

## NORTH OGDEN CITY COUNCIL MINUTES

August 14, 2012

The North Ogden City Council convened in an open meeting on August 14, 2012 at 6:30 pm in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on August 8, 2012. Notice of the annual meeting schedule was published in the Standard-Examiner on January 16, 2012.

PRESENT:	Richard G. Harris	Mayor
	Brent Taylor	Council Member
	Cheryl Stoker	Council Member
	Kent Bailey	Council Member
	Wade Bigler	Council Member
	Justin Fawson	Council Member
STAFF PRESENT:	Ron Chandler	City Manager
	Bryan Steele	Finance Director
	Annette Spendlove	City Recorder/HR Director
	Julia LaSeure	Deputy City Recorder
	Craig Barker	Community Development Director
	Jon Call	City Attorney
	Gary Kerr	Building Official
VISITORS:	Shawn Maynard	Ken Kiser
	Lawrence Residori	Matthew Godfrey
	Dave Hulme	Josie Hulme
	John Arrington Blake	Weathers
	Ryan Patrick	Chad Smith
	Carter Smith	Lyman Stoker
	Stacey Giatras	Margaret Schvaneveldt
	Noel Schvaneveldt	David Price
	Rachel Trotter	Mark A. Brown

Mayor Harris convened the meeting at 6:30 pm and welcomed those in attendance. He welcomed Council Member Taylor home from active duty service in Afghanistan. Mayor Harris acknowledged some of those present including: North Ogden's new City Attorney, Jon Call, former City Attorney Dave Carlson, who is here tonight serving as a consultant, Dave Hulme, former temporary City Council Member, and former Ogden City Mayor Matthew Godfrey.

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

### **CONSENT AGENDA**

- 1. Consideration to approve the minutes of the July 10, 2012 City Council meeting.**
- 2. Consideration to approve business licenses.**

Council Member Taylor stated that he will abstain from the vote on the minutes of the July 10, 2012 meeting as he was not present.

**Council Member Bailey moved to approve the consent agenda. Council Member Bigler seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes (on business licenses only)</b>

**The motion passed unanimously.**

**ACTIVE AGENDA**

Mayor Harris explained that the ‘Public Comments’ item was inadvertently left off this agenda and opened the floor for any public comments.

Mark Brown, 471 E 3000 N, stated that he is a member of the North Ogden Parks, Trails and Open Lands Committee and invited the Mayor and City Council to attend one of their meetings. He said that Committee would like their input and to show them the trails they have. He indicated that there is a nice trail in Barker Park and a young man is starting an Eagle Project there. This Committee meets on the second Wednesday of each month at 5:30pm in the Community Services office located at 2705 N 550 E.

**1. DISCUSSION AND/OR ACTION TO APPROVE AN ECONOMIC DEVELOPMENT FIRM AND THEIR CONTRACT.**

Ron Chandler, City Manager, said he is very pleased to recommend the firm of American Municipal Consultants, LLC also known as Better Cities, headed by Matthew Godfrey as our Economic Development Consulting Firm. He said the interview process went very well. We interviewed four firms and by far Better Cities rose above all of the rest. He mentioned that much of their experience comes from within Weber County and they are very familiar with our community. He stated that the total amount between this contract and our Attorney’s contract is within our budget for those two items.

Council Member Taylor said in the contract, which is included as attachment A, paragraph 3 item b talks about that the Firm deserves the right to negotiate the payment structure that will be generated from the projects that are orchestrated by the Firm on behalf of the City and then the City shall maintain the right to review and approve any such payment structures. He asked for an example of what that would be. Matthew Godfrey said given the City’s budget there would be no way for his Firm to undertake the work that’s required for us and to make any money doing so. The way they felt that they could accomplish the City’s objective and actually align our interests was to use the money that is allocated in the budget which will essentially cover their cost and then the way they make money and are successful as a private venture is by accomplishing the City’s objectives. They bring the development projects that the City wants into the City and they will endeavor to negotiate with the developers and a portion of that will help to pay their way and make it worthwhile for them. Mayor Harris said all of that would be above board; there would be nothing untoward in any of those

negotiations. Council Member Taylor said that's what he thought and he has no concerns with that. He thanked Mr. Godfrey for the clarification.

Council Member Bigler said we know Mr. Godfrey has extensive background and that will serve us well. In Ogden City there was a lot of development and that's a big huge team. He asked with their business that they have whether they have some cities that you could get us some information on how their company has helped, what they've done and how many hours it took to do the work you did for them so we can get an idea of what we're in store for. Matthew Godfrey said that is a great question but extremely difficult to answer. He said they have cities much larger than North Ogden and Ogden and much smaller. The smallest city they are engaged with is 3,500 people. The amount of work will really depend on the agenda that the City sets forth. He said he is here to accomplish the Council's community objectives. They will work within the parameters they have to accomplish it and their motivation is to get the end project because that's where they make money. They want to work quickly; the City wants them to work quickly. Council Member Bigler asked if the City has put together a plan of what we want them to do. Matthew Godfrey said yes, he has been given two projects so far and he is ready to run on those.

Council Member Taylor asked if Matthew Godfrey can give the Council an idea of how soon they should look for some kind of results. Matthew Godfrey replied that within 90 days they will come back to the City Council with clear movement. Council Member Bigler asked if there will be a monthly report because the billing is done monthly. Matthew Godfrey replied that their intent is to be very communicative.

**Council Member Fawson moved to approve a contract with Better Cities as the Economic Development Consulting Firm. Council Member Bigler seconded the motion.**

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>

**The motion passed unanimously.**

**2. RECOGNIZE THE SERVICE OF DAVE CARLSON AS CITY ATTORNEY AND DAVE HULME AS TEMPORARY CITY COUNCIL MEMBER.**

Mayor Harris asked Dave Hulme to come forward and explained that he has been serving most recently as a temporary replacement for Council Member Taylor. Recent legislation allows the City to appoint a temporary City Council Member when a City Council Member goes on active duty. Dave Hulme served for the past nine months in a very able capacity and we appreciate that. He has also served on the Planning Commission and when he was called to the City Council he resigned as the Planning Commission chair. He has also served on the Economic Development Committee and the Public Works Committee. Mayor Harris presented him with a plaque for his dedication and service.

Mayor Harris talked about Dave Carlson as well. He has served the City for about 2 ½ years in the capacity of City Attorney and Economic Development Director and his service is most appreciated. Dave Carlson received a plaque for his service and dedication to the City.

**3. DISCUSSION AND/OR ACTION TO APPROVE A PERMIT FOR RELIEF OF NOISE LEVEL RESTRICTIONS.**

This item is being pulled from tonight's agenda but will be a future agenda item.

**4. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING VERTICAL BANNERS.**

Craig Barker, Community Development Director, referred to a staff report. He said there has been a lot of discussion over the last several years and this has come to the City Council from our Economic Development Committee and Planning Commission. These are also known as feather banners and are typically placed on private property just inside the sidewalk. The Planning Commission felt that since it was a recommendation from our Economic Development Committee they should take action.

Council Member Bailey asked about the restriction on two of these signs per business and whether there were some criteria for that. Craig Barker said the Planning Commission felt that was enough for a business property and added that most of our business properties are pretty narrow.

Mayor Harris opened the Public Hearing at 7:53pm.

Shawn Maynard, 2007 N 400 E, The Cannery Center, said he originally put this forward on behalf of the North Ogden Business Alliance. They recommend these banners because they are the new technology and tend to stay in good repair. He indicated that they had originally asked that three signs be allowed because of aesthetics but that two is acceptable.

John Arrington asked why this is under temporary banners and what the time restriction is that makes them temporary. Ron Chandler replied the ordinance states they are allowed for up to a maximum of three weeks at a time and must then be taken down for the same time period. For example if they are up for three weeks they must come down for three weeks before going back up. Craig Barker said they can be on the property up to 12 weeks per year with the current ordinance. Temporary signs are supposed to be for special events such as sales, grand openings, etc... He said that will be discussed in the final revision of temporary signs by the Planning Commission and they will come up with a better description of all of that.

John Arrington asked if he got a temporary sign for his business and he takes it down could he put up a different one so that there is always a sign up? Craig Barker said that is part of the clarification that needs to be made because there are some different interpretations on that. He said the Planning Commission will go through that and come back to the City Council with some recommendation. They hope to make it abundantly clear.

John Arrington suggested that this not be approved tonight because there are so many open ended things on this and the Planning Commission has not finished their review.

Shawn Maynard said right now they are only asking that vertical banners be allowed as a type of media.

Mayor Harris said this is a public hearing and the ordinance will not be approved tonight. Council Member Bailey said that is all the public hearing is about tonight too. Mayor Harris said this is an important distinction to make because it will allow one more type of temporary sign.

**Council Member Bigler moved to close the public hearing. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>

**The motion passed unanimously.**

Council Member Bigler said the purpose of a public hearing is to allow the residents to give their input and he appreciates Mr. Arrington getting up.

Council Member Bailey asked if it would be appropriate to have some discussion on the public hearing tonight. Council Member Bigler said that is what we do because then we can give further direction to the Planning Commission and make their job easier.

Council Member Bailey said he appreciates the work the Planning Commission has done on this and it looks like it largely satisfies our business community as well. He said he is looking forward to the work they will continue to do.

**5. DISCUSSION AND/OR ACTION TO SET A PUBLIC HEARING REGARDING THE BOARD OF ADJUSTMENT.**

Mayor Harris introduced Ken Kiser, Planning Commission Chair, and Larry Residori, Planning Commission Member, and asked them to give their presentation.

Ken Kiser, Planning Commission Chair, said they were presented an agenda item by the City Council regarding the Board of Adjustment. He said not too long ago there was a Board of Adjustment that was disbanded in favor of the Administrative Law Judge. The Planning Commission discussed this and unanimously voted to stay with the current system of the Administrative Law Judge. In cases where the variance request is allowed by State law but is outside a State statute regarding a variance the Board of Adjustment may not have the expertise or the authority to make those decisions and in a lot of cases it would have to be appealed anyway. The Board of Adjustment was a little bit toothless, without the legal authority, and short of legal training. The Planning Commission recommended continuing the process as it currently exists.

Larry Residori, Planning Commission Member, read a prepared statement which is included as attachment B. He said his experience is that most people don't really understand what this is all about.

Council Member Bailey asked what the five criteria are.

The five criteria are as follows:

1. Literal enforcement of the Land Use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
5. The spirit of the Land Use ordinance is observed and substantial justice done.

Mayor Harris clarified that this is State statute.

Ron Chandler said in his experience the first one is the biggest hurdle because the hardship cannot be financial and it cannot be self-imposed. He said in communities that he has worked in the staff role of trying to help the applicant understand that and take the time to talk with the applicant to review these things. Council Member Bailey asked for an example of a hardship that is not financial or self-imposed. Ron Chandler replied that the easiest answer would be the shape of a lot that makes it difficult to be able to build a structure that would meet one of the requirements. Mayor Harris said it is usually a physical or geographical feature of the ground.

Larry Residori said when he lived in American Fork he tried to make the hardship claim that the area in the house was too small for their family and needed to be expanded but that doesn't apply as a hardship. He said he thinks this really gives a person a false sense that they may be able to get a variance.

Jon Call, City Attorney, said the five criteria are almost impossible to meet. He said individuals typically don't understand that those criteria are being interpreted by case law and that they have to get all five.

Council Member Fawson asked to what extent we help residents. Ron Chandler said in his discussion with Craig Barker he understands that Craig spends time with them to try to explain. Craig Barker said you are kind of walking a tightrope because they ask what they should put down and we can't tell them how to complete the application. Council Member Fawson asked if we could put something together that would give them some guidance and examples. Council Member Bigler said that was discussed previously that we would give them something concrete not just talking to them. Ron Chandler said that is in the works.

Council Member Bigler said what started this whole discussion is multiple residents stating that past employees told them that they could do certain things without a building permit. These are not current employees but years later the City comes out and says they can't do it. He said he wants to make sure in the future that there is some procedure that everything is documented. That will protect the City and the resident and it should all be in writing. We should have some type of form or paperwork for any time a City official goes out and directs a resident on something there should be a

document to record that. He said he thinks if we can do that it will probably take care of these issues that we have been facing in the last few months.

Mayor Harris said there is another dimension to this and that is that if someone thinks they need a variance that should be taken care of ahead of time. We should be documenting these things; documentation is critical. Anyone who feels that they may need a variance should be taking care of that before they do any work. Mayor Harris said staff goes over the ordinances and requirements with the residents.

Ron Chandler said one of the things that staff does is when someone comes in we look for other options that they would have. An example of that could be where to put a garage, detached or in the back yard. He said when you try to work with people they are pretty set on what they want and it doesn't change until they understand what it takes to get a variance and then they will look at other options.

Council Member Bailey said it sounds like we don't grant variances. Craig Barker said we have granted two recently in regard to garages. Those were heard by the Administrative Law Judge. Dave Carlson went and one applicant was one of the homes with a single car garage. He said one of the criteria is that they have the same opportunity as the other people in the community. He explained that because the home was built prior to 1980 they got a side yard variance. He said we had another one that had a slope issue and they were unable to park their RV in compliance with code. That slope factor was enough that they were granted a variance.

Mayor Harris said he has a neighbor who was granted a variance. That person had a legitimate request and it was granted.

Mayor Harris said there was some discussion about the Judge being paid by the City and he disagrees with that philosophy. Council Member Bigler said if we do these things up front it will help and maybe a lot of these things will be less of an issue.

## **6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) ORDINANCE.**

Craig Barker referred to the staff report, minutes of several Planning Commission meetings and the proposed ordinance. This issue came about from the experiences we have had with The Cove. To clarify quickly, a PRUD is a method of subdividing land. Development of land is either done by subdivision or condominium; those are the only two ways to do it in Utah. We have a subdivision ordinance that spells out how you do that. The standard subdivision is fairly simple to do when you have rectangular parcels. The idea of a PRUD came up a number of years ago as a way to offer something better than a standard subdivision to the community. The developer makes his lots smaller and usually includes recreational amenities to the development. PRUDs in North Ogden have developed mostly as multi-family units which require at least 50% open space. That forces all of the development into 50% of the total space. You get an increased development and what you are supposed to get is an amenity package there to balance that. There is no minimum requirement for open space on single family PRUDs. The developer brings to the City a development plan which shows the amenities that will be available. Regulations have been written to cover all of the needs but some of those needs probably weren't met as stringently as they could have been. The Planning Commission worked with Dave Carlson and Craig Barker to create a new ordinance that they think will work. They started with a bulleted list of things that the Planning Commission wanted to

address. The ordinance includes comments indicating the areas that each section addresses. This is the time the City Council has scheduled to adopt any kind of regulation or change of the PRUD ordinance.

Mayor Harris said he doesn't want to go through all the pages but asked for a short explanation of the things that will be corrected by this ordinance.

Craig Barker said the first one is the increase in housing density. A lot of people have the feeling that you have an increase in the housing density but our ordinance doesn't do that. Our ordinance says you will use the same density. It's not an objective to give to a developer to get more than the number of lots he can get; it just allows him to reorganize in a different way. This provision is included to give the Planning Commission more teeth to resist PRUD plans where the apparent purpose is to just increase the density. The other two items talk about common activity areas. We speak to common activity areas, those are developed activity areas and they are not passive. Developed activity areas means there is something there that is created for the residents to enjoy. It could be playgrounds, ball fields, etc... Some of our PRUDs had areas that were configured in such a way that there was no usable space so we included a statement that they must be configured to provide appropriate, accessible, and usable space. We will be looking at that when you come in for a PRUD to make sure you have useable open space. There was some mention of people not being aware of what the costs are going to be to support their common open space. We will now require the developer to provide the Planning Commission a reasonable calculation of the monthly assessment to adequately fund the reasonable foreseeable costs of operation. This is the first time that we have ever required financial information from the developer to fund the required upkeep and maintenance; they will need to provide us with a dollar amount per unit per year. There is another section that requires the developer to obtain approval from the Planning Commission for an assessment fee analysis demonstrating a reasonable financial plan to provide for the future street maintenance and replacement. We allow private streets but require that they meet the standard City street requirements so that if they fail to take care of them the City can go in there. Covenants, Conditions & Restrictions (CC&Rs) are documents that are filed with each PRUD and they show up on your title report when you purchase land there. You agree to those things when you purchase the property. The City shall require the applicant to submit for recording CC&Rs which will provide adequate guarantees for the permanent retention and maintenance of open space areas, landscaping, natural features, private streets and other privately owned infrastructure, and architectural design standards. At a minimum the CC&Rs shall provide the homeowner's assessment fee based upon an analysis by the Planning Commission that demonstrates the ability to provide for future maintenance, repair and replacement of open space, landscaping, natural features, private streets and other privately owned infrastructure. That is important because if the fees are not allocated to do that things fall into disrepair and they become a real issue for the Homeowners Association. There will also be a provision granting the City the consent of the Homeowners Association and each of its members providing notice to each property owner that after holding a public hearing the City can create a special district to assess those owners the cost of improving their landscaping or privately held infrastructure for example if they are not able to do it. This requires that we receive two copies of that prior to the recording of a subdivision and CC&Rs. The City Attorney and the Director of Community and Economic Development must sign off on those after review of the CC&Rs.

Council Member Bigler said it is vital that the City is meticulous in following those and asked if they're not and something is built to the contrary could the residents come back and sue the city? Craig Barker said he would think so; we are trying to spell that out and make it clear who is

responsible for what and this would give us the option of creating a special district to make those repairs and maintenance.

Council Member Bigler asked whether Craig Barker is going to go through these with the developer of a PRUD and they are going to sign in agreement to all of these things. Craig Barker said yes and then the City will sign them also. Council Member Bigler said we have to protect the other residents so if the developer signs them then it is on them and not the City. He said we have to protect the other residents as well. Craig Barker said in doesn't usually go back to the developer because he is long gone. That is why you deal with the Homeowners Association so the financial responsibility is on them. Council Member Bigler said if the developer doesn't do everything he was supposed to do who is responsible. How are we taking care of that issue? Craig Barker said what we provide is that when we have a project come in we have a good solid cost estimate. He said that up until recently we haven't required them to escrow for the amenities, it was only for the improvements. The funds are held in an escrow account or a letter of credit and we have to track those funds carefully.

Jon Call said this is a widespread problem and the things the City is putting in here are good. He said the fact that the CC&Rs are recorded and the property owners are put on notice is good too.

Council Member Bailey said it looks like these modifications are driven from our own sad experience. Craig Barker agreed. Council Member Bailey asked if we have exhausted our sad experience or if there is more. He said he assumes that if this is a State-wide problem there are issues out there that we haven't encountered yet. Craig Barker said Dave Carlson has worked on this and has many, many years of experience. Council Member Bailey asked if we should be looking at precedents set in other communities. He suggested this may be an incremental thing.

Dave Carlson said Jon Call made a good point that North Ogden City is not unique in experiencing problems with Homeowners Association and being left to fund the infrastructure and maintenance. That is one of the things the Planning Commission asked be addressed. Even the most perfect ordinance is only as good as the will of the City to enforce it. So a lot of what is in the ordinance requires the City to do the work on the front end in approving these and not approving something that is doomed for failure. He said there is no guarantee. The value of the PRUD is that it gives flexibility to the developer to do something other than the standard cookie cutter subdivision. It may be more attractive or more desirable to live in. The other thing PRUDs work well for is pieces of land that have challenges for development with rectangular lots and streets. PRUDs allow for some creativity. It is a helpful tool for developers but there are certainly down sides too.

Council Member Bailey asked if going forward our City Attorney could do some research on PRUD issues. He said if we can forestall something it might be a wise or prudent thing for us to do.

Council Member Bigler said when the City passes this off there will be two signatures. Craig Barker replied yes, the City Attorney and the Director of Community and Economic Development.

Mayor Harris said the escrow applies to any subdivision. Craig Barker said developers walk on standard subdivisions also not just PRUDs. We have to make sure that when we have a cost estimate made that we are pretty accurate so we have the funds available to us if we need to do some work. We need to make sure that we get the correct amount of money held. He said he is not so sure that we have not done that because our engineering firm is good and he thinks they are accurate.

Council Member Taylor said the thing that stood out for him is the ability of the City to designate the special assessment areas. He said he wonders how it would work in a Homeowners Association where some people are paying but some are behind and some are not paying at all. Will the City have to judge things based on what they owe the Homeowners Association? Craig Barker said he doesn't know the answer to that but he would think the City would hold the Homeowners Association responsible and leave the matter of how they collect it from their individual members up to them.

Council Member Taylor said, regarding paragraph d on page 13, it seems like a lot for the City to get involved with if it comes to that. Craig Barker agrees and said that is what Dave Carlson was talking about the City's will to enforce that. Dave Carlson said when Homeowners Associations have streets that are not safe or a sewer system that is not functional the City has to step in and do something. That provision is only in there as a last resort.

**Council Member Bailey moved to approve Ordinance 2012-15 amending the PRUD ordinance as presented. Council Member Taylor seconded the motion.**

**Voting on the motion:**

<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>

**The motion passed unanimously.**

**7. DISCUSSION AND/OR ACTION TO APPROVE AN AMENDMENT TO THE COVE DEVELOPMENT AGREEMENT.**

Dave Carlson said this is really an easy thing. The City Council has already adopted the ordinance to vacate The Cove PRUD. The Weber County Recorder has requested that the language be modified in the legal description. The intent has not changed, only the language in the legal description portion of the ordinance.

**Council Member Bigler move to approve Ordinance 2012-16. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>

**The motion passed unanimously.**

**8. DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE.**

Bryan Steele, Finance Director, reminded the City Council that this has been reviewed over the past couple of months. The Council had asked staff to look at some of the Business License fees in more depth. He said he has done that and brought his recommendation back tonight. The Consolidated Fee Schedule has been updated for those and the disproportionate fees have been removed. Based on analysis that is an approximate revenue loss of about \$10,200.

Council Member Fawson said, based on the comparables that Bryan Steele presented previously, it looked like the fireworks stands were closer to \$300 in other cities and we are at \$125. We are quite a bit less than some of the other cities that were listed. He said several of them also handled the deposit as a bond. Is there any advantage to handling that as a bond? He asked if there is any impact with the Solicitor's licenses to youth fund raising activities and going door to door. Mayor Harris said that is specifically allowed by our ordinance.

Bryan Steele said he went through the last time the fees were updated and looked at the cost to process those licenses. He said he didn't consider whether we were close to the other cities. He just looked at what our cost is. He said the fireworks stand could be different because of a fire inspection. We are separate from the fire district so we don't take in a fee for that. Annette Spendlove, City Recorder, said there is not a fee that they charge us for. Council Member Bigler said that is part of the work that they do and the residents are still paying a cost for the fire district. He asked Bryan to call some of those cities to find out why they are charging that much. Mayor Harris said the point is that it has to be based on what our costs are and Bryan has done that. Council Member Bigler asked if we are including all of our costs with the fire district. Mayor Harris suggested we pass this tonight and added that it can be amended later if necessary.

Council Member Taylor asked if there are any spending cuts to offset the lost revenue. Bryan Steele said it is just coming out of the General Fund. Ron Chandler said the intent is that we will be amending the budget as part of our standard procedure sometime around the first of the year and at that time we will be able to calculate that at that point. Council Member Bailey said it actually solves a revenue problem for us because if we stayed with the disproportionate fee structure we would have to recalculate that every three years and we weren't bringing in enough money with that to cover those costs.

**Council Member Fawson moved to approve Resolution 10-2012 amending the Consolidated Fee Schedule. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>

**The motion passed unanimously.**

Mayor Harris opened the meeting for public comments.

Stacey Giatras, 1116 E 3250 N, said regarding agenda item 6 that Highlands Ranch, CO is entirely made up of Homeowners Associations. They are very successful and it is a beautiful place to live. She suggested we look at how they do theirs.

Council Member Bailey said on the item that was pulled, he saw that something came up about North Ogden Canyon well wall collapse. Mayor Harris said we had drilled an exploratory well and were down about 800 feet. They encased it 400 feet in rock and the walls started to collapse on that. They quit drilling and we went ahead and tested that well at 400 feet and it did not recover as well as we had hoped. There was an issue with the drawdown. They want to drill one more exploratory well and looked a little further up the canyon. We had geotechnical engineers give us different sites around the City and the next point was in the green waste area but the folks that were doing that part of it but didn't realize that they proposed that well right in the middle of the area we declared surplus.

Council Member Fawson said he is thrilled about our progress on the Economic Development side and he feels like we have gone with the right firm. He expressed his thanks to Mayor Harris and the City Council for moving that forward. There have been a couple questions that have come up in the past couple of days. The first was a comment that was in the paper yesterday that talked about the media policy and said specifically that City employees were not able to contact the paper or comments about their feelings because of the media policy. He said City employees can contact anyone they want at any time. They may not be able to speak on behalf of the City but they can speak to the media and express their views any time they want.

Council Member Bigler said he is excited about the Economic Development progress. It has been a long time coming and we have taken a huge step in the right direction tonight. He thanked the Planning Commission; they did a lot of good work that helped the City Council tonight. He thanked Bryan Steele for going through these things, it's a huge improvement and a great update. He thanked Ron Chandler for all the good work he is doing. He said he has yet to ask a question or make a request that Ron Chandler has not responded to. He responds promptly and that is vital for the City Council members to be able to represent the residents well. There was a street issue going into a driveway on 1700 N after that got resurfaced where cars were bottoming out and we were looking at helping them out. He thanked Ron Chandler, Mel Blanchard and Mayor Harris for taking a look to see what the issue was. He thanked them on behalf of that resident who is a busy single mother. On the street issue on 2100 N he said he hopes that after that development is finished we will have the developer fix the road spots where they covered up the piping. He said he hopes we require them to try to smooth that out the way it was before. He brought up a question concerning sewer connection lines; there was a connection that had come apart. The main sewer line in the City is down the road and each resident has a line from their home to the main where it attaches. He said he was told that it is common for those attachments to come apart and it costs residents thousands of dollars to get it fixed. He asked if staff and administration could look at it and see if there are better ways to do that. There are connections in various aspects in life that are very important. It seems like there ought to be some way for those to be tight so they don't come apart. He mentioned another incident where a resident's lateral was never connected to the City's main for years and it cost the resident \$4,000 to correct that. Gary Kerr, Building Official, said there is an inspection on that, they go down and see the pipe. Staff makes 'as built' showing where the pipe is to help in the future. The problem with this particular home is that the pipe was already buried. In that case we do have a subdivision inspector that goes out usually in the morning and afternoon but he's not there all the time. Council Member Bigler said it seems to him that if the inspector can't see it they don't cover it up. Council Member Bigler asked that this be looked at. The resident needs to have some kind of protection. He hopes there is some kind of inspection saying that it was connected correctly. Gary

Kerr said the only problem with that is when a developer puts in a sewer line he digs it up and buries it as he goes. Ron Chandler said staff would look into that.

Council Member Bigler said there was an issue with a business owner that wants to put in a new sign and was told that he couldn't because of the ordinance. The ordinance refers to the curb and staff is assuming that means the street curb but there is a curb closer to the location of this particular sign and the height of the new sign will actually be lower than the current sign. The staff is interpreting the street curb but there is a curb closer to the sign. This will be a new sign and will be more beautiful but because of the slope of the property there are these issues. The existing sign wouldn't be allowed now except it was built prior to this ordinance going into effect. The business owner had some questions and concerns about it. He would like that to be on the upcoming agenda as well for the Council to look at. It seems in this case that it is a little tit for tat and he wants that on an agenda. Ron Chandler pointed out that he is assuming he is asking that the item be the ordinance and that will need to go to the Planning Commission before it can be changed. Council Member Bigler said he would like the Council to look at it first to give the Planning Commission some direction. Council Member Bigler said he also wants the Council to look at the ordinance regarding sheds, garages, or workshops in the back yard; particularly where they're located. We allow different heights but there has been one that has come into question and he would like and encourage the Council to go and look at that. What the current ordinance says is that when it is a certain height it has to be 20 feet from all property lines. He would like that on the agenda as well. The home owner has asked that the Council members come by to see it.

Council Member Stoker said she would like to thank Ron Chandler for his willingness to respond to requests or questions. She said he follows through on all the updates and she is impressed. She mentioned that when we had that main water leak on Mountain Road there was a sign on one end of the road that was really helpful and it would have been nice to have had one at the other end. Ron Chandler said that will be considered for next year's budget. She said she likes the sign boards.

Council Member Bigler said he wanted to publicly welcome Council Member Taylor back after his service and is happy he had a safe return.

Council Member Taylor wanted to thank Dave Hulme for his work and also thank his family. He appreciates his willingness to serve.

Council Member Fawson said he wanted to follow up with Ron Chandler on the utility companies. Ron Chandler said regarding the pole transfers; Rocky Mountain Power has moved theirs and topped theirs off. Comcast has moved theirs. The work order for CenturyLink has been put in but they don't anticipate doing anything until the fall. He said he hasn't found a government liaison with them yet and in his discussions with the Attorney General's office they were cautious on fining. If we were to create a fine when we would fine them for a safety hazard that would likely be upheld but not a fine for any other reason.

Council Member Fawson asked about the stop ahead sign on 1050 E. Ron Chandler said he thought they were all in. Council Member Bigler said they were told by email that it was all done. Ron Chandler indicated that he will check.

Council Member Fawson said he is not opposed to having a review of the Council's compensation or stipend. He said the change they made last year went into effect this past July.

Craig Barker said the City Council had asked the Planning Commission to look at existing non-conforming structures out there. They don't understand the reason for those being brought in as legal non-conforming. They would like to have a work session with the City Council. Annette Spendlove said they can schedule that tentatively for October 2, 2012.

Council Member Bigler asked if Craig Barker or Ron Chandler can fill the Planning Commission in. They have been in all the City Council meetings where that was discussed. Ron Chandler said they can do that but the Planning Commission wants to have a work session.

Annette Spendlove said Stacie Cain had her baby Friday and will be off for a while.

**9. ADJOURNMENT.**

**Council Member Bailey moved to adjourn. Council Member Taylor seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>

**The motion passed unanimously.**

The meeting adjourned at 8:50pm.

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Richard G. Harris, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved