

NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

August 26, 2014

The North Ogden City Council convened in an open meeting on August 26, 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 August 25, 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
	S. Annette Spendlove	City Recorder/H.R. Director
	Jon Call	City Attorney
	Gary Kerr	Building Official
	Craig Giles	Public Works Director
VISITORS:	Elizabeth Putnam	Blake Welling
	Nate Hall	Bob Buswell
	Joan Brown	Annessa Bachman
	Troy Nichols	

Mayor Taylor welcomed those in attendance.

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

CONSENT AGENDA

1. Consideration to approve the August 5, 2014 City Council Work Session Minutes

Council Member Bailey motioned 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

Blake Welling, 1098 E. 3100 N., stated he is bothered by the fee in the City's fee schedule that allows for a surcharge when paying a utility bill online or via telephone. He noted that same surcharge is not charged if a resident comes to City Hall to pay the utility bill in person. He stated he seems the City would rather encourage citizens not to utilize an employee's time in processing a utility payment and, therefore, the surcharge should only apply to people paying in person or on the phone, but not online.

Mayor Taylor stated it is his belief that the credit card company does not allow the City to charge a surcharge for in-person transactions. City Recorder Spendlove stated that is correct. Mr. Welling stated he works for a company that processes credit cards and they would permit a surcharge for any type of transaction. Council Member Urry stated he would like the City Attorney to look into the issue to ensure the City is not discriminating against some residents by only charging surcharges on certain transactions. Council Member Bailey agreed and stated he would like to discuss the issue further during a future Council meeting.

Dallon Shupe, Senior Patrol Officer for Boy Scout Troop 417, reported his Troop has participated in two camp-outs this summer and they worked on various merit badge certification activities. He stated he is part of a great troop with a great leader.

Travis Johnson, Lundahl Building, provided the Council and public with an update regarding the Public Works Facility project, with a focus on the relocation of the wells on the property. He noted the location of the building has been shifted slightly and land drains installed to address water drainage issues on the property. He also reviewed photographs of trenching work that has been done on the property. He then noted the location of the salt and sand storage shed has also been shifted to minimize heavy traffic impacts on the property. He concluded that the elevation of the administration building will be changed by reducing the number of steps from three to two; this will provide easier access.

Council Member Bailey asked how the space gained by shifting the locations of buildings on the property will be used. Mr. Johnson stated the room will allow for future expansion of Lomond View Drive without impacts to buildings on the site. He added there will be additional room for landscaping as well. Council Member Bailey asked where garbage can storage will be accommodated. Mr. Johnson stated that has not yet been determined, but the storage area will be screened by chain link fences with slats.

Council Member Satterthwaite referenced the building locations as well and stated that it may lessen the risk associated with the well owned by the neighboring property owner. Mayor Taylor agreed that may be correct.

Council Member Bailey asked Mr. Johnson if he has encountered any surprises on the site now that work has commenced. Mr. Johnson stated the biggest challenge on the site is related to

water control on the site; however, the site is great and will accommodate the future use as a Public Works facility.

Mayor Taylor asked Mr. Johnson to review the schedule for the project. Mr. Johnson stated actual building construction will begin next week first with the office building, then with the shop area, and finally with the salt and sand storage building.

Council Member Satterthwaite asked if the trench that has been dug on the site will contain the flooding risks. Mr. Johnsons stated the ditch has been left open so that it can be observed to understand water absorption rates; it will help to reduce the flooding risk on the property, but may not entirely mitigate it. He stated there are still two very old wells upstream of the property and there is no way to tell if they could leak or break in the future and cause flooding.

Council Member Urry asked how many change orders have been submitted for the project to date. Mr. Johnson stated there have been no change orders for the project. Council Member Satterthwaite asked if the trench work has required a change order. Mr. Johnson answered no and stated it has been absorbed in the cost of the project and will ultimately mitigate the risk on the site which will benefit the contractor as well as the City. Mayor Taylor clarified there will be a foundation drain around the administration building as well. Mr. Johnson stated that is correct.

Council Member Satterthwaite inquired as to the estimated cost savings associated with reducing the elevation of the administration building. Mr. Johnson stated that concrete and foundation costs will be reduced, but will be utilized in other areas of the project, such as for land drains.

Council Member Swanson asked if it is Mr. Johnson's opinion that the wells should still be relocated even once the land drains are installed around the buildings. Mr. Johnson answered yes; he stated there is no way to determine if there will be problems in the future, but relocation would mitigate that risk entirely. He referred to the well relocation as an insurance policy for the project. There was a brief discussion regarding the process to relocate wells as well as the process to determine if water issues are actually associated with a leaking or broken well.

Mayor Taylor noted there have been discussions about a potential change order to upsize the detention basin at the south end of the property; it may be necessary to relocate or build a new detention basin to replace the existing one on 2550 North due to interest in the property by a commercial entity and it may be possible to do that by building a larger basin on the south end of the Public Works facility site. He concluded City Administration will continue to work with Lundahl to investigate this option and provide an update or recommendation to the Council soon. Council Member Bailey asked if it would be possible to replace the entire capacity of the existing basin on 2550 North. City Manager Chandler stated the existing basin is approximately eight acres and it would be possible to replace three of those eight acres south of the Public Works facility. Mayor Taylor stated there are options for replacing the remaining acreage and those options will be discussed with the Council in the future as well. There was a brief discussion regarding funding for the project, with a focus on the use of economic development funds for the relocation or replacement of the basin.

Mayor Taylor asked Mr. Johnson if it will still be possible to complete the project before Thanksgiving. Mr. Johnson stated he is hopeful that will still be possible. Mayor Taylor thanked Mr. Johnson for his time this evening.

2. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO 2014-2015 FISCAL YEAR BUDGET FOR A SIDEWALK AT 2550 N, EAST OF MAJESTIC ELEMENTARY; 2014-2015 STREET MAINTENANCE PROJECTS; RE APPROPRIATION OF FUNDS FOR ROAD PROJECTS FROM FISCAL YEAR 2013-14 THAT WERE NOT COMPLETED UNTIL THIS FISCAL YEAR 2014-15; TO MOVE FUNDS APPROPRIATED FOR THE CODE ENFORCEMENT OFFICER FROM THE POLICE DEPARTMENT TO THE BUILDING DEPARTMENT

A staff memo from Finance Director Steele explained each year amendments to the current fiscal year budget are necessary to cover expenditures not accounted for in the original budget. The Council packet included a chart identifying the expenses which require the Council's approval and the source of revenues from which the expenses will be paid.

Item number	Description	Amount of change
#1	General Fund Fund Balance	\$20,000
#2	Police Salaries & Benefits	\$27,000
#3	Capital Projects Fund Fund Balance	\$165,000
#4	General Fund Fund Balance	\$75,000
#5	RDA Fund Fund Balance	\$80,000
TOTAL		\$367,000

Description	Amount of Change	
Sidewalk Projects	\$20,000	
Building Department Salaries & Benefits	\$27,000	
Road Construction/Repair	\$165,000	
Road Construction/Repair	\$75,000	
IHC Detention Basin Construction	\$80,000	
TOTAL		\$367,000

The memo also offered the following explanation for each budget opening item:

1. Amount for construction of sidewalk along 2550 North (Majestic Elementary)
2. Budget for Code Enforcement Officer was originally placed in the Police Department. Administration has decided to move to the Building Department.
3. This is re-appropriation of funds. We had budgeted \$500,000 last Fiscal Year with assumption that we would spend the whole amount during last fiscal year. There were some projects which were not completed until after the start of this fiscal year. \$165,000 was unspent from last fiscal year.
4. This is for Road Projects that were bid on this year. The bids came in higher than what was estimated.
5. This is per our agreement with IHC in conjunction with the Smith's Marketplace development

The memo noted the estimated unreserved fund balances following the proposed amendments would be:

General Fund \$922,280.00 or 16% of General Fund Revenues

Capital Projects Fund \$319,753.00
Water Fund \$2,365,881.00
Sewer Fund 31,531,283.00
Storm Water Fund \$1,732,019.00
Solid Waste Fund \$28,461.00
RDA Fund \$413,111.00

Mr. Steele reviewed his staff memo with input from City Manager Chandler. Mr. Chandler noted he asked City Engineer Hartvigsen to prepare an estimate for a six foot wide asphalt walkway on 2550 North to determine the cost for item #1. A six foot width was selected because the standard asphalt machine lays the asphalt in six and eight foot widths. The estimated cost is \$18,929 if all of the work is contracted. If the City performs all of the preparation work, the cost can be lowered to \$11,920. Mr. Chandler then reviewed a map of the City to identify the location of the street projects to be completed with the funding included in this budget opening.

There was a brief general discussion regarding the scope of the IHC detention basin project, with a focus on the ownership of the land upon which the basin will be situated, after which Mr. Steele noted the City Council will need to convene in an RDA meeting to take action on that item. Mr. Chandler noted the detention basin will be large enough to handle water detention needs for the new Smith's Marketplace development as well as any future development of IHC property.

Council Member Satterthwaite asked if IHC will still own the property after the detention basin is built upon it, to which Mr. Chandler answered yes, but he noted the City will have an agreement that allows the City use of the property in perpetuity with service for Smith's. He noted the City will maintain the drainage infrastructure in the basin and IHC will maintain the grass and sprinkler system there.

Council Member Urry asked if the basin can be used for other purposes. Mr. Chandler stated the agreement does not allow additional uses at this point.

Council Member Urry inquired as to the reasoning for moving the Code Enforcement Officer from the Police Department to the Building Department. Mr. Chandler explained there are several issues surrounding an officer's right to enter private property and after many discussions with the Police Chief and the City Attorney, City Administration deemed it appropriate to assign the officer to the Building Department.

Council Member Urry asked if the Majestic Elementary Parent/Teachers Association (PTA) has agreed to assist in funding the 2550 North sidewalk project. Council Member Satterthwaite indicated the PTA cannot offer funding for such projects, but the community around the school has agreed to try to raise \$3,000 to assist in the project. Council Member Urry asked if anyone from the City has checked on the long range plans of Weber School District to see if there may be a school boundary change that will result in the students living on or near 2550 North being bussed to North Ogden Elementary School. Council Member Bailey stated the Principal of the school has indicated there are no such plans. Mayor Taylor agreed and stated there are no plans to adjust the boundaries in the near future.

Mayor Taylor opened the public hearing at 7:18 p.m. No persons appeared to make public comments.

Council Member Satterthwaite moved to close the public hearing at 7:19 p.m. Council Member Swanson seconded the motion

Voting on the motion:

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

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE 2014-2015 FISCAL YEAR BUDGET

There was a brief general discussion regarding the increased funding for road projects, with Mr. Chandler reviewing the schedules of various slurry seal and crack sealing projects that have been awarded to contractors to date.

Council Member Satterthwaite stated during past discussions regarding crack sealing projects there was a suggestion that the Administration investigate the option of purchasing its own crack sealing machine if such action would result in a cost savings. Public Works Director Giles stated that analysis is still underway. Council Member Satterthwaite stated the Council is being asked to take action on a budget amendment tonight without all pertinent information. Council Member Urry agreed. Mr. Giles stated he knows that a crack seal machine would cost between \$40,000 and \$70,000 to purchase and crack seal material is approximately \$.45 per pound. Mayor Taylor indicated there is only two months left in the asphalt season for 2014 and if the crack seal contracts are going to be awarded, time is of the essence.

Council Member Swanson asked how long it would take to accept delivery of a crack sealing machine and the needed product if it were determined that purchasing the machine is the best option for the City. Mr. Giles stated his rough estimate would be approximately one month.

Council Member Bailey asked if the City has the manpower to run a crack seal machine. Mr. Giles stated it takes five men to run the machine, so employees would be pulled from other projects to work on crack seal projects. Council Member Bailey stated he would prefer that the City move forward in completing the projects that need to be completed now and conduct the analysis of the viability of purchasing a crack seal machine over the winter in preparation for the 2015 construction season. Mr. Giles agreed and he reviewed the responses he received to the crack seal Request for Proposal (RFP). There was a general discussion regarding the manner in

which the RFP document was written which allows the City to opt to complete just half of the projects listed. Mr. Giles stated the City has been divided into four areas and the contractor will only complete work in two areas; the contractor's bid for the project is \$128,000, but the City will not pay that entire amount for the work to be completed.

Mr. Chandler summarized the Administration's proposal; he indicated the City identified four areas that need crack seal work in the City and the City has the option of awarding that work in whole or in part. He stated Post Construction bid is \$128,000 for all four areas, but they have now said that bid will not be sufficient and they are willing to forfeit their \$6,000 bid bond and complete only two of the areas (A and B). He indicated this will leave the City with \$64,000 that can be used to award areas C and D to another contractor.

Council Member Swanson asked how much Post will be paid for areas A and B. Council Member Urry stated that they should not be paid more than what they included in their bid. Mr. Giles stated they will be paid the amount they bid on those areas.

Mr. Chandler stated that \$128,000 will not cover all needed crack sealing projects and if the Council wants all projects completed it is necessary to add another \$60,000 to the budget for the project.

Mayor Taylor asked if any crack seal project area in the City takes priority over another. Mr. Giles answered no and stated all areas that have been identified are in need of crack sealing; crack sealing is a preventative maintenance measure that will extend the life of the City's roads. Council Member Bailey inquired as to the downside of not completing the crack seal projects this year. Mr. Giles stated the maintenance schedule of the City's roads will be another year behind and he indicated the City is behind on needed maintenance. Mayor Taylor inquired as to the life of a crack seal, to which Mr. Giles answered five to ten years depending on the width of the crack at the time it is sealed.

General discussion regarding the two areas to be awarded to Post Construction continued, after which Mayor Taylor concluded his recommendation would be to award the two areas to Post Construction and complete additional crack sealing using the bids of the other contractors. He indicated City Administration will investigate other options for addressing crack sealing needs in the future throughout the winter months.

Council Member Urry stated he would like to prevent Post Construction from bidding on future projects due to this issue. Council Member Bailey stated that would be counterproductive and a contractor should not be so heavily penalized for an honest accounting mistake, especially after they have already agreed to forfeit their bid bond.

Council Member Bailey motioned to adopt Ordinance 2014-20 amending the 2014-2015 Fiscal Year budget. Council Member Stoker seconded the motion

Council Member Satterthwaite clarified that the budget amendment includes an additional \$75,000 for road projects and \$20,000 for the 2550 North sidewalk project. He referenced Mr. Chandler's communication that it may be possible to reduce the cost of the sidewalk project to

approximately \$11,000 if some of the work is done in-house. He wondered if the amount of money included in the budget for that project should be reduced. Council Member Bailey stated it is wise to allocate the full \$20,000 and City staff will not expend the full amount if not necessary.

Council Member Satterthwaite then expressed his concern that the City Council spent a significant amount of time developing the budget for the 2014-2015 Fiscal Year and only two months into the budget cycle the Council is being asked to reallocate money that they had originally decided not to spend. He stated he can understand the need for the funding for the sidewalk project, but not for the other items. Council Member Bailey stated that every year it is necessary to make budget amendments for various issues and he does not have a problem approving the budget amendment, particularly because the City's reserve fund is still very healthy. He stated the Council is being asked to approve \$95,000 in new expenditures and the remaining amount is simply a shift in budget line items. Mayor Taylor agreed.

Voting on the motion:

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

The motion passed on a three to two vote.

Council Member Satterthwaite moved to recess the City Council meeting and convene in an RDA meeting. 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.

RDA

1. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO 2014-2015 FISCAL YEAR BUDGET FOR THE IHC DETENTION BASIN CONSTRUCTION

Mayor Taylor opened the public hearing at 7:56 p.m. There were no persons appearing to make public comments.

Board Member Satterthwaite motioned to close the public hearing at 7:57 p.m. 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. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE 2014-2015 FISCAL YEAR BUDGET

Board Member Swanson moved to approve Ordinance 2014-20 amending the 2014-2015 Fiscal Year budget. 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
Board Member Urry	aye

The motion passed unanimously.

3. ADJOURNMENT

Board Member Swanson moved to adjourn at 8:00 p.m. and reconvene in the City Council meeting. Board Member Bailey 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.

CONVENE BACK INTO ACTIVE AGENDA

4. DISCUSSION ON AMENDMENT TO TITLE II OF THE NORTH OGDEN CITY ZONING REGULATIONS TO ADD REGULATION FOR BEE KEEPING

A staff memo from City Manager Chandler explained City Administration has crafted a bee keeping ordinance, which was accompanied in the Council packet with 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 summarized his staff memo. He indicated there are currently 11 registered beekeepers located in North Ogden and he reviewed a map of the City to identify the locations of the beekeepers' operations and the size of the properties upon which the hives are located. He then stated that during past discussions regarding this issue the Council has asked for him to research the possibility of prohibiting beekeeping in certain zones of the City; after that research he has arrived at five possible recommendations: first would be to permit beekeeping in all single family and multi-family residential zones, but not in the commercial zones of the City; second would be to permit beekeeping only in single family residential zones (he reviewed the location of single family zones on a map)(this option would prevent one currently licensed beekeeper from continuing his practice); third would be to permit beekeeping in single family residential zones and in the R-2 zone, which would allow all current beekeepers to continue their beekeeping; fourth would be to base determination of whether to allow beekeeping upon the property size; fifth would be to permit beekeeping in all zones based on housing type.

Council Member Bailey asked if the beekeeper located in the R-2 zone lives in a single family residence or in a duplex. Mr. Chandler stated he lives in a single family residence. There was a brief general discussion about the five different options, after which Mr. Chandler stated he is seeking feedback from the Council in order to draft a final ordinance.

Council Member Bailey stated he would opt for option four. Council Member Satterthwaite inquired as to the standard lot size upon which beekeeping is allowed in other cities. Mr. Chandler stated he has found other cities allow beekeeping on lot sizes as small as 10,000 square feet.

Council Member Swanson moved to suspend the rules to allow an expert on beekeeping to address the Council. 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.

Nathan Hall, 2870 N. 1025 E., stated he does not understand why the City's ordinance needs to be so complicated or convoluted by including information regarding the various zones that exist in the City. He stated that Ogden City's beekeeping ordinance is sufficient and uncomplicated and he would prefer that North Ogden adopt something similar. He stated the ordinance is based upon lot size; any property owner in the City can keep five beehives on their property, and property owners with lot sizes larger than one-half acre can keep 10 hives. He stated this applies to residential zones and those living in agriculture zones can keep more hives. He stated he advocates licensure for beekeeping and would continue to do so upon the adoption of an ordinance in North Ogden. He then noted that bees do not adhere to boundaries or follow property lines, but the impact they have on a neighboring property or its owners are so minimal.

Council Member Satterthwaite asked if a limit of five beehives per property is sufficient. Mr. Hall stated it is sufficient for a hobbyist beekeeper; those keeping bees for commercial purposes will secure larger properties or lease agriculture property for those purposes. He added he feels that the beekeepers in the area would be supportive of allowing five hives.

Council Member Urry inquired as to the recommendation from the Planning Commission regarding this item. Planning Commissioner Brown indicated the Planning Commission focused on the required distance of beehives from neighboring properties, but the body does not feel an ordinance that is too specific in nature is appropriate for North Ogden. Council Member Urry stated that his neighbor has beehives very close to his property and they have never been a nuisance for him.

Council Member Bailey asked if there is a minimum lot size in the Ogden City ordinance. Mr. Hall answered no and indicated that any property owner in Ogden City can keep five beehives, with those residents owning lots larger than one-half acre in size permitted to keep 10 hives. Mr. Chandler reviewed the beekeeping ordinance that was originally proposed to the City Council, which was patterned after Ogden City's ordinance, and noted that it does not include a minimum lot size. Council Member Bailey asked if that means those living in apartment complexes could keep beehives. Mr. Hall stated that practice is done in cities like San Francisco and New York on a regular basis, but noted that apartment complex owners or homeowners associations may have their own rules prohibiting such practice. He stated he does not feel the City's ordinance needs to be so specific in its governance of beekeeping.

Council Member Swanson stated he would be comfortable permitting beekeeping on any lot size as long as it is a single family residence. Council Members Urry and Bailey stated they would be comfortable with that approach as well. Discussion centered on the fact that one beekeeper would not be permitted to continue his operations because he has beehives on a half-acre lot that contains a duplex. The Council concluded to proceed with option three, permitting beekeeping in the R-2 and other single family residential zones. Council Member Bailey concluded the ordinance includes a sunset provision that will allow the Council to review the ordinance at a future date to determine if it is meeting the City's needs.

5. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO NORTH OGDEN CITY ZONING REGULATIONS 11-10-23; TEMPORARY CARNIVALS, CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, OUTDOOR RETAIL SALES, AND SIMILAR ACTIVITIES

A memo from City Planner Scott explained when the City Council 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 2, 2014 the North Ogden City Planning Commission discussed possible amendments to the city's temporary business provisions. On July 16, 2014 the Planning Commission reviewed amendment language regarding temporary businesses and directed staff to prepare an ordinance and set a public hearing for August 6. There was no one in attendance at the public hearing. Recently, two conditional use permit applications have applied for a temporary business. Staff has processed these applications based on both the business license provisions and the zoning requirements. The two ordinances have conflicting standards. The memo reviewed types of temporary business. In reviewing the zoning ordinance standard it appears that the ordinance is combining short term temporary activities, i.e., carnivals, circuses, revivals, rodeos, and swap meets with more traditional temporary businesses, e.g., shave ice stands. The planning commission is recommending that these two types of temporary activities and businesses have provisions unique to themselves. In reviewing the temporary business timeframe, there is conflicting language for the amount of time allowed for temporary businesses in the two ordinances, e.g., the business license ordinance allows a 90 day time period and the zoning ordinance allows for 4 seven day periods. The existing temporary business timeframe is 95 consecutive days. The planning commission feels a more reasonable timeframe is 180 consecutive days for temporary businesses. Temporary carnivals, circuses, revivals, rodeos, and swap meets typically do not last longer than a week at time. The timeframe standard is appropriate for these activities. The memo referenced locations of temporary businesses, noting the business license sections identify the zones where they are to be located, i.e., C-1, CP-1, C-2, CP-2, and MP-1 zones. It also identifies the requirements for the appropriate site plan submittal. The zoning ordinance limits Christmas tree sales, fruit and vegetable stands, and fireworks stands are only allowed in commercial zones; not manufacturing zones. The Planning Commission is recommending that temporary businesses also be allowed in manufacturing zones. Currently there are only a few parcels zoned manufacturing. The memo compared conditional uses to permitted uses. Traditionally temporary businesses are permitted uses. They are already located in the most

intensive zones within cities. It can be a burden for an applicant who has a limited time window to operate a temporary business to wait to be put on a planning commission agenda. Second the standards for review are straight forward. The only potential issue here may be the hours of operation. A standard could establish hours of operation and require special review if the business wanting to operate outside of those hours, e.g., 7 am to 11 pm. The planning commission is recommending that temporary businesses be permitted uses with no hours of operation standard. Temporary carnivals, circuses, revivals, rodeos, swap meets, and similar activities are unique in that they have the potential for impacting neighboring uses; the planning commission is recommending these uses remain conditional uses with a limit of 7 consecutive days. The following list summarizes the amendments recommended by the Planning Commission:

- No changes to section 4-1-9 Temporary Businesses.
- 4-1-1 Definitions is revised to include an expanded definition and the time allowance is modified from 95 consecutive days to 180 consecutive days.
- 11-10-23 The term outdoor retail sales is eliminated; it does not appear to be a viable use. Temporary carnivals, circuses, revivals, rodeos, swap meets, and similar activities remain conditional uses with a limit of 7 consecutive days.
- 11-8A-5 Special Regulations the phrase temporary businesses has been added under subsection A.
- 11-8A-7 Uses and 11-8C-2 Permitted Uses are amended. The list of uses for the commercial and manufacturing zones adds temporary businesses. The existing fruit store or stand and vegetable store or stand uses are deleted.

This amendment should take into account its conformity to the following North Ogden City General Plan goals:

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.

(1) Implementation Goal: Commercial development must be required to develop projects that are designed for functionality, appearance and include significant physical enhancement to the community.

Community Aesthetics

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

The Planning Commission is recommending that the City Council adopt the proposed ordinance.

Mr. Chandler summarized Mr. Scott's memo.

Council Member Swanson referenced Section 4-1-9(C) and asked if the City receives approval from the Weber Morgan Health Department for fruit and vegetable stands. Building Official Kerr stated the City does not require health department approval for a produce stand, but when a vendor is preparing food to be sold to the public they must get a permit from the health department. Council Member Swanson stated the ordinance does not make that distinction. He

stated that there are several other requirements in the ordinance, such as a structure being able to withstand 70 mile per hour winds, that are not being enforced. He stated he feels these requirements should be enforced in fairness to the brick and mortar restaurants that have invested in the City.

Planning Commission Brown stated that the City should not be policing whether a business has obtained a food handler's permit; it is the responsibility of the health department to police that type of licensure. Council Member Swanson argued the City's ordinance states that the City cannot license a business until they can prove that they have received approval from the health department. Mr. Chandler acknowledged that any requirement in a City ordinance should be enforced by the City. There was a general discussion regarding the various requirements placed upon a temporary business, with a continued focus on regulations of other agencies, such as the health department. Mr. Kerr stated he always obtains a copy of the health department's report regarding a restaurant or other food service business before allowing them to open.

Council Member Urry asked if the City ordinance specifies areas in the City in which temporary businesses are permitted. Mr. Kerr answered yes and noted temporary businesses are permitted in the C-1, CB-1, CB-2, or MP-1 zones.

Mayor Taylor opened the public hearing at 8:49.

Vanessa Bachman, 2828 N. 400 E., referenced the comments regarding a structure being able to withstand a 70 mile per hour wind. She stated that when she sets up an awning or tent at the farmer's market she is required to weight each corner of the awning down with a five gallon bucket full of water or similar weight. She suggested the same thing could be required for temporary businesses using awnings in the City. She also added produce may be governed under the Department of Agriculture rather than the health department.

There were no additional persons appearing to be heard.

Council Member Swanson moved to close the public hearing at 8:51 p.m. 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.

Mayor Taylor noted the item will be discussed in more depth at a future work session meeting and a subsequent Council meeting.

Council Member Bailey inquired as to the reasoning behind the recommendation to extend the period for which a temporary business is permitted from 90 days to 180 days. Mr. Kerr stated that many temporary businesses are interested in being open throughout the entire summer and fall season and 90 days seemed too restrictive. Council Member Bailey stated he would like to discuss the issue further during continued discussions.

6. PUBLIC HEARING TO HEAR COMMENTS ON AMENDMENTS TO TITLE II, CHAPTER 22 OF THE NORTH OGDEN CITY ZONING REGULATIONS RELATING TO SIGN REGULATIONS IN ALL ZONES

When the City Council is acting in a legislative capacity it 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. Quail Meadows Assisted Living, located at 786 East 2100 North is in the process of replacing their sign. The sign material is to be a rock / stone with laser cut lettering. When staff reviewed the sign permit it was discovered that rock / stone is not an allowed material. Quail Meadows Assisted Living has made application to amend this provision to allow rock / stone to be an allowed sign material. Staff supports the applicant's request. Staff researched this request and presented the following amendment language to 11-22-4 (P) Materials:

P. Materials: Permanent signs may only be constructed of one or more of the following materials: stucco, metal, at least one-fourth inch (1/4") thick plastic; rock/stone or wood that is at least three eighths of an inch (3/8") thick. No paper or cloth sign shall be allowed.

The memo reviewed the applications conformance to the General Plan, noting the above described application conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goals:

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.

(1) Implementation Goal: Commercial development must be required to develop projects that are designed for functionality, appearance and include significant physical enhancement to the community.

Community Aesthetics

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

The memo offered the following summary of the 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?
- Is the proposed amendment to add rock / stone materials to permanent signs appropriate?

The Planning Commission at its June 18, 2014 meeting considered this application and is recommending that the City Council amend 11-22-4 (P): Materials to add rock / stone to the sign ordinance list of allowed materials.

P. Materials: Permanent signs may only be constructed of one or more of the following materials: stucco, metal, at least one-fourth inch (1/4") thick plastic; rock / stone, or wood that is at least three eighths of an inch (3/8") thick. No paper or cloth sign shall be allowed.

Mr. Chandler reviewed Mr. Scott's staff memo.

Mayor Taylor opened the public hearing at 8:50 p.m.

TJ White, representative of the applicant, stated that the sign has been ordered and Quail Meadows is ready to proceed with construction.

Planning Commissioner Brown stated that the Planning Commission has granted approval for the sign; it is a beautiful sign and would be an asset to the community.

Council Member Swanson moved to close the public hearing at 8:52 p.m. Council Member Bailey seconded the motion.

Council Member Swanson moved to approve Ordinance 2014-21 amending Title II, Chapter 22 of the North Ogden City Zoning Regulations relating to sign regulations in all zones. Council Member Urry seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH WEBER COUNTY ON THE CEVERING ANNEXATION

Mayor Taylor stated this proposed interlocal agreement was discussed during the last meeting in conjunction with discussion regarding the Cevering annexation. Mr. Chandler agreed the proposed interlocal agreement is between the City and Weber County and would allow the City to exercise authority over the property while it is still located in the County. He briefly reviewed the provisions of the agreement. He stated the County Commission has met and approved the agreement, after which he reviewed a plat map to identify the location of the subject property.

Council Member Urry moved to approve Agreement A19-2014 with Weber County regarding the Covering annexation. 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.

8. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH KARMEN SANONE CONCERNING WATER ON THE NEW PUBLIC WORKS FACILITY SITE

Mayor Taylor stated it is necessary to pull this item from the agenda because no agreement has been reached with Ms. Sanone.

9. DISCUSSION AND OR ACTION TO CONSIDER AN AMENDED STATE ROAD AGREEMENT BETWEEN UDOT, NORTH OGDEN CITY, PLEASANT VIEW, HARRISVILLE AND FARR WEST

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

- a. Category 3 is appropriate for use on highways that have the capacity for high speed and relatively high traffic volumes.
- b. 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.
- c. These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in urban areas.
- d. Direct access service to abutting land is subordinate to providing service to through traffic movements.

Rule 930-6-1 also provides the following information about spacing standards.

Category	Minimum Signal Spacing (feet)	Minimum Street Spacing (feet)	Minimum Driveway Spacing (feet)	Minimum interchange to crossroad access spacing		
				To first right-in right-out driveway (feet)	To first intersection (feet)	From last right-in right-out driveway (feet)

3 (S-U)	2,640	N/A	N/A	1,320	1,320	1,320
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The memo noted the agreement specifies the following:

- a. Existing and future traffic signals will be as shown on the attached map.
- b. Traffic standards will be installed when the traffic meets the minimum traffic as defined by the Manual on Uniform Traffic Control Devices.
- c. Other intersections within the City will not be considered for future traffic signalization.
- d. Access may be denied at any location for existing or proposed access at UDOT’s discretion.
- e. 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.
- f. If access is restricted through the use of raised medians, the City and UDOT will work together to identify the most suitable landscaping.
- g. The cost of landscaping improvements is typically borne by the City.

Mayor Taylor summarized the memo and indicated he would recommend that the Council approve the agreement as written. He stated he will work with the other cities that are party to the agreement to ask for their approval of the requested amendments in North Ogden.

Council Member Bailey motioned to approve Agreement A20-2014 amending the State Road Agreement between UDOT, North Ogden City, Pleasant View, Harrisville, and Farr West. 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.

10. DISCUSSION AND/OR ACTION TO CONSIDER A MEMORANDUM OF UNDERSTANDING BETWEEN NORTH OGDEN CITY AND WEBER COUNTY CONCERNING MAINTENANCE OF THE SHARED SIDEWALK AND PARKING LOT ON 2600 N AND 505 E

Mayor Taylor reported there is currently no agreement relative to the maintenance of the parking lot in front of the Weber County Library; he approached the County and asked if they would enter into an agreement defining theirs and the City’s responsibilities relative to maintenance and they agreed to do that, though they were hesitant to enter into a long term agreement relative to rebuilding the parking lot when necessary. He stated the proposed memorandum of understanding would assign short term maintenance, such as street sweeping and snow and ice

removal for the parking lot and sidewalks, to the City and the County would have responsibility for long term maintenance including periodic restriping, patching, and sealing of the shared parking area. He indicated the County will perform the agreed upon work in the next few weeks.

Council Member Swanson motioned to approve Agreement A21-2014 with Weber County concerning maintenance of the shared sidewalk and parking lot on 2600 N. and 505 E. 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.

11. COMMITTEE ASSIGNMENTS

Mayor Taylor pulled this item from the agenda and indicated he is not ready to proceed at this point in time.

12. PUBLIC COMMENTS

There were no public comments.

13. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Swanson referenced the earlier discussion regarding temporary businesses and stated he would like to investigate the option of requiring a minimum distance between temporary businesses and brick and mortar businesses so that such businesses are not directly competing with one another. Council Member Urry agreed with the recommendation. Council Member Swanson then thanked staff for their hard work in preparing for City Council meetings.

Council Member Urry stated he received a phone call from a property owner in the proposed Commercial Development Area (CDA). He stated he is concerned about the City's agreement with Better Cities; he stated Mr. Godfrey met with property owners in the area, but the property owner indicated to him that there was not much fruitful discussion. He stated he is concerned Mr. Godfrey will come to the City Council and declare that he is making progress and ask to be paid for that service. He added that he is aware that the property owner intends to locate a gun range in his building and he asked if the Planning Commission will consider that application. Mr. Chandler stated a gun range is not a permitted use and the owner would need to make

application to amend the zoning ordinance to declare a gun range a permitted use; the Planning Commission would ultimately make a recommendation to the City Council.

Mayor Taylor summarized the scope of the agreement with Better Cities and noted that there are defined criteria that must be met in order for Mr. Godfrey to receive payment. He stated Mr. Godfrey has received payment for reaching the mid-point of the project as defined in the agreement and he will not be paid again until the project is under contract for development.

Council Member Urry asked if City staff attends the meetings held by Mr. Godfrey. Mr. Chandler stated that he has attended many of the meetings, but he did not attend the most recent meeting. He then summarized the scope of the RFP that has been published relative to the design of the development at the property in the CDA. Council Member Urry stated the owners of the property were not consulted about the scope of the RFP and the proposed uses of their property and he objects to that practice. Mayor Taylor stated no property owner is obligated to participate if they do not wish to. He added, however, that all property owners have been consulted. Discussion regarding the development of the concept plan for the CDA and the overall purpose of a CDA ensued, with Council Member Bailey noting the concept of CDA's and RDA's are proven and they greatly assist with the redevelopment of properties that have sat vacant and stagnant for years. Council Member Swanson agreed and stated he would liken Better Cities to the party responsible to organize all property owners in the area to work together to redevelopment and rent their space in a manner that will provide a family retail space that will benefit the property owners and the entire community. Mayor Taylor stated the City can reach out to the property owner and ensure that he is comfortable with the process and has been consulted.

Council Member Satterthwaite stated he feels the City and Better Cities have assumed a reasonable role in the redevelopment of the King's plaza, but if an owner of one of the buildings has a tenant that is willing to pay to locate a gun range in his building he has the right to apply to the City to declare gun ranges a permitted use and the City should consider such an application. He then stated that the Council has reviewed the criteria for payment to Better Cities in the past and stated it may be necessary to review the contract again in the vein of being fiscally responsible.

Council Member Urry stated the Council also serves as the RDA Board and he asked the RDA should be responsible to approve the RFP that was published for the design concept for redevelopment of the King's plaza. Mayor Taylor stated that the RDA approved the issuance of the RFP, but did not pay for the publication of the RFP. He stated that when the RFP results in some sort of design concept or proposal, that information will be brought directly to the RDA for selection or approval. Council Member Urry stated he feels the RDA should be apprised of when Better Cities meets the midpoint in a project and that they are going to be paid. Mayor Taylor stated that the RDA was informed of the expense from the RDA for the professional services provided by Better Cities. Council Member Urry stated that information has not been presented in an actual meeting. Mayor Taylor stated that is because the RDA approved the execution of an agreement that spells out the projects that Better Cities will work on and the criteria that must be met in order for Mr. Godfrey to be compensated for his work. Council Member Urry stated he would like for the RDA to be informed of when a project has reached its

midpoint and Mr. Godfrey will be paid. Council Member Satterthwaite stated the Council does not get involved in approving payments for other contractors and he would like to be consistent. Mayor Taylor agreed and stated that Lundahl will receive several payments throughout the Public Works facility project, but each payment will not be reviewed by the Council before it is released. He stated this may be a discussion for a work session meeting. Council Member Urry stated he views the CDA as a business and businesses have boards of directors that are apprised of actions such as payments to professional service contractors. Council Member Bailey agreed this is a larger philosophical discussion; he agreed it would be nice for the RDA to be informed when a mid-point payment is released for a certain project, but he does not think it is necessary for the RDA to approve such payments. He then stated that Mayor Taylor and Mr. Chandler as well as the rest of the City staff do a good job of keeping the Council informed of the day-to-day happenings of the City and they are amenable to providing additional information if they understand the expectations of the Council. Mayor Taylor agreed.

Council Member Stoker stated there has been mention of possibly including a splash pad at the King's plaza project and she wondered why the City would support such a venture that would be in direct competition with the splash pad at the North Shore Aquatic Center. She stated she does not think a splash pad is a good idea. She then asked if there is a review period for the new garbage hauler; she stated she understands they are new and are still learning about the City, but she does not feel they provide the same quality of service as Waste Management. Mr. Chandler stated that he will review the agreement to determine if there is a review period. Mayor Taylor stated he has received more phone calls about missed garbage cans in the last two months than ever before and he is hopeful that is simply associated with the transition to a new hauler. Mr. Chandler stated City staff has received many phone calls as well. Council Member Bailey stated the City may need to be clearer about its expectations of the new hauler. There was a general discussion regarding the duties of the garbage hauler.

Council Member Satterthwaite stated there was a discussion in a recent Council meeting regarding the street damage at 800 E. 3550 N. caused by Century Link and he asked for an update on that situation. Mr. Chandler stated the insurance adjusters have estimated the cost to fix the damage at \$72,000, which depreciated to \$59,000; the City is now in the process of working with the contractor to fix the damage, which will be paid for by the contractor's insurance. Mayor Taylor added the City Engineer will review the estimate to determine if it is sufficient.

Mayor Taylor reported there is a vacancy on the Planning Commission and he asked the City Council to encourage those citizens they know that may be good for the position to apply. He then reported the annual Utah League of Cities and Towns (ULCT) Conference will be held September 10 to 12 and he asked if the Council wants to cancel or reschedule the September 9 meeting. There was a discussion regarding items to be considered, with the Council concluding cancel the September 9 meeting and reschedule it for September 16. Mayor Taylor then stated a work session meeting has been scheduled for September 2 and he reviewed the items that will be listed on that agenda. The Council had a brief discussion regarding additional items they would like to discuss in future work sessions.

Mayor Taylor then asked the Council to convene in a closed session for the purpose of discussing pending or reasonably imminent litigation as well as the character and professional competence of an individual.

Council Member Bailey moved to convene in a closed session for the purpose of discussing pending or reasonably imminent litigation and the character and professional competence of an individual. 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.

The closed session began at 9:59 p.m.

The regular meeting reconvened at 12:40 a.m.

14. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 12:40 a.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved