

NORTH OGDEN CITY COUNCIL MEETING MINUTES

December 19, 2017

The North Ogden City Council convened in an open meeting on December 19, 2017 at 6:02 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 15, 2017. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

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

STAFF PRESENT:	Jon Call	City Administrator/Attorney
	Annette Spendlove	City Recorder/HR Director
	Rob Scott	Planning Director
	Dave Espinoza	Public Works Director
	Lorin Gardner	City Engineer
	Justin Shinsel	Public Works Inspector

VISITORS:	Jordan Wayment	Steve Rasmussen
	Sara Fawson	Linda Vandiver
	Loy Vandiver	

Mayor Taylor called the meeting to order. Council Member Turner offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER OCTOBER 24, 2017 CITY COUNCIL MINUTES
2. DISCUSSION AND/OR ACTION TO CONSIDER NOVEMBER 14, 2017 CITY COUNCIL MINUTES
3. DISCUSSION AND/OR ACTION TO CONSIDER NOVEMBER 21, 2017 CITY COUNCIL MINUTES

Council Member Swanson motioned to approve the October 24, 2017, November 14, 2017 and November 21, 2017 City Council Meeting minutes. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. DISCUSSION AND/OR ACTION TO CONSIDER DEER HEAD COUNT PROCEDURE AND MONEY

A staff memo from City Administrator/City Attorney Call explained City Administration has been working on an appropriate method for counting the change in deer population between summer and winter. The Division of Wildlife Resources has suggested the City designate deer counting routes and recruit volunteers to perform deer counts on given routes at the same time of the evening to prevent double counting of deer. Staff would like to provide the volunteers with refreshments during each counting excursion, of which there will be a total of three or four throughout the summer months. Staff would also like to place a few stationary trail cameras in some of the "problem areas" to gauge any increase in the number of deer between the winter and summer seasons. Staff requests the purchase of four cameras at an approximate cost of \$150 each. The cameras will be repurposed for surveillance in City parks once the deer head count is completed. The memo concluded the Council originally proposed a budget of \$3,000 for this project, but no more than \$1,000 will be needed at this time.

Mr. Call reviewed his staff memo and invited Jordan Wayment to provide the Council with an explanation of the process volunteers will use to perform the head count. Mr. Wayment stated that he has researched the processes other communities have used to perform deer head counts and the option he selected is known as a live observatory; set routes will be identified and volunteers will be stationed along those routes at the exact same time to count the deer within the boundaries of their route. This will make it

possible to determine a general number of deer in the area and the process can be performed multiple times throughout the year to determine whether the deer population is increasing or decreasing. He then facilitated high level discussion among the Council regarding counting methods and the manner in which the City will recruit volunteers.

Council Member Swanson motioned to approve the recommended \$1000 to start a preliminary deer count. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

Council Member Swanson suggested that the City enlist the help of various residents in the City who own and are proficient at operating high resolution drones. These devices can be used to capture video of the ground to aid in the deer head count.

3. DISCUSSION AND/OR ACTION TO CONSIDER FINAL INSPECTION ON CACTUS RIDGE SUBDIVISION PHASE II

A staff memo from Public Works Inspector Shinsel indicated he has completed final inspection of the Cactus Ridge Phase Two project and finds it to be in compliance with City Code and engineering standards.

Mr. Shinsel reviewed his staff memo and used the aid of an aerial photograph to identify the location of the subject development. He indicated there were minor deficiencies in the sewer infrastructure in the development, but those have been corrected and the City can feel comfortable accepting the improvements.

Council Member Turner motioned to approve final inspection on Cactus Ridge Subdivision Phase II. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL INSPECTION ON CACTUS RIDGE SUBDIVISION PHASE III**

A staff memo from Public Works Inspector Shinsel indicated he has completed the conditional inspection of the Cactus Ridge Phase Three project and finds it to be in compliance with City Code and engineering standards.

Mr. Shinsel reviewed his staff memo and used the aid of an aerial photograph to identify the location of the subject development. He indicated there were some issues with an irrigation line and catch basins in the project, but the catch basins have been cleaned and the other infrastructure improvements look good. If accepted, the project will enter a one-year conditional acceptance period and money will be held in an escrow account to cover any deficiencies that are not corrected by the owner.

Council Member Swanson motioned to approve conditional inspection on Cactus Ridge Subdivision Phase III. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION TO CONSIDER FINAL INSPECTION ON THE COVE SUBDIVISION**

A staff memo from Public Works Inspector Shinsel indicated he has completed the final inspection of The Cove Subdivision project and finds it to be in compliance with City Code and engineering standards.

Mr. Shinsel reviewed his staff memo and used the aid of an aerial photograph to identify the location of the subject development. He briefly reviewed the history of the project and indicated that he and Public Works Inspector Higley worked together to complete the inspection.

Council Member Swanson motioned to approve final inspection of The Cove Subdivision. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

**6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE
APPROVING THE 2017 VERSION OF THE NORTH OGDEN PUBLIC WORKS
STANDARDS AND DRAWINGS**

Mayor Taylor introduced new North Ogden City Engineer, Lorin Gardner, and invited him to provide an overview of the 2017 version of the North Ogden Public Works Standards and Drawings. Mr. Gardner briefly provided the Council with information regarding his professional background, which has consisted largely of public service in the government sector, after which he provided an overview of the Public Works Standards and Drawings; standards are developed to ensure quality materials and construction of improvements in the City and the most recent standards were adopted in 2011. It is appropriate to revise standards and drawings every five years and he has worked closely with the City's contract engineer, Matt Hartvigsen, to perform a thorough review and recommended updates to the standards and drawings document. He briefly touched on changes to the document relative to things such as lighting, pressure relief valves on the City's secondary water systems, amended requirements dealing with setbacks and landscaping for detention basins, low impact development guidelines, hillside protection zone land use regulations, increasing the amount of base material beneath curb, gutter, and driveway approaches from four-inches to eight-inches, minimum and maximum road and driveway slopes, and pipe materials to be used in water and sewer line projects. Mr. Gardner concluded he is looking forward to the future review and update of American Public Works Association (APWA) standards and incorporating those updates in the City's public works standards.

Council Member Turner asked if the Public Works Standards document is a living document that can be amended as technological changes occur and new products become available. Mr. Gardner answered yes. Council Member Turner asked if the document contemplates compliance with the Americans With Disabilities Act (ADA), to which Mr. Gardner answered yes. Council Member Turner stated the only suggestion he may make is to amend the name of the document to indicate the standards are the minimum standards that can change as other options are available to the City. Mr. Call stated that when an individual files an application for development in the City, they are vested and held to the rules in place upon the date that they file, meaning that the City could not increase the standards or make them more stringent for a pending application.

Council Member Swanson motioned to approve Ordinance 2017-28 approving the 2017 version of the North Ogden Public Works Standards and Drawings amending Section 10-6-1. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

7. PUBLIC HEARING TO RECEIVE COMMENTS TO MAKE THE SIGN PERMIT REVIEWS A PERMITTED USE REVIEW

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

The Planning Commission considered a sign amendment making all sign reviews permitted/administrative approvals on November 1, 2017. Planning Staff recommended on several previous occasions that the review for signage should not require a conditional use permit. The Planning Commission requested that a public hearing be set for the amendment.

The Planning Commission held a public hearing on November 15, 2017. No one spoke at the public hearing. Staff has prepared a draft ordinance that simplifies sign permitting to be an administrative function.

The sign ordinance has specific standards that allow for straight-forward approvals. The Planning Commission has never found it necessary to consider additional conditions as part of sign design reviews.

State Code has specific standards for conditional uses. Conditional uses are presumed to be a permitted use with the identification and mitigation of any detrimental effects. 10-9a-507. Conditional uses.

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

- a. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- b. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The North Ogden sign ordinance has standards that staff regularly interprets and applies with sign permit applications. No detrimental effects have ever been identified as part of sign reviews. Therefore, it is appropriate to consider eliminating all conditional use permits from the sign ordinance.

The draft ordinance amends four sections of the sign ordinance:

11-22-5 Comprehensive Sign Plan

The Planning Department becomes the approving authority for sign permits in multi-tenant shopping centers as a permitted use.

11-22-7 Signs Permitted for Nonresidential Uses in Specific Districts

- Electronic message board signs are approved by the building permit review process as a permitted use.
- Comprehensive sign plans are approved by the Planning Department as a permitted use.
- Unique Signs are removed as a sign type. There has never been a request for this sign type; it does not have a definition to identify the sign type.

11-22-10 On Site Subdivision Advertising Signs

On site subdivision advertising signs are approved by building permit as a permitted use.

11-22-11 Model Home Advertising Signs

Model home advertising signs are approved by land use permit. The timing standard was found unnecessary and requested to be deleted.

CONFORMANCE WITH THE GENERAL PLAN There are related goals for this amendment in the Housing goals and Economic Development goals sections in the General Plan.

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.

Economic Development Goals

Goal #3 -- Assure a quality commercial shopping environment.

Strategies

- Promote improvement in City appearance through ordinance changes that require enhanced streetscapes, well designed and located buildings, and interesting, environmentally appropriate landscaping.
- Promote walkable commercial areas through City ordinances and incentives to achieve the vision for the Downtown and Southtown.

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

- Who should be the approval authority for signs?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission unanimously recommends adoption of the sign ordinance amendment.

Mr. Scott reviewed his staff memo.

Mayor Taylor opened the Public Hearing at 6:55 p.m. There were no persons appearing to be heard.

Council Member Swanson motioned to close the Public Hearing. Council Member Stoker seconded the motion

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The Public Hearing was closed at 6:55 p.m.

8. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO MAKE THE SIGN PERMIT REVIEWS A PERMITTED USE REVIEW**

Council Member Swanson motioned to approve Ordinance 2017-29 to make the sign permit reviews a permitted use review. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

9. **PUBLIC HEARING TO RECEIVE COMMENTS TO ADD SINGLE RESIDENCE AS A PERMITTED USE WITH AN EXISTING BUSINESS IN COMMERCIAL ZONES**

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

The Planning Commission conducted a public hearing on November 15, 2017 to consider an amendment to allow a single residence in commercial zones. No one spoke at the public hearing.

The Planning Commission discussed a draft ordinance on November 1, 2017 to allow a single residence in commercial zones. The Planning Commission requested that a public hearing be set.

On October 3, 2017, the Planning Commission discussed whether to allow an existing commercial business to have a single residential use allowed. The owners of All Aflutter at 1933 North Washington Boulevard desire to add a single family home to their business property. The Planning Commission directed staff to bring back an ordinance for discussion.

The ordinance amendment allows a single family dwelling as an accessory use with five conditions:

- The lot size can be up to 15,000 square feet.
- The proposal is subject to site plan review.
- Side and rear setbacks of 10 feet will be applied if the residence is detached from the commercial business; otherwise if the residence is within the commercial building the standard 0 feet setback is allowed.
- The parking requirement is for 2 parking stalls.
- No recreational vehicle parking is allowed.

The following questions were discussed and direction given regarding the following standards:

- Should there be a requirement for the residential unit to be owner occupied? The Planning Commission determined to not include an owner occupancy requirement. Commissioner Mason dissented on this issue and felt that there should be an owner occupancy requirement.
- Should there be additional setback standards? (20' front, none sideyard and rear, except 10' if the residence is detached from the business). Staff reviewed this question with the Building Official. As long as there are no windows and a fire wall the residence could be built on property line. However, in residential zones we require a minimum 3 foot setback to handle roof drainage. If a setback is to be required it should be of sufficient distance to have an effective landscape area. Staff recommended a 10 foot setback.
- What parking requirements should there be, e.g., number of stalls, location, etc.? The Planning Commission determined that 2 stalls be required consistent with residential parking standards.
- Should there be restrictions on recreational vehicle parking? The Planning Commission determined that recreational vehicles should not be allowed.
- Do the commercial zone standards for lot coverage, vegetative cover, and accessory uses need to be modified? The Planning Commission determined that no additional standards were deemed necessary.

The memo discussed conformance with the General Plan of the City:
Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

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

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

- What standards should be applied to single residential uses in commercial zones?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission unanimously recommends the amendment be adopted. Commissioner Mason requested that the City Council consider making an owner occupancy requirement.

Mr. Scott reviewed his staff memo.

Council Member Turner inquired as to how utilities for a home associated with a commercial property would be metered. Mr. Scott stated that if the property is occupied by the owner of the commercial building, it may be possible to use the existing meter. Mayor Taylor stated that may be an issue the Council needs to discuss further, along with the issue of any impact fees to be imposed on an accessory residential use. Mr. Call stated that each property would be considered on a case-by-case basis to determine the appropriate impact fees to be assessed and the needed utility connections. Mr. Scott indicated that individualized analysis would be performed after a property has received site plan approval and the owner has applied for their building permit.

Council Member Swanson expressed his concerns regarding the idea of allowing residential development in commercial zones; according to the ordinance, any C-1 or C-2 zoned property could contain one residence. This means the owners of the Smith's Marketplace could create a 15,000 square foot lot on their property to build a residence. He stated he views the ordinance as an overexpansion of the purpose of the Master Planned Community (MPC) zone and the Council must consider the unintended consequences of creating an ordinance just to address one property in the City. He stated that is not good legislation and he does not think allowing a single family residence to be built on a commercial property will benefit the City as a whole. He feels it is necessary to maintain the separation between commercial and residential development. Mr. Scott stated this matter is definitely a policy issue for the Council to decide upon. Council Member Swanson reiterated that the Council must consider the unintended consequences; he cited the potential for an owner of a commercial property to build a home on their property and then vacate both properties in the future, which would leave occupancy and use of the business and home to the desires of a future owner.

Mayor Taylor opened the public hearing at 7:14 p.m.

Linda Vandiver stated she and her husband own the All Aflutter business and they would like to build a small home on their property to allow them to live adjacent to their business. She stated that at some point in the future if the property is ever sold, the home would be sold with the commercial property so that whoever purchased the business would be responsible for the home as well. She stated she intends for the new home to be

beautiful and constructed of high quality materials to ensure it beautifies the property and is an asset to the community. She indicated she and her husband have worked hard to establish their business and it has been a struggle over the last year and a half and it would help them to further the success of the business to live on site. She stated she loves her business and her customers and is hopeful the Council will support her desires.

Steve Rasmussen, 1092 East 3250 North, stated that he is unsure why the City would care whether the Vandivers do or do not have a recreational vehicle (RV) parked on their property. He wondered why the City would want to legislate some of the issues that are included in the draft ordinance; he can understand concerns about building a home on a commercial property and requiring sufficient off-street parking, but once that off-street parking has been provided it is not appropriate for the City to try to tell the property owner whether they can have a RV. He stated if he were in the Vandiver's situation he would be upset that the City is trying to tell them what kinds of vehicles they can own and park on their property. He then noted he does not see that a problem would ever arise with allowing a home on a commercial property so long as the owner is willing to build the home in compliance with building codes and standards. The Vandivers have sufficient property to build a home and they should be allowed to as long as the development is conforming.

There were no additional persons appearing to be heard.

Council Member Stoker motioned to close the Public Hearing. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed.

The Public Hearing was closed at 7:30 p.m.

10. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ADDING SINGLE RESIDENCE AS A PERMITTED USE WITH AN EXISTING BUSINESS IN COMMERCIAL ZONES

Council Member Stoker stated the Council has considered the creation of new zones that would allow for mixed use development in certain areas of the City and she does not have a problem with allowing the proposed land use as requested by the Vandivers. She stated that she cannot see any problems with allowing the construction of a home on a

commercial property so long as the structure complies with City ordinances and development standards.

Mayor Taylor stated that he understands Council Member Swanson's concerns, but he does think that it is possible to craft an ordinance that would allow the construction of a home on a residential property, though this type of development should be limited. He would support the idea of requiring owner occupancy of the home. Council Member Stoker agreed. Mr. Call stated those matters could be addressed in the form based code.

The Council engaged in high level discussion regarding matters such as parking of RVs on commercial properties, including an owner occupancy requirement in the ordinance, and the basic concept of allowing a home on a commercial property, after which the Council concluded it may be appropriate to table the ordinance until after the first of the new year to allow continued discussion and to allow newly elected Council Members to provide their input.

Council Member Turner motioned to table Ordinance until the January 2 or 9, 2018 City Council meeting to allow for continued discussion. Council Member Swanson seconded the motion.

Council Member Swanson asked that staff consider whether it may be possible to rezone the Vandiver property from commercial to MPC to allow for the desired use without crafting an ordinance for just one property in the City. Mr. Scott stated that a minimum of five acres is required in order for a property to be assigned the MPC zone. Council Member Swanson suggested there may be an alternate zoning designation available to the property rather than changing the C-1 and C-2 zones to allow for the construction of a home.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO AN INTERLOCAL AGREEMENT WITH PLEASANT VIEW CITY FOR ENGINEERING SERVICES

City Administrator/Attorney Call noted that during the last discussion of this item, the Council suggested edits to the interlocal agreement to split certain costs associated with the City Engineer between North Ogden and Pleasant View Cities; he indicated those

edits have been presented to Pleasant View and they were supportive. He briefly reviewed the interlocal agreement to identify the sections that have been amended and reported that the City will provide Pleasant View City with an itemized invoice for certain expenses.

Council Member Swanson motioned to approve an amendment to an Interlocal Agreement A32-2017 with Pleasant View City for Engineering Services. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ON A PROPOSED ANNEXATION LOCATED AT APPROXIMATELY 2521 NORTH MOUNTAIN ROAD (WEBB)

A memo from City Recorder Spendlove explained Daniel and Allison Webb submitted an application on October 13, 2017 petitioning for annexation of 2.458 acres located at approximately 2521 North Mountain Road in North Ogden, Utah (Exhibit A). The annexation process requires the City Council to accept the petition for annexation so that we can start the process, which was done on November 2, 2017. Weber County Surveyor has reviewed the annexation plat map and had no changes. This property is within North Ogden City Annexation Declaration Policy (Exhibit B). The petitioner is requesting an RE-20 Zone, which the Planning Commission has recommended (Exhibit C). The law requires that the City give notice of an annexation for (3) consecutive weeks no later than 10 days after the Council receives Notice of Certification which was certified by the City Recorder on November 2, 2017. Written protests to this annexation were to be filed by December 4, 2017. No written protests have been received as of date of this staff report and the City Recorder will advise if one is received before or on the due date. If no protests are received by the due date the City Council may adopt this Ordinance annexing this property.

Ms. Spendlove reviewed her staff memo and reported this item was tabled during the last City Council meeting because the annexation plat did not include all property to be annexed and the correct legal description was not included on the plat. She stated those matters have been corrected and the plat will be updated before it is submitted to the Lieutenant Governor's Office for certification. She concluded staff is comfortable recommending adoption of the ordinance approving the annexation.

Council Member Stoker motioned to approve Ordinance 2017-30 on a proposed Annexation located at approximately 2521 North Mountain Road (Webb). Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

13. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING AN ORDINANCE ON AN ANNEXATION LOCATED AT APPROXIMATELY 1851 NORTH WASHINGTON BOULEVARD (VPP)

City Administrator/Attorney Call reported there was a small discrepancy on the annexation plat for the Village at Prominence Point (VPP) property and the Lieutenant Governor's Office would not accept the plat until the discrepancy was corrected. He asked that the Council consider an amended annexation ordinance to correct the issue.

Council Member Turner motioned to approve Amended Ordinance 2017-23A on an Annexation located at approximately 1851 North Washington Boulevard (VPP). Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

14. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH RECYCLED EARTH

A staff memo from the City Administrator/Attorney Call explained that over the course of several meetings this year the council has discussed garbage and recycling rates. In the most recent meeting in June the recycling tipping fees were set at \$26.81 per ton which was based upon a sales value of the material of \$115.19. That material value has dropped dramatically which has caused our recycling vendor to increase the cost to the City by around \$12 per ton or roughly 45%. The tipping charge is not the only component in the

cost for curbside recycling, however, this increase will have a negative impact on the budget.

In June, the Council agreed to increase the monthly charge by \$1.27 to cover the additional expenses. Of that increase, \$.40 was to cover the cost of the \$26.81 per ton tipping fee. With the \$12 increase we will likely need to increase our monthly fee by another \$.18.

The City does not have any sort of an agreement with the company who accepts our recycling and so their charge to us may continue to fluctuate. However, in an agreement recently entered into by Recycled Earth with several other cities in our area they have locked in a price for recycling which is slightly less than the price per ton we are currently being charged by Weber County for our regular trash. We can join in this agreement by simply letting Recycled Earth know that we would like to participate in the agreement.

As written, the agreement anticipates that the Cities and County are currently looking for a long-term solution to the recycling issues and we will be working with those other communities to decide what the future of recycling will be in Weber County.

The memo concluded City Administration recommends the Council review the agreement and determine if the City's participation is appropriate. If approved, the City will not be entering into a new agreement, but, rather the City will simply provide verification that the City will follow the terms of the Agreement.

Mayor Taylor provided a brief overview of the history of the deterioration of County-wide recycling agreements, after which Mr. Call reviewed his staff memo and facilitated review and discussion of the terms of the agreement. Any city can join in the interlocal agreement, but cannot change or alter any of the terms.

Council Member Turner motioned to approve Agreement A34-2017 with Recycled Earth. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

Council Member Swanson stated that he is comfortable with the agreement at this time, but he would like a thorough review of the fiscal impact of offering recycling services to residents of the City in the near future. Mayor Taylor stated that staff is working to perform that analysis at this time.

15. PUBLIC COMMENTS

Sara Fawson, 1205 East 2325 North, stated that during discussion of the ordinance allowing construction of a home on a commercial property, a couple of things came to her mind. She likes the idea of considering a different zoning designation for certain properties rather than amending the C-1 or C-2 zones to allow what has been requested. She stated that she is not as concerned about requiring owner occupancy because there are many different types of businesses that desire to have an employee stay onsite at all times for various reasons. She believes the City should respect the needs of those businesses as they may know what is best for their business. She stated the City has already considered mixed use development in the City and it shouldn't be too difficult to expand upon that to accomplish the desires of the Vandivers without amending the ordinance that governs all C-1 and C-2 properties in the City. She then addressed the matter of recycling and wondered if it would be possible for the City to engage in a public service campaign educating residents on the need to properly separate their refuse materials to ensure clean recycling; this may help to reduce the costs associated with recycling. Mayor Taylor thanked Council Member-elect Fawson for her comments and indicated the Oath of Office ceremony will be held January 2.

Steve Rasmussen, 1092 East 3250 North, also referenced the discussion regarding allowing residential development on commercial properties and indicated he was not convinced of the need to require owner occupancy of a home on a commercial property. There are other reasons where it may be necessary to allow an employee of a business to live on the property. He also referenced the total number of ordinances adopted by the City over the past calendar year, which is 30, and stated that while that number may be low, it could be lower. He stated that just because the Council has been given the authority to regulate and legislate certain matters, does not necessarily mean they should be doing that. The Council should consider the pursuit of life, liberty, and happiness when determining whether a certain ordinance is appropriate. Many things are being overregulated and he would prefer the City honor the delicate balance that is necessary to allow for freedom to ring. Mayor Taylor stated that many of the ordinances adopted over the past year served to remove restrictions and regulations.

16. COUNCIL/MAYOR/STAFF COMMENTS

Ms. Spendlove reminded the Mayor and Council of the City Christmas party scheduled for tomorrow at 6:00 p.m.

Mr. Call reported work on the amphitheater project at Barker Park is underway and any member of the Council can visit and tour the site whenever they would like, though it is necessary to check in with the contractor and wear a hard hat while on site. Mayor Taylor

added that in the new year it will be necessary to select another Council Member to participate on the Amphitheater Committee as one of those positions was previously held by Council Member Satterthwaite, whose term on the Council ends at the end of the year.

Council Member Turner wished everyone a Merry Christmas and Happy New Year.

Council Member Swanson asked that an item be added to the January 9 meeting agenda to allow for discussion of opportunities for promoting clean air activities. Mayor Taylor answered yes. Council Member Swanson then inquired as to who is responsible for determining the placement of stop signs in the City, to which Mayor Taylor responded the Chief of Police and he follows the U.S. Department of Transportation Manual for Uniform Traffic Control Devices. He noted the placement of a stop sign can be reconsidered if there is evidence of changes in traffic patterns. Council Member Swanson asked that the placement of the stop sign at 3200 North and 800 East be reviewed and reconsidered. He also asked that the marquis sign at Pleasant View Drive and Washington Boulevard be inspected to determine that the sight triangle has been observed. He also wished everyone a Merry Christmas and Happy New Year.

Council Member Stoker also wished everyone a Merry Christmas and Happy New Year.

Mayor Taylor echoed the holiday wishes made and stated 2017 has been a great year and he has enjoyed working with the Council and staff. He stated he is looking forward to continued success in 2018 and working with new members of the Council.

17. ADJOURNMENT


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

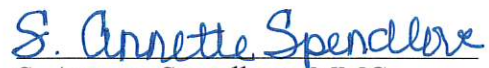
Voting on the motion:

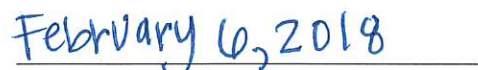
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed.

The meeting adjourned at 8:04 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved