NORTH OGDEN CITY COUNCIL MINUTES

January 14, 2014

The North Ogden City Council convened in an open meeting on January 14, 2014 at 6:30 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on January 9, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

PRESENT:	Brent Taylor	Mayor
	Kent Bailey	Council Member
	Justin Fawson	Council Member
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	James Urry	Council Member
STAFF PRESENT:	Ronald F. Chandler	City Manager
	S. Annette Spendlove	City Recorder/ H.R. Director
	Bryan Steele	Finance Director
	Jon Call	City Attorney
	Gary Kerr	Building Official
	Craig Giles	Public Works Director

VISITORS:	Jim Harris	Martha Harris	Rachel Trotter
	Ben Rohde	Dylan Ferrin	Stephanie Ferrin
	Bob Napoli	Don Wait	Phillip Swanson
	Michael Carter	Zachary Hartmann	Dale Anderson
	Jim Suhr	Margaret Suhr	Julieanne Hartmann
	Marc Edminster	Craig Barker	Melinda Christiansen
	Mary Settlemire	Don Brown	Gayle Harris
	David Price	Joan Brown	Teancum Price
	Dave Strong	Molly Rands	Kristin Strong
	Bill Hartmann	Bill Bernard	Sue Hartmann
	Matthew Bell	Sherry Bernard	Lynda Pipkin
	Larry Florence	Marlene Welling	Tonya Littlefield
	Stanley Kippen	Blake Welling	Alicia Littlefield
	Gary Rands	Don Colvin	Alaina Nelson
	Debra Colvin	James Ferrell	Carl Turner
	Jex Heaton	Justin Urry	Jennie Taylor
	Kaitlyn Marietti	Richard Harris	Ben Gerritsen
	Gracie Ballard	Gordon Robson	Tiffany Turner
	Carl Satterthwaite	Marilyn Harris	

NOT APPROVED

Mayor Harris welcomed those in attendance.

City Attorney Jon Call offered the invocation and led the audience in the Pledge of Allegiance.

SWEARING IN OF NEWLY ELECTED OFFICIALS

City Recorder Annette Spendlove administered the Oath of Office to newly elected officials Mayor Brent Taylor and Council Members Lynn Satterthwaite and James Urry.

CONSENT AGENDA

1. Consideration to approve the minutes of the November 26, 2013 City Council Meeting.
2. Consideration to approve the minutes of the December 10, 2013 City Council Meeting.
3. Consideration to approve business licenses

Council Member Bailey moved to approve the consent agenda. Council Member Stoker 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.

AGENDA

1. PUBLIC COMMENTS

Stanly Kippen, 629 E. 2600 N., stated his wife has a small home business, but there is very little traffic in her business and one reason for that is that she is not allowed to place signage advertising her business. He stated he feels that is unfair and a burden to his wife and it is hampering the success of her business. He asked that the City review its policy regarding signage for this type of home based business. He noted home based businesses contribute greatly to the community and it would not be harmful to allow those businesses to advertise.

Mayor Taylor stated the Planning Commission and City Council will be reviewing the General Plan this year and this concern can be discussed during that process. He encouraged Mr. Kippen to talk with staff after the meeting in order for him to be informed of any Council meetings regarding that issue.

Larry Florence, 1338 E. 2600 N., congratulated the newly elected officials for being officially sworn into office. He stated he has lived in the City for 51 years; it is a great community and he enjoys it very much. He presented a small token of appreciation to the City Council Members and members of City staff.

NOT APPROVED

2. COMMUNITY DEVELOPMENT DIRECTOR CRAIG BARKER RECOGNITION

Mayor Taylor stated that Mr. Barker has served as the City's Community Development Director for approximately the past 10 years; he has had a large role in the development of the City during his time with the City. He named various large projects Mr. Barker was involved with as follows: the rewrite of the City's Transportation Master Plan; creation of the Economic Development Committee; and oversight of the Planning Commission. Mayor Taylor presented Mr. Barker with a plaque and a token of the City's gratitude and he wished Mr. Barker well in his retirement.

Mr. Barker stated he began his career in 1975 with Weber County and he was assigned to work as North Ogden's Planner in 1978 and he has worked with the City in many different capacities over the last 30 years. He stated he has seen a lot of changes and he feels the City has a good history of planning; he encouraged the Council to follow the legacy they have been left with and noted that planning will impact future generations of the City.

3. MAYOR RICHARD G. HARRIS RECOGNITION

Mayor Taylor stated there was recently a great article in the Standard-Examiner that highlighted so many things Mayor Harris has done for the City in various capacities over the past several years; he served as a Planning Commissioner, a two term Council Member, and most recently as Mayor. He noted so many things have changed since Mayor Harris first became involved and so many of the changes in the City have Mayor Harris' fingerprints on them. He mentioned a few of Mayor Harris' contributions to the City, including long-term planning; the rewrite of the Transportation Plan; updates to the General Plan; upgrades to the City's utility infrastructure; creation of the Economic Development Committee; and many other things that have helped to continue the progress of the City. He thanked Mayor Harris and his wife Marilyn for their dedication and service to the City. He stated he has admired Mayor Harris' kindness over the years and noted he cannot recall a time that he has heard Mayor Harris say a negative thing about his position in the City. He presented Mayor Harris with a clock as a token of the City's gratitude for his service and wished him well in his retirement from City politics.

Mayor Harris stated he is grateful for the recognition and for the many relationships he has built during his time serving North Ogden City.

4. DISCUSSION AND/OR ACTION TO APPOINT AN ADMINISTRATIVE HEARING OFFICER

City Manager Ron Chandler explained that the City advertised for an Administrative Hearing Officer (AHO) at the same time that the advertisements were published for a prosecuting attorney, but no applications were submitted for the AHO position. At a later date it came to the staff's attention that Ms. Meg Ryan serves as the Morgan County AHO. Mayor Harris, Mayor Taylor, Community Development Director Barker, and Mr. Chandler visited with Ms. Ryan over the past few weeks to discuss her background and determine her level of interest in North Ogden's AHO position. Ms. Ryan has extensive background in land use; she is a land use consultant with the Utah League of Cities and Towns (ULCT) and has served as the City Planner for Park City. She holds a masters degree in planning from the University of California,

NOT APPROVED

Berkeley. In accordance with North Ogden City Code Section 1-8-5(A), Mayor Taylor is recommending Ms. Ryan be appointed as the City's AHO upon receiving advice and consent from the City Council. An employment contract has been drafted for Ms. Ryan and the term of the agreement as well as its termination clauses comply with the requirements of the aforementioned section of North Ogden City Code.

Council Member Satterthwaite inquired as to the reasons for the transition from the Board of Adjustment to an AHO. He noted the Board of Adjustment was made up of volunteer citizens that offered their services for free and the current recommendation will have a cost associated with it. Mr. Chandler explained approximately two years ago the City decided to proceed with hiring an Administrative Law Judge to hear various land use appeals, but there were some issues with that practice relative to potential conflicts of interest. At that time the City ordinance was changed to create the AHO position; the reason the AHO position is more attractive than the Board of Adjustment is related to the infrequency with which the Board of Adjustment is required to meet. He added there is a cost associated with the Board of Adjustment as they are paid for their time and to receive training on their position as Board of Adjustment members. He added it was also necessary for the Board of Adjustment to receive legal counsel and there is a cost associated with that as well. He noted it is common for Boards of Adjustment to be tempted to act in the same manner as a Planning Commission when they are actually a quasi-judicial body; the State provides five reasons for granting a variance and an applicant must meet all five of their reasons, but there is a tendency of Board of Adjustment to want to help an applicant resolve their issues even if they cannot meet all five requirements. He explained those serving as AHO's typically spent one hour preparing for a hearing and one hour conducting the hearing; there is also time associated with writing the findings of fact for the hearing and the City will pay for that time. The anticipated cost per hearing is approximately $400 and the City Attorney will not be needed at the appeal hearings.

Council Member Fawson asked Mr. Chandler to estimate the cost per hearing if said hearings are still handled by the Board of Adjustment. Mr. Chandler stated he would estimate the cost at $300 to $350 per hearing. He also highlighted some of the issues that arose when the Administrative Law Judge was used to hear requests for land use variances.

Council Member Urry stated that in order for him to support the position he would like to implement a fee that would cover the cost for a variance hearing; the person requesting the variance hearing would need to pay the $400 fee to cover the cost of the AHO. He added that would cause any potential appellant to think seriously before requesting a hearing. Mayor Taylor asked if that would be permissible. Council Member Bailey stated the City already charges a fee, so it would simply be necessary to increase the fee to cover the cost of the AHO. He then added his recollection of the reasons supporting the transition from the Board of Adjustment to an AHO and noted he feels it is sensible to proceed with employing an AHO to handle variance requests.

Council Member Stoker stated she participated as a member of the Board of Adjustment and the Board understood the five criteria they had to consider when dealing with a variance request. She added the decisions made by the Board could be appealed by the appellant if they did not like the result of their hearing. She stated as new members were added to the Board they did not

NOT APPROVED

receive the same training as the initial members and they started to stray from adhering to the five criteria that must be met in order for a variance to be granted. If the training would have been consistent the Board may have been more successful. Council Member Urry inquired as to who provided the training. Council Member Stoker stated that she could not recall who provided the training.

Council Member Urry stated he has contacted other cities to understand their practices relative to addressing variance requests and he noted most larger cities employ a Board of Adjustment rather than an AHO. He reiterated his recommendation to increase the application fee to cover the costs of an AHO.

Council Member Fawson stated he is supportive of the AHO mainly for the issues with maintaining training for the members of the Board of Adjustment. He added that he knows Ms. Ryan and he thinks she is capable of doing the job. He also agreed with Council Member Bailey that it is sensible to proceed with employing an AHO because that will provide someone that is highly available at comparable costs that were paid for the Board of Adjustment. He also agreed it would be good to review the fee for a variance application in order to cover the cost of a variance hearing.

Council Member Stoker stated she is supportive of employing an AHO. Council Member Urry stated he is also supportive of the action as long as fees can be amended to cover the associated costs.

Council Member Satterthwaite stated one option would be to pay the members of the Board of Adjustment more money in order to ensure they are carrying out their duties responsibly, but if they were paid more it would make sense to simply hire an AHO. He also agreed it would be wise to increase fees to cover the costs associated with holding an appeal hearing.

5. <u>DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT FOR AN ADMINISTRATIVE HEARING OFFICER</u>

Council Member Bailey moved to appoint Meg Ryan as the North Ogden City Administrative Hearing Officer (AHO), with the contingency that the City Council review the fee schedule at a future date in order to increase fees to cover costs associated with the position. 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.

NOT APPROVED

6. MONUMENT CORRECTION

Justin Urry, a teacher at North Ogden Junior High and some of his students made a presentation to the City Council regarding a need to correct a monument in North Ogden City. He used the aid of a PowerPoint presentation to summarize the history of this issue and noted the monument containing the error is located in Oaklawn Park and it refers to Peter Skeen Ogden's arrival in the City. A few of Mr. Urry's students joined in his presentation and provided information about the facts on the monument that are incorrect. Mr. Urry concluded that his recommendation is that the monument be corrected or relocated.

Mayor Taylor thanked Mr. Urry and his students for their extensive research into this issue and for their presentation. A brief discussion regarding Mr. Urry's recommendation ensued with Mayor Taylor stating the Council and Administration will take it under advisement.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING TITLE 11, CHAPTER 7A OF THE NORTH OGDEN CITY ZONING ORDINANCE TO ADD ACCESSORY DWELLING UNIT IN THE RESIDENTIAL RE-20 ZONE

City Manager Chandler explained the Planning Commission has given a positive recommendation regarding the proposed ordinance. Also attached are the Planning Commission minutes and the areas of the City that will be affected if this ordinance is adopted. Mr. Zachary Hartmann lives in an RE-20 Zone at 884 East 2100 North. He inquired of the staff how he can convert a detached garage into a second residence on his lot. The staff informed him that this cannot be done under our existing ordinance. Section 12-2-2 of the City code states:

"LOT: A parcel of land occupied or capable of being occupied by a permitted or conditional use building or group of buildings (main or accessory), together with such yards, open spaces, parking spaces and other areas required by this title, the uniform zoning ordinance, and the hillside development ordinance of North Ogden City, having frontage upon a street or upon a right of way approved by the Administrative Law Judge. Except for group dwellings and guesthouses, not more than one dwelling structure shall occupy any one lot."

In order to accomplish Mr. Hartmann's desire, the staff explained, he would have to subdivide his property, rezone it to an R-1-10 and run separate utilities to the garage. Mr. Hartmann instead petitioned the Planning Commission to change the RE-20 zone and allow an accessory building to be used as a second residence on a lot.

Section 11-2-1 of the City Code defines an accessory building as follows.

"ACCESSORY BUILDING, LARGE: A building which is six hundred (600) square feet or larger located on a lot with an existing principal use. The building's use may be for any accessory use allowed in the particular zone in which the lot is located. Allowed uses include: detached garage, personal storage, lawn care equipment, etc. If the large accessory building meets the definition of a garage, no home occupation may be allowed in the building.

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building."

NOT APPROVED

Section 11-7A defines the purpose of and uses for the RE-20 zone.

11-7A-1: PURPOSE AND INTENT:
The purpose of the RE-20 zone classification is to provide a regulated area for single-family residential and agricultural uses.

11-7A-2: PERMITTED USES:
The following uses shall be permitted:

- Accessory buildings and uses customarily incidental to any permitted use.
- Agriculture experiment stations.
- Agriculture, nurseries and greenhouses, provided the sale of goods is limited to materials produced on the premises, and there is no retail shop operated in connection therewith.
- Agriculture. The use of agricultural equipment that produces excessive noise and/or light may only be used during normal hours of work allowed in the city or by variance to the hours allowed by the city council.
- Animals or fowl:
    - On one acre or more, up to five (5) acres, animals and fowl will be limited to four (4) horses, cows, sheep or goats, or combination thereof, per acre. Rabbits up to five (5) per acre shall be permitted.
    - On more than five (5) acres, an aggregate of a total of two (2) units of group A, B or C, or a combination thereof, may be kept per acres.
    - Group A: Four (4) horses or cows, or combination thereof.
    - Group B: Four (4) sheep or goats.
    - Group C: Five (5) rabbits, or thirty (30) chickens, or thirty (30) pheasants, or ten (10) turkeys, or ten (10) ducks, or five (5) geese, or ten (10) pigeons.
- The keeping of swine of any species, including pigs, is not permitted within the corporate limits of the city except two (2) pigs may be kept on a temporary basis on a one acre or larger parcel from April 1 to August 31 as a 4-H project.
- Cemeteries.
- Church, synagogue or similar permanent building used for religious worship, except temporary revival tents or buildings.
- Educational institution, which has a curricula substantially the same as customarily offered in the public school system for kindergarten through twelfth grades.
- Golf course, except miniature golf course.
- Home daycare center in the operator's residence for nine (9) or less people. An annual review by the planning commission is required.
- Home occupations.
- Household pets.
- Libraries.
- Planned residential unit development in accordance with chapter 11 of this title.
- Preschools in the operator's residence, that operates four (4) or less hours per session a day and teaches nine (9) or less children. An annual review by the Planning Commission is required.
- Public buildings, public park recreation grounds and associated buildings.

NOT APPROVED

- Residential facilities for the disabled.
- Single-family dwelling.
- Temporary building for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Under the proposed ordinance, an accessory building can be used as a residence under the following conditions.

- An Accessory Dwelling Unit shall only be permitted when the property owner lives on the property within either the principal dwelling or accessory dwelling unit.
- Only one Accessory Dwelling Unit is allowed per lot.
- The minimum lot or parcel area shall be one acre.
- The maximum floor area of the Accessory Dwelling Unit shall not exceed the above ground living space of the primary dwelling.
- The maximum height shall be no taller than the principal dwelling on the lot or parcel.
- The standards for access to the Accessory Dwelling Unit shall meet those of the North View Fire Department and North Ogden City driveway standard for hard surfacing.
- The Parking standards of North Ogden City for a single family home will apply.
- The Accessory Dwelling Unit shall be located in the rear yard of the principal dwelling but shall not be located within the 20,000 square feet required by the RE-20 zone for the principal dwelling.
- The Accessory Dwelling Unit shall have a thirty (30) foot rear yard and also meet the side yard requirements of the RE-20 Zone
- City provided utilities (culinary water and sanitary sewer) may utilize the existing utilities of the principal dwelling on the property as long as the accessory dwelling is not separated by subdivision of the property or ownership of the dwellings. If the accessory dwelling is to be subdivided from the principal dwelling, the City utilities (culinary water and sanitary sewer) shall directly connect to the City mains for each service. Utility connection and requirements of other utility providers shall be determined by consultation of the lot owner and each utility company.
- All North Ogden City impact fees shall apply which are assessed to new dwellings in the City.

Mr. Chandler summarized the Planning Commission's recommendation.

Council Member Urry asked if setbacks will be imposed in the front yard, rear yard, or both. City Attorney Call stated the proposed ordinance calls for a thirty (30) foot rear yard and that the side yard requirements for the property will be the same as imposed in the RE-20 Zone. Mr. Chandler added there is no rear yard setback for the primary dwelling unit except that it must be at least thirty (30) feet from the property line; there is no front yard setback for the Accessory Dwelling Unit except that it cannot encroach within 20,000 square feet required in the RE-20 Zone for the principal dwelling. The Council then had a brief discussion about the method by which building heights are measured and Mr. Chandler stated that is an additional topic that will be discussed by the Planning Commission at their next meeting. He continued to review his staff memo and provided a synopsis of the concerns that staff has regarding the Planning Commission's recommendation, with a focus on the utility services for a property with two

NOT APPROVED

dwellings. He also provided information regarding the potential for the City to create numerous flag lots if the Planning Commission's recommendation were accepted by the Council and a new ordinance adopted. He noted the problem that flag lots tend to create is that if a future property owner wishes to subdivide the property, it would not be possible for them to meet the minimum frontage requirements for two lots. He concluded the third concern is relative to animal keeping; City ordinance currently permits property owners to keep animals on a parcel one acre or larger in size, but it is silent on the issue of multiple dwellings on a one-acre parcel. He stated the way the ordinance is currently written and if the proposed ordinance is adopted, a property owner could construct two dwellings on a parcel of property and, as long as the parcel is one acre or larger in size, either of the two owners would be allowed to keep animals on the property.

Council Member Bailey asked Mr. Chandler if the staff concerns were expressed to the Planning Commission. Mr. Chandler answered yes. Council Member Bailey addressed Planning Commission Vice Chair Waite and stated he has the sense that the Planning Commission has worked to create an ordinance to serve a specific individual or situation and he wonders if doing that is bad public policy. Mr. Waite stated in this case one individual raised the issue, but the reason the Planning Commission addressed his issue is that they felt a similar situation could occur on many other properties throughout the City, thus impacting many other residents. He added there was extensive discussion regarding the issue as well as the concerns expressed by staff. He stated the issue raised by Mr. Chandler regarding animals was not raised during Planning Commission discussion of the issue and he feels the Planning Commission would want to address it.

Mayor Taylor thanked the Planning Commission for their extensive work on this issue and noted that he feels the RE-20 Zone is one of the things that makes North Ogden so unique and it aids in preserving the character of the eastern area of the City along Fruitland Drive and Mountain Road. He stated he feels it is important to protect the zone to prevent the ability for future property owners to subdivide properties in the zone into small lot sizes.

Council Member Urry added the Hartmann family has also conducted extensive research into the issue and some of that information has been provided to the City Council.

Council Member Satterthwaite stated that he feels it is important for the Planning Commission to address the issue of animal keeping on properties in the RE-20 Zone that could potentially contain two dwellings.

Council Member Stoker stated she has concerns regarding allowing one utility connection for two dwellings on one property. Mr. Waite stated the Planning Commission recommended that one utility connection be allowed because the intent is for the secondary dwelling to be much smaller than the primary dwelling and, therefore, the utility needs will be far less.

Council Member Bailey inquired as to the size of the current utility connection at the Hartmann property. Building Official Kerr stated that he believes the water line is three-quarters of an inch in size. Council Member Bailey stated one inch water lines are required for all new construction. Mr. Kerr stated that is correct and the main reason the transition from three-quarter inch lines to one-inch lines was made is because homes are bigger than they used to be. He added a larger

NOT APPROVED

line also helps to increase water pressure. There was then a short Council discussion regarding utility connections for two dwellings on one parcel of property with a focus on how the issue would be addressed if the property were ever subdivided in the future.

Council Member Bailey stated he would like to refer the issue back to the Planning Commission so that they can address the additional concerns that have been raised by staff and the Council this evening. A short discussion regarding this recommendation and other options available to the Council ensued; all Council Members, with the exception of Council Member Urry, supported the recommendation.

Council Member Bailey moved to refer the proposed ordinance back to the Planning Commission in order for them to address the concerns raised by staff and the City Council this evening. Council Member Stoker 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	**nay**

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AUTHORIZING NOT MORE THAN $2,850,000 SALES TAX REVENUE REFUNDING BONDS, SERIES 2014 TO REFINANCE AT A SAVINGS THE ISSUER'S OUTSTANDING SALES TAX REVENUE BONDS, SERIES 2004 ISSUE TO BUILD THE AQUATIC CENTER; PROVIDING FOR PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR A PLEDGEOF SALES TAX REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS

Finance Director Steele explained the City has begun the process of refinancing the 2004 Sales Tax Revenue Bond which was originally issued in 2004 for the construction of the Aquatic Center. The bond is not callable for ten years from the issue date of November 1, 2004, but because of the low interest rate environment, the City has decided to pursue an advanced refunding which will lock in the low interest rate. Staff has been meeting with the Financial Advisors to initiate the process for this transaction. The first step the Council must take is to adopt a Parameters Resolution for the refunding bonds. This resolution will set the limits of the principal amount, interest rate and term of the bonds. Because of different possible financing options the parameters are set a little higher than what the final figures may come in at. If the final figures do come in higher than the parameters then we have to start this process all over again.

He provided the following information regarding the current bond:

NOT APPROVED

- The bond's remaining principal amount is $2,675,000
- The interest rate amounts remaining on the bond payments range from 3.75% to 5% with an average coupon rate of 4.718%
- The last payment is scheduled for November 1, 2024

The proposed parameters for the new refunding bond are:
- The parameter for the principal amount is $2,850,000. The reason it is higher than what the current principal amount is, is because a bank may require a debt reserve amount. This is an amount equal to approximately one year's interest and principal payments that some banks require as a safety net in case the issuer is unable to make payments. The likelihood of banks requiring this is fairly small but it is wise to set the parameter high just in case they do.
- The interest rate parameter is set at 4.75% as some banks may fluctuate the interest rates on the bond. Our financial advisor has stated that he received some quotes from banks showing that they would be willing to give us an interest rate over the life of the refunding bond around 2.68%. The coupon rate over the life of the bond would have to be around that figure for staff to okay the transaction. However, there may be different ways to get to the 2.68% coupon rate. Again, the 4.75% is just a parameter and doesn't mean what will actually happen.
- The parameter of the term of the bond is set at twelve (12) years, again as a just in case scenario. We are looking at eleven (11) years for sure, as most banks round up to the nearest whole year, but it was decided to increase to twelve (12) in case something unexpected happens.

The memo also provided the following additional information:
- The gross savings we expect from this refunding are around $225,000 with a net present value savings of approximately $170,000.
- Even though the bond is backed by Sales Tax Revenues, the City uses funds from the RDA to make payments.
- There are several options for structuring the savings. They include:
    - Spreading the savings out equally over the term of the bond
    - Capturing a majority of the savings up front in years one (1) & two (2) with the rest of the years payments being similar in dollar amount to what is currently being paid. The reason this option is being considered is because of the detention basin the City is required to construct in conjunction with the new Smith's store. Because the bond payments are made from the RDA fund, the savings would be realized in that fund and those savings could then be used to help pay for the detention basin project since it is located in the RDA. Otherwise the funding for the project would have to come out of General Fund or Storm Water Fund monies.
- We are pursuing the direct placement option for the selling of these bonds. This is where banks, both national and local, will bid on the buying of these bonds. This is possible because of the shorter term and smaller dollar amount of the bond. The other option was to do a competitive underwriting. While the interest rates on a competitive underwriting probably would have been lower, there were some additional costs that would have been added, (underwriting fees, rating agency fees) which would have negated any savings advantage over the direct placement option. If it was a longer term bond or for a higher principal amount then this option probably would have been pursued.
- There are several draft documents, "Exhibits", included with this Parameters Resolution but they are only drafts and the final documents will be different based on the outcome of the bids

NOT APPROVED

which come back. The final documents will be brought to the Council on the February 11th meeting for approval.
- If the Council approves the Parameters Resolution tonight, then a notice will be put in the paper that the City is considering issuing a refunding bond and a thirty (30) day contestability period will begin. The transaction cannot be finalized until the thirty (30) day contestability period is over and the final documents are approved by council.

Mayor Taylor asked that staff provide a copy of the calendar associated with the proposed bond refunding action to each of the Council Members. Mr. Steele distributed copies of the bond calendars to each Council Member and briefly highlighted a few key dates, noting that if all steps in the process go smoothly, bond closing will take place on February 19.

Council Member Urry inquired as to the interest rate associated with the bond. Mr. Steele explained the interest rate is 2.86%. Council Member Urry stated that seems to be higher than the current interest rate and he asked why the City would pursue a bond refunding action with a higher interest rate. Mr. Steele stated there are many ways to structure interest rates throughout the life of a bond; staff will not select an interest rate that does not save the City money in the long term.

Mayor Taylor introduced the City's Financial Advisor, Marc Edminster from Lewis Young Roberts and Burningham. Mr. Edminster provided a brief explanation of the purpose of a parameters resolution and noted that the resolution includes amounts and interest rates that cannot be exceeded by staff. He stated he strives to be conservative in the numbers he includes in the parameters resolutions in order to avoid the need for the Council to revisit the issue in the event that actual rates and amounts are higher than the rates included in the parameters resolution.

Council Member Bailey stated there have been references made to realizing the savings of the refinancing action up front and he asked for more information about that. Mr. Edminster stated that the amount of savings is dependent on the actual interest rate associated with the bond as well as the amount of principal due each year of the bond term; the City has latitude to negotiate the annual principal amount and because of that latitude the City can ask to earn equal annual savings or earn all savings at the beginning of the renegotiated term. He noted that in this case, at the request of City staff, the bond was structured in a way to provide cash to the City up front in order to pay for the detention pond at the Smiths Marketplace project. Council Member Urry stated the upfront savings will be realized because the principal amount is not being paid down at an accelerated rate. Mr. Edminster stated that is correct.

Council Member Bailey inquired as to the total potential savings. Mr. Edminster stated the gross savings is slightly over $232,000, with a net present value savings of $170,000. Council Member Bailey inquired as to the projected cost of the detention basin at the Smiths Marketplace project. Mr. Chandler stated the cost is approximately $70,000, but the City's total commitment to the project is approximately $320,000.

Council Member Urry inquired as to the number of firms that were invited to bid on the bond. Mr. Edminster stated he sent a RFP to 23 different financial institutions and he can provide a list

NOT APPROVED

of them if the Council so desires. He then reviewed the process that he and City staff follow when revising any proposals provided by various financial institutions.

Council Member Fawson moved to adopt Resolution 01-2014 authorizing not more than $2,850,000 Sales Tax Revenue Refunding Bonds, Series 2014 to refinance at a savings the issuer's outstanding Sales Tax Revenue Bonds, Series 2004 issue to build the Aquatic Center; providing for publication of a notice of Bonds to be issued; providing for a pledge of Sales Tax Revenues for repayment of the Bonds; fixing the maximum amount, maturity, interest rate, and discount at which the Bonds may be sold; providing for the running of a contest period; and related matters. Council Member Bailey seconded the motion.

Council Member Satterthwaite asked if this is the final action the Council will take regarding the bind refinance. Mayor Taylor stated it will come before the Council again on January 28 for review of the bids and on February 11 for final action. Mr. Edminster stated the adoption of this parameters resolution does not, in any way, commit the City to issue bonds.

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.

9. DISCUSSION AND/OR ACTION TO APPROVE AN INTERLOCAL AGREEMENT BY AND BETWEEN NORTH OGDEN CITY AND WEBER COUNTY FOR THE ABILITY TO PROCESS LAND USE APPLICATION, SITE PLANS, SUBDIVISION AND BUILDING PERMITS ACTING ON BEHALF OF WEBER COUNTY ON A PARCEL OF LAND THAT IS CURRENTLY IN UNINCORPORATED WEBER COUNTY AT APPROXIMATELY 130 E. PLEASANT VIEW DRIVE

Mr. Chandler gave a brief description of the process the City will follow to begin the annexation process.

Council Member Urry asked if the City already owns the property to be annexed, to which Mr. Chandler answered yes.

Council Member Bailey asked why Weber County would be willing to negotiate this kind of agreement with the City; the agreement could potentially result in them losing fees they could have charged for development of the property. Mr. Chandler stated he feels Weber County is simply trying to be a "good neighbor".

Council Member Fawson moved to approve Agreement A1-2014 between North Ogden City and Weber County for the ability to process land use application, site plans, subdivision and building permits acting on behalf of Weber County on a parcel of land that is currently in unincorporated Weber County at approximately 130 E. Pleasant View Drive. Council Member Urry seconded the motion.

NOT APPROVED

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. DISCUSSION AND/OR ACTION TO CONSIDER A BEER LICENSE FOR 7-11

Mr. Kerr noted the other beer licenses in the City have already been approved, but this license required Council review due to a change in management at the 7-Eleven store.

Council Member Fawson moved to approve the beer license application for 7-11. Council Member Stoker 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.

There was a brief discussion regarding the potential to make some changes to the City's beer licensing procedure in the near future in response to concerns raised by various business owners.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE SETTING THE DATE AND TIME FOR CITY COUNCIL AND PLANNING COMMISSION MEETINGS FOR 2014

Ms. Spendlove stated that Utah Code requires the Council to annually set a date, time and place of City Council Meetings.

The Council had a brief discussion regarding the start time of regularly scheduled Council meetings.

Council Member Bailey moved to adopt Ordinance 2014-01 setting the date and time for City Council and Planning Commission meetings for 2014. Council Member Urry seconded the motion.

NOT APPROVED

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.

12. <u>DISCUSSION AND/OR ACTION TO APPOINT MAYOR TAYLOR TO THE MOSQUITO ABATEMENT BOARD AND CENTRAL WEBER SEWER BOARD</u>

Mayor Taylor stated there are several appointments and assignments for the Council to consider, but the City has representation on two boards that are independent of the City: the Mosquito Abatement Board and the Central Weber Sewer Board. He stated many Mayors from other cities that have representation on the Boards actually hold the positions and in the past Mayor Harris has held the positions. He added, however, that he would like to nominate Council Member Satterthwaite to be appointed to be the City's representative on the Mosquito Abatement Board and he noted he would like to serve as the City's representative on the Central Weber Sewer Board.

Council Member Stoker moved to appoint Council Member Satterthwaite to serve on the Mosquito Abatement Board and Mayor Taylor to the Central Weber Sewer Board. Council Member Bailey seconded the motion.

Council Member Urry stated that he the Mayor has so many responsibilities and serves on many committees by default of his position and he encouraged him to delegate other tasks and responsibilities to the Council when possible. Mayor Taylor thanked Council Member Urry for that consideration and noted he will send a list of the other various assignments and appointments to the Council.

Council Member Satterthwaite stated he is very interested in understanding operations of the various special districts with which the City participates. Mayor Taylor agreed and stated the City's representation on those district Boards is very important.

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.

NOT APPROVED

13. PUBLIC COMMENTS

Zachary Hartmann, 884 E. 2100 N., stated he has been working with the City to adopt an ordinance to allow an accessory dwelling unit on his property. He added information relative to the various options available to him was not readily available and he had to work hard to obtain it. He stated that through that process he conducted extensive research to determine what would be the best option for the citizens of North Ogden and he found there are many cities in Utah and throughout the world that offer accessory dwelling units. He noted he understands the Council is concerned about animal keeping and utility connections on properties that may be eligible for an accessory dwelling unit and he cautioned that the City not adopt an ordinance that is so complex and difficult to follow. He then provided a brief history of his property and his reasons for his desire to construct an accessory dwelling unit and he also addressed the Council's concerns regarding animal keeping and utilities. He noted Tooele is working to address the same issue and they have asked for a report regarding the outcome of the discussion regarding this issue in North Ogden. He stated he feels his proposal is good for the entire City and the purpose is to use the available space wisely and conservatively.

Phil Swanson, 1066 E. 3300 N., congratulated Mayor Taylor and Council Members Satterthwaite and Urry on being sworn in as elected leaders of the City. He then addressed the ordinance referenced by Mr. Hartmann and stated he understands the position Mr. Hartmann is in and is compassionate to his situation, but one thing the Council must strive to focus on is reducing subjectivity in adopting laws and ordinances. He stated the Council must always try to understand unintended consequences of their actions and he has no doubt the Planning Commission and City Council will make a wise decision regarding this issue.

Amanda Bigler, 1764 N. 800 E., stated she is here this evening on behalf of her dad, outgoing Council Member Wade Bigler. She stated he asked her to attend tonight's meeting and read a letter:

> "I appreciate the good people of North Ogden; I have enjoyed serving you and have considered it my honor to do so. I appreciate the many people who have already thanked me and expressed their appreciation. There was an article written by Rachel Trotter of the Standard-Examiner attacking my integrity and my reason for not being able to attend this meeting tonight: she called it sour grapes. Nothing could be further from the truth. She inquired of me and I emailed the reason back to her; I clearly told her I had a family commitment tonight so I would not be able to attend. She proceeded to make up a story of controversy when there was none. She also reported I have not attended any Council meetings since November. What she purposely left out is that there were no Council meetings held in the month of December. I did not attend a City Council meeting in November because my father was in surgery that night and I was at the hospital until 1:30 a.m. and Mayor Harris and the Council knew this. I appreciate Council Member Stoker's thoughtfulness in sending me a return message wishing my dad good luck that night. In her article, Rachel Trotter also quoted her friend Dale Anderson as saying "it is terrible I am not fulfilling my four year commitment". Technically my term ends at the end of 2013 and it is now 2014. Two years ago Council Member Martha Harris missed the same Council meetings and open house as her term had expired; in fact she did not attend any meetings following the election. I did not judge her for her absence at the meetings and open house and I did not question her motives or reasons for not attending, and more interesting the Standard-Examiner, Rachel Trotter, or the Anderson's did not question her motives. There was no article calling it sour grapes or smearing her name. Good luck to our current City Council Members and leaders. I care very much about this City and I am pleased with the things we have been able to accomplish for our residents and for the future of North Ogden. I seek no public praise or recognition for my service; it has been my privilege and honor."

Ms. Bigler then stated she has never been more proud to call herself a Bigler and she appreciates everything her father has done for the City; he is an amazing man.

NOT APPROVED

Jerry Hartmann, 3092 N. 1300 E., stated he empathizes with the letter that was just read; he does not know Mr. Bigler, but it is discouraging and disappointing for anyone to be disparaged and have their name spoken of in a negative manner for placing their family before a meeting. He then stated that he is here tonight because he is placing his family first by attending this meeting tonight and he shared some thought and impressions he has had of the discussion regarding the ordinance to allow accessory dwelling units on properties in the RE-20 zone. He stated he is discouraged that the Council could not make a simple decision regarding the concerns about animal keeping and utilities for these types of properties and noted that the Planning Commission was comfortable with the recommendation they made regarding the topic. He stated he is hopeful that the City Council can reconsider the ordinance after the Planning Commission has another opportunity to review it and he thanked them for the time they have spent on the issue so far.

14. <u>CITY COUNCIL, MAYOR, AND STAFF COMMENTS</u>

Council Member Urry stated he has watched the Hartmanns work on this issue for several years and he appreciates the manner in which they have conducted themselves. He then stated he was contacted by a citizen who expressed his thanks for the manner in which City staff worked to remove snow after a recent storm and that resident told him they approached the truck to thank the driver and found Mayor Taylor in the vehicle with a staff member. He congratulated Mayor Taylor on his efforts.

Council Member Satterthwaite extended his thanks to former Mayor Harris and stated he dedicated so much time and energy to the City. He also thanked former Council Member Bigler and stated that he may have been misunderstood. He asked Ms. Bigler to pass his thanks on to her father. He then thanked the residents that took the time to vote in the recent election and noted the turnout was wonderful. He offered kudos to the Planning Commission for their work on the proposed ordinance to allow accessory dwelling units in the RE-20 zone and stated he feels they will appropriately address the Councils concerns regarding utilities and animal keeping under those circumstances. He added he appreciates the comments made by the Hartmanns and assured them that the Council is taking the issue very seriously. He stated he is pleased with the opportunity to move forward in a positive manner in the City.

Council Member Fawson congratulated the newly elected officials as well as thanked outgoing Mayor Harris and outgoing Council Member Bigler; it was a pleasure to serve with both of them for the last couple of years. He then stated he also received phone calls from residents that were pleased with the City's snow removal practices. He added a resident also commented on the lack of signage for the senior center and he asked staff to research that issue to determine if it would be appropriate to increase signage for the facility. He then stated a resident has asked him if the City would consider requiring backflow prevention devices to prevent sewer backups in the future and he would like staff to look into that as well.

Council Member Stoker stated she also appreciates the comments from the Hartmanns and all the time they have put into researching the issue they feel so passionately about. She added she appreciates the work the Planning Commission has done on the issue and stated she is pleased that they did arrive at such a simple approach. She stated the Council must consider the future of the entire City and she does not think it was a bad idea to refer the issue back to the Planning Commission for them to address the concerns raised by the Council. She added she would also like to thank Mayor Harris; he is a great man and she has enjoyed working with him for the past couple of years and she learned a lot from him. She also thanked Council Member Bigler and stated he is a good man and she has enjoyed working with him. She then congratulated the newly elected officials and stated she is looking forward to the future.

Council Member Bailey stated he would echo the other Council Member's comments regarding the outgoing and newly elected officials. He stated he looks forward to working with the new Council and he

NOT APPROVED

thanked staff for their efforts to organize an event to recognize the outgoing officials. He then stated he also appreciates the careful consideration the Planning Commission pays to the various issues they have jurisdiction over and he feels they will offer their great expertise and address the concerns raised by the Council. He stated he understands the Hartmanns frustrations, but noted this is the first time the Council has heard of it and he feels it will be resolved quickly. He also thanked Mayor Harris and Council Member Bigler for their service to the City. He stated it is unfortunate what has happened in the media to vilify Council Member Bigler.

Mayor Taylor reported the Wasatch Front Regional Council (WFRC) is working on a regional transportation plan and the Council is invited to attend a meeting to provide input regarding that issue and he noted he will email the invitation to each Council Member. He then reported on the issues recently addressed by the Weber Area Council Association of Governments (WACOG), most notably the upcoming increase in solid waste disposal fees of $2.00. He reported on a new program that will be introduced to incent recycling in the area and he reported the current recycling statistics for North Ogden as a whole. He then stated that he also appreciates the great turnout at the recent election and stated that he feels every member of the Council is genuinely committed to moving forward and doing what is best for the City. He stated he is looking forward to working with the entire Council.

Ms. Spendlove reminded the Council of the upcoming Local Officials Day at the Legislature and noted that any Council Members that wish to attend should RSVP to her by the end of the week. She also congratulated all newly elected officials and stated she looks forward to working with them.

15. ADJOURNMENT

Council Member Fawson moved to adjourn the meeting. Council Member Stoker seconded the motion.

The meeting adjourned at 9:36 p.m.

_____
Brent Taylor, Mayor

_____
S. Annette Spendlove, MMC
City Recorder

_____
Date Approved

NOT APPROVED