

48
49 Mayor Taylor announced there was an error with the minutes and it is necessary to pull
50 consideration of the minutes from the agenda; it may be possible to revisit this agenda item later
51 in the meeting, time permitting.

52
53 **AGENDA**

54
55 **1.PUBLIC COMMENTS**

56
57 Matt Steadman, no address given, stated he is the coach of the Junior Midget football team consisting of
58 eighth-grade boys from North Ogden; his team was successful in winning their spot in the Mini Bowl
59 game this year and they won the game. The reason he is here this evening is because he wants the Council
60 to be aware that it has been a long time since any team from North Ogden enjoyed that much success, and
61 this year there were actually two teams that made it to the Mini Bowl. He stated this would not be possible
62 without the support of the Council and the community and he noted the Mini Bowl trophy is now on
63 display in the Recreation Department. He thanked the Council for their support of the Recreation
64 Department; he had a conversation with Mayor Taylor during his campaign about the Recreation
65 Department and he was pleased to hear that Mayor Taylor feels recreation is an important thing for the
66 youth of the community and it is important to continue to grow the program. Most of the boys on his
67 teams have been playing since they were seven years old and he is happy they had the opportunity to play
68 in a championship game. He noted the sport of football has become somewhat controversial and he
69 wanted the Council to understand how he feels about the sport; it provides young boys the opportunity to
70 learn about emotional triumphs and failures. The sport is not about carnage, but the opportunity to face
71 adversity and overcome it. He presented the Council with a photograph of his championship team as well
72 as a copy of the tournament bracket that his team played through to make it to the Mini Bowl game.

73
74 Roger Hepworth, no address given, stated he and his wife Debbie represent RDGH Incorporated; they are
75 part owners of the North Ogden Plaza, formerly known as the King's Plaza. He noted the signage and
76 lighting at the Plaza has been upgraded and he wanted to highlight some of the great ways the Plaza can
77 benefit the community. The King's store has been vacant for more than 20 years and it is very run-down
78 and he would like the City to assist him in getting the building cleaned up before it continues to deteriorate
79 and cause further negative impacts to the rest of the Plaza. He noted he is working with a financier that is
80 hesitating to offer financing for the project because they are concerned about the condition of the King's
81 building. Mayor Taylor stated there will be a discussion regarding economic development later in the
82 meeting and Mr. Hepworth's concerns can be discussed at that time.

83
84
85 **Item three was then moved ahead of item two on the agenda.**

86
87
88 **3. DISCUSSION AND/OR ACTION TO CONSIDER REVISING THE CONSULTING**
89 **AGREEMENT WITH BETTER CITY, LLC**

90
91 A memo from City Manager Chandler explained City Administration is proposing to modify
92 Better City's consulting agreement. A summary of the changes to the agreement are as follows.

- 93
94 1) The amendments change this agreement from an hourly based contract to a project based
95 contract.
96 2) The maximum annual sum is lowered from \$75,000 to \$60,000.

- 97 3) The City will pay a retainer fee of \$1,000 per month and a fee based on the completion of
98 the projects listed in the scope of work.
99 4) Projects – We have identified 5 projects for Better City.
100 a) Smith’s Block Revitalization (this is the old Smiths building) – Midpoint payment
101 = \$12,000; Final payment = \$20,000
102 b) Kings Block Revitalization = Midpoint payment = \$15,000; Final payment =
103 \$25,000
104 c) Barker Property - Final payment = \$20,000
105 d) Washington Boulevard Redevelopment - Midpoint payment = \$15,000; Final
106 payment = \$20,000
107 e) Public Works Building Reuse, (this is the old public works building location) -
108 Midpoint payment = \$6,000; Final payment = \$15,000.
109

110 A portion of the Smiths Block Revitalization, the Kings Block Revitalization and the
111 Washington Boulevard Redevelopment projects are within the City’s redevelopment area and are
112 therefore eligible to use monies from the redevelopment fund.
113

114 Mr. Chandler reviewed his staff memo.
115

116 Council Member Satterthwaite inquired as to the amount of money that was paid to Better City
117 and what was accomplished by the firm.
118

119 Matthew Godfrey, Owner of Better City, stated the biggest accomplishment last year was the
120 finalization of the Smith’s Marketplace project. He has also been working over the past year to
121 find a tenant to locate in the building that will be vacated by Smiths; this will provide a smooth
122 and quick transition to keep the retail spaces of the City full. He noted he has also worked on a
123 variety of plans for other smaller economic areas of the City, including the King’s Plaza; that
124 project may be very complicated because there are many property owners at the Plaza. He noted
125 much of his work has been invisible to date.
126

127 Mr. Chandler stated Mr. Godfrey has been paid approximately \$45,000 for his work this year;
128 much of that money has come from the Redevelopment Agency budget since the Smith’s
129 Marketplace project is located within a defined redevelopment area.
130

131 Council Member Stoker asked for additional information regarding the work that has been done
132 at the King’s Plaza. Mr. Godfrey provided information about existing leases at the Plaza and
133 noted he has tried to encourage the owner of the King’s building to sell it to allow for
134 redevelopment. The area is blighted t and it may be time for the City to intervene because the
135 market is not correcting the problem. That work is underway and he is hopeful to bring an action
136 to the Council this year for consideration.
137

138 Mayor Taylor noted that he has always been skeptical of consultants and he was originally
139 skeptical of the agreement with Mr. Godfrey, but he has been very impressed with the work that
140 he has done for the City and the City is spending the same or less than was being spent when
141 economic development was handled by an in-house employee, but the service being provided to

142 the community is better. He noted the proposal to amend the agreement ties the costs to success
143 of economic development projects, which is a reason he is supportive of it.

144
145 Council Member Urry inquired as to how Mr. Godfrey interacts with businesses that currently
146 lease space in the area surrounding the existing Smith's store. Mr. Godfrey stated he has direct
147 contact with the owners of the properties as well as the tenants; he has been working directly
148 with the owner of the strip mall to understand his plans for back-filling the space when it is
149 vacated as well as his plans for renovating the façade and interior of the buildings. He offers
150 help in those areas as well. He noted a new restaurant is seeking to locate in North Ogden and he
151 worked hard to recruit that business to the area; he will also work to recruit new businesses to the
152 vacant space around the Smith's development. Those types of things will help to create a vibrant,
153 successful economy for the City. Council Member Urry stated he knows the owner of the dry-
154 cleaning company quite well and they are in need of assistance relative to the terms of their lease
155 or the potential for them to relocate to another area of the City. Mr. Godfrey stated he will make
156 contact with those business owners.

157
158 Mayor Taylor identified some imminent economic development projects that will be of benefit to
159 the City and many of those projects are the fruits of Mr. Godfrey's labor.

160
161 Council Member Fawson stated he is very pleased with the progress Mr. Godfrey has made in
162 the City and he appreciates that the Council has a voice in the economic development process.

163
164 **Council Member Fawson moved to approve Agreement A7-2014. Council Member Stoker**
165 **seconded the motion.**

166
167 Council Member Satterthwaite referenced a paragraph in the agreement that notes the firm
168 reserves the right to negotiate a payment structure that will be generated from projects
169 orchestrated by the firm on behalf of the City and the City will maintain the right to review and
170 approve any such payment structures. He wondered if that leaves the potential for a conflict of
171 interest if there are a few potential tenants for a project and one of the tenants may be more likely
172 to submit to the payment structure. Mr. Godfrey stated there would be a tremendous opportunity
173 for a conflict of interest if this issue surrounding tenant selection were not fully disclosed to
174 ensure all parties are comfortable before moving forward. He added it is hard for him to make
175 money on these kinds of agreements because there is limited City funding; he employs people
176 that are highly professional and well educated and he cannot make money on his relationship
177 with the City unless someone else is 'helping to pay the way'. He stated by packaging a project
178 to a developer he is doing a lot of the leg work for the developer and the developers recognize
179 that. Rather than passing the time and cost savings on to the developer, the clause referenced by
180 Council Member Satterthwaite allows for the developer to be charged for the work that they
181 would otherwise have to complete on their own. He noted most developers are willing to do that
182 and it allows him to make financial sense of this type of contract. Council Member Satterthwaite
183 thanked Mr. Godfrey for that answer and noted he has received three phone calls in the past
184 week from people that are very pleased about the Smith's Marketplace project; he noted he has
185 high regard for the work Mr. Godfrey has done in the community.

186

187 Mayor Taylor noted it is a good use of RDA funds to pay a consultant, like Mr. Godfrey, for the
188 work he is doing in the City. There is currently a significant positive cash flow in the RDA
189 budget and with the completion of the Smith's Marketplace project that balance will continue to
190 grow.

191
192 **Voting on the motion:**

193
194 **Council Member Bailey** aye
195 **Council Member Fawson** aye
196 **Council Member Satterthwaite** aye
197 **Council Member Stoker** aye
198 **Council Member Urry** aye

199
200 **The motion passed unanimously.**

201
202 Council Member Fawson asked Mr. Godfrey to weigh in on agenda item six before excusing himself from
203 the meeting. Mr. Godfrey stated an applicant is seeking approval of the rezoning of property in the City
204 and the argument for that rezone is related to the current market conditions and how those conditions
205 impact the property. He noted it is important to consider long term strategic planning and specific land
206 uses for the City; he agrees there is not a sufficient commercial market to take up the entire property that is
207 currently zoned commercial, but in the long term of the City he anticipates significant commercial
208 development in the region and as the road to Ogden Valley is improved there will be an opportunity for the
209 citizens of that area to travel through the commercial corridor of North Ogden. He noted the potential for
210 needing significant commercial areas in the City in the long term is significant and it would be
211 disadvantageous to downzone property that is currently zoned commercial because it will be impossible to
212 get that back. He noted commercial property generates the greatest revenue stream for the community in
213 the long term and he reiterated he would be very nervous about the downzone from an economic
214 development point of view. He stated he cannot project a potential tenant for the property, but those things
215 will unfold as the market continues to improve.

216
217 Mayor Taylor stated any time the Council contemplates spending tax payer dollars on any item, they take
218 that very seriously. He noted the agreement with Mr. Godfrey has been very successful for the City and
219 the revenues generated by the projects worked on by Mr. Godfrey will greatly benefit the City.

220
221

222 **2. DISCUSSION ON THE PROCESS FOR THE GENERAL PLAN REVIEW**

223
224 A memo from Mayor Taylor explained he has met with members of City Administration several times to
225 develop a process for reviewing the General Plan. We are ready to begin this process, and would like to
226 finalize an initial plan for moving forward during our next City Council meeting (March 25). Below is
227 what we are proposing to start our discussion in this regard. Please bring your ideas and suggestions to the
228 March 25 meeting. The memo reviewed the process and calendar for the General Plan review:

- 229 1. Joint Council---Planning Commission work session to brainstorm scope and refine plan (Mid---
230 late April).
- 231 2. Select a General Plan consultant to facilitate process and write plan updates (May--- June).
- 232 3. Create a Steering Committee to guide process (a joint committee of elected officials, planning
233 commissioners, residents, business community, and trails/parks representative). Steering
234 committee refines City Council guidance into key areas for review (June---August).

235 4. Input from residents is gathered via surveys and highly publicized Open House events (August---
236 September).

237 5. Consultant, Steering Committee, and Planning Commission work to create an updated General
238 Plan Recommendation.

239 6. The recommendation comes to the City Council for further refining and approval (Spring 2015).

240 The memo then provided information regarding grant applications and additional details pertaining to the
241 General Plan update. Two grant applications were submitted to the Wasatch Front Regional Council to
242 help pay for the cost of the General Plan review and the development of a Downtown plan. Rob Scott has
243 put a lot of thought and effort into developing these proposals and grant applications. We are really
244 fortunate to have his expertise in the City and he will be an excellent asset during the review process.

245
246 The memo reviewed the proposed makeup of the Steering Committee, noting that based on previous
247 discussions about the General Plan during the first Council work session, it sounded important that all
248 elected officials be involved throughout the review process. The Mayor's recommendation is to create a
249 Steering Committee to guide the process that would be made up of residents, elected and appointed
250 officials, and staff to guide the consultant and the process. The proposed committee makeup is as
251 follows:□

- 252 • Mayor (1) *Chairman*
- 253 • City Council (2)
- 254 • Planning Commission (3)
- 255 • Business Community/Economic Development Committee (2)
- 256 • Parks/Trails Representative (1)
- 257 • Residents (3---5)
- 258 • Staff (City Manager, Planner, and Attorney)
 - 259 ○ Total: 12---14 members

260
261 The purpose of this Committee would be to steer the process and to identify the key areas for review,
262 provide recommendations for addressing the issues, and to help ensure resident input and involvement.
263 The consultant would ultimately be responsible for the heavy lifting and for writing the plan updates. The
264 updates would then go to the Planning Commission for a recommendation, and then make their way to
265 the full City Council. The full Council would be involved in the outreach efforts and especially the Open
266 House events. Also, the entire Council would be involved in recommending persons for the Committee.

267
268 Mayor Taylor reviewed his memo.

269
270 Council Member Fawson stated he is very supportive of the idea of involving the public in the process to
271 update the General Plan. Council Member Bailey agreed and commended staff and the Mayor for their
272 work on this proposal.

273
274 Council Member Satterthwaite indicated he would like to charge the Steering Committee with proposing
275 a mechanism by which the General Plan would be updated on a regular basis to prevent it from becoming
276 so out of date again in the future.

277
278 Council Member Stoker stated she is excited to get moving on this project and thanked staff and the
279 Mayor for the work they have done so far. Council Member Urry agreed.

280
281 Mayor Taylor stated he will put the proposed schedule in motion.

282
283

284 **4. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT**
285 **BETWEEN WEBER COUNTY AND NORTH OGDEN CITY CORPORATION REGARDING**
286 **PROPERTY LOCATED AT 1850 N. WASHINGTON BLVD.**
287

288 A memo from City Manager Chandler explained the property owner of 1850 N. Washington Boulevard is
289 in the process of annexing the front portion of their property that used to house the Country Boy Dairy.
290 They are leasing this ground to Sacco's Produce who is in the process of going through a site plan review,
291 building permits, and business licensing. The property is currently in an unincorporated island in Weber
292 County and is in the City's Annexation Boundary Declaration. Staff is working with the applicant to
293 move this project forward while the annexation process is completed. Staff has drafted an Interlocal
294 Agreement with Weber County that designates North Ogden City as the land use authority. Staff
295 recommends approval of the proposed Interlocal Agreement with Weber County designating North
296 Ogden City as the land use authority for the property located at 1850 North Washington Boulevard
297 subject to Weber County's approval.
298

299 Mr. Chandler reviewed his staff memo.
300

301 Council Member Urry asked if the ownership of the subject property is changing. Mr. Chandler answered
302 no and stated the owner will be leasing the property to Sacco's Produce.
303

304 Mayor Taylor inquired as to when the Planning Commission will consider this item. Mr. Chandler stated
305 they will review the application at their April 2 meeting.
306

307 **Council Member Fawson moved to approve agreement A8-2014. Council Member Bailey**
308 **seconded the motion.**
309

310 **Voting on the motion:**
311

312 **Council Member Bailey** aye
313 **Council Member Fawson** aye
314 **Council Member Satterthwaite** aye
315 **Council Member Stoker** aye
316 **Council Member Urry** aye
317

318 **The motion passed unanimously.**
319
320

321 **5. PUBLIC HEARING TO CONSIDER REZONING THE PROPERTY LOCATED AT**
322 **APPROXIMATELY 1825 N 100 E FROM COMMERCIAL C-2 TO RESIDENTIAL R-3 AND**
323 **RESIDENTIAL R-4 FOR THE PURPOSE OF CONSTRUCTING A MULTI-FAMILY**
324 **DEVELOPMENT**
325

326 A memo from City Planner Scott explained that when the City Council is acting in a legislative capacity
327 as the land use authority the City Council has wide discretion. Examples of legislative actions are general
328 plan, zoning map, and land use text amendments. Legislative actions require that the Planning
329 Commission give a recommendation to the City Council. Typically the criteria for making a decision,
330 related to a legislative matter, require compatibility with the general plan and existing codes. The memo
331 provided a short background of the property indicating the applicant is requesting that a portion of the
332 property located at 1700 North Washington Boulevard be rezoned from C-2 to R-3 and R-4. The property

333 extends 1700 feet to the west from Washington Boulevard. The frontage along Washington Boulevard is
334 proposed to remain C-2 extending back approximately 300 feet and is about 4.42 acres. The second parcel
335 being proposed to be rezoned to R-4 is approximately 20.4 acres, and the third parcel to be rezoned R-3 is
336 approximately 2.5 acres.

337
338 The R-4 property is proposed to have a charter school (3-5 acres) and assisted living facility (8 acres) on
339 the west end of the property as a buffer to the single family subdivisions known as Mystery Meadows.
340 This will leave approximately 9-12 acres for multi-family in parcel 2 and the 2.5 acres in R-3. On April
341 30, 2013 the Economic Development Committee considered this request. The Committee unanimously
342 recommended “that in an expeditious manner, begin General Plan evaluations including evaluations
343 regarding economic development; to recommend that the Planning Commission, in conjunction with the
344 economic development advisor, begin discussions regarding mixed-use zoning and analysis; and that the
345 current zoning for the subject property remain unchanged until the other two discussions have taken
346 place.” In the February 5, 2014 Planning Commission meeting, the applicant stipulated as part of any
347 rezone approval to having a development agreement. The agreement will identify that the assisted living
348 facility and charter school will provide a buffer to the single family subdivision to the west. If the City
349 Council approves this rezone, a condition of approval will be to require a development agreement. The
350 City Council will need to identify the items to be included with the agreement. Staff will then work with
351 the applicant and Planning Commission to recommend a final agreement for approval by the City
352 Council.

353
354 The Planning Commission considered four options regarding this application:

- 355 1. Approve the application as presented.
 - 356 2. Deny the application.
 - 357 3. Approve the rezone with the charter school and residential care facility abutting the commercial
358 and rezoning the westerly portion single family residential.
 - 359 4. Approve the application with conditions; subject to a development agreement.
- 360

361 The North Ogden General Plan calls for this property to be single family residential low density. The
362 existing zoning and the proposal are not consistent with the General Plan. The Planning Commission
363 reviewed the Zoning and Land-Use Policy that include guidelines for how zoning changes should be
364 considered. The Planning Commission also reviewed the General Plan descriptions for residential and
365 commercial development.

366
367 The memo provided the following summary of City Council considerations.

- 368 • Is the proposal consistent with the General Plan?
 - 369 • How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
 - 370 • How does the proposal relate to the General Plan residential and commercial development
371 descriptions?
 - 372 • What options are available for the City Council to consider?
- 373

374 The Planning Commission is recommending alternative 4; approve the application with conditions to
375 include a development agreement that will locate the charter school and residential care facility on the
376 westerly end of the property, to negotiate design standards for the R-3 and R-4 properties, and that if the
377 applicant does not follow the development agreement the property will be rezoned back to C-2. Since the
378 Planning Commission meeting the developer has been in negotiations to potentially relocate the charter
379 school to the property to the north. This property has yet to be annexed into North Ogden and would
380 require a separate application.

381

382 Mr. Chandler reviewed the staff memo and used the aid of a land use map to identify the location of the
383 subject property and highlight the areas of the property that are subject to the proposed rezone actions.
384 He noted the Planning Commission has recommended that the rezone application be approved subject to
385 the execution of a development agreement that would require the developer to proceed with the draft
386 development plan for the property; this agreement would be binding upon future property owners. He
387 noted the City can dictate the order of the different components of the development of the property as
388 identified in the development plan provided by the applicant. Mr. Chandler then concluded his report by
389 noting the options available to the City Council this evening: deny the application; approve the
390 application without conditions recommended by Planning Commission; modify the application; or table
391 the application to direct staff to follow through with the recommendation of the Planning Commission to
392 prepare a development agreement.

393
394 Council Member Fawson stated this is the fourth time that this body has heard the presentation from the
395 applicant and he asked for brevity in the presentation this evening.

396
397 Mayor Taylor opened the public hearing at 7:40 p.m. and indicated the applicant will have 15 minutes to
398 provide the Council with a presentation regarding their application.

399
400 Troy Herold approached the Council and stated that some of the housing density numbers in Mr.
401 Chandler's presentation were inaccurate. He also noted that the Council is not considering a
402 recommendation from the City Manager this evening; instead, they are considering a recommendation
403 from the Planning Commission and they have had over a year to consider the application. He provided a
404 brief background of the application and used the aid of a PowerPoint presentation to provide the Council
405 with details of the application and he referenced some of the documents and other tools that have led his
406 applicant to believe the current proposal is the best use for the property. Many commercial properties in
407 the community and region are currently vacant or under redevelopment; there are other properties in the
408 area that are better suited as a shopping center than the subject property. He then highlighted the facets of
409 the Planning Commission's recommendation and identified the location on the property where the
410 assisted living center would be constructed if the application is approved. He also identified the location
411 of the proposed charter school. He then asked the architect for the assisted living center to provide the
412 Council with some information about that aspect of the project.

413
414 Gunnar Langhos, architect for the project, provided some historical data for his architecture firm
415 prior to providing the Council with information about the viability of the subject property for an
416 assisted living center. He stated the cottages to be built around the center will provide a good
417 buffer between the center and the existing single-family homes in the area. The construction
418 costs of the facility are anticipated at \$15 to \$20 million and the project will be under
419 construction for approximately 13 months. Once completed, the center will employ 75 full time
420 employees, 15 of the employment positions will be managerial in nature. He then reviewed
421 photographs of similar projects he has completed in other communities and noted the design of
422 the center would fit with the architecture of North Ogden. He also identified some of the
423 amenities that would be included in the center.

424
425 Mr. Herold reviewed the phasing plan for the project and noted the agreements relative to the
426 assisted living center could be executed now; the charter school and multi-family housing
427 components of the project are currently being designed. This is the reason the Planning
428 Commission recommended the use of a development agreement to complete the project.

429

430 Mr. Chandler then stated the density numbers in his presentation were not inaccurate and he
431 actually arrived at the data by using information provided by Mr. Herold; the Planning
432 Commission has recommended no more than 12 units per acre and when considering there is
433 15.6 acres of land to be developed, the total number of units could be 176; on 20 acres the
434 calculation would be 229. Mr. Herold stated he was referencing the density on the 12 acres of
435 property to be zoned R-4; he reviewed the site plan for the project and stated his density
436 calculations took into consideration the fact that the assisted care center will take up eight acres
437 of property on the site.

438
439 Suzanna Burke, 1809 N. 650 E., stated that she lives across the street from the subject property;
440 she has watched the changes that have taken place at Majestic Elementary as a result of the fact
441 that is fed by several multi-family developments in the area. The school is ‘bursting at the
442 seams’. She stated she is worried the same thing would happen to Green Acres Elementary
443 School and the school may not have the capacity to teach all of the new children that could
444 potentially locate to the area. She then stated she has heard regrets expressed by residents in
445 Harrisville about the approval of so many multi-family housing units in their community; many
446 of those units are rental units, which allows for more transition and mobility and that is not a
447 positive thing for the community. She encouraged the Council to deny the rezone application.

448
449 Christopher Heiner, 681 E. 2600 N., stated he is representing his father and grandfather, who
450 both live in North Ogden. He first referenced the assisted living center on the project and noted
451 the City already has a sufficient amount of assisted living space in the community. He then
452 noted he has seen many nice town home developments, but most of those units generally
453 transition to rental or low-income housing units. He stated the City needs more single-family
454 homes to keep growing families in North Ogden. He referenced the zoning and stated that the
455 City currently has very little commercial zoning and he wondered where commercial zones
456 would start popping up throughout the community if it is taken away from Washington
457 Boulevard. He noted property taxes will eventually be increased to cover the cost of services
458 provided by the City and to offset those costs or the need to increase taxes the City needs sales
459 tax revenues. He stated it is important to look to the future and consider the best use of the
460 property and, for that reason, he recommends denying the rezone application.

461
462 Mike Carter, 304 W. 1825 N., stated he lives a few blocks from the subject property. He then
463 provided the Council with his own experience as an adult; he has lived in and managed
464 apartments in Murray and the units were riddled with problems associated with drugs and other
465 issues. He stated he does not want those problems close to his home in North Ogden; the
466 community is currently beautiful and he would like for the area to be developed into a more
467 walkable community. He stated there may not be a demand for commercial space now, but there
468 will be a demand in the future. He referenced mixed use developments in other communities and
469 stated that as the State continues to develop, people will be looking for neighborhoods within
470 walkable communities with access to stores and restaurants. He stated he feels the requested
471 zoning and subsequent project is premature and the General Plan for the City is outdated; those
472 issues need to be addressed before any rezone application is considered. He encouraged the
473 Council to heed the advice of Mr. Godfrey and have a greater focus on the future of the City.

474

475 Melina Spaulding, 1875 N. 390 W., stated the things she likes about the community is that it is a
476 very sound community with single family home developments; there is an opportunity to keep
477 the community the way it is in a responsible way and to keep it clean and taken care of. She
478 stated she works for a financial institution and she has observed the manner in which multi-
479 family housing units seem to change ownership so frequently, perhaps too fast. She stated the
480 income of the occupants of the units is lower each time and she feels the same thing would
481 happen to the subject property. She referenced similar developments in Harrisville and noted it
482 is difficult to keep units in good condition. She moved to North Ogden to live in a City that has
483 less crime and less development; even though she has family that lives in apartments she
484 understands the constant problems associated with apartments or other types of high density
485 developments.

486
487 Amy Steele, 1809 N. 400 W., stated she and her husband were drawn to North Ogden because of
488 the great schools and the feel of the community; she has looked at the General Plan that was
489 created in 1997 and she feels it is a great plan for the area, though she understands it needs to be
490 updated. She stated it provides a plan that attracts families to the area. She has seen over the
491 years the different high density developments that have been constructed around Majestic
492 Elementary and those developments have brought kids that struggle to read at their grade level,
493 among other problems. She stated that is a result of the transient nature of the families that live
494 in those types of houses. She stated she wants to be welcoming, but she wondered if it is wise to
495 invite more of that demographic to the City when schools are already struggling. The City has a
496 lot of potential and can be attractive to families that will take care of their homes; if the Council
497 makes a rash decision about this development at this time, the schools and community will
498 ultimately suffer. She urged the Council to deny the rezone application.

499
500 Hector Hurgato, 1741 N. 350 W., stated he lives two blocks west of the subject property; if the
501 application is approved, 1700 N. will be a major street and people that live in that area have
502 families with young children and there will be major safety concerns. He moved to Utah from
503 California, where he lived in apartment complexes. He stated those types of developments bring
504 a bad element to a city and he relayed some experiences he had while living in apartments; he is
505 not saying those things will happen in North Ogden, but it is possibility. He noted apartments
506 increase traffic and crime, as well as accelerate the deterioration of schools. He encouraged the
507 Council to deny the rezone application.

508
509 Frank Harrop, 1785 N. 225 W., stated while watching the presentation by the petitioner he noted
510 the applicant wants to eliminate half of the available commercial property in the City because
511 commercial developments are occurring in other cities, but not in North Ogden. He stated this is
512 not about what is happening in other cities; all other cities are having problems, but if the
513 commercial property is eliminated it will not be available again in the future when it is needed to
514 serve the growing population. He also encouraged the Council to deny the rezone application.

515
516 Neil Amaral, 183 E. 1875 N., stated he agrees with many of the things that have been said, but he
517 does believe there is an abundance of commercial property in the area. His recommendation
518 would be to rezone the property to allow the construction of more single family homes on the
519 western portion of the property and to maintain the commercial zoning along Washington
520 Boulevard. He noted that commercial developments that are too far from a high traffic road are

521 not as successful. He stated the new single family homes would be more compatible with the
522 existing single family homes in the area.

523
524 Jess Robertson, 1598 N. 200 W., stated that he agrees that the recommendation has been made
525 by the Planning Commission, but the Council must also consider that as the elected officials of
526 the City they represent the people and the people have spoken today. He stated there have been
527 many good suggestions and he feels there are other options for the property. He stated when he
528 moved to his home he reviewed the master plan for the subject property and it included future
529 phases of single family home development and that was his idea of what he wanted to see in
530 North Ogden. He stated the proposed development of apartments could bring another 300 to 400
531 people in the area and they would all have to drive through school zones to get to their dwellings.
532 He stated that is not what he envisioned for the City of North Ogden and he hoped the Council
533 would listen to North Ogden residents rather than an out-of-state developer that is seeking to
534 better his bottom line.

535
536 Don Colvin, 566 E. 3050 N., stated he has served as a Planning Commissioner, City Council
537 Member, and even Mayor of North Ogden; at that time there was a proposal to extend Wall
538 Avenue to provide greater access to the western side of North Ogden and that is still a viable
539 option to consider in order to hand the traffic generated by the development of the subject
540 property. He stated that he feels the Planning Commission has put the Council in a difficult
541 position and the rezoning of this large an area should not be considered without considering
542 access to the western portion. He noted the General Plan should be updated, which will lead to
543 additional discussions regarding transportation pertaining to commercial and residential
544 development. He stated he would recommend tabling the application until such a time that the
545 General Plan can be updated in order to determine what is best for the community.

546
547 John Call, 1895 N. 300 W., stated his biggest concern is the proposed increase in density, which
548 would invite an increase in crime; it has been his experience that high density areas become run
549 down as they age. He noted he lives in a twin home that is part of the development that has
550 changed ownership several times. He has stayed in the area because he likes the family feel of
551 the City and he hopes to raise his family here; he would like for the area to remain single-family
552 in nature. He noted there are existing apartments on the east side of Washington Boulevard on
553 1700 North and many of them have been vacant for some time. He wondered if it is wise to
554 increase the number of apartment units in the area based on that vacancy rate. He stated there
555 are existing town homes in Harrisville as well and he noted the density of the area may be too
556 high. He encouraged the Council to deny the rezone application.

557
558 Art Galvez, 110 E. 1875 N., stated that he would urge the Council to vote against making any
559 changes to the subject property.

560
561 Sarah Eabe, 175 W. Hancock Circle, stated when she bought her home that she lives in with her
562 small children, it was with the understanding that it would stay as it was; she is opposed to multi-
563 family housing. She stated she understands there is a purpose for multi-family housing and she
564 has lived in apartments herself, but she worked very hard to be able to move from an apartment.
565 She came to North Ogden for the sense of community and she does not want to live in an area
566 where she is close to multi-family housing because of the increased crime levels. She stated

567 another thing concerns her is the delayed construction of another elementary school to serve the
568 area; Majestic Elementary is currently overcrowded and there is nowhere to send more children
569 if they move to the area. She then stated she is not supportive of a charter school in the area
570 because she believes in the public school system. She encourage the Council to listen to the
571 citizens that have spoken this evening and vote against the proposed rezone.

572
573 Brian Crittenden, 1237 E. 2650 N., stated he would echo many of the comments that have been
574 made; many people moved to North Ogden because it is a safe place to live, it is a single-family
575 community, and it is family oriented. There is a time and place for multi-family housing and it is
576 not here; there are existing multi-family opportunities in the City. He stated North Ogden will
577 grow on its own and that growth should not be rushed; the growth will occur properly as directed
578 by the General Plan. He stated that if the property is zoned residential at this time, it would be
579 very difficult to go back to commercial zoning in the future if that were deemed necessary. He
580 encouraged the Council to vote against the proposed rezone.

581
582 Jim Flinn, Farr West, stated that he would like to speak in favor of the assisted living center; he
583 would like the Council to make a distinction between the center and the multi-family portion of
584 the development. He stated that there is a great benefit of having this type of assisted living
585 center in the community. He knows the applicants and they have only chosen communities that
586 are progressive in nature and they are building their centers to serve the needs of the community
587 in the future. He asked the Council to consider that this evening as they are deliberating. He
588 stated that aspect of the development will not impact the schools and it is truly a community
589 investment that will bring jobs to the City.

590
591 Dallin Ence, 187 E. 1875 N., stated he is very concerned about the multi-family units. He then
592 noted that his property abuts the commercial area of the property and that is the last thing that he
593 wants near his property. He stated he moved to the area because it is nice place to live, but it is
594 not a good place to construct additional multi-family units that will eventually deteriorate. He
595 encouraged the Council to vote in opposition to the proposal. He stated he would not be opposed
596 to single-family homes, but he is opposed to multi-family units.

597
598 Jordan Bodily, 163 W. Hancock Circle, stated that he is a data driven person and he has
599 researched many cities where high density housing is located to understand some of the
600 improvements or negative impacts that such housing has caused. He stated he found an increase
601 in pollution, crime, and an introduction of more low-income families. One thing the City needs
602 to be cognizant of is the use of tax dollars to subsidize low-income families for addressing things
603 like an increase in crime and pollution. That is not something North Ogden has in its General
604 Plan. He stated that he has no problems with the assisted living center, but he is opposed to the
605 multi-family housing.

606
607 John Hansen, 345 W. 1700 N., stated he has lived in North Ogden for 12 years and he loves the
608 community. He agrees with many of the comments that have been made, but he noted the City
609 does have a General Plan and if the City deviates from that plan it is essentially a “bait and
610 switch” for the families that have already built in the area. He stated there is plenty of affordable
611 housing in the area; there is not a lack of apartments or high density housing. He added there are
612 three other assisted living facilities in the vicinity near the subject property. He stated the

613 proposed development could bring an increase in crime, drug activity, and gang activity. He
614 added that if the commercial zoning is lost now it will never be recaptured. He noted Mr.
615 Godfrey has done a lot of great things for the community and there are many companies that will
616 locate in the area and they will need space to accommodate them. He stated property rights are
617 important, but the developer purchased the property based on how it was zoned and the
618 development that was called for in the General Plan. He stated it would be a huge impact to the
619 schools in the area and would have a negative impact on the community feel. He asked the
620 Council to deny the request.

621
622 Angie Francom, 361 W. 1700 N., stated she is new to the area and she picked this community for
623 a purpose and to allow her children to attend the school they are allowed to attend. She stated
624 she has also lived in high-density housing and worked hard to get out of it and she does not want
625 it located near her existing home. She stated as she was listening to Mr. Herold's presentation
626 she made a list of pros and cons and nothing was included on the pro list; she feels very strongly
627 that the Council should deny the application.

628
629 Mark Mangum, 176 W. 1500 N., stated he wonders how many of the prospective buyers of the
630 existing single family homes in the area of the subject property know that it may be rezoned. He
631 stated he is not opposed to the assisted care center, but he would encourage the Council to revise
632 the application to avoid high-density housing.

633
634 David Meents, 922 E. 3250 N., stated he has lived in North Ogden since 1980; he raised his three
635 kids here and none of them, nor their friends, live in North Ogden because they cannot afford it.
636 He is supportive of affordable housing if it is developed correctly and he is also supportive of the
637 assisted living care center. He stated there have been many negative comments made this
638 evening, but he suggested there are options for amending the application in a manner that is
639 responsible and can accomplish the goals and meet the needs of the City.

640
641 Justin Southwick, 1819 N. 200 W., stated he is born and raised in North Ogden and it is
642 interesting to see how the City has evolved over the years; it was previously a very small farming
643 community and he longs for those days again. He is excited to see how the City is growing, but
644 as that growth has occurred some poor decisions have been made. He stated with Mr. Godfrey's
645 involvement there are better chances for the City to make wise choices. He added he can echo
646 many of the comments that have been made about the negative aspects of apartments and high
647 density housing and he does not want to see the community turn into a place that he is not proud
648 to raise his family in.

649
650 Susannah Burt re-approached and stated that the idea of the assisted living center sounds
651 wonderful, but she asked the Council to consider that the other existing assisted living facilities
652 are not currently filled to capacity and she does not think it would be wise to build another center
653 that will sit vacant.

654
655 Nick McIntosh, 2230 N. Fruitland Drive, stated he would like the Council Members to think
656 about how they would feel about this situation in the future when they are no longer a member of
657 the City Council and the City is considering an application to locate this type of development in
658 their backyard.

659
660 Dan Carter, 113 W. Elberta Drive, stated that he wants to farm his property until he dies and he
661 is concerned with his City considering this type of application when it should be denied. He
662 stated his daughter works for a real estate agent that works on multi-family developments and
663 she recently had to tell people they would need to move out of their homes because of the effect
664 drug use had on the property. He stated that the assisted living center is fine, but he is not
665 comfortable at all with the high density aspect of the development. He urged the Council to
666 make a final decision on the application tonight and he reiterated he wants to see the best for the
667 City.

668
669 Don Colvin re-approached and stated that he originally recommended tabling the application, but
670 after listening to all the comments made this evening he would recommend denying the
671 application to rezone and work on the future revision of the General Plan to determine what is
672 best for the City in the long term.

673
674 Richard Steele, 1809 N. 400 W., stated that he moved to the neighborhood with the
675 understanding of its future development for additional single-family homes and there was little to
676 none multi-family housing development in the area. He noted he would like for the single-
677 family development to continue.

678
679 Amy Steele re-approached and stated that as Mr. Herold presented the plan there was such a
680 focus on the assisted living center portion for the project that he did not mention much about the
681 apartment complexes. She stated that she would like for the Council to consider what is best for
682 the entire City and move forward with that.

683
684 John Hansen, 1575 W. 4000 N., stated that he has brought many people to North Ogden and
685 Harrisville over the last 40 years; he has raised his family here and it is a great place as many
686 people have said tonight. He stated it is a bedroom community and the City has the option of
687 maintaining that feeling. He noted he owned the Smith's property for 10 years and he was
688 consistently told that big box stores will not locate in the area. He stated many businesses will
689 not locate in the City because there are not enough rooftops and his feeling is that if the Council
690 denies the assisted living care facility, that will be a huge mistake. He stated that the center
691 would provide a boost to the local economy and would create many new jobs. He stated that he
692 cannot speak for the other portion of the project, but he does not feel that the property will ever
693 be a large commercial development. He stated there is much talk about the future, but the
694 Council is responsible to consider the needs of the community now and to table the entire project
695 will be a big mistake. He stated the applicant has been waiting for over a year to get an answer
696 on his project and he deserves an answer about the assisted living center and charter school.

697
698 Mr. Herold stated there have been many comments about the desire for single family
699 development of the property, but that is not on the table; his client is not interested in a single
700 family development and the property is not zoned for that use at this time. He stated the question
701 is between commercial and multi-family development. He reviewed a history of the property
702 and noted the type of commercial development that has been discussed tonight would generate
703 much higher traffic levels than the current proposal would generate.

704

705 Jack Barrett, owner and developer of the ground, stated that he has been working on this project
706 for over 11 years; he provided a history of that work and stated that he started with the intention
707 of developing a big-box commercial development, but upon the economic downturn he began
708 focusing on other options for the property and the discussion of the type of development that is
709 being discussed tonight has been on the table for the last three or four years. Times have been
710 tough and many other commercial projects are run-down just as housing developments can
711 become run-down. He stated he has a contract with the developer of the assisted living facility
712 and they are a serious developer. He provided an example of how he maintains other
713 developments that he has worked on in the past and noted he is not interested in allowing the
714 condition of any of his developments to become degraded. He stated that he has been patiently
715 waiting for an answer on his proposal and he is wondering how much longer he will be forced to
716 wait, especially now that he has a great potential user of the property. He asked the Council to
717 think about what they would be saying no to if they denied the multi-family portion of the
718 project.

719
720 Mr. Langhos re-approached and stated the assisted living care facility would be in the project for
721 the long term and they would maintain their facility well. He noted there is a need for this type
722 of use in the community and he would not be here with an agreement in place if that need were
723 not real. He referenced the opportunity for the City to consider a development agreement for the
724 project and noted there are many issues and concerns regarding the multi-family aspect of the
725 project that can be discussed and negotiated at a later date and the neighborhood and other
726 residents could be involved in that. He noted the combination of an assisted living facility, high
727 density housing, and a school is a great development and would be a good buffer against the
728 existing single-family developments. He noted the traffic generated by the development is very
729 low and it would also create a great economic benefit for the community.

730
731 **Council Member Bailey moved to close the public hearing at 9:12 p.m. Council Member**
732 **Satterthwaite seconded the motion.**

733
734
735 **Voting on the motion:**

736
737 **Council Member Bailey** aye
738 **Council Member Fawson** aye
739 **Council Member Satterthwaite** aye
740 **Council Member Stoker** aye
741 **Council Member Urry** aye

742
743 **The motion passed unanimously.**

744
745
746 **6. DISCUSSION AND/OR ACTION TO CONSIDER REZONING THE PROPERTY LOCATED**
747 **AT APPROXIMATELY 1825 N 100 E FROM COMMERCIAL C-2 TO RESIDENTIAL R-3**
748 **AND RESIDENTIAL R-4 FOR THE PURPOSE OF CONSTRUCTING A MULTI-FAMILY**
749 **DEVELOPMENT**
750

751 Council Member Fawson thanked all residents that have spoken about this development. He stated he
752 understands the concerns associated with the impact the proposed development could have on the existing
753 single-family developments, but it is important for the Council to look into the future and try to determine
754 what is going to be best for the City. He noted the City has a lot of area to grow into and it is important to
755 consider traffic and other things that can impact the City; commercial areas will be needed to provide
756 additional products and services to the citizens, especially at buildout. He referenced the assisted living
757 center and the argument has been made that the rezone is needed to accommodate that component of the
758 project, but he does not agree with that; the Council is the defining authority relative to the types of uses
759 that are allowed in various zones of the City. He stated he believes the Council can facilitate an assisted
760 living center in a residential zone. He then stated that a charter school could locate wherever it wants to
761 and to hold that developer of the school hostage based on the current zoning of the property is unfair; he
762 has received calls from the charter school and they feel the City is holding up the project and that is not
763 the case. They should be allowed to build wherever they would like. He stated he would prefer more
764 commercial development than is being proposed in the application, but he noted he likes the components
765 of the assisted living center and the charter school and he feels work on those components can start
766 immediately. He added he feels they are good buffers between residential and commercial land uses. He
767 would support extending the commercial portion of the project and constructing the assisted living center
768 and the school as a buffer between the commercial and existing residential land uses.
769

770 Mayor Taylor reviewed the annexation plan map for the City and noted that property located south of the
771 subject property will ultimately be annexed into the City in the future and the plan is to zone that property
772 for commercial use as well as to provide a traditionally shaped commercial area that fronts Washington
773 Boulevard. He noted another thing the Council should be aware of is that there is much commercial
774 development potential and one landowner in the City actually has four letters of intent from a big-box
775 retailer and associated pad retailers; the trend to attract those types of developments will only continue
776 and preserving commercial space is important.
777

778 Council Member Stoker stated she was not in favor of the plan when she originally heard about it and she
779 is still not in favor of it. She feels it is contrary to the General Plan and it is not the type of plan that will
780 bring people to the community. She stated the assisted living center portion of the plan is a needed
781 component and it may be workable, but she is definitely opposed to the high density housing components
782 of the development.
783

784 Council Member Bailey echoed the comments of Council Members Fawson and Stoker and noted he is
785 not supportive of the high density housing component of the project; it is not the type of development that
786 will attract more retailers to the community. He stated that he was also not in favor of the plan when he
787 first saw it; the assisted living center may have merit, but he is unsure how best to consider that aspect of
788 the proposal since it is coupled with a rezone of the entire parcel of property.
789

790 Council Member Satterthwaite stated he feels property owners have property rights and they should be
791 allowed to develop their property as they choose, but the Council has the responsibility to keep the City
792 intact and follow a General Plan that has been viewed by people that ultimately moved to the City
793 because of the development projections included therein. He stated the City has the responsibility to
794 update the General Plan and ensure it remains updated. He stated he previously believed that the City
795 would not be able to attract big box retailers because of the lower number of rooftops, but he now
796 believes that retailers are considering the higher average income rather than the actual number of rooftops
797 when determining whether to locate here. He reiterated that though he is supportive of property rights,
798 the Council is obligated to consider the General Plan and maintain the commercial zoning of the property
799 to allow for different development options in the future.
800

801 Council Member Urry referenced some of the economic development work that Mr. Godfrey did as he
802 was the Mayor of Ogden. He then explained his feelings about high density housing and apartments
803 based on some of his own personal experiences and he noted he does not like that people that live in
804 apartments are branded as lesser individuals; many people get ideas in their minds that are not accurate.
805 He added that he does not feel it is possible to understand the feelings of the majority of the residents
806 based on one public hearing and if the City wants to understand the true feelings of the majority they
807 should commission a study from Weber State University on this subject. He then noted he is a proponent
808 of property rights and he feels it is important to follow the General Plan of the City, even though it may
809 be outdated. He stated this will be a tough decision for him. Mayor Taylor stated that this application was
810 denied over a year ago because the City wanted to commission a study or work to update the General
811 Plan.

812
813 Council Member Fawson addressed Council Member Urry and stated the residents at the meeting tonight
814 may not be the majority of the residents in North Ogden, but they are the voices of the group of residents
815 that would be the most impacted by the project. He stated that is a voice worth listening to. He then
816 agreed with Council Member Urry's comments about the fact that many North Ogden residents may look
817 down on those living in apartments; he noted North Ogden residents often have an elitist mentality and
818 they should be careful when talking about who should be allowed to live in the City. He stated the
819 appropriate thing to do is consider the actual, data driven impact the development could have on the City.
820 He concluded it is most appropriate to consider the long-term needs of the City and he has little doubt that
821 the City will need more commercial property in the future.

822
823 Mayor Taylor agreed it is important to consider the impact a development could have on neighboring
824 property owners and that is where the General Plan comes into consideration; many people review the
825 General Plan when trying to understand how vacant property near their property may develop in the
826 future. He noted the current owners of the property purchased the property with a full understanding of
827 the zoning of the property and the land use designation called for in the General Plan and neither of those
828 things was multi-family development. He stated he feels the assisted living center may be needed and
829 could be a good fit for the neighborhood. He suggested the City work together with the applicant to
830 arrive at a proposed development that would work best for the entire community. He indicated he is
831 aware the petitioner would like to make a change to their recommendation.

832
833 Council Member Urry revisited the issue of labeling people and stated the type of housing does not cause
834 problems, but the deterioration of a family can cause problems.

835
836 Mr. Chandler stated of key importance to the applicant is the assisted living center and Mr. Herold is
837 recommending only rezoning the portion of property that would house the center and working to
838 negotiate a development agreement that would condition the R-4 zoning on the construction of the center;
839 if the center is never built the zoning of the property would revert back to commercial. Mr. Herold noted
840 the only zone in the City that permits an assisted living center is the R-4 zone; the other option would be
841 to amend the City's zoning ordinance to permit the land use in other zones in the City. Mr. Barrett added
842 that he has not been able to give a formal answer to the charter school until he understands what the
843 zoning of the property would be; the charter school is very interested in the type of development that
844 would occur around them. He then referenced the work that he has done on the subject property to
845 improve it to date and to provide a benefit to the City and the immediate residents.

846
847 Council Member Satterthwaite asked to review a map highlighting the portions of the property that would
848 be rezoned if the amended application were approved tonight. Mr. Herold referenced an exhibit in the
849 Council packet that highlighted the acreage that would be taken by the assisted living center. He noted
850 the charter school could locate anywhere on the property. There was then a general discussion regarding
851 the way to proceed relative to the amended application, with Mr. Herold clarifying that the assisted living

852 center would consume eight acres of property, the charger school would consume five acres, leaving 11
853 acres of commercial property on the eastern portion of the subject property.

854
855 Council Member Stoker stated the City hired Mr. Godfrey to create an economic development plan for
856 the City, but if the amended application is approved this evening, Mr. Godfrey's hands will be tied and
857 the City will not get what it is paying for. Council Member Fawson noted there is no way to prohibit the
858 charter school because it is allowed to locate in any zone of the City. Mayor Taylor agreed and stated that
859 maintaining commercial zoning on the eastern portion of the subject property would prevent a loss for the
860 City. Mr. Herold agreed and stated that property would be 1,850 feet deep, which is very large for a
861 commercial development; Wal-Mart super centers are typically only 600 to 700 feet deep.

862
863 **Council Member Fawson moved to suspend the rules and allow additional public input**
864 **regarding the agenda item. Council Member Bailey seconded the motion.**

865
866 **Voting on the motion:**

867
868 **Council Member Bailey** aye
869 **Council Member Fawson** aye
870 **Council Member Satterthwaite** aye
871 **Council Member Stoker** aye
872 **Council Member Urry** aye

873
874 **The motion passed unanimously.**

875
876 Susannah Burt, 1809 N. 650 E., referenced the map including the property broken into three parcels and
877 she asked if the entire eight-acre parcel will be consumed by the assisted living center. Mr. Herold
878 answered yes. Ms. Burke asked if the charter school has its charter. Mr. Barrett stated that they are three
879 weeks away from receiving their charter.

880
881 Neil Amaral re-approached inquired as to the potential land use of the unincorporated property located
882 directly to the north of the subject property. Mayor Taylor stated that is typically determined when a
883 parcel of property is annexed into a City.

884
885 Council Member Fawson clarified that the applicant is now only asking for a zoning change for the parcel
886 that would house the assisted living center and no other zoning changes are being considered; the
887 development will also be subject to a development agreement.

888
889 Justin Southwick, 1819 N. 200 W., stated he wants to make sure the applicant is not opening a back door
890 that would allow them to get what they were originally asking for.

891
892 Council Member Bailey reiterated that the development would be tied to a development agreement.

893
894 John Hansen, 345 W. 1700 N., stated when this issue was first raised the room was packed with people
895 that were opposed to multi-family housing. He stated it will continue to come up and now the developer
896 is tying it to an assisted living center. He stated he is concerned about the back door that may be available
897 to the developer.

898
899 Council Member Urry stated the Council is considering rezoning one piece of property and the
900 development of that property would be tied to a development agreement. Council Member Satterthwaite
901 reiterated that the charter school can locate within any zone in the City.

902
903 Mr. Hansen asked if the developer would need to follow the application process again if they wished to
904 get approval for development of any other portion of the property. Mayor Taylor answered yes.
905

906 Council Member Bailey addressed the concerned residents and stated that the property is currently zoned
907 commercial and the current proposal is less intensive and would have a lesser impact on the existing
908 single-family development. Mayor Taylor asked if the developer will construct single family housing on
909 the remaining portion of property that would not be part of a future commercial development parcel to the
910 east. Mr. Herold stated that question could be answered during the negotiation of the development
911 agreement and he referenced the type of housing that he would be favorable of extending further to the
912 west.
913

914 Phil Swanson, 1066 E. 3300 N., stated he is a member of the Planning Commission and he voted against
915 this application because of the request to rezone the entire parcel of property. He stated he has asked the
916 developer to amend their application to request a rezone of the eight acres only that would house the
917 assisted living center; he feels that use would be a great addition to the City.
918

919 Chris Heiner, 681 E. 2600 N., inquired as to the ramifications of rezoning the property to accommodate
920 the assisted living center; he asked if the action would set a future precedent when other developers seek
921 approval of high density developments. City Attorney Call stated zoning decisions are legislative and
922 precedent does not come into play. Mr. Heiner stated he feels the City would be on stronger legal footing
923 if the zoning language were changed to allow an assisted living center in a commercial zone. Mr. Call
924 agreed, but noted the amended petition is to rezone the eight acre parcel of property to R-4, which allows
925 for an assisted living center.
926

927 **Council Member Fawson moved to table the amended application to rezone an eight acre**
928 **parcel and refer the issue to staff for negotiation of a development agreement; and to deny**
929 **the portion of the application seeking approval of the construction of a multi-family**
930 **development on a portion of the property. Council Member Bailey seconded the motion.**
931

932 Council Member Urry commended the Council for working together to resolve this issue.
933

934 **Voting on the motion:**
935

936 **Council Member Bailey** **aye**
937 **Council Member Fawson** **aye**
938 **Council Member Satterthwaite** **aye**
939 **Council Member Stoker** **nay**
940 **Council Member Urry** **aye**
941

942 **The motion passed 4-1 in favor of the motion.**
943
944

945 ****The Council took a recess at 10:15 p.m. The meeting reconvened at 10:26 p.m.****
946
947

948 **7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPROVING ENTRY**
949 **INTO AN EASEMENT AGREEMENT BETWEEN SMITHS FOOD & DRUG CENTERS,**
950 **INC. AND NORTH OGDEN CITY CORPORATION FOR A NORTH OGDEN TRAIL**

951
952 Mr. Chandler reviewed the site plan for the Smith's Marketplace project and identified the location of the
953 proposed trail that is the subject of the proposed easement agreement. The agreement calls for a 12-foot
954 wide easement for the trail; it will eventually connect to a five foot sidewalk that will connect the trail to
955 2600 North. The canal easement is actually 30-feet, but the trail easement is only 12-feet inside of the 30-
956 feet; Smith's Marketplace has agreed to maintain landscaping on either side of the 12-foot easement. He
957 noted the trail will be a public trail and non-motorized and foot traffic will be permitted; Smith's will
958 construct the trail of road base and the City will maintain it. The easement is perpetual. He noted the
959 exhibits for this easement have been amended; a resolution has been drafted to accompany the easement
960 agreement.

961
962 **Council Member Fawson moved to approve Resolution 08-2014 and Agreement A9-2014.**
963 **Council Member Stoker seconded the motion.**

964
965 **Voting on the motion:**

966
967 **Council Member Bailey** aye
968 **Council Member Fawson** aye
969 **Council Member Satterthwaite** aye
970 **Council Member Stoker** aye
971 **Council Member Urry** aye

972
973 **The motion passed unanimously.**

974
975
976 **8. DISCUSSION AND/OR ACTION TO CANCEL THE APRIL 8TH CITY COUNCIL MEETING**

977
978 Mayor Taylor stated the recommendation is to cancel the April 8, 2014 Council Meeting to allow
979 members of the Council the freedom to attend the Utah League of Cities and Towns (ULCT) conference
980 to be held in St. George April 9-11, 2014.

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982 **Council Member Fawson moved to cancel the April 8, 2014 City Council meeting. Council**
983 **Member Bailey seconded the motion.**

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985 **Voting on the motion:**

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987 **Council Member Bailey** aye
988 **Council Member Fawson** aye
989 **Council Member Satterthwaite** aye
990 **Council Member Stoker** aye
991 **Council Member Urry** aye

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993 **The motion passed unanimously.**

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996 **9. PUBLIC COMMENTS**

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998 Bob Buswell, 962 E. 3025 N., stated he feels the Council has communicated well with one another
999 tonight.

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10. CITY COUNCIL, MAYOR AND STAFF COMMENTS

Council Member Bailey stated he appreciates the opportunity to work with a Council that can deal with emotionally charged issues and still reach a good consensus and way forward. He then noticed he has received many phone calls from residents that are concerned about the condition of properties throughout the City and he asked how code enforcement is handled in the City. Mr. Chandler stated a police officer is assigned to nuisances and the building official is charged with other code violations. He stated the general nuisances will be addressed by the police department this spring. Mayor Taylor stated it is his opinion that these types of cases should be aggressively addressed and enforced. Council Member Bailey agreed.

Council Member Stoker stated there is a parcel of property on Mountain Road and 2600 North that is out of compliance and she asked staff to look into that property. She then stated she received an email from a resident that is concerned about the City's policy relating to water shut-offs and she asked the staff to look into that issue. She then thanked everyone that attended the meeting this evening and voiced their opinions; she sought office to be a voice for the people and that is why she voted no on the rezone application this evening. She then stated she appreciates the Mayor and staff.

Council Member Fawson stated that he is aware that the Mayor and Mr. Chandler responded to people personally about the fact that the green waste site was closed last weekend. Mr. Chandler stated that the site will be open next week and he noted the facility is manned by volunteers. Council Member Fawson suggested flexibility in the schedule of open dates for the facility, especially in times of good weather. He then noted that he sent an email recently about some decisions made by the Planning Commission; one point he wanted to follow up on is that he feels the economic development contractor is underutilized by the Planning Commission and the Planning Commissioners that responded said that they do not want to interfere with the decision making process in the City. He stated, however, that he would encourage the Planning Commission to use Mr. Godfrey as a consulting resource relative to the decisions they are making and he referenced imminent decisions that the Planning Commission will be making that may be better thought out with input from Mr. Godfrey. He then announced that he is running for the District Seven seat and he explained the process for the position appointment.

Council Member Satterthwaite asked if the City has a policy that would address the deterioration of the King's building. Mr. Chandler answered yes and noted staff will work to address the nuisances on the property. Council Member Satterthwaite then asked how the water shut-off issue will be addressed. There was a general discussion regarding the City's shut-off policy and Mayor Taylor stated that the issue can be discussed further in the upcoming budget meeting. Council Member Satterthwaite then stated he is pleased with the outcome of tonight's meeting and he thanked everyone for being civil and thanked the Mayor for keeping control of the meeting.

Council Member Urry stated he feels good about being on the City Council and he is very pleased with how the Mayor handled the meeting. He stated staff is doing a great job as well. He then reported on some calls he has received about the following: property nuisances and the green waste recycling program and he reported staff was very helpful in addressing those issues. He then expressed his concerns regarding the makeup of the agreement with the City's economic development consultant. Mr. Chandler stated the City has identified the projects they would like Mr. Godfrey to work on and he only gets paid for performance.

City Recorder Spendlove led a discussion about taking photographs of the City Council for the Cherry Days pamphlet.

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1101 _____
1102 Brent Taylor, Mayor
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1105 _____
1106 S. Annette Spendlove, MMC
1107 City Recorder
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1109 _____
1110 Date Approved

NOT APPROVED