

NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

September 1, 2015

The North Ogden City Council convened in an open meeting on September 1, 2015 at 6:40 p.m. at 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 July 2, 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
EXCUSED:	James Urry	Council Member
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director
	Annette Spendlove	City Recorder
	Jon Call	City Attorney
	Rob Scott	City Planner
	Gary Kerr	Building Official
VISITORS:	Holly Remkes	Blake Welling

WORK SESSION – 6:40 P.M.

Mayor Taylor welcomed those in attendance.

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

AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER THE CITY ATTORNEY CONTRACT

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

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

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

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

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

WORK SESSION AGENDA

1. PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

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

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

**CONSIDERATION OF ADJOURNING INTO CLOSED SESSION FOR THE
PURPOSE OF DISCUSSING PENDING OR REASONABLY IMMINENT
LITIGATION.**

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

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

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

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

3. DISCUSSION ON INSTITUTIONAL SIGNS IN RESIDENTIAL AREAS.

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

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

4. DISCUSSION ON MIXED USE PROJECT (VILLAGE AT PROMINENCE POINT).

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

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

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

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

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

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

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

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

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

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

- Trails and Sidewalks: The design shows a 20 foot wide sidewalk along Washington Boulevard, a 6 foot wide sidewalk along 1700 North, internal sidewalks vary between 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 first with the clubhouse being in the first phase.

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

They are presented for the Planning Commission's consideration:

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

Concerns

- Amount of parking (Current ordinance requires 2 parking stalls per apartment and 1 visitor stall per two apartments; the MPC zone allows for a parking study to justify a 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

The following excerpt from the General Plan describes the parameters for using the Master Planned Community Zone.

Residential Development

Multi-family

Multi-family residential areas traditionally include rental apartments and condominiums and are often located along major arterial streets, adjacent to community commercial centers, or adjacent to existing multi-family developments. Multi-family residential areas also allow for business and professional offices which can be creatively mixed with housing areas. The appropriate location of this type of land use can provide residential dwellings adjacent to commercial developments to create a downtown environment. Appropriate areas lie generally along Washington Blvd. and 2600/2700 North. In the General Plan these areas are suggested to complement more intense commercial uses and buffer adjacent single family homes. The zones used to accommodate higher densities are the R-3, R-4, and the Master Planned Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the community goals of creating higher quality buildings, and better site design.

Commercial Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. PUBLIC COMMENTS

There were no public comments.

6. COUNCIL/MAYOR/STAFF COMMENTS

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

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

7. ADJOURNMENT

Council Member Swanson motioned to adjourn. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 11:01 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved