorin Gardner	City Engineer	
	Bryce Nelson	Administrative Services Manager	
	Dirk Quinney	Chief of Police	
	Jason Reney	Culinary Water Superintendent	
	Jami Jones	Treasurer	
VISITORS:	Julie Anderson	(unknown phone number)	Jay D Dalpias
	Dale Anderson	Lance Welling	Robert Bolar
	Susan Kilborn	Tom West	Brian Taraki (Hoxha)
	Val Poll	Jill Hunt	Merrill Sunderland
	Diana Meiser	Linda Lundstrom	Grant Protzman
	Terry Bexell	Lynne Bexell	Spencer Stephens
	Trent Nelson	Stefanie Casey	David R. Sanders
	Dave Shupe	Brenda Ashdown	Meg Sanders
	Carolyn Lueinrininka	Susan Clements	Leonard Looney
	(Not legible name)		

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

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

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

2. DISCUSSION AND/OR ACTION TO CONSIDER MAY 11, 2021 CITY COUNCIL MEETING MINUTES

Council Member Ekstrom motioned to approve May 11, 2021, City Council Meeting minutes. Council Member Stoker 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.

3. DISCUSSION AND/OR ACTION TO CONSIDER MAY 25, 2021 CITY COUNCIL MEETING MINUTES

Council Member Cevering motioned to approve May 25, 2021, City Council Meeting minutes. Council Member Barker 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

4. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, stated that in a past meeting she spoke about a fence on 300 East, and she mistakenly believed the City was responsible to maintain it; she spoke to another neighbor who told her that the City agreed to install the fence but that neighbors were responsible to maintain it. She then stated she is tired of road construction surrounding her house in all directions. Additionally, she addressed the agenda item dealing with the configuration of Pleasant View Drive and the intersection with Washington Boulevard; she noted she prefers that the intersection remain closed, but if the decision is made to reopen it, she would like for it to be right-in, right-out turn lanes only.

Meg Sanders, North Ogden resident, stated she would like to yield her three minutes to her father who wishes to speak, but may take longer than three minutes.

David Sanders, North Ogden resident, stated he was a Lieutenant Colonel for the Army Special Forces and worked alongside many sister armed services. Throughout his military service he learned that not all missions go as planned, but when planning a mission, it is important to plan for every conceivable event that could derail plans and any actions that should be taken if such an event occurs. Every year on October 10, the areas secondary water is turned off and at that time he watches his trees, shrubs, and lawn become dangerously stressed. Because he is a horticulturist and master gardener, he has complained to Pineview Water Systems about the matter; this year they planned to turn off secondary water on August 1, which is just two weeks from now. Upon learning that, his military skills kicked in and he began predicting possible outcomes, which includes a catastrophic event in North Ogden. After lengthy conversations with the manager of Pineview and the City's Public Works Director; Mr. Sanders informed them that based upon his expertise of horticulture, that every tree, shrub, perennial, lawn, park, sports field, and any living thing that is green will be severely damaged or dead by winter. If these serious conditions carry over to next year, the view of the mountain benches from the valley as far as the eye can see will be dead and the area will essentially be a dust bowl; the area may even run out of drinking water. It may already be too late to stop this from happening. He reiterated Pineview will shut off secondary water on August 1, unless they can secure additional water from Weber Basin Water Conservancy, in which case the shut off date will extend to September 1. Once secondary water is shut off, citizens will rely upon culinary water to keep their greenery alive. This will place a demand on aquifers and well resources. This has never happened before to this extent. Each year of a drought, more moisture is taken up by the ground before it reaches aquifers; this means the longer the drought, the more water will be needed to repay Mother Nature. There has never been this type of combination of low mountain snow levels, extended high heats, and rapid City growth. We do not know how much water resources we have, but we do know that when a City well is drawn down and shut off, it recovers and can be utilized again. However, we do not know how far the well can be

drawn down before it is unable to recover. The effects of the water demand could be geometric or earth medic; in other words, the impact of water demand can be widespread – all depending upon the unknown structure of aquifers and wells. We do not know the permanent effect on aquifers of drawing down water that cannot be drawn; this could create sink holes or underground collapsed areas. There is nothing on the books to provide the area will additional reliable water for at least the next 10 years. Water conservation can only do so much towards keeping things green; it is not possible to ‘conserve our way out’ and maintain the current lifestyle. The more additional water consumers are allowed into the City, the more the current population will be endangered until the City has answers rather than assumptions to solving the water situation. The City will reach a point where the next building permit that is issued will be the addition of a consumer that causes the wells to be fully tapped to a point that they do not recover as fast or at all. He asked what the City will do then and noted that he believes it will be too late to react or increase water resources. If this worst-case scenario comes to fruition, home values will plummet, those that can afford to will flee, developers who build homes will not be able to sell them and they will stand vacant, and people will not come here to do business. The City is not doing much to communicate with residents about this issue and to warn them of this potential catastrophe. The City has building codes that require 50 percent of a building lot to be landscaped. Park strips must also be landscaped, and these consume a great deal of water. There are no positive incentives for residents to conserve water. He stated the City truly does not know what it currently stands with water and if water resources are fully exhausted, there will be no way to recover. He understands that the Council will talk about water issues tonight and make some decisions about how to respond to the drought. He stated that he wants the Council to consider the facts that he has presented tonight.

Mayor Berube thanked Mr. Sanders for his service to the country and for his comments tonight.

Val Poll indicated he, Dave Shupe, and Lloyd Simkins own the building that houses Coldwater Animal Hospital and Castle Creek Dental. He stated they appreciate the efforts the City has made regarding the most appropriate configuration of Pleasant View Drive and the intersection with Washington Boulevard. In that process, he and his partners have had the opportunity to consider different options for their property and this will be largely determined by the configuration of the intersection. He asked in the decision making that the City not take an all or nothing approach to this situation; it is important to prioritize life and safety first, with other issues, such as viability of the commercial properties in that area to follow. He knows that it will be necessary to alter the landscaping of the property dramatically, but he supports option two of the two options that were included in the Council’s meeting materials for tonight.

Dave Shupe added to Mr. Poll’s comments that he recently purchased the corner property near the Animal Hospital. When he purchased the lot, he paid a premium price because it is a corner property, which is attractive to many commercial entities. He stated that

giving the Council the ability to wipe that away with a stroke of a pen does not sit well with him. Option two, as mentioned by Mr. Poll, is the most equitable for all involved. He asked the Council to consider his comments as they discuss the matter further.

Jill Hunt, North Ogden resident, addressed the agenda item dealing with Pleasant View Drive. She understands that plans change and that there is now a plan to have a light at 300 East, but this final decision on whether to install the signal will be made by the Utah Department of Transportation (UDOT). There are many vehicle accidents on UDOT roads that travel through the City and to change to a right-in, right-out intersection at Pleasant View Drive and Washington Boulevard and expecting UDOT to deal with it, is not the best consideration for North Ogden residents. She asked that the Council take her opinion into consideration. She then noted that when she has called staff at City Hall and asked questions about the project, she has gotten a great deal of conflicting information. Communication between staff and residents is very important and it is hard for residents to keep up on issues they are concerned about if they cannot get accurate information.

Sandy Cochran, North Ogden resident, stated she wished to publicly thank the Mayor for getting back to her so quickly after she called the City about an ongoing problem she has been experiencing. She lives in the Village at Prominence Point project and adjacent to her front door is an area with tall weeds because the property is not being maintained. The weeds are full of snakes and mice and her homeowner's association (HOA) has informed her that they will not be able to respond anytime soon. The Mayor directed her to contact Code Enforcement, which she did, and they told her they are unsure they can enforce the code on the property given that it is currently undeveloped. She reiterated the area is five feet from her front door and she cannot sit in the only outdoor area she has at her home in peace because she knows there are snakes and mice present. She stated that she disagreed with Code Enforcement about it being undeveloped as there are homes completely surrounding the weedy area; she cannot believe nothing can be done. The developer, Jack Barrett, is responsible, but he refuses take action. She and many others living in her neighborhood are aware of this and are frustrated and disgusted with the situation. She again thanked the Mayor for responding to her so quickly.

Mayor Berube asked Police Chief Quinney to look into the situation and determine the best way to respond; he agreed that the situation is unacceptable and noted that the weeds could present a fire hazard for the development.

Grant Protzman, North Ogden resident, stated that he has lived in the City for many years and has seen a great deal of change; many residents have made many sacrifices over the years to accommodate this change and growth. He stated it is his opinion that Pleasant View Drive needs to remain closed so that the area can be opened up for other development options and to increase vehicle and pedestrian safety in the area. He then noted that the General Plan Advisory Committee has provided their recommendations regarding the matter, and he hopes that the Council will take that information into consideration; the options that have been recommended will help to preserve and protect private property rights while also serving to improve public safety in the area.

Mark Miller, Pleasant View resident, thanked Police Chief Quinney, Parks and Recreation Director Staheli, and the many people who supported the North Ogden Cherry Days Parade and the celebration that took place at the North Ogden Park. He also spoke to the closure of Pleasant View Drive; he disagreed with Mr. Protzman as he believes that keeping the road open and accessible will improve the level of service for residents getting into and out of Pleasant View. It also has historical value for the area, and it would be sad for many longtime residents to see the intersection with Washington Boulevard completely closed. He feels there are options that can be considered to keep the intersection partially opened, such as keeping the right-in, right-out options available.

Susan Clements, North Ogden resident, stated it is good to be back in person for this meeting. She thanked Mr. Miller for the Cherry Days parade, which she and her family enjoyed very much. Many people have said they would like for the same route to be used in future Cherry Days celebrations as the smaller street setting creates more of a hometown feeling.

Mike Dusole, North Ogden resident, stated he is not originally from Utah and is commonly considered to be an outsider, but he has lived here for 29 years. He stated he is blind in one eye and does not see well, but it is his experience that North Ogden has the worst drivers he has ever seen; he was even hit by a truck in a cross walk in 2017. He stated a nation-wide regulation is needed to increase the driving age to 18 and to require lights to be on when driving. No talking or texting on cell phones should be allowed and these improvements would save a lot of people from getting killed. He addressed Mr. Sanders' comments about secondary water and noted he also heard a rumor that secondary water was being turned off on August 1; he spoke to someone at Pineview Water Systems who told him they will extend the shut-off date to September 1. He stated that Utah and Nevada have the least amount of available water in the west; he has spoken to the Mayor about the fact that the City mows its grass at least one a week on the same day each week, but it would be better to let grass grow tall and to mulch the grass. He agreed the water situation is very serious and the City or other regulating agencies should enact a regulation that prohibits the use of culinary water for secondary purposes. This would be an extreme waste of water because it should not be such a problem for lawns to go brown as the fall season is approaching.

Dale Anderson, North Ogden resident, commented about the secondary water issue and noted that he does not feel that the ordinance should address water sources for livestock. He asked that be removed from the document before the Council acts upon it. He then referenced the comments about the Village at Prominence Point project and noted he and his wife are members of the Kiwanis Club and have participated in cleanup of that area in the past; he agreed that Mr. Barrett has been allowed to take advantage of the City and the people living in the development as he refused to comply with property maintenance standards that are imposed on other residents and commercial property owners.

Lance Welling, Pleasant View resident, addressed the agenda item dealing with Pleasant View Drive; the road is a main thoroughfare for him from his home to commercial areas in North Ogden. Since it was closed several months ago, his shopping habits have changed and he and his wife sometimes find themselves choosing to head to the west to other options, such as the Kent's in Plain City. If the intersection were to be reopened under the proposal included in option two, he would resume his shopping activities in North Ogden. He would also be comfortable with option three as well. He asked that the Council take these issues into consideration when making their decision tonight.

5. PROCLAMATION FOR CHERRY DAYS

Mayor Berube stated that he chose to propose the adoption of a proclamation recognizing the many individuals who volunteered to organize and produce the 2021 Cherry Days celebration. He read the proclamation into the record, after which he asked for a Council motion.

Council Member Ekstrom motioned to approve Proclamation 2021-01 for 2021 Cherry Days. Council Member Swanson seconded the motion.

Council Member Swanson stated that he was vocal about his opposition to the event as he was concerned about the success of such a large event being produced by volunteers. He stated he was proven wrong and he congratulated the volunteers on their efforts and noted he is excited to see what they do to improve the event in the future. Mayor Berube agreed and stated that he feels that future Cherry Days should be a coordinated event by the City and the volunteer group.

Council Members Barker and Stoker also voiced their appreciation to the volunteer group and congratulated them on their success.

Voting on the motion:

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

The motion passed unanimously.

6. **APPOINT CITY TREASURER**

City Manager/Attorney Call reported that due to a recent shift in a few positions in City Administration, the Treasurer position is currently vacant. He proposed that Administrative Services Director, Bryce Nelson be appointed to serve as the Treasurer. He noted that Jami Jones will assume the role of Finance Director, which does not require an action of the City Council.

Mayor Berube clarified that Mr. Nelson will retain his current assignments; this is not a creation of a new position, but rather an opportunity to increase efficiencies.

Council Member Cevering motioned to appoint Bryce Nelson to the office of City Treasurer. 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.

City Recorder Nance then administered the oath of office for Mr. Nelson.

7. **DISCUSSION AND/OR ACTION ON PLEASANT VIEW DRIVE OPTIONS**

A staff memo from City Manager/Attorney Call explained Administration is presenting to the Council information on the proposed final designs for Pleasant View Drive modifications and potential final design for the ultimate final closure. The question for the Council is which design they'd like to adopt for the formal modification of the road's intersection with 400 East. Administration is also seeking feedback from the Council regarding selection of a final design, which could be completed upon completion of the traffic signal at 2700 N. and 300 E.

The memo provided the following background information; the Council has voted to move forward with the modification of the Pleasant View drive and 400 East intersection, to enhance safety of the turn movements across the intersection. Options two and three show the type of ways to amend the intersection to provide for either just a right out, or a right in, right out option. The option one concept plan shows the proposed final design upon full closure of the intersection while also providing for a connection to the lower parking lot of the Animal Hospital building. This information has been provided to the

Pleasant View Mayor and Council as well as the owners of the animal hospital. Staff would like the Council to select between options two and three, as well as provide feedback on the final design upon the installation of the light at 2700 N. and 300 E.

Mr. Call reviewed his staff memo and he and other members of City staff facilitated discussion among the Mayor and Council regarding the implications of both options two and three; there was a narrow focus on the safety of each of the options, specifically when allowing a left-hand turn from Pleasant View Drive onto Washington Boulevard or from Washington Boulevard onto Pleasant View Drive to head west. City Engineer Gardner voiced support for option two but indicated option three is also acceptable; Mr. Gardner noted the complete closure of the intersection causes some problems at the intersection of 2700 North and 300 East because there is currently no traffic signal at that intersection. Police Chief Quinney agreed that full closure of the intersection is not appropriate until the intersection of 2700 North and 300 East can be signalized. He noted that the most dangerous movement is a left hand turn from Washington Boulevard onto west bound Pleasant View Drive and he supported eliminated that option; he voiced concern about pedestrian traffic as school aged children are crossing Washington Boulevard to get to and from school. Public Works Director Espinoza agreed with Mr. Gardner and Chief Quinney and added that the problems mentioned will only become worse as Washington Boulevard is widened to four lanes north of 2600 North.

A high level discussion among the Council centered on whether to allow any left-hand turns from Washington Boulevard to west bound options, including the Lee's Marketplace entrance. Council Member Swanson stated he can live with the right-in, right-out configuration for the intersection and he would like for a concrete raised median to be installed to enforce that configuration because drivers will cross double yellow lines meant to indicate a left-hand turn is not permitted. He noted he would ultimately prefer complete closure but can support option two. Council Member Cevering stated he would also vote for option two; he initially supported the intersection being reopened but can recognize the danger with allowing left hand turns onto Pleasant View Drive from Washington Boulevard, especially when the road is widened. Council Member Stoker agreed and asked if a flashing sign can be installed for the pedestrian crosswalk on Washington Boulevard. Council Member Ekstrom stated she would also like the triangular median shown on the drawing to be a raised concrete median to enforce the right-in, right-out turn for the intersection. Mayor Berube stated he believes that it will be raised, and signage would be needed to direct traffic as this reconfiguration will be something that motorists will need to adjust to.

Council Member Swanson motioned to approve option two, which includes a right-in, right-out turn option at the intersection of Washington Boulevard and Pleasant View Drive, and to mirror the same configuration on the opposite side of Washington Boulevard at 2650 North, and to include a raised concrete median to direct traffic. Council Member Cevering seconded the motion.

Mayor Berube asked if this option will address concerns about vehicles travelling north past the intersection and making a U-turn in order to make a right turn onto Pleasant View Drive from Washington Boulevard.

Council Member Swanson amended his motion to include signage prohibiting U-turns on Washington Boulevard.

There were inaudible comments voiced by the audience, after which Mayor Berube called for a point of order and indicated public comments are not being accepted at this time.

Council Member Swanson withdrew his amended motion and restated his initial motion. He stated that the U-turn issue can be addressed in the future if it is found to be problem. Council Member Cevering restated his second of the motion.

Council Member Ekstrom stated she would really love to see Bicentennial Park expanded, but she understands the support for the option that keeps a portion of the intersection open. She stated that Bicentennial Park can be revisited again in the future. Council Member Stoker stated that Barker Park has remained unfinished for much longer than Bicentennial Park and she feels that should be addressed before any additional improvements or resources are directed to Bicentennial Park.

Mayor Berube called for a vote on 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.

8. DISCUSSION AND/OR ACTION TO CONSIDER A FENCE ENCROCHMENT REQUEST FROM PROPERTY LOCATED AT APPROXIMATELY 177 EAST ELBERTA DRIVE.

A staff memo from Planning Director Hess explained the City Council is acting in a legislative capacity and has wide discretion. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

On July 15, 2020, the Planning Commission granted final approval to the Pheasant Landing Subdivision (19 lots) and Pheasant Landing 1st Amendment (1 lot). The design of the sidewalk for this subdivision included a 6-foot-wide trail on the east side of the subdivision. The location of the sidewalk was designed to run at the back of the curb along the Lundstrom property on the corner of 160 East as the road intersects with Elberta Drive (see Exhibit C). The sidewalk along the Lundstrom property is elevated with a small retaining wall due to grade changes between the existing house and lot, and the new roadway installed as part of the Pheasant Landing Subdivision.

The applicant, David and Lisa Lundstrom applied for a Land use Permit on June 11, 2021, to locate a fence along the back of the sidewalk on top of the retaining wall (see Exhibit A). The fence in this location would be in the public right of way. This is considered an encroachment of a structure and is not permitted as written in North Ogden Code 8-3-2 Obstruction Prohibited:

“No pole, pipeline, conduit, sewer, ditch, culvert, permanent sign, fence, or any other structure or object of any kind or character, shall be placed, constructed or maintained upon or within any street except as permitted by, and in accordance with, ordinances or regulations authorizing the placement of such structures.”

North Ogden Code 8-3-1 defines ‘Street’ as: “any public road...including the entire area within the right of way.”

STAFF/REVIEW AGENCY COMMENTS:

Planning Staff has consulted with the City Engineer, Public Works Director, and the City Attorney/City Manager. After visiting the site and considering available options, staff is recommending the City Council allow the fence to be constructed at the back of the sidewalk on top of the short retaining wall. Staff believes this design is a safer alternative than creating a small channel between the retaining wall and the property owner’s property line. The applicants have provided their willingness to maintain the area behind the sidewalk in writing via email on June 14, 2021 (see Exhibit B). Staff’s recommended conditions of approval include the willingness and ability of the property owner to maintain the right of way area behind the fence, property owner will assure that the fence remains in good repair, and that the fence will not be installed in a way as to obstruct the full 6-foot width of the sidewalk.

The memo concluded staff recommends that the City Council approve the encroachment of the fence in the right of way of 160 East along the Lundstrom Property so long as the property owner maintains the fence, retaining wall, and right of way behind the sidewalk in good repair for as long as the fence is in the right of way, and that the fence is installed in a way that does not obstruct the 6-foot travel width of the sidewalk.

Mr. Hess reviewed his staff memo.

Mayor Berube asked what will happen if the proposed outcome is not maintained in the long term. Mr. Hess stated that given it is located in the City right-of-way, if it becomes a

safety hazard, the City could remove the fence and perform needed maintenance. City Manager/Attorney Call noted that there was a similar situation at another property in the past and in that case the City required the property owner to enter into an agreement that provided the City with some recourse in the event the area is not being maintained to a required standard or if the City needs the property for another use in the future. He would develop a similar agreement for this situation.

Council Member Swanson asked what would happen if someone were injured by the fence given that it will be located on City property. Mr. Call stated that will be addressed in the agreement; the City will be indemnified from liability in that type of situation.

There was brief high-level discussion about the configuration of the retaining wall, sidewalk, and fencing on the subject property.

Council Member Ekstrom motioned to approve the fence encroachment request from property located at approximately 177 East Elberta Drive. Council Member Cevering 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.

9. GENERAL PLAN COMMITTEE REPORT

A staff memo from Planning Director Hess explained the City Council is not being asked to act on the information presented, but rather to review information from the General Plan Advisory Committee (GPAC) and provide direction to Staff and GPAC members.

On June 23, 2021, the GPAC met to discuss updates to the General Plan future land use map. GPAC asked staff to provide information on Zoning Overlays, Cluster Subdivisions, and Transfer of Development Rights. Staff prepared a presentation (see Exhibit B) reviewing those planning topics, as well as presenting staff's vision of four core growth opportunities for North Ogden City.

GPAC reviewed the growth opportunities and recommended that Staff continue to evolve these areas in their planning and policy recommendations. Staff would like to get the City Council's feedback and ideas for these growth areas before moving ahead too quickly. It

is the Planning Director's desire to complete the General Plan in a timely manner with broad input from the City Council, Planning Commission, and the public.

The memo concluded that staff is asking the Council to review the submitted information and review the four core growth opportunities consisting of: Hillside Clustering, City Center, Agricultural Protection, and Community Gateway. Staff believes these areas of North Ogden City are rapidly evolving and may benefit from increased housing choice and flexibility in their development patterns.

Mr. Hess reviewed his staff memo and provided a brief presentation regarding the following topics:

1. "Trade Mindset"
2. Zoning Overlays, Cluster Subdivisions, Transfer of Development Rights
3. North Ogden Growth Areas
4. Moderate Income Housing

He referred to the City's 1961 General Plan and discussed the direction of the City since that Plan was adopted; he then expounded on trade mindset and advised those listening to the presentation to consider what can be saved, rather than lost, through a trade mindset. The GPAC and Planning staff discussed the things they loved and wanted to save, including agricultural views and open space, hillside sensitive lands, water resources, historic commercial areas, mountains and nature, consciousness of development impacts, and agriculture. He asked the Council to consider the things they love about North Ogden that they want to preserve.

He then discussed the concepts of zoning overlays, cluster subdivisions, and transfer of development rights (TDRs); the benefits of these zoning tools are to preserve open spaces while increasing development density of an area.

Relative to North Ogden growth areas, the GPAC and staff have identified core growth opportunities on the City's hillsides, City center, agricultural protection, and areas where multi-family has been allowed and has essentially created a community gateway. Clustering on the City's hillside will allow for valuable open/natural spaces while permitting private properties to build creative dwelling unit projects in the area. Relative to development in the City Center, there are opportunities for creating mixed-use developments in this area where there is greater access to services and public transit. He then noted that agricultural protection is very important for the community; this can be accomplished through clustering or an agricultural overlay zone to preserve open spaces in perpetuity via a conservation easement that will allow farming to continue. The final growth opportunity is in the form of a community gateway along Washington Boulevard; this area is currently being developed with multi-family projects and if these projects are done with quality design in mind, they can truly create a nice gateway into the community while providing commercial and housing options for current and future residents. These may feel like areas of change, but they also serve to preserve the community fabric.

Mr. Hess then discussed moderate-income housing statistics for North Ogden; the median income in Weber County in 2019 was \$31,248, with the median income for North Ogden being \$33,371. As of June 23, 2021, there were 13 active real estate listings in North Ogden; four listings are in the \$355,000 to \$389,000 price range; four are in the \$625,000 to \$729,000 price range; four are in the \$759,000 to \$915,396 price range; and one is listed at \$1.15 million. To buy a home in the lowest price range, a buyer needs an income of \$52,225 to \$58,193 and based on the salary range for North Ogden employees, it would take an individual five years of employment to reach a range of \$50,000. The State of Utah has adopted moderate-income housing requirements, from which the City can choose to meet three menu items; the City has chosen the following:

- (A) Rezone for densities necessary to assure production of MIH;
- (E) Allow Accessory Dwelling Units;
- (G) Encourage higher density near transit investment corridors *city does not have a defined "major transit investment corridor (fixed guideway);
- (N) Participate in a community land trust program for low or MIH (require partnerships); and
- (P-U) Apply for or partner with outside agencies.

Council Member Swanson noted that Park City recently issued a bond to purchase a large amount of property to be preserved as open space in perpetuity; he wondered if that type of transaction would be an option for North Ogden. Mr. Hess answered yes; that would be a policy decision for the Council to make. There are various similar models in other communities, most of which result in an increase in property values because people become interested in living in a community that values open space preservation.

Council Member Barker thanked Mr. Hess for the information provided and indicated it captures the many discussions and recommends of the GPAC. Mayor Berube agreed and thanked Mr. Hess for his presentation.

10. **DISCUSSION ON GARBAGE AND RECYCLING**

A staff memo from Public Works Director Espinoza explained Public Works has been asked to review the reinstatement of the residential recycling program. The memo included an attached report that gives an example of the difference in cost between garbage only and garbage/recycling combined. Staff has found that the cost ranges from \$10,000 to \$14,000 more per month by adding the recycling program. Those increases are made up of adding additional trucks to haul the recycling and tipping fees at the recycling plant. Public Works believes that the cost increase per month is significant enough that if the Council chooses to go back to the recycling program, the City will need to pass that cost onto the residents. That increase to each home would be around \$2.00 per month, with the understanding that the recycling industry is still very volatile, so the tipping fees could still move up or down.

Mr. Espinoza reviewed his staff memo and briefly touched on the success of the current recycling program, which includes a central dumpster at the Public Works Facility.

High level discussion among the Council and Mr. Espinoza centered on the fluctuation in the tipping fees for recycling materials and the ability of residents to adjust their behaviors in order to eliminate the possibility of contaminating the recycling stream. The Council discussed the option of simply increasing the number of community dumpsters open for recycling materials; this seems to be a natural next step to increasing recycling options. Those that are making the effort to take materials to the central locations are more interested in recycling and will not contaminate the stream. Mayor Berube stated he understands the thinking behind that concept, but he does not believe a \$2.00 per month cost per household is too high for a valuable service like recycling. The Council ultimately concluded to increase the number of central dumpsters for recycling and produce a mailing that can be sent to all residents to inform them of the availability of the dumpsters.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REGARDING CULINARY WATER FOR IRRIGATION PURPOSES

A staff memo from City Manager/Attorney Call explained the question before the Council is should they amend the ordinance to increase flexibility during the drought as well as penalties associated with the abuse of irrigation flexibilities. The memo provided background information; with the drought and the pending shut off of secondary water, the City staff are asking the Council to review the proposed changes to determine if they are appropriate. The main change in the ordinance is the authority given to the Mayor to declare a critical water emergency and establish some parameters on the use of culinary water. There are several items which need to be identified by the Mayor in his declaration and any declaration is required to be ratified, overturned, or amended by the Council at the next regular Council meeting. There are also some increased penalties tied to those who violate the Mayor's critical water emergency declaration. The memo concluded staff recommends the Council review the proposed ordinance and provide feedback on changes they would like to be incorporated. There is a bit of a time crunch because the City will be needing to let residents know of the changes in the ordinance before the secondary water is turned off.

Mr. Call reviewed his staff memo as well as the proposed ordinance to orient the Council to the proposed changes and discuss the implications of the changes.

Mayor Berube invited input from Jason Reney, Culinary Water Superintendent. Mr. Reney stated North Ogden City does not purchase water from any other supplier; all water is produced within the City through springs, wells, and natural aquifers. The recharge of springs has not been great over the past year, which has resulted in the City turning on well pumps daily. The pumps started running last October on a daily basis and

usually they are turned off in April, but that has not been the case this year. He then discussed general water operations and the availability of water to supply the entire City; there are plans to dig an additional well in the City in the near future and there are existing wells that are being used on a ‘back-up’ basis at this time.

There was high level discussion among the Council and City staff regarding the availability of water for the remainder of the secondary water season and the efforts of City staff to educate residents about the importance of conserving water. The Council voiced support for the proposed ordinance amendments, with Council Member Swanson indicating that he does not feel that residents should receive a warning before being cited for violation of the ordinance because the City has been constantly educating residents about the drought conditions and the need to conserve water and/or not use culinary water for watering landscaping. Council Member Stoker agreed and added that she believes people should also pay for the water they use that exceeds the appropriate tier for their household. Council Member Barker agreed, but noted he is comfortable giving people a warning before they are cited for violation of the ordinance. Mr. Call clarified that the City cannot penalize someone for an ordinance violation without having first warned them of the potential citation. Discussion then shifted to the mechanism by which the City will enforce the proposed ordinance.

Council Member Barker motioned to adopt Ordinance 2021-23 regarding culinary water for irrigation purposes, with the penalties as described by staff.

Mr. Call stated that a fee schedule amendment will be needed in order to enact the fines and penalties; he will bring that back to the Council for consideration at their next meeting.

Council Member Swanson offered a substitute motion to approve Ordinance 2021-23 regarding culinary water for irrigation purposes, with the following direction regarding penalties for violating the ordinance: \$250 for the first offense and \$500 for the second offense, and each offense thereafter. Council Member Cevering seconded the motion.

Council Member Barker withdrew his motion.

Voting on the substitute motion:

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

The motion passed unanimously.

Council Member Cevering advised the Public Works Department to connect with Mr. Sanders to gather his input as he seems to have a great deal of expertise in this subject matter.

12. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REGARDING PROTECTIVE GROUND COVERING

A staff memo from City Manager/Attorney Call explained the question before the Council is should the Council amend the ordinance to increase flexibility during the drought as well as encourage xeriscaping for those who would like to do that.

The memo provided background information; with the drought and the pending shut off of secondary water, the City staff are asking the Council to review the proposed changes to determine if they are appropriate. The ordinance change allows the Mayor to extend the deadline to install landscaping by up to 12 months. Also, this ordinance provides some additional clarifications related to xeriscaping and the types of plants allowed. In particular one area of concern has always been the properties which have agricultural uses and what rules should apply to grasses grown to feed the animals which are housed on the property.

The memo concluded staff recommends the Council review the attached ordinance and provide feedback on changes they would like to be incorporated. This ordinance is not as critical to get passed in the meeting on the 13th because there will likely be suggestions on how to modify the xeriscaping rules to provide encouragement or possibly even some mandatory requirements.

Mr. Call reviewed his staff memo as well as the proposed ordinance document to discuss the implications of the amendments with the Council. Several Council Members indicated they would like to see information regarding the best practices of other communities that deal with drought conditions year after year. They determined to table action on the proposed ordinance until this information can be made available.

13. DISCUSSION AND/OR ACTION TO CONSIDER USE OF ELECTRONIC MEETINGS THROUGH ZOOM

A staff memo from City Manager/Attorney Call explained the question before the Council is should the City continue to allow for individuals to comment using the zoom platform or move to the in-person comments only. The memo provided background information. In 2020 the City began utilizing zoom meeting software to engage the public in meetings because of social distancing restrictions. Staff recommends the City continue to utilize the software to broadcast city meetings but would like some direction on

whether or not allowing for public comment via the software. Recently we have had several technical difficulties utilizing the software and the public comment function. Staff will work to eliminate and reduce the technical issues but cannot guarantee there won't be any additional issues during public meetings. The memo concluded staff would like direction from the Council on the best approach to take.

Mr. Call reviewed his staff memo and facilitated discussion among the Mayor and Council regarding whether to continue using Zoom and allowing residents to provide input via the platform. Council Member Ekstrom stated she likes providing residents with options for participating in a meeting and she supported continued use of Zoom. Council Member Swanson stated that the City survived without the use of Zoom for the time leading up to the COVID-19 pandemic and he is comfortable resuming to business as usual. Residents can still watch meetings live on YouTube. Mayor Berube stated that there may be some people who are still not comfortable participating in meetings in person due to the ongoing pandemic and he would like to provide them the opportunity to participate in a meeting in a virtual fashion. Council Member Stoker agreed; it is necessary to continue to evolve in response to the pandemic. Council Member Barker agreed but noted that it is necessary to upgrade information technology resources to ensure that the Zoom connection can be maintained throughout the duration of each meeting and that residents be able to watch a meeting and communicate with the City Council.

Council Member Cevering motioned to upgrade hardware to watch and communicate and to continue with zoom. 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.

14. DISCUSSION AND/OR ACTION ON MAYOR'S CRITICAL WATER EMERGENCY DECLARATION

Mayor Berube referenced proposed declaration 2021-01, which was included in the Council packet, and is intended to empower the Mayor to declare a critical water emergency and provide guidelines for culinary water usage following the shut off of the secondary water system. There was a brief discussion about the manner in which

violations of the declaration will be discovered and how the guidelines will be enforced, after which Mayor Berube called for a motion.

Council Member Swanson motioned to approve the Mayor’s Critical Water Emergency Declaration 2021-01. Council Member Stoker 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.

15. COUNCIL DEPARTMENT REPORTS:

a. Council Member Barker – Building and Planning

Council Member Barker stated the Council already received a great deal of information about building and planning during Planning Director Hess’s presentation regarding the General Plan. He then reported on his participation with the Mosquito Abatement District; the District continues to spray to control the mosquito population and Weber County has had no cases of West Nile Virus this year, though there are currently two cases in Davis County.

b. Council Member Swanson - Finance

Council Member Swanson reported that sales tax revenues continue to exceed expectations and projections, as well as the actual amount of revenue received last year, and the reason for this is still a mystery given that so many financial experts predicted a major decrease in sales tax revenue during the COVID-19 pandemic. He stated he looks forward to further discussion of the budget and the City’s certified property tax rate during the Truth in Taxation hearing scheduled for August 3.

Mayor Berube referenced actions taken by other cities in the area to try to attract public safety employees to their city; North Ogden has made a commitment to be fair and equitable in terms of employee wages in comparison to the market and he asked Council Member Swanson to look into that matter further and be prepared to make a recommendation to the Council at the next City Council meeting regarding Police Department wages.

16. PUBLIC COMMENTS

Julie Anderson, North Ogden resident, referenced the Mayor's comments about wages for Police Officers in the City. She asked if North Ogden pays for Police Officers to complete their POST training in order to become certified; if so, maybe the City could require an Officer to repay their training if they do not stay at the City for a defined amount of time. She understands that retention of Officers is a serious issue for the City. She then concluded she would like for the City to continue to offer Zoom participation in City Council meetings.

Mayor Berube stated that the City currently enters into a contract with Police Officers that requires them to repay the City for all or a portion of their POST training if they do not stay employed with the City for a certain amount of time. Chief Quinney stated that is correct.

Susan Kilborn, North Ogden resident, stated she feels the Mayor and Council have made some really important decisions tonight about many serious issues, such as responding to the drought and the need to conserve secondary and culinary water. She then addressed the decision made regarding the Pleasant View Drive project and asked if the concrete barrier will prevent people who are driving north on Washington Boulevard from turning left (west) into the Lee's Marketplace parking lot.

Mayor Berube stated he does not believe that was addressed in the motion that was taken regarding the matter. Ms. Kilborn stated that there are many people who attempt that turn from Washington Boulevard so it is something the Council should consider. She then addressed Public Works Director Espinoza and asked if he has statistics about the number of residents who took advantage of the blue recycling can for recycling purposes. Mr. Espinoza stated that out of the 6,700 homes in the City, 6,400 have recycling cans. He is unsure whether all of those homes used their cans on a regular basis. Ms. Kilborn stated that it seemed to her that most homes used their blue garbage cans for recycling, and she suggested the City Council consider allowing citizens to vote on whether to reinstate the curb side recycling program and accept a \$2.00 per month fee increase for the service. She suggested that cans be stenciled with clear information about what materials can be recycled. She concluded by thanking the Council for voting to continue allowing citizens to participate in the meeting via Zoom.

David Sanders, North Ogden resident, stated decisions were made tonight that will have an impact on plant systems in the community; it may be that the Council will need to reconsider this item in the future. He stated that drip systems could be used to adequately water plants in the community and perhaps the Council could consider offering incentives to residents who utilize that type of system. He added that if a tree dies and must be removed and replaced, it will be several years before a new tree can provide any type of shade and relief from heat. Shrubs and perennials are next in line in terms of prioritization of maintaining landscaping. He stated he understands the Council is doing

the best they can with the information they have, but there is more information available that will allow them to make a more wise and safe decision for the City.

Merrill Sunderland, North Ogden resident, addressed garbage and recycling and complimented the Council on their discussion and arriving at a decision that will allow for a recycling program to be reintroduced using a staged approach; there is historical information about who has taken advantage of the program in the past and was willing to pay the costs for the service and he suggested the Council review that information. He then referenced the decision regarding Pleasant View Drive; one thing that was not considered was option three, which eliminates the right-turn for south bound Washington Boulevard traffic to head west on Pleasant View Drive. There is probably a good reason that idea was initially offered for consideration, and he noted there is really no purpose for anyone heading south on Washington Boulevard to turn right onto Pleasant View Drive.

17. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Barker stated he is unsure that the City issued any citations for fireworks in the City over the Fourth of July holiday, but he is aware that at least one individual's fireworks were confiscated. The number of firework related fires was the exact same as last year, contrary to what the local newspaper reported.

Mayor Berube stated that he knows there was not complete compliance with the ordinance banning fireworks, but there was a great deal of compliance and he thanked those residents who observed and abided by the ordinance.

Council Member Barker agreed, it was very quiet on the Fourth of July after the City's fireworks show. Mayor Berube stated that Ogden City had a fire and they used four million gallons of water to put it out. This is troubling when they are also struggling with the water shortage.

Council Member Stoker wondered if Council Member Swanson would consider amending his motion regarding the Pleasant View Drive project to also include direction to place a flashing crossing light to cross 2650 North. Council Member Swanson asked for guidance on the appropriate way to consider such an amendment. City Manager/Attorney Call advised the Council on the procedure for reconsidering an action and amending the initial vote on the action.

Council Member Swanson moved to reconsider agenda item seven, approval of option two, which includes a right-in, right-out turn option at the intersection of Washington Boulevard and Pleasant View Drive, and to mirror the same configuration on the opposite side of Washington Boulevard at 2650 North, and to include a raised concrete median to direct traffic. Council Member Stoker 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.

Council Member Swanson then moved to approve option two, which includes a right-in, right-out turn option at the intersection of Washington Boulevard and Pleasant View Drive, and to mirror the same configuration on the opposite side of Washington Boulevard at 2650 North, to include a raised concrete median to direct traffic, and to include a pedestrian activated crossing signal at the east-west cross walk between 2650 North and Pleasant View Drive. Council Member Cevering seconded the motion.

Council Member Stoker stated she was more concerned about a pedestrian activated flashing signal for the north-south direction across 2650 North. Police Chief Quinney stated that the cross walk on 2650 North is located at the stop sign of the intersection and flashing crosswalk signals are not typically used in that scenario; however, he can investigate the viability of a flashing signal across Washington Boulevard to determine whether it will conflict with the existing school crossing lights.

Council Member Swanson amended his motion to note that the pedestrian activated crossing signal at the east-west cross walk between 2650 North and Pleasant View Drive will be approved pending feedback from the Police Chief. Council Member Cevering seconded the amended 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.

Council Member Cevering stated that he is very appreciative of Spencer Alexander and his passion for the restoration of Coldwater Creek. He is holding a public meeting this Thursday at 6:00 p.m. at the Weber County Library and he invited others interested in the

matter to attend. He then referenced an email he received regarding code enforcement matters and asked Administration to respond. He also referenced an email about the option for residents to light fireworks at the parking lot of the North Shore Aquatic Center; residents were told that they could light fireworks until midnight, though the City's existing ordinance lists an 11:00 p.m. firework curfew for the City. Mayor Berube stated that is correct; this was a miscommunication on the part of the City, and it is necessary for that message to be communicated. Council Member Barker indicated State Code has a fireworks curfew of 11:00 p.m., except for on the Fourth and Twenty-Fourth of July, fireworks are allowed until midnight. Mayor Berube indicated the City's ordinance has a fireworks curfew of 11:00 p.m. for all days, if the City wished to extend the curfew to midnight for the mentioned holidays, an ordinance amendment would be required.

Mr. Call then reported to the Council regarding a building matter in the City; a footing for a building has been poured in violation of agreements between the City and the contractor and the project has been red tagged.

Council Member Ekstrom referenced an email the entire Council received regarding the Young Entrepreneurs Fair, which will be held Thursday evening from 5:00 to 8:00 p.m.; she encouraged the public and Council Members to attend to support the youth in the community.

18. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 9:46 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved