

NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

January 4, 2022

The North Ogden City Council convened in a Council meeting on January 4, 2022, at 6:06 p.m. at the North Ogden City Office at 505 East 2600 North. And electronically on Zoom, recording can be found on 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 December 30, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

PRESENT:	S. Neal Berube	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Jay D Dalpias	Council Member
	Charlotte Ekstrom	Council Member
	Phillip Swanson	Council Member

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Susan Nance	City Recorder
	Dirk Quinn	Chief of Police
	Scott Hess	Planning Director
	Brandon Bell	Associate Planner
	Katie Gerard	Human Resource Manager
	Lorin Gardner	City Engineer
	Clark Crowther	Lieutenant
	Jeremy Hindes	Lieutenant
	Dave Espinoza	Public Works Director (via Zoom)

VISITORS:	Brenda Ashdown	Keith Ashdown	Allan Dalpias
	Lauren Dalpias	Gayle Speechly	Jennie Taylor
	Merrill Sunderland	Korilyn Jensen Hietala	James Romani
	Kevin Klobberdanz	Kim Klobberdanz	Sandy Cochran
	Yaca Attwood	Jack A Barrett	Terri McCulloch
	Brandy Shelton	Spencer Alexander	Susan Kilborn
	Myriam	Lauren Luedtke	Triva Sisco
	Dee Anna	Spencer Stephens	Neil
	Mike Lopez	Daniel Stephens	Randall Winn
	Stefanie Casey	Jeana Berube	Dallin Barker
	Brian B	Stephanie Bates	Brian Bates
	JJ	Cheryl Stoker	Lyman Stoker

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

Mayor Berube recognized the presence of past Council Member Cheryl Stoker and her husband; he presented Ms. Stoker with a token of the City's appreciation for her many years of service. Ms. Stoker stated she loved serving and she is grateful for the citizens and for City employees, especially the Police Department of the City.

CONSENT AGENDA

1. **SWEARING IN OF NEW CITY COUNCIL MEMBER, JAY D DALPIAS AND INCUMBENT BLAKE D. CEVERING.**
SWEARING IN INCUMBENT MAYOR, S. NEAL BERUBE

City Recorder Nance administered the Oath of Office for newly elected Council Member Jay D. Dalpias, incumbent Council Member Blake D. Cevering, and incumbent Mayor S. Neal Berube.

2. **SWEARING IN OF NEW POLICE OFFICER, JONATHAN UNGARD**

City Recorder Nance administered the Oath of Office to Police Officer Ungard, after which Chief Quinney provided a brief summary of Officer Ungard's professional background; he brings a great wealth of knowledge and experience to the City and he is grateful to have him as part of the Department.

3. **CALL FOR CONFLICT OF INTEREST DISCLOSURE**

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

4. **APPOINTMENT OF ECONOMIC DEVELOPMENT COMMITTEE(EDC) CHAIR**

Council Member Dalpias indicated that Terry Bexell served as a member and the Chair of the City's Economic Development Committee (EDC) in the past, but he stepped away for a bit; he has expressed a desire to be reappointed to the Committee and as the Chair. Council Member Dalpias recommended that the Council appoint Mr. Bexell to this position.

Council Member Dalpias motioned to appoint Terry Bexell as the Chair of the Economic Development Committee (EDC). Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO CONSIDER THE OCTOBER 12, 2021, CITY COUNCIL MEETING MINUTES

Council Member Ekstrom motioned to approve the October 12, 2021, City Council Meeting minutes. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER THE OCTOBER 26, 2021, CITY COUNCIL MEETING MINUTES

Council Member Swanson motioned to approve the October 26, 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 Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

7. PUBLIC COMMENTS

Korilyn Hietala, North Ogden resident, spoke to the Village at Prominence Point agenda item and asked that the Council get an answer from the applicant regarding past discussions and concerns regarding the trail system associated with that project.

Cheryl Stoker, North Ogden resident, also addressed the Village at Prominence Point agenda item and encouraged the Council to give careful consideration to the development agreement amendments the developer is asking for. The City has worked with the developer since 2017 and it seems as if he is always asking for amendments. She asked that the Council take into consideration the residents who live in the project; they have been promised many things and they have not received them, and the City needs to try to protect them.

Sandy Cochran, North Ogden resident, indicated she sent an email to the Council today expressing her feelings about the Village at Prominence Point project. She indicated the best indicator of a person's future behavior is their past behavior. The past behavior the community has seen from the developer of this project includes lies, misleading false statements, and no consideration for the residents. Residents of the project have asked to meet with the developer and the Homeowner's Association (HOA), and they have been told that he does not want to meet with them. She wondered why Jack Barrett is still involved in this project; it is her understanding that the property was sold to Steve Davies. She asked if he had to get the project out of his name because of bankruptcy proceedings. She is also concerned that construction will begin on new development in the project area but will be halted due to the bankruptcy and the residents will be left with piles of dirt and construction equipment. The open space in the project has been a mess for over two years; she has fought to get the field mowed for months and it is clear the developer does not care about the residents' feelings. She then noted there is an area in the development where there are four townhome buildings that are located very close to one another; ice forms in the downspouts of the buildings and when it melts, it pools in the sidewalk and turns to ice. If someone is walking on the sidewalk at night, they will encounter a serious slip and fall hazard. The HOA has been made aware of the problem and have dispatched people to spread salt on the ice, but it is important to acknowledge the real issue causing the problem. Now, if the new assisted living facility is built in the project, it will further block the sun and ensure that all the buildings in that area will constantly be in a shadow and the snow/ice will never melt on its own. She asked that the Mayor and Council consider the feelings of the residents in the project area. The real estate agent for this project, Lori Lee, promised residents a view of Ben Lomond Peak, but that will be completely eliminated by the assisted living project, which is a four-level building that is not the common type of project for seniors or those over 55 years. She stated many residents are concerned that the project will be converted to another type of use because it seems so odd to build a building like that for elderly residents. She feels the only reason for the developer's request for a larger building footprint is to get higher rents for the units.

Yaca Attwood, North Ogden resident, stated that she has lived in the Village at Prominence Point project for one year and she loves the mix of people of all ages in the project, but she is concerned there is not enough space or the promised amenities for the kids to play on. She encouraged the developer to install the amenities that have been promised.

Stefanie Casey, North Ogden resident, congratulated newly elected Council Member Delpias and thanked former Council Member Stoker for her service. She echoed several of the concerns expressed regarding the Village at Prominence Point project; she noted that the developer received approval for the cottages before he secured the correct permit from the Army Corps of Engineers so now there are big empty lots on the site because of poor planning and improper approvals. She believes the developer is asking for a trail to be eliminated from the site, but that should not be approved because it is not the City's fault, or the fault of the residents in the project, that the developer did not plan properly or secure the proper permits. The residents should not sacrifice access to the creek or the trail that was promised. Moving forward, she is concerned about the underground parking proposed in the assisted living facility; there is a great deal of ground water at the site, and she is worried that the underground parking structure will fill with water and residents will have nowhere to park on the site. She has looked at the plans and the building look nice, but she is worried about the residents who live across the street from the site who will be negatively impacted by this component of the project.

Teri McCulloch, North Ogden resident, stated she is the President of the Roylance Farms HOA and they are opposed to any path coming across their properties for people to walk on. She understands the desire for trail connectivity, but people are not using the trails that are already in place. This efforts regarding the relocation of the trail and the creek are a waste of time and money and, if approved, the changes would impact the residents who already live in the project because their backyards will be eliminated by erosion. The people who have already purchased near the creek have people walking through their property and damaging their fences. The City has adapted and allowed bad development and negative behaviors to happen; it is time for the City to consider its current residents, rather than this developer or future residents.

Dee Anna, North Ogden resident, echoed the concerns that have been presented regarding the Village at Prominence Point project; she noted she purchased her home believing it would be her last home. She worked with two real estate agents on the purchase of her property and looking back she now understands there were many misrepresentations about the project. Many of the misrepresentations are documented, the biggest being the enlarged Independent Living Facility (ILF) and cottages across the street from her. She does not see how enlarging the ILF will benefit the project and, rather, it will only harm existing residents. She referenced the discussion of this application during the Planning Commission meeting and stated that it is important to acknowledge the promises made to the existing residents and the manner in which these new plans will make it so those promises can never come to fruition. She has taken several photos of current conditions relative to the narrow roadways in the project and snow removal/storage. She wondered if

the misrepresentations about the project are fraudulent and can be litigated. She concluded by asking the Council to consider two questions: first, does the City vet those who are seeking to build or develop in the community and second, under what circumstances should the development agreement be evaluated and under what conditions can it be considered null and void.

Triva Sisco, North Ogden resident, stated she also lives in the Village at Prominence Point project. She attended the Planning Commission meeting during which the most recent application for the project was discussed and it took her some time to fully understand the lasting implications of the proposed ILF project. She specifically cited the dangerous traffic conditions in the project area, which she believes will worsen upon the construction of this new building; there are many children living in the project and increased traffic and reduced lines of sight because of the buildings will result in a tragedy. She asked that the Mayor and Council take this into consideration. She echoed the comments made by those who have spoken before her regarding other traffic issues.

Stephanie Bates, North Ogden resident, stated she also lives in the Village at Prominence Project, and she echoed the sentiments regarding the lack of improvements and amenities that were promised to her and her family. She would not recommend that anyone move to the project because of the experience she has had. She wants the pool, pickleball courts, and dog park that was promised and she is very upset about the misrepresentations made by Lori Lee and Mr. Barrett regarding this project.

Mike Lopez, North Ogden resident, stated he lives on 1900 North, directly north of the Village at Prominence Point development. From the beginning, he and his neighbors were told that the townhomes would be run north to south, not east to west in the project. However, when they were built, they did run east to west and he and his neighbors now have 28 windows looking into their backyards. Within two weeks of the townhomes being built, he had to tell his children to not look to the south from their backyard because of a man living in the townhomes who was oblivious to the fact that his neighbors to the north could see him naked. To build another four-story building in the project would be asinine. His view has been destroyed; he previously had a great view of the mountains, but now he stares at the back wall of the townhomes. He and his neighbors were lied to just as the residents in the project were. He touched on the proposal to relocate the trail and creek in the area, which is also ridiculous. Before he moved to the area, he was told that the development bordering his neighborhood would be a 55-and-older community, but there are now many families living in that area. He has had to approach some of the people living in that area to deter vandalism and crime; adding a four-story apartment complex in that area is not acceptable. Additionally, an underground parking complex will not be viable because of the groundwater. The area should be a park for the residents, and especially the kids. As a person who owns a home and lived in the area prior to the development being built, he can definitively state that nothing has been done to make the existing residents happy as they have been lied to since the beginning of the project.

Neil Amaral, North Ogden resident, addressed the stream alignment proposed in the Village at Prominence Point project and noted that the property surrounding the stream is under dispute and he hopes that the Council will hold off on making a decision regarding that matter until the dispute is resolved. Any site plan that incorporates the stream alignment is directly connected to litigation and he asked that the Council not take action until that litigation is remedied.

Brandy Shelton, North Ogden resident, state that she also lives to the north of the Village at Prominence Point project. She has lived there four years and since the beginning of the project she and her neighbors were told that the homes bordering their neighborhood would be cottages, but they were constructed as two-story homes. Now the developer is seeking approval of three- and four-story buildings in the project. She added the creek and a spring run right through her driveway; she had to install a French drain system to prevent flooding of her basement. She has a problem with the creek and the trail running along it because it will bring crime and other nefarious activity to the area. The current residents will lose value in their homes, though they paid more money to live in a cul-de-sac. Her fence has been damaged multiple times. The units that border her backyard are entirely rental units as investors purchased them for profit. She is concerned about further impacts to her property value. She has spoken to an employee of the City's Planning and Zoning Division who indicated to her that the flood plain map would be changed for the area, but if the proposed continued development of the site and relocation of the creek is approved, the flood plains will change and her property will likely be in a 100-year flood area, which means she will need to secure flood insurance.

Spencer Alexander, North Ogden resident, stated that he wanted to address the comments made about potential changes to Cold Water Creek; any changes to the creek alignment will be handled by experts who will take into consideration the concerns that have been expressed about impacts to the private residences that border the creek. He stated that a public access trail in the area is very important for many people that want to access the area. It is nice that North Ogden has walking paths in many areas of the City, but most of them lead to nowhere and that is why he feels that connecting the existing trails in this area is important.

8. DISCUSSION ON VILLAGE AT PROMINENCE POINT

Planning Director Hess reported on the current application to amend the development agreement for the Village at Prominence Point project; the project was approved as a Master Planned mixed-use project in 2017 and the developer has been working in phases to complete the build out of the project. The Site Plan submittals for the Independent Living Facility, Apartment Phase 1, and Clubhouse were heard by the Planning Commission on December 15, 2021. For the project to move forward as proposed, the Development Agreement Site Plan, and building square footage calculations would need to be amended. He noted that this is a work session, and he encouraged the Council to

discuss the current applications with the developer; this includes a review of the Site Plans for both the Independent Living Facility (ILF) and Phase 1 Apartments. The Developer may also discuss the Trail alignment on the west side of the project, but this staff report will not address that issue.

Mayor Berube then noted that the Village at Prominence Point project is governed by a legal development agreement that both the City and the developer are party to. He invited the developer to provide input.

Jack Barrett, Scottsdale, Arizona, first discussed the concerns about the trail, which remind him of past discussions about roadways in the project area and public access easements that he would be able to utilize for certain improvements. He then addressed his request to change the footprint of the ILF; many people have spoken to the fact that his current proposal does not match the plans in the development agreement, but it is important to keep in mind that the drawings and plans in the development agreement were conceptual in nature. These concepts were based upon his best efforts to consider what would fit best on the site, but those renderings were not engineered, or market driven. Full construction drawings are typically not completed until permitted uses have been identified and granted. He stated he does not want to argue and fight with the City, or its residents and he understands that the ILF will have an impact on some of the current residents, but he cannot apologize for the things that have changed since the development agreement was initially approved; the market for the area has changed and he must respond to those market shifts. He understands that the City does not want additional changes, but it is important to keep in mind the breadth of the project and the development agreement. It would have been impossible to create a development agreement that was perfect and never needed to be changed and he feels that the changes he has requested have been positive in nature. He then addressed the expanded footprint of the ILF as well as including the rooftop patios on the project; these changes are responsive to market shifts and demands, as well, but he is willing to accept the City's denial of the expansion of the footprint if necessary. However, he needs every other development agreement amendment he is requesting. He noted that his parking accommodations will actually exceed the requirements for the project, and he has identified some locations for snow storage. He concluded he is not trying to stretch the approvals that were granted for the project. He is working to build the clubhouse right now and he asked that the City not hold him back on starting construction of the apartment units. He is trying to provide the amenities that the residents were promised; he acknowledged there have been challenges with some amenities and other components of the construction at the site, but he indicated that he is not the only person that has performed work at the site. He suggested that residents contact title companies or other contractors that worked on the site if they feel that misrepresentations were made; he noted he was very clear about his disclosures to any other party that was working in the project area.

Mayor Berube clarified that the City is not trying to delay the construction of the clubhouse; rather, the City wants that component to move forward, and staff and the Council are simply trying to make sure that the apartment development conforms with the development agreement or if an amendment to the agreement is warranted.

City Manager/Attorney Call indicated staff needs direction from the Council regarding which development agreement amendments they are comfortable with in order for staff to negotiate the appropriate language with Mr. Barrett. The Council participated in philosophical discussion and debate of the requested amendments; Council Member Swanson stated he is comfortable with all changes except the adjustments to the size/footprint of the ILF. Council Member Barker agreed and noted he is concerned about the height adjustments and the shift of the building that will impact the nearby residents. Council Member Cevering agreed; he is comfortable with the apartment changes and indicated that it is very important for the clubhouse project to proceed. He is opposed to the ILF adjustment in its entirety. Council Member Dalpiaz stressed the importance of listening to and honoring the input of the residents who currently live in and around the Village at Prominence Point project. He is also opposed to the changes to the ILF but will support the change to the apartments as well as including underground parking to the project so long as it can be appropriately engineered. Council Member Ekstrom agreed and stated she can support the direction of the Council.

Mayor Berube then facilitated discussion among the Council regarding the trail and the alignment of Cold Water Creek through the project area; Council Member Cevering stated he does not think there should be any adjustment to the alignment of the creek, and he does believe that the trail should be required. He added that it is important to ensure that the trail and creek will be well maintained and clean. Mayor Berube noted Visionary Homes has dedicated \$15,000 to be used for improvements/beautification of the creek area. He added that without relocating the creek, there will be three unbuildable lots. Council Member Cevering suggested that those unbuildable lots be repurposed as a dog park or other type of open space amenity in the project. Council Member Dalpiaz agreed that the trail is important and should be required as planned. Council Member Barker stated he does not have strong opinions regarding trails, but he believes the City should follow the commitments made in the original development agreement regarding that amenity. Council Member Ekstrom agreed and added that she feels that the creek alignment should be left as it is. She supports improvements of the creek bed and open space so that people can visit and enjoy the area. Mayor Berube wondered if the City can make a final decision on the creek alignment or if that is an issue to be decided upon by the Army Corps of Engineers. City Engineer Gardner stated that long before the area surrounding the creek was developed, the creek flowed in a different pattern. It ran west along 1900 North and turned south at approximately 150 East. When the subdivisions in the area were built, rerouting the creek was proposed to the Army Corps of Engineers. The developers received a stream alteration permit and rerouted the creek to its current location. So, where the creek is at today is not where it has been for eons; rather, it has only been in that location for the last few decades. He agreed additional rerouting can be

considered and decided upon by the Army Corps of Engineers; additional bank improvements are required as part of the improvement plans that were approved in relation to the Village at Prominence Point project. Mayor Berube stated it is necessary for the City to impose appropriate setbacks along the creek.

Council Member Swanson then stated that he feels that the trail should be required as it was described in the original development agreement for the project; however, he is open to considering modifications to the trail to reduce the impact on adjacent private properties. Mayor Berube agreed that the City can be creative in considering adjustments to the trail design.

9. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, stated it is her observation that when developers want something that the City may not be in favor of, they stand before the Council and raise their voice and become bullies in an attempt to secure approval of what they think they deserve. She stated that is so inappropriate and she finds it very offensive; tonight is not the only time she has sat through a meeting and witnessed that type of behavior and the developer who spoke tonight is not the only developer who has exhibited that behavior. If she were in the Council's position, she would have a very hard time listening to their demeaning and bullying behavior, while expecting support from the City.

Sandy Cochran, North Ogden resident, stated there seems to be some confusion about the amenities planned for the Village at Prominence Point project; pickleball courts were included in the original development agreement and it is not something new that Mr. Barrett has added to the project. The same is true for the bocce ball courts. She then referenced streetlights in the project; every time she raised the issue, she was told that streetlights could not be turned on until the clubhouse was completed, but they were turned on in December. Mr. Barrett spoke about this improvement during the Planning Commission meeting, indicating that powering the lights was simple and that he just connected the lights to power at the townhomes. She wondered why she had to ask for this improvement for over a year if it was so simple. She has been begging for a year and the fact that he did not turn them on sooner is evidence that he does not care about the residents in the project or about the concerns they express. She stated the landscaping around the ILF is necessary as the building will be so large and it needs to be softened; she does not feel it is appropriate to reduce the landscaping requirement for the ILF in favor of increasing landscaping near the apartment buildings. She stated that she is still concerned about the proposed expansion of the ILF, which will block her home and her view of the mountains. All the promises made to residents and the dreams they had of living there have been destroyed and she hopes that the Council will not give Mr. Barrett everything he has asked for. Mayor Berube reiterated that the Council will not approve the proposed adjustments to the ILF. Ms. Cochran thanked the Council for that decision.

Keith Ashdown, North Ogden resident, stated that there has been discussion about vetting contractors or builders working on projects in the City, but it would also be appropriate to consider the rating that has been given to Mr. Barrett regarding how he maintains projects he has completed in other cities. If those ratings are low, the City should not be working with them. He added that it is necessary to examine the commitment to build a 55-and-older project within the community as he believes that the ILF project includes many components that are not attractive to that demographic. He added he is tired of COVID being used as an excuse for any issue with a project; the Village at Prominence Point project started well before the COVID-19 pandemic, and he was upset to hear COVID referenced tonight as a reason for any of the problems at the site. He then noted that the City has denied applications for other four-story projects in the City, yet there will be a four-story building in this project, and he wonders if that will open the City to a lawsuit for discrimination. He discussed his concerns with underground parking in the area but noted that there are parking issues in the project that need to be addressed. He agreed with the Council's position on requiring the trail in the project; trails are great amenities not just for the residents that live directly adjacent to it, but for all residents and visitors to the City. Finally, he agreed that the clubhouse should be completed at the same time or prior to the construction of the apartment component of the project. Mayor Berube thanked Mr. Ashdown for his comments. He then briefly explained the history of the project; the development agreement was initially approved in 2017 and it allowed for a four-story building in the project area. The City must abide by that contract and Mr. Barrett is expected to abide by it as well.

Yaca Attwood, North Ogden resident, stated that she used to live in Chino Hills, California, but she wants Utah to be uniquely what it is; she does not expect Utah to be like other areas of the country, such as California. She asked that the Council consider projects that will keep Utah what it is.

Spencer Alexander, North Ogden resident, asked if during the initial discussions of this development the stream was discussed as a natural waterway or a canal. Council Member Swanson stated he believes it was discussed as a canal and that later on, it was identified as a creek that fell under the purview of the Army Corps of Engineers. Mr. Alexander stated he is sorry that the waterway was communicated to Mr. Barrett as if it were a creek, but it is vitally important that every party do what they can to preserve the creek as it is currently flowing; it is a natural body of water that collects water from the mountain and flows through the City. It is cold water, and it provides oxygenated water for fish; it is a gem and the type of thing that other communities desire. He understands the concerns of residents who will have people walking adjacent to their backyard on the trail or to access the waterway. He feels that the good that will come from the creek will outweigh the bad that has been communicated by other residents. Mayor Berube stated he believes the Council is very sensitive to the need to preserve waterways such as Cold Water Creek.

Korilyn Hietala, North Ogden resident, stated she is very sad because the pictures she was shown when she purchased her home identified the trail behind her property, not in a location that would require one-third of her property. She is paying taxes on property that will be used for a trail and she wondered if she will be required to maintain it or have liability for anything that occurs on the trail. She stated she understands that the City's Parks and Recreation Director wants the trail, but she wondered if that individual has a trail running through their yard. She then concluded that Police Officers do not patrol trails unless they receive a call for service. She understands the desire for trail connectivity, but this portion for the trail will not provide that connectivity and will result in users of the trail backtracking and travelling a longer distance. She then asked that Mr. Barrett and the Council consider relocating the ILF to the location of the clubhouse; she understands the footprint may not be the same, but consideration could be paid to shifting other components of the project to make that possible. This would reduce the impact on the residents that live adjacent to the ILF site who will have their view entirely always blocked and have their home in the shade. She wondered if the Council is aware that all units in the ILF will be rented. Additionally, the number of residents that will potentially live in the project area cannot be accommodated by the club house at the size that has been planned.

Stephanie Bates, North Ogden resident, thanked the Council for their careful consideration of the matters before them. She thanked them for making the decision that the ILF will be too big and that the requested amendment is not appropriate. She echoed the comments made about the inappropriateness of blaming issues at the project on COVID. She agreed with Ms. Ashdown that Mr. Barrett was speaking in a bullying manner, and he should not expect to get everything he wants from the City. She agreed with Ms. Hietala that the clubhouse size is not large enough for the number of people that may eventually live in the project. Finally, she suggested that the City not entertain another project with Mr. Barrett.

Dee Anna, North Ogden resident, also thanked the Mayor and Council for their discussion tonight and for listening to the concerns of the residents. She understands the development agreement is binding, but she wondered why the marketing materials for the project did not include information about all of the future components of the project, especially the ILF. She added there are a few HOAs in South Salt Lake where the developer lives on site so that he is aware of what is happening at the project. Given that Mr. Barrett is an absentee developer, he may not be aware of what is happening.

Lauren Ludtke, North Ogden resident, also thanked the Mayor and Council for their concern about the timing of completing the clubhouse and other amenities. She purchased her home in July of 2020 and has relied upon the promise made to her that the clubhouse and other amenities would be finished by the following spring. That time has since come and gone, and she would have never bought her home if she thought that those amenities would not be provided. Additionally, she confirmed that the pickleball and bocce ball courts were included in the original plans for the project. She agreed that the clubhouse is

too small for the project, especially the fitness center that will only have three treadmills. She stressed that the promises made to residents have not been kept and that is very frustrating.

Susan Kilborn, North Ogden resident, thanked former Council Member Stoker for her service and indicated she will be missed. She welcomed Council Member Dalpiaz and indicated she has high expectations for him. She also wished Council Member Barker a Happy Birthday. She then asked if the City has future financial commitments to Mr. Barrett and his Ameritage Limited Liability Corporation (LLC), which has filed Chapter 11 Bankruptcy and has several lawsuits pending against him. Mr. Call stated there are no financial obligations to the City associated with the development project. Ms. Kilborn wondered why the City is dealing with this corporation whatsoever and she indicated she has great sympathy for the people who live in this project and have not had their expectations come to fruition. She stated that she and her husband live in an HOA, and she has never encountered the types of actions that those who live in Village at Prominence Point have. She stated the City should 'wash its hands' of this project.

Mike Lopez, North Ogden resident, thanked the Council for listening to the input provided by residents tonight. He then noted there are plans for a new elementary school near the project area and some residents who currently live in the Village at Prominence Point project were denied access to an existing school because of overcrowding issues. He stated these types of issues need to be taken into consideration when determining the amount of density to approve for a project like this. He believes the City has allowed overcrowding in this area and some of the apartment buildings should be eliminated from the project. He referenced the three unbuildable lots and stated Mr. Barrett should have planned for the creek and built around it. He advised the City to use the area for a park or additional vehicle parking for the project. Mayor Berube stated that the City does not have total control over how the remainder of the project is built out so long as it complies with zoning regulations.

Brian Bates, North Ogden resident, also thanked the Mayor and Council for listening to residents tonight. He noted one of his greatest concerns for the ILF is the underground parking and he asked if it will only include 30 parking stalls. Mayor Berube stated he believes it is closer to 60 spaces. Mr. Bates stated that the units in the ILF will be three bedrooms, but there will not be enough underground and surface parking to accommodate the number of residents that will live there. He then noted that there was a 7-Eleven planned for the corner of 1700 North and Washington Boulevard and he asked if that project has stalled because of water issues; if that is the case, the water issues further to the west where the ILF is planned will be much worse. He concluded that he agreed that the clubhouse amenity is too small for the overall project size.

Mayor Berube thanked everyone who provided input tonight.

10. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson stated the City did spend a considerable amount of time to vet Mr. Barrett, and they received glowing reviews of the projects he has completed in Arizona. He added all elected officials of the City have taken an oath to defend the constitution, which include landowner rights; the City cannot legally strip someone of their constitutional rights. The Council does not always make the right decision and improvement will be realized as everyone gains more experience. Mayor Berube agreed and stated there is no such thing as perfection.

Mr. Call reported on the need to schedule additional work session meetings soon as the Fiscal Year (FY) 2021-2022 budget process commences.

Mayor Berube reported he has considered making the following assignments: he asked Council Member Delpias to serve as the liaison to the Planning Division, Council Member Cevering to serve as the liaison to the Police Department, Council Member Barker to serve as the liaison to the Parks and Recreation Department, Council Member Swanson to serve as the liaison to Finance, and Council Member Ekstrom to serve as the liaison to Public Works. He is willing to discuss any of these requests with the Council but thanked them for considering his assignment.

11. ADJOURNMENT

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

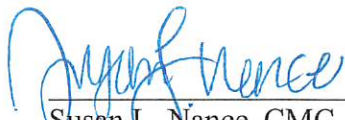
Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 9:07 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder

February 22, 2022
Date Approved