

1 NORTH OGDEN CITY COUNCIL MINUTES

2
3 February 25, 2014

4
5 The North Ogden City Council convened in an open meeting on February 25, 2014 at 6:30 p.m.
6 in 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 February 21, 2014. Notice
9 of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

10
11
12 PRESENT: Brent Taylor Mayor
13 Kent Bailey Council Member
14 Justin Fawson Council Member
15 Lynn Satterthwaite Council Member
16 Cheryl Stoker Council Member
17 James Urry Council Member

18
19 STAFF PRESENT: Ronald F. Chandler City Manager
20 S. Annette Spendlove City Recorder/HR Director
21 Jon Call City Attorney
22 Gary Kerr Building Official
23 Kevin Warren Chief of Police

24
25 VISITORS: Joan Brown Don Brown Dannette Cornell
26 Judy Woltius Karen C. Collman Jerry Hartmann
27 Kevin Frazier Eileen Truscott Aaron Waters
28 Wendell Harrop Zach Hartmann Julieann Hartmann
29 Beckie Young Blake Welling Shauna Shaw
30 Craig Chambers Bill Hartmann Sue Hartmann
31 Rachel Trotter Mary Jones Jay Greaves
32 Gary Rands Steve Stuart Chris Bowen

33
34
35 Council Member Satterthwaite offered the invocation and led the audience in the Pledge of
36 Allegiance.

37
38 **CONSENT AGENDA**

- 39 1. Consideration to approve the minutes of the January 14, 2014 City Council Meeting
40 2. Consideration to approve the minutes of the January 28, 2014 City Council Meeting
41 3. Consideration to approve the minutes of the February 11, 2014 City Council Meeting

42
43 **Council Member Bailey moved to approve the consent agenda. Council Member Stoker**
44 **seconded the motion.**

45
46 **Voting on the motion: All voting aye**

48 **The motion passed unanimously.**

49

50

51 **AGENDA**

52

53 **1. PUBLIC COMMENTS**

54

55 Steve Stuart, 916 E. 2100 N., stated that I am a resident and my house is in the agriculture area. I
56 am here to address the RE-20 Zone. He stated that times and people are changing. We have
57 different lifestyles and live in different areas and see nothing wrong with changes in this
58 ordinance. This is an example of the right way for this to work in an orderly manner.

59 Hartmann's situation is this; you would never know this structure is on this land and none of his
60 neighbors or the City's public safety officials have concerns. In his neighborhood this is the only
61 parcel this would work on and this should be allowed.

62

63 Wendell Harrop, 20174 N. 850 E., is in support of changing this ordinance. It would be of
64 minimal impact to the City. There are small items that the Council will need to consider, but this
65 has worked fine in other cities. He stated I urge you to move this along quickly.

66

67 Chris Bowen, Pet Chalet business owner, 370 E. 2000 N., would like to see this ordinance pass.
68 This is the type of thing that brings a community together and makes it stronger. Stronger
69 communities bring more business to the community.

70

71 Kevin Frazier, 899 E. 2100 N., states I am in favor of passing this ordinance. This is a great
72 family and they have put their life savings and retirement into this. I hope you can pass this.

73

74 Shauna Shaw, 2274 N. 1225 E., is a real estate agent. When she started in real estate about nine
75 years ago she sold a home where there is a garage with a living space above the garage. This
76 owner told me that it was fine with the City as long as it was a family member. This was not
77 attached to the home. I know there are other properties in North Ogden with this same situation.
78 I sold the Hartmann's sons home so that this could happen and I recommend that the City pass
79 this.

80

81 Judy Wolthius, 1726 N. Mountain Road, stated when I first heard this I thought that ultimately it
82 will save the taxpayer dollars because you have a family that will take care of their parents.
83 Having done this myself, taking care of my in-laws, it was a great situation for them to stay in
84 their home until they died. When you have families willing to do this it is a good situation.
85 Whatever happens we are here whether you approve this or not and we want to be able to support
86 and help this family.

87

88 Zachary Hartmann, 884 E. 2100 N., stated I am the petitioner and want to help my parents in
89 their retirement. There was a public hearing on this request. I am hoping the Council has read
90 all the information that was provided. These are studies that were done in 2000 by the AARP
91 and the benefits this is to aging communities. The long term effects of this will benefit North
92 Ogden by making it a stable community. This has been done in other cities.

93

94 Jeremy Hartman, 3092 N. 1300 E., is in favor of seeing this ordinance move forward in the RE-
95 20 Zone. He spent two hours with former Hooper Council Member, Annette Fielding. She
96 shared that in Hooper those properties with one acre or more has done this very thing and it helps
97 bring more stability, structure, and continuity to a community. If you have questions or thoughts
98 contact Annette Fielding. This ordinance had to begin with one. This isn't a Hartmann ordinance
99 it is for the City of North Ogden. In a poll taken by the RE-20 Zone property owners, most
100 property owners have no desire to do this unless it comes up. He asked that this ordinance be
101 passed tonight.

102
103 Jerry Hartmann, 884 E. 2100 N., was unable to speak so he made no comments and Mayor
104 Taylor thanked him.

105
106 **2. DISCUSSION AND/OR ACTION TO CONSIDER A CONTRACTOR FOR THE PUBLIC**
107 **WORKS COMPLEX**
108

109 Mayor Taylor said that this item is being pulled. We were hoping to present a contractor for the
110 proposed public works building tonight but needed to get some things finalized. The bid
111 numbers from a contractor were changed a bit based on the last soil testing. We will be
112 gathering the selection committee back together to review the new numbers and bring back to the
113 City Council in two weeks and will have an update for the City Council before the next meeting.
114 Our hope is to begin construction of this project this spring.

115
116 **3. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL METRO SWAT TEAM**
117 **AGREEMENT**
118

119 Kevin Warren, Chief of Police, stated I hope the Council had time to review the documents. The
120 Ogden Police Department and Weber County Sheriff's Office have consolidated their SWAT,
121 (Special Weapons and Tactical) Teams to form the Ogden Metro SWAT Team. We use SWAT
122 for critical incidents such as hostage situations, sniper situations, high risk apprehension, bomb
123 threats, and other serious risk incidents. In the past we have been able to use Ogden SWAT at no
124 cost and that is no longer available. Their costs include training and the annual SWAT Team
125 budget for 2014-15 is \$70,000. North Ogden's share is \$3,709. The Chiefs in this area came up
126 with a formula that takes into account population, call volume, and the number of personnel that
127 should be provided to the Team based on population. The team consists of thirty-five members.
128 Based on our population, we should have 1.8 officers participating. If we have someone
129 assigned to the SWAT team we would receive a credit of \$598. If we chose not to do this and
130 have a callout, we will be charged for each call out plus \$20 per hour for each member of the
131 SWAT Team times thirty-nine plus the length of the callout. The average SWAT callout is four
132 hours. I recommend that we participate because the annual fee would allow us to use the SWAT
133 Team unlimited. If we don't participate and have a prolonged event it could be costly to the City
134 and if we have more than one callout that could be costly as well. The City Attorney has
135 reviewed this and passed it off.

136
137 Council Member Fawson stated I hope we never have to use them.
138

139 **Council Member Fawson moved to approve agreement A6-2014 and agreement approving**
140 **an Interlocal Metro SWAT Team Agreement. Council Member Satterthwaite seconded the**
141 **motion.**

142
143 Council Member Bailey said we don't currently have anyone assigned to SWAT so does that
144 mean we will have someone assigned. Kevin Warren replied I do not currently have anyone
145 assigned and we are trying to evaluate that. We did have someone assigned to SWAT and that
146 officer has moved on to another agency. When he was participating we had a lot of overtime
147 costs and, as mentioned, the credit was only \$598 and we spent a lot more than that.

148
149 Council Member Urry asked where the team is housed. Kevin Warren replied at the Weber
150 County Sheriff's office.

151
152 Mayor Taylor asked how much time is involved in the training to have an officer involved and
153 what the process to become a SWAT Team Member is. Kevin Warren replied usually they train
154 three to four times a month and the officer is responsible to get there. It is usually after hours
155 and that is where the overtime comes in. There is a process in July which is called "Hell Week"
156 which is very strenuous and is based on his/her ability to meet or exceed minimum SWAT
157 standards regarding physical fitness, eyesight, hearing, and the ability to qualify with basic
158 SWAT Team weapons. We had one officer make it.

159
160 Council Member Bailey asked if we were involved in the formula used for cost. Kevin Warren
161 replied yes.

162
163 Council Member Satterthwaite asked about call volume and how many times did we have a call
164 in the last five years. Kevin Warren replied that we had three callouts in five years and they
165 didn't tag us for one so we should have had four. Council Member Satterthwaite asked if this
166 budget would be changed every year. Kevin Warren replied every three years and they will look
167 at callouts, population, members on the SWAT Team, and their budget to determine the cost
168 using the same formula.

169
170 **Voting on the motion:**

171
172 **Council Member Bailey** **aye**
173 **Council Member Fawson** **aye**
174 **Council Member Satterthwaite** **aye**
175 **Council Member Stoker** **aye**
176 **Council Member Urry** **aye**

177
178 **The motion passed unanimously.**

179
180 **4. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
181 **ACCESSORY DWELLING UNIT IN RE-20 ZONE**

182
183 Ron Chandler reviewed that this item came to the City Council previously and was referred to
184 the Planning Commission to deal with the question about animals and the size of the lot that

185 would be needed for farm animals. The Planning Commission has made an addition to the
186 amended ordinance to deal with that. After their public hearing and this approval is the
187 ordinance they are recommending. He reviewed a map on the smart board and the areas in blue
188 are all the RE-20 Zones in the City and this amended ordinance, if passed, would affect all the
189 areas in blue. He then reviewed Section 3 Standards:

- 190 1. An Accessory Dwelling Unit shall only be permitted when the property owner lives on the
191 property, within either the principal dwelling or accessory dwelling unit. *He added that an*
192 *owner is described as someone who has 50% or more ownership in a dwelling unit on the*
193 *subject property. He pointed out that either one of the homes can be rented as long as one of*
194 *the people living in one of the dwellings is the owner.*
- 195 2. Only one Accessory Dwelling Unit is allowed per lot.
- 196 3. The minimum lot or parcel area shall be one acre.
- 197 4. The maximum floor area of the Accessory Dwelling Unit shall not exceed the above ground
198 living space of the primary dwelling.
- 199 5. The maximum height shall be no taller than the principal dwelling on the lot or parcel.
- 200 6. The standards for access to the Accessory Dwelling Unit shall meet those of the North View
201 Fire Department and the North Ogden City driveway standard for hard surfacing.
- 202 7. The parking standards of North Ogden City for a single family home will apply. *He*
203 *explained that for a single family dwelling we require two parking units and where it states*
204 *the standard for the North Ogden City driveway, we will require this for the parking,*
205 *driveways, and access ways that are asphalt, concrete pavement bricks, or concrete cement.*
- 206 8. The Accessory Dwelling Unit shall be located in the rear yard of the principal dwelling but
207 shall not be located within the 20,000 square feet required by the RE-20 zone for the
208 principal dwelling.
- 209 9. The Accessory Dwelling Unit shall have a thirty (30) foot rear yard and also meet the side
210 yard requirements of the RE-20 Zone.
- 211 10. *He explained that while the property of an acre or larger remains one lot, they can have one*
212 *utility that services both dwellings. If the property is subdivided in the future then the utility*
213 *connections have to be separated and both dwelling units would have to have a separate*
214 *meter and utility connection. By not having separate utilities from a billing standpoint, we*
215 *would be billing one person for two usages. The base services for two usages and overage.*
216 *Our minimum usage is \$6.98 base fee and \$1.62 per thousand up to 19,999 once it turns into*
217 *20,000 it is \$2.16 per thousand gallons. City provided utilities (culinary water and sanitary*
218 *sewer) may utilize the existing utilities of the principal dwelling on the property as long as*
219 *the accessory dwelling is not separated by subdivision of the property or ownership of the*
220 *dwellings. If the accessory dwelling is to be subdivided from the principal dwelling, the City*
221 *utilities (culinary water and sanitary sewer) shall directly connect to the City mains for each*
222 *service. Utility connection and requirements of other utility providers shall be determined by*
223 *consultation of the lot owner and each utility company.*
- 224 11. All North Ogden City impact fees shall apply which are assessed to new dwellings in the
225 City.
- 226 12. Lots with accessory dwelling units will be allowed animals as listed in section 11-7A-2 if they
227 have twice the acreage as required in 11-7A-2
228

229 He stated that if you decide to approve this tonight, the ordinance in your packet does not have
230 item #12 in it so the motion you would make would include adding item #12 as written in Rob

231 Scott's staff report under section #3 of the standards.

232

233 Mayor Taylor asked Council if they have any questions on the proposed ordinance or Mr.
234 Chandler's presentation.

235

236 Council Member Urry asked if they would be required to have separate driveways. Ron
237 Chandler replied that it is up to the petitioner, but one or both driveways would need to comply
238 with North Ogden City standards for driveways.

239

240 Council Member Fawson asked how many properties are in the RE-20 zone. Council Member
241 Bailey replied that they were told previously by Ron Chandler that there were about 600.

242

243 Mayor Taylor recognized Commission Joan Brown from the Planning Commission is here
244 tonight and stated that he is sure she would answer any question related to the Planning
245 Commission on this item.

246

247 Council Member Fawson had some thoughts from what has been said and the phone calls he has
248 received. He thinks it is noble that the Hartmann's want to take care of family members. None
249 of us are questioning whether we should take care of our family members in need. I had more
250 calls about the integrity of the Hartmann's and the good people they are. In my mind that is not
251 in question. Want to be clear as we discuss this that is more than the Hartmann's this is 600
252 property owners. The difficulty we find ourselves in is the scheme for all those other properties
253 and their neighbors. It's not about single family or property it's about the RE-20 Zone. My
254 thoughts are that it is difficult because of normally when a home is being built on a piece of
255 property where another home is, we subdivide the property first and move forward in that
256 manner. I don't know if this started out as a garage and the home was built onto it. I don't have
257 a lot of history, maybe someone can remind us what transpired, the history of the permits and
258 how this came to where we are now. It is a difficult topic that is for sure. Mayor Taylor asked
259 the Building Official Gary Kerr if he would speak to the Council about the history of this item.
260 Gary Kerr replied when the permit was issued it was for a garage. When I went to inspect the 4-
261 way it wasn't a garage it was a house so I couldn't go any further.

262

263 Council Member Urry asked if someone would explain impact fees. Ron Chandler replied that
264 we charge the impact fees at the time the building permit is issued. In this case the original
265 building permit was issued as a garage so there was not an impact fees accessed. If this
266 ordinance is passed and the permit becomes a house then there would be impact fees charged.
267 The total of the impact fees would include, water, sanitary sewer, storm water, Central Weber
268 Sewer District, and the North View Fire District. This total comes to \$10,636.88. Council
269 Member Satterthwaite asked that those impact fees would be accessed at the time they subdivide
270 the property. Ron Chandler replied that it happens when the building permit is issued as a house.
271 As long as it is a garage there are no impact fees because there is no impact on the City services.

272

273 Council Member Fawson asked if it is correct that this particular piece of property couldn't be
274 subdivided. Ron Chandler responded, no, it can be subdivided as a flag lot and explained how
275 that could be done.

276

277 Council Member Bailey said there are a few issues that I have. I thank the Hartmann family for
278 my reading material for the last few days. There are some issues that came up as I went through
279 the various documents that I have here with one being a model ordinance. Some of these things I
280 don't see in our ordinance amendments and I bring them up for discussion and clarification and
281 to get our City Attorney's input. We have obviously made a decision at this point in time to only
282 allow accessory dwelling units in RE-20 Zones. My concern is that once we open that door
283 without looking at some of these other things, we ought to look at a broader accessory dwelling
284 unit language. There are some things that come up in other zones that are not necessarily
285 applicable in RE-20 Zones. One of the considerations is that owners must occupy the premises.
286 I know as I have looked through the documents that were provided and in the model ordinance
287 there are two different ways that this has been handled. One is by conditional use and the other
288 has been done by establishing a right. By right is the term used in the documents. When a
289 conditional use permit was issued in Bountiful, they stipulated that when ownership changed
290 then the conditional use permit automatically expired as a way of making sure that the
291 subsequent owners of the property were aware of and willing to adhere to the restrictions that are
292 placed on the accessory dwelling unit. Draper has what they termed deed restrictions that are
293 recorded on the property and as the property passes to subsequent owners so do the deed
294 restrictions. He asked Jon to help him as he did not see either of these types of restrictions in the
295 amended ordinance being presented.

296
297 Jon Call, North Ogden City Attorney stated the reason this is not in our amendments is that it
298 wasn't suggested. Conditional use permits are trouble. As I have tried to explain it to people,
299 think of them as a permitted use with conditions imposed. It was just a policy consideration by
300 the Planning Commission and staff. Deed restrictions are one more step that staff would need to
301 go through. When someone is buying property they should be aware of what's allowed in the
302 zoning ordinance. Deed restrictions won't notify the neighbors. It only tells a Title Company
303 what those restrictions are at the County Recorder's Office. Council Member Bailey read
304 Draper's conditions. Jon Call stated that I am not a fan of some of Draper's language. There
305 was a major battle fought in Provo over this type of language and I don't recommend it. Council
306 Member Bailey continued that the language in Bountiful's ordinance limit the occupancy to
307 family members as well as the model ordinance. The relationship is specified in the Bountiful
308 ordinance. Is this tenable or not possible, can someone help me understand this. Ron Chandler
309 replied that this is a policy decision based upon the difficulty administering it and a little bit of
310 fairness. That would require the city to verify any time someone moved out or moved in that they
311 were actually related. It becomes an administrative issue that can be difficult to enforce. Can
312 people own homes and rent homes. When the Planning Commission discussed this they said
313 yes, but they did not want to make them investment properties so that someone not living in the
314 area now owns two homes that they can rent on one lot. That is where the owner occupied
315 provision came from.

316
317 Council Member Bailey stated that owner occupied is pretty much consistent in the model
318 ordinance and online ordinances that I researched. I understand and support the Hartmanns as I
319 am caring for my own father in my home, but I want to make sure that if we do this, as Council
320 Member Fawson stated, for 600 pieces of property, that we do it so that it works for all of the
321 property owners. I would be more amenable to a use where we make a restriction like the
322 Bountiful ordinance were it says that it has to be immediate family owners and it states who that

323 is so that we don't get into a situation where we are creating income property. The model
324 ordinance seems to require some kind of permitting with annual certification that lets the City
325 know that the unit still exists and that the people living in the unit are in fact who they say they
326 are. All the sanitary and other utilities are still available and in good working condition for the
327 unit.

328
329 Council Member Fawson asked if this would require a business license. Ron replied that under
330 our current ordinance if they rented it, yes. Council Member Bailey replied that Salt Lake City
331 requires a business license in all cases, rental or not. So again, should we require an annual
332 recertification? Council Member Fawson asked if it is even possible for the property owner to
333 deed the accessory dwelling to another party. Jon Call replied that there are all sorts of
334 transactions that occur in real estate. Kurt's Drive Inn, technically I don't own the property but
335 my building has a 99-year lease on it, which is essentially the same as owning it. The idea is that
336 people can own the structure but not the land underneath. Council Member Bailey stated that the
337 model ordinance and some of the documentation implies that there is no way to limit the ability
338 of a property owner from selling an accessory dwelling unit as a condominium. Under any State
339 or Federal law, zoning can regulate land use but would not allow us to regulate land ownership.
340 It states that legal advice should be considered here because we can't regulate property owners to
341 sell their land. One of my concerns is that we are opening the door and we have no way of
342 limiting the property owners. I am not talking about the Hartmanns, but we have others with
343 these types of properties. Jon Call replied that the litigation in the Provo City lawsuit was
344 dealing with the idea that it required owner occupancy. This went all the way to the Utah
345 Supreme Court. What the Utah Supreme Court said was that no one has an inherent right to have
346 two units on the same property and rent them out. The fact that the City was saying we'll let you
347 have one additional unit provided that you live on the lot was not an unreasonable restriction.
348 Jon Call said that we are not specifically restricting someone from selling it, what we are saying
349 is if you want to use that extra unit, then you have to live there.

350
351 Council Member Fawson asked if the property owners sell the accessory dwelling unit would
352 utilities have to be separate. Ron Chandler replied, yes that would be the case but there would be
353 no initial impact fee.

354
355 Council Member Bailey stated that I don't see in our ordinance that we have addressed the
356 building architecture in reference to the consistency of the main dwelling. He said that he did
357 see in our ordinance that it has to be the same building materials, the same colors and it can't be
358 taller than the existing structure. Jon Call replied that we definitely have the right to have staff
359 regulate the design standards. Council Member Bailey stated my biggest concern is I don't want
360 someone coming in and putting a mobile home on a piece of property and saying this is our
361 accessory dwelling unit. He stated we have to do something to imply some sort of architectural
362 consistency. It isn't the Hartmanns who have come to us that I worry about, it is those that won't
363 come to us. Jon Call replied that there are federal regulations that prohibit you from saying that
364 a certain type of home can't be built in the City. He stated what you would be limited to
365 requiring a structure that is built not manufactured. Council Member Bailey stated there is in the
366 model ordinance language that specifically allows that, it says what you said, we are not going to
367 make any stipulations on how an accessory dwelling unit is constructed but it does need to fit
368 architecturally with the primary building. Council Member Bailey stated in our ordinance we

369 specify the maximum size of the accessory dwelling unit as being no larger than the above
370 ground square footage of the primary dwelling. He stated in the model ordinance he did not see
371 any place that allowed an accessory dwelling unit that large. He said they were in the range of
372 30% to 65% of the size of the primary dwelling unit.
373 He continued and asked where the 100% language comes from and suggested it be modified.
374 Jon Call replied that he believes it came from Craig before he retired and it was a staff
375 recommendation that the Planning Commission upheld. Ron said I am not sure exactly where he
376 came up with that but in his research he was looking for a limitation on the size and the height.
377 Council Member Bailey said I would propose that we modify ours to make a limitation so we
378 don't have two massive buildings. Jon Call replied, I am not sure of the exact square footage
379 requirements but it might have been that Craig did that specifically because of the application
380 that's before the City now. Council Member Bailey asked if that is the situation we are dealing
381 with right now. He asked if Mr. Hartmann could address that. Mr. Hartmann stated it depends
382 on if you consider the garage as part of the living space. Ron Chandler said the garage would be
383 considered. Mr. Hartmann said that there is a two-car garage. Council Member Bailey asked if
384 it was a single-floor dwelling and Mr. Hartmann stated it was. Council Member Bailey said I did
385 not see on our ordinance a limitation on the number of people who can occupy an accessory
386 dwelling unit. Jon Call replied it would fall under the rest of our City zoning ordinance. We do
387 have some restrictions on what we consider a family and the size the family can be. Council
388 Member Bailey stated in the model ordinance there are limits on how many adults and how many
389 children are allowed in relation to the size of the facility and maybe we need to address this.
390 Council Member Bailey stated that one of the restrictions he found in other ordinances was an
391 accessory dwelling unit must be connected to the water and sanitary sewer. He stated I think that
392 is another thing we need to add to our ordinance. Jon Call replied that it is not specific in our
393 ordinances but Council could consider adding language. Council Member Bailey stated that in
394 some states they can't have two separate connections.
395

396 Mayor Taylor asked what the definition of a family is. Ron Candler replied that the RE-20 Zone
397 is a single family zone. The definition of a family is an individual or two or more persons related
398 by blood or marriage or a group of persons not related by blood or marriage living together as a
399 single household group in a dwelling unit.
400

401 Council Member Bailey asked if a person could get a building permit to build an accessory
402 dwelling unit if there is not a current dwelling on the property. Gary Kerr replied if somebody
403 comes in and the building is a home with kitchens and bathrooms, we would consider that the
404 primary structure.
405

406 Ron Chandler explained by drawing an example on the white board.
407

408 Council Member Urry thanked Council Member Bailey for being so thorough.
409

410 Council Member Satterthwaite would like to be sure that we are addressing real things like safety
411 and looks. We can't try to codify R-1 because there is a big difference between RE-20 and R-1
412 zones. If it's about family, we need to look at future circumstances and I would like it simple. I
413 have driven around the City at the RE-20 lots where we have set some precedence and I don't
414 want to over code this.

415
416 Council Member Urry stated that we need to have all the answers to Council Member Bailey's
417 questions. Council Member Satterthwaite agreed. Council Member Stoker agrees that all these
418 issues need to be considered.

419
420 Council Member Fawson asked that staff expedite this.

421
422 Ron Chandler suggested that this come back to the Council in your work session on March 4,
423 2014 with the answers for discussion.

424
425 **Council Member Bailey moved to table this item until the next Council meeting. Council**
426 **Member Satterthwaite seconded the motion.**

427
428 Council Member Urry said, I wanted to hurry this through last time it was on the agenda, but
429 since then has driven around and seen some things that concern him and wants this to be right for
430 all involved.

431
432 Council Member Bailey asked that these items be addressed: the safety issues; a title restriction;
433 annual permitting; and annual certification. Gary Kerr replied that I don't think this is necessary.
434 Council Member Bailey continued; is a business license required. Council Member Fawson
435 suggested that Council Member Bailey submit a list of the concerns to staff.

436
437 Council Member Bailey asked if we should set building standards on accessory building units
438 that are used as dwelling units. Council Member Satterthwaite stated that we need to insure the
439 building meets the standards.

440
441 **Voting on the motion:**

442
443 **Council Member Bailey** aye
444 **Council Member Fawson** aye
445 **Council Member Satterthwaite** aye
446 **Council Member Stoker** aye
447 **Council Member Urry** aye

448
449 **The motion passed unanimously.**

450
451 Jerry Hartmann stated that what is decided doesn't necessarily make the criteria impossible for
452 anyone in the future.

453
454 **5. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPROVING**
455 **THE MUNICIPAL WASTEWATER PLANNING PROGRAM**

456
457 Ron Chandler reviewed the self-assessment report that is required by the State of Utah for waste
458 water systems. He stated the assessment consists of two sections, one is financial and one is for
459 collection. He explained the closer the score is to zero, the better it is. He stated there were two
460 areas where we had some points, the first "Is the projected funding source sufficient to cover all

461 projected capital improvement costs for the next ten years and the next twenty years?” He stated
462 for those questions we answered no, they gave us some points. Ron stated when I talked to Craig
463 about it I asked how serious it is. He stated that Craig said everybody doesn’t have enough
464 funding for their wastewater system for the next twenty years. He went on to say the other part
465 of it is an evaluation of the collection system itself. He stated he wanted to point out item six,
466 “Has your city completed the Utah Sewer Management Program?” He stated we have not, but it
467 is in the works. He stated that on everything else we scored zeroes.
468

469 Mayor Taylor stated this survey goes to the state Water Quality Board; every city in the state has
470 to complete this survey annually.

471
472 **Council Member Bailey moved to approve resolution 4-2014 a resolution approving the**
473 **Municipal Wastewater Planning Program. Council Member Stoker seconded the motion.**
474

475 **Voting on the motion:**

476
477 **Council Member Bailey** **aye**
478 **Council Member Fawson** **aye**
479 **Council Member Satterthwaite** **aye**
480 **Council Member Stoker** **aye**
481 **Council Member Urry** **aye**
482

483 **The motion passed unanimously.**
484

485 **6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
486 **THE DEFINITION OF BUILDING HEIGHT**
487

488 Mayor Taylor stated that this item is being pulled until another meeting.
489

490 **7. DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION TO MAKE NAME**
491 **CHANGES ON THE CITY BANK ACCOUNTS**
492

493 Annette Spendlove stated our former treasurer retired and our new treasurer’s name needs to be
494 placed on our banking accounts in order for her and I to do transactions. She stated that the
495 finance director isn’t on these accounts for auditing purposes; the City Recorder is the Ex officio
496 auditor for the City so I go on those accounts along with the treasurer.
497

498 Council Member Bailey asked if both signatures are required. Annette Spendlove replied yes.
499

500 **Council Member Stoker moved to approve Resolution 05-2014, a resolution approving**
501 **name changes on the City bank accounts. Council Member Stoker seconded the motion.**
502

503 Council Member Urry said that Orem City had their accounts frozen because of fraudulent use of
504 money. Council Member Urry stated I talked to Jami, and I know they have fraud protection on
505 the Wells Fargo Account and, Annette, I suppose we have them on all the accounts. I would say
506 if there’s any we don’t have it on, we should get rid of the account.

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Voting on the motion:

- Council Member Bailey** **aye**
- Council Member Fawson** **aye**
- Council Member Satterthwaite** **aye**
- Council Member Stoker** **aye**
- Council Member Urry** **aye**

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO APPOINT A PLANNING COMMISSION MEMBER

Mayor Taylor stated that he was not able to reach the person he was considering and will have this on the next agenda.

9. DISCUSSION AN/OR ACTION TO AMEND RESOLUTION 4-2012 CITY COUNCIL RULES OF PROCEDURE

Annette Spendlove reviewed that the changes made to Resolution 4-2012 are the changes City Council requested in the work session. The changes are highlighted in red on the new resolution.

Council Member Fawson moved to approve Resolution 06-2014, a resolution amending the City Council Rules of Procedure. Council Member Satterthwaite seconded the motion.

Voting on the motion:

- Council Member Bailey** **aye**
- Council Member Fawson** **aye**
- Council Member Satterthwaite** **aye**
- Council Member Stoker** **aye**
- Council Member Urry** **aye**

The motion passed unanimously.

10. PUBLIC COMMENTS

Blake Welling, 1098 E. 3100 N., stated I have a couple of comments regarding the RE-20 ordinance. When talking about who should be able to live in an accessory dwelling unit, family versus it being rented out, As far as I am concerned if a person wants to get a business license and rent it out, they should be able to since it's their property. He stated the architectural standards are already in the ordinance, and we should utilize those. Let's not make it look like a little clone.

Mayor Taylor welcomed two ladies from Fremont High School.

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11. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Satterthwaite stated I appreciate residents of North Ogden being interested to rally around a family. He stated I hope you understand that if you were in our seats, you really do have to consider down the road and all properties in RE-20. He stated I apologize for the delay, I am pleased with how things are going and that we do our business in a very civil way.

Council Member Fawson stated I wanted to clear up where I am moving to avoid any controversy; I will still be in North Ogden. He stated I talked to some residents about recycling, and it was recommended if we look at doing that it would be rolled out as a phased approach. He stated I want to invite everybody out; there's a Military day at the State Capital on the 28th, which is Friday. He stated our Representative, Ryan Wilcox, is responsible for that event. He stated this is for Military men and women who have passed away.

Council Member Stoker thanked staff, Council, and the Planning Commission for all the hard work they have put into this. This hasn't been an easy thing with the Hartmanns. She stated I feel good about where this went and that in addressing these issues, we will come up with something that will help down the road.

Council Member Baily thinks he has said enough tonight.

Council Member Urry stated I really want the staff and Planning Commission to know how appreciative I am for their hard work. He stated I thought this was a healthy discussion. He stated that the Mayor handled the situation with the Hartmanns very well.

Mayor Taylor stated we have a Work Session scheduled for next Tuesday Evening, March 4, 2014. He stated the Traffic Work Session will be April 1, 2014. He stated our goal is to have everyone on the Council know what the different departments and sections within the Public Works are doing and what their upcoming needs are. He stated the Sewer Board will be conducting a project to run a new sewer line under I-15 between 12th street and 400 North. He stated the solid waste rates are going up effective July 31st, which was passed by the county commissioner, a 6.7% increase in the tipping fee. He stated that will give us some time to continue our recycling discussions. He stated the recycling incentive is still intended but hasn't been passed yet. He stated for the first time cities will be getting a credit for the recycling being turned into the county.

Council Member Fawson stated I so appreciate our previous councils for getting the recycling going.

Ron Chandler stated the Barrett rezoning will be on the agenda March 25, 2014. He stated this allows the City to give the proper notice in the paper.

Council Member Urry stated that the Senior Center will be having a ten-year celebration lunch and can we put that in the Newsletter.

598 Council Member Bailey stated that there was a change in the board at the senior center, and did
599 we know if that took place.

600
601 Council Member Urry stated they told me I was appointed, I am assuming I am.

602
603 Mayor Taylor stated we are checking that out.

604
605 Council Member Baily stated we lost an automatic two seats, and wants that brought back up to
606 the Council

607
608 Jon Call wanted to compliment the two ladies from Fremont for coming to the meeting.

609
610 **12. ADJOURNMENT**

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612 **Council Member Satterthwaite moved to adjourn the meeting. Council Member Stoker**
613 **seconded the motion.**

614
615 **Voting on the motion:**

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617 **Council Member Bailey** aye
618 **Council Member Fawson** aye
619 **Council Member Satterthwaite** aye
620 **Council Member Stoker** aye
621 **Council Member Urry** aye

622
623 **The motion passed unanimously.**

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625 **The meeting adjourned at 8:43p.m.**

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629 Brent Taylor, Mayor

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633 S. Annette Spendlove, MMC
634 City Recorder

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636 _____
637 Date Approved