

NORTH OGDEN CITY COUNCIL MEETING

August 12, 2014

The North Ogden City Council convened in an open meeting on August 12, 2014 at 6:33 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 August 8, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

PRESENT:	Brent Taylor	Mayor
	Kent Bailey	Council Member
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
EXCUSED:	James Urry	Council Member
STAFF PRESENT:	Ronald F. Chandler	City Manager
	S. Annette Spendlove	City Recorder/H.R. Director
	Jon Call	City Attorney
	Robert Scott	City Planner
VISITORS:	Tarra Tippets	Joan Brown
	Dan Carter	Carol Campbell
	Bob Campbell	Nick Yates
	Elizabeth Putnam	DeAnn Layman
	Sandie Donaldson	Holly Vanderwoude
	Blake Welling	Jennie Taylor
	Rick Hancock	Linda Skeen
	Lindsey Williams	Shea Williams
	Carol Walker	LaMoine Walker
	Kurt Illum	Candice Illum
	Ryan Putnam	Angie Francom
	Tiffany Turner	

Mayor Taylor welcomed those in attendance.

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

RDA

1. PUBLIC HEARING TO DISCUSS THE NORTH OGDEN REDEVELOPMENT PLAN

A memo from City Manager Chandler explained the following notice was sent to the taxing entities and property owners potentially affected by the North Ogden Community Development

Area Plan. The purpose of the public hearing is to obtain public input from interested individuals and organizations. Following this meeting Administration will work with the taxing entities and property owners to create a revised community development area plan and present it to the RDA Board and a resolution adopting the plan at a later meeting.

“The proposed North Ogden Community Development Area (“NOCDA”) intends to utilize the tax increment revenues generated from the approximately 87.5-acre area for a specified period of time. If approved, the Redevelopment Agency of North Ogden (the “Agency”) will use funds generated to provide certain incentives to developers who carry out the community development purposes described in the NOCDA Plan (the “Plan”). State law establishes CDA’s to provide a tool for municipalities to increase the local tax base. The current appraised taxable value of all property in the NOCDA is approximately \$13.5 million with approximately \$130,500 generated in property tax. After development of the area, the taxable value of the development could be as high as \$55 million generating as much as \$750,000 in property taxes each year. This plan is prepared in good faith as a best guess estimate of the impact of the establishment of the NOCDA on North Ogden City (the “City”) and its residents. Changes in economic or other conditions may influence the actual impact either favorably or unfavorably. Excluding these unknown and unpredictable factors, the information included in this plan is considered an accurate representation of the reasonable expectations for the establishment of the NOCDA.”

Mayor Taylor reviewed the staff memo and used the aid of a PowerPoint presentation to provide the public with an explanation of the purpose of the Redevelopment Agency (RDA) and the established redevelopment area in the City. He noted the RDA is considering creating a commercial development area (CDA) to facilitate the redevelopment of prime commercial properties within the City. He briefly reviewed the financial status of the RDA, with a focus on the fact that RDA funds are used to pay debt service for the North Ogden Aquatic Center. He summarized the efforts the City Council, City staff, and an Economic Development Committee created in 2010 have been working on pertaining to redevelopment of commercial areas, and he noted Economic Development Consultant Matthew Godfrey will make a presentation this evening that will summarize the economic development proposal for the King’s plaza. He emphasized that any economic development efforts that take place in an RDA area or a CDA will be funded by RDA dollars rather than general tax dollars. He stated there are also proposals to make improvements to the area surrounding the Lee’s Marketplace plaza and Mr. Godfrey will summarize those and other economic development ideas as well.

Mr. Godfrey used the aid of a PowerPoint presentation to summarize the proposal of the creation of a CDA in the City; he referenced several properties in the City that are ripe for redevelopment or improvements. He noted a CDA does not carry with it the opportunity to condemn property for commercial development; rather, a CDA actually provides more opportunities to property owners and it is his hope that property owners will embrace the concept of including their properties in the proposed CDA areas and potential development projects.

Board Member Bailey noted it is important to clarify that the City will not seek to purchase properties for redevelopment; rather the RDA Board is simply considering an action to create a CDA in order to better facilitate redevelopment. Mayor Taylor reviewed the formula used to

determine the amount of tax revenue the City realizes when a property is developed within an RDA or CDA. Mayor Godfrey added that RDAs and CDAs actually reduce the tax burden on residential property owners; it is good community policy to develop a community with appropriate commercial uses.

City Manager Chandler informed the Board of the process City Administration has followed to inform the taxing entities represented on the Taxing Entity Committee (TEC) of the proposal to create a new CDA in North Ogden; all taxing entities were receptive, but more discussion will be necessary before the creation of the CDA is finalized. There was a general discussion about the terms of the creation that are negotiable among the various taxing entities.

Mayor Taylor opened the public hearing relative to the creation of a CDA at 7:00 p.m. There were no persons appearing to be heard.

Board Member Swanson moved to close the public hearing at 7:00 p.m. Board member Satterthwaite seconded the motion.

Voting on the motion:

Board Member Bailey	aye
Board Member Satterthwaite	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

Mr. Godfrey then used the aid of an additional PowerPoint presentation to provide more detailed information regarding the proposal to redevelop the King's Plaza in North Ogden. The proposal is to focus on family/entertainment tenancy including a public space with a regional draw, new architecture to create interest and beauty, uses that will break-up the large parking lot, new buildings on the empty land, and the inclusion of housing units. He reviewed photographs to offer examples of the types of improvements that could occur on the property to facilitate the improvement and redevelopment. He stated his vision for the property is for it to be a community gathering place that will be a great asset for the City. He noted the action requested from the RDA Board this evening is to authorize the issuance of a request for proposal (RFP) for the design of the elements the economic development committee has recommended for the project; this includes the public space, the façade work on the buildings, and the infill design concepts. He noted he will continue to work with property owners regarding the proposal as well as recruit tenants for the site. He indicated a financial feasibility has been performed regarding the project and the studies have shown the idea to be viable; there is funding available to proceed with the creation of the CDA and fund those public improvements in the project.

Board Member Satterthwaite inquired as to who would fund the design work for the project. Mr. Godfrey stated the design project would be funded by RDA monies. He indicated the façade work would be funded by the property owners via repayment of a loan from the RDA.

Board Member Bailey stated he likes the concept for the project and he is in favor of moving forward with Mr. Godfrey's recommendation. He stated his only concern is whether the City will support two commercial centers. Mr. Godfrey stated the King's Plaza development will be much different than the commercial development closer to the center of town; he believes there is a market to support both developments. He added the idea and concept for the project will evolve as it progresses. Board Member Bailey asked if the existing tenants and property owners at the plaza are supportive of the redevelopment idea. Mr. Godfrey stated after holding meetings to discuss the concept he is not aware of any tenant or property owner that walked away unhappy with the recommendation. Mayor Taylor added some of the property owners may have other ideas for the space, but they are not opposed to the concept being discussed this evening.

Board Member Swanson inquired as to the potential risk associated with the project. Mr. Godfrey stated the risk for the RDA Board is investing in the improvement of the facades of the buildings and the property owners not being able to pay back those loans. He stated the costs associated with creating the public space will not be paid back, but he views those improvements as an investment in the community with no associated risk.

Board Member Stoker stated she also likes the concept, but wondered if inclusion of townhomes in the project would open the door for additional high density housing projects in the area. She indicated high density does not conform to the City's General Plan. Mr. Godfrey stated the City Council will ultimately control that issue by controlling the zoning of property in the area.

Mayor Taylor asked if the Board is comfortable authorizing Mr. Godfrey to proceed with publishing the design RFP. The Board granted the requested authorization.

Mayor Taylor then concluded the RDA meeting by providing the public with an explanation of the difference between the RDA Board and the City Council.

Board Member Bailey moved to adjourn the meeting. Board member Stoker seconded the motion.

Voting on the motion:

Board Member Bailey	aye
Board Member Satterthwaite	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 7:30 p.m.

The City Council meeting convened at 7:30 p.m.

CONSENT AGENDA

- 1. Consideration to approve the minutes of the June 26, 2014 City Council Meeting**
- 2. Consideration to approve the minutes of the July 8, 2014 City Council Meeting**

COUNCIL MEMBER Swanson motioned to approve the consent agenda. 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

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Jennie Taylor, 123 W. 3100 N., stated she is a parent of students that attend Majestic Elementary School and she is on the school's community council and is an active member of the Parent Teachers Association (PTA). She indicated she is here to encourage the City Council to support the walking path on 2550 North for students to use that walk to school. She noted her own children do not walk to school, but she is aware that the path is needed very badly to provide safety for the students that do need to walk; 2550 North is a very busy street due to the various uses in the area and in some areas there is not even a shoulder on the road. She has also talked to people that are avid runners and cyclists and they avoid the area due to the same safety concerns. She concluded that the PTA is seeking support of the City and noted the school and Weber County School District cannot fund it. She stated that in an ideal world it would be possible for parents to drive their children to school each day, but that is not always an option and she feels it is the responsibility of the community to work together to keep all kids safe.

Tarra Tippetts, 2421 N. 400 E., stated that she has lived at her home for 11 years and she has taken her kids riding bikes on 2550 North and it was very dangerous. Her kids now attend Majestic Elementary and she would love to walk her kids to school, but it is too scary to do so especially during the winter months when there is snow and ice on the roadway. She stated it would be beneficial for all students in the area to include a walking path to provide safer passage to the two schools in the area. She asked for City support of the walking path.

Ryan Putnam, 302 E. 2350 N., stated he lives in the townhomes in the boundary of Majestic Elementary and he has three children that attend the school. He stated he has exercised on the street and it is very dangerous and he was very nervous because he had his two-year-old son with him. He stated he pays close attention to traffic and he worries that kids walking on the road to and from school would not be paying as close attention. He noted a path on 2550 West would

provide the children an option to avoid dangers on the road. He indicated the Montessori school in the area has added portable classrooms to their property, which leads him to believe that traffic in the area and on 2550 North will only increase. He stated he and the other parents in the area feel the path is needed and he is hopeful the Council can see that need as well.

Angie Francom, 361 West 1700 North, stated she has three children at Majestic Elementary and while her children do not walk to and from school on 2550 North, she has walked on the road for exercise in the past and the walk to the school is fairly far and not safe. She stated she is well acquainted with the challenges that come with having three cities feeding students to the school as well as other logistics and financial rules that must be followed; however, the road has a speed limit of 40 miles per hour, but most cars travel at 50 miles per hour and traffic levels are very high during school commute hours. She stated an improved asphalt path would be very beneficial to the safety of the children in the area and drivers naturally pay closer attention to features such as sidewalks or crosswalks. She stated it would not be necessary to widen the road or impact existing landscaping on the sides of the road and for that reason she feels the path is a great option that would greatly improve the safety of the students in the area.

Mike Carter, 304 West 1825 North, stated he has walked along the area in question and can testify that it is a dangerous road; when running on the road himself he has felt it is very dangerous and has had to dodge cars. He stated it is terrifying to him because children are not as attentive as adults when walking on a street; he stated this combined with potentially distracted drivers and high speed limits could lead to a tragedy. He stated a four-foot walkway is a great investment in order to provide safety for the children.

Linda Skeen, 3068 North 1375 East, referenced the agenda item regarding the potential construction of a dog park; she thinks it is a good idea. She has served as the Director of the Humane Society as well as the Adoption and Volunteer Coordinator at the Ogden City Animal Shelter and she thinks animals need an area where they can socialize with other animals; studies have shown that giving dogs the ability to run off of their leash they become better pets and do not bark as much as home. She stated dog parks will also lead to fewer animal control problems because responsible pet owners will take their dogs to the parks. She stated there are many newer homes in the community with smaller yards or no fences and the park would provide outlets for dogs to burn their energy.

Sandy Donnellson, 557 East 3000 North, stated she would also like to encourage the City to build a dog park; she lived in Ogden and always took her kids to the dog park. Such a facility is a great place for citizens.

Tiffany Turner, 2673 North 950 East, stated she is an advisor for the North Ogden Youth Council and she wanted to inform the Council that the float that the Youth Council rode on during the Ogden Pioneer Days Parade received the civic award. She presented the award to the City on behalf of the Youth Council.

Shae Williams, 337 East 2300 North, stated he is also present to support the dog park. He lives in a townhome that does not have a fenced yard and he visits a dog park in West Ogden at least

two or three times per week. He noted many of the people that frequent that park are from the North Ogden community so it will be nice to have a park closer to home for all of those people.

Holly Vanderwood, 555 East 3050 North, stated she also wanted to show her support for the dog park. She stated due to the layout of her neighborhood and steep slopes it can be difficult for her family with a young child to exercise their dog; having a dog park would be great for her and her family. The park would also create a great sense of community and bring animal lovers together.

Mr. Carter re-approached and referenced the dog park project, indicating it would be a great asset for the community that would give dog owners and dogs an opportunity to socialize and interact with one another.

2. DISCUSSION AND/OR ACTION TO CONSIDER A SIDEWALK LOCATED ON THE SOUTH SIDE OF 2550 NORTH AND EAST OF MAJESTIC ELEMENTARY

Mayor Taylor provided a brief history of the request from the Majestic Elementary PTA to build a walking path on 2550 North. He used the aid of a PowerPoint presentation, which included an aerial photograph that he used to orient the public to the proposed location of the walking path. He indicated the road does span three different cities. He then summarized student safety projects that have been completed in the City in the past, noting the City does have budget constraints that prevent funding of all needed projects. He stated a sidewalk would normally be required at the time of development of the property in the area, but development of the area is not expected to occur anytime soon and that is why the City is considering options for installing a path until development can occur in the area. He reviewed estimates from contractors that have provided bids for constructing the path and noted they range from between \$16,000 and \$20,000. He stated there have been discussions about working with the Majestic Elementary PTA to hold a fundraising activity that could raise monies for the project and he invited PTA president Liz Putnam to address the Council regarding those opportunities.

Ms. Putnam stated that she was informed by the school and Weber School District that the PTA cannot fundraise or commit any money to the project, but there are other alternatives for raising money through the community council or grant opportunities. She stated she does not want this fact to kill the project because the number of students at the school as well as the nearby Montessori school has increased this year and that will result in an increase in traffic, which makes for a very difficult situation. Mayor Taylor asked if the school can hold a fundraiser independent of the PTA. Ms. Putnam stated that she is unsure whether that is an option.

There was a general discussion regarding community fundraising opportunities so that it is not necessary for the City to pay the entire cost for the pathway. Council Member Stoker stated parents and the rest of the community need to participate in facilitating safe travel of students to the school. She stated she rides her bike on the road, but will stop once school starts because it is too dangerous, mainly because of the driving habits of parents taking their students to and from school; parents need to be reminded that they are not the only ones on the road. Ms. Putnam stated that the school district has been addressing the issue for years by providing a courtesy school bus for students in the area, but that is no longer an option.

Council Member Bailey expected to hear from the PTA or community members regarding their ability to assist in raising funds for the project. He stated having heard that is not the case, he feels it is not reasonable to ask the City to pay the entire cost for a project that will not benefit all citizens of the City. Ms. Putnam stated the City has built sidewalks near other schools without asking for money from them or their PTAs. Council Member Bailey stated that is correct. Council Member Satterthwaite noted the City has required developers to install sidewalks when their property has developed on pathways to schools; that is the best way to meet the need. Council Member Bailey asked if it is possible for the parents of the area to develop a fundraising plan independent of the school. Ms. Putnam stated she can explore those options. Mayor Taylor added he has had previous discussions with the school and they indicated they would support the PTA fundraising efforts, so the news that Ms. Putnam received yesterday is surprising to him. He agreed other fundraising opportunities should be explored. Ms. Putnam stated she can look into those options. Council Member Bailey stated that he recognizes the need for the path in the area.

The Council had a general discussion regarding potentially lowering the speed limit on the road.

Council Member Satterthwaite stated he is not opposed to the City participating in the cost of the project, but he feels the community should participate as well. Ms. Putnam inquired as to the percentage of the project cost the City is willing to commit. There was a discussion regarding the cost sharing for the project, with no firm conclusion.

Council Member Swanson stated he is also concerned that the community is expecting the City to pay the entire cost for the sidewalk, but he is concerned that this same discussion did not take place when North Ogden Elementary asked for a sidewalk; the City responded by building the path for the school with no request for funding participation. He stated he is comfortable with authorizing the expenditure of City funds to complete the project and relying, in good faith, upon the school to raise funds over the next year to pay back the cost or a portion of the cost of the project.

The Council then discussed the components of the project with a focus on the cost. Council Member Stoker asked if any of the work can be completed by City employees, to which Mr. Chandler answered yes. Council Member Stoker stated she feels the City needs to proceed and complete the project and she is unsure whether the City can ask for reimbursement from the school or PTA.

Council Member Swanson asked if there would be liability upon the City by asking for citizens in the community to participate by providing labor to complete the work. City Attorney Call stated that would be fine as long as the participants sign a liability waiver.

Mayor Taylor shared his thoughts about the issue; he feels the PTA and parents will continue to try to help complete the project, but the City has completed other sidewalk projects for other schools in the City at a similar cost or higher than the proposed project. He stated he feels the City needs to maintain consistency on how schools are treated.

Council Member Satterthwaite stated the path is essentially temporary in nature and he proposed that the path be constructed of road base in order to reduce the cost of the project. He added he would like the project to be completed in the first couple weeks of school. Council Member Swanson stated he likes the idea of saving costs by building a road base path, but he wondered how snow and ice would be removed from the path in the winter months. He stated he tends to agree with Council Member Stoker regarding this issue and he feels the City should complete the project now, but communicate that the project will not set a precedence of the City having an open checkbook for these types of projects.

Mayor Taylor reviewed the options available to the Council this evening, with a focus on the need to amend the budget if the Council chooses to proceed with the project. Mr. Chandler then reviewed snow removal options for a road base path versus an asphalt path.

COUNCIL MEMBER Stoker moved that the City complete the sidewalk project subject to the budget implications of the project. Council Member Swanson seconded the motion.

Council Member Swanson asked Building Official Kerr to provide his opinion regarding whether it is more appropriate to build a road base or asphalt path. Mr. Kerr stated he would recommend asphalt because it would be much easier to plow in the winter months.

Council Member Stoker amended her motion and indicated she would prefer an asphalt pathway. Council Member Swanson seconded the amended motion.

Council Member Satterthwaite asked if the motion includes direction to ask from financial involvement from the school, to which Council Member Stoker answered no. Council Member Bailey stated he does not believe the school will ever be able to provide financial assistance, but there may be options to request participation from the residents living in the area. He stated the same has been done for other requested projects in the City, but he understands the urgency of this project.

Council Member Swanson stated he would strongly encourage the community to do everything they can to raise funds or contribute to the project in any way possible.

Mayor Taylor stated the City has asked for the school district's partnership in the creation of a CDA to facilitate redevelopment of areas of the City and the school board may wonder why the City is so hesitant to proceed with this project after asking for such a commitment relative to the CDA. Council Member Bailey stated he does not feel the two issues are related and the school district is not giving up any money by approving the City' CDA. He stated he is frustrated that the community does not have access to school resources, such as school gymnasiums, etc., free of cost.

Council Member Satterthwaite stated he does not feel the City can rely upon the school or the PTA to contribute to the project. There was a general discussion about the makeup and capacity of the community council to potentially provide a financial contribution to the project. Council Member Bailey stated he would like to propose an amendment that the citizens or community council for the school contribute \$3,000 for the project. Council Member Satterthwaite stated he

would propose that the City proceed with completing the asphalt project and ask that the community contribute one dollar for every four dollars the City spends on the project; this would equate to 20 percent of the project cost. He stated he feels the right people have not been mobilized to complete the project. Council Member Swanson stated he likes the idea of the community contributing to the project, but he would prefer the City move forward with the project without requiring a defined contribution from the citizens.

Mayor Taylor asked if there is a motion that could receive the consensus from the entire Council.

Council Member Bailey made an amended motion that the City fund the asphalt path project for the City owned 1,000 foot stretch on 2550 North with a request that the community, in good faith, contribute \$3,000 to the project. Council Member Satterthwaite seconded the motion.

There was a general discussion about the Council potentially considering a maximum cost for the project, with Mr. Chandler stating staff will be able to provide a solid bid to the Council prior to the required budget opening public hearing relative to the project; the public hearing will be scheduled for August 26, 2014.

Voting on the motion:

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

The motion passed unanimously.

Council Member Satterthwaite stated he would also like to discuss the process for addressing the speed limit of the road and he asked staff to conduct research to facilitate that discussion at the next Council meeting.

3. DISCUSSION REGARDING THE CONSTRUCTION OF A DOG PARK

A memo from City Manager Chandler explained the proposed resolution creates a surcharge that will be added to the annual dog license fee. The surcharge amount can be added after your discussion. The following examples of annual revenue generated by a surcharge are based on 1,500 dog licenses.

<u>Surcharge</u>	<u>Annual Revenue</u>
\$3.00	\$4,500.00
\$5.00	\$7,500.00
\$8.00	\$12,000.00
\$10.00	\$15,000.00

The City charges the following for animal licenses per year.

- Dog, Unneutered or Unspayed \$30.00

- Dog, Unneutered or Unspayed and Micro Chipped \$20.00
- Dog, Neutered or Spayed and Micro Chipped \$5.00
- Dog, Neutered or Spayed \$10.00
- New Dog, Part of Year (After July 1st) Unneutered or Unspayed \$15.00
- New Dog, Part of Year (After July 1st) Neutered or Spayed \$5.00

The City also charges \$2.00 for duplicate licenses and a \$15.00 late fee for dogs licensed after March 2. The surcharge will not affect these fees. The resolution also restricts the use of these funds for dog park construction. They can't be used for ongoing maintenance of the park.

Mayor Taylor provided the public with a brief synopsis of the history of the request to construct a dog park, after which Dog Park Committee Chair Carol Campbell approached the Council and offered the proposal for the design and construction of the park forwarded by the committee. There was a focus on improvements to the fence surrounding the detention basin to make it dog-proof. The committee is also very interested in the canal that feeds the basin and they have met with the City's wastewater staff to address options for preventing access to the canal in order to avoid situations where a dog may get into the canal or head gate where a rescue would not be possible. She added culinary water is not immediately needed at the park and the main focus is making immediate improvements that would provide access to the park sooner rather than later. She focused on funding for the project and stated the committee would like for those using the park to pay for it via a surcharge on dog licensing fees. She then reviewed photos of the basin and identified the areas of the basin that need immediate improvements. She referenced other fundraising options for the park and stated she feels some residents would be interested in donating to the park, but she needs the go ahead from the Council so she can go to businesses and request sponsorships or cash donations. She indicated it may be necessary to phase the park and additional improvements, such as a water feature and exercise equipment, could be added in future phases. The idea of segregating small dogs from large dogs will also be addressed in the future due to the fact that no small dog owners have expressed an interest in participating with the construction of the park or suggested that the segregation area be an immediate improvement. She then briefly referenced the bids for the fencing, noting that they are not final bids; all fencing bids were higher than \$10,000. She concluded her only concern with spending money on the fencing and other park improvements at this time is the fact that the property could potentially be developed for commercial use in the future and she asked if the RDA would pay to relocate the improvements to another area once such development occurs. Mayor Taylor stated that would be his suggestion and such relocation would be funded by RDA or CDA monies.

Council Member Bailey asked if it would be more appropriate to wait on moving forward with the dog park if there is the potential for commercial development in the area that would require the relocation of the basin and park. Mayor Taylor stated the idea that the basin may be needed for commercial development is a new concept and he is hopeful that a decision will be made regarding that concept soon, even before work begins on the dog park. Council Member Bailey stated he is also concerned that the dog park may abut a commercial zone. Mayor Taylor concurred and noted it is very likely that the basin will become part of a commercial development and it will be necessary to relocate it; he suggested that the Council consider creating a budget for the project with the understanding that a new location will be selected. He indicated this will give the committee the ability to solicit funding from businesses or citizens whilst waiting for the final location to be selected.

Council Member Swanson stated he is very encouraged by the fact that those supporting the park are willing to secure private donations for the project. He has not heard any supporter of the project suggest that the City fund the park. He stated he is already aware of the possibility of certain dog associations being interested in renting the park for events like agility contests.

Ms. Campbell inquired as to the timeline for making a decision regarding the commercial development of the basin; she indicated the committee is ready to proceed with the project. Mayor Taylor stated the Council will need to have more detailed discussions regarding the exact location of the park, but he would like for the Council to focus on the budget for the park at this time.

There was a general discussion about the idea of segregating small dogs from large dogs, with Ms. Campbell indicating that all dogs will be welcome to use the park, but a small dog area will not be provided when the park is initially opened. Mayor Taylor added there are actually advantages to building a new detention basin with the dog park in mind; the City would fence the basin and it would not include a canal; this may free up some funding for fencing of a small dog area in the first phase of the project. Ms. Campbell asked that the record reflect that the committee is ready to proceed immediately and she urged the Council to make a decision as soon as possible.

4. DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION INCREASING DOG LICENSE FEES FOR CONSTRUCTING A DOG PARK

Council Member Bailey noted that as he read through the proposed resolution he noticed that the monies raised through the dog license surcharge can only be used for construction and not ongoing maintenance. Mr. Chandler stated that is correct and that was his suggestion because he does not want the park to become dependent on the license surcharge for ongoing maintenance. Council Member Bailey asked how the maintenance will be funded. Mr. Chandler stated the only additional expense associated with the park is trash removal; the City is already mowing the grass, etc. at the current basin. Council Member Swanson stated those that have participated on the committee have offered to volunteer and donate their time on a regular basis to clean and maintain the park and the facilities located there.

Mr. Chandler stated the proposed resolution amends the consolidated fee schedule, which is considered by the Council each year during the budget process; the Council can make changes to the proposed surcharge at any time in the future when deemed necessary. Mr. Chandler noted the dog license renewal period is not until next March, but the important thing to consider is that it is in the current fiscal year.

Council Member Satterthwaite stated he believes a \$5.00 surcharge is sufficient. Mayor Taylor agreed and noted that he feels the project may be a good candidate for recreation, arts, museum, and parks (RAMP) grant funding.

COUNCIL MEMBER Swanson motioned to approve Resolution 13-2014 by adding a dog license surcharge fee of \$5.00 for constructing a dog park and that the resolution become effective immediately. 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

The motion passed unanimously

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING 0.274 ACRES LOCATED AT APPROXIMATELY 860 E. 2100 N. PETITIONERS LYMAN C. AND LONNIE C. BARKER

A staff memo from City Recorder Spendlove explained the Ordinance is coming back to the Council for review as updates have been made to the legal description of the property being annexed. The changes that were made are marked in red on the attached Ordinance.

Ms. Spendlove reviewed her staff memo.

COUNCIL MEMBER Bailey motioned to approve Ordinance 2014-17 annexing 0.274 acres located at approximately 860 E. 2100 N., Petitioner Lyman C. and Lonnie C. Barker. 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

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT BETWEEN GRACE R. HANCOCK AND BRENT H. GRIFFITHS AND NORTH OGDEN CITY

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

Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The applicant is requesting that the property located at 1850 North Washington Boulevard be annexed and be zoned Commercial Zone C2. The North Ogden General Plan map calls for the property to be annexed into North Ogden City and the zoning along Washington Boulevard to be commercial. The single family residence will be non-conforming. The property is on the west side of Washington Boulevard. The property is currently being used as a vacant commercial building and single family residence. The Planning Commission approved the site plan for the commercial business on April 2, 2014 under authority of an Interlocal Agreement with Weber County. This property has some unique circumstances regarding culinary and secondary water. Relative to culinary water, the house on the property is currently being served with a well. The Sacco's building has water service from Bona Vista Water District. City water lines will be available as adjoining properties develop and city water lines are extended. This property will need to de-annex from Bona Vista Water District. The attached agreement recognizes these unique circumstances and does not require connection to city water until Grace Hancock no longer occupies her residence and water is available. The subsequent owner will have 180 days to make a connection and pay all applicable fees. Relative to secondary water, the residence currently uses well water to water the landscaping. The Sacco's building is using culinary water to water their landscaping. City ordinance requires that irrigation systems be provided to landscaping using a timer. The property owner has made a request that a timed irrigation system not be required until secondary water is available. This request is a policy issue for the City Council. The following information from the General Plan is shared to assist in this decision. The General Plan calls for "All development in the community should be built on land suitable for the Intended use" Additionally, "New commercial and other business development will enhance the community when meeting the objective of the General Plan. An improved standard of function, quality, and appearance is expected by the citizens. (2) Implementation Goal: Existing Commercial development should be required to upgrade their properties to improve appearance and functioning."

The General Plan has identified the upgrading of existing facilities as a goal. The Planning Commission approved a site plan that balanced the existing design of the Sacco's building with current city standards. The site plan approved landscaping has been installed. The remaining question is how to ensure that the landscaping is maintained. Sacco's has been using the existing culinary water in the building and hand watering the landscaping. The landscaping is being maintained.

The memo provided the following summary of City Council considerations:

- Is the proposal consistent with the General Plan?
- How far does the City Council want to go in requiring annexing properties to be brought up to North Ogden City standards?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- Is the water service agreement acceptable to the City Council?

The Planning Commission considered this item at their April 16, 2014 meeting. The Planning Commission voted unanimously to recommend that the City Council annex and rezone this property to C-2 finding that the application is consistent with the North Ogden General Plan, i.e.,

the property is within the City annexation policy and C-2 zoning is appropriate. The Planning Commission did not address the most recent request regarding culinary and water service. The City Council will need to determine if the provisions contained in the agreement are acceptable.

Ms. Spendlove and Mr. Scott reviewed the staff memo and the process for annexing a property into the City.

Council Member Bailey asked if the City is covered legally by the recommended agreement. Mr. Scott answered yes and noted he feels the Planning Commission did a good job in reaching this conclusion to deal with a unique situation.

Mayor Taylor asked if there is any way to ensure future owners will be informed of the agreement and the water situation. Ms. Spendlove stated that she believes the water situation will be disclosed on the plat and the recorded agreement. There was a general discussion regarding the fact that water connections will likely be required when future development occurs on the surrounding property. Council Member Bailey stated he would like to be specific about when the water connections will be required to be made in the future. Mr. Call stated that a general rule is that water connections should be required when a water line is in the street in front of a building for which the connection would be made. He suggested the agreement be amended to indicate that the owner of the property not be required to make a connection to the City's water system until water infrastructure reaches the property line.

Rick Hancock, 649 East 1700 North, stated that at the point of his mother's death or when she no longer owns the home the person seeking to purchase the property has a first right of refusal to purchase the remaining 16 acres surrounding his mother's home. He stated that is when development will begin and when water will be made available to the home. He stated at this point in time his mother and Sacco's do not have the finances to install water infrastructure and his objective was to not incur any additional costs at this time and, instead, allow the future developer of the property to pay for the improvements.

COUNCIL MEMBER Bailey motioned to approve Agreement A18-2014. 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

The motion passed unanimously.

**7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING
1.560 ACRES LOCATED AT APPROXIMATELY 1853 WASHINGTON BLVD.
PETITIONERS GRACE R. HANCOCK AND BRENT H. GRIFFITHS**

COUNCIL MEMBER Swanson motioned to approve Ordinance 2014-18 annexing 1.560 acres located at approximately 1853 Washington Boulevard, Petitioners Grace R. Hancock and Brent H. Griffiths. Council Member Bailey seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO MAKE AMENDMENTS TO TITLE 11 OF THE NORTH OGDEN ZONING REGULATIONS TO ADD REQUIREMENTS FOR SHORT TERM LENDERS

A staff memo from City Planner Scott explained when the Planning Commission is acting in as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision related to a legislative matter requires compatibility with the general plan and existing codes. On July 8, 2014 the City Council held a public hearing on an ordinance establishing standards for title loan companies. The City Council continued this item to August 12, 2014 in order to address four issues:

- **Street Location.** The City Council desired to limit title loan companies to Washington Boulevard in addition to the specific zones. Staff has added a provision that Washington Boulevard is the only street where title loan businesses will be allowed.
- **Maximum Number.** Staff was asked to compare the number of title loan businesses allowed under the draft ordinance comparing it to the Ogden formula. Ogden City's ordinance has a maximum of 15 title loan companies with a population of 83,793 which translates into 1 title loan company per 5,586 people. Ogden City has 22 title loan companies. North Ogden has a population of 17,357 and using the 5,586 number would allow a total of 3 title loan companies.

The Ogden City maximum number came from a negotiation with the Utah Consumer Lending Association and was agreed to as long as the existing businesses were allowed to remain. The planning commission discussed the potential for establishing a maximum number of allowed title loan businesses. Our legal counsel advised not to include a maximum number of title loan businesses. Staff has created a map demonstrating the potential for other title loan companies based upon the draft separation standards. If each new business was exactly located at the minimum separation standard there could be a total of 5. It is highly unlikely that they would be spaced so this could happen.

The third request was to expand the onsite notice sign to include the amount of interest that these lending companies are charging. Staff has inserted this in the notice language. Lastly, Staff was

requested to research if there is any relationship between pawn shops and title loan companies. North Ogden City does not allow pawn shops in the city. There are no state standards for pawn shops that lend themselves to transferring to title loan companies.

The following extracts from the General Plan apply to this consideration.

Commercial Development

North Ogden's goals and policies concerning commercial developments address the aesthetics and location of commercial developments. The desire of City officials is to provide an attractive, pleasing environment in which to shop or work within a commercial core. Enough vacant property exists in North Ogden to accommodate future commercial growth. In order to function efficiently, proposed commercial developments should be evaluated for adequate internal circulation for automobiles and pedestrians with limited access points to the major streets serving the developments.

The focus of commercial development in North Ogden should be to provide services that support the resident population of the City and adjacent areas. Regional commercial centers would be inconsistent with citizen desires and the direction of this Plan. '

Commercial Development

New commercial and other business development will enhance the community when meeting the objectives of the General Plan. An improved standard of function, quality, and appearance is expected by the citizens.

The memo offered the following summary of City Council considerations.

- Is the proposed amendment consistent with the North Ogden City General Plan?
- Does the proposed use meet the requirements of the applicable City Ordinances?
- Are the new ordinance standards appropriate?

The Planning Commission recommends the City Council adopt the title loan ordinance.

Mr. Scott reviewed his staff memo with a focus on the number of title loan companies that would be permitted in the City if the ordinance were approved.

Council Member Bailey stated he would like to discuss the idea behind limiting the number of payday lending institutions that will be permitted in North Ogden. City Attorney Call stated the City Council needs to offer a reasonable basis for limiting the number of such institutions; he feels the City would be safer to rely upon distance requirements associated with the land use rather than specify a certain number in the ordinance. Mr. Scott reviewed a map that highlights the distance requirements associated with the land use and identified the areas in the City in which institutions could potentially locate; the maximum amount that could be approved in the City is five according to the distance requirements. Council Member Bailey indicated one lending institution is too many. Mr. Call stated it is wise to rely upon formulas used in other cities in order to avoid liability; the Council could limit the number of lending institutions to three based upon the formula used in Ogden City. There was a general discussion about formulas used in other cities as well as the distance requirements defined in Utah State Code. Mr. Scott indicated he has not received inquiries from additional payday lending institutions interested in locating in North Ogden.

Council Member Bailey stated he would like to use the formula used in Ogden City to limit the number of payday lenders allowed in the City to three. Mr. Scott stated Ogden City's formula is not based upon population; rather the number of institutions allowed in Ogden City is determined by distance requirements. The Council discussed a feasible way to include a limitation in the proposed ordinance, with a continued focus on the map provided by staff. Mr. Kerr noted that based upon the distance requirements it is very unlikely that there will ever be more than three payday loan institutions in the City along Washington Boulevard.

Mr. Scott then summarized the additional changes to the proposed ordinance since it was last reviewed by the Council, with a focus on the required changes to be made to signage within a payday lending institution relative to interest rates. There was a general discussion regarding enforcement, with the Council indicating they would like additional changes to the signage that includes a translation of the APR that would have been charged for the same loan through a traditional lending institution. Mr. Scott then referenced a past discussion where the Council directed staff to investigate the relationship between payday lending institutions and pawn shops and noted the City's ordinance does not permit pawn shops in the City. After a short discussion regarding permitted uses with a focus on pawn shops, Mr. Scott concluded the Planning Commission has recommended the City Council adopt the proposed ordinance.

Council Member Satterthwaite motioned to approve Ordinance 2014-19 to make amendments to Title 11 of the North Ogden Zoning Regulations to add requirements for short term lenders. Council Member Bailey seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION TO ACCEPT AN ANNEXATION PETITION FROM THE CEVERING FAMILY PROPERTIES LLC FOR PROPERTY LOCATED AT 1700 NORTH WASHINGTON BLVD. 0.121 ACRES

A staff memo from City Recorder Spendlove explained Cevering Family Properties, LLC submitted an application (Exhibit D) petitioning for annexation for 0.121 acres located at 1700 North Washington Blvd., North Ogden, Utah. The annexation process requires the City Council to accept the petition for annexation so that we can start the process. Weber County Surveyor has reviewed the annexation plat map and made some minor changes (Exhibit A) and those were corrected on (Exhibit B). This piece of property is within North Ogden City Annexation Declaration Policy. The petitioner is requesting a C2 (Commercial Zone) which the Planning Commission will give a recommendation to the Council at a later date. It is my recommendation that you accept the petition to start the annexation process.

Ms. Spendlove reviewed her staff memo and reviewed a map to identify the location of the subject property, which is needed to provide a sufficient right-of-way for the extension of 1700 North.

Council Member Satterthwaite motioned to accept an annexation petition from the Cevering Family Properties, LLC for property located at 1700 North Washington Boulevard, 0.121 acres. 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

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER A PAY BACK AND PROPERTY EXCHANGE AGREEMENT WITH KARMEN SANONE

Mr. Chandler noted this item was added to the agenda in the hopes that he would have an opportunity to meet with Ms. Sanone prior to tonight's meeting; that was not possible and he was not able to schedule a meeting with her until Thursday. He reviewed the options available to the Council this evening, noting they could adopt the agreement, adopt the agreement subject to Ms. Sanone's approval, or table consideration of the agreement until his meeting has occurred. He briefly reviewed the provisions of the agreement and the exhibits of the agreement, which are essentially a plat and map of the property in question.

Council Member Swanson stated he is most interested in options that will prevent further delay for the Public Works Facility project. Mr. Call stated he would prefer to discuss such options in a closed session as they could potentially lead to litigation.

Mr. Chandler concluded he would recommend the Council approve the agreement subject to Ms. Sanone accepting the terms so that if she does accept the terms it will not be necessary to hold a special meeting to consider this issue further.

Council Member Stoker motioned to adopt Resolution 14-2014 approving entry into a payback and property exchange agreement with Karmen Sanone subject to Ms. Sanone's acceptance of the agreement. 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**

The motion passed unanimously.

11. PUBLIC COMMENTS

There were no public comments.

12. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Swanson asked that the Police Department pay close attention to school speed zones and aggressively site those speeding through such zones.

Council Member Bailey referenced the City’s business license renewal process and a suggestion that all business licensees comply with all City zoning codes, but he wondered if that is a condition of approval of the business license. Mr. Call stated staff can add language to the administrative licensing application to indicate the applicant must agree to comply with all zoning codes.

Council Member Bailey then noted there is a resident that mows the weeds on both sides of Lomond View Drive; it is City property and he is performing the work at his own expense. He stated there is concrete material left in the area that is making it impossible for the resident to continue providing the service he has been providing and he asked that the City require the contractor to remove the construction debris.

Council Member Swanson stated he would like to discuss the City’s temporary business regulations because he is upset by the fact that someone with a tent or awning can set up business directly across from a brick and mortar business that has made a financial investment in the City and followed all City licensing requirements. Mayor Taylor stated that issue will be discussed in an upcoming work session meeting.

13. ADJOURNMENT

Council Member Satterthwaite motioned to adjourn. 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**

The motion passed unanimously.

The meeting adjourned at 10:40 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved