

NORTH OGDEN CITY COUNCIL MEETING MINUTES

March 22, 2022

The North Ogden City Council convened in a Council meeting on March 22, 2022, at 6:03 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 March 17, 2022. 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 Delpias	Council Member	
	Charlotte Ekstrom	Council Member	(arrived at 6:15 pm)
	Phillip Swanson	Council Member	(excused)

STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Susan Nance	City Recorder	(via Zoom)
	Scott Hess	Planning Director	
	Brandon Bell	Associate Planning Director	
	Dirk Quinney	Chief of Police	

VISITORS:	Mike Dussol	Stefanie Casey	Susan Kilborn
	Val Poll	Paul Hoehn	Korilyn Hietala
	Sandy Cochran	Dave Bradshaw	Susan Clements
	Terri McCulloch	Genneva Blanchard	

Mayor Berube called the meeting to order. Council Member Delpias 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 member of the Council had a conflict of interest to declare. No declarations were made.

2. **DISCUSSION AND/OR ACTION TO CONSIDER THE JANUARY 25, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias motioned to approve the January 25, 2022, City Council Meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye

The motion passed unanimously.

2. **DISCUSSION AND/OR ACTION TO CONSIDER THE FEBRUARY 1, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Barker motioned to approve the February 1, 2022, City Council Meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye

The motion passed unanimously.

ACTIVE AGENDA

4. **PUBLIC COMMENTS**

Mike Dussol, North Ogden resident, stated he has lived in North Ogden for 35 years and he asked for the reasoning behind the selection of the new location for the Public Safety Facility; Ms. Davenport's house and the parcel upon which the community garden is located has had significant water issues and he asked how those will be handled.

Mayor Berube stated that the site was selected because the City owns the majority of the land in the area; the City is aware of the water issues but has been assured by the City Engineer that it can be properly diverted to mitigate any potential issues. There is work underway to determine options for relocating the community garden. The City has also purchased Ms. Davenport's home.

5. DISCUSSION AND/OR ACTION TO CONSIDER A FRANCHISE AGREEMENT WITH SENAWAVE COMMUNICATIONS

City Manager/Attorney Call discussed the City's legal authority to enter into a Franchise Agreement, after which he reviewed the terms of the draft franchise agreement with Senawave Communications. He introduced a representative of Senawave, Dave Bradshaw, who engaged in discussion with the Mayor and Council regarding expectations for the portion of the City that will have access to fiber; the level of service provided through fiber; the acknowledgement that there will be other companies competing in the fiber realm; the fact that City will not have financial obligation associated with the authorization of this agreement; and the timeline for installing fiber infrastructure in the City.

Council Member Barker motioned to approve Franchise Agreement #A04-2022 with Senawave Communication. 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

The motion passed unanimously.

6. DISCUSSION ON DEVELOPMENT AGREEMENT WITH SHAW CENTURY FARMS PROJECT

City Manager/Attorney Call reported that this issue was discussed in the last City Council meeting and the Council directed staff to negotiate a development agreement with the applicant for the Shaw Century Farms Project; staff needs some additional feedback from the Council regarding the amount of land and money the City is seeking, via donation, from the applicant for development of a park within the project area. The feedback provided tonight will be used to adjust the development agreement, which will be presented to the Council at the same time as the zoning application. Mayor Berube facilitated discussion among the Council regarding their desired park improvements in the project and the amount of land/money the City will require the developer to donate for those improvements. The document currently specifies that the developer will provide a \$100,000 donation, which will be used to cover the installation of sod and sprinklers on the property; any money unused for those purposes will be returned to the developer. The Council discussed options for considering xeriscaping for the project given current drought conditions, with Mr. Call noting those matters can be determined at the time the development agreement is finalized and the park is designed.

7. **DISCUSSION AND/OR ACTION TO CONSIDER A PURCHASE AGREEMENT FOR LAND LOCATED AT APPROXIMATELY 360 EAST PLEASANT VIEW DRIVE**

City Manager/Attorney Call explained the City has been approached about entering into a shared parking agreement, or land sale of a portion of property at 360 E. Pleasant View Drive to serve the animal hospital and pediatric dentist operation on the adjoining property. Staff has reviewed the site plan for the proposed project, and it substantially meets City standards, but staff needs direction from the Council regarding the requested shared parking agreement. Discussion centered on the possibility of the permanent closure of Pleasant View Drive and how that action would impact parking access on the subject property.

Council Member Delpias inquired as to the size of the property in question, to which Mr. Call answered .10 of an acre and indicated the requester has offered \$25,000; however, property values have increased to somewhere in the range of \$5 to \$6 per square feet, so the purchase details may need to be discussed further.

The Mayor and Council discussed the potential for changes on Pleasant View Drive and whether it would be possible to ensure that the access to the subject property can be maintained if the changes are made on Pleasant View Drive. The Council concluded they feel that the highest and best use of the property is to sell it to the other party in order for it to be used for parking purposes.

Council Member Ekstrom motioned to approve the Purchase Agreement #A05-2022. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO AMEND THE PARKING SETBACK AND LANDSCAPE BUFFER REQUIREMENTS**

Associate Planner Bell explained staff has been reviewing the requirements for parking lot setback and landscape buffer requirements, both from property lines adjoining City rights-of-way, and also property lines in general (and thus all bordering properties), for commercial or similar uses. There are two applications that are either being currently considered or will be reviewed in the near future that

will be affected by this ordinance. Some zoning standards are prepared based on an overall design aesthetic. Over time, this design aesthetic may be recognized to encourage standards that impose an excessive burden on applicants. In other words, it is often possible to maintain a quality built environment while reducing the impact of certain design standards. Staff is of the opinion that our current parking setback and landscape buffer standards are excessive, and can reasonably be reduced. Currently these standards require the edge of a parking lot to be a minimum of 20 feet from a street right-of-way generally, and also 20 feet from all property lines. The Planning Commission recommended that the ordinance amendment keep the 20-foot setback requirement in place for Washington Boulevard, and other arterials and collectors specified in the North Ogden City General Plan, but reduce the setback for parking lots to 14 feet from back of curb, along other streets. Staff is of the opinion, and the Planning Commission concurred, however, that 14' should be sufficient for most streets, and that the 20' distance requirement from all property lines is excessive for most streets. The proposed ordinance amendment recommends a 10-foot landscape buffer for parking lots from all other property lines; Staff is of the opinion that this standard is more appropriate. The Planning Commission recommended unanimously that this ordinance amendment be approved. Staff recommends that the City Council conduct a review of and discussion regarding the proposed ordinance amendment, and consider whether they believe the ordinance amendment should be adopted.

Council Member Cevering motioned to approve Ordinance 2022-07 to amend the parking setback and landscape buffer requirements. Council Member Delpias seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

9. DISCUSSION ON ADDING TWO-FAMILY DWELLINGS BACK INTO THE RCC ZONE

Planning Director Hess explained in 2016 the Residential City Center Zone was amended to remove Two-Family Dwelling and Twin Homes as a permitted use. At the time the City cited the Purpose Statement within the Utah's Land Use Development and Management Act (State Zoning Code) as the reasoning behind eliminating two-family dwellings. It was perceived at that time as an impact to residents, and quality of life. In the five years since that amendment the State's housing situation has changed dramatically. Right now, Utah is facing a "Housing Crisis" with property values increasing at a rate much faster than incomes. Major changes in the economy, housing market, and overall affordability are a reason to revisit land use policies that were amended in the past, but may no longer be the best course for the City. North Ogden City is

required to prepare a Moderate-Income Housing Plan for the State of Utah. This plan indicates the City's strategy for meeting the affordability challenges of current and future residents. The first state-supported Strategy that North Ogden indicates in that plan is to "Rezone for densities necessary to assure the production of Moderate-Income Housing." While this proposal is not a rezone necessarily, it is a land use policy that creates opportunities to provide additional housing choices (that for many years were permitted and constructed) within the Residential City Center Zone. In the development of the Draft 2021 General Plan Future Land Use Map, the General Plan Advisory Committee further recommended that two-family dwellings be permitted in an overlay area of the R-1-8 Zone from approximately 2750 North up to 400 East. This area currently includes a mix of housing with single-family coexisting with two-family dwellings to the east and townhomes to the north. In the time since the RCC Code was amended in 2016, there have been Accessory Dwelling Unit policies written into City Code. Internal and external ADUs are permitted in all single-family zones, which effectively permits two-family dwellings in all zones. There are specific differences between an ADU and a two-family dwelling, but mainly it boils down to the design of the units and ownership requirements. The difference between ADUs and two-family dwellings matters specifically because it will dictate what the Development Standards for two-family dwellings need to be. The Code language prior to 2016 was a bit of a combination between internal ADU standards, and those for new two-family dwellings. To develop an Ordinance recommendation, Staff reviewed the Code that was eliminated in 2016. In addition to the Development Standards above, Staff has reviewed various ways of platting and subdividing properties that have two-family dwellings. The first scenario involves a single lot similar in size and shape to other single-family lots in the RCC Zone, with a two-family dwelling on it. Under this scenario a single owner would own both units and could live in or rent the units. The second scenario involves a property line that bifurcates the two-family dwelling. This has the effect of halving the frontage requirement in the zone. Under this scenario the two-family dwelling lots would need to have an average width of both lots combined that meets the minimum frontage in the RCC Zone. Both of these scenarios aid in providing additional housing options in the City. The primary difference is that the second scenario provides an ownership opportunity to residents looking for a shared-wall construction home with a small lot. The Planning Commission weighed the merits of adding two-family dwellings back into the RCC Zone, versus promoting resident's ability to construct Accessory Dwelling Units (ADUs). The PC determined that they did not want to add two-family dwellings back to the RCC at this time, and instead instructed Staff to review provisions for ADUs and recommend ways to make them easier to implement. Staff felt it was important for the City Council to also weigh in on this issue, especially given the current Draft General Plan Future Land Use Map's recommendation for two-family dwellings in this general area of the City. Staff is asking the City Council to discuss the item, consider whether two-family dwellings are a positive addition to North Ogden, and direct Staff on whether or not to bring back Ordinance language that would permit two-family dwellings.

Mayor Berube facilitated discussion among the Council and Mr. Hess regarding the implications of the potential code amendment to allow ADU's; there was a focus on whether the ordinance requirement that one of the units be owner occupied is truly enforceable by the City. Mayor Berube asked Mr. Hess and his staff to further consider the matter of whether that component of

the ordinance is enforceable. He added he would also like to await a final decision on the General Plan update before considering an ordinance regarding ADUs.

10. DISCUSSION AND/OR ACTION REGARDING THE CITY CODE CHAPTER 11 AND 12 RE-WRITE

Planning Director Hess explained North Ogden City is updating its zoning and subdivision regulations. The consulting firm of Logan Simpson has been hired as the consultant for the project. The purpose of this discussion is to consider four Code Sections that reorganize Title 11 and Title 12 of North Ogden Municipal Code. Staff and the Consultant Team have done a complete review of the existing zoning and subdivision regulations and identified conflicting provisions and potential revisions. On September 15, 2021, the Planning Commission conducted the first public hearing on the reorganized Title 11 and Title 12 Land Use Code. Staff presented the final drafts of the Code and recommended that the Planning Commission permit Staff to incorporate recent Code amendments into the language considered. Due to the timing of recent Code amendments, they had not been incorporated into the Draft Reorganized Land Use Code at the time of the public hearing. Staff committed to updating that language in preparation for the City Council meeting. After the public hearing and consideration of the proposed code reorganization, the Planning Commission made a unanimous recommendation of approval of the reorganized Title 11 and Title 12 to the City Council. City Council first heard this item on November 23, 2022. The recommendation at that time was to delay action until the end of the year 2021 to assure Staff had time to update all pertinent sections. Those updates have been completed, and the Code is coming back to the Council for action. Staff asks the Council to please understand that there will inevitably be areas of the Code with necessary amendments once staff begins implementing the reorganized language. Staff will do their best to minimize the number of future Code amendments, and will attempt to batch items together, when possible, in order to be efficient with the Planning Commission and City Council's time. Staff also asks the Council to consider allowing Staff to make minor corrections of numbering and typos for efficiency when readying the Code for the online publishers.

Mayor Berube asked if the process of reviewing the code included removing sections of the document that were irrelevant. City Manager/Attorney Call stated that was the goal of this project and it was accomplished; there were approximately 60 pages of irrelevant or duplicative code that were removed from the document.

Council Member Ekstrom motioned to approve the City Code Chapter 11 and 12 re-write. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION FOR AN APPOINTMENT OF THE JUSTICE COURT JUDGE

Mayor Berube reported on the process that was followed to consider candidates for the Justice Court Judge position; an appointed committee narrowed the applicant pool to four and he had the opportunity to interview each candidate personally. He recommended the appointment of Michael Junk to serve as the Justice Court Judge of North Ogden City. He summarized Mr. Junk's experience as a prosecutor and Justice Court Judge in Ogden City.

Council Member Dalpias motioned to appoint Michael Junk as the Justice Court Judge. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye

The motion passed unanimously.

12. DISCUSSION AND OR ACTION TO CONSIDER A RESOLUTION RELATED TO THE CITY COUNCIL RULES AND PROCEDURES

City Manager/Attorney Call reported the Council has asked that staff review the rules and procedures to provide suggestions as well as look at suggestions by individual Council Members into changes for the document. He noted he and the City Recorder have gone through the document to provide some suggestions, however, there are several places where if changes are going to be made it needs to come from the Council. He reviewed the document to summarize the suggested changes and indicated staff needs feedback from the Council regarding which changes should be included in a formal resolution to be considered at a future meeting.

Discussion among the Mayor, Council, and Mr. Call centered on topics such as methods of communication between the Governing Body and City staff; voting order for a roll call vote; rules governing public comments;

Council Member Barker motioned to postpone consideration of a Resolution related to the City Council Rules and Procedures. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye

The motion passed unanimously.

13. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER BARKER – PARKS AND RECREATION

Council Member Barker reported on job openings in the Department as well as the schedule of events for the coming spring and summer seasons. He concluded by noting that the North Shore Aquatic Center had a net revenue of approximately \$90,000 last season, which is very good news for the City. He stated the bond for the facility was paid off last year, which made it possible for it to become a revenue generating entity for the City.

b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpias reported the Planning Division was awarded a \$100,000 grant from the Wasatch Front Regional Council (WFRC) to study the North Ogden plaza. He then noted he attended the Senior Center Board Meeting last week and there was discussion of outdated equipment and other needs at the center

Mayor Berube noted that the City must provide \$10,000 in matching funds for the grant. Council Member Dalpias stated that is correct and those matching funds will be included in the proposed budget for Fiscal Year (FY) 2022-2023.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson was not present.

City Manager/Attorney Call provided a status update regarding sales tax revenues in the City. He also reviewed the schedule of future Council meetings that will be dedicated to budget discussions.

14. PUBLIC COMMENTS

Susan Kilborn, North Ogden resident, stated that she and her husband live in a dual dwelling, which is commonly referred to as a twin home. She noted that the deed for her property classifies it as a single-family dwelling, however. She does not hear what happens in her neighbor's home and she would hate to see the City single-out or denigrate dual dwelling homes. She stated that she and her husband downsized and there are many others in her age group that are doing the same and she hopes that the City will not prohibit the type of land use that makes that possible. Dual dwelling homes also provide young couples and families with an opportunity to own their own home. She hopes that the City will not impose unfair regulations on dual dwelling homes. She concluded by thanking Mayor Berube for allowing her to serve on the committee that made the recommendations regarding the appointment of a Justice Court Judge.

15. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Cevering asked for a monthly agenda item regarding water conditions. Mayor Berube stated that there will be a standing agenda item on work session agendas regarding secondary water, drought conditions, and programs intended to address water shortages. Council Member Cevering then stated that he got a phone call from a resident who was seeking a text amendment to the zoning code regarding garage setbacks. Mr. Call stated he talked to the same resident and has advised him on the process for seeking a text amendment. Council Member Cevering then asked for an update on the repair of a resident's mailbox that was struck by a snowplow. Mr. Call stated he has advised the resident of the Council's adjustment of the policy governing that issue; it may be that the resident has not been able to hire a contractor to perform the work, but they are aware of the policy adjustment. Council Member Cevering concluded by stating that would like the issue with the Wangsgard/Secrist property on Washington Boulevard to be addressed as soon as possible.

16. **ADJOURNMENT**

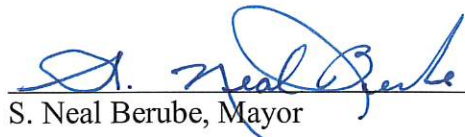
Council Member Ekstrom motioned to adjourn the meeting. Council Member Barker seconded the motion.

Voting on the motion:

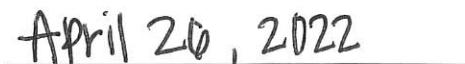
Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye

The motion passed unanimously.

The meeting adjourned at 8:33 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved