

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

April 14, 2015

The North Ogden City Council convened in an open meeting on April 14, 2015 at 6:31 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on April 9, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor	
	Kent Bailey	Council Member	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	James Urry	Council Member	
	Eric Thomas	Planning Commission Chairman	
	Don Waite	Planning Commission Vice-Chairman	
	Scott Barker	Planning Commissioner	
	Brandon Mason	Planning Commissioner	
	Steve Prisbrey	Planning Commissioner	
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director	
	Annette Spendlove	City Recorder	
	Jon Call	City Attorney	
	Rob Scott	City Planner	
EXCUSED:	Blake Knight	Planning Commissioner	
	Dee Russell	Planning Commissioner	
VISITORS:	Josie Hulme	Justin Hulme	Lanise Heaton
	Bonnie F. Taylor	Carol Campbell	Bob Campbell
	Rachel DuBose	Joslyn Postma	Rochelle Femundez
	Amber Myers	Eric Myers	Holly Vanderwoude
	Candice Illum	Steve Rasmussen	Mike Carter
	Rachel Trotter	Pam Pontius	Jeff Newman

**OFFSITE VISIT – OAKLAWN PARK – 1200 E 2500 N – 6:00 P.M. - CANCELLED**

**REGULAR MEETING – 6:30 P.M.**

Mayor Taylor welcomed those in attendance.

Council Member Stoker offered the invocation and led the audience in the Pledge of Allegiance.

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS**

Todd Marks, 2673 Summerwood Drive, Layton, stated he represents Gunnerson Consulting and he has provided information to City staff regarding the services his firm provides; they review sites and contracts free of charge cell tower installations to determine if there is anything that can be done to provide a greater benefit to the community in terms of increasing revenue or strengthening the contract for property owners.

Mayor Taylor thanked Mr. Marks for the information he has provided.

Council Member Satterthwaite asked Mr. Marks how he makes any money if he reviews sites and contracts free of charge. Mr. Marks stated that after the analysis is complete and if the City chooses to engage Gunnerson Consulting for additional services, that is when his fee will get paid. He briefly reviewed some of the types of issues his firm has been able to identify in the past for cell tower leases.

Council Member Urry inquired as to who actually completes the analysis. Mr. Marks stated it is completed by Brian Gunnerson who has been in the industry for over 30 years; he has built all voice stream and T-Mobile networks in the State of Utah. He has discovered a great imbalance between property owners and tower companies and would like to work to provide balance and create a better position for landowners. There was a brief discussion regarding the process the City would follow to engage Gunnerson Consulting's services in the future if necessary, after which Mayor Taylor concluded the Council can have continued discussion before providing guidance to himself and City Administration.

Joslyn Postma, 2788 N. 550 E., stated that when she moved to the area last summer friends and family were excited to tell her that North Ogden City allows backyard chickens; she chose an older home on a half-acre lot that would allow for a large garden and a small flock of chickens. In March when she came to City Hall to apply for her chicken permit she was told her home is in the Residential City Center (RCC) and, since it allows for duplexes and attached homes, she is not allowed to keep chickens. She reviewed the zoning map of the City and identified the boundaries of the RCC and stated that she has become more familiar with the zoning map to understand why some areas of the City can keep chickens and others cannot. She stated there are four zones in the City in which chickens are prohibited; most of developments in those zones are HOA covenanted or they are townhome and condominium communities. She stated the RCC is not part of an HOA community and while there is a concentration of duplexes and attached homes south of North Ogden Elementary, 80 percent of the development in the RCC is single family homes. She reviewed City Council meeting minutes from 2011 when the chicken keeping ordinance was first discussed and she was not able to find anything recorded. She is present this evening to ask that the City Council amend the existing chicken keeping ordinance to allow single family homes in the RCC the same privileges that other single family homes in the City enjoy.

Mayor Taylor thanked Ms. Postma for her comments and noted that he has also done some research and from his review of the minutes when the decision regarding chicken keeping was made, he feels this issue simply was not considered due to an oversight. He stated there is no mention in the minutes that chicken keeping would be strictly prohibited in the RCC zone and it is possible that the Council and staff did not understand that the zone specifically needed to be considered. He asked if there is interest among the Council in modifying the zoning ordinance to address Ms. Postma’s concerns. The Council indicated they would like to take the issue under advisement and refer Ms. Postma’s concerns to the Planning Commission.

Jeff Randall, 1700 N. Fruitland Drive, asked that the City consider including Randall Road on name placards for Fruitland Drive; this would recognize two people that have had a great impact on the City. The first is his great, great, great grandfather, Alfred Randall, who was a body guard for Joseph Smith and was a pioneer that immigrated west with the saints. He served eight missions and in 1867 he was commissioned by Brigham Young to move to Ogden and start Ogden Woolen Mills; he ran the mill for several years with Lorrin Farr and later moved his family to North Ogden and settled on what is now Fruitland Drive. That drive became known as Randall Road. His home was located at approximately 1830 or 1850 Fruitland Drive. He stated the other person that would be honored by the renaming of the road is Naomi Randall, who was the wife of Alfred Randall’s grandson; she also lived on Fruitland Drive and she authored the words to the popular hymn “I am a Child of God”. In 1952 Alfred Randall was known to have over 2000 descendants and he would not dare guess how many there are today. He suggested a sign be erected on the south end of Fruitland Drive to designate the road as Randall Road.

Mayor Taylor thanked Mr. Randall for his request and asked him to provide his information to City Recorder Spendlove in order to coordinate a meeting between himself and the Historical Museum Committee to determine whether the road should receive a historical designation.

**2. DISCUSSION AND/OR ACTION TO APPROVE THE LOCATION & BUDGET FOR THE DOG PARK**

Mayor Taylor used the aid of a map to provide a brief overview of the site that is being recommended for the dog park, which is the detention basin located on 2600 North and 850 East with a dog leg to the north east. This location has been selected because it is already fenced and will suit the needs of the City for now and sometime into the future until another more suitable site can be found. He briefly highlighted parking areas as well as points of entry and exit, after which he noted the park can be funded entirely from the revenue generated by the \$5 surplus on dog license fees. He then asked the chair of the committee created to examine a dog park, Carol Campbell, to briefly review the final proposed budget for the dog park; Ms. Campbell provided the budget review as follows:

**Final Dog Park Budget**

Culinary Water	\$ 2,013.49	Dave Espinoza (despinoza@nogden.org)
Waste Station	296.75	2 @ 129 ea, \$38.75 shipping zerowasteusa.com
Slats	1,020.00	\$5-6/sq. ft. Home Depot (170 linear ft. )

Gate	1,250.00	\$1250 United Fence Co
Fencing	127.42	inc. t-post, Dave Smith ( <a href="mailto:dsmith@nogden.org">dsmith@nogden.org</a> )
Signs	278.01	
Curb stripe		PW has paint on hand & will spray
<b>Total:</b>	<b>\$ 4,985.67</b>	

**Signs: \$ 278.01**

3 - NO Parking @ 14.16 ea.	\$ 42.48
6 - No Dog Park Parking @ 14.16 ea.	\$ 84.96
North Ogden Dog Park 2' X 5'	\$ 77.25
Rules sign 2 ½' X 2 ½'	\$ 45.27
Donor 3 @ 9.35 ea.	<u>\$ 28.05</u>
	\$278.01

**Fencing (outlet) - \$ 127.42**

Home Depot 4' X 100' 14 gauge \$69.97 (Lowes 40.97/50')	\$ 69.97
13 @ t-post Lowes 4.27 ea. (Home Depot 4.98 ea.) =	\$ 55.51
Clamps 25/.97 (Lowes)	<u>\$ 1.94</u>
	\$127.42

**Gates:**

**United Fence Company - Tyler 866-629-2438 \$1250**

**MCH Fencing – Mike 801-430-5955 \$ 1,400**

**Best Fencing - 801-316-3305 - Richard (pending)**

**Brimhall's Fence Company 801-624-6278 – Sid \$1350**

Work to be performed by volunteers:

Put slats in fence

Repair fence where it doesn't contact ground (using excess fence from outlet)

Adjust 2 service gates to close gaps

Install fencing around outlet

Dig out puncture weeds

Ms. Campbell then stated she would like for the \$5 surcharge to stay in effect until there is enough money available to build a new dog park outside of a detention basin so that more of the community could participate without navigating steep slopes and berms to get into the park.

Council Member Swanson asked if 'no dog park parking' signs will be erected on the south side of 2600 North to prevent park visitors from crossing the street to get to the park. Mayor Taylor answered yes and noted the north side curb of 2600 North would be painted red to prohibit parking of any kind.

Ms. Campbell then reviewed the list of draft rules that would be posted at the park with input from City Attorney Call, who indicated he has reviewed and approved the rules. Mayor Taylor noted the recommendations made by Mr. Call were based upon reducing the City's liability that could potentially be associated with this type of park. Ms. Campbell stated she has created a Facebook page to market the park to City residents as well as the community at-large; the page will also be used to remind users of the rules for the park. Council Member Bailey noted there are some grammatical errors in the rules and those should be corrected before they are printed or put on a sign at the park.

Discussion refocused on the budget for the park, with Mayor Taylor stating he would like to have a contingency amount in the event that costs exceed what has been budgeted.

Council Member Satterthwaite stated he is still concerned about parking issues on 2600 North and would like to have more discussions about the viability of the location that has been selected. He then asked how the City will enforce the rules regarding aggressive dogs. Mr. Call stated the enforcement officer is part of the Police Department and has the ability to enforce the rules for the park. Mayor Taylor addressed the concerns regarding parking and stated that if curb painting and signage is carried out as planned there should be no issues or conflicts with residential areas surrounding the park. He added there is not another location in the park that could be converted to a dog park for the budget that is available for the project. Council Member Swanson stated he has spent a significant amount of time observing how on-street parking impacts traffic on 2600 North or the residents living there and he did not see a negative impact.

Council Member Bailey stated the layout of the park property could create a situation where an off-leash dog could be out of the sight of their owner and he asked how that will be mitigated. Ms. Campbell stated owners are charged with actively watching their dog at the park. Mayor Taylor suggested the benches at the park be placed in a manner that would allow for the best visibility of the entire park area.

High level discussion and debate ensued regarding the viability of the location selected for the park, with Council Member Satterthwaite suggesting that the situation be reevaluated after the park has been open for one year. Ms. Campbell concluded that the dog park is very important for the community and she would eventually like to add another dog park to the City since such facilities are so widely used. She stated that the best thing about the park is that it is not funded by taxpayer dollars and, instead, is funded by a fee paid by people that have licensed their dogs.

Council Member Satterthwaite stated he is comfortable proceeding with the proposal. Council Member Stoker agreed. Council Member Urry stated he has said in the past that he would not support a dog park on 2600 North and, for that reason, he will be voting no this evening.

Ms. Campbell stated that she would like for the park to be open for use the first week in May; it should not take a lot of effort to make the improvements that have been recommended by the committee.

**Council Member Swanson motioned to approve the dog park project and budget with the addition of a 10 percent contingency line item. Council Member Stoker seconded the motion.**

Council Member Bailey echoed Council Member Satterthwaite's comments that there be a formal review of the park after one year.

**Council Member Swanson amended his motion to include the requirement for a formal review of the park and dog license surcharge one year after the park opens. Council Member Stoker seconded the amendment.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

There was a brief general discussion regarding maintenance of the park, after which Ms. Campbell asked if she can proceed with the work needed for the dog park. Mr. Call stated that as long as there is money available in the City's park budget that will be reimbursed before the end of the fiscal year, work can commence.

Ms. Campbell introduced the members of the dog park committee present and thanked them for all of their hard work.

## **WORK SESSION JOINT MEETING WITH PLANNING COMMISSION – 7:30 P.M.**

### **3. DISCUSSION ON A PROPOSAL FOR MIXED USE ZONING IN THE COUNTRY BOY SUBDIVISION**

Mayor Taylor briefed the Council and Planning Commission on the work that is underway by the Economic Development Committee (EDC) and General Plan Steering Committee (GPSC), with a focus on the types of development or redevelopment the groups are recommending for different commercial and residential areas in the City. He stated feedback generated by responses to the City's economic development survey will be presented to the GPSC Thursday at their meeting to be included in their final plan update recommendations. He then reminded the group that an architect was hired last year to develop a redevelopment design concept for the old North Ogden Plaza (King's) development. They provided four different concepts and there are some developers interested in those concepts, particularly if there is an opportunity to build a mixed-use development. He stated that it is necessary for the City to have a mixed-use ordinance and

zone in order to facilitate such development. Planning Commissioner Waite stated the Planning Commission did quite a bit of work on a mixed use zone ordinance that was never adopted; he suggested that work be reviewed before starting from scratch. Mayor Taylor stated he will do that. He then summarized the timeline for the GPSC to submit their final recommendations to the Planning Commission, who will ultimately make a final recommendation to the City Council. He stated final action could be taken in the summer of 2015; however there is currently a developer that would like to move forward with a mixed use development on the Country Boy Dairy property sooner than that.

Council Member Satterthwaite stated the biggest concern he has is that the City heard recently from several residents who spoke against high density housing in the area surrounding the Country Boy Dairy property and now the City is considering mixed use development that would include that type of housing. He stated he feels the mixed use zone is worth considering in the City because he feels it will provide an economic benefit to the City, but there is much work to be done to involve the public and educate them about those benefits. Council Member Bailey echoed Council Member Satterthwaite's comments. Council Member Stoker stated that she can see that mixed use is coming to the City because it is occurring in other areas; the best thing for the City to do would be to prepare and plan for it.

There was a general discussion regarding the type of residential units that would be suitable for a mixed use development in North Ogden, after which Commissioner Waite stated he feels high density housing will be occupied by millennial and retired residents and to attract those people to such a development it is necessary to provide an appropriate mix of stores and restaurants. Mayor Taylor agreed and stated that every developer he has spoken to has indicated that residential uses are key to supporting commercial developments. He stated that it may be necessary to consider high density housing opportunities in other areas of the City close to the town center in order to support plans for attracting more businesses to the area. He concluded by reviewing a presentation he provided to the GPSC regarding funding a City and noted that mixed use developments generate the second highest amount of tax revenue for the City behind strict commercial development.

A staff memo from Mr. Scott explained the General Plan update project is progressing according to schedule. The downtown vision is beginning to take shape. As part of that process, ideas are being formulated on how to implement the General Plan. A recent set of discussions with Mayor Taylor and two council members and a property owner, Jack Barrett, have spurred some thinking on how to establish a parallel process to begin this implementation. It was determined that a joint work session with the Planning Commission and City Council would be an appropriate starting point. The goal of this meeting is to brief both bodies on the progress of the General Plan, identify the vision for the Barrett property at 1700 North, look at the process for developing a first stage mixed use ordinance, and look at what are the next step options. Although the Barrett property project has been the impetus **for this work session, the end product should be viewed as an interim measure that will assist in formulating the downtown design vision and used on other properties. Barrett Property** The preliminary proposal for the Barrett property is to establish a mixed use project at 1700 North Washington. A sketch plan has been developed. This project contains town houses, apartments, and commercial uses. Some of the amenities include a bike/pedestrian trail and a community center (fitness center, club house, and farmer's market ).

At build out this project will have created an investment of up to \$70 million. General Plan (Zoning The General Plan map calls for this property to be single family residential while being zoned C-2. North Ogden City's commercial zones do not allow residential) there is no mixed use zone. There are no design **standards for residential or mixed uses.**

The General Plan update is creating a vision for the downtown and the south Washington Boulevard commercial district. The General Plan is creating a framework for developing new ordinances that include design standards and guidelines to implement that vision. North Ogden City has been awarded a Local Planning Resource Grant to write new ordinances to implement the General Plan. The new ordinances will provide for a mixed use format using a form based code. This project will begin once the General Plan is adopted with approximately a July start date. Staff is preparing some examples of form based code principles to be shared at the work session.

#### Land Use Framework/Process

The basis for creating a mixed use alternative is a two-step process, i.e., put in place the needed land use authority to allow mixed use and secondly to produce an acceptable design.

Step 1 Land Use. Process a General Plan amendment to allow mixed use in commercial zones and add mixed use as **an allowed use in commercial zones,**

Step 2 Design Standards. Explore a range of options on how this is to be implemented including the creation of a master planned community zone and/or allow a development agreement process to identify design standards that will lead to an acceptable site design. The end product will be used as a foundation for the more detailed form based code project.

Next Steps. If the Planning Commission and City Council choose to pursue the development of a mixed use zone then additional resources will be needed; appropriate options will be investigated and brought back for approval.

Mr. Scott reviewed his staff memo as well as a concept plan that has been provided for the Barrett property; he noted at build-out the development is expected to be valued at \$70 million. He then reviewed a list of positive things that have been communicated regarding form based codes, after which he reviewed photographs of development completed under traditional zoning compared to developments completed under a form based code and he pointed out the differences between the two. He noted many cities across the Wasatch front have developed transit oriented development (TOD) or mixed use (MU) zone ordinances due to the type of development that has occurred associated with mass transit opportunities. He then provided the group with copies of zoning ordinances and codes used in other communities and asked them to study them and be prepared for future discussions regarding form based code. Discussion among the City Council and Planning Commission then centered on form based code, with Planning Commission Chairman Thomas stating the intent of a form based code is to make it easier for developers and staff to navigate the development process in the City without the need for a development agreement for all development applications. Mr. Scott stated it is his understanding that the intent is to only develop form based code for the downtown area of the City, not the entire City.



Mayor Taylor facilitated a brain storming session regarding the things for the group to consider regarding mixed use zoning, the development of a form based code, and key factors to consider. The outcome of the brain storming session was the following list of bullet items:

#### Mixed Use

- Transit Consolidation
- High quality high density
- Co-development w/project
- More people in walking distance to support commercial
- How do design standards react to changing tastes (have variety and banned products)
- Variety of uses=more versatile
- CCR's to control upkeep
- Amenities constructed up front

#### Form Based Code

- Overall look and control by city
- High quality density – city is in the driver's seat
- Map of vision – what we want
- Can make commercial users more comfortable with future standards applied more evenly
- Predictable outcome/appearance to draw small shops
- Create identity
- Some development/design work done – streamlines process
- Simplified approval process (shorter process)
- Change to design tastes/update process
- Standards set that will outlast changes in Council/Planning Commission
- Standardized treatment for developers
- Standards discourage low-quality projects

#### Key Factors to Consider

- High design standards
- Variety/mix of materials – including prohibited matter
- Construction timeframe of amenities
- Density tied to high performance (and other options – timeframe, setbacks, concession)
- Proportion of uses
- Sidewalks, open spaces, trails, connectivity
- Height restrictions/building sizes/site lines/view corridors
- Complete streets/streetscapes
- Public spaces
- Longevity of housing
- CCR's/PRUD/HOA to control upkeep

Mayor Taylor then asked if the Council and Planning Commission are willing to consider proceeding with the development of a mixed use zone for North Ogden City. After a brief discussion regarding the City's ability to create an effective ordinance allowing for quality mixed use in the City, the Council and Planning Commission agreed they are comfortable proceeding.

Mayor Taylor then facilitated an additional brain storming discussion regarding the appropriate components of a mixed use ordinance. The following list was developed:

- Building materials
- Provision of amenities
- Performance timeframe
- Concessions and bonuses
- Percentage of uses in a mixed use development
- Height limitations
- Street orientation/streetscapes
- Inclusion of civic/open/public spaces
- Connectivity and walking trails
- Covenants regarding owner occupancy and rental unit percentage

Mayor Taylor stated he feels this list is sufficient for staff and the Planning Commission to begin work on the development of a mixed use ordinance. Council Member Bailey asked if the City has other mechanisms that can be used in the interim until a mixed use ordinance can be finally considered.

#### **4. PUBLIC COMMENTS**

Steve Rasmussen applauded the Council and Planning Commission for proactively planning for the future of the City, however, he noted he worries about certain things fitting together. He acknowledged that commercial development is needed to fund the City without the need to dramatically increase property taxes, but he has a serious concern about mixed use developments and high density housing throughout the City. He stated he moved to North Ogden 44 years ago for two reasons: it was more rural than residential and the traffic was not horrible. He stated traffic has gotten worse in North Ogden over the years and he is worried about the amount of traffic that commercial developments will create in the City. He stated Smith's has already created traffic problems on Washington Boulevard and it could be up to 10 years before those problems are addressed. He stated that 2600 North needs attention as does Monroe Boulevard and that may not happen for 15 to 20 years. He stated any plan for mixed use or increased commercial development should be coupled with a plan to get traffic in and out of the City. He stated tough decisions will need to be made, but they are necessary. He stated he does not shop in Riverdale anymore because of the horrible traffic there and there are many residents that would go out of their way to shop in other cities to avoid traffic.

Mayor Taylor stated there are different ways to address traffic issues; one option is to implement a traffic impact fee or utility fee to generate more revenue to accelerate needed transportation funding revenue generation.

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

Council Member Urry stated he has had a couple of phone calls from residents regarding pending subdivisions in the City. He indicated Ray Ward is trenching and piping along the north side of his property and he asked if he has received approval for his development. Mr. Scott answered no and stated that if Mr. Ward is doing any work he is doing so at his own risk. Council Member Urry stated there is a subdivision north of Ray Ward's property and he asked if it will have a road with access onto Fruitland Drive. Mr. Scott answered no and stated that the road will travel north to 2100 North at approximately 840 East. He stated Ray Ward's property will have access onto Fruitland Drive at the south end of his development. Council Member Urry stated that is a very dangerous area and he would not recommend traffic entering Fruitland Drive at that point. This led to a brief discussion regarding road configuration in the area that Council Member Urry was referencing, with Mr. Scott stating staff and the Planning Commission will closely examine applications for development of the property with traffic issues in mind.

Council Member Urry stated he thinks the new speed signs in the City with flashing light are a good addition to the City and they may help to address speeding problems in the City.

Mayor Taylor reported the National Day of Prayer will be May 6, 2015 at 7:00 p.m. and the City Council has been invited to attend a local meeting where Attorney General Sean Reyes will address the audience. He then asked if the Council could reschedule the site visit to Oaklawn Park on April 28, to which the Council answered yes. He then provided a report regarding implementation of the newly adopted home based business ordinance and indicated staff has discovered four businesses that were not garage based businesses, but do operate the type of business that is now prohibited as a home based business. He stated they were not notified of the public hearings that were held when there was a focus on garage based businesses. The Council discussed the issue with a focus on whether the businesses should now be disallowed in the City or if more discussion regarding the issue is necessary. The Council concluded to have more discussions after receiving more detailed information from staff and Mayor Taylor.

Council Member Satterthwaite asked if the wells on the Public Works Facility site have been capped. Mayor Taylor answered no, but stated work should commence tomorrow. Council Member Satterthwaite also reported that he will be discussing with the County Commission the library project at their next meeting.

Mayor Taylor asked if the City Council is still supportive of proceeding with the trail on the south side of Pleasant View Drive rather than sidewalk on the north side. The Council reached consensus to proceed with construction of a trail on the south side of Pleasant View Drive.

## **6. ADJOURNMENT**

**Council Member Stoker motioned to adjourn. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 10:28 p.m.**

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Brent Taylor, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved