

NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 3, 2023

The North Ogden City Council convened in a work session meeting on January 3, 2023, At 6:00 p.m. at the North Ogden City Office at 505 East 2600 North and electronically through 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 29, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

CITY COUNCIL:	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:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Scott Hess	Planning Director	
	Dave Espinoza	Public Works Director	
VISITORS:	Christina Watson	Susan Kilborn	Susan Clements
	Kevin Burns	Chaz Schlange	Stefanie Casey
	Sandy Cochran	Ben Olas	Doug Sears
	Chris Pulver	Brenda Ashdown	Lorin Gardner

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

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube called for disclosures of any conflicts of interest. No disclosures were made.

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

Council Member Swanson motioned to approve November 1, 2022, City Council meeting minutes. Council Member Ekstrom 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

3. PUBLIC COMMENTS

Ben Olas, North Ogden resident, referenced a comment made by Mayor Berube in a recent North Ogden Connection article about a committee of volunteer citizens who will be involved in the development of the Fiscal Year (FY) 2023-2024 budget; he asked if it is possible to be appointed to be part of that committee. Mayor Berube deferred to Council Member Swanson as the liaison to that committee and the City's Audit Committee. Council Member Swanson stated that he is unsure whether there are constraints on the number of members to be appointed to the subcommittee. City Manager/Attorney Call stated there are no membership guidelines and if the Council chooses to do so, additional members can be appointed. The Council indicated they are not opposed to adding another member to the subcommittee. Mayor Berube added that the contact information for all committee members will be published soon.

4. DISCUSSION ON SEARS PROPERTY LOCATED NORTHEAST OF THE COVE AT JAKE DRIVE AND NEBO AVENUE

Planning Director Hess explained the applicant is requesting a zone change for the property located northeast of The Cove Subdivision connecting at the intersection of Jake Drive and Nebo Avenue. This area of the hillside is zoned Hillside Protection 3 (HP-3). There is not currently a zoning district that exactly meets the request but is closely related to Hillside Protection 1 (HP-1) by average density. Development in this area of the City will be required to meet the recommendations of the North Hillside Development Study 1997; this includes slope analysis, risk analysis, and sensitivity in development on the hillside. He discussed the analysis completed by himself and Mayor Berube regarding this property and summarized the following list of questions and notes that have arisen as a result of this analysis:

- The density increase request is moving from one unit per 0.5 acres to approximately 3 units per acre.

- Will this development help the City meet the State Requirements of Moderate-Income Housing?
- Does the “Trailhead” area include a paved and improved parking lot with restroom access?
- Will this development include any flat improved park space with grass and playing fields?
- Will culinary water and fire flow requirements be met? The City is not in a position to participate in the cost of a water tank.
- Trails are currently public access. This development preserves in place the trail network but is not necessarily adding a new amenity to the City with these trails.
- Lots with 6,000 square feet may be difficult to have a “building box” fit for a structure. Demonstration of buildable lots will be part of the subdivision process.
- Any additional dwelling units in this area of the City will be required to develop an off-site roadway improvement connecting in one of the following ways: 1050 E. to Mountain Road, 875 E. to Mountain Road, or 3550 N. to Mountain Road. Creating a secondary access off the hill will be required by the Fire Marshall for the safety of all residents on the hillside.

Staff recommends that the City Council discuss the proposal with the applicant and provide guidance for consideration in moving forward.

Council Member Ekstrom stated the property is currently zoned to allow development of two-acre residential lots and the applicant is seeking a zone change that would allow 1/3 acre lots. Mr. Hess stated that is correct. Council Member Ekstrom stated that the terrain is very challenging, but if all areas could be developed, the end result could be up to 177 lots. Mr. Hess agreed and presented an aerial image of the subject property to identify peaks and valleys throughout.

High level discussion among the Council centered on trails easements in the area and plans for connecting the trails through the proposed development; the types of houses to be built in the proposed project; the impact that this project will have on the City’s moderate income housing goals; clustering in the project and the amount and type of open space that could be created using clustering; the minimum lot size appropriate for the topography of the area; improvements to the trail heads in the area associated with the project and whether the trails in the foothills above the subject property are public or private; and the differences between HP-2 and HP-3 zoning designations.

Mayor Berube invited input from the applicant.

Chaz Schlange, North Ogden resident, stated he is with Wasatch Civil Engineering and he is representing the Sears family. He is seeking feedback and ideas from the Council before the Sears family spends a great deal of time and money engineering a project that may not be accepted by the City. He stated it would be ideal to mimic The Cove project on the west side, but moving to the east the density would increase and more clustering could occur in the areas of the

property that are more steep. It will be difficult to develop flat, programmable park space in this project, but there are opportunities for smaller pocket parks that anyone in the City can access and use. He addressed access to the trailheads near the subject property; he is trying to get away from extensive cuts into the hillside near the trails, but the project could include improvement of trailheads and possibly building restroom facilities in some locations. He would also like to keep drainage systems open and also create open snow storage spaces.

Mayor Berube encouraged feedback from the Council regarding topics such as the maximum density they are comfortable with on the property; Council Member Cevering stated that when he first heard of this proposal, his initial thought is that he would not support anything denser than the current development of the area. He stated that he would be comfortable supporting something similar to The Cove; he can not support anything smaller than half-acre lots in the area, which would still allow approximately 150 homes, which is actually more than he would like to see. Council Member Ekstrom stated that she wants to keep North Ogden as it is, but allow as many people as possible to live here; she likes the idea of varied density throughout the property and indicated that lot sizes and locations will be dictated by the geology of the area. She would like to see a design of what can actually be accomplished on the property, and she is open to letting as many people live on the property as possible so long as the development is responsible. She inquired as to the target demographic for the project. Mr. Schlange stated that the project would be attractive to people who do not want a massive home and yard, but want to live in an area that has easy access to trails and outdoor recreation opportunities. Mayor Berube stated that he imagines that the current zoning of the property was based upon geological studies of the area; he is not opposed to growth as long as it is smart and properly managed. Council Member Barker stated he is a fan of clustering and thinks it would work great on the subject property; however, the current development pattern in North Ogden is that home sizes increase further up the hillside. Many people in The Cove subdivision bought multiple lots to build larger homes and he wondered if people would buy multiple lots in this proposed project to build larger homes. He stated that would defeat the clustering concept. Mr. Hess stated that practice could be controlled through a development agreement or covenants, conditions, and restrictions (CCRs) for the project. Council Member Dalpias stated he would like more information about the reasons that the HP-3 zoning was assigned to the property in 1997. He likes the idea of clustering in general, but is having a hard time visualizing so many units on the property. He would also like more information about the types of improvements that would be completed at the trailheads. Mr. Schlange stated that he could build parking lots and possibly stub utilities to an area where a bathroom facility could be built; perhaps a RAMP grant could be pursued for construction of a bathroom facility. Council Member Swanson stated that he moved to North Ogden 17 years ago and has enjoyed hiking the trails in the area since that time. When he hiked in the area the other day, he enjoyed the beauty, but was also reminded that it is all private property and it is necessary for the Council and residents to remember that the hillsides do not belong to the City or to the residents collectively; rather, they belong to a private property owner. There are many existing homes that have been built on former foothills that were used by the public for hiking, riding motorcycles, and other recreational activities. The Council is obligated to find a balance in preserving private property rights and protecting the beauty of the City as much as possible. He likes the idea of clustering and he is not sure that half-acre lot development could be accomplished on the property due to its topography. It is hard for him to communicate

the number of units he is comfortable with without seeing an actual project layout including roads, open space, trails, etc. However, he feels he could support 100 units, give or take a few depending on the matters that dictate the development.

Mayor Berube summarized the conversation of the Council by communicating to Mr. Schlange that he believes the Council is comfortable entertaining some type of increase in density depending on the layout. He referenced Council Member Swanson's comments about private property rights and noted that the owner of the property currently has the right to develop the property in conformity with the HP-3 zoning guidelines. The Council is not obligated to rezone the property, but if a proposed rezone and subsequent project could be a win-win for the City and the developer, the Council is willing to entertain such a proposal. Mr. Schlange cited higher density projects in the Heber City area; there are projects that include high-end townhomes and apartment buildings and he asked if the Council would be interested in that type of product if it were located as far from The Cove as possible. This would allow for more open space on the hillside. Mayor Berube reiterated the Council has indicated they are willing to consider an increase in density, but as Council Member Dalpias stated, it is important to consider geological studies that have informed past zoning decisions for the property; the area was zoned HP-3 for a reason and that reason is not understood at this time. The City has the obligation to protect the property rights of all property owners and if the watershed channel is changed, other property owners will be impacted. The City must strike a balance to protect all that could be impacted by the project. Council Member Swanson agreed that the Council is open to considering a request for increased density; moderate income housing is a huge issue for the entire State of Utah at this time and while high-end townhomes sound great in terms of preserving open space, it is not great in terms of housing affordability. Mr. Schlange thanked the Mayor and Council for their feedback.

5. DISCUSSION ON WEBER COUNTY RAMP PROGRAM PROJECTS

City Manager/Attorney Call explained the City applies for various Recreation, Arts, Museum, Parks (RAMP) grants from Weber County each year; the grants utilize sales tax dollars collected in the Council for these purposes. North Ogden City has received several awards in the past and this year the organizations in Weber County have a better opportunity to receive funding with the increase in available funding for this year. The purpose of this meeting will be to discuss which applications to file by January 14, 2022. The Council will need to commit to fund these projects if approved by the RAMP board so that the moneys available are put to their best use.

- Pickle Ball and playground \$700,000
 - Pickleball \$350,000 donations for 1/2
 - Playground \$250,000
 - additional stuff \$100,000
 - Including natural playground with concrete slides and other elements
 - ADA elements for the area
- PV Trail Park – combine with property donations and money donations \$199,999.

- This park includes the donation of 10,976 square feet of property from the landowner, \$115,000 worth of monetary donations from landowner towards completion of the park.
- Donated land for the park from city and landowner.
- A central feature of this park will be the artesian well which will surface at some location in the park and the refacing of the existing well house building.
- Asphalt Trail work - \$100,000
 - Continuing trail paving from 750 E. 3100 N west to city boundary or east to city boundary.
 - Possibly doing work on the trail down by 1900 N and Washington to west boundary of city
- Performances – institute a community performance program - \$20,000
 - Four shows, one each month during, May, June, July, August. Potential shows would be:
 - North Ogden Idol
 - North Ogden Talent show
 - North Ogden Roadshow
 - Summer Arts Camp, with recital
 - Starfish Circus – Kids Camp
 - Children’s Art Show
 - North Ogden musical revue

Mr. Call provided an overview of the guidelines for major and minor grant applications; the City can only apply for one major grant per year and there is no award guarantee. He facilitated discussion among the Council regarding the scope and potential City match for each of the projects listed above and asked for feedback from the group regarding the applications that they can support. Council Member Cevering stated he supports the pickleball/playground project and Pleasant View Trail Park project, as well as connection of the canal trail, which has been discussed outside of this meeting. Mr. Call asked if these should be part of minor grant applications. An additional project that has been considered for a major grant application is the public pond park, the cost of which is harder to estimate. Council Member Cevering stated he could support the public pond park as the City’s fourth RAMP grant application. Council Member Ekstrom agreed with Council Member Cevering. She would like to find funding for the list of performances mentioned above but suggested there are other opportunities for funding those activities. She indicated she worked with a resident last year to write a EZ RAMP grant application and indicated that other residents could possibly write a similar grant for those performances. Mr. Call stated that anyone with a 501(c)3 designation could write an EZ application and those applications are not due until March; it may be possible to reach out to the community to see if there are other opportunities for writing grants to support the performances mentioned above, along with others. Council Member Swanson stated he can support the four projects mentioned by Council Members Cevering and Ekstrom.

6. PUBLIC COMMENTS

Chris Pulver, North Ogden resident, referenced comments made earlier in the meeting about preserving access to trails on the hillside. He stated he is a person who prefers to walk along the street because sidewalks are safer and he is intrigued by the concept of pocket parks mentioned by Mr. Schlange; if there were sidewalks in the development that connect to pocket parks, it would be nice to have benches or other amenities that people walking on the sidewalks could use. He also referenced the Audit Committee that was discussed in earlier public comments; he is concerned about his contact information being divulged publicly and he would like to talk more about that with the City.

Mayor Berube stated that the City can be sensitive in terms of the amount of private contact information being divulged, but it is important for residents to be able to contact members of the Audit Committee, or any advisory committee, to provide suggestions. Mr. Pulver agreed and suggested that committee members be given a City email address where they can receive those suggestions.

Susan Clements, North Ogden resident, stated she is a bit concerned about building above The Cove subdivision; the closer the development gets to the natural forest areas on the hillside, the density should be lower. She encouraged the Council to maintain larger lot sizes in that area in an effort to be friendly to wildlife.

7. MAYOR/COUNCIL/STAFF COMMENTS

City Manager/Attorney Call thanked the City employees performing snow removal services to the City; there have been some strange storms that have deposited heavy amounts of snow in some areas, while others have only experienced rain. Mayor Berube echoed the expression of gratitude; the Public Works Department has been efficient in their response to storm events.

Council Member Swanson stated he likes the idea of a City email for members of the Audit Committee and its subcommittee; the City does not publish contact information for Planning Commissioners and the same consideration should be given to other committee members. He also offered a 'shout-out' to all City employees; it has been a joy to work with government employees that defy the stereotype of public employees. They are conscientious, hardworking, good people.

Council Member Dalpiaz stated the dumpsters near the old Public Works site are quite full following the holiday season; he asked citizens to be responsible and not place items in the dumpsters if they are already full. He also asked them to break down cardboard boxes to preserve space inside the dumpsters. Mayor Berube added that many people believe that wrapping paper is recyclable, but it is not; it is important to continue education of the materials that are recyclable.

Mayor Berube then asked Council Member Swanson to be prepared in the next two weeks to recommend a meeting schedule to the entire Council for meetings dedicated to the budget process. He added that Mr. Call will be presenting a proposed budget amendment to the Council in the near future; he has met with Mr. Call regarding employee compensation issues and that will be part of the budget amendment. He asked the Council to review budget parameters that will inform the budget process for the Fiscal Year (FY) 2023-2024 budget.

8. **ADJOURNMENT**

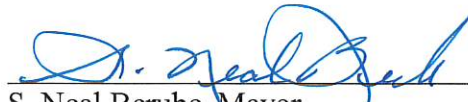
Council Member Ekstrom motioned to adjourn the meeting. Council Member Swanson seconded the motion.

Voting on the motion:

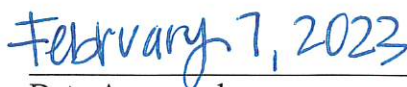
Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 7:38 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved