

NORTH OGDEN CITY COUNCIL MEETING MINUTES

July 5, 2022

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on July 5, 2022 at the North Ogden City Office at 505 East 2600 North. The meeting was also 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 June 30, 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	
	Joyce Pierson	Deputy City Recorder	
	Scott Hess	Planning Director	
	Kai Johnsen	Planning Tech	
VISITORS:	Sandy Cochran	Terry Cevering	Stefanie Casey
	Dave Shupe	Mike Dussol	Cory Jones
	Susan Kilborn	Brenda Ashdown	

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

APPEAL HEARING

1. APPEAL OF A BUILDING OFFICIAL INTERPRETATION OF THE INTERNATIONAL RESIDENTIAL CODE IRC 3901.4 AND IRC 3901.4.5

Mayor Berube reported this appeal hearing has been cancelled at the request of the appellant.

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. Council Member Cevering stated that there is an item on tonight's agenda related to ground owned by a member of his family; however, he does not stand to benefit financially. Mayor Berube thanked Council Member Cevering for his disclosure and acknowledged he has the right to participate in discussion on that matter. No additional declarations were made.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE MAY 3, 2022, CITY COUNCIL MEETING MINUTES

Council Member Ekstrom motioned to approve May 3, 2022, City Council Meeting minutes. 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
Council Member Swanson	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER THE MAY 10, 2022, CITY COUNCIL MEETING MINUTES

Council Member Swanson motioned to approve May 10, 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 Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

5. PUBLIC COMMENTS

Sandy Cochran stated she has a few questions about the Barker Park Amphitheater; she heard the temperature of the facility is being maintained at 72 degrees throughout the year and she asked if that means the air conditioning is running all summer. She inquired as to the utility costs the City is paying for climate control. She noted she heard that there is equipment at the facility that must be maintained at a certain temperature and if that is the case, she suggested moving the equipment to another facility that is used more frequently. She noted many residents are very concerned about the potential for the City to increase taxes and she suggested the City consider options for reducing costs.

City Administrator/Attorney Call noted that the heat can be turned off in the winter as the building is designed to freeze with no damage to operating systems. However, in the summer, the air conditioning is kept on to maintain a steady temperature for equipment kept at the facility. He will look into utility costs as requested by Ms. Cochran. There was brief discussion about the areas in the facility that must be air conditioned all summer.

Corey Jones stated he and his family were attracted to the City for many reasons, but at this time he is trying to determine how the City Council makes decisions about City ordinances and whether they are different than law. Mayor Berube stated that he believes that ordinance that is in effect should be enforced; if ordinances are not reasonable or enforceable, they should be eliminated. Council Member Swanson agreed with the Mayor; the manpower that would be needed to enforce all ordinances all the time is not available. One of the purposes of government is to protect the well being of residents and absolute freedom would be the same as anarchy. He noted he is happy to talk to Mr. Jones more about this issue outside of the meeting. Mr. Jones stated that as the City grows, it is necessary to consider changes responsive to that growth. Budgets and resources are always a challenge and citizens can help the City by bringing violations of an ordinance to the City's attention. He asked what citizens should expect once they report a violation to the City. Mayor Berube stated that if a violation is reported, the City responds appropriately. There was a brief discussion about the City's reporting processes and code enforcement response, after which Mr. Jones noted that for a situation in which he has been involved, he has learned to be sensitive to the role of each party, but that timely response is of utmost importance for all involved.

Susan Kilborn stated she is looking for clarification on fireworks restrictions; she understands that fireworks can be lit through tonight in the State of Utah and she asked if that is true in North Ogden. If that is the case, she wondered why the prohibition of fireworks above a certain point on the hillside was removed today. Council Member Barker stated fireworks can be lit through tonight; the reason that billboards were removed today was due to budgetary constraints in the North View Fire District. Ms. Kilborn stated there is a problem with fireworks on the hillside; she hopes that people will abide by the law, but she does not think that will be the case tonight.

6. **DISCUSSION ON PROPOSED STORAGE UNIT AND MULTI-FAMILY PROJECT LOCATED IN UNINCORPORATED COUNTY SOUTH OF 1700 NORTH**

Planning Director Hess explained property owner, Terry Cevering, has proposed a mixed-use project at 1659 N. 400 E. that includes storage units on the east side fronting Washington Boulevard, and townhomes on the west side. This project was brought before the City in 2019 for discussion, but no formal applications were made at that time. North Ogden City Codes do not currently permit storage units as a new use, but the Code does permit upgrading existing storage units. Storage units were previously permitted in the Manufacturing M-1 zoning district. The property owned by the applicant is in North Ogden City's future annexation declaration, and the General Plan designation is the South Town Mixed Use area that is intended to include commercial and multi-family residential. This application would need the following Land Use Approvals to move forward: Annexation, General Plan Amendment, Zoning Text Amendment, Subdivision, and Site Plan approval. Staff has reviewed the proposed development and is of the opinion that storage units fronting on Washington Boulevard do not represent the long term highest and best use of the ground. North Ogden City will continue to grow and will need areas of viable commercial to secure future sales tax collection. At this time, there is limited desire for commercial along this portion of Washington Boulevard, but with growth and additional rooftops being developed in the area, it is likely that demand will follow. Staff is supportive of multi-family residential in this area of the City as that matches the currently approved Future Land Use Map of the General Plan. The Planning Commission was asked to discuss this project and forward a recommendation to the City Council on whether there is general support for storage units at this location; they considered compliance with the zoning ordinance and conformance with the General Plan and they did not reach a unanimous decision on the matter; he referenced the minutes of the June 15 Planning Commission meeting and noted staff's recommendation is for the City Council to discuss the project with the applicant and provide direction/feedback regarding the next steps he should take.

Mayor Berube then facilitated high level discussion among the Council and Mr. Cevering regarding their ideas for development of his property; there was a focus on various models used for storage facilities; limited access to storage facilities in the City; land use designations of properties surrounding the subject property; commercial viability of the subject property; development opportunities for the property if it remains in Weber County; transportation and utility infrastructure improvements planned for the area; personal property rights. The Council provided feedback to Mr. Cevering that indicated they were willing to consider his land use and development application if he is willing to include some retail space in the project. Mayor Berube stated he would like for the Council and Mr. Cevering to consider entering into a strict and detailed development agreement to govern the project.

7. DISCUSSION REGARDING ACCESSORY BUILDING STANDARDS IN THE R-2 ZONE

Planning Technician Johnson indicated a resident recently came to the City with a preliminary site plan for an accessory building for a metal sided building in an R-2 Zone. Staff concluded that based on the current ordinance related to accessory building design standards in the R-2 Zone the building could be approved. However, staff recognized that the standards for accessory buildings in the R-2 Zone are less restrictive and not consistent with the standards for accessory buildings in other residential zones, specifically standards in the R-1-8 and R-1-10 zones. He summarized staff's analysis of the current zoning regulations for accessory buildings and the General Plan.

Mayor Berube asked Mr. Johnson if he sees a justification for regulations for accessory buildings being inconsistent across zones. Mr. Johnson answered no. Mayor Berube then facilitated discussion among the Council regarding their feelings about the current accessory building regulations; they concluded that they are supportive of ordinance amendments that ensure consistency across zones. Mr. Johnson stated that the matter will be presented to the Planning Commission for a formal recommendation to the City Council.

8. PUBLIC COMMENTS

Mike Dussol, North Ogden resident, asked why the City's firework show was scaled back. Mayor Berube stated that the City's firework vendor encountered issues that made it impossible for him to produce the show. The replacement vendor had a malfunction of their equipment, and the decision was made to cancel the show. Mr. Dussol stated that he is familiar with fireworks, and it is most effective to light fireworks by hand rather than using electronic equipment. He provided the Mayor and Council with a handout detailing important information about fireworks vendors and regulations.

Dave Shupe stated he is the owner of Coldwater Animal Hospital, and he has appeared before the Council to try to get them to fulfill the promises that have been made to him by Public Works Director Espinoza; the construction along Washington Boulevard has impacted his property and proper repairs have not been performed. He spoke to Council Member Ekstrom who thought his expectations were too high, so he is here tonight to try to reach an agreement with the Council regarding appropriate expectations. He communicated the damage to his property that has not been repaired, after which Mayor Berube stated it would be his expectation for the property to be restored to its original state if he were the property owner. City Administrator/Attorney Call reported that a contractor is working on the issues referenced by Mr. Shupe; he can reach out to the contractor to determine their timeline. Mayor Berube stated that the City signed the contract and should hold the contractor to the obligations they committed to. Mr. Call stated he will reach out to the contractor this week and he will reach out to Mr. Shupe.

9. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Dalpias stated that he met with City Administrator/Attorney Call about improving the zoom feed for City meetings and he thanked Mr. Call for his efforts.

There was brief discussion about communication items between the Mayor, Council, and community groups/residents.

Mayor Berube referenced the cancellation of the fireworks show; many have asked if it will be rescheduled and he asked if the Council has interest in rescheduling. He polled the Council, and all Council Members supported the idea of rescheduling. They discussed the appropriate location and date of a rescheduled fireworks show and concluded to work with the North View Fire District to find the safest location and to pursue a date near the July 24 holiday.

10. ADJOURNMENT

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

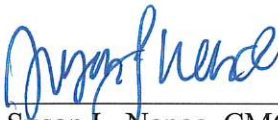
Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 7:18 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved