

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

May 24, 2022

The North Ogden City Council convened in a Council meeting on May 24, 2022, at 6:00 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 May 23, 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 Dalpiaz	Council Member
	Charlotte Ekstrom	Council Member
	Phillip Swanson	Council Member

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Susan Nance	City Recorder
	Scott Hess	Planning Director
	Tiffany Staheli	Parks & Recreation Director
	Brandon Bell	Associate Planner
	Dave Espinoza	Public Works Director
	Jami Jones	Finance Director
	Dirk Quinney	Chief of Police

VISITORS:	Stefanie Casey	Korilyn Hietala	Reed Miller
	Steve Davies	Greg Cronin	Cory Jones
	Christina Watson	A Voigt	Treva Sisco
	CJ	Sandy Cochran	Brenda Ashdown
	Kevin Burns	Dave Shupe	Peggy Barker
	Susan Clements	Keith Ashdown	Mike Dussol
	Spencer Alexander	Grant Protzman	Terry Cevering
	Vaca Atwood		

**OPEN HOUSE AT 5:30 PM – GENERAL PLAN LAND USE MAP**

1. General Plan Land Use Map

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

## **CONSENT AGENDA**

### **2. 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. He then disclosed that he is a part-owner of a townhome in the Village at Prominence Point project and his son lives in the unit. He will participate in the discussion regarding Village at Prominence Point during the meeting, however.

Council Member Dalpiaz asked City Manager/Attorney Call if he has any guidance on whether Council Members should turn off their cell phones during this type of meeting. This would be to avoid any disruption or inappropriate communications between meeting attendees and the Council that would violate the Open and Public Meetings Act. Mr. Call stated there should not be any discussion about the substance of the meeting between Council Members or any other party; any conversation about any topic on the agenda should be voiced for all meeting participants to hear. However, sometimes the Mayor sends a message to staff about a procedural issue and that is not problematic.

## **ACTIVE AGENDA**

### **3. PUBLIC COMMENTS**

Grant Protzman, North Ogden resident, referenced a ‘treasure’ that North Ogden has owned for a little over two decades; the City is never going to have enough money to develop it properly and use it as intended. He and a number of residents have come together to discuss the creation of a non-profit and a perpetual legacy fund to help improve and maintain the property. The group have come up with a number of ideas about how to improve the ground and those that will speak after him will discuss the original intentions for the property and future considerations.

Peggy Barker, North Ogden resident, stated that the Barker Park property was sold to the City in 1999 by her parents. They chose to sell to the City rather than to a developer because they wanted the property to be a park. The original intentions were for the park to be a family area with access to trails and nature and in 2015 she worked with members of her family and the City Council to develop plans for the development of the park. The map of the park that came out of those efforts hangs on her wall, but no work has been done. Then, the amphitheater was built at the park space, and this created a great deal of controversy. Council Member Cevering has aided in creating a 501(c)(3) entity to help to develop the park and now Mr. Protzman has stepped forward to further those efforts. The group would now like to proceed with plans to make the area a nature preserve and to maintain natural open spaces that can be accessed by families. On June 18, there will be an event to clean-up the park area and she challenged the Mayor and Council to attend and bring five people with them. They will tackle the noxious weeds and try to educate people on the proper use of the ground.

Mr. Protzman stated there is a formal presentation scheduled for July, but he wanted to provide the Council with an update regarding ongoing discussions about improvements at the park. He presented a list of areas to be cleaned on June 18 and he discussed the resources the group needs to help make the project a success. He stated it would be great for each Council Member to be an area leader for each of the areas that have been identified for cleanup. He feels this is the start of something big and he asked those who are willing to participate to contact him to become involved.

David Shupe, Liberty resident, stated he owns the Coldwater Animal Hospital in North Ogden. He commented on the project to widen Washington Boulevard near his business and indicated that the project harmed him financially, whether intentional or not. In addition, North Ogden City placed a sidewalk on the south end of his property and, in the process, tore up his sprinkling system. He has asked the Public Works Department to fix the damage and he was told it would be fixed by the spring, but to date, nothing has been done. He is frustrated and has been unable to contact Public Works Director Espinoza, who gave him his word that he would repair the sprinklers. He stated he understands that spring is not technically over, but at this time his lawn and trees are dying. He asked for help from the Mayor and Council to get the problem resolved; if he is unable to get the assistance he needs, he will pursue other recourse.

Mayor Berube stated that Council Member Ekstrom is the liaison to the Public Works Department, and he asked her to follow up on Mr. Shupe's comments and get a response. He also asked City Manager/Attorney Call to respond to Mr. Shupe's comments. Mr. Call indicated that the landscape contractor is currently working on that project; they started at the north end of the project rather than the south end. Mr. Shupe asked why his problems are last to be addressed. Mr. Call stated that was not an intentional decision. Mayor Berube indicated that Mr. Shupe will be contacted by Council Member Ekstrom or a member of City Administration tomorrow.

Korilyn Hietala, North Ogden resident, stated she purchased her home in the Village at Prominence Point project because it is a 55 and older community, but the updated development plan for the project includes 12 more townhomes in the 55 and older area of the project. She asked if those units will be restricted to 55 and older. She then asked who will maintain the trail system in the project and who will assume the liability for it; if the homeowners association (HOA) is expected to be responsible, the residents need to know. She then referenced section 15B of the development agreement for the project, which states the developer shall provide visual screening and privacy of the site within the rear yard while leaving the front visible. She stated that she has paid for fencing, though the developer was required to pay for it, and she asked if the developer will be made to reimburse residents who have covered that cost. Also, she asked if the Barretts will have any access to or control over the HOA for the project; that is a huge problem for residents right now. It includes an internet contract under which all residents must pay for the same internet service. She asked if the Barretts will be receiving any revenue from the apartments or other rental units in the project. She then addressed areas within the project that have not been properly maintained and she asked if the City will be taking code enforcement action regarding those areas. Ms. Hietala then addressed the clubhouse referenced in the development agreement; it must be completed prior to the fifth apartment receiving an

occupancy permit. She asked if residents will be forced to wait until that is done before they receive the clubhouse they have been promised. She added that she would prefer solar powered LED lights in the project. She referenced the detention pond identified as exhibit K in the development agreement; she thought it was discussed prior that the basin belonged to the City, but the document indicates it is owned by the developer and she asked for clarification on that matter. The City needs to know who actually owns that property and whether it will be used in the calculation of the total amount of open space in the project. She added she could not see a second clubhouse mentioned in the documents that were included in the packet for tonight's meeting. She stated it is important that the Council have a clear understanding of the implications of any action they take tonight.

Christina Watson, North Ogden resident, stated she has also followed the agenda items dealing with the Village at Prominence Point project; she feels that the project can be a great asset to the community, and she thanked Ms. Hietala for her comments. She appreciated the proposals that the new developer has made, many of which are responsive to the concerns that have been voiced by residents in the community. She also participated on the General Plan Committee, and she found Planning Director Hess to be very thorough and detailed; she supports the plan that he will be recommending tonight. She is also a member of the Parks and Trails Committee, and she is very concerned about the future of North Ogden as far as parks and open spaces go. She stated that there are many moms with young children in the community and the need safe places to take their children to. She knows the City is doing the best it can, but she is always a proponent of acquiring land for park space. She also supports the recommendation of Parks and Recreation Director Staheli to address each playground on a rotating basis to ensure that they are properly maintained or replaced when needed. She would support a tax increase if revenue were used to support parks. The Parks and Trails Committee surveyed residents and she was surprised to learn of how many residents would also accept a tax increase for that purpose.

Reed Miller, North Ogden resident, stated that last year the Cherry Days Celebration was produced largely by residents, and he asked if the same will be true this year. Mayor Berube stated there will be some citizen involvement, but the event will be largely handled by the Parks and Recreation Department this year. Mr. Miller asked if there will be a parade, to which Mayor Berube answered yes and indicated it will be held on July 4.

Terry Cevering, North Ogden resident, stated he owns a piece of property on the corner of 1700 North and Washington Boulevard and a few years ago he came to the City about developing a storage unit project on his property. He got good feedback from the City at that time, but he put the project on hold. He has revamped his plans for the project, and he presented a rendering of the building he would like to construct; it includes an indoor, climate controlled self-storage building as well as townhomes. He feels the project would fit well with other mixed-use projects in the area.

Greg Cronin and Steve Davies stated they will be available remotely to discuss the Village at Prominence Point project when the Council gets to that point in the agenda.



4. **DISCUSSION AND/OR ACTION TO CONSIDER APPROVAL OF THE GENERAL PLAN FUTURE LAND USE MAP**

Planning Director Hess reported on the efforts of Planning staff, the General Plan Advisory Committee, the Planning Commission, and the City Council to consider updates to the future land use map in the City's General Plan; the recommendation before the City Council at this time is to approve the General Plan Future Land Use Map with the change that neighborhood commercial areas be identified through permissive language in the General Plan text and not located specifically on the map.

Mayor Berube asked if the Map will serve to vest certain areas of the City with specific zoning designations. Mr. Hess answered yes, zoning has been identified for various locations throughout the City. Mayor Berube stated it is important to communicate to landowners that the zone change process will be modified as a result of adoption of this map. Council Member Swanson disagreed and indicated that the map is not technically vesting zones from a legal perspective. Mr. Hess stated that is correct, but zoning that is identified on the map should be considered by the City when a landowner pursues a zoning change that is harmonious with the map. Council Member Swanson stated there is a range of zones that meet certain zoning definitions, such as low-density residential development. Mr. Hess agreed.

Council Member Dalpias thanked the General Plan Advisory Committee for their work on this issue and indicated he is willing to take action on the recommendation from the Planning Commission. He then referenced item six in the staff report, which identifies the South Town Mixed Use area around 1700 N. to 1500 N., west of Washington Boulevard; this amendment includes C-2, R-4, and Master Planned Community (MPC) zoning with mixed uses. He asked if that would permit the project Terry Cevering is pursuing, which includes storage units and residential uses. Mr. Hess stated the City's land use ordinance currently does not allow new storage units in any zone; storage units were previously allowed in the manufacturing MP-1 zone. Those who own existing storage units and want to convert them to the more modern version of the land use are located in MP-1 zoned areas. The townhome component that Mr. Cevering has discussed would be permitted, but storage units would not.

Mayor Berube stated that residents have asked if there will be any RE-20 areas remaining in the City based upon the direction of this proposed future land use map. Mr. Hess stated that the Council has vast latitude when making legislative decisions regarding land use. There is no legal obligation for the City to up zone any property based upon the future land use map. Mayor Berube stated the City currently has that latitude and authority, but it is being challenged at the present time. He asked for input from the City Attorney. City Manager/Attorney Call stated that Mr. Hess is correct; the City Council would not be required to up zone a property that is currently zoned RE-20, but the future land use map would provide that flexibility if the Council deemed such a zone change reasonable and appropriate. This led to high-level philosophical discussion and debate regarding the expectations that may be communicated by the Council's action on the future land use plan; there was also brief discussion regarding ongoing discussions

among the State Legislature about the potential to amend State land use laws that would impact municipalities and local governing bodies' ability to legislate land use.

**Council Member Cevering motioned to approve the General Plan Future Land Use Map. Council Member Ekstrom seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**5. DISCUSSION AND/OR ACTION TO CONSIDER A PETITION OF ANNEXATION FOR PROPERTY LOCATED AT APPROXIMATELY 3525 NORTH 100 WEST**

City Recorder Nance explained Rick Scadden has submitted an application for himself, as well as George Evans and Brett Johnston, to petition for annexation of 9.93 Acres located at approximately 3525 North 100 West in Weber County, Utah. As required by Utah State Code the Weber County Surveyor has reviewed and given conditional approval of the annexation plat map to Landmark Surveying, Inc. This annexation application was originally brought to the City in February for annexation and after review City staff found it to be a part of the Pleasant View City's annexation plan. Mr. Scadden has since gone through the process with Pleasant View City to amend their annexation plan and release this property. The property being proposed for annexation is not currently in any City's annexation plan. The Petitioner is requesting the RE-20 Zone, which the Planning Commission will review and make a recommendation to the City Council at a later date. The petitioner meets all the requirements to start the annexation process and it is recommended that the City Council accept the petition to start the annexation process.

Council Member Dalpiaz indicated the staff report mentioned Pleasant View is not able to service the property very easily and he asked if North Ogden staff is confident that the City can serve the area adequately. Mr. Nance stated that she and City Manager/Attorney Call have talked about that issue and are comfortable proceeding with the annexation process. Mr. Call stated that service issues will be evaluated very carefully before a final recommendation regarding the annexation is made to the Council; the action before the Council tonight is to accept the petition to allow City staff to begin working on the certification process.

**Council Member Ekstrom motioned to accept the petition of Annexation for property located at approximately 3525 North 100 West. Council Member Dalpiaz seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Delpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**6. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR VILLAGE AT PROMINENCE POINT LOCATED AT APPROXIMATELY 1850 NORTH 300 EAST**

Planning Director Hess reported the Village at Prominence Point was approved as a Master Planned mixed-use project in 2017. The developer has been working in phases to complete the build out of the project. Recently the project was listed for sale, and an interested party has placed the property under contract. The new Developers met with the City Manager and Planning Director to discuss potential amendments to the project, and the process those amendments would be considered. The Developer met with the City Council on April 26, 2022 to discuss the project with the City Council to obtain feedback prior to submitting amendments to the Development Agreement and Site Plans controlling the project. The applicant has taken the feedback received from City Council and has developed the plans and proposed amendments to the Development Agreement as follows:

- Independent Living Facility:
  - The Independent Living Facility (ILF) has been moved out of the northwest island parcel. Those units have been added to the apartment area.
  - There is no longer proposed to be a standalone independent living facility component to the project, and the units will become market rate.
  - Call outs to the Independent Living Facility have been removed altogether within the Redlined Development Agreement
- Island Parcel (former ILF):
  - In the place of the ILF, the Developer is proposing to build the first of two clubhouses as well as 12 additional townhomes. The clubhouse would primarily serve the townhomes and single-family cottage homes, with the additional clubhouse designed to serve the apartment area.
  - The Redlined Development Agreement proposes that the first Clubhouse be completed prior to the fifth apartment building in phase one receiving its occupancy permit. The second clubhouse is proposed to be completed prior to the 200th apartment unit receiving occupancy. The Developer has indicated their willingness to construct the clubhouse as soon as practical upon closing on the property.

- The Developer is responsible for installing the trail connecting Cold Water Creek from the Lodge to 1900 N. as well as installing landscaping for the use of the residents in place of the three cottage lots that impact the creek corridor.
- Apartment Area:
  - The southern half of the apartment area has been reconfigured to have fewer total buildings with more apartment units per building. This results in two additional four-story buildings, moving the project from four to six four-story buildings. The building design is complementary to the existing architecture, but will have flat roofs, so the overall height of the structures will be comparable to the proposed gable roof apartments in the original Development Agreement.
  - The total number of apartments from 404 to 472 as the ILF units are folded into the final number.
- Total Unit Count:
  - 607 to 627 Total number of units to be 20 additional (build original 404 apartments, 68 ILF units, plus the additional townhome project units that were approved). Basically 20 additional townhomes...
- Other improvements:
  - The City recommends that no dog park be indicated or installed in the detention basin south of 1700 N.
  - The development includes the internal trail and sidewalk connectivity, as well as connected open spaces.
  - The development provides additional parking totaling 2.13 parking stalls per residential unit.
  - The Commercial uses remain as originally indicated in the existing Development Agreement.

Mr. Hess concluded staff is supportive of the proposal and amendments to the Development Agreement and Site Plan. Staff recommends the City Council review the plans in the Attachments below, host a discussion with the developer, and take action on the Amended Development Agreement.

Mayor Berube noted that Mr. Hess's staff report references the inclusion of affordable housing in the project area; the term 'affordable housing' is subjective, but it is a term that was used to initially sell this project. He understands that the new developer is paying more for the land than the original developer and all other costs are increasing. He referenced comments made by residents about other costs paid to live in the Village at Prominence Point project, such as internet and homeowners association (HOA) fees, and he wondered whether the housing in the project can be considered affordable. Mr. Hess stated affordable housing is defined as 80 percent of the median income; this means that affordability is relative when considering the median income of the community. There is no rent control in the project and rent rates will be at market rate. The units will be affordable when compared to building a single-family home in North Ogden.



City Manager/Attorney Call then expounded on the proposed amendments to the Development Agreement, namely the addition of bowling alleys as a permitted use in the commercial area of the project, timing of the construction of the club houses, and development of the trail in the area where three cottages were initially planned. The purpose of this agenda item is to allow the Mayor and Council to discuss these proposed amendments with the developers.

Mayor Berube stated that the initial proposal was to increase the total unit count by 12 units, but the staff report mentioned an increase of 20 units, and he asked for an explanation of that change. Mr. Call stated that the Council has previously compromised on the number of units based upon a promise to convert apartment units to townhomes. This led to high level discussion of the historic amendments to the Development Agreement and, more specifically, unit counts.

Mayor Berube then referenced the amendment dealing with the construction of the club houses in the project; residents have been waiting for club houses that have been promised to them for years and to delay that aspect of the project until completion of the fifth apartment building is unacceptable in his opinion. He would like to amend the agreement to dictate that the first club house will be constructed upon execution of the amended Development Agreement. Mr. Call stated staff would need direction on the timing of that aspect of the project; he asked the Council if they would like it to be completed before the developer is able to pull permits on the apartment units or if construction of the club house can be concurrent with construction of the apartment units. Mayor Berube stated that he would be comfortable approving concurrent construction of the two uses.

Council Member Barker then commented briefly on the North View Fire District's ability to respond to and provide service to the four-story apartment buildings proposed for the project; the District currently does not have a ladder truck to reach a four-story building, but this project will be the catalyst for that purchase. He noted that a four-story building is actually safer than a three-story building. Additionally, the District's Insurance Services Office (ISO) rating will likely be impacted by the project, which could result in homeowners insurance increases for residents across the City.

Mayor Berube then invited input from the developers, Steve Davies and Greg Cronin.

Mr. Cronin first commented on the construction of the club houses; he is willing and excited to agree to construction of the club house concurrent with the apartments. Mr. Davies added that they have already secured a construction loan for the club house element of the project and will begin working on it as soon as they can secure a building permit. Mr. Cronin stated that he and Mr. Davies recognize the concerns of the neighborhood and they are intent on working to address those concerns as soon as possible. Mr. Davies stated that he would not be opposed to the City holding the occupancy agreement for the apartments until the clubhouse is completed. Mr. Cronin then addressed the apartment component of the project, noting that there will be elevators in addition to the stairs in the buildings; there will be underground parking for these units and a smaller park area near the facility to provide amenities for residents. He thanked Council Member Barker for his thoughts about the safety of the four-story building. He also addressed the increase in surface parking to accommodate additional guests to the area and locate

it closer to desired uses. He spoke to the playgrounds that will be included in the project; they may not be equivalent to a City park but will include playground structures that can accommodate children of all ages. He addressed the comments about increased unit counts in the project; he is not familiar with all negotiations between the City and the prior developer and noted that he is simply seeking the City's support of the proposed amendments to the Development Agreement; this will make it possible to improve the basin in the project and eventually turn it over to City ownership. He thanked the residents for their input tonight and in previous meetings and noted that he has listened carefully to the feedback that has been provided and tried to be responsive to it as possible. He understands the tension that has been created by undelivered promises and he will do his part to proceed, show activity, and show progress in the project area. Mr. Davies emphasized that he and Mr. Cronin are making a significant investment in in this project, and it would not be financially feasible to sit on the project. Mr. Cronin concluded that the current HOA arrangements will be reviewed, and he would like to publicly meet with the HOA to discuss opportunities for making adjustments to provide optimal services to the community while eliminating unreasonable fees and regulations. Mr. Davis concluded by noting that he and Mr. Cronin understand the frustrations that the residents and the City have experienced as a result of some of the things done and not done by the original developer of this project; they hope that the City will enter this agreement with an open mind and clean slate and not hold the mistakes of the previous developer against them. They would like to move forward with the project with no misconceptions or misunderstandings.

Mayor Berube encouraged Mr. Davies and Cronin to do whatever they can to address the concerns with the HOA; he believes they have the power to direct the HOA to adjust regulations or fees in an effort to make the project competitive with others in the area. He then asked if there will be any age restrictions on the apartment units. Mr. Call stated it is difficult to impose an age restriction on those types of residential units, though 80 percent of the units can be legally restricted. Mayor Berube then referenced the three lots upon which cottages were to be constructed under the past development agreement; the City and the residents of the project needs something in return for the increase in the number of units in the project area. Mr. Davies stated that he intends for the three lots to be converted into open space in the project rather than using them for building sites. Mayor Berube asked if that property would be maintained by the HOA or the City. Mr. Davies stated that is a matter to still be negotiated, but it makes more sense for the HOA to maintain it.

Continued high-level discussion among the Council and Mr. Davies and Mr. Cronin centered on the management of the HOA; design of the open space and trail; preservation of Coldwater Creek; timing of the clubhouse element of the project; and the inclusion of the use 'bowling alley' in the development agreement.

Sandy Cochran requested permission to address the Council and the developers. Mayor Berube permitted Ms. Cochran to speak. Ms. Cochran stated it was the residents' understanding that the clubhouse that is being relocated would be accessible for townhome and cottage homeowners and the larger clubhouse near the apartment site would be accessible by apartment renters. Mayor Berube stated he is not sure how that would be enforced. Mr. Davies apologized if that is

what is communicated, but the intent is for both clubhouses to be open to all residents of the project.

Continued discussion then centered on the open space in the project area and whether it should be maintained by the City or the HOA. Council Member Swanson suggested the park should be deeded to the City if it is attached to the City's trail that runs through the area; this would avoid the potential for the HOA to fence the park in the future if there is concern about the public accessing the park while the HOA is maintaining it. Mayor Berube stated that is an interesting point; his only concern is the City's ability to maintain the property and noted that the HOA's standards may differ from the City's open space maintenance standards. Mr. Call stated that is his concern as well; there will be a high maintenance expectation for the property. This led to high level discussion regarding opportunities for the City to work with the HOA to manage access and maintenance of the open space. He clarified the language amendments in the agreement that communicate the requirements to improve the open space that will now occupy three lots formerly designated as cottage sites.

**Council Member Swanson motioned to approve Agreement A07-2022 an amendment to the Development Agreement, as discussed, for Village at Prominence Point located at approximately 1850 North 300 East. Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**7. DISCUSSION ON POSSIBLE LEASE AGREEMENT FOR LAND LOCATED AT APPROXIMATELY 2904 NORTH 450 EAST WITH SENAWAVE COMMUNICATIONS**

City Manager/Attorney Call summarized the terms of a lease agreement with a fiber communication company, Senawave Communications, which would allow them to locate a fiber hut on the property. Terms have been negotiated that would protect the City's access to its property and ensure installation of fiber infrastructure to critical areas of the City. If the Council is comfortable proceeding with the arrangement, staff recommends authorizing staff to advertise a hearing to accept public input on declaring the property as surplus in order for the City to proceed with executing the agreement. Following brief discussion of the terms of the agreement, there were no objections voiced by the Mayor or Council.

8. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR THE PURCHASE OF THE DETENTION BASIN PROPERTY LOCATED AT APPROXIMATELY 225 EAST 2550 NORTH**

City Manager/Attorney Call noted that the City has received an offer to purchase the subject property; the buyer would like to proceed with the purchase upon the relocation of the existing detention basin on the property and agrees to pay fair market value at that time. The buyer has asked permission to market the property for lease/build.

Mayor Berube discussed zoning of the property and noted he feels it is important to allow the buyer to proceed with marketing the property in order to secure a high-quality commercial tenant at the site.

Council Member Barker asked if the City will be required to level the property to facilitate commercial development. Mr. Call stated the agreement does not include any requirement to level the ground or fill in the detention basin. He noted he can include language in the agreement clarifying that the City is not required to fill in the basin.

**Council Member Ekstrom motioned to approve Agreement A08-2022 for the purchase of the detention basin property located at approximately 225 East 2550 North. Council Member Dalpias seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpias</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

9. **COUNCIL DEPARTMENT REPORTS:**

**a. COUNCIL MEMBER BARKER – PARKS AND RECREATION**

Council Member Barker reported on irrigation issues at various parks throughout the City, the status of playground projects in the City and utilization of RAMP grant funds, and planning of the upcoming Cherry Days celebration. He concluded by reporting the opening date for the North Shore Aquatic Center for the 2022 season is May 28.

Mayor Berube noted that the City is still encountering difficulty in hiring seasonal parks maintenance workers; he asked that the Council help spread the word about the City's need for employees or volunteers to provide the needed support.



## **b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING**

Council Member Dalpías provided an update regarding the completion of the parking lot near the Senior Center, which will be used as a staging area for the Public Safety Building project. He also reported that building permit issuance is trending below the same time last year, but most building permits for 2022 are higher revenue generating and building permit revenue is approximately 20 percent ahead of schedule for the year. There are a few large projects on the horizon that will generate building permit revenue, but also place a heavy burden on building staff.

## **c. COUNCIL MEMBER SWANSON – FINANCE**

Council Member Swanson reported 83 percent of the fiscal year has lapsed; General Fund revenues are at 72 percent and expenditures are at 70 percent. Sales tax revenues continue to exceed budgeted amounts, which is puzzling but positive for the City. There is a great deal of discussion about the potential for a recession in the nation and he suggested it is important for the City to remain conservative in its budgeting. He reported on the recent meeting of the City's audit committee; the fraud risk assessment was performed, and this helps to improve the City's rating from the State of Utah.

## **10. PUBLIC COMMENTS**

Vaca Atwood stated she is the president of the HOA at Village at Prominence Point. She expressed her gratitude to the Mayor and City Council for working with the new developers of the project. Residents would like for the City to encourage the developers to improve the internet infrastructure in the project area.

Sandy Cochran thanked the Mayor and Council for addressing the concerns that have been raised by residents about the Village at Prominence Point project. She believes these efforts will make the project a great asset to the City. She asked for clarification on the site plan; the developer has committed to certain things that are not identified on that document and she asked if it will be updated and officially acted upon to make it legally enforceable. This includes the dog park, swimming pool, and other amenities. Mr. Call stated those amenities are not identified on the site plan that was included in the packet for tonight's meeting, but he has seen a version that did include the amenities. Ms. Cochran asked if the site plan document can be amended to reflect what has been agreed to tonight; otherwise, the action tonight was useless. Over the past two years she has learned that unless a document includes actual agreements, those things that have been agreed to verbally are not enforceable.

## **11. COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Swanson stated he has heard from some residents about the City's budget

process; they do not feel the Council has covered the budget in sufficient detail, at least in a public format. Mayor Berube stated that he believes there has been a great deal of public access to the budget; this Council has put in more hours than historically on the annual budget, but he is happy to adjust the Council's schedule if they want to meet in longer meetings. Council Member Swanson stated he feels the community members simply want to see more of the deliberation in public. Council Member Dalpiaz stated that he understands the concerns; he does not believe the Council has been hiding anything, but increased transparency is always beneficial. Mayor Berube asked the entire Council to be thinking about the matter to determine if they want to change the format by which they review the annual budget.

Brief discussion then shifted to the discussion earlier in the meeting regarding the Barker Park project; Mayor Berube stated that the manner in which the park has been designed will be difficult to fund and build. He believes there will be a more detailed presentation to the City Council on July 12 and many of the Council's questions will be answered during that presentation. Council Member Swanson expressed concern that the matter of design and construction of the park has been litigated and he is concerned about raising the issue again and possibly going in a direction differently than what was decided in a court of law. He stated he feels blindsided by the discussion tonight; he would have liked to have detailed information regarding the issue in advance of the meeting. Council Member Cevering stated he was not aware of the litigation regarding Barker Park. Mayor Berube asked Mr. Call to summarize the decision that was made by the court. Mr. Call stated the lawsuit was dismissed with prejudice as part of an agreement between the two parties; this means the plaintiffs cannot bring the same claims before the court again. Council Member Cevering stated that there have been efforts in the community to revisit the design of the park and determine ways to bring certain aspects of the design or some meaningful development of the park to fruition.

Council Member Cevering asked for an update on the situation dealing with Mr. Wangsgard and Mr. Secrist. Council Member Dalpiaz stated he spoke to Mr. Wangsgard recently and he is agreeable to placing money in escrow to pay for the sidewalk improvements in the future. Mr. Hess stated that is correct; in order to move forward with the project, the applicants opted to escrow for the improvement and the City will have the opportunity to determine future sidewalk improvements in a more holistic matter rather than singularly to individual property owners.

Mayor Berube thanked each of the City's Department Heads; he highlighted recent responses by members of the Police Department in response to a very serious accident over the weekend. He expressed his appreciation to all Public Safety officials.

Mr. Call noted that oftentimes people come to the City to complain about an issue, during which time they are made aware of the answers to their questions, but they still choose to besmirch people afterwards. He thanked the City's Department Heads for their ability to work with residents, even during difficult situations.

Police Chief Quinney stated that the officers who responded to the difficult situation over the weekend are doing well; he has watched the body cam footage of the event and it was very eye opening. Mayor Berube stated there has been some criticism of Police Officers for pursuing a

driver in an unsafe manner; this was not the case in this situation and by the time the Officer turned around to try to pull over the vehicle in question, the accident had already occurred. He asked everyone to deal in facts; Officers deserve support rather than criticism in every situation.

**12. DISCUSSION AND/OR ACTION TO ENTER A CLOSED MEETING FOR REASONS RELATED TO UTAH STATE CODE §52- 4-205(1)(F) REGARDING DEPLOYMENT OF SECURITY PERSONNEL, DEVICES, OR SYSTEMS**

**Council Member Ekstrom motioned to enter into a closed meeting. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The closed meeting opened at 9:11 p.m. following a short break.**

**Council Member Swanson motioned to adjourn closed meeting and convene into regular meeting. Council Member Ekstrom seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Dalpiaz</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The regular meeting reconvened at 9:57 p.m.**

13. ADJOURNMENT


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

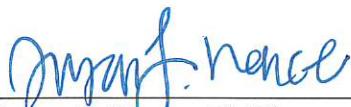
**Voting on the motion:**


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

The motion passed unanimously.

The meeting adjourned at 9:58 p.m.

  
\_\_\_\_\_  
S. Neal Berube, Mayor

  
\_\_\_\_\_  
Susan L. Nance, CMC  
City Recorder

  
\_\_\_\_\_  
Date Approved