

1 NORTH OGDEN CITY COUNCIL MINUTES

2
3 January 14, 2014

4
5 The North Ogden City Council convened in an open meeting on January 14, 2014 at 6:30 p.m. in
6 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 January 9, 2014. Notice of
9 the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

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/ H.R. Director
21 Bryan Steele Finance Director
22 Jon Call City Attorney
23 Gary Kerr Building Official
24 Craig Giles Public Works Director

25
26 VISITORS: Jim Harris Martha Harris Rachel Trotter
27 Ben Rohde Dylan Ferrin Stephanie Ferrin
28 Bob Napoli Don Wait Phillip Swanson
29 Michael Carter Zachary Hartmann Dale Anderson
30 Jim Suhr Margaret Suhr Julieanne Hartmann
31 Marc Edminster Craig Barker Melinda Christiansen
32 Mary Settlemire Don Brown Gayle Harris
33 David Price Joan Brown Teancum Price
34 Dave Strong Molly Rands Kristin Strong
35 Bill Hartmann Bill Bernard Sue Hartmann
36 Matthew Bell Sherry Bernard Lynda Pipkin
37 Larry Florence Marlene Welling Tonya Littlefield
38 Stanley Kippen Blake Welling Alicia Littlefield
39 Gary Rands Don Colvin Alaina Nelson
40 Debra Colvin James Ferrell Carl Turner
41 Jex Heaton Justin Urry Jennie Taylor
42 Kaitlyn Marietti Richard Harris Ben Gerritsen
43 Gracie Ballard Gordon Robson Tiffany Turner
44 Carl Satterthwaite Marilyn Harris

48 Mayor Harris welcomed those in attendance.

49

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

51

52 **SWEARING IN OF NEWLY ELECTED OFFICIALS**

53 City Recorder Annette Spendlove administered the Oath of Office to newly elected officials

54 Mayor Brent Taylor and Council Members Lynn Satterthwaite and James Urry.

55

56 **CONSENT AGENDA**

57 **1. Consideration to approve the minutes of the November 26, 2013 City Council Meeting.**

58 **2. Consideration to approve the minutes of the December 10, 2013 City Council Meeting.**

59 **3. Consideration to approve business licenses**

60

61 **Council Member Bailey moved to approve the consent agenda. Council Member Stoker**
62 **seconded the motion.**

63

64 **Voting on the motion:**

65

66 **Council Member Bailey** aye

67 **Council Member Fawson** aye

68 **Council Member Satterthwaite** aye

69 **Council Member Stoker** aye

70 **Council Member Urry** aye

71

72 **The motion passed unanimously.**

73

74 **AGENDA**

75

76 **1. PUBLIC COMMENTS**

77

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

84

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

89

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

94

95 **2. COMMUNITY DEVELOPMENT DIRECTOR CRAIG BARKER RECOGNITION**

96
97 Mayor Taylor stated that Mr. Barker has served as the City's Community Development Director
98 for approximately the past 10 years; he has had a large role in the development of the City during
99 his time with the City. He named various large projects Mr. Barker was involved with as
100 follows: the rewrite of the City's Transportation Master Plan; creation of the Economic
101 Development Committee; and oversight of the Planning Commission. Mayor Taylor presented
102 Mr. Barker with a plaque and a token of the City's gratitude and he wished Mr. Barker well in
103 his retirement.
104

105 Mr. Barker stated he began his career in 1975 with Weber County and he was assigned to work
106 as North Ogden's Planner in 1978 and he has worked with the City in many different capacities
107 over the last 30 years. He stated he has seen a lot of changes and he feels the City has a good
108 history of planning; he encouraged the Council to follow the legacy they have been left with and
109 noted that planning will impact future generations of the City.
110

111 **3. MAYOR RICHARD G. HARRIS RECOGNITION**

112
113 Mayor Taylor stated there was recently a great article in the Standard-Examiner that highlighted
114 so many things Mayor Harris has done for the City in various capacities over the past several
115 years; he served as a Planning Commissioner, a two term Council Member, and most recently as
116 Mayor. He noted so many things have changed since Mayor Harris first became involved and so
117 many of the changes in the City have Mayor Harris' fingerprints on them. He mentioned a few
118 of Mayor Harris' contributions to the City, including long-term planning; the rewrite of the
119 Transportation Plan; updates to the General Plan; upgrades to the City's utility infrastructure;
120 creation of the Economic Development Committee; and many other things that have helped to
121 continue the progress of the City. He thanked Mayor Harris and his wife Marilyn for their
122 dedication and service to the City. He stated he has admired Mayor Harris' kindness over the
123 years and noted he cannot recall a time that he has heard Mayor Harris say a negative thing about
124 his position in the City. He presented Mayor Harris with a clock as a token of the City's
125 gratitude for his service and wished him well in his retirement from City politics.
126

127 Mayor Harris stated he is grateful for the recognition and for the many relationships he has built
128 during his time serving North Ogden City.
129

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

132
133 City Manager Ron Chandler explained that the City advertised for an Administrative Hearing
134 Officer (AHO) at the same time that the advertisements were published for a prosecuting
135 attorney, but no applications were submitted for the AHO position. At a later date it came to the
136 staff's attention that Ms. Meg Ryan serves as the Morgan County AHO. Mayor Harris, Mayor
137 Taylor, Community Development Director Barker, and Mr. Chandler visited with Ms. Ryan over
138 the past few weeks to discuss her background and determine her level of interest in North
139 Ogden's AHO position. Ms. Ryan has extensive background in land use; she is a land use
140 consultant with the Utah League of Cities and Towns (ULCT) and has served as the City Planner
141 for Park City. She holds a masters degree in planning from the University of California,

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

147
148 Council Member Satterthwaite inquired as to the reasons for the transition from the Board of
149 Adjustment to an AHO. He noted the Board of Adjustment was made up of volunteer citizens
150 that offered their services for free and the current recommendation will have a cost associated
151 with it. Mr. Chandler explained approximately two years ago the City decided to proceed with
152 hiring an Administrative Law Judge to hear various land use appeals, but there were some issues
153 with that practice relative to potential conflicts of interest. At that time the City ordinance was
154 changed to create the AHO position; the reason the AHO position is more attractive than the
155 Board of Adjustment is related to the infrequency with which the Board of Adjustment is
156 required to meet. He added there is a cost associated with the Board of Adjustment as they are
157 paid for their time and to receive training on their position as Board of Adjustment members. He
158 added it was also necessary for the Board of Adjustment to receive legal counsel and there is a
159 cost associated with that as well. He noted it is common for Boards of Adjustment to be tempted
160 to act in the same manner as a Planning Commission when they are actually a quasi-judicial
161 body; the State provides five reasons for granting a variance and an applicant must meet all five
162 of their reasons, but there is a tendency of Board of Adjustment to want to help an applicant
163 resolve their issues even if they cannot meet all five requirements. He explained those serving as
164 AHO's typically spent one hour preparing for a hearing and one hour conducting the hearing;
165 there is also time associated with writing the findings of fact for the hearing and the City will pay
166 for that time. The anticipated cost per hearing is approximately \$400 and the City Attorney will
167 not be needed at the appeal hearings.

168
169 Council Member Fawson asked Mr. Chandler to estimate the cost per hearing if said hearings are
170 still handled by the Board of Adjustment. Mr. Chandler stated he would estimate the cost at
171 \$300 to \$350 per hearing. He also highlighted some of the issues that arose when the
172 Administrative Law Judge was used to hear requests for land use variances.

173
174 Council Member Urry stated that in order for him to support the position he would like to
175 implement a fee that would cover the cost for a variance hearing; the person requesting the
176 variance hearing would need to pay the \$400 fee to cover the cost of the AHO. He added that
177 would cause any potential appellant to think seriously before requesting a hearing. Mayor
178 Taylor asked if that would be permissible. Council Member Bailey stated the City already
179 charges a fee, so it would simply be necessary to increase the fee to cover the cost of the AHO.
180 He then added his recollection of the reasons supporting the transition from the Board of
181 Adjustment to an AHO and noted he feels it is sensible to proceed with employing an AHO to
182 handle variance requests.

183
184 Council Member Stoker stated she participated as a member of the Board of Adjustment and the
185 Board understood the five criteria they had to consider when dealing with a variance request.
186 She added the decisions made by the Board could be appealed by the appellant if they did not
187 like the result of their hearing. She stated as new members were added to the Board they did not

188 receive the same training as the initial members and they started to stray from adhering to the
189 five criteria that must be met in order for a variance to be granted. If the training would have
190 been consistent the Board may have been more successful. Council Member Urry inquired as to
191 who provided the training. Council Member Stoker stated that she could not recall who provided
192 the training.
193

194 Council Member Urry stated he has contacted other cities to understand their practices relative to
195 addressing variance requests and he noted most larger cities employ a Board of Adjustment
196 rather than an AHO. He reiterated his recommendation to increase the application fee to cover
197 the costs of an AHO.
198

199 Council Member Fawson stated he is supportive of the AHO mainly for the issues with
200 maintaining training for the members of the Board of Adjustment. He added that he knows Ms.
201 Ryan and he thinks she is capable of doing the job. He also agreed with Council Member Bailey
202 that it is sensible to proceed with employing an AHO because that will provide someone that is
203 highly available at comparable costs that were paid for the Board of Adjustment. He also agreed
204 it would be good to review the fee for a variance application in order to cover the cost of a
205 variance hearing.
206

207 Council Member Stoker stated she is supportive of employing an AHO. Council Member Urry
208 stated he is also supportive of the action as long as fees can be amended to cover the associated
209 costs.
210

211 Council Member Satterthwaite stated one option would be to pay the members of the Board of
212 Adjustment more money in order to ensure they are carrying out their duties responsibly, but if
213 they were paid more it would make sense to simply hire an AHO. He also agreed it would be
214 wise to increase fees to cover the costs associated with holding an appeal hearing.
215

216 **5. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT FOR AN**
217 **ADMINISTRATIVE HEARING OFFICER**
218

219 **Council Member Bailey moved to appoint Meg Ryan as the North Ogden City**
220 **Administrative Hearing Officer (AHO), with the contingency that the City Council review**
221 **the fee schedule at a future date in order to increase fees to cover costs associated with the**
222 **position. Council Member Satterthwaite seconded the motion.**
223

224 **Voting on the motion:**
225

226 **Council Member Bailey** **aye**
227 **Council Member Fawson** **aye**
228 **Council Member Satterthwaite** **aye**
229 **Council Member Stoker** **aye**
230 **Council Member Urry** **aye**
231

232 **The motion passed unanimously.**
233
234

235 **6. MONUMENT CORRECTION**

236

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

244

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

248

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

252

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

259

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

266

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

271

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

273

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

279

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

282
283 Section 11-7A defines the purpose of and uses for the RE-20 zone.
284

285 11-7A-1: PURPOSE AND INTENT:

286 The purpose of the RE-20 zone classification is to provide a regulated area for single-family
287 residential and agricultural uses.
288

289 11-7A-2: PERMITTED USES:

290 The following uses shall be permitted:

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

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

331

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

334

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

359

360 Mr. Chandler summarized the Planning Commission's recommendation.

361

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

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

383
384 Council Member Bailey asked Mr. Chandler if the staff concerns were expressed to the Planning
385 Commission. Mr. Chandler answered yes. Council Member Bailey addressed Planning
386 Commission Vice Chair Waite and stated he has the sense that the Planning Commission has
387 worked to create an ordinance to serve a specific individual or situation and he wonders if doing
388 that is bad public policy. Mr. Waite stated in this case one individual raised the issue, but the
389 reason the Planning Commission addressed his issue is that they felt a similar situation could
390 occur on many other properties throughout the City, thus impacting many other residents. He
391 added there was extensive discussion regarding the issue as well as the concerns expressed by
392 staff. He stated the issue raised by Mr. Chandler regarding animals was not raised during
393 Planning Commission discussion of the issue and he feels the Planning Commission would want
394 to address it.

395
396 Mayor Taylor thanked the Planning Commission for their extensive work on this issue and noted
397 that he feels the RE-20 Zone is one of the things that makes North Ogden so unique and it aids in
398 preserving the character of the eastern area of the City along Fruitland Drive and Mountain
399 Road. He stated he feels it is important to protect the zone to prevent the ability for future
400 property owners to subdivide properties in the zone into small lot sizes.

401
402 Council Member Urry added the Hartmann family has also conducted extensive research into the
403 issue and some of that information has been provided to the City Council.

404
405 Council Member Satterthwaite stated that he feels it is important for the Planning Commission to
406 address the issue of animal keeping on properties in the RE-20 Zone that could potentially
407 contain two dwellings.

408
409 Council Member Stoker stated she has concerns regarding allowing one utility connection for
410 two dwellings on one property. Mr. Waite stated the Planning Commission recommended that
411 one utility connection be allowed because the intent is for the secondary dwelling to be much
412 smaller than the primary dwelling and, therefore, the utility needs will be far less.

413
414 Council Member Bailey inquired as to the size of the current utility connection at the Hartmann
415 property. Building Official Kerr stated that he believes the water line is three-quarters of an inch
416 in size. Council Member Bailey stated one inch water lines are required for all new construction.
417 Mr. Kerr stated that is correct and the main reason the transition from three-quarter inch lines to
418 one-inch lines was made is because homes are bigger than they used to be. He added a larger

419 line also helps to increase water pressure. There was then a short Council discussion regarding
420 utility connections for two dwellings on one parcel of property with a focus on how the issue
421 would be addressed if the property were ever subdivided in the future.
422

423 Council Member Bailey stated he would like to refer the issue back to the Planning Commission
424 so that they can address the additional concerns that have been raised by staff and the Council
425 this evening. A short discussion regarding this recommendation and other options available to
426 the Council ensued; all Council Members, with the exception of Council Member Urry,
427 supported the recommendation.
428

429 **Council Member Bailey moved to refer the proposed ordinance back to the Planning**
430 **Commission in order for them to address the concerns raised by staff and the City Council**
431 **this evening. Council Member Stoker seconded the motion.**
432

433 **Voting on the motion:**
434

435 Council Member Bailey	aye
436 Council Member Fawson	aye
437 Council Member Satterthwaite	aye
438 Council Member Stoker	aye
439 Council Member Urry	nay

440

441 **The motion passed unanimously.**
442

443 **8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AUTHORIZING NOT**
444 **MORE THAN \$2,850,000 SALES TAX REVENUE REFUNDING BONDS, SERIES 2014 TO**
445 **REFINANCE AT A SAVINGS THE ISSUER'S OUTSTANDING SALES TAX REVENUE**
446 **BONDS, SERIES 2004 ISSUE TO BUILD THE AQUATIC CENTER; PROVIDING FOR**
447 **PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR A**
448 **PLEDGE OF SALES TAX REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE**
449 **MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT AT WHICH THE**
450 **BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND**
451 **RELATED MATTERS**
452

453 Finance Director Steele explained the City has begun the process of refinancing the 2004 Sales
454 Tax Revenue Bond which was originally issued in 2004 for the construction of the Aquatic
455 Center. The bond is not callable for ten years from the issue date of November 1, 2004, but
456 because of the low interest rate environment, the City has decided to pursue an advanced
457 refunding which will lock in the low interest rate. Staff has been meeting with the Financial
458 Advisors to initiate the process for this transaction. The first step the Council must take is to
459 adopt a Parameters Resolution for the refunding bonds. This resolution will set the limits of the
460 principal amount, interest rate and term of the bonds. Because of different possible financing
461 options the parameters are set a little higher than what the final figures may come in at. If the
462 final figures do come in higher than the parameters then we have to start this process all over
463 again.
464

465 He provided the following information regarding the current bond:

- 466 - The bond's remaining principal amount is \$2,675,000
467 - The interest rate amounts remaining on the bond payments range from 3.75% to 5% with an
468 average coupon rate of 4.718%
469 - The last payment is scheduled for November 1, 2024
470

471 The proposed parameters for the new refunding bond are:

- 472 - The parameter for the principal amount is \$2,850,000. The reason it is higher than what the
473 current principal amount is, is because a bank may require a debt reserve amount. This is an
474 amount equal to approximately one year's interest and principal payments that some banks
475 require as a safety net in case the issuer is unable to make payments. The likelihood of banks
476 requiring this is fairly small but it is wise to set the parameter high just in case they do.
477 - The interest rate parameter is set at 4.75% as some banks may fluctuate the interest rates on the
478 bond. Our financial advisor has stated that he received some quotes from banks showing that
479 they would be willing to give us an interest rate over the life of the refunding bond around
480 2.68%. The coupon rate over the life of the bond would have to be around that figure for staff to
481 okay the transaction. However, there may be different ways to get to the 2.68% coupon rate.
482 Again, the 4.75% is just a parameter and doesn't mean what will actually happen.
483 - The parameter of the term of the bond is set at twelve (12) years, again as a just in case
484 scenario. We are looking at eleven (11) years for sure, as most banks round up to the nearest
485 whole year, but it was decided to increase to twelve (12) in case something unexpected happens.
486

487 The memo also provided the following additional information:

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

512 which come back. The final documents will be brought to the Council on the February
513 11th meeting for approval.

514 - If the Council approves the Parameters Resolution tonight, then a notice will be put in the paper
515 that the City is considering issuing a refunding bond and a thirty (30) day contestability period
516 will begin. The transaction cannot be finalized until the thirty (30) day contestability period is
517 over and the final documents are approved by council.

518
519 Mayor Taylor asked that staff provide a copy of the calendar associated with the proposed bond
520 refunding action to each of the Council Members. Mr. Steele distributed copies of the bond
521 calendars to each Council Member and briefly highlighted a few key dates, noting that if all steps
522 in the process go smoothly, bond closing will take place on February 19.

523
524 Council Member Urry inquired as to the interest rate associated with the bond. Mr. Steele
525 explained the interest rate is 2.86%. Council Member Urry stated that seems to be higher than
526 the current interest rate and he asked why the City would pursue a bond refunding action with a
527 higher interest rate. Mr. Steele stated there are many ways to structure interest rates throughout
528 the life of a bond; staff will not select an interest rate that does not save the City money in the
529 long term.

530
531 Mayor Taylor introduced the City's Financial Advisor, Marc Edminster from Lewis Young
532 Roberts and Burningham. Mr. Edminster provided a brief explanation of the purpose of a
533 parameters resolution and noted that the resolution includes amounts and interest rates that
534 cannot be exceeded by staff. He stated he strives to be conservative in the numbers he includes
535 in the parameters resolutions in order to avoid the need for the Council to revisit the issue in the
536 event that actual rates and amounts are higher than the rates included in the parameters
537 resolution.

538
539 Council Member Bailey stated there have been references made to realizing the savings of the
540 refinancing action up front and he asked for more information about that. Mr. Edminster stated
541 that the amount of savings is dependent on the actual interest rate associated with the bond as
542 well as the amount of principal due each year of the bond term; the City has latitude to negotiate
543 the annual principal amount and because of that latitude the City can ask to earn equal annual
544 savings or earn all savings at the beginning of the renegotiated term. He noted that in this case,
545 at the request of City staff, the bond was structured in a way to provide cash to the City up front
546 in order to pay for the detention pond at the Smiths Marketplace project. Council Member Urry
547 stated the upfront savings will be realized because the principal amount is not being paid down at
548 an accelerated rate. Mr. Edminster stated that is correct.

549
550 Council Member Bailey inquired as to the total potential savings. Mr. Edminster stated the gross
551 savings is slightly over \$232,000, with a net present value savings of \$170,000. Council
552 Member Bailey inquired as to the projected cost of the detention basin at the Smiths Marketplace
553 project. Mr. Chandler stated the cost is approximately \$70,000, but the City's total commitment
554 to the project is approximately \$320,000.

555
556 Council Member Urry inquired as to the number of firms that were invited to bid on the bond.
557 Mr. Edminster stated he sent a RFP to 23 different financial institutions and he can provide a list

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

560
561 **Council Member Fawson moved to adopt Resolution 01-2014 authorizing not more than**
562 **\$2,850,000 Sales Tax Revenue Refunding Bonds, Series 2014 to refinance at a savings the**
563 **issuer's outstanding Sales Tax Revenue Bonds, Series 2004 issue to build the Aquatic**
564 **Center; providing for publication of a notice of Bonds to be issued; providing for a pledge**
565 **of Sales Tax Revenues for repayment of the Bonds; fixing the maximum amount, maturity,**
566 **interest rate, and discount at which the Bonds may be sold; providing for the running of a**
567 **contest period; and related matters. Council Member Bailey seconded the motion.**
568

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

573
574 **Voting on the motion:**

575
576 **Council Member Bailey** **aye**
577 **Council Member Fawson** **aye**
578 **Council Member Satterthwaite** **aye**
579 **Council Member Stoker** **aye**
580 **Council Member Urry** **aye**

581
582 **The motion passed unanimously.**

583
584 **9. DISCUSSION AND/OR ACTION TO APPROVE AN INTERLOCAL AGREEMENT BY AND**
585 **BETWEEN NORTH OGDEN CITY AND WEBER COUNTY FOR THE ABILITY TO**
586 **PROCESS LAND USE APPLICATION, SITE PLANS, SUBDIVISION AND BUILDING**
587 **PERMITS ACTING ON BEHALF OF WEBER COUNTY ON A PARCEL OF LAND THAT IS**
588 **CURRENTLY IN UNINCORPORATED WEBER COUNTY AT APPROXIMATELY 130 E.**
589 **PLEASANT VIEW DRIVE**

590
591 Mr. Chandler gave a brief description of the process the City will follow to begin the annexation process.

592
593 Council Member Urry asked if the City already owns the property to be annexed, to which Mr. Chandler
594 answered yes.

595
596 Council Member Bailey asked why Weber County would be willing to negotiate this kind of agreement
597 with the City; the agreement could potentially result in them losing fees they could have charged for
598 development of the property. Mr. Chandler stated he feels Weber County is simply trying to be a "good
599 neighbor".

600
601 **Council Member Fawson moved to approve Agreement A1-2014 between North Ogden**
602 **City and Weber County for the ability to process land use application, site plans,**
603 **subdivision and building permits acting on behalf of Weber County on a parcel of land that**
604 **is currently in unincorporated Weber County at approximately 130 E. Pleasant View**
605 **Drive. Council Member Urry seconded the motion.**

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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.

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.

654 **Voting on the motion:**

655

656 **Council Member Bailey** aye

657 **Council Member Fawson** aye

658 **Council Member Satterthwaite** aye

659 **Council Member Stoker** aye

660 **Council Member Urry** aye

661

662 **The motion passed unanimously.**

663

664

665 **12. DISCUSSION AND/OR ACTION TO APPOINT MAYOR TAYLOR TO THE MOSQUITO**
666 **ABATEMENT BOARD AND CENTRAL WEBER SEWER BOARD**

667

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

675

676 **Council Member Stoker moved to appoint Council Member Satterthwaite to serve on the**
677 **Mosquito Abatement Board and Mayor Taylor to the Central Weber Sewer Board.**

678 **Council Member Bailey seconded the motion.**

679

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

684

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

688

689 **Voting on the motion:**

690

691 **Council Member Bailey** aye

692 **Council Member Fawson** aye

693 **Council Member Satterthwaite** aye

694 **Council Member Stoker** aye

695 **Council Member Urry** aye

696

697 **The motion passed unanimously.**

698

699

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701

702

703 **13. PUBLIC COMMENTS**

704
705 Zachary Hartmann, 884 E. 2100 N., stated he has been working with the City to adopt an ordinance to
706 allow an accessory dwelling unit on his property. He added information relative to the various options
707 available to him was not readily available and he had to work hard to obtain it. He stated that through that
708 process he conducted extensive research to determine what would be the best option for the citizens of
709 North Ogden and he found there are many cities in Utah and throughout the world that offer accessory
710 dwelling units. He noted he understands the Council is concerned about animal keeping and utility
711 connections on properties that may be eligible for an accessory dwelling unit and he cautioned that the
712 City not adopt an ordinance that is so complex and difficult to follow. He then provided a brief history of
713 his property and his reasons for his desire to construct an accessory dwelling unit and he also addressed
714 the Council's concerns regarding animal keeping and utilities. He noted Tooele is working to address the
715 same issue and they have asked for a report regarding the outcome of the discussion regarding this issue
716 in North Ogden. He stated he feels his proposal is good for the entire City and the purpose is to use the
717 available space wisely and conservatively.

718
719 Phil Swanson, 1066 E. 3300 N., congratulated Mayor Taylor and Council Members Satterthwaite and
720 Urry on being sworn in as elected leaders of the City. He then addressed the ordinance referenced by Mr.
721 Hartmann and stated he understands the position Mr. Hartmann is in and is compassionate to his situation,
722 but one thing the Council must strive to focus on is reducing subjectivity in adopting laws and ordinances.
723 He stated the Council must always try to understand unintended consequences of their actions and he has
724 no doubt the Planning Commission and City Council will make a wise decision regarding this issue.

725
726 Amanda Bigler, 1764 N. 800 E., stated she is here this evening on behalf of her dad, outgoing Council
727 Member Wade Bigler. She stated he asked her to attend tonight's meeting and read a letter:

728
729 "I appreciate the good people of North Ogden; I have enjoyed serving you and have considered it my
730 honor to do so. I appreciate the many people who have already thanked me and expressed their
731 appreciation. There was an article written by Rachel Trotter of the Standard-Examiner attacking my
732 integrity and my reason for not being able to attend this meeting tonight: she called it sour grapes.
733 Nothing could be further from the truth. She inquired of me and I emailed the reason back to her; I
734 clearly told her I had a family commitment tonight so I would not be able to attend. She proceeded to
735 make up a story of controversy when there was none. She also reported I have not attended any
736 Council meetings since November. What she purposely left out is that there were no Council
737 meetings held in the month of December. I did not attend a City Council meeting in November
738 because my father was in surgery that night and I was at the hospital until 1:30 a.m. and Mayor Harris
739 and the Council knew this. I appreciate Council Member Stoker's thoughtfulness in sending me a
740 return message wishing my dad good luck that night. In her article, Rachel Trotter also quoted her
741 friend Dale Anderson as saying "it is terrible I am not fulfilling my four year commitment".
742 Technically my term ends at the end of 2013 and it is now 2014. Two years ago Council Member
743 Martha Harris missed the same Council meetings and open house as her term had expired; in fact she
744 did not attend any meetings following the election. I did not judge her for her absence at the meetings
745 and open house and I did not question her motives or reasons for not attending, and more interesting
746 the Standard-Examiner, Rachel Trotter, or the Anderson's did not question her motives. There was
747 no article calling it sour grapes or smearing her name. Good luck to our current City Council
748 Members and leaders. I care very much about this City and I am pleased with the things we have
749 been able to accomplish for our residents and for the future of North Ogden. I seek no public praise
750 or recognition for my service; it has been my privilege and honor."

751
752 Ms. Bigler then stated she has never been more proud to call herself a Bigler and she appreciates
753 everything her father has done for the City; he is an amazing man.

754
755 Jerry Hartmann, 3092 N. 1300 E., stated he empathizes with the letter that was just read; he does not
756 know Mr. Bigler, but it is discouraging and disappointing for anyone to be disparaged and have their
757 name spoken of in a negative manner for placing their family before a meeting. He then stated that he is
758 here tonight because he is placing his family first by attending this meeting tonight and he shared some
759 thought and impressions he has had of the discussion regarding the ordinance to allow accessory dwelling
760 units on properties in the RE-20 zone. He stated he is discouraged that the Council could not make a
761 simple decision regarding the concerns about animal keeping and utilities for these types of properties and
762 noted that the Planning Commission was comfortable with the recommendation they made regarding the
763 topic. He stated he is hopeful that the City Council can reconsider the ordinance after the Planning
764 Commission has another opportunity to review it and he thanked them for the time they have spent on the
765 issue so far.

766
767 **14. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

768
769 Council Member Urry stated he has watched the Hartmanns work on this issue for several years and he
770 appreciates the manner in which they have conducted themselves. He then stated he was contacted by a
771 citizen who expressed his thanks for the manner in which City staff worked to remove snow after a recent
772 storm and that resident told him they approached the truck to thank the driver and found Mayor Taylor in
773 the vehicle with a staff member. He congratulated Mayor Taylor on his efforts.

774
775 Council Member Satterthwaite extended his thanks to former Mayor Harris and stated he dedicated so
776 much time and energy to the City. He also thanked former Council Member Bigler and stated that he may
777 have been misunderstood. He asked Ms. Bigler to pass his thanks on to her father. He then thanked the
778 residents that took the time to vote in the recent election and noted the turnout was wonderful. He offered
779 kudos to the Planning Commission for their work on the proposed ordinance to allow accessory dwelling
780 units in the RE-20 zone and stated he feels they will appropriately address the Council's concerns
781 regarding utilities and animal keeping under those circumstances. He added he appreciates the comments
782 made by the Hartmanns and assured them that the Council is taking the issue very seriously. He stated he
783 is pleased with the opportunity to move forward in a positive manner in the City.

784
785 Council Member Fawson congratulated the newly elected officials as well as thanked outgoing Mayor
786 Harris and outgoing Council Member Bigler; it was a pleasure to serve with both of them for the last
787 couple of years. He then stated he also received phone calls from residents that were pleased with the
788 City's snow removal practices. He added a resident also commented on the lack of signage for the senior
789 center and he asked staff to research that issue to determine if it would be appropriate to increase signage
790 for the facility. He then stated a resident has asked him if the City would consider requiring backflow
791 prevention devices to prevent sewer backups in the future and he would like staff to look into that as well.

792
793 Council Member Stoker stated she also appreciates the comments from the Hartmanns and all the time
794 they have put into researching the issue they feel so passionately about. She added she appreciates the
795 work the Planning Commission has done on the issue and stated she is pleased that they did arrive at such
796 a simple approach. She stated the Council must consider the future of the entire City and she does not
797 think it was a bad idea to refer the issue back to the Planning Commission for them to address the
798 concerns raised by the Council. She added she would also like to thank Mayor Harris; he is a great man
799 and she has enjoyed working with him for the past couple of years and she learned a lot from him. She
800 also thanked Council Member Bigler and stated he is a good man and she has enjoyed working with him.
801 She then congratulated the newly elected officials and stated she is looking forward to the future.

802
803 Council Member Bailey stated he would echo the other Council Member's comments regarding the
804 outgoing and newly elected officials. He stated he looks forward to working with the new Council and he

805 thanked staff for their efforts to organize an event to recognize the outgoing officials. He then stated he
806 also appreciates the careful consideration the Planning Commission pays to the various issues they have
807 jurisdiction over and he feels they will offer their great expertise and address the concerns raised by the
808 Council. He stated he understands the Hartmanns frustrations, but noted this is the first time the Council
809 has heard of it and he feels it will be resolved quickly.
810

811 Mayor Taylor reported the Wasatch Front Regional Council (WFRC) is working on a regional
812 transportation plan and the Council is invited to attend a meeting to provide input regarding that issue and
813 he noted he will email the invitation to each Council Member. He then reported on the issues recently
814 addressed by the Weber Area Council Association of Governments (WACOG), most notably the
815 upcoming increase in solid waste disposal fees of \$2.00. He reported on a new program that will be
816 introduced to incent recycling in the area and he reported the current recycling statistics for North Ogden
817 as a whole. He then stated that he also appreciates the great turnout at the recent election and stated that
818 he feels every member of the Council is genuinely committed to moving forward and doing what is best
819 for the City. He stated he is looking forward to working with the entire Council.
820

821 Ms. Spendlove reminded the Council of the upcoming Local Officials Day at the Legislature and noted
822 that any Council Members that wish to attend should RSVP to her by the end of the week. She also
823 congratulated all newly elected officials and stated she looks forward to working with them.
824

825 **15. ADJOURNMENT**
826

827 **Council Member Fawson moved to adjourn the meeting. Council Member Stoker**
828 **seconded the motion.**
829

830 **The meeting adjourned at 9:36 p.m.**
831

832
833
834 _____
835 Brent Taylor, Mayor
836

837 _____
838 S. Annette Spendlove, MMC
839 City Recorder
840

841 _____
842 Date Approved