

# NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 21, 2017

The North Ogden City Council convened in an open meeting on February 21, 2017 at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North. 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 February 16<sup>th</sup>, 2017. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

PRESENT:            Brent Taylor            Mayor  
                      Lynn Satterthwaite    Council Member  
                      Cheryl Stoker        Council Member  
                      Phillip Swanson     Council Member  
                      Carl Turner          Council Member  
                      James Urry          Council Member

STAFF PRESENT:    Jon Call                City Attorney / City Administrator  
                          Annette Spendlove    City Recorder/HR Director  
                          Rob Scott             City Planner

VISITORS:            Aaron W. Cain        Jason Campbell        David Putnam  
                          Jacob Allen         Josh Hadlock         Wesley Hull  
                          Jerrick Gill         Samuel Chard         Caden Yates  
                          Nick Yates         Isaac Hogland         Luke Lefevre  
                          Kevin Hogge        Ben Hardy             Hunter Davies  
                          Ronan Heaps        Samuel Sportsman    Oscar Rodriguez  
                          Gabe Cosgrove     Jace Furqueran       Jack Garrett  
                          Oliver Drake        Nathan Christensen   Navy Humphreys  
                          Hannah Goodrich   Julie Anderson       Steven Pope

Mayor Taylor called the meeting to order. City Attorney/Administrator Jon Call offered the invocation and led the audience in the Pledge of Allegiance.

## **CONSENT AGENDA**

### **1. DISCUSSION AND/OR ACTION TO CONSIDER JANUARY 24, 2017 MEETING MINUTES**

**Council Member Satterthwaite motioned to approve the January 24, 2017 City Council Meeting minutes. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed.**

**ACTIVE AGENDA**

**1. PUBLIC COMMENTS**

Boy Scout Jacob Allen stated that he is from Troop 205 and they are working on their Citizenship in the Community merit badge.

Hannah Goodrich, Director of the Miss North Ogden Pageant, indicated that the Pageant Committee is in the final stages of planning for the 2017 pageant and they are very excited about the event. This year the Miss Outstanding Teen division will be added to the event, which will now be open to youth ages 13-24. The first information meeting for potential participants will be held March 11, 2017 at 10:00 a.m. at City Hall.

**2. PRESENTATION FROM MISS NORTH OGDEN, NAVY HUMPHREYS**

Miss North Ogden, Navy Humphreys, approached the Council and stated that her platform is believe in Self ESTEAM; the STEAM stands for Science, Technology, Engineering, Arts, and Math. She stated she picked this platform because schooling is something that she has always been passionate about, especially in the field of engineering. She added that she learned that the female to male ratio in the workforce is not even and she wants to promote awareness encouraging women to enter the workforce in careers traditionally held by their male counterparts. She stated that she recently had the opportunity to judge the STEM fair at Sandridge Junior High School and that was very exciting. She is also working with women's STEM groups, including the BSTEM project, which is an international organization focused on bringing awareness to increasing the number of women working in the engineering and technology work force. She concluded she is preparing for the Miss Utah pageant and all contestants have been asked to collect 1,000 pairs of shoes to be donated to the Power 2 Become non-profit organization; the shoes will help the people of Laye, Burkina Faso in Africa. She stated

she will place a shoe collection box at City Hall and she is working with local elementary schools to organize competitions to get students to donate shoes.

Council Member Satterthwaite suggested the City magazine include information about the shoe drive and its cause. He then stated that he graduated as an engineer several years ago and in his graduating class of several hundred students, there were just three women.

Mayor Taylor stated that the City is proud of everything Ms. Humphreys is doing and he wished her good luck in the Miss Utah Pageant.

**Council Member Satterthwaite motioned to rearrange the agenda by moving item four ahead of item three. Council Member Urry seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed.**

**4. DISCUSSION AND/OR ACTION TO CONSIDER CONTINUING WITH THE CITY MAGAZINE THE INSERT FOR CHERRY DAYS INTO THE CITY MAGAZINE**

A staff memo from City Attorney/Administrator Call explained that each year the City publishes a brochure regarding the annual Cherry Days celebration that is delivered to each household in the City. This year City Administration has considered different options for publishing the brochure and have found that the City would save approximately \$4,000 by including it as an insert in the monthly magazine. This would also provide 32 pages of additional content that will be dedicated to Cherry Days. The City would still provide all the ad space in the insert as in past years and the City will keep the revenue generated by that ad space.

City Administration is recommending an amendment to the contract between the City and the publisher of the City magazine that would clarify how much the City will pay for the 32 page insert, as well as identify how much, per ad, would be charged to advertisers who need to use the design services of the magazine.

The trial period for the magazine will come to an end soon and the City Council needs to decide whether to continue using Connection Publication for our monthly newsletter. Staff has found this partnership to be successful and the arrangement has freed up some

City resources because all organization and compiling of information has been outsourced.

Staff is seeking direction from the Council on these two items in order to proceed with negotiation of the contract amendment and extension.

Mr. Call reviewed his staff memo and facilitated a discussion among the Council regarding advertising fees for advertisements in the Cherry Days brochure and the City magazine. He indicated that the actual agreement was not included in the packet for tonight's meeting and he is comfortable if the Council delays action on the amendment and extension of the agreement until the next Council business meeting. Council Member Urry stated that he would prefer to table until the Council has a chance to view the agreement.

Mayor Taylor noted that a representative of the Connection Publication just informed staff that he is unable to attend tonight's meeting and he suggested that the Council table both this item and agenda item three until the next Council meeting.

**Council Member Swanson motioned to table the item until the next Council meeting. Council Member Urry seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed.**

**3. REPORT FROM RYAN SPELTS ON CITY MAGAZINE**

**Council Member Swanson motioned to table the item until the next Council meeting. Council Member Urry seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed.**

**5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE RESIDENTIAL CITY CENTER (RCC) ZONE ALLOWING DWELLING UNITS, AND TO CREATE A NEW SECTION IN CHAPTER 10 REGULATIONS APPLICABLE TO MORE THAN ONE ZONE; ACCESSORY DWELLING UNIT**

A staff memo from City Planner Scott explained when the City Council is acting as the land use authority, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

On February 7, 2017 the City Council discussed the draft ADU amendment. The City Council tabled this item to further consider whether or not to allow detached ADUs. The chronology is included with previous reports.

The following provisions were requested to be addressed by the City Council:

- Allow ADUs as detached units with additional standards (See subsection O. Development Standards, (6) Location.
  - All ADUs
    - Over a garage, provided the parking within the garage is not converted.
- Attached ADUs
  - Inside the home through an internal conversion of the housing unit, or
  - By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building.
- Detached ADUs are allowed:
  - Over a detached garage.
  - Only allowed in rear yard.
  - On lots having a minimum of 20,000 square feet.
  - Shall have a minimum separation from the primary dwelling of 15 feet.
  - Subject to 11-7J-4 Site Development Standards (These standards have the requirements for percentage of landscaping (50%), rear lot coverage (35%), and large accessory building setbacks.

The Residential City Center Zone is part of the “Old Town Neighborhood” described in the General Plan:

The Old Town Neighborhood

Description – This neighborhood surrounds the intersection of Washington Blvd. and 2700 N, and encompasses the original plat for North Ogden, which is a grid system. These blocks are generally composed of streets with 60 foot right of ways and block widths of 475 feet. The views are up toward the surrounding mountains but because of the rising slope toward Ben Lomond peak, some areas have a considerable valley view, too. There still exist open lands; mostly west of Washington and north of Pleasant View Drive, but much of the area is already zoned for half acre lots.

Neighborhood Character – There are a combination of newer homes and older housing combined with pleasant streetscapes. The most common lot size is approximately 8,000 square feet. The area is expected to be developed with mostly single family homes at low densities but includes areas for the planned Downtown, which will contain higher densities and mixed uses...

Existing and Future Concerns: Higher densities – Allowing limited multi-family in the Old Town neighborhood, especially to the west seemed to be logical.

#### Downtown and Southtown

The Downtown chapter in the General Plan addresses the properties in the Northeast quadrant as described below. This area will be considered for redevelopment with mixed use and higher densities; design standards will be addressed as part of the form based code project.

#### Housing Goals

##### Goal #1 – Increase Housing Quality and Variety

- Encourage adequate housing types which accommodate lifecycle transitions and changing population norms.
- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.
- The General Plan housing goals and strategies are supportive of providing appropriate design standards and increasing housing types, e.g., adding accessory dwelling units.

#### Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

The memo offered the following summary of potential City Council considerations:

- Are the accessory dwelling unit amendment standards appropriate?

The memo concluded the Planning Commission found that this amendment is consistent with the General Plan and recommends adoption by the City Council. The vote was 6-0 in favor.

Mr. Scott reviewed his staff memo.

Council Member Urry thanked Mr. Scott for the amount of work and research he has put into this issue, but noted that he is still conflicted on the issue and would like to table final action until the Council has the opportunity to participate in a field trip to locations that can be viewed to illustrate the relationship between ADUs and primary dwellings. Mr. Scott stated that he would be willing to facilitate such a field trip.

The Council then engaged in brief discussion regarding the changes that have been made to the proposed ordinance since the Council's last review of the document, with Mr. Scott emphasizing that adoption of the ordinance would only allow the ADU land use in the RCC zone of the City.

Council Member Satterthwaite stated that he would also like to participate in a field trip and he offered direction relative to the types of properties that he would like to visit in order to understand the implications of allowing ADUs on 12,000 square foot and 20,000 square foot lots.

**Council Member Urry motioned to table the proposed ordinance amending the Residential City Center (RCC) zone allowing accessory dwelling units, and to create a new section in Chapter 10 Regulations Applicable to More Than One Zone; Accessory Dwelling Unit, until such time that the Council has had the opportunity to participate in a field trip to visit properties with ADUs. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**6. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION  
CANCELING THE POLE PATCH AGREEMENT FOR MONITORING WATER**

A staff memo from City Attorney/Administrator Call explained that over the past decade the City has been monitoring the water system in the Pole Patch for the homeowners association (HOA) for the development. A retired City employee has been managing the system since 2008, but he is retiring and the HOA is required to obtain new monitoring equipment at this time. Due to these changes, the water division and City Administration feel it is a good time to cancel the agreement with the HOA so that they may contract for other monitoring vendors.

Mr. Call has prepared a resolution so that the HOA will have sufficient time to plan for their needs. In this current legal climate, North Ogden City should not take on any responsibilities for water systems or other equipment which is not within the City's boundaries, or entirely owned by the City.

Mr. Call reviewed his staff memo.

Council Member Urry inquired as to what the actual testing entailed. Mr. Call stated that the City used a monitoring device to determine if pressure in the water system was adequate; if pressure became too low, someone was dispatched to further investigate.

**Council Member Swanson motioned to approve Resolution 04-2017 canceling the Pole Patch Agreement for monitoring water. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

Council Member Satterthwaite stated he would like to give the HOA as much time as possible to make other arrangements for monitoring services. Mr. Call stated that he will draft a letter giving the HOA 180 days to secure a new monitoring agent.

**7. DISCUSSION ON A “NO FAULT” INSURANCE PLAN FOR WATERLINE BREAKS AND SEWER BACK-UPS**

A staff memo from City Attorney/Administrator Call explained several months ago the Council asked that the City implement a “no fault” insurance plan for waterline breaks and sewer back-ups. Mr. Call created the attached policy for Council consideration; the policy is largely based upon the policy that Layton uses.

Mr. Call reviewed his staff memo and indicated that he is recommending the Council review the policy and provide staff with feedback for moving forward and preparing a formal recommendation to be considered during the budget review process.

The Council discussed situations that have occurred in the City in the past that would have been covered by this type of policy if it had been in place. Council Member Satterthwaite stated that in the past he recommended charging all residents \$1.00 or \$2.00 per month to fund a humanitarian insurance fund to aid residents when they may experience loss due to circumstances out of their control, but that are not covered by the City's liability insurance policy. Mr. Call stated the City received a presentation from a private insurance company in the past that gave residents the opportunity to enter into individual contracts with them at a cost of \$6.00 per month; their policy would cover anything not covered by the City's insurance policy. The current proposal is to create a 'grant fund' that would be eligible for use by residents upon approval by the Council if residents suffer a loss that is not covered by the City's liability insurance. The Council would have the authority to determine the total budget for the fund each year and once funds are depleted, the City would not consider additional requests.

The Council engaged in high level discussion regarding the types of situations that are covered by liability insurance and those situations that would be covered by the humanitarian assistance program. Council Member Urry stated that he would like any policy to include criteria that must be met in order for the Council to grant the request for assistance so that decisions are not subjective and arbitrary. Discussion also centered on funding mechanisms available for the humanitarian fund and the Council indicated they would like to have an understanding of how other cities handle this issue and fund humanitarian aid. The Council concluded it would be appropriate to have further discussion regarding this issue during a future work session with a focus on funding options, policies in place in other cities, and possible unintended consequences of implementing a humanitarian assistance program.

8. **DISCUSSION AND/OR ACTION TO CONSIDER AMENDING AN ORDINANCE ANNEXING PROPERTY LOCATED AT APPROXIMATELY 1100 EAST 2750 NORTH AND ZONE TO SINGLE FAMILY RESIDENTIAL R-1-10**

A staff memo from City Recorder Spendlove explained Ann Frandsen Parkinson, Clark Parkinson, Lyn Frandsen, and Jane Brewer submitted an application on December 16, 2016 petitioning for annexation of 28.832 acres located at approximately 1100 East 2750 North in North Ogden, Utah. The original Annexation petition was accepted by the City Council on February 7, 2017 and given Ordinance 2017-03. We need to create an amendment to Ordinance 2017-03 to change a discrepancy in the legal description we received on the Mylar to be recorded from the original description that was passed in the original Ordinance. After speaking with Andy Hubbard at Great Basin Engineering, he indicated that they had to make a change of only the one footage number to the legal

description based on some of the property being originally surveyed with the property line including some of the Brewer property was incorrect and that then changed the number from 838.12 feet to 871.11 feet. Staff was not informed of this prior to receiving the final Mylar.

Ms. Spendlove reviewed her staff memo.

**Council Member Satterthwaite motioned to approve an amendment to Ordinance 2017-03 annexing property located at approximately 1100 East 2750 North and zone to Single Family Residential R-1-10. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**9. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING AN ORDINANCE ANNEXING PROPERTY LOCATED AT APPROXIMATELY 158 W LOMOND VIEW DRIVE AND ZONE TO SINGLE FAMILY RESIDENTIAL R-1-10**

Brett and Tana Heninger submitted an application (Exhibit A) on November 7, 2016 petitioning for annexation of 0.570 acres located at approximately 158 W Lomond View Drive in North Ogden, Utah. The original Annexation petition was accepted by the City Council on January 24, 2017 after reviewing the Ordinance that was passed there were several clerical mistakes, which required cleanup and an amendment to Ordinance 2017-01 for this.

Ms. Spendlove reviewed her staff memo.

**Council Member Stoker motioned to approve an amendment to Ordinance 2017-01 annexing property located at approximately 158 W Lomond View Drive and zone to Single Family Residential R-1-10. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
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<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**10. PUBLIC COMMENTS**

Julie Anderson, 940 E. 2600 N., stated that a developer has started building behind her and they have not installed silt fences or taken other precautionary measures. She stated that she contacted E.K. Bailey who told her they were just transporting, but she argued that they were actually digging holes. She has three children that work in the construction and land development industry and she informed them of that so within three hours E.K. Bailey installed fences and posted a storm water plan at the property. She stated she wanted to bring this issue to the Council's attention because she believes that some developers get away with not following the rules. The developer has not placed fabric or stones at the entrance point to the property and they are tracking dirt and mud onto the mud. She then noted that today she went to the cemetery; due to sickness she had not been able to remove the Christmas ornaments that she previously hung from a shepherd's hook at her granddaughter's grave. She found the hook empty and she found cemetery workers who informed her that they had personally removed and discarded the ornaments. She viewed the cemetery guidelines relative to what should not be disturbed by staff and she found that shepherd hooks are personal property and should not be touched by cemetery workers. She stated that the ornaments cannot be replaced. She is not blaming the workers and they have since been informed that they should not be disturbing shepherd hooks. She asked for contact information for the cemetery district board so that she can personally talk to them. She stated the actions taken were very hurtful; the sixth anniversary of her granddaughter's death is approaching and she would like to bring this issue to the board's attention so that items that she has to remember her by are not disturbed. She also encouraged the City to talk to the board members to encourage protection of those things important to the residents.

Mayor Taylor stated staff will provide Ms. Anderson with contact information for the City inspector so that she can inform him of any future issues associated with the development of the property behind her home. He also noted that staff will provide her with contact information for the cemetery board. He reminded Ms. Anderson that she can remember her granddaughter by the legislation that was passed by the State Legislature following her tragic death.

Steven Pope, 3291 N. 250 E., stated there is discussion throughout the country regarding vacation rental properties; he is not opposed to the concept of this land use, but he is concerned that it is typically unregulated and cities are missing out on tax revenue. Additionally, the land use results in the mix of commercial use in residential

neighborhoods. He stated that House Bill 253 is being considered by the State Legislature and if it passes it would prohibit cities from imposing fines that could deter vacation rental properties as long as the property is owner occupied during the rental period. He stated he respects the intention of the bill, but the problem it creates is that neighbors are sharing the burden of allowing residential properties to be operated similar to a hotel.

Council Member Turner stated that he has stayed at vacation rental properties in other communities and he would be interested to see if other cities regulate the land use. Mr. Pope stated that he has also stayed at vacation rental properties, but he does not believe they should be completely unregulated; the land use can impact neighboring property owners due to increased traffic and parking issues. He stated that other states are already considering the problem and it is important for the City to consider it as well. Mayor Taylor pointed out HB253 has been amended slightly to allow cities to impose some regulations on vacation rental properties; he is hopeful that the bill would not take all control away from the City and his recommendation is that the City monitor the bill closely and have more discussion about the issue during a future work session meeting. He stated he is sensitive to the concerns that commercial uses located in neighborhoods could have negative impacts on current residents.

Council Member Urry stated that he is aware that the hotel industry is interesting in the issue because hotels may be suffering as a result of people choosing to stay in residential vacation properties when vacationing.

Council Member Satterthwaite inquired as to the position of the Utah League of Cities and Towns (ULCT) regarding the matter. Mayor Taylor stated the ULCT is opposing the bill and he believes they will be very active in that opposition.

Mr. Pope concluded that he lives in a cul-de-sac; he purchased his property with the intention of staying in their home for the long term. They purchased the property with privacy in mind and desire to be separated from commercial uses, especially those that may be unregulated.

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

Ms. Spendlove asked that each Council Member inform her of their plans to attend the upcoming ULCT spring conference.

Mr. Call provided the Council with an update regarding the issue raised by Mr. Carter during the last Council meeting; he was concerned about an issue with a pipe that was causing flooding at his property. He reported that the pipe has been scoped and it was found that the contractor that installed the nearby water line cut into the drain pipe, installed the water line underneath it, and filled the trench with road base. He stated that the City is trying to get that person to correct the problem, but if that is not possible the City will correct it at an approximate cost of \$1,000. Mayor Taylor stated that he was

pleased to learn that the allegations of former Public Works Director Blanchard doing something wrong were totally unfounded and the City will work to hold the contractor responsible for the issue. He added that the City has had problems with the contractor in the past and he would like for the City to decide against working with the contractor again in the future.

Mr. Call reported that residents living near the Senior Center have installed their fence and they have asked that the City reimburse them the portion that was approved by the Council last September. City Administration is determining the appropriate account to pay the City's half from.

Council Member Urry stated that Jeff Randall owns property at the corner of 1700 North and Fruitland Drive and he has noticed water coming onto his property. The City has performed a dye test to determine that the water is not coming from a City source, but he feels it would be good to examine the water lines in the area to determine what issues are occurring. He then reported another resident living on 1700 North had recent basement flooding; there is too much water running in the nearby ditch and it is eroding the asphalt; eventually the problem will worsen and he feels the City should work with the resident to make repairs to the area. Council Member Urry added that the City should also look at the Coldwater drainage waterway to see if people are making modifications to the waterway that need to be corrected. He then addressed the Village at Prominence Point property and indicated he noticed a 'for sale' sign on the property. He asked if Mr. Barrett is trying to sell all of the property or if he is just trying to attract businesses to the commercial area of the project. Mr. Call stated the property is being actively marketed. Mayor Taylor stated that Mr. Barrett is trying to sell the commercial portions of the project and that is what the sign is for. Council Member Urry asked if Mr. Barrett has financing to proceed with the residential portion of the project. Mayor Taylor stated there will be a proposal coming to the Council next month to make some modifications to the development agreement before the residential portion of the project proceeds; this includes going back to the original plan to include less apartments and more townhomes. This will result in decreased density on the west side of the property. Council Member Urry asked if the City has collected impact fees for the residential units, to which Mayor Taylor answered no. Council Member Swanson asked that the Council be provided with documentation regarding the proposed amendment to the development agreement at least one week before the meeting. Mayor Taylor answered yes and indicated he would like to have a joint work session with the Planning Commission to discuss the issue. He then provided a brief high level explanation of the reasons for the proposed changes to the development agreement. There may be a requested change to the commercial use.

Council Member Urry concluded by thanking the Mayor and City staff for what they have done to try to mitigate flooding triggers in the City.

Council Member Swanson addressed illegal sump pump connections and asked how the City will respond to the problem. Mayor Taylor stated that the City's inspectors are doing a great job to respond to illegal connections when they are made aware of it, but there

may be a need for additional regulations and work done with the Sewer District to address the issue. He facilitated a high-level discussion about efforts underway to evaluate sewer and storm water infrastructure, to use of land drains in developments throughout the City, federal regulations, and system capacity. Council Member Swanson stated that he is concerned about consideration of a county-wide tax increase to address the issue when the real focus should be on those that have created the problems by illegally connecting their sump pumps to the sewer system. He then addressed the flashing stop sign at the bottom of 1050 East at 2600 North and thanked those responsible for getting it installed. He concluded that he observed Public Works employee Scott Felter as he was working to respond to flooding issues recently. He stated it made him concerned about development patterns in the City and potential increased flooding problems if the rainy weather patterns continue for the next several years.

Council Member Turner asked for an update on the library renovation project and the project to relocate the skate park. He also asked for an update on the ongoing negotiations between the City and Gary Rands. Mayor Taylor stated that he has not received an update on the library project, but it is supposed to commence March 1.

Mr. Call discussed negotiations with Mr. Rands and his attorney; he will be participating in a conference call this Thursday to develop a plan for proceeding. Mr. Rands' attorney is very busy and has been difficult to work with. He then reported that the skate park components will be moved this Friday and they will be stored in the southern area of the parking lot at North Ogden Park. Mayor Taylor stated that he will provide another update once the contract negotiations between City Administration and the skate park contractor have concluded; he emphasized the contract does include a section limiting the total cost of the project to \$194,000. Council Member Turner stated he is concerned about surprises associated with costs that are higher than engineer's estimates.

Council Member Stoker agreed with Council Member Urry's comments about the Coldwater ditch waterway; many people living along the ditch have placed items or debris in the ditch and they should be made to correct that problem to prevent potential flooding. She then stated it is her understanding that the home at the corner of 2600 North and Mountain Road has sold and she asked who will be responsible to clean the property and remove the junk. Mr. Call stated that the new owner will be responsible. Council Member Stoker then addressed concerns regarding illegal sump pump connections and noted that letters were sent home with students informing their parents of the illegality of dumping sump pumps into the sewer system. She also agreed with Council Member Swanson's concerns about building homes too far up on the hillside where natural springs are located; this could eventually result in property damage due to flooding or landslides. She concluded by asking for an update on the Ace Hardware project at the old Smith's building. Mayor Taylor stated they have submitted their plans and they are being reviewed by the Building Division of the City; Ace would like to start work this spring. They will be performing temporary asphalt fixes until construction commences. Council Member Stoker thanked the Police Department's response to a dead deer near a local bus stop; she thanked them for handling the issue when children were not present as it was

somewhat gruesome. She then asked if she should plan to participate in the conference call with Mr. Rands and his attorney this Thursday. Mr. Call answered no and indicated he planned to handle the call on his own.

Council Member Satterthwaite asked for an update regarding the County's consideration of a fee to cover mismanagement of the waste transfer station. Mayor Taylor stated that he will hear the proposal at the next Council of Governments (COG) meeting. Council Member Satterthwaite asked Mayor Taylor if he will be seated on the Utah Transit Authority Board. Mayor Taylor answered yes; he will be sworn in tomorrow. Council Member Satterthwaite relayed stories told by his late father-in-law about snow avalanches that came all the way down to 3100 North. He echoed concerns expressed regarding development patterns and the potential for weather or soil conditions to impact that development. He asked if the contract with Weber County relative to the library project addresses improvements on the west side of the project. Mayor Taylor answered no, but indicated that Weber County has committed to make those improvements by the year 2022. Council Member Satterthwaite then discussed sump pumps and stated that he is aware of residents in the western part of the City who recently built homes and their contractor connected their sump pump to the sewer system. He asked if plumbers are aware that it is illegal. Mr. Call answered yes, but the connection saves them money so that is why they do it. Mayor Taylor stated it is a challenge because most residents likely do not know that the connection is illegal.

Mayor Taylor reported the City is moving forward with a service project with Comcast and there will be a meeting regarding the project this Thursday at 1:00 p.m. All Council Members are invited to attend. He then reported the budget meeting will be scheduled at the first of March and he will keep the Council informed of that schedule. He then reported that there was a great meeting with the Utah Department of Transportation (UDOT) this morning regarding the intersection of Washington Boulevard and 2600 North; accelerating funding for the project from 2022 to 2019 looks very promising. There is also a chance to get additional money for the project and he is very excited about that. The project would improve the intersection significantly. He concluded the City has submitted an application to the State Engineer for approval four new well sites; it is necessary to find a site that will produce 600 to 700 gallons per minute to provide adequate water for the future of the City. The City competes with Weber Basin Water Conservancy District for well sites and he is hopeful that the District does not protest the sites. Once approved, the City can proceed with drilling a test well.

12. **DISCUSSION AND/OR ACTION TO CONSIDER A CLOSED MEETING FOR THE PURPOSE OF §52-4-204(1)(a) REGARDING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL**

**Council Member Swanson motioned to recess the regular meeting and convene in a closed meeting regarding the purchase, exchange, or lease of real property and the**

sale of real property and pending or reasonably imminent litigation. Council Member Stoker seconded the motion.

**Voting on the motion:**

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

The meeting recessed at 8:35 p.m.

The meeting reconvened at 9:10 p.m.

### **13. ADJOURNMENT**

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

**Voting on the motion:**

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

The meeting adjourned at 9:11 p.m.

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Brent R. Taylor, Mayor

S. Annette Spendlove, MMC  
City Recorder

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Date Approved

Not approved