



NORTH OGDEN CITY

— SETTLED 1851 —

CITY COUNCIL MEETING AGENDA
OCTOBER 25, 2022 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414

PUBLIC CAN ATTEND:

In person OR:

Click the link below to join the webinar: <https://us02web.zoom.us/j/82454219066> Webinar ID: 824 5421 9066

Or Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Delpias

CONSENT AGENDA

1. Call for conflict of interest disclosure
2. Discussion and/or action on final acceptance of Cherry Springs Villas Subdivision
Presenter: Dylan Hill, Public Works Inspector
3. Discussion and/or action on final acceptance of Northwood Hills Phase 1 Subdivision
Presenter: Dylan Hill, Public Works Inspector
4. Discussion and/or action to consider August 23, 2022, City Council meeting minutes
5. Discussion and/or action to consider September 13, 2022, City Council meeting minutes

ACTIVE AGENDA

6. Public Comments
7. Discussion and/or action to consider an Ordinance amending accessory building standards regarding zones R-2, R-3, R-4, and PRUD
Presenter: Kai Johnsen, Planning Technician
8. Discussion on North Ogden City property ownership
Presenter: Scott Hess, Planning Director
9. Discussion and/or action to consider an Ordinance to allow short-term rental properties
Presenter: Scott Hess, Planning Director
10. Discussion and/or action to on consider a property purchase by North Ogden City for a parcel of land located at approximately 1500 North 200 West, from Weber-Box Elder Conservation District with Storm Water Funds
Presenter: Scott Hess, Planning Director

****Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 20th day of October, 2022 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2022 meeting schedule was also provided to the Standard Examiner on December 16, 2021. Susan L. Nance, CMC, City Recorder

NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 25, 2022

The North Ogden City Council convened in a Council meeting at 6:02 p.m. on October 25, 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 October 20, 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	(excused)
	Charlotte Ekstrom	Council Member	(excused)
	Phillip Swanson	Council Member	

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Joyce Pierson	Deputy City Recorder
	Scott Hess	Planning Director
	Kai Johnsen	Planning Technician
	Dylan Hill	Public Works Inspector
	Colleen Phillips	Administrative Assistant

VISITORS:	Susan Kilborn	Susan Clements	Cory Jones & wife
	Stefanie Casey	Sandy Cochran	Brenda Ashdown
	Kevin Burns	Paul Hoehn	Merrill Sunderland
	Chris Pulver	Dallin Duce	Bob Buswell

Mayor Berube called the meeting to order. Council Member Cevering 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 ON FINAL ACCEPTANCE OF CHERRY SPRINGS VILLAS SUBDIVISION**

Public Works Inspector Hill reported that based upon recommendation from the City Engineer, final inspections have been completed for Cherry Springs Villas and it has been found to be in compliance with City Code and development standards. A request to release all remaining funds has been provided to the escrow agent assigned to this subdivision. Upon City Council approval, North Ogden City will assume responsibility for the infrastructure and roadway in the subdivision.

Council Member Swanson motioned to approve final acceptance of Cherry Springs Villas Subdivision. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Swanson	aye

The motion passed unanimously.

3. **DISCUSSION AND/OR ACTION ON FINAL ACCEPTANCE OF NORTHWOOD HILLS PHASE 1 SUBDIVISION**

Public Works Inspector Hill reported that based upon recommendation from the City Engineer, final inspections have been completed for Northwood Hills Phase 1 and it has been found to be in compliance with City Code and development standards. A request to release all remaining funds has been provided to the escrow agent assigned to this subdivision. Upon City Council approval, North Ogden City will assume responsibility for the infrastructure and roadway in the subdivision.

Council Member Cevering motioned to approve final acceptance of Northwood Hills Phase 1 Subdivision. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Swanson	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER THE AUGUST 23, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve August 23, 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 Swanson	aye

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION TO CONSIDER THE SEPTEMBER 13, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Barker motioned to approve September 13, 2022, City Council Meeting minutes. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

6. **PUBLIC COMMENTS**

Cory Jones, North Ogden resident, addressed agenda item eight; he hopes the Council will consider how a leasing option for the subject properties will be maintained and if the opportunity to lease will be made available to all residents or just the property owners adjacent to the subject properties. If the option is going to be made available to all residents, he asked if this will be through public auction or private bids. He asked if other land use regulations will be applied to the leased property and if the lessor will be able to place a permanent structure on the property.

Sandy Cochran, North Ogden resident, addressed agenda item nine dealing with short term rentals. There are two short term rentals in her neighborhood, one of which was operating without a license for quite some time. When she checked into the matter, the property owner was forced to get a license, but she wondered why no fine was issued for operating without a license.

She then stated that the new developer of the Village at Prominence Point project has indicated he will be banning short term rentals from the community, but she feels that for the entire City the ordinance should restrict short term rentals to only properties that are owner-occupied. She does not feel that short term rentals should be allowed in multi-family developments whatsoever. She stated she has a neighbor who is 78 years old and lives in a single level cottage; she has had two experiences where renters of the short-term rental properties tried to access her unit because they were in the wrong location. It was very scary to her neighbor. The townhome units are so close to one another and knowing that different strangers could be staying in the short-term rental units near young children who are playing outside is terrifying to her. The people renting the units do not seem to know the rules of the neighborhood, including the on-street parking or blocking sidewalk rules; they do not control their animals. Short term rentals in Utah have increased by 23.9 percent in the past two years; leaders in Washington County, Utah have approved stricter rules for short term rentals in unincorporated parts of the County, including a ban on vacation rental properties that are not owner occupied. Changes are driven by resident complaints about renters as well as the shortage of affordable rental housing for local residents. According to Washington County Community Development Director, statistics show that every 10 percent increase in short term rental properties in a local area leads to a 42 percent rise in rental prices. Not only do short term rentals reduce the housing market, they also drive up prices and make it almost impossible for locals to rent what is available. Miami Beach rentals, for less than six months plus one day, are prohibited unless the legally permissible zone provides for it. She stated that fines for violating these rules start at \$20,000 and escalate to \$60,000. She cited other cities in many other states in which short term rentals are prohibited outside tourism areas. She is wondering how many members of the City Council expected to have short term renters live next to them on a regular basis when they purchased their home. If they did not expect that to happen to them, they should not be forcing it on other residents of the community.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING ACCESSORY BUILDING STANDARDS REGARDING ZONES R-2, R-3, R-4, AND PRUD

Planning Technician Johnson explained 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, R-3, and R-4 Zones 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. After further research through the City Code there were additional sections of code that contained site development standards for the multi-family and PRUD Zones. The multi-family site development standards were combined with the site development standards within the individual zones. The PRUD site development standards were retained as an individual Article in the code, with references added to the respective PRUD Zones. Staff recommends the Council consider appropriate regulations for accessory buildings in the R-2, R-3, R-4, and PRUD Zones and provide any feedback and direction to modify the proposed ordinance change, or adopt the ordinance change.

Council Member Swanson motioned to approve Ordinance 2022-24 amending accessory building standards regarding zones R-2, R-3, R-4, and PRUD. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Swanson	aye

The motion passed unanimously.

8. DISCUSSION ON NORTH OGDEN CITY PROPERTY OWNERSHIP

Planning Director Hess reported staff has reviewed Weber County GIS Mapping Data to understand the number and size of parcels owned by the City. There are 265 parcels totaling approximately 395 acres based on a search of “North Ogden City” as the Owner. These parcels represent the following basic categories: City Facilities, Street Right-of-Way, Water Right-of-Way, Stormwater Right-of-Way, Sewer Right-of-Way, and Future Use To Be Determined. He referenced a map created by Casey Hunsaker with the Public Works Department, which identifies each parcel of ground and groups them according to property type. The majority of parcels are critical infrastructure for the City representing Streets, Water, Storm Water, and Sewer infrastructure. Staff’s opinion is that these parcels, including their access ways, should be retained in City-ownership and not sold. Staff would be supportive of developing a policy to allow leasing of property to owners who may want to occupy City-owned areas. The leases would provide flexibility for property owners, may reduce the maintenance burden for City staff, but would maintain long term ownership interest and the ability to fully utilize property in the future. The parcels labeled “Future Use To Be Determined” include larger parcels that the City has acquired over time. These properties may have market value worth exploring for sale or development. One example is the parcel south of the City’s Green Waste Pit. The City owns 6.93 acres fronting the canal with access of Mountain Road. This parcel does not have the same deed restriction for permanent open space that the trailhead and Green Waste Pit have and could be sold for development in the future. Two other well-known parcels are the home site at the corner of Elberta and Washington Blvd. that was purchased as part of the road widening project, and the pond between 2600 N and 2550 N. that is slated to be relocated to open up land for economic development. Staff is recommending that the City Council consider the map and develop a policy for City-owned property as it relates to the sale or lease of ground. Staff’s recommendation is to retain ownership of parcels related to critical infrastructure, and surplus only those properties deemed non-essential based on their current or proposed future use.

Mayor Berube stated it is his opinion that the leasing business is fairly complex, and he is not sure the City should put itself in the position of being a landlord over a lease of City property. He then polled the Council regarding their feelings about this issue.

Council Member Barker noted that his family leases two parcels of property to the City; he stated he feels he can still participate in discussion and action on this item, but he wanted to disclose that relationship.

Council Member Swanson stated that other than a few of the larger parcels of property, the sale of which could create a financial benefit for the City, he does not feel there is any reason to sale or lease any parcel of property.

Council Member Barker stated he is also not supportive of leasing property; it can be very difficult to manage, and he wondered which staff member would be responsible to manage up to 265 leases. He stated that he may be willing to consider selling property if there is no reason for the City to retain it, but he does not support leasing.

Council Member Cevering stated he also is not in favor of leasing. However, if someone can purchase a parcel of property and beautify it better than the City has, he would be willing to consider that. He specifically referenced detention basins; he commonly hears from residents about the City's inability to properly maintain areas outside of detention basins and it may be that selling those properties would address that issue. If not, the City needs to find a way to maintain those properties.

Mayor Berube concluded he feels the Council is willing to consider selling properties for a legitimate reason but is not in favor of leasing properties. He asked staff to bring back to the Council a proposal for a policy that would govern property sales. Mr. Hess asked if the Council is willing to hear the requests from the residents who desire to purchase property. He provided a brief description of each property and the manner in which they would be made available for public sale. There was discussion about the property adjacent to the Keyes property, upon which a structure has been placed and either needs to be removed or the property acquired by the Keyes to achieve compliance. Council Member Swanson stated that the property owner ignored the rules in place when placing the structure on the property; he is concerned about making a decision that would set a precedent where residents ignore ordinances because they believe they can ask for forgiveness later.

Council Member Barker reiterated he is willing to hear the requests to purchase property; he acknowledged that the Council has discussed the issue previously but tabled to allow for this process to play out. Council Member Cevering agreed; he is willing to hear the requests. He added that there have not been a large number of situations similar to those related to the requests and he does not believe making a decision to sell property will lead to an increase in these types of problems in the future.

9. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO ALLOW SHORT-TERM RENTAL PROPERTIES**

Planning Director Hess explained North Ogden City has previously considered Short Term Rental Regulations in 2018 and 2019. In 2019, the Code was updated to allow short term rental of accessory dwelling units. Currently, any residential structure in the City can be operated as a short-term rental so long as the operator obtains a Rental Business License. This includes the rental of any portion of an owner occupied home or accessory dwelling unit, as well as the rental of an entire residential structure. Staff has recently received calls from property owners asking questions about short term rentals and their legality. The Council has since asked Staff to consider regulations for short term rentals. He discussed staff's analysis of the matter, after which he presented a draft of the proposed short term rental regulations for the City.

A high-level discussion among the Mayor, Council, and Mr. Hess centered on specific regulations for short term rentals that may be different from long term rentals; the City's ability to limit the number of short-term rental licenses that will be granted; the difficulty in enforcing a short-term rental ordinance; a schedule of fines for violating the ordinance; and consideration of allowing short term rentals in specific zones in the City. The three Council Members present seemed to reach a consensus on the concept of limiting the number of licenses that would be granted in the City. Council Member Barker stated the proposed ordinance would make short term rentals similar to accessory dwelling units (ADUs); ADUs are not allowed in high density housing because of the owner occupancy requirement. He stated that he feels it is reasonable to require a homeowner to be nearby the housing unit in the event something goes wrong, or the tenant needs assistance. He supports the ordinance the way it has been crafted. Council Member Swanson stated that the ordinance provides some homeowners the opportunity to operate a short-term rental, but he denies others that right; he is unsure that is appropriate. He added that the City currently has an abundance of ordinance in place that are difficult to monitor and enforce and he is unsure another should be added.

Council Member Swanson stated that it would take a unanimous vote of the Council Members present this evening to either adopt or deny the proposed ordinance; he would vote in opposition to the ordinance this evening, so for that reason he would like to table it until the other two Council Members are present to participate in the discussion. He noted he is supportive of limiting the number of licenses in the City rather than prohibiting the use in specific areas of the City.

Council Member Cevering stated that he feels the language of the ordinance should be amended slightly; it reads that the ordinance will allow short term rentals, but the City already allows the use, and this ordinance is just an attempt to regulate it.

Council Member Swanson motioned to postpone action on an Ordinance to allow short-term rental properties. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Swanson	aye

The motion passed unanimously.

Mayor Berube thanked Mr. Hess for his work on this issue; in preparation for the next discussion, he asked Mr. Hess to conduct research regarding the basis for other cities limiting the number of short-term licenses issued in their community as well as a definite reference to fines that would be imposed for violation of the ordinance.

10. DISCUSSION AND/OR ACTION TO ON CONSIDER A PROPERTY PURCHASE BY NORTH OGDEN CITY FOR A PARCEL OF LAND LOCATED AT APPROXIMATELY 1500 NORTH 200 WEST, FROM WEBER-BOX ELDER CONSERVATION DISTRICT WITH STORM WATER FUNDS

Planning Director Hess explained Weber Box Elder Conservation District (hereafter referred to as The District) owns a parcel of property on the boundary between Harrisville City and North Ogden City at the intersection of 1500 North and 200 West. This parcel is adjacent to a North Ogden City detention basin and was originally slated to be additional storm water collection. The District has deemed this property surplus. The District has offered the parcel to North Ogden for the use of increasing the size of the adjacent storm detention basin. Some of the property could potentially be used for a future transportation connection of 1500 N. between Harrisville City and North Ogden City. The cost of the parcel has been determined by the seller as \$111,323.90. The purchase price was determined by taking the original purchase price from 2008 (\$79,900) and applying inflation to the property up to the month of August 2022. North Ogden City Storm Water Fund has budget funds available to cover the purchase of the parcel and construction of the storm water basin improvements. The parcel will provide a public benefit in improved storm water collection and conveyance in this area of the City. He concluded staff recommends the City Council purchase parcel 11-373-0008 with storm water funds for the development of a storm water basin for the proposed property purchase price of \$111,323.90.

Mayor Berube inquired as to how the District will use the subject property if the City does not purchase it. Mr. Hess stated he is unsure of an alternate proposal for the property. The City has been contacted by a few residents who would like to purchase a portion of the property to expand parking areas, but the City has not taken a position on this matter yet.

Council Member Swanson asked if this action is a ‘nicety’ or a necessity. Mr. Hess stated that over time, it will be a necessity and the value of the property will increase. The property will give the City to expand storm drainage infrastructure in the future as the area around the subject property continues to develop. He noted the City’s Public Works Director agrees.

Mayor Berube stated that the City is in the process of selling a detention basin on 2700 North and the proceeds of that sale will go into the City's storm water fund. He has been told by staff there is adequate funding to cover the purchase price.

Council Member Cevering motioned to purchase property for North Ogden City for a parcel of land located at approximately 1500 North 200 West, from Weber-Box Elder Conservation District with Storm Water Funds. Council Member Swanson seconded the motion.

Mr. Hess stated that the property will be appraised; it would be appropriate to include a purchase price in the motion, but that price could change depending on the appraisal and ongoing negotiations between the two parties.

Council Member Cevering amended his motion to purchase property for North Ogden City for a parcel of land located at approximately 1500 North 200 West, from Weber-Box Elder Conservation District with Storm Water Funds, with a purchase price not to exceed \$111,323.90, but contingent upon an appraisal of the property. Council Member Swanson seconded the amended motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Swanson	aye

The motion passed unanimously.

11. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER BARKER – PARKS AND RECREATION

Council Member Barker reported that all restrooms in City parks have been winterized and are no longer publicly accessible; temporary toilet facilities have been placed in parks in which programming is still happening. He added that Christmas lights are currently being hung. He noted that the domestic ducks will be gathered from Bi-Centennial Park. He noted the upcoming work session meeting to discuss administration of the City's Parks Department; the Parks Committee will participate in that meeting, and they have asked that the City consider installing an all-abilities playground at Barker Park. He stated that he wanted the Council to be aware of that request before the meeting so that they can be considering it. Mayor Berube stated he feels the Council would be willing to consider such a project; it is important that all City parks be accessible to all of its residents.

b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpías was not present to make the report.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson provided a report on sales tax revenue for this point in the fiscal year; the City's revenue is approximately seven percent ahead of projections. The trends continue to be confusing, but there are projections of an economic downturn in the near future. He noted that 25 percent of the Fiscal Year (FY) has lapsed, and General Fund revenues are at 15.8 percent of projections, though September sales tax revenue has not yet been reported. General Fund expenditures are at 23.3 percent of projections, which indicates that Department Heads continue to be conservative in the management of their budget. He concluded the audit is on schedule and he expects that an audit report will be delivered on time this year.

12. PUBLIC COMMENTS

Merrill Sunderland, North Ogden resident, asked Council Member Cevering to comment on the state of North Ogden's disaster preparedness.

Cory Jones, North Ogden resident, stated that last year he made a recommendation to the Council regarding an ordinance, and it has been interesting to listen to the Council discuss such issues over the course of the past year. He wondered if there are some biases in place or possibly some conflicts of interest that have contributed to the Council's inaction on the subject that he raised last year. He stated that he is not sure why there have been only a couple of instances of residents encroaching on City property and then seeking to purchase that property, but the cases that have occurred are problematic and should be addressed.

13. MAYOR/COUNCIL/STAFF COMMENTS

Council Member Cevering stated that on October 6 Casey Hunsaker sent an email about FEMA guidance and training for local elected officials. He met with Mr. Sunderland's wife to discuss training opportunities as well as emergency preparedness programming in the County; she would like to offer some in-person training for the Council in an upcoming meeting.

Council Member Barker addressed Mr. Jones' comments and stated that he is willing to hear any proposal or request from a resident who is interested in either purchasing land from the City or selling land to the City; he feels it would be a disservice to reject any consideration of those proposals. He does not agree with leasing arrangements because they can often be problematic, but anyone should have the right to try to buy land and the Council should consider whether it wants to sell the property. Mayor Berube agreed and noted the Council is trying to develop a policy that is fair and equitable across the board.

Council Member Swanson reminded everyone of Veteran's Day in the coming weeks and noted that "The Major" American Flag will be flying and lit in the canyon on the Saturday before; the Brent Taylor Foundation is looking for help delivering the flag to the mouth of Coldwater Canyon, and anyone interested in helping can meet at the trailhead at 7:00 a.m. Mayor Berube stated North Ogden should be proud to have one of the largest free flying flags in the Country.

14. ADJOURNMENT

Council Member Swanson 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 Swanson	aye

The motion passed unanimously.

The meeting adjourned at 7:45 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved