

NORTH OGDEN CITY COUNCIL MEETING MINUTES

March 31, 2015

The North Ogden City Council convened in an open meeting on March 31, 2015 at 5:35 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 March 27, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor	
	Kent Bailey	Council Member	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Bryan Steele	Finance Director/City Administrator	
	Annette Spendlove	City Recorder	
	Jon Call	City Attorney	
	Brent Chugg	Public Works Project Manager	
	Rob Scott	City Planner	
VISITORS:	Charles Crippen	Mary Jones	Ricky Hatch
	A. Kent Greenwood	Loron Marler	Cathy Marler
	Kaye Wilson	Joy Thornock	Dale Boatwright
	Charles Paul	Shelley Hancock	Judy White
	Lynn Humphreys	Steve Hadley	Mark Pontius
	Steve Rasmussen	Jeff Newman	Tom Baguley
	John Hansen	Tami Johnson	Jill Hardee
	Rachel Trotter	Cheryl Humphreys	LoRen Baguley
	Randy Winn	Jim Seely	Jessica Jones
	Randy Bockas	Brett Jones	Craig Walker
	Kim White		

5:30 PM

1. **DISCUSSION AND/OR ACTION TO CONSIDER A CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION AND A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY ACCORDING TO UTAH CODE 52-4-205**

Council Member Swanson made a motion to convene in a Closed Meeting to discuss pending or reasonably imminent litigation and a strategy session to discuss the purchase, exchange, or lease of real property according to Utah Code 52-4-205. Council Member Satterthwaite seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The Closed Meeting began at 5:35 p.m. The meeting reconvened at 6:35 p.m.

Mayor Taylor welcomed those in attendance.

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

WORK SESSION AGENDA

1. PRESENTATION ON ‘VOTE BY MAIL’

Ricki Hatch, Weber County Clerk, used the aid of a PowerPoint presentation to provide the Council with information regarding coordination of a vote by mail election as an option for the North Ogden 2015 Municipal Election. He reviewed the pros and cons of a vote by mail election, after which he noted there are three options available to the City: conduct an entire election by mail, conduct a hybrid election where all registered voters will receive a ballot by mail but will also have the opportunity to cast their vote on a machine at a vote center on election day, or a traditional election. He noted there is a perceived risk of fraud associated with vote by mail elections, but there have been no voter fraud cases in Utah resulting from vote by mail elections. He reviewed the process the Council follows to verify vote by mail ballots are voted by the person they were sent to, after which he concluded the cost per vote for a vote by mail election is much lower than in a traditional election because vote by mail increases voter turnout.

Mayor Taylor referenced the transportation tax recently passed by the State Legislature and asked what would happen if the County does a county-wide local option election via by-mail balloting, but the City opts for a traditional election. Mr. Hatch stated that if the County were to move forward with a county-wide election for the transportation tax, the vote by mail system would be used; if the City opted for a traditional election, voters would receive their County ballot in the mail, but would need to come in person to vote their City ballot. He added that to date, 13 of the 15 municipalities in Weber County have chosen a vote by mail or hybrid option for their municipal election; he feels voters will be confused if they receive a county ballot in the mail, but are told they need to vote their municipal ballot in person.

Council Member Bailey stated that it seems there is some hesitation to vote by mail in the area and he asked why that is occurring. Mr. Hatch stated that has been a trend in Davis County, but he is not sure of the reasons for that hesitation; however, half of the cities in Davis County have opted for the vote by mail option for their upcoming municipal elections. Council Member Bailey inquired as to any measures in place to prevent someone from influencing a resident relative to how to cast their vote by mail ballot. Mr. Hatch stated there is no way for the County to control how a resident votes their vote by mail ballot; a husband and wife may discuss their ballots and vote together and there is no way for the County to insert themselves into that process.

Council Member Satterthwaite inquired as to the number of cities in Weber County that have opted for the hybrid option. Mr. Hatch stated he believes all 13 cities have opted for the hybrid option and noted it is less expensive than an all by mail system while still giving residents more voting options. He noted there will be a ballot box at City Hall for the 30 days prior to election day that will allow people to deliver their by mail ballots in person.

Council Member Bailey noted that Mr. Hatch stated that voting equipment is becoming obsolete, but he cannot envision a time when elections will be conducted entirely by mail. He inquired as to the plan for the future of elections. Mr. Hatch stated that County Clerks across the state have assembled to create an equipment replacement selection committee that is working to provide specifications for a voting equipment request for proposals (RFP). This will be a multi-year process and he is hopeful that new equipment will be available by 2020.

There was a brief general discussion regarding the final voting option, which is paper balloting that was used prior to the implementation of electronic voting equipment, after which Mayor Taylor noted that the issue will be presented to the Council for a vote in a future meeting. He stated that he would support a hybrid vote by mail option over an election conducted entirely by mail. Council Member Swanson stated he would also support the hybrid option as it gives everyone the opportunity to be fully informed of ballot issues that may be listed on their ballot.

Mayor Taylor asked if there is a chance that election results may not be available on election night if by mail ballots continue to trickle in after Election Day. Mr. Hatch stated that is a possibility, but it is slim.

There was then discussion regarding options voters have for getting a new ballot or voting on a voting machine in the event they lose the ballot that was mailed to them, after which discussion continued regarding voter fraud opportunities and preventing voter fraud.

2. DISCUSSION TO CONSIDER AMENDMENTS TO THE POLITICAL SIGN CODE

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity the Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a

decision, related to a legislative matter, requires compatibility with the general plan and existing codes. Staff has been requested to provide options on amending the political sign provisions of the zoning ordinance. The North Ogden City zoning ordinance is found in 11-22-12 Political and Ideological Signs. The ordinance provides standards for all residential zones in one subsection and the RE-20 zone and commercial and manufacturing zones in another. Typical standards for height, area, aggregate square footage, not allowed to project into the right of way, and a removal standard are included. In addition to signs already permitted, political signs may be located within the following parameters:

1. HP-3, HP-2, HP-1, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3 and R-4 zoning districts:
 - a. Shall not be over four and one-half feet (4 ½') in height.
 - b. No sign shall exceed six (6) square feet.
 - c. The aggregate square footage of such signs shall not exceed twenty four feet (24') on any lot or parcel.
 - d. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.
 - e. Political signs shall be removed within five (5) days after the election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.
2. RE-20, C-1, CP-1, CP-2, C-2 and MP-1 zoning districts:
 - a. Shall not be over four and one-half feet (4 ½') in height.
 - b. Shall not exceed eight feet (8') in width.
 - c. The aggregate square foot of such signs shall not exceed thirty two feet (32') on any lot or parcel.
 - d. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.
 - e. Political signs, not otherwise permitted as commercial signs, shall be removed within five (5) days after said election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.

Adopted by Ord. 2002-05 on 41912002

Staff suggests that the City Council discuss the following options to this ordinance. Based upon that direction staff will develop an ordinance and send it to the Planning Commission for a recommendation.

- The ability to regulate political signs is bound by the free speech amendment. Add a provision stating that free speech is a key component on all sign regulations, e.g., "It is the city's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.
- Establish two categories of political signs, one dealing with elections, e.g., campaign signs, and issue related signs, e.g., political signs.

- Clarify the display periods for putting up and removal
- Provide for a maximum number of signs per property
- Site triangle provisions
- Clarify whether permits are required
- Put the RE-20 provisions with the other residential zones

The applicable General Plan provision is:

Community Aesthetics

(3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the City.

The memo offered the following summary of potential City Council considerations:

- Is the proposed amendment consistent with the North Ogden City General Plan?
- Which provisions to the political sign ordinance would the City Council like added?

The memo concluded staff recommends the Council provide direction on which provisions to add to the political sign ordinance. Staff will draft the ordinance and send it to the Planning Commission for a recommendation.

Mr. Scott reviewed his staff memo and used the aid of a PowerPoint presentation to provide the Council with information relative to political sign regulations used in other government jurisdictions. He noted he is seeking a recommendation from the Council so that he can work with the Planning Commission to draft an ordinance amending the City's political sign provisions.

There was a general broad discussion regarding sign regulations recommended by Mr. Scott, such as maximum sign size, the zones in which political signs are allowed, enforceability, simplification and streamlining of regulations, and prohibiting signs in the sight triangle to improve motorist safety throughout the City. City Recorder Spendlove noted the candidate declaration period commences June 1 and it would be beneficial for the Council to make a final decision regarding political sign regulations before that date.

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE FEBRUARY 24, 2015 CITY COUNCIL MINUTES**
2. **CONSIDERATION TO APPROVE THE MARCH 5, 2015 BUDGET RETREAT CITY COUNCIL MINUTES**
3. **CONSIDERATION TO APPROVE THE MARCH 10, 2015 CITY COUNCIL MINUTES**

Council Member Bailey motioned to approve the consent agenda. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Steve Rasmussen, 1092 E. 3250 N., asked for an update regarding the status of a traffic study for a turn signal at 2550 North and Washington Boulevard. Mayor Taylor stated that the Utah Department of Transportation (UDOT) has approved a turn signal and should install the equipment for the signal sometime in April; the ingress/egress point from Smith's will be restriped to accommodate the turn signals. Mr. Rasmussen then stated that residents are using an alleyway behind the old Smith's store as an access to the new store and he asked if that issue will be addressed. Mayor Taylor stated there is something in the works to provide an additional access point to the new Smith's store to address that issue. Mr. Rasmussen stated that is good news as it is unsafe for multiple vehicles to use the alley access behind the old Smith's. He then reported there is a hole in the road on 1050 East above 3100 North; it has been there all winter and is creating a hazard for motorists in the area. Mayor Taylor stated the City has a long list of potholes to be fixed as soon as local asphalt plans reopen for business, which is estimated to be mid-April or early May. The City will continue to fill the holes with dirt until asphalt is available.

Council Member Bailey asked that the City write a letter to Smith's to ask for an update regarding the redevelopment project and addressing access issues. Mayor Taylor provide a report explaining his understanding of the status of the project, noting he feels that movement will begin within the next month.

Charles Paul, 3072 N. 100 E., referenced the issue of home occupations in the City and stated after conducting his own research he found the biggest difficulty associated with home occupations is that one Council may approve a home occupation, such as an auto mechanic garage, and a future Council is left to deal with the repercussions of that approval. He stated it seems to him that the biggest issue is that some residents are not welcoming of certain types of businesses within their neighborhoods. He stated that closing Mr. Baguley's business or Mr. Humphries' business will not change the neighborhood or increase curb appeal of the residential properties there. He acknowledged the Council is in a difficult position, but he feels that the City

has singled out certain businesses that could potentially be prohibited as home occupations and that is unfair. He feels the Council should, at the very least, grandfather existing businesses that have legally obtained permits to operate as home occupations.

Steve Hadley, 3083 N. 150 E., expressed his feelings about Mr. Humphries' auto repair business. He stated he lives 20 feet from his shop and in the number of years that his shop has been there, he has never known that he is working unless he walks around his property to see if his lights are on. He stated he has never noticed noise, excessive light, or odors coming from the shop. When Mr. Humphries built the shop he was careful to ensure that it would be compliant with the City's regulations and he feels that the business should be grandfathered in the event that the City adopts a new ordinance regulating home occupations.

Jerry Shaw, 651 E. 3525 N., asked how many of the City Council members have been to the three businesses in questions: Mr. Baguley's, Mr. Humphries', and Mr. Jones' business. Mayor Taylor stated the Council can respond to that question later. Mr. Shaw stated he is trying to determine if the Council has done their due diligence relative to this issue. He stated that he has three points to raise regarding this issue: first is that at the last meeting, Council Member Bailey commented that he was surprised by the number of people that had stood and commented that they had saved money by patronizing Mr. Baguley or Mr. Humphries and that maybe those people should instead be supporting brick and mortar businesses in the community. He stated that when he first visited Mr. Baguley it was for a repair for his daughter's vehicle after the clutch went out. He received a quote of \$3,200 from Volkswagen to repair the damage; Mr. Baguley repaired the vehicle for \$700. He asked the Council what they would have done in that situation, whether they would have spent the money with Volkswagen or if they would have used Mr. Baguley's services. He stated many people have had similar experiences and there is nothing wrong with getting a good service for a fair price and to dismiss that would be negligent on the Council's part. He stated his second point is that some of the Council Members have expressed their feelings that they have spent too many hours on this issue, but he reminded them that the citizens depend on them to carefully consider issues; the Council Members sought to be elected to their positions and they are paid good money for their service. He stated the City needs the Council to spend the appropriate amount of time on the issue. He added his third point is that he was disappointed to hear some of the Council Members suggest that if they had been on the Council when the home occupation permits were applied for they would not have voted for them. He stated he has deep roots in the community and feels the Council does as well and they are tied to this issue; they have an obligation to uphold the decisions that have been made. He stated it may be difficult, but the best thing would be to honor the decisions that have been made.

Tom Baguley, 3590 N. 570 E., asked for clarification on whether he will have additional time to speak during the time that the Council will consider amendments to the business license ordinance. Mayor Taylor stated the item has not been advertised as a public hearing. Mr. Baguley stated that it has been mentioned in a few meetings that there are no other cities that allow garage based home occupations, such as auto repair shops. He stated he has visited other surrounding cities and has found that is incorrect; Farr West, Pleasant View, and Willard accept garage based businesses. He stated that over the past four years that this issue has been discussed, there have been 45 votes in seven different meetings regarding his permit; all 45 votes

have been unanimous in his favor and he hopes that does not change tonight and that he will be allowed to continue operating his business. He stated he has worked with his neighbors to address the concerns they have expressed, but they have not accepted his offers and only ask that he cease operations. He stated that it has been said in the past that a business in a residential area should be invisible, but he argued it is impossible to have an invisible business. He referenced day cares, preschools, musical instrument repair businesses, furniture repair or manufacturing businesses and noted they are occurring in neighborhoods and they are not invisible. He stated the Planning Commission has discussed this issue in the past and they chose not to recommend a change to the ordinance; during those discussions they and staff communicated to existing businesses that they would be grandfathered under the existing ordinance unless the status of their business changes or unless they violate the conditions of their home occupation license. He acknowledged there are personal issues between his family and some of the neighbors and he believes that is what has driven the complaints regarding his business; Mr. Crippen and Mr. Dufrene are behind the letters and complaints that have been lodged with the City. He stated there has never been a complaint that has been verified by the City, State, or private investigative agencies relative to emissions coming from his garage. He stated complaints are typically lodged surrounding the time of his permit renewal rather than throughout the year, which is suspicious to him. He stated that in January the Council held a work session regarding this issue and Building Official Kerr reported that he had visited his property to investigate a complaint about noise, but the Council seemed to disregard that report. He stated code enforcement officers have also investigated complaints about his business and those complaints have been unfounded, with the exception of a time when his son parked his vehicle in a manner that it was blocking the sidewalk. He concluded that he understands the Council is in a difficult position; he is willing to compromise with the City and his neighbors, but he is hopeful he will be allowed to continue to operate from his home for at least a few more years.

Kim White, 3652 N. 200 E., stated that she has frequented the area surrounding Mr. Humphries' home for several years and would not have known there was a business there. She added she has also been by Mr. Baguley's house and did not know it was an auto repair shop until a time that her son took his vehicle to be repaired there. The property is always very clean. She agrees with Mr. Shaw that Mr. Baguley is very trustworthy and offers good service for a fair price and she noted she has never seen anything on his property that would detract from the curb appeal of the neighborhood; in fact, it is nicer than some other homes in that neighborhood and throughout the City. She added she has noticed other home occupations in the City, such as furniture manufacturing or repair businesses, because of the odors and noises coming from their homes and she is not sure if they are licensed to do business or not. She noted Mr. Baguley and Mr. Humphries followed the process outlined by the City for obtaining a business license and being legal and it is appalling that the City could consider revoking approval of those businesses because of complaints that have been lodged by four people. She concluded she feels the City should grandfather the businesses.

Shelly Hancock, 2671 N. 200 E., stated that the comments she has heard tonight are in favor of three individual businesses in the City based on whether they detract from the curb appeal of the neighborhood in which they are located. She stated her experience is different; her backyard has total view of a roofing business where train cars and storage containers are used to store items

associated with the business and that is very offensive to her and other residents in her neighborhood.

Judith White, 2674 N. 200 E., stated he has been aware of this situation for over one year; she lives in a residential area that is zoned for one acre lot sizes to allow for semi-rural, quiet properties. On her street there are three businesses, one of which is a large roofing business and the owner has been allowed to increase the size of his storage building that covers the maximum amount of his property allowed by ordinance in order to store his equipment. She stated, however, the equipment is not stored in the building and the neighbors are forced to deal with garbage, the equipment, and other items located outside blocking their view. She stated she is frustrated this has been allowed to occur in a residential area; it is very unattractive. She has nothing against the owners of the businesses on her street except for the fact that the businesses are detracting from the residential character of her neighborhood. She concluded commercial businesses should be located in commercial areas and residences located within residential areas.

Randy Winn, 2412 Barker Parkway, stated he can appreciate the difficulty the City faces; the City is changing and is becoming more of a bedroom community. He stated he feels compassion for the people that are running their businesses clean and quietly within residential neighborhoods and he feels it may be appropriate to grandfather them. He stated that others may be considered if they are creating negative conditions for their neighbors.

Tammy Johnson, 3070 W. Harrisville Road, thanked the Council for reading and responding to letters that she sent them regarding this issue. She stated some of the home based businesses are very important to residents, such as her father who was able to work from his home and have a greater interaction with his children. She stated that her father has loyal customers that he would like to continue to serve. She concluded that she understands the Council has a difficult decision to make and she hopes they make the right one.

Jim Sealy, Mountain Green, stated he has patronized Mr. Humphries' business for 40 years. He commended the Mayor and Council for the job they are doing relative to this issue; there is a balance between neighbors getting along and tolerating one another. He stated that he was employed at Hill Air Force Base (HAFB) and he relayed a story about one complaint a resident made that pilots were throwing beer bottles from their airplanes onto her lawn. He stated that in government it is necessary to adjudicate the validity of a complaint. He stated Mr. Humphries has been told complaints have been lodged against his business, but none have ever been presented to him. He stated if a valid complaint has been lodged, the person that the complaint is against should be able to hear it, face their accuser, and be allowed to correct the problem. He stated some complaints about other businesses may be valid, but he does not think that is the case for Mr. Humphries' business. He concluded he does not patronize Mr. Humphries because he is less expensive, but rather because he can trust him; if the City legislates against certain businesses there will be difficulties such as they will not go away and, instead, they will operate illegally. If a business wants to operate they should be required to meet conditions and if they can no longer meet those conditions, their permit should be revoked.

Mary Jones, 2288 N. Fruitland Drive, stated she is the owner of a machine shop that has been referenced throughout the discussion regarding the City's home occupation ordinance. She

stated her business is not completely invisible, but it does not negatively impact her neighborhood. She stated efforts have been taken to ensure that noise does not come from their accessory building and she feels each business should be considered on a case by case basis. It seems unfair that many businesses will be allowed to continue to operate, but that hers may be prohibited.

2. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING ORDINANCE 11-16, HOME OCCUPATION, TO CLARIFY THE STANDARDS FOR THE ALLOWANCE OF ACCESSORY BUILDINGS, GARAGES**

City Planner Scott used the aid of a PowerPoint presentation to provide a summary of the City's regulations relative to home occupations as follows:

11-16 Home Occupations

A. Residents of Premises: Only persons who are bona fide residents of the premises shall be engaged in the occupation.

B. Residential Character Retained: The home occupation will not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.

C. Maximum Area of Use: If a home occupation is conducted within the living quarters of a unit, the home occupation shall not occupy more than twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet.

D. Conducted Within Living Quarters, Exception: Home occupations may be permitted in the garage of a house by conditional use permit only. Any conditional uses approved for a garage shall have minimal environmental impact on the character of the neighborhood. Anything beyond minimal intrusion in the neighborhood will require mitigation to be shown as part of the conditional use permit. The land use authority, at their discretion, can increase the level of mitigation beyond that recommended by the applicant.

H. Parking: The addition of off street parking facilities on the premises of the home occupation beyond that normally required for residential uses is prohibited. Parking of automobiles generated by the home occupation will be confined to existing residential parking.

M. Use Outside Main Building: The home occupation shall not use any accessory buildings, yard or space outside of the main dwelling not normally associated with the residential uses permitted within the zone where in the dwelling is located.

He reviewed the five existing home occupations contained within a garage:

- Auto Shop – 3088 N 100 E (approved 1/2008)/R-1-10 zone/.25 acres (10,890 square feet)/interior lot / detached 550 square foot double car garage for the auto shop/has separate attached parking for the house

- De-humidifier for gun safes – 3551 N 700 E (approved 7/2011)/R-1-10 zone/.35 acres (15,246 square feet)/corner lot/attached 3 car garage 1,010 square feet/parking is combined for home occupation and house/additional pad next to garage
- Small repair and tool shop – 2288 N Fruitland Drive (approved 3/2011)/RE-20 zone/.67 acres (29,185 square feet)/corner lot with side frontage on private road/2 car carport with attached accessory building
- Guitar repair/manufacturing – 3481 N 900 E (approved 3/2007)/R-1-10 zone/.26 acres (11,325 square feet)/interior lot/attached garage 529 square feet/parking combined for home occupation and house/an additional pad next to garage
- Auto Shop – 3590 N 575 E (approved 2010)/R-1-10 zone/25 acres (10,890 square feet)/interior lot/3 car attached garage 1,150 square feet/parking combined for home occupation and house

He summarized the City Council considerations and direction to date:

- Establish a purpose statement provision.
- Makes all home occupations permitted uses.
- Establishes a list of permitted and prohibited home occupations.
- Prohibited home occupations will have an amortization period based upon an amortization schedule.
- Clearly identifies home occupations as accessory to the dwelling.
- Home occupations will be allowed in garages as long as provisions for this chapter are complied with.
- Eliminate the garage size restriction for home occupations using a garage.
- Parking for home occupations using a garage must maintain the required two car parking spaces per current parking standards.
- The ordinance establishes a limit of 5 vehicular round trips per day.

He then reviewed the proposed ordinance amendments that he has made according to the direction that has been provided by the City Council:

11-16-1 PURPOSE STATEMENT

- The purpose and intent of this chapter is to permit persons residing in dwellings in residential zones to provide a service, operate certain kinds of small business, or maintain a professional or business office provided that the home occupation does not change the character of the neighborhood.

PERMITTED HOME OCCUPATIONS:

- Computer Repairs
- Dance and Musical Instruction
- Internet Sales phone order or mail order services.
- Fine Repairs of Musical Instruments
- Hair Salons: Provided that no more than one hair stylist works at any given time
- Home Office
- Medical Billing
- Any home occupation which is considered by the City Planner to fall under one of the permitted uses shall be authorized under that use.

- Any uses to be proposed to be added to this section which do not fall under one of the above categories must be authorized by an amendment to this code.

PROHIBITED HOME OCCUPATIONS:

- Auto repairs.
- Bottling plant.
- Commercial bakery.
- Deliveries.
- Furniture manufacturing
- Industrial assembly.
- Kennels.
- Laboratory, medical, dental, optical.
- Laboratory testing.
- Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms.
- Power sports equipment repairs, including but not limited to motorcycles, water craft, ATV's, scooters, and other engine propelled transport systems.
- Repair or modification of construction equipment, excavation equipment, earth moving equipment, heavy equipment, fork lifts, scissor lifts, or machinery used for commercial purposes.
- Retail sales locations
- Truck hauling.
- Tanning salons.
- Tattoo parlors.
- Welding shops or machine shops.
- Any occupation which is offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic, or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited, and
- Any occupation which is not specifically permitted is considered prohibited unless properly categorized by the City Planner under a permitted use.

11-2 DEFINITIONS

- **HOME OCCUPATION:** An income producing use of residential property, which is incidental, secondary, and accessory to the primary use of the dwelling for living purposes, and compatible to the residential uses permitted by the zone within which the property lies; provided, that each of the conditions of chapter 16 of this title are complied with.

11-16-3 DEVELOPMENT STANDARDS OF ALL HOME OCCUPATIONS

- C. **Maximum Area of Use:** If a home occupation is conducted within the living quarters of a dwelling unit, the home occupation shall not occupy more than the equivalent of twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet.
- D. **Conducted Within Living Quarters; Exception:** Home occupations may be permitted in the garage as long as the provisions of chapter 16 of this title are complied with. Any home occupation approved for a garage shall have minimal environmental impact on the character of the neighborhood as described in 11-16-

5 related to public nuisances, and other relevant provisions of the municipal code. Existing prohibited home occupations will be given an amortization time period to continue to operate according to the attached Amortization Schedule.

- G. Traffic: The home occupation shall not generate more than five (5) vehicular roundtrips a day.
- H. Parking: The addition of off street parking facilities on the premises of the home occupation beyond that normally required for residential uses is prohibited. Parking of automobiles generated by the home occupation will be confined to existing residential parking.
There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off-premise business for which the dwelling is being used as a home occupation office except that not more than one truck of one-ton capacity or less may be parked on premise during off work hours at night. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business. All trucks and trailers used as part of the home occupation business shall be licensed and registered, and parked in accordance with Title 11 Chapter 17 Section 3 (Design and Location of Parking Spaces) of this code.
Home occupations within garages shall maintain the required two car parking spaces in accordance with Title 11 Chapter 17 Section 3 (Design and Location of Parking Spaces) of this code.
- N. Product Sales: Sales of specialty products such as kitchenware, candles, cosmetics, merchandise made by the seller or similarly branded item intended primarily for home sales are permitted if sales are made at the buyer's home or ordered by catalog or internet or at sales parties. As with all businesses, sales exceeding five hundred dollars (\$500.00) annually requires a business license. (Ord. 2011-09, 5-10-2011)

Mr. Scott concluded his presentation by reviewing an optional asset amortization schedule for rescinded home occupations.

Mayor Taylor then shared his thoughts about the issue; the Council and Planning Commission has spent more time on this than any other issue that has been considered in the past, but that has not been said in a negative manner. He provided a brief history of the issue, noting the Council directed staff and the Planning Commission to review the City's home occupation ordinance and consider amendments in response to complaints received regarding one particular home occupation in the City. He discussed the concept of grandfathering an existing business, but noted that the two auto repair businesses that have been discussed did not actually obtain a permit from the onset and only applied for a conditional use permit once the City became aware the businesses were operating. He noted that may be one reason that the Council is considering sunseting the business licenses rather than grandfathering them. He shared information regarding a complaint that he received from one of Mr. Baguley's neighbors, an elderly resident who has said that Mr. Baguley's business is negatively impacting his and his wife's quality of life. The issue has turned very ugly for the resident and other residents in the neighborhood and it is disgusting to him. He stated the Council is considering amendments to the ordinance to protect all residents of the City and no one business is being singled out in the process. There is

another neighborhood where a resident has built a large accessory building that the neighbors believe will be used for commercial activity; it has obstructed the view from all other homes in the neighborhood where residents have saved their entire lives to be able to move and retire there. He then reviewed results of a general plan survey sent to residents, which included two questions regarding home occupations; there were 750 responses to the survey and a large number of those respondents (approximately 75 percent) opposed or strongly opposed more intensive types of businesses located in residential neighborhoods. He concluded he has visited the two auto repair shops that have been discussed this evening and invited the Council to engage in a discussion or debate regarding the issue at hand.

Council Member Bailey indicated Utah Code 10-9a-511 allows municipalities to provide for an amortization schedule that will allow newly disallowed businesses to recoup the costs invested in their businesses. He reviewed how the amortization schedule could be determined by asking each business 20 questions to establish the value of the business assets and income.

Council Member Swanson responded to comments made during the public comment portion of the period noting that the Council has taken a significant amount of time to study all issues at hand in order to make the best decision for the entire City. Council Member Bailey agreed and stated this has been a principled discussion that has not been focused on individuals or specific businesses; the main issue is whose rights should prevail and it is his personal opinion that the rights of a resident to enjoy the residential character of their neighborhood should trump the right of anyone to run a business in that neighborhood. He stated it is disturbing to him that those that have complained about home occupations have been attacked or made to feel that their feelings are not valid. He concluded he strongly supports the ordinance as it is currently drafted and would like to add a mechanism to use an amortization schedule for a method of fairly dealing with businesses who find themselves caught up in the issue inadvertently.

Council Member Swanson thanked Mr. Baguley and Mr. Humphries for being so accommodating to him during his visit to their homes.

Council Member Stoker stated the issue is not simple and the Council has carefully considered it; she visited Mr. Baguley's business and spoke to Ms. Jones. She did not visit Mr. Humphries' business because there were no complaints about it. She stated that everyone has a right to express their opinion, but some that have expressed their opinion about the issue have not been given the courtesy they deserved and that was very disappointing to her. She concluded no business has been singled out.

Council Member Satterthwaite stated that as things change it is necessary for everyone to work together to adjust to those changes. He provided a personal experience relative to home occupations in the City in the past when it was much more rural and noted that the City is now densely populated and in order to maintain some control over how the City develops it is necessary to create zones; residential zones are intended to accommodate residential uses. He stated that he also visited Mr. Baguley and Ms. Jones, but he did not visit Mr. Humphries; he has compassion for all three business owners, but feels it is paramount for the Council to consider what is best for the entire City. He feels the amortization schedule is an appropriate way to deal with the issue and be equitable and fair in making a needed transition.

Council Member Urry stated that he feels the home occupation ordinance was intended to provide businesses an opportunity to start a business with plans to ultimately transition to a commercial zone. He feels that much misinformation has been shared about this issue, particularly in local media outlets. He stated he has always been very careful to focus on what is legal for the City to do, but it is his understanding that there is no such thing as grandfathering a business because Councils cannot make binding decisions for future Councils. He stated he has been very torn about this issue and previously he made a comment that it may be best to show mercy, but Council Member Swanson asked which party should be shown mercy: the business owner or the residents that have complained about the business. He stated Mr. Shaw indicated it is necessary for residents to have access to good service for a fair price and he agrees with that, but his personal experience is that people will be able to find good deals in commercial settings if they are willing to look for them. He concluded he supports the ordinance as it is written along with Council Member Bailey's recommendation to implement an amortization schedule.

Council Member Bailey motioned to adopt Ordinance 2015-02 amending Ordinance 11-6, home occupation, to clarify the standards for the allowance of accessory buildings, garages. Council Member Satterthwaite seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Mayor Taylor relayed a story about a family that tried to stop the construction of 2700 North to Interstate 15 and the City ultimately won a fight in court to take the property via eminent domain in order to facilitate the project. He asked that those that will be impacted by the newly adopted ordinance will look at how it will benefit the entire City and move forward for the good of the City.

The Council took a five minute recess at 9:36 p.m. The meeting reconvened at 9:49 p.m.

3. PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED AMENDMENTS TO ORDINANCE 11-7C-3, LEGACY PLANNED RESIDENTIAL UNIT DEVELOPMENT ZONE (PRUD), SITE DEVELOPMENT STANDARDS, TO REDUCE THE REAR SETBACK FROM 20 FEET TO 18 FEET

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity they have wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a

recommendation to the City Council. Typically the criteria for making a legislative decision requires compatibility with the general plan and existing codes. The Planning Commission held a hearing on February 4, 2015 to consider amending the rear setback standards for the Legacy North PRUD zone. The applicant withdrew his application after residents in the Legacy North PRUD objected. A comment made at the hearing that if the rear setback reduction did not apply to lots adjacent to Legacy Phases 1 and 2 that the amendment would be acceptable. Based upon that comment the applicant has amended this application to only apply to lots in Phase 4 that are not adjacent to the previous phases of the Legacy North PRUD. The Planning Commission held a subsequent public hearing on March 4, 2015 to consider the amended application. City Legal Counsel is recommending a different approach; grant an exception to reduce the rear setback by 10% for the main use or home provided that the combined distance between adjoining rear property structures remains 40 feet or greater. This language will have the same effect as the applicant's amendment. The likely properties where this exception would apply will be the Senior Center and the Smith's Marketplace. The setback difference will not impact the Smith's development or the Senior Center. The rezone is in anticipation of submitting a subdivision application that will be the last phase of the Legacy North project. The City in the past has adopted PRUD zoning for specific projects; this is no longer the case. In this instance the Legacy Planned Resident Unit Development zone applies to this specific project. Title 11-11-1 contains the purpose statement of Planned Residential Unit Developments. The purpose statement gives guidance when considering this request; Staff has underlined some of the pertinent language:

- A. The purpose of the planned residential unit development (PRUD) is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.
- B. A planned residential unit development is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open space, diversity of lot design, residential use and amenities, a well-planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD.
- C. An increase in housing density in order to make a project more economically profitable, is not an objective of a PRUD. The developer must calculate in his or her pro forma the viability of a proposed PRUD project given the regulatory structure required by this chapter. Reductions in lot sizes may be granted, as provided herein, but only when the reduction and/or more creative configuration of the lots results in better use of the land. The creation of usable common activity areas and improved aesthetics. These benefits should reasonably promise to enhance the enjoyment of life within the PRUD to a degree that would not otherwise be achievable without the lot size concessions. The Legacy Park North project has an established design theme and has met a specific market. It is a successful project. The applicant believes increasing the buildable area will further enhance the projects viability. Staff has researched

whether or not there has been a reduced setback for any other PRUDs in North Ogden. The Lewis Peak PRUD has a reduced rear setback of 18 feet.

The General Plan calls for "All development in the community should be built on land suitable for the intended use."

Zoning Ordinance

Suggested improvements for the city of North Ogden Zoning Ordinance include the following:

- (2) Update the Zoning Ordinance to allow for a variety of current housing types.
 - a. Housing
 - i. A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space.
- (3) Implementation Goal: Housing for the aging population of the city should be encouraged through city incentives and senior citizen programs to attract retirement living facilities.
- (4) Implementation goal: Divers housing alternative should be available for the present and future residents of the city.

The General Plan map calls for this property to be developed as single family residential, medium density. Planned Unit Developments are allowed in this designation.

The memo offered the following summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- Is the Legacy Planned Residential Unit Development amendment to provide an exception to reduce the rear setback appropriate for this neighborhood? Will it impact adjoining properties?
- Is the flexibility of design sought by the applicant appropriate?

The memo concluded this is a policy decision; the General Plan calls for a diversity of housing types while maintaining quality development. The Planning Commission found that the amendment is appropriate to provide an exception for the rear setback of 10% where the combined distance between main buildings is 40 feet in the Legacy Planned Residential Unit zone; the Planning Commission is recommending approval of the amendment.

Mr. Scott reviewed the staff memo and used the aid of an aerial photograph to orient the Council to the location of the subject property.

Applicant John Hansen approached and stated the reason he is seeking this exception is that he will be building homes without basements in the next phase of the project and the additional two feet that could be gained by reducing the setback requirement equals an additional 100 square feet inside the home; people desire larger great rooms within their homes and this will help to achieve that goal.

Council Member Urry inquired as to the average lot size in the next phase of the project. Mr. Hansen stated the backyards will be 18 feet deep and 60 feet wide; homes will only be 49 to 50 feet wide.

Mayor Taylor opened the public hearing at 10:01 p.m. There were no visitors present wishing to make public comments.

Council Member Swanson motioned to close the public hearing at 10:01 p.m. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER AMENDMENTS TO ORDINANCE 11-7C-3, LEGACY PLANNED RESIDENTIAL UNIT DEVELOPMENT ZONE (PRUD), SITE DEVELOPMENT STANDARDS, TO REDUCE THE REAR SETBACK FROM 20 FEET TO 18 FEET

Council Member Swanson motioned to adopt Ordinance 2015-3 amending Ordinance 11-7C-3, Legacy Planned Residential Unit Development Zone (PRUD), site development standards, to reduce the rear setback from 20 feet to 18 feet. Council Member seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

5. PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED AMENDMENTS TO ORDINANCE 11-11-5A 2, FRONT YARD SETBACK STANDARDS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENTS

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity they have wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a legislative decision requires compatibility with the general plan and existing codes. The Planning Commission conducted a public hearing on this amendment on March 4, 2015. Chapter 11 in the City Zoning ordinance is devoted to planned residential unit developments. The applicant is requesting that flexibility for front yard setback requirements be granted if specific design features are included in the development.

11-11-1 Purpose

The purpose statement for planned residential unit developments identifies that "flexibility in development standards for creative design" along with "specific requirements to ensure surrounding properties and natural features are protected."

- A. The purpose of the planned residential unit development (PRUD) is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.
- B. A planned residential unit development is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open space, diversity of lot design, residential use and amenities, a well-planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD.

11-11-5: MINIMUM DEVELOPMENT REQUIREMENTS

A. General Regulations:

- 2. The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where the development abuts a street and a thirty foot (30') setback at those locations where development abuts other parcels of land. Notwithstanding the above provision, if the development has subdivided single family lots, which abut other parcels of land, the specific zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped. The PRUD chapter identifies specific requirements for rear yard setbacks to adjacent properties in order to provide a sufficient buffer to those uses. It would seem logical that design standards within the project would be able to have some flexibility; however, this is not the case. The front setback standards

are to be maintained according to the underlying zone. In the case of the R-1, R-2, RCC, R-3, and R-4 zones front setbacks are required to be 30 feet. Front setbacks are 30 feet for interior lots; corner lots are allowed to have a 20 foot setback on one frontage as long as 30 feet is maintained on the other frontage. This sets up a circumstance where there are varying setbacks along most streets. The request is to provide flexibility to allow 20 foot setbacks for the interior lots if the development provides upgraded design features, e.g., the building fronts face the street, the building fronts have the main entrance features toward the street, e.g., the front door, walk way to the Sidewalk, porch, windows, shutters, etc., the building materials are brick and stucco with no aluminum or vinyl siding. With the buildings at 20 feet, the idea is to also make the development pedestrian friendly. The development should also have a landscape design that includes unique pedestrian lights and walking trails.

The following language incorporates these ideas:

11-11-5(A)2

2. Front setbacks may be reduced by the planning commission if the project can demonstrate an upgraded design to include:
 - a. The building fronts face the street.
 - b. The building fronts have the main entrance features toward the street, e.g., the front door, walk way to the sidewalk, porch, windows, shutters, etc.
 - c. Acceptable building materials are brick, rock, hardie board, and or stucco or other material approved by the planning commission; notwithstanding aluminum or vinyl siding are not allowed.
 - d. The park strip and front yard have a landscape theme.
 - e. The project is pedestrian friendly. In addition to the normal sidewalk design a walking trail system is included that has public access. The trail system and sidewalks may include pedestrian lights.

The applicant has submitted an e-mail with the justification for this request.

The General Plan calls for "All development in the community should be built on land suitable for the intended use." Additionally, Zoning Ordinance Suggested improvements for the city of North Ogden Zoning Ordinance include the following:

- (1) Update the Zoning Ordinance to allow for a variety of current housing types.

Housing

A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space.

- (3) Implementation goal: Divers housing alternative should be available for the present and future residents of the city.

The memo summarized the following potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?

- Is the flexibility of design for reduced front setbacks in planned unit developments with upgraded design features appropriate?

The memo concluded this is a policy decision; the General Plan calls for a diversity of housing types while maintaining quality development. If the Planning Commission determines that the amendment is appropriate to reduce the front setback from 30 feet to 20 feet in Planned Residential Unit Development projects if appropriate design standards are met; the Commission can find that the application is consistent with the North Ogden General Plan and recommend approval to the City Council.

Mr. Scott reviewed his staff memo.

Council Member Urry asked if this ordinance deals with a different development than the previous ordinance. Mr. Scott answered yes, but noted this ordinance is not specific to a certain development and would, instead, apply to any PRUD in the City.

Mayor Taylor provided a brief summary of the reasoning for the proposed ordinance and indicated he supports the amendment as it will ensure quality projects and good aesthetics while providing flexibility to a developer. Mr. Scott agreed and added that the City Council will have the opportunity to review PRUD applications before they receive final approval from the Planning Commission.

Council Member Urry inquired as to the location of the subject property where Mr. Hansen will build his next development. Mr. Hansen stated it is located on Tom Chambers' property near the aquatic center. He reviewed a map to identify the location of the subject property. He also reviewed the site plan for the development, after which there was a discussion about the standards that will be implemented for the development.

Council Member Bailey asked if the homes in the development will have public streets, to which Mayor Taylor answered yes. There was then a brief discussion regarding the orientation of the buildings within the development, with Mayor Taylor noting that the building materials that will be required within the development will ensure that the project is a quality development. Council Member Bailey stated he is comfortable with the changes in this specific situation, but he is not sure he is comfortable making a change that would apply to all future PRUD's in the City. Mr. Scott stated that the Planning Commission will need to study whether the changes are appropriate for all future developments and the deviation that is being requested will not be automatic. General discussion focused on the layout of the proposed development then ensued; the Council reviewed street layouts and traffic orientation as well as the three ingress/egress points in the project.

Mayor Taylor opened the public hearing at 10:31 p.m.

Steve Rasmussen, 1092 E. 3250 N., stated there was mention of bike paths to be included in Mr. Hansen's proposed development and he asked where they would be located. Mr. Hansen stated they will be public bike trails located around the eastern edge of the development.

There were no additional persons appearing to be heard.

Council Member Bailey motioned to close the public hearing at 10:33 p.m. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING ORDINANCE 11-11-5A 2, FRONT YARD SETBACK STANDARDS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENTS

The Council continued to review the site plan for Mr. Hansen's development with a focus on open space located within the development.

Council Member Urry worried that a reduced setback may create more of a hazard for children living in the development. Mayor Taylor stated that he does not share that same concern because the roads in the development will be wide enough to reduce the hazards referenced by Council Member Urry.

Mr. Scott again reviewed the approval process for site plans for PRUD's, noting the City Council will have the opportunity to comment on the application, but the Planning Commission will have final approval authority.

Council Member Bailey motioned to adopt Ordinance 2015-4 amending Ordinance 11-11-5A-2, front yard setback standards for planned residential unit developments. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	nay

The motion passed on a four to one vote.

Council Member Bailey stated he is somewhat concerned about the unintended consequences of the implications of the ordinance, such as reduced setbacks being approved on longer stretches of roads where motorists would have the opportunity to pick up speed. Mr. Scott stated that staff and the Planning Commission are working on a complete street plan to address those situations. City Attorney Call stated the City will have discretion to approve reduced setbacks on a case-by-case basis dependent upon several factors. Mr. Scott stated he will pass on the Council's concerns to the Planning Commission relative to reduced setbacks on longer lengths of road.

7. DISCUSSION AND/OR ACTION TO CONSIDER THE SANITARY SEWER MANAGEMENT PLAN

A staff memo from City Administrator/Finance Director Steele explained Jones & Associates has been helping the City complete and compile this report. Here is the information they have sent over regarding it:

"This plan is part of a state program called the Utah Sewer Management Program that encourages improved management of public sanitary sewer collection systems. The program is authorized under state rule R317-80 I. As part of the rule it states that "The SSMP must be publicly noticed by the permittee and approved by the permittee's governing body at a public meeting".

Staff has reviewed the plan with Trent Wilkins, the City's Sewer Superintendent, and he will be the one in charge of implementing and maintaining the plan. The sewer department is already doing most of the requirements that are listed in the plan so not too much will change from their operations standpoint. The completion deadline for this plan set by the State is March 31, 2015. There is also a System Evaluation and Capacity Assurance Plan (SECAP) that will need to be completed as part of this program but that isn't due until March 31, 2016."

Mr. Steele reviewed his staff memo. The Council had a brief discussion regarding the requirement for the City to have a SSMP in place, with Council Member Urry inquiring as to who is responsible to implement and oversee the plan. Mr. Steele stated the Public Works Director and Sanitary Sewer Manager are responsible for implementation.

Council Member Satterthwaite asked if it is necessary for an engineering firm to write the SSMP or if City staff could have completed the plan in-house. Mr. Steele stated that it was helpful for the City's engineering firm to draft the plan, but future amendments can likely be handled in-house by City staff.

Council Member Satterthwaite motioned to approve the Sanitary Sewer Master Plan as presented. Council Member Urry seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Mayor Taylor reported there is a good applicant pool for the Public Works Director position and he provided an overview of the screening and interview process that will be used to select the successful candidate.

8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION...WEBER COUNTY LIBRARY

Mayor Taylor reported this item has been pulled from the agenda and will be presented to the Council during an April Council meeting.

9. PUBLIC COMMENTS

Kimberly Johnson, no name or address given, stated she is with Design West Architects and her firm has been tracking the library renovation project because they are interested in bidding on the design portion of the project. Mayor Taylor stated the Council Library Board and County Commission will handle the bid selection process.

10. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson stated he enjoys the working relationship among the City Council.

Council Member Urry reported he was contacted by a citizen that lives on 450 East that was looking for information regarding the Washington Boulevard road widening project. Mayor Taylor stated the land acquisition process for the project will not begin until next summer and actual construction of the project may not occur for up to 10 years unless funding is available sooner. Council Member Urry then stated it was very cumbersome to read three sets of minutes to approve during tonight's meeting and he asked if those meetings can be provided to the Council sooner to allow more time for review. City Recorder Spendlove noted minutes are provided and posted on the website as soon as the draft version is available. Council Member Urry then thanked Council Member Bailey for the work he did to develop an amortization schedule for the home occupation ordinance.

Council Member Satterthwaite echoed Council Member Urry's comments regarding Council Member Bailey's work on the amortization schedule. He then reported he was approached by a resident who suggested the installation of flashing stop signs at the intersection of 1050 East and 2600 North. He asked if staff could investigate the suggestion and see if it would be appropriate.

Council Member Stoker stated she appreciated the work and collaborative discussion among the Council regarding the home occupation ordinance; she feels the conclusion was good. She also thanked Mayor Taylor for the position he has taken to set the record straight regarding multiple issues and defend the City Council and staff when appropriate.

Council Member Bailey echoed Council Member Stoker's comments regarding the efforts the Mayor takes to engage in meaningful dialogue with residents. The Council and staff then engaged in a discussion regarding how the newly adopted home occupation ordinance will be implemented and carried out by staff. Council Member Bailey then stated that he wants to have further discussions regarding street standards and requirements placed on contractors relative to repairing any cut they make in a City roadway. Mayor Taylor stated he will work with City staff to ensure appropriate measures are in place to provide for adequate road repairs following utility work. Council Member Bailey stated there is a new home being built on 700 East north of 2600 North and they have made one-foot cuts into the City street and he asked that staff inspect the issue. Council Member Satterthwaite stated he also wants to ensure that the City is following its own street standards when repairing road cuts.

Council Member Urry asked if a decision has been made to sell top soil to City residents. Mayor Taylor stated that it may be appropriate to set a schedule that residents can rely upon to purchase top soil because it is not feasible to allow for top soil sales at all hours of the day. He stated there are still some questions relative to liability relative to loading top soil into private vehicles. He stated that he will work with staff to draft policies pertaining to top soil sales and add an item to a future agenda for continued discussion regarding the issue.

Ms. Spendlove reminded the Council of the upcoming Utah League of Cities and Towns (ULCT) Conference in April. She also reported on an upcoming electronic recycling event scheduled for April 23 and 24.

Mayor Taylor provided a brief update regarding the status of the Public Works Facility project and noted he will provide more detail at an upcoming budget retreat. He added he and Mr. Steele have also been working to develop a City clean-up program with events held twice a year where dumpsters would be available to residents throughout the City. He noted he will provide more information about the proposed program at an upcoming budget retreat meeting. Council Member Urry stated in the past the City recognized outstanding yards in the City and it may be appropriate to resurrect that program as well.

11. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 11:33 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved