

NORTH OGDEN CITY COUNCIL MEETING

July 8, 2014

The North Ogden City Council convened in an open meeting on July 8, 2014 at 6:30 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on July 3, 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
	James Urry	Council Member
STAFF PRESENT:	Ronald F. Chandler	City Manager
	Craig Call	City Attorney
	S. Annette Spendlove	City Recorder/H.R. Director
	Gary Kerr	Building Official
	Anthony Bersamin	Animal Control Officer
VISITORS:	Joan Brown	Andrea Porter
	Miranda Hoggan	Naomi Elmer
	Kaylee Leichty	Annelies Lippert
	Tasha Urban	Ashley Porokar
	Taylor Wood	Haylee Ware
	Hannah Simmons	Lexi Olsen
	Stormie Elmer	Tiffany Turner
	Austin Halbert	Nathan Christensen
	Kade Peterson	Kimberly Popham
	Luanne Porter	Blake Porter
	Randall Winn	Jonathan Call
	Carol Campbell	Bob Campbell
	Rose Storey	Hannah Porter
	Hannah Goodrich	Mark Olsen
	Michele Olsen	Clint Elmer
	Rakel Elmer	Rachel Trotter

Mayor Taylor welcomed those in attendance.

Mayor Taylor offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

**1. Consideration to approve the minutes of the June 10, 2014 City Council Meeting
Council Member Bailey moved to approve the consent agenda. 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.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. PRESENTATION OF MISS NORTH OGDEN AND ATTENDANTS

Mayor Taylor recognized Miss North Ogden Queen Rose Storey and Second Attendant Hannah Porter. He added that Miss North Ogden 2005, Hannah Goodrich, was very instrumental in revitalizing the Miss North Ogden pageant; the pageant was held two weeks ago and there were eight contestants. He then read a brief statement providing information about both Ms. Storey and Ms. Porter and stated he looks forward to their participation in North Ogden City events over the next year.

3. SWEARING IN OF YOUTH CITY COUNCIL OFFICIALS

Mayor Taylor stated the Youth Council is a great way for young people of the community to get involved and learn about City government and public service; the program has a new advisor this year, Tiffany Turner, and she is doing a great job leading this great group of young people. He provided a report of some recent activities the Youth Council has been involved in, after which City Recorder Spendlove administered the oath of office to the new Youth Council officials: Andrea Porter, Youth City Council Mayor, Lexi Olsen, Hannah Simmons, Haley Ware, Justin Roylance, Stormy Elmer, and Kimberly Topham.

Youth Council Mayor Andrea Porter thanked the Mayor and Council for their support and for allowing the Youth Council to be part of the City; her participation on the Youth Council has been wonderful and afforded her many great opportunities.

Mayor Taylor then reported the Council met in a work session earlier this evening and participated in a site visit halfway up Mt. Ben Lomond to see the City's reservoir and review the City's debris basins; he shared a few photographs from the visit.

4. PRESENTATION BY LACROSSE ORGANIZATION

Mayor Taylor reported it is necessary to pull this item from the agenda; he noted it will be added to a future agenda for further consideration.

5. DISCUSSION AND/OR ACTION TO CONSIDER A SIDEWALK LOCATED ON 2550 N. BY MAJESTIC ELEMENTARY

City Manager Chandler stated staff has conducted research about the need for safe sidewalks throughout the City, particularly around schools. The City has a map that has been in use since 2008 that identifies the areas that are lacking sidewalks as well as the routes that have been identified for future sidewalks; he reviewed the map to highlight existing sidewalks and the areas for which future sidewalks are planned. City Administration contacted Weber School District to get a better understanding of the current bussing routes in the City and he identified the school boundaries and the bussing routes on the map as well. He also identified the areas of the City where students are not eligible to ride a school bus and must walk to either North Ogden Elementary, Green Acres Elementary, or Majestic Elementary. He reviewed similar data for North Ogden Junior High and Orion Junior High schools.

Mayor Taylor then indicated City Administration has spoken with the Parent Teachers Association (PTA) for Majestic Elementary school and they are working to determine the amount of money they may be able to contribute to the sidewalk project they have requested. He noted an item will be added to the August 12 agenda to allow the Council to make a final decision regarding the project.

Council Member Bailey asked if there will be sufficient time to construct a sidewalk prior to school going back in session if a decision is not made until August 12. Mayor Taylor stated that the sidewalk would actually be an asphalt path rather than a traditional sidewalk and he believes the project could be significantly completed prior to the first day of school.

Council Member Swanson asked who will maintain the sidewalk, especially during the winter months. Mayor Taylor stated sidewalk maintenance, including snow removal, is typically the responsibility of the property owner, but in this case the path is 600 to 800 feet in length and he anticipates the City will be responsible for maintenance and snow removal similar to the maintenance that is performed on the City's trail system. He stated the issue has not been specifically addressed, but he would anticipate the City will ultimately be responsible.

Council Member Urry stated that when this issue was initially discussed the school communicated to the City that the path could potentially serve 69 students that are not eligible to be bussed to the school. He indicated he would like to receive a breakdown of the number of those students that actually walk to school; it may be that only 20 kids walk to school and would

use the path. He added there are many other streets in the City that are just as busy as 2550 North that do not have sidewalks and the parents living on or near those streets figure out a way to get their children to school.

There was a brief discussion about the City's safe sidewalk plan and associated map, with Mr. Chandler indicating the plan was specific to North Ogden Elementary, and not the two other elementary schools in the City. Mayor Taylor stated there have been discussions about creating a similar plan for other schools in the City and now may be the time to do that. Council Member Bailey stated it may be wise to consider creating special improvement districts to provide for the needed improvements rather than approving individual requests as they are made to the City. It is not good government to only address the "squeaky wheel" and he would prefer to address sidewalk needs in totality.

Council Member Urry asked if the school and school district has indicated any willingness to participate in funding the project. Mayor Taylor stated they do not have the capacity to offer funding for the project. Council Member Urry stated the school district may be able to consider other options for increasing funding for bussing programs.

Mayor Taylor concluded by reiterating the item will be on the August 12 agenda for further discussion and consideration and before that time City Administration will work to address the questions and concerns raised during this meeting. Council Member Bailey stated he understands there is a need for a sidewalk in the area, but expressed his concern about the fact that the pathway could potentially be eliminated when the property upon which it will be located is developed.

There was a brief general discussion about safety sidewalk grant opportunities through the Utah Department of Transportation (UDOT) with Mayor Taylor noting the application period is each fall and the City can apply for grant funds, but the grant program is very competitive.

6. 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 noted the Council took action on this item, but the proposed ordinance is being referred back to the Council for further 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.

There was a brief discussion regarding the changes to the legal description, with Ms. Spendlove indicating the changes are minor including changing the property size by a few feet.

Council Member Swanson moved to adopt Ordinance 2014-16 annexing 0.274 acres located at approximately 860 E. 2100 N., petitioners Lyman C. and Lonnie C. Barker. 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**
Council Member Urry **aye**

The motion passed unanimously.

Ms. Spendlove identified one additional typographical error in the legal description and asked that the Council offer an amended motion to correct the error.

Council Member Swanson moved to amend Ordinance 2014-16 annexing 0.274 acres located at approximately 860 E. 2100 N., petitioners Lyman C. and Lonnie C. Barker to correct the error cited by City Recorder Spendlove. 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**
Council Member Urry **aye**

The motion passed unanimously.

7. PUBLIC HEARING TO TAKE COMMENTS ON AMENDMENTS TO TITLE II OF THE NORTH OGDEN ZONING REGULATIONS TO ADD BEEKEEPING

A staff memo from City Manager Chandler summarized a proposed beekeeping ordinance and the "Utah Bee Inspection Act." Please note that individuals keeping bees must comply with North Ogden's ordinance and Utah's bee inspection act. The following is a summary of the attached ordinance. The Planning Commission recommends approval of the attached ordinance

1. Beekeeping is permitted in all residential zones.
2. A maximum of five (5) hives is permitted on lots less than one-half (1/2) acre.
3. 10 hives are permitted on lots larger than one-half (1/2) acre.
4. Beekeepers must register with the State of Utah.
5. Hives must be located at least three feet (3') from any property line.
6. Hives between three feet (3') and fifteen feet (15') must install a fly wall.
7. The beekeeper must provide water.

Mr. Chandler reviewed his staff memo, with a focus on how the proposed ordinance would be enforced if adopted by the Council.

Council Member Urry inquired as to the number of North Ogden residents that are currently registered as bee keepers with the State of Utah. Mr. Chandler stated he does not know the answer to that question. Council Member Urry then inquired as to the number of boxes that are considered hive. Mr. Chandler stated the definition of a hive is not based on the measurement of boxes; rather one colony of bees constitutes a hive. Council Member Urry inquired as to the proposed setback of a hive from the property line. Mr. Chandler answered three feet. Council Member Urry asked if a flywall is required. Mr. Chandler stated a hive located between three and 15 feet from the property line would require a flywall; hives set back 16 feet or further from the property line would not require a flywall.

Council Member Satterthwaite inquired as to the motivation for creating this ordinance. Mr. Chandler stated the issue was brought to the City's attention by some local beekeepers because beekeeping is currently not listed as a permitted use in the City's zoning regulations. He stated this means the beekeepers are operating illegally, though the use has been ignored over the years. He stated this change would make beekeeping legal in the City. He noted Ogden City went through a similar exercise recently and they have reported they have not noticed an increase in the number of beekeepers in the City.

Council Member Urry inquired as to the penalty for a beekeeper not registered with the State of Utah. Mr. Chandler stated the State can shut them down and confiscate their bees; there may be a fine associated with illegal beekeeping as well. He noted the State's regulations are quite extensive and he reviewed a few of the State of Utah requirements.

Council Member Satterthwaite asked if beekeepers will be given a specific amount of time to come into compliance with State regulations. Mr. Chandler stated it may be that the majority of beekeepers in the City are already in compliance; the only thing this ordinance will change is that beekeeping will now be a permitted use in North Ogden.

Council Member Bailey stated that he is aware of some of the beekeeping operations in the City and they are not located on residential, quarter-acre lots. It is concerning to him that the City would allow beekeeping on residential lots of any size and he asked if that issue was taken into consideration. Mr. Chandler answered yes; staff and the Planning Commission reviewed ordinances used in many other communities throughout the State and found the size of lot is not an issue and of more importance is the number of hives permitted on a lot. The Planning Commission was comfortable that beekeeping be permitted on residential lots of all sizes as long as the owner meets the setback requirements. Council Member Bailey asked if there is any history relative to bees becoming a nuisance to adjacent property owners. Mr. Chandler stated the City has not received any police reports regarding issues with beekeepers. Anthony Bersamin, Animal Control Officer, noted that since last June he has only received one call regarding a concern about beekeeping. He stated he has spoken to Ogden City and they have experienced no problems either. Council Member Bailey asked what would happen if beekeeping became a nuisance for property owners; he asked if the ordinance allowing beekeeping or the nuisance ordinance would take precedence. Mr. Bersamin stated he cannot answer that question, but the State of Utah regulations would likely trump the City's regulations. Council Member Bailey asked if the State will respond to nuisance complaints. Mr. Chandler stated he believes the State would only get involved in the event that a dangerous bee species

were to occupy a beehive. He added that the City could implement a sunset provision for the ordinance to require that it be reviewed after a defined period of time to determine if it is working or if changes need to be made.

Council Member Urry stated that it may be a good idea to include an article in a City newsletter asking beekeepers to register with the State of Utah so that other residents understand where beehives are being kept in the event that they have an allergy to bees. Mr. Bersamin stated he would also like to understand the location of beehives.

Council Member Stoker stated she knows of an incident in Willard where there was a problem with bees and she is aware the State of Utah was very involved in the incident; they do not let beekeepers run amuck and their regulations are very strict. She stated she feels the City or a resident would receive the same response in the event that there were an issue in North Ogden.

Council Member Swanson stated he spoke with a local bee supply owner and he indicated that unless someone actively attacks a hive or if a hive has become aggressive the bees are generally not an issue. He stated he feels confident the ordinance recommended by the Planning Commission is sufficient and will provide for safety in the City relative to beekeeping. There was a brief discussion regarding setbacks and flyway barriers, with a focus on whether beekeeping would be permitted at a townhome. Mr. Bersamin stated he believes the covenants, conditions, and restrictions (CCRs) recorded against a townhome complex would likely prohibit an activity like beekeeping.

Mayor Taylor opened the public hearing at 7:44 p.m. There were no persons appearing to be heard.

Council Member Swanson moved to close the public hearing at 7:44 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.

**8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO ADD
REQUIRMENTS FOR BEEKEEING TO THE NORTH OGDEN ZONING
REGULATIONS**

Council Member Stoker moved to adopt Ordinance 2014-17 to add requirements for beekeeping to the North Ogden Zoning Regulations. Council Member Swanson seconded the motion.

Discussion regarding lot sizes upon which beekeeping would be permitted ensued, with Mr. Chandler reiterating the ordinance is written to permit beekeeping within any residential zone of the City. He noted the Council can add a sunset provision to the ordinance if they desire.

Council Member Swanson asked if the Ogden City ordinance permits beekeeping in all residential zones. Mr. Chandler stated he cannot answer that question definitively, but he believes that is the case. Planning Commissioner Brown stated the Ogden City ordinance does permit beekeeping in all residential zones regardless of lot size.

Council Member Bailey stated that he likes the idea of a sunset provision, but he would also like staff to determine whether it is appropriate to limit beekeeping to a minimum lot size, and if not, why that is the case. Council Member Satterthwaite stated he would also like to consider precedent set in other cities via the ordinances they use to regulate beekeeping.

Council Member Bailey offered a substitute motion to table consideration of Ordinance 2014-17 to a later date. 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.

9. PUBLIC HEARING TO TAKE COMMENTS ON AMMENDMENTS TO TITLE II OF THE NORTH OGDEN ZONING REGULATIONS TO ADD REQUIREMENTS FOR SHORT TERM LENDERS

A staff memo from City Planner Scott stated when the Planning Commission is acting 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 February 5, 2014 the North Ogden Planning Commission (NOPC) made a motion directing staff to prepare a title loan ordinance as requested by the City Council. On April 16, 2014 the North Ogden Planning Commission discussed the basis for establishing a title loan ordinance. The following issues were discussed and determinations made:

- Establishing a separation requirement between title loans, community center, school, or other public gathering place, or sexually oriented business was deemed appropriate.
- A maximum number of businesses was not appropriate.
- The existing site plan and architectural standards are sufficient.
- Establishing standards for disclosure requirements that the title loan business must give to loan applicants is appropriate.

On May 7, 2014 the Planning Commission reviewed a draft ordinance based upon the above discussion. The Planning Commission gave direction to expand the section on location to give examples similar to the separation standards in the retail tobacco specialty business standards. They found that 660 feet is approximately a block separation and that it is adequate. Staff was asked to bring an example of a notification sign to the public hearing where a decision on the appropriateness of the sign size will be made. On June 4, 2014 the Planning Commission conducted a public hearing regarding the draft ordinance. No one from the public testified at the hearing. The Planning Commission unanimously voted to recommend the City Council adopt the attached ordinance.

EXISTING ZONING ORDINANCE LANGUAGE

11-2-1 Definitions

LENDING INSTITUTION: Any bank, insurance company, savings and loan association, or any other person in the business of lending money or guaranteeing loans, any person obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

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 with in 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 potential 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.

City Manager Chandler summarized the staff memo.

Council Member Urry referenced a strip mall in the City that includes a beauty shop and fitness center and stated the northernmost office building on the property is approximately 100 feet from a short term lender and it houses the Montessori child care center. He added that the same short term lender is also within 1,000 feet of Zion's Bank. Mr. Chandler stated a traditional bank is not considered a short term lender. He noted the short term lender that is currently open for business in the City came into the City under the existing laws and he will be grandfathered under those laws; the new ordinance cannot be used to drive that company out of business.

Council Member Satterthwaite asked if it would be possible to require the existing business to use the same type of signage as is referenced in the proposed ordinance. Acting City Attorney Craig Call stated that once a business is established and has relied upon the ordinances that were in place at the time of their establishment, they cannot be displaced but the City can regulate them. He feels the signage requirements can be imposed upon the existing business because it is a reasonable requirement.

Council Member Urry stated that it is his understanding that a short term lender is highly regulated by the financial regulating arm of the federal government and the proposed ordinance may be an overabundance of caution. Mr. Chandler stated that the proposed ordinance does not regulate the business aside from the regulation regarding signage; rather, the ordinance simply allows the placement of this type of business within a zoning designation of the City. He stated the business would only be allowed in the commercial or commercial 2 zones of the City and within those zones they must meet distance requirements. He added that the ordinance also dictates that the business follow certain federal acts and regulations, though those regulations are not spelled out.

Council Member Bailey stated he read through a similar ordinance used by Ogden City and that Ogden City limits the number of short term lenders permitted in their community; he wondered why the Planning Commission did not recommend a limit on the number of short term lenders that can locate in North Ogden. Council Member Swanson stated that may be a self-limiting issue based on the amount of commercial and commercial 2 zoning coupled with the required setbacks. Council Member Bailey stated that may be the case, but according to the formula used in Ogden City, the number of short term lenders permitted in North Ogden should be capped at three. He stated he is comfortable with that number. He then added that Ogden City also limits short term lenders to locate on certain streets within their permitted zones, such as Harrison Boulevard, Washington Boulevard, Wall Avenue, Riverdale Road, and 12th Street. He stated that is very clever and he would entertain a similar restriction in North Ogden. He then inquired as to the difference between the City's Commercial 2 Zone and the Commercial Planned Zone. Mr. Chandler stated the Commercial 2 Zone is a General Commercial Zone and the Commercial Planned Zone is one in which a developer creates a plan for the development.

Council Member Satterthwaite stated the question in his mind is whether this is actually a zoning ordinance or a licensing ordinance; the distance issue is a zoning issue, but he wondered if the

signage regulation is a licensing issue. He then wondered what has driven the City's consideration of requiring statements on a sign relative to the lending practices of short term lenders. Mr. Chandler stated the language to be included in the required signs was patterned after what Ogden City requires. Mr. Call added that he is not aware of additional signage required by other entities. He then noted he has compared the proposed ordinance with Ogden City's ordinance and found that it includes more limitations than Ogden. He stated an area of concern can be created if the industry for which the ordinance applies expresses discomfort with the regulations being imposed, but he is encouraged that representatives of the industry were involved with the development of Ogden City's ordinance.

Council Member Satterthwaite asked if the signage issue should be in the zoning ordinance or licensing ordinance of the City. Mr. Call stated the City's licensing ordinance requires zoning consistency and, for that reason, it does not particularly matter which section of the ordinance the signage regulation are included in.

Council Member Urry stated he is confused by the definitions section of Ogden City's ordinance; it lists several types of businesses and he wondered if they are governed and limited the way short term lenders are. Mayor Taylor stated the section dealing with short term lenders is part of a larger zoning ordinance in the City.

Council Member Stoker asked if the ordinance requires a short term lender to use signage to inform customers of the daily interest rate. Mr. Chandler answered yes and referenced the section of the ordinance that requires posting of the interest rate with an example of the amount of interest a customer would be charged based upon the dollar amount being borrowed. Council Member Satterthwaite stated he would like the fees to be translated to annual percentage rates (APR) to allow the customer to compare with the rates charged at other lending institutions so they can make a more informed choice. There was a general discussion regarding the signage requirements, with Mayor Taylor stating staff can research the issue to determine if there are state or federal regulations that restrict the information to be included on an informational sign.

Council Member Bailey stated he feels it is not possible to reach a conclusion on this issue tonight, but he asked that staff research the legality of some of the restrictions included in the ordinance, such as the restriction that a short term lender not be allowed to locate within a certain distance of schools or other land uses.

Mayor Taylor opened the public hearing at 8:20 p.m.

Randy Winn, 2412 N. Barker Parkway, stated that he appreciates the caution the Council is taking in approaching this issue; he does not think short term lenders are an asset to the City and he likes the idea of being more restrictive than Ogden because he does not want to encourage businesses of this type to locate here.

There were no additional persons appearing to be heard.

Council Member Swanson moved to close the public hearing at 8:21 p.m. 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.

Council Member Urry stated he would like to refer this issue back to staff to be reworked. He stated he would like the number of businesses of this type permitted in the City to be less than 15. Council Member Bailey agreed and stated he also agrees that businesses of this type are predatory in nature and if the City can help to minimize exposure of the businesses to North Ogden residents that is what he would prefer to do. Council Member Urry stated he would like to limit the number of businesses to three. Council Member Swanson agreed, but noted that the City could limit the number of businesses to two just to allow for competition; he would also like to limit the businesses to being located on certain streets in the City.

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

Council Member Bailey moved to table consideration of an ordinance to make amendments to Title II of the North Ogden Zoning Regulations to add requirements for short term lenders. Council Member Stoker seconded the motion.

There was a brief discussion regarding the items the Council would like staff to research before bringing the item back to the Council for further consideration.

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.

**11. DISCUSSION AND/OR ACTION TO CONSIDER AN APPLICATION TO
DECLARE PARCEL 170450029 SURPLUS PROPERTY LOCATED AT
APPROXIMATELY 2976 N. 300 E.**

A staff memo from City Planner Scott explained Norma Klein is requesting that the City owned property, parcel 170450029 located at approximately 2976 North 300 East be declared surplus and offered for sale. The property is zoned R-1-10; it requires that lots be a minimum of 10,000 square feet and a minimum of 90 feet of street frontage. This lot is approximately 4,800 square feet with 19 feet of frontage; thus making it non-conforming as to size and frontage. A home could not be built on this parcel. The property provides an access point to several interior parcels. It is not wide enough by itself to become a street. There are several potential access points to these interior parcels if they were ever able to be developed into a subdivision. It would require the cooperation of several different property owners. Any development on this parcel must meet North Ogden City ordinances. There appears to be a power easement over the parcel. The City does not have any water or sewer lines on the property. There are no city plans to utilize this parcel. Norma Klein is interested in this parcel in order to provide better access to her adjoining farm parcel and is willing to maintain the property.

GENERAL PLAN

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

There are no current plans for the farm to be subdivided. There is not sufficient width to be able to make this parcel into a road meeting city standards. The memo offered the following summary of potential City Council considerations:

- Is there a public purpose to retain this parcel in city ownership?
- Is the proposal consistent with the General Plan?

Legal Counsel has advised, that the City can specify that the property must be purchased by a neighboring property owner; however, the process for selling city property must be complied with. Since the City has no infrastructure on this parcel and any future development would be done as part of a subdivision application; there is no public purpose to retain this parcel. Staff is recommending that the City Council declare parcel 170450029 surplus; further that this parcel be advertised for sale to all adjoining property owners. The criteria for selecting the successful bidder will be:

1. Does the property when combined with the adjoining property make the combined lot conforming?
2. The sales price is subject to the bidder providing an appraisal with the appraiser approved by the City.
3. The successful bidder will process a boundary line adjustment to combine this property with their adjoining property.

City Manager Chandler reviewed the staff memo and used the aid of a map to orient the Council to the location of the subject property. There was a discussion regarding requirements to construct roads upon the future development of the property and Council Member Urry asked if the City has disclosed to Ms. Klein that she would be responsible for paying for that road construction, after which the roads would be dedicated back to the City. Mr. Chandler answered yes.

Council Member Bailey asked if Ms. Klein is also aware that other people may bid to purchase the property and she is not guaranteed to be the successful bidder. Mr. Chandler answered yes and noted that the City would only accept bids from the three adjacent property owners in order for the property to be combined with their property to make a larger developable lot. Mr. Call added that the City always has the right to reject bids or proposals.

Mr. Chandler stated staff has suggested that Ms. Klein simply request an easement across the City's property to allow for the development she desires, but she was insistent that she have the opportunity to purchase it. Council Member Bailey asked if the City can reject that request and offer an easement, to which Mr. Chandler answered yes. Council Member Bailey stated he feels that would be a better solution for Ms. Klein and the City.

Council Member Bailey moved to deny an application to declare parcel 170450029 surplus property located at approximately 2976 N. 300 E.; he encouraged Administration to offer an easement to Ms. Klein by which she would still be responsible for maintenance of the property. Council Member Urry seconded the motion.

Council Member Satterthwaite asked why Ms. Klein was so insistent on being allowed to purchase the property. Mayor Taylor read an email from Ms. Klein to the City Planner where she indicated ownership of the property would allow her to keep the area free and clear from overgrowth and debris in order to more easily move farm machinery into her property. The land has been used for alfalfa growth and to graze horses for a number of years and they plan to keep it that way. Council Member Bailey stated the City can grant the easement and stipulate that she maintain the easement. Mr. Chandler stated that is correct.

There was a general discussion regarding adjacent properties and potential problems for future development of the area due to encroachment onto public property.

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.

12. DISCUSSION ON AN AMENDED SR AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION, FARR WEST, PLEASANT VIEW AND NORTH OGDEN

A staff memo from City Manager Chandler explained State road 134 (2700 North) is classified by UDOT as category 3: System priority-urban importance. According to UDOT rule 930-6-1, a category 3 road is designed for the following.

1. Category 3 is appropriate for use on highways that have the capacity for high speed and relatively high traffic volumes.
2. Category 3 highways are designed and intended to achieve a posted speed of 50 mph or higher in areas without signals and 40 mph or higher in areas with signals.
3. These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in urban areas.
4. Direct access service to abutting land is subordinate to providing service to through traffic improvements.

Rule 930-6-1 also provides the following information about spacing standards and was included in the Council packet for review. The proposed agreement specifies the following.

1. Existing and future traffic signals will be as shown on the attached map.
2. Traffic standards will be installed when the traffic meets the minimum traffic as defined by the Manual on Uniform Traffic Control Devices.
3. Other intersections within the City will not be considered for future traffic signalization.
4. Access may be denied at any location for existing or proposed access at UDOT's discretion.
5. UDOT, at its discretion, may restrict access at any and all un-signalized intersections or access points to right-in and right-out only movements.
6. If access is restricted through the use of raised medians, the City and UDOT will work together to identify the most suitable landscaping.
7. The cost of landscaping improvements is typically borne by the City.

Mayor Taylor summarized the staff memo; he stated there is a potential joint commercial development between Farr West and Pleasant View cities planned for property near 1700 West and 2700 North; the development would require a new traffic signal, which is not included in the original agreement entered into between North Ogden, Harrisville, Farr West, and Pleasant View in 2006. The agreement specified the future location of lights agreed upon by all entities part of the agreement. He then used the aid of a map to orient the Council to the location of future traffic signals and indicated the City has been working with the Utah Department of Transportation (UDOT) to receive approval of a traffic signage on 2700 North west of Washington Boulevard to accommodate a future commercial development behind Walgreen's.

Farr West Council Member Paul Dinsdale offered a brief history of the creation of a traffic master plan as well as the joint commercial development between his city and Pleasant View. The plan identified the need for the traffic signal that is subject to the agreement amendment and UDOT was very receptive to the recommendation for the signal.

Council Member Bailey inquired as to the plan for the property north of the traffic signal; he asked who will be helped by approval of the signal. Mr. Dinsdale stated the cities of Farr West and Pleasant View as well as the many motorists that drive the congested stretch of road on a regular basis will be helped by the signal. He reviewed land uses in the area as well as associated traffic flow caused by ingress and egress points for the businesses located along the corridor.

Mayor Taylor referenced item three in the agreement and stated it indicated that other proposed traffic signals on 2700 North within municipal jurisdictions will not be considered; that is very concerning to him because it would prevent the City from gaining approval for the traffic signal he mentioned earlier west of the Walgreen's development. He stated he would like to enter into the agreement to assist Pleasant View and Farr West, but he would like for the agreement to be amended so it is not damaging to North Ogden's future traffic signal proposals.

Mr. Chandler reported on his conversation with UDOT regarding the proposed signal on 2700 North to accommodate a new commercial development; minimal spacing between traffic signals on a category three road (which 2700 North is classified as) is 2,640 feet or a half-mile. UDOT indicated that the traffic signal would not be entertained and that any traffic associated with the new development should be routed onto 2550 North; any access onto 2700 North would be right-turn only. He noted, however, that he conducted additional research and found that UDOT rule 930-6-1 states that a corridor agreement in the form of a signal control plan or access corridor control plan may supersede an access category assignment, which is essentially what the proposed interlocal agreement would do. He understands Farr West and Pleasant View are facing timing restrictions, but he would recommend an amendment to the agreement to permit the North Ogden signal on 2700 North at approximately 300 East. Mr. Dinsdale added that all traffic data supporting a traffic signal is available and can be used to argue the reasoning for a signal with UDOT.

The Council discussed the proposal to request a signal on 300 East with Council Member Bailey stating this is the first time the Council is hearing of this issue and he wondered if there are alternate traffic routing options for a future potential commercial development. Mayor Taylor stated the advantage of the proposal signal is that it would allow people to make a left turn out of the commercial development onto 2700 North; the signal would also assist traffic exiting the Lee's Marketplace development as well.

Council Member Stoker stated routing traffic to 2550 North will be problematic because of the potential future traffic increase associated with Smith's Marketplace. Mayor Taylor agreed and added that one of the sections of the original 2006 agreement indicates that the signal at 2550 North and Washington Boulevard will eventually be relocated to 2300 North. Mr. Chandler stated that City Administration has actually received verbal confirmation from UDOT that they do not plan to relocate the signal at 2550 North. There was a general discussion regarding traffic signalization in the general area as well as along Highway 89 in Pleasant View and Farr West. There was a focus on the proposed signal at Hillsboro Street on Pleasant View Drive, after which Council Member Urry stated he does not feel the Council is in a position to make a decision regarding this issue this evening and he would like for additional study to be completed before the item is brought back to the Council. Mr. Dinsdale stated the decision regarding the signal near the joint commercial development on 2700 North has already been made and this is just a matter of getting approval to amend the agreement.

Council Member Swanson stated he can see the advantage of installing a traffic signal on 2700 North at 300 East and he feels the issues and concerns expressed about the signal can be mitigated. He stated he feels the signal is key to drawing a viable tenant to the commercial

property in North Ogden. There was a discussion regarding the importance of the three communities working together to provide for quality developments in the community at large.

Council Member Urry indicated this was a campaign issue and many residents are very interested in making improvements that will lessen traffic congestion on 2700 North approaching Interstate 15. Council Member Stoker agreed and stated the traffic signal at 300 East is definitely needed and other improvements are also needed to mitigate traffic issues on 2700 North.

Council Member Satterthwaite stated that he does not think the signal at Hillsboro Drive is needed as badly as traffic signals in other areas of the City or further west on 2700 North. He stated he feels it is necessary to complete a comprehensive traffic study taking into consideration all areas and signalization needs for the City.

Mayor Taylor noted there are serious negotiations taking place regarding the development of the commercial property behind Walgreen's and it is his opinion that a traffic signal would further those negotiations.

There was a general discussion regarding the executed agreement as well as the amendment to the agreement, with Mayor Taylor stating it is his understanding that UDOT is interested to see if North Ogden supports Pleasant View's and Farr West's request for a signal on 2700 West before proceeding with authorization.

Council Member Bailey stated he would be supportive of moving forward with an agreement that would help all cities that are party to the agreement achieve their goals. He stated that it is important to have a clear understanding of the locations where traffic signals are needed in North Ogden before making final amendments to the agreement. He stated he agrees that the signal at Hillsboro Drive is not needed. The rest of the Council concurred more work is necessary before taking action on this issue, with Council Member Satterthwaite indicating that he would like for the City to move swiftly. There was a general discussion regarding Pleasant View and Farr West's timeline for gaining approval of the agreement amendment, with Mr. Dinsdale stating he does not feel UDOT will proceed with approval of the proposed traffic signal without an executed agreement. He then reviewed the scope of the joint commercial development and highlighted potential changes to traffic routing and signalization associated with the project. Mayor Taylor asked for consensus from the Council for the Administration to proceed in discussions with Pleasant View, Farr West, and UDOT as well as a traffic engineer in order to develop a firm proposal for proceeding in addressing this issue. He stated he will provide a report to the Council within the next month regarding the results of this process. All Council Members offered their support for Mayor Taylor's proposal regarding continuing negotiations.

13. DISCUSSION AND/OR ACTION TO CONSIDER COMMITTEES AND COMMITTEE MEMBERS

Mayor Taylor provided the Council with an update regarding the committees he has been working to form; he provided all Council Members with a copy of his working list relative of

potential committee members. Not all people included on the list have agreed to be appointed to a committee, but he hopes to have committee rosters finalized within the next couple of weeks for approval by the Council. He facilitated a discussion regarding different methods of forming a committee: committees can be created by ordinance and in that case they will be considered a public body and must adhere to the Open and Public Meetings Act, or committees can be voluntary in nature and will not work with City funds and do not need to be considered public bodies. He reviewed the types of committees that should be considered a public body and those that may be more appropriate as informal voluntary committees. He asked for feedback from the Council regarding the types of committees the City should create.

Council Member Satterthwaite asked if the General Plan Committee will be a recommending body or if they will approve the changes to the General Plan. Mayor Taylor stated they will be a recommending body. Mr. Call agreed the committee should be a public body because they will take formal votes regarding the recommendations they will be forwarding to the Council; it is a good idea to publicly notice their meetings and keep minutes of their proceedings. Mr. Chandler stated it is a good idea to keep minutes of the General Plan Committee because there will be public input and recommendations throughout the meetings of the committee; it will be helpful for the Planning Commission and City Council to have access to that information in a formal document. There was then a discussion regarding the intent and purpose of the General Plan Committee, after which the Council agreed the General Plan Committee should be a formal committee for which public records should be kept.

Discussion regarding other committees included on the list ensued.

Council Member Swanson moved that the General Plan Steering Committee, Cherry Days Committee, and Economic Development Committee be formalized committees, with the Dog Park Committee, Fiscal Policy Committee, and Volunteer Committee being informal volunteer committees. 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
Council Member Urry	aye

The motion passed unanimously.

There was a brief discussion regarding the schedule of various committee meetings, after which Mayor Taylor noted he will provide the Council with an update regarding the members that have agreed to participate on the various committees.

14. DISCUSSION AND/OR ACTION TO CANCEL THE JULY 22, 2014 CITY COUNCIL MEETING

Mayor Taylor stated he and Council Member Bailey, who is also the Mayor Pro Temp, will not be available for the July 22 meeting and he asked that the Council approve the cancellation of the meeting.

Council Member Stoker moved to cancel the July 22, 2014 City Council Meeting. 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.

15. PUBLIC COMMENTS

Carol Campbell, 3679 Lakeview Drive, informed the Council that she distributed 250 fliers and cards regarding the dog park during the Cherry Days parade; she received great feedback and questions and it seems that people are very supportive of it.

Randy Winn, Barker Parkway, stated the discussion regarding the 2700 South corridor was very significant and it was valuable for Farr West Council Member Dinsdale to be present; he thinks both proposals regarding new traffic signals are very sensible. North Ogden is a City with limited commercial options and the intersection of 2700 North and Washington Boulevard is very important. He stated he feels the Council's conclusion about a way forward was appropriate and it is a good idea to get a traffic engineer involved.

16. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Urry reported the senior citizen board will meet next week; the meeting will be advertised as a class and there has been discussion about giving North Ogden residents first priority for attending the class so they are not turned away. The classes are very popular and the board has asked that the City consider allowing the senior citizens to use the basement of the library to accommodate the growing class sizes. Mayor Taylor stated that would be a good use for the library basement. Council Member Urry then discussed the Cherry Days celebration and noted it was his understanding that the reason the City agreed to assist with the Miss North Ogden pageant was that the City has 501C3 status and the pageant does not. He stated that moving forward he would prefer that no money from the City be spent on the event and that they be required to gain their own 501C3 status. There was a discussion regarding the process to gain 501C3 status, with Council Member Urry recommending that the pageant begin the process soon so it is complete by next year's celebration. He then reported regarding the positive feedback he

received regarding the Cherry Days celebration, after which there was a discussion regarding the Council's float in the Cherry Days parade. Council Member Urry thanked City staff that worked hard to make the event a success.

Council Member Satterthwaite echoed Council Member Urry's comments regarding the Cherry Days celebration. He then asked for a report regarding the status of the Public Works facility project. Mr. Chandler reported on a recent design meeting for the facility and noted the contractor plans to commence work later this month with a completion date near Thanksgiving.

Council Member Stoker stated that as the City reviewed the General Plan she would like for there to be a focus on home business regulations in the City. Mr. Chandler reported the Planning Commission has begun reviewing the City's regulations regarding home businesses independent of the General Plan review.

Council Member Urry asked that traffic and transportation issues, namely Utah Transit Authority (UTA) bus routes, be considered during the General Plan review as well.

Council Member Bailey thanked those that put their time and effort into making the Cherry Days celebration a success.

City Recorder Spendlove noted the Utah League of Cities and Towns (ULCT) annual conference will be held September and she facilitated a discussion regarding those Council Members that plan to attend in order for her to make hotel reservations.

Mayor Taylor also thanked staff for producing a great Cherry Days event this year.

17. ADJOURNMENT

Council Member Swanson moved 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 10:15 p.m.

RDA

1. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY DEVELOPMENT PROJECT AREA PLAN

A staff memo from City Manager Chandler stated creating a community development area (CDA) begins when the City's Redevelopment Agency adopts a resolution authorizing the preparation of a draft community development project area plan. The project area plan must contain the following.

1. A description of the boundaries of the project area.
2. A general statement of the land uses, layout of principal streets, population densities and building intensities of the project area and how they will be affected by the community development.
3. The standards that will guide the community development.
4. Show how the purposes of the State laws will be attained by the community development.
5. Be consistent with the general plan.
6. Describe any specific project or projects that are the object of the proposed community development.
7. Identify how private developers, if any, will be selected to undertake the community development and identify each private developer currently involved in the community development process.
8. State the reasons for the selection of the project area.
9. Describe the physical, social and economic conditions existing in the project area.
10. Describe any tax incentives offered private entities for facilities located in the project area.
11. Include an analysis or description of the anticipated public benefit to be derived from the community development, including the beneficial influences upon the tax base of the community; and the associated business and economic activity likely to be stimulated.
12. Include other information that the agency determines to be necessary or advisable.

As part of the plan creation, the RDA must hold a public hearing. The hearing must be scheduled 30 days prior to the public hearing.

Mr. Chandler reviewed his staff memo.

Board Member Urry moved to approve Resolution 13-2014 authorizing the preparation of a draft Community Development Project Area Plan. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Bailey	aye
Board Member Satterthwaite	aye

Board Member Stoker **aye**
Board Member Swanson **aye**
Board Member Urry **aye**

The motion passed unanimously.

2. ADJOURNMENT

Board member Satterthwaite moved to adjourn. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Bailey **aye**
Board Member Satterthwaite **aye**
Board Member Stoker **aye**
Board Member Swanson **aye**
Board Member Urry **aye**

The motion passed unanimously.

The motion passed unanimously.

The meeting adjourned at 10:20 p.m.

Brent Taylor, Chairman

S. Annette Spendlove, MMC
Secretary

Date Approved