

1 **NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES**

2
3 September 1, 2015

4
5 The North Ogden City Council convened in an open meeting on September 1, 2015 at 6:40 p.m.
6 at the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and
7 agenda of the meeting was delivered to each member of the City Council, posted on the bulletin
8 board at the municipal office and posted to the Utah State Website on July 2, 2015. Notice of the
9 annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

- 10
- 11
- 12 PRESENT: Brent Taylor Mayor
- 13 Kent Bailey Council Member
- 14 Lynn Satterthwaite Council Member
- 15 Cheryl Stoker Council Member
- 16 Phillip Swanson Council Member
- 17
- 18 EXCUSED: James Urry Council Member
- 19
- 20 STAFF PRESENT: Bryan Steele City Administrator/Finance Director
- 21 Annette Spendlove City Recorder
- 22 Jon Call City Attorney
- 23 Rob Scott City Planner
- 24 Gary Kerr Building Official
- 25
- 26
- 27

28 VISITORS: Holly Remkes Blake Welling

29
30
31
32 **WORK SESSION – 6:40 P.M.**

33
34 Mayor Taylor welcomed those in attendance.

35
36 Council Member Bailey offered the invocation and led the audience in the Pledge of Allegiance.

37
38
39 **AGENDA**

40
41
42 **1. DISCUSSION AND/OR ACTION TO CONSIDER THE CITY ATTORNEY**
43 **CONTRACT**

44
45 A memo from Mayor Taylor explained the City’s contract with Anderson Call & Wilkinson for
46 City Attorney services has expired. This firm has provided excellent services for the City, and
47 the Mayor has been very satisfied with their work, availability, price value, and knowledge.

48 While the City has been very satisfied with their work, the decision was made to go through a
49 new bid process for City Attorney services, to ensure the City is receiving the best services and
50 value for our residents. Accordingly a bid for City Attorney services was posted last month.
51

52 A Selection Committee comprised of the Mayor, City Council members Swanson and Stoker,
53 City Administrator Bryan Steele, NOPD Chief Kevin Warren, and City Recorder Annette
54 Spendlove interviewed applicants on August 19th. After concluding the interviews, the
55 Committee unanimously agreed to recommend contracting with Anderson Call & Wilkinson for
56 our City Attorney services. They felt this way because of the deep knowledge and experience of
57 municipal and land use law matters in the firm, because this firm is local to our city and able to
58 readily attend all City Council and Planning Commission meetings, and because the firm has
59 provided excellent services to the City in the past.
60

61 Included in the Council packet was a contract for City Attorney services recommended by the
62 Mayor. This contract is for a 2 year period, but may be terminated on 30 days' notice in the event
63 the City is not satisfied with the services provided. There are various price tiers for services
64 provided. In the previous contract, the City had opted to use Tier 1, paying for 22 hours of
65 attorney time per month. The City has been using an average of 31.3 hours per month, however,
66 and Mayor Taylor recommends the City start the new contract at Tier 2. The City has been using
67 more attorney services over the past year because the Mayor has relied heavily on the City
68 Attorney for a number of matters as the City no longer has a City Manager. Additionally, there
69 are a large number of major initiatives going on in the City, which require extensive attorney
70 services. These include development of a Master Planned Community zone and mixed-use
71 projects, creation of a Community Development Area (CDA), etc. The Mayor expects to
72 continue to use roughly 30 hours of attorney services for the foreseeable future, and it makes
73 sense to pay for Tier 2, rather than consistently going over our tier's hours and paying the higher
74 "additional time" rate.
75

76 Mayor Taylor reviewed his memo and noted this item was initially discussed during the August
77 25, 2015 meeting, but the actual agreement was not available that evening for the Council to
78 review prior to taking action. He stated the agreement has now been made available to the
79 Council and he noted the only change in the agreement is the inclusion of an arbitration clause.
80

81 **Council Member Satterthwaite motioned to approve Agreement A18-2015 for the North**
82 **Ogden City Attorney. Council Member Swanson seconded the motion.**
83

84 **Voting on the motion:**
85

86 Council Member Bailey	aye
87 Council Member Satterthwaite	aye
88 Council Member Stoker	aye
89 Council Member Swanson	aye

90
91 **The motion passed unanimously.**
92
93

94 **WORK SESSION AGENDA**

95
96 **1. PUBLIC COMMENTS**

97
98 Holly Remkes, 657 E. 2100 N., stated that her husband sent the City an email concerning what
99 happened to her home at approximately 2:30 a.m. Sunday morning; her home was egged with
100 approximately three eggs hitting her master bedroom window and one egg hitting her son's
101 bedroom window on the top level. There is still egg and debris on her roof and her home is the
102 tallest in the neighborhood. She is unsure whether the people responsible for the incident threw
103 eggs from the track at Green Acres Elementary or if they used a sling-shot to get the eggs so
104 high. She called Weber County Dispatch and North Ogden Police Department Officers arrived
105 within two minutes and they performed a thorough search of the area. She stated her home is in
106 a prime are for this to occur and since the incident she has been informed that there have been
107 issues with teenagers wandering the area all summer long, specifically on the weekends and her
108 concern is putting a stop to their behavior. She stated that one act of vandalism can turn to
109 something worse. She stated that she currently does not have a fence in her backyard but there
110 are plans to build a rock wall there that will hopefully keep people out of her yard. She has a
111 large elm tree on her property that is commonly used as a bathroom facility as are other existing
112 vinyl fences in the area. She stated she would ultimately prefer to see two fences in the area: her
113 fence could be below the rock wall and a City fence could be installed above it; she is willing to
114 put in a gate to access the park, but she wants to keep people out of her yard. She clarified her
115 biggest concern is safety of her family and property and her fear is that vandalism will only
116 escalate if it is not stopped now.

117 Mayor Taylor stated he plans to visit with Ms. Remkes and her husband to discuss options for
118 addressing the issue in the area in addition to requesting additional police patrol of the area.
119

120 Mayor Taylor then stated that he would like to ask the Council to convene in a closed session
121 this evening to discuss potential litigation following the agenda item to discuss the North Shore
122 Aquatic Center hours of operation.
123

124 **2. DISCUSSION ON NORTH SHORE AQUATIC CENTER'S HOURS OF**
125 **OPERATION**

126
127 Parks and Recreation Director Staheli reviewed an analysis of admission to the Center over the
128 past year by day and the hour of the day; she clarified that admissions drop steeply later in the
129 afternoon, and especially after 6:00 p.m. Council Member Bailey stated he would like to
130 understand the number of pool users on a given day that are season pass holders. Ms. Staheli
131 stated she could integrate that information into the graphs, but it would take some time to do so.
132 She stated she feels the graphs provide an accurate representation of the daily paid admissions to
133 the Center, noting that 75 percent of season pass holders do not use their passes to the 'break
134 even' point, so the Center is doing fairly well. She then reviewed graphs identifying
135 programming of the various amenities at the Center, noting that after much consideration she
136 decided to permit group reservations on Tuesday, Thursday, Friday, and Saturday evenings
137 rather than remaining open for public swimming on those nights. She reviewed a breakdown of
138 facility rentals for the year, noting that during rental periods the capacity is limited to 800 people

139 and renters are allowed to secure the Center for up to 200 users, meaning that four rentals can
140 occur on a given night.

141
142 Council Member Swanson inquired as to the total capacity of the pool, to which Ms. Staheli
143 answered 1,400, but noted that people are more comfortable with less people in the pool, which
144 is why she has limited the capacity on rental nights to 800 people. She stated that the pool rents
145 to capacity easily each Tuesday and Thursday after the second week in June, which tells her that
146 rentals is a great use of the Center. He stated she feels the mix of public swimming and rentals is
147 working very well for the Center and the only way she could generate more revenue would be to
148 eliminate public swimming every night of the week and only offer the Center for rentals.

149
150 Council Member Bailey inquired as to the cost per rental. Ms. Staheli stated that on Tuesday and
151 Thursday someone would pay \$215 or \$325 on Friday or Saturday for a 200 person rental; the
152 cost increases incrementally according to the number of people in a party. Council Member
153 Bailey asked if rental blocks increase in 200 person counts. Ms. Staheli answered yes and noted
154 that it is great for corporate users and small church groups.

155
156 Council Member Satterthwaite asked if the rental numbers justify the construction of an
157 additional bowery at the Center, to which Ms. Staheli answered yes, though it may take some
158 time to recoup the costs associated with that project. She would also like to provide an indoor
159 grilling facility as that is something she is frequently asked for at the Center. She stated that if
160 she had another bowery at the Center she would be able to secure more rentals.

161
162 Council Member Bailey suggested Ms. Staheli prepare a proposal for an additional bowery that
163 can be considered in conjunction with consideration of the next fiscal year budget. He then
164 asked what precipitated this discussion tonight. Mayor Taylor noted there have been some
165 suggestions to allow more public swimming than rentals and he wanted to talk to the Council
166 about it in case they are hearing the same comments. Council Member Swanson asked if there
167 would be a problem with mixing public swimming with private rentals. Ms. Staheli answered yes
168 and noted that the private groups are paying to keep the facility to themselves and not open to the
169 public; some groups are even opposed to allowing other group rentals on the same evening.

170
171 Mayor Taylor inquired as to the amount of income that comes from private rentals versus season
172 pass sales. Ms. Staheli stated she does not have that data this evening, but can provide it at a
173 later date; she did note that the Center sold over 1,000 season passes this year. Mayor Taylor
174 added that another question he has heard regularly is in regards to opening the pool on Sunday
175 and City Administration does not feel that would be appropriate as it would not be busy enough
176 to pay for operation that day. Council Member Swanson stated that it should be communicated
177 that Sunday closure is not due to the predominant religion in the community; rather it is strictly
178 based upon financial data. Ms. Staheli added that it takes 24 lifeguards to fully staff the pool on
179 a given day and it would be costly to add Sundays to the operation schedule. She would also be
180 concerned about being able to attract staff that is willing to work on Sundays. The Council
181 engaged in a brief general discussion about patronage of the Center, with a focus on various
182 programming at the facility. The Mayor asked the Council to look over the information provided
183 by Ms. Staheli and determine whether additional discussion regarding hours of operation or
184 increased programming is necessary.

185
186 **CONSIDERATION OF ADJOURNING INTO CLOSED SESSION FOR THE**
187 **PURPOSE OF DISCUSSING PENDING OR REASONABLY IMMINENT**
188 **LITIGATION.**
189

190 Council Member Swanson motioned to convene in a closed session for the purpose of
191 discussing pending or reasonably imminent litigation. Council Member Satterthwaite
192 seconded the motion.

193
194 **Voting on the motion:**

195
196 Council Member Bailey aye
197 Council Member Satterthwaite aye
198 Council Member Stoker aye
199 Council Member Swanson aye
200

201 **The motion passed unanimously.**

202
203 The closed session began at 7:15 p.m.

204
205 The regular meeting reconvened at 9:45 p.m.

206
207 Mayor Taylor noted the Council actually discussed two topics during the closed session: pending
208 or reasonably imminent litigation as well as the purchase, lease, or exchange of real property.
209

210
211 **3. DISCUSSION ON INSTITUTIONAL SIGNS IN RESIDENTIAL AREAS.**
212

213 Mayor Taylor explained the City has received a request from a school to erect a sign in a
214 residential neighborhood, which is currently prohibited and he asked for the Council to
215 participate in a philosophical discussion regarding treating schools differently than businesses
216 pertaining to signs.
217

218 City Planner Scott reviewed the City's current ordinance regulating signs throughout the City.
219 As requested, the Council engaged in a philosophical discussion regarding business and
220 institutional signage in residential zones. Mayor Taylor stated he is comfortable permitting
221 schools to have larger message signs in residential areas and he asked if the Council is
222 comfortable directing Mr. Scott to work with the Planning Commission to develop an ordinance
223 that would allow that. The Council answered yes.
224

225
226 **4. DISCUSSION ON MIXED USE PROJECT (VILLAGE AT PROMINENCE**
227 **POINT).**
228

229 A staff memo from City Planner Scott explained when the Planning Commission is acting in a
230 legislative capacity as the land use authority the City Council has wide discretion. Examples of

231 legislative actions are general plan, zoning map, and land use text amendments. Legislative
232 actions require that the Planning Commission give a recommendation to the City Council.
233 Typically the criteria for making a decision, related to a legislative matter, require compatibility
234 with the general plan and existing codes.

235
236 The applicant is requesting a map amendment to change zoning for property at approximately
237 1750 North Washington Boulevard from Commercial Zone (C-2) to Master Planned Community
238 Zone (MPC). The North Ogden General Plan and MPC zone were adopted on July 28, 2015 as
239 an interim measure while the North Ogden General Plan is being updated. A form based code
240 will eventually replace the MPC zone.

241
242 This application is the first to take advantage of the MPC zone designation. The purpose of the
243 MPC zone is stated in 11-7K-1 Purpose:

244 The purpose of the Master Planned Community Zone is to provide opportunities for
245 creative and unique developments within North Ogden City. This ordinance includes
246 guidelines for creating neighborhood oriented village projects that may include a mix of
247 residential, commercial, recreational and/or public uses.

248
249 An integral part of this Zone is a multi-step review process to assure compatibility of
250 proposed land uses with existing, and proposed adjacent neighborhoods, as well as the
251 vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and
252 walkable neighborhood centers, with integrated streets.

253
254 Proposed plans for development must follow or exceed design standards found within
255 this ordinance. Specific plans shall be a reflection of a required development agreement.

256
257 This agenda item is being presented to the Planning Commission as a concept review and
258 discussion in order to familiarize the Commission with the proposal and provide feedback to the
259 applicant. The Village at Prominence Point, Phase 2 is a mixed use project with a combination of
260 commercial and residential uses. The amenities consist of a club house and pool, trails, and open
261 space. The project is undergoing additional design refinements. The Technical Review
262 Committee met on August 24, 2015 and a report is forthcoming from that meeting.

263
264 The following is a summary of the project, these numbers should be seen as conceptual with
265 further changes coming as the site plan is refined. (See Exhibit A)

- 266 • Housing: 362 apartment units- a combination of one, two, and three bedroom units.
267 Floor space totaling approximately 155,000 square feet
- 268 • Commercial: 34,248 square feet
- 269 • Total Building Footprint: The building footprint will occupy approximately 25% of
270 the site.
- 271 • Parking: 498 parking stalls with 105 garages (parking ratio of 1.4 spaces per dwelling
272 unit)
- 273 • Streets: All internal streets are shown as private streets. The westerly north south
274 street was conditioned as part of the first phase of Prominence Point to be a public
275 street that connects 1700 North with 1900 North.

- 276
- Trails and Sidewalks: The design shows a 20 foot wide sidewalk along Washington
- 277 Boulevard, a 6 foot wide sidewalk along 1700 North, internal sidewalks vary between
- 278 6 and 7 feet. The trail system has 10 foot wide trails.
- Phasing: This is to be determined; however the housing development will be built
- 279 first with the clubhouse being in the first phase.
- 280

281 In a recent coordination meeting with City representatives a list of likes and concerns were

282 created.

283 They are presented for the Planning Commission's consideration:

284

285 Likes

- Garages in the project
 - Amount of green space
 - Parking distribution
 - Corner unit design
 - Wide sidewalks and trails
 - Architectural renderings for commercial buildings
 - Variety of building sizes be interspersed in the project
- 293

294 Concerns

- Amount of parking (Current ordinance requires 2 parking stalls per apartment and 1
- 296 visitor stall per two apartments; the MPC zone allows for a parking study to justify a
- 297 different standard and allow some on-street parking)
- Height of structures
 - Views from Mystery Meadows looking east
 - Maintaining quality for the long run
 - Phasing
 - Units along 1700 North, setbacks and building design fronting on 1700 North
- 303

304 The following excerpt from the General Plan describes the parameters for using the Master

305 Planned Community Zone.

306

307 Residential Development

308 Multi-family

309 Multi-family residential areas traditionally include rental apartments and condominiums and are

310 often located along major arterial streets, adjacent to community commercial centers, or adjacent

311 to existing multi-family developments. Multi-family residential areas also allow for business and

312 professional offices which can be creatively mixed with housing areas. The appropriate location

313 of this type of land use can provide residential dwellings adjacent to commercial developments

314 to create a downtown environment. Appropriate areas lie generally along Washington Blvd. and

315 2600/2700 North. In the General Plan these areas are suggested to complement more intense

316 commercial uses and buffer adjacent single family homes. The zones used to accommodate

317 higher densities are the R-3, R-4, and the Master Planned Community (MPC) zones. The MPC

318 zone relies on a development agreement to accomplish the community goals of creating higher

319 quality buildings, and better site design.

320

321 Commercial Development

322 North Ogden's goals and policies concerning commercial developments address the aesthetics
323 and location of commercial developments. The desire of City officials is to provide an attractive,
324 pleasing environment in which to shop or work within a commercial core. Enough vacant
325 property exists in North Ogden to accommodate future commercial growth. In order to function
326 efficiently, proposed commercial developments should be evaluated for adequate internal
327 circulation for automobiles and pedestrians with limited access points to the major streets serving
328 the developments.

329
330 Within the commercial areas, a mix of uses is anticipated. Civic, office, retail, entertainment,
331 small business, and higher density housing should be combined to create a diverse mix of uses
332 that provides a wide variety of housing options and reasons for people to gather and linger. The
333 zones used to accommodate higher densities are the R-3, R-4, and the Master Planned
334 Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the
335 community goals of creating higher quality buildings, and better site design.

336
337 The focus of commercial development in North Ogden should be to provide services that support
338 the resident population of the City and adjacent areas. Regional commercial centers would be
339 inconsistent with citizen desires and the direction of this Plan.

340
341 The memo offered the following summary of potential Planning Commission considerations:

- 342 • Is the proposal consistent with the General Plan?
- 343 • Does the proposal meet the North Ogden Zoning ordinance standards?
- 344 • Is the MPC request appropriate for this neighborhood?
- 345 • How is the parking standard going to be met?
- 346 • Does the application meet the purpose / intent of the MPC zone?

347
348 The memo concluded the Planning Commission should review this proposal and provide
349 feedback to the applicant. This feedback will be incorporated into design and brought back in a
350 public hearing.

351
352 Mayor Taylor stated the project has changed slightly since it was last reviewed by the City
353 Council and Mr. Scott will be presenting it to the Planning Commission tomorrow night. He
354 stated he feels the project concept is good and the proposed location is great, but he asked that
355 the Council carefully review the scope of the project to determine their comfort level with what
356 is being proposed.

357
358 Mr. Scott then reviewed his staff memo and noted it is the memo that he will provide to the
359 Planning Commission during their meeting scheduled for tomorrow evening. He then welcomed
360 feedback regarding the current project scope.

361
362 Council Member Swanson stated he is concerned about the idea of the commercial phase of the
363 project being the final phase; he does not want that to be the final piece of the project. Mr. Scott
364 stated that no developer will move more quickly than the market will dictate and it has constantly
365 been said that the City needs more rooftops to increase the viability of commercial uses in the
366 area and that is the reason that commercial development will occur later in the project. Mayor
367 Taylor agreed and added that the developer would also like to wait and build to suit actual

368 tenants interested in locating in the development. Council Member Satterthwaite added that the
369 developer has also indicated that he will seek to attract commercial tenants that will serve people
370 living in the residential areas of the development. Mr. Scott added there are mechanisms that can
371 be used to encourage specific types of commercial development. Council Member Swanson
372 asked how the City will hold the developer's feet to the fire if he refuses to build commercial
373 spaces after completing all residential spaces. Mayor Taylor stated that he does not believe the
374 developer will want to let the ground sit vacant for too long and the City can restrict the use of
375 the property that is intended for commercial development. He added that contribution of
376 Commercial Development Area (CDA) money could also be contingent upon completion of
377 certain components of the project. City Attorney Call added that the City could dictate that a
378 certain amount of commercial space must be completed each time a certain amount of residential
379 space is completed. Council Member Swanson added that he likes that recommendation.
380 Discussion then ensued regarding conceptual plans for the development, with Council Member
381 Swanson stating he does not want the City to be in a situation where they are waiting for a
382 promise from a developer to come to fruition.

383
384 Council Member Satterthwaite stated that he is concerned about parking accommodations in the
385 development; he does not believe the number of parking spaces being provided is adequate.
386 Mayor Taylor reviewed the most recent rendering of the project, noting that building space has
387 been eliminated in order to provide additional parking; he indicated there are now 539 parking
388 spaces and 342 units, which equates to a parking ratio of 1.67 spaces per unit. He noted the
389 number of residential units has decreased by 20 and the number of parking spaces was increased
390 by 41 stalls. High level discussion then centered on appropriate parking accommodations for the
391 project, public versus private streets, connectivity, and traffic flow throughout. Council Member
392 Swanson then noted that projects with this type of layout are typically more viable near mass
393 transit.

394
395 Mayor Taylor then facilitated a discussion soliciting feedback from the Council to give direction
396 to Mr. Scott regarding the talking points with the Planning Commission. The discussion yielded
397 the following list of points of interest:

- 398
399 Parking (are parking garages or underground parking optional?)
400 Property setbacks along 1700 North and Washington Boulevard
401 Building orientation, specifically along 1700 North
402 Fencing and landscaping along 1700 North
403 Road configuration

404
405 Mayor Taylor asked the Council if they would like to participate in a field trip to visit mixed-use
406 projects in other cities to determine which components they would like to locate in North Ogden.
407 The Council indicated they would like to participate in a field trip and Mr. Scott stated he would
408 be happy to coordinate it.

409
410 Council Member Bailey stated the overriding concern for the Council should be to ensure that
411 the project does not eventually turn into a slum, something that the City is ashamed of in 20
412 years from now. Council Member Satterthwaite agreed and stated that is why it would be
413 beneficial to visit other projects to determine what they like and do not like. The Council

414 engaged in a discussion regarding the other projects they would like to visit and the time frame
415 for participating in a field trip. Council Member Bailey then stated the one thing that gives him
416 comfort is that the City Council gets the final say on the project; he is concerned about the
417 Planning Commission's ability to make difficult decisions regarding the project. Mayor Taylor
418 stated the bottom line is that it is very important to strike a healthy balance within the project.
419 Discussion then ensued regarding the City's role in the project due to the fact that the City may
420 be contributing CDA funding, with Mr. Scott noting the City has the right to request financial
421 information regarding the project to determine the likelihood of the project's success.

422
423 Mayor Taylor then noted the landscape of the City is changing and many large parcels of ground
424 formerly used for agricultural purposes are being developed. This led to a brief discussion
425 regarding various projects proceeding through the development application process in the City.

426
427 The discussion concluded with a brief focus on negotiations of the development agreement for
428 the project, with a continued emphasis on increasing the parking ratio on the project area.

429
430

431 **5. PUBLIC COMMENTS**

432
433 There were no public comments.

434
435

436 **6. COUNCIL/MAYOR/STAFF COMMENTS**

437
438 The Council had a brief high level discussion regarding the recent work of the Barker Park
439 Committee, with a focus on various options for generating money to pay for the development of
440 the Park. Mayor Taylor stated that the Committee will hold their next meeting tomorrow.

441
442 City Recorder Spendlove provided the Council with a report regarding recent heroic actions of a
443 person currently employed as a lifeguard at the Aquatic Center; she witnessed an accident and
444 responded appropriately to prevent further injury to one of the victims in the accident. Mayor
445 Taylor stated he would like to recognize her somehow.

446
447

448 **7. ADJOURNMENT**

449
450 **Council Member Swanson motioned to adjourn. Council Member Stoker seconded the**
451 **motion.**

452
453 **Voting on the motion:**

454
455 **Council Member Bailey aye**
456 **Council Member Satterthwaite aye**
457 **Council Member Stoker aye**
458 **Council Member Swanson aye**

459

460 **The motion passed unanimously.**

461

462

463 **The meeting adjourned at 11:01 p.m.**

464

465

466

467

468 _____
Brent Taylor, Mayor

469

470

471 _____
S. Annette Spendlove, MMC

472 City Recorder

473

474

475 _____
Date Approved

476

NOT APPROVED