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2 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**
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5 November 9, 2010
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8 The North Ogden City Council convened in regular session on November 9, 2010 at 5:30 p.m. at the
9 North Ogden City Justice Court, 515 East 2600 North. Notice of time, place and agenda of the meeting
10 was delivered to each member of the City Council, posted on the bulletin board at the municipal office
11 and posted to the Utah State Website on November 8, 2010. Notice of the annual meeting schedule was
12 published in the Standard-Examiner on January 24, 2010.
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16 **PRESENT:** Martha Harris Mayor Pro Temp
17 Ron Flamm Council Member
18 Wade Bigler Council Member
19 Brent Taylor Council Member
20 Carl Turner Council Member
21

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23 **EXCUSED:** Richard G. Harris Mayor
24 Edward Dickie City Manager
25

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27 **STAFF PRESENT:** Annette Spendlove City Recorder/HR Director
28 Julia LaSeure Deputy City Recorder
29 Craig Barker Community Development Director
30 Dave Carlson City Attorney
31 Debbie Cardenas Finance Director/Acting City Manager
32 Dave Nordquist Community Services Director
33

34
35 **VISITORS:** Dave Hulme Dean Allred
36 Pam Trimble Helen Taylor
37 George W. Parsons Bob Christofferson
38 Cecil Satterthwaite Mike Barrow
39 Sandy Price Richard Johnson
40 Annette Johnson Gary Ramos
41 Rachel Trotter Margaret Beus
42 Toby Mileski LA Christensen
43

44
45 **WELCOME**
46

47 Mayor Pro Temp Harris called the meeting to order and welcomed the audience. She explained that
48 Mayor Harris and Ed Dickie, City Manager, are out of town for training. Council Member Flamm gave
49 the invocation and led the audience in the Pledge of Allegiance.
50
51

52 **CONSENT AGENDA**

53 1. Consideration to approve minutes of the October 12, 2010 City Council meeting.

54 2. Consideration to approve minutes of the October 26, 2010 City Council meeting.

55 **Council Member Flamm moved to approve the consent agenda. Council Member Taylor seconded.**

56 **Voting on the motion:**

57 **Council Member Bigler** **yes**

58 **Council Member Flamm** **yes**

59 **Mayor Pro Temp Harris** **yes**

60 **Council Member Taylor** **yes**

61 **Council Member Turner** **yes**

62 **Motion passed.**

63 **ACTIVE AGENDA**

64 3. Public Comments.

65 Mayor Pro Temp Harris stated that agenda items 4, 5, 6, 7, 8 and 9 are all public hearings on various
66 topics. There will be specific public comment time for each of those topics; any other comments can be
67 made now at item 3 or later at item 15. There were no comments.

68 4. Public Hearing to receive comments on amendments to the PRUD Subdivision Regulation to
69 include the City Trails recommended in the City Trails Plan.

70 Craig Barker, Community Development Director, referred to the staff report which includes the five
71 public hearings he will address tonight. Some proposed amendments are from the Economic
72 Development Committee (EDC), some are from the Planning Commission and others are from the public
73 at large.

74 Craig Barker said the first of these is to amend the Zoning Regulations of the City to amend the PRUD
75 requirements. This will add the trails shown on the Trails Plan of the City as a requirement to future
76 development. The City has had a hard working Trails Committee for a number of years and this comes in
77 large part from the work that those people have done. When a proposal comes to the City, it will be
78 reviewed for any trails that are part of the Trails Plan. He reviewed the requirements of the proposed
79 amendment for the Council and said these areas would count toward the required open space of the
80 development. The City would become responsible for the maintenance of these dedicated public trails as
81 part of final acceptance of the subdivision. This is all new as a standard for developing PRUDs.

82 Mayor Pro Temp Harris opened the Public Hearing at 5:44pm.

83 Mike Barrow, 2911 Cherry Dr., said he is here as a member of the Trails Committee. Joel Grasmeyer
84 asked Mr. Barrow to read a statement which is on file.

85

86

Mike
+ trails

City Council 11/9/10

The following statement was prepared by the North Ogden Parks and Trails Committee in support of amending the Subdivision Ordinance to better accommodate future trail development. This is a committee consisting of North Ogden citizens who volunteer their time to plan and build park and trail facilities within the city.

In 1995, a volunteer group of citizens from North Ogden and Pleasant View formed the Northview Trails Committee. They did quite a bit of work and wrote up a 12-page document entitled "Northview Trails Master Plan". This report also included a couple of maps showing several proposed trails within North Ogden and Pleasant View.

These proposed trails were incorporated into North Ogden City's General Plan in 1997.

The primary trail within North Ogden in this plan is known as the Cherry Way Loop. The Cherry Way Loop is a 12-mile trail that will eventually connect most of the parks and schools within the city. About 5 miles of this trail are already in place, primarily between McGriff Park and the Equestrian Park. The Cherry Way Loop will eventually connect with Oak Lawn Park, Barker Park, Orton Park, North Ogden Park, and the Senior Center.

One of the responsibilities of the North Ogden Trails Committee is to help the City adhere to the General Plan with regards to Parks and Trails as subdivisions and commercial areas get developed. Unfortunately, our work has been made extremely difficult in the last few years since we've lost several key trail corridors that were intended to be part of the Cherry Way Loop. When you break a connection along a trail corridor, it is difficult or impossible to come up with an alternative connection. Just as it would be impossible to build a main connection to I-15 like 2600 North without a General Plan, it is impossible to build an interconnected trail system without the General Plan.

In the current Subdivision Ordinance, there is no provision for the Planning Commission to enforce the General Plan with regard to trails. The proposed amendment would put this provision in place.

Note that this amendment does not give the city the power of eminent domain to put trails through existing private property. It only requires developers to accommodate trails that are in the General Plan when the property is developed into a subdivision or commercial area.

As of today, there is still quite a bit of open space in North Ogden. It's not uncommon to see some deer, pheasants, or a fox wandering around an alfalfa field. There are still a few good places to walk through some natural areas and see views of the surrounding area. However, in 50 years, the city will probably be completely built out, and most of this open space will be gone.

It is our responsibility as a community to preserve at least a little bit of this open space for our children and grandchildren. We already have a good number of parks with fields

for team sports, and boweries for picnics. However, we need to do a better job at creating places in North Ogden for people to take a bike ride with their kids without worrying about traffic, take a 5-mile run through a natural area, or walk to a park or school instead of driving. The results of the North Ogden Community Survey issued in 2001 also indicate that the majority of citizens are very supportive of having a city trail system.

Because of the nature of development, we can't postpone this decision into the future. Once a piece of land gets developed, it's nearly impossible to put in a trail later. Other areas such as the Ogden Valley and Ogden City already have similar provisions in their ordinances. Your vote in support of this amendment would bring North Ogden up to par with these other areas, and improve the quality of life for our current and future citizens.

88

89 **Council Member Flamm moved to close Public Hearing. Council Member Bigler seconded.**

90 **Voting on the motion:**

91 Council Member Bigler	yes
92 Council Member Flamm	yes
93 Mayor Pro Temp Harris	yes
94 Council Member Taylor	yes
95 Council Member Turner	yes

96 **Motion passed.**

97 The Public Hearing closed at 5:50pm.

98 Mayor Pro Temp Harris stated that the procedure in the past has been to hold a Public Hearing at one
99 meeting and approve the ordinance at a future meeting.

100 5. Public Hearing to receive comments on amendments to the Subdivision Regulations to include
101 the City Trails recommended in the City Trails Plan.

102 Craig Barker stated that this is the second part of the same action to include the trails in the City. This
103 deals with the Subdivision Ordinance; standard subdivisions typically do not have required open space.
104 He reviewed the proposed standards and said if the master plan shows a public trail the developer will
105 have to build it.

106 Council Member Bigler said, regarding the trails in the master plan, there is a lot of privately owned
107 property and this is assuming that every piece is going to be developed. If families decide not to develop
108 then we will have put in all this work and are now responsible for these trails that are a bunch of dead
109 ends. Craig Barker said that is correct, it depends on the property owners and the Trails Committee
110 working with those property owners to try to get public access easements.

111 Council Member Bigler asked when it is going to be developed, does this allow for the trail to be moved
112 to the edge of a property? Craig Barker said yes.

113 Council Member Turner said part of this proposed amendment is that the Trails Committee is going to
114 work on a Trails Ordinance for the City. Some of these issues have not been fully addressed. Some of the
115 trails we have been able to do with grants. We don't have all the answers on some of this yet.

116 Dave Carlson, City Attorney, said there are some published standards out there. Council Member Bigler
117 said he would not expect every detail to be worked out before moving forward on this. He also said he
118 wouldn't want a trail going through his backyard. Craig Barker said if this is done as part of a
119 subdivision, you will know that a trail is going through your backyard. The trail would be known as to
120 where it is going to be. A buyer will purchase knowing that a trail is going in there.

121 Council Member Flamm said in Eagle Mountain there are a lot of trails. Sometimes the trails go right up
122 to the yard and sometimes there are fences. The trails were there before they started building. Craig said
123 yes, once we approve a subdivision there will be a guarantee of the installation of that subdivision. A
124 person would know if they are to have a trail in their backyard.

125 Council Member Turner said this will not affect all subdivisions either, only those with master planned
126 trails shown in those areas. This will allow the City to protect our trails.

127 Council Member Taylor said his first thoughts are that it's one thing to require roads, sidewalks, etc. but
128 trails are different. This raises some concerns for him, is there any compensation to the landowner? He
129 said he would appreciate more research on this.

130 Craig Barker stated that trails are not new to development; trails have been a part of the discussion over at
131 least the last 35 years. If the City gives certain criteria these can be required as part of the transportation
132 plan. If it is specified in the ordinance, the Courts have generally said that the Cities can require that they
133 occur. Some of these things don't have to be owned by the City, it can be included in the generalized lot
134 size.

135 Mayor Pro Temp Harris opened the Public Hearing at 6:07pm. There were no comments.

136 **Council Member Flamm moved to close the Public Hearing. Council Member Bigler seconded.**

137 **Voting on the motion:**

138 Council Member Bigler	yes
139 Council Member Flamm	yes
140 Mayor Pro Temp Harris	yes
141 Council Member Taylor	yes
142 Council Member Turner	yes

143 **Motion passed.**

144 The Public Hearing closed at 6:08pm.

145 6. Public Hearing to amend the Zoning Ordinance on Home Occupations Section 11-16-1 to clarify
146 and remove redundancy.

147 Craig Barker stated that this ordinance is in response to some applications for home occupations and also
148 the Mayor's request that the Planning Commission look at the Zoning Ordinance chapter by chapter. We
149 have made some amendments and most of them are for clarity. He reviewed the proposed amendments.

150 Council Member Flamm said he was thinking about Penny's Candies, she has a space in her basement
151 with a little candy counter. Council Member Taylor said he is fine as long as it is not visible from outside
152 the home. Council Member Bigler said he has concerns about the language "specialty products primarily

153 for home sales”, who is going to determine primarily for home sales? Craig Barker said when there is a
154 question about the interpretation it becomes the Council’s interpretation. Craig will make a decision and
155 if the applicant disagrees it comes to the City Council. Council Member Bigler asked about “income
156 producing activities engaged in by minors”. Craig said that would be for things like a lemonade stand in
157 the front yard.

158 Mayor Pro Temp Harris opened the Pubic Hearing at 6:18 pm.

159 Sandy Price, 3589 N 500 E, said she does not currently have a home occupation but she did in the past.
160 She had some suggestions. She said regarding item D - not to disturb the peace and quiet in the
161 neighborhood, what about daycares and music schools? They create noise. She said it seems subjective to
162 her. She suggested including a level of decibels. She said that not having activities outside would also
163 apply to daycares. She said the display of sales or goods would affect massage therapists who might have
164 oils or books. They couldn’t sell those. This would also affect people who are music teachers and could
165 not sell music books. She said she is not sure what a vehicular trip means. Is that one trip to and from? Is
166 the trip there one and the trip away two? Could the City allow additional trips with a special permit like a
167 Conditional Use Permit? That would be needed more so for a hair stylist or daycare. That limit of five
168 can be used up very quickly and she suggested increasing that.

169 **Council Member Flamm moved to close the Public Hearing. Council Member Taylor seconded.**

170 **Voting on the motion:**

171 Council Member Bigler	yes
172 Council Member Flamm	yes
173 Mayor Pro Temp Harris	yes
174 Council Member Taylor	yes
175 Council Member Turner	yes

176 **Motion passed.**

177 The Public Hearing closed at 6:24pm.

178 7. Public Hearing to amend the Zoning Ordinance to include Agriculture in all zones as a permitted
179 use.

180 Craig Barker stated that this item came about because of some conflict we had last summer and spring
181 regarding some areas that have been zoned residential for about 50 years and are being used for
182 agriculture. We only have two zones that allow agriculture as we currently define it, RE-20 and R-1-8
183 (AG). None of the other areas allow the keeping of animals other than family pets. He said he doesn’t
184 know why agriculture as a permitted use was taken out of the zones other than those two. Weber County
185 defines agriculture as the growing of crops and tilling of the soil. He proposes that we add agriculture
186 back in as a permitted use with that definition. He said he sees no reason not to do that with the new
187 definition of growing of crops and tilling of soil.

188 Council Member Flamm said one of the tours he went on at the Utah League of Cities and Towns
189 conference was on urban gardens; chickens, beehives, all types of gardens in Rose Park. He said he had
190 never seen such a small place being used for agriculture. He said that some people now are asking if we
191 allow chickens. Is that what we are talking about here? Craig said no we are only talking about the
192 growing of crops and the tilling of soil.

193 Council Member Bigler said he understands that this is keeping the livestock as it is but expanding the
194 garden type areas permitted. Craig said that is correct. Council Member Bigler said Staff did a good job
195 on this.

196 Mayor Pro Temp Harris opened the Public Hearing at 6:33pm.

197 Dean Allred, 1942 N 500 E, said he was not aware of the fact that you could not legally have a garden in
198 your yard in North Ogden. He said he has been breaking the law for years. This definitely needs to be
199 changed. He stated that he understands this isn't about chickens right now but said that chickens don't
200 bark. He said he is an old farm boy and he doesn't want chickens but when that issue comes before the
201 City Council they should think about that.

202 **Council Member Taylor moved to close the Public Hearing. Council Member Bigler seconded.**

203 **Voting on the motion:**

204	Council Member Bigler	yes
205	Council Member Flamm	yes
206	Mayor Pro Temp Harris	yes
207	Council Member Taylor	yes
208	Council Member Turner	yes

209 **Motion passed.**

210 The Public Hearing closed at 6:35pm.

211 8. Public Hearing to amend the Zoning Ordinance to allow A-Frame Signs in the Commercial
212 Zones.

213 Craig Barker said that this proposal comes as a result of the Economic Development Committee. We are
214 finally coming to fruition of some of the work they've done. We have previously not allowed an A-frame
215 or sandwich board sign. This proposal will add that to the Zoning Ordinance. We define what an A-frame
216 sign is and the requirements of those. We also address banners, pennants and other temporary displays
217 and propose that they be allowed in the Commercial Zones.

218 Mayor Pro Temp Harris asked if a hair salon puts out a banner advertising shampoo for a week it stays for
219 a week and then comes down for a week. Could they then put up a banner advertising permanents for a
220 week? Craig Barker said yes but they still only have 12 weeks per year total. That is his interpretation.

221 Council Member Taylor said when this came through the Economic Development Committee (EDC)
222 there was a provision that the signs have to come in at night. Craig said it is there in the beginning.
223 Council Member Taylor mentioned the twelve week total period and that the intention was not year round
224 for different things. Craig Barker agreed that needs to be clarified and said that was his interpretation.
225 Council Member Taylor stated that these are two examples of work from the EDC and a lot of things have
226 been produced from them. The idea is to encourage business success and become more business friendly.
227 He said a lot of people are putting in their time on this Committee.

228 Council Member Turner asked whether the Making Life Better banners that the City has up are covered
229 under this ordinance. Craig replied no. Council Member Turner asked if it is the same with special
230 events signs. Craig replied these are specifically designed for businesses.

231 Council Member Bigler asked whether this would include Gordon's Halloween? Craig Barker said that
232 would not be covered here but they could have advertising on their own property. Council Member Bigler

233 asked about the corn maze at the fish farm. Craig replied no because that is not in a commercial zone.
234 Mayor Pro Temp Harris said in the A frame sign section we say it must be on the business site. She
235 doesn't see that in the banner ordinance. Craig said the ordinance covers that in another section.

236 Mayor Pro Temp Harris opened the Public Hearing at 6:48pm.

237 Mike Barrow, 2911 Cherry Dr., said that signs must be on the business property but the parking strip is
238 City property. Is that correct? Mayor Pro Temp Harris said that is correct.

239 **Council Member Bigler moved to close the Public Hearing Council Member Taylor seconded.**

240 **Voting on the motion:**

241	Council Member Bigler	yes
242	Council Member Flamm	yes
243	Mayor Pro Temp Harris	yes
244	Council Member Taylor	yes
245	Council Member Turner	yes

246 **Motion passed.**

247 The Public Hearing closed at 6:50pm.

248 9. Public Hearing to receive comments on Community Development Block Grants projects for
249 2011.

250 Gary Kerr, Building Official, stated that North Ogden City has many times gone after grants; this is one
251 of those times. North Ogden City is going after a 2011 Community Development Block Grant (CDBG);
252 this Public Hearing is the first step. We need to identify and discuss the Community Development needs
253 of the community and obtain citizen views on projects. We then respond to any suggestions. The
254 Wasatch Front Regional Council area in which North Ogden City is a member, is expecting to receive
255 \$1.3 million. Eligible projects include street improvements, sewer lines, water lines, etc. We have a five
256 year Capital Improvements Plan which includes some under street improvements in the Green Acres area.
257 We could go after a maximum of \$200,000 for road projects. Gary Kerr stated that the Senior Center and
258 water line in the Green Acres area were completed with CDBG funds. Most types of projects that are
259 included have to be used for low to moderate income people but there are numerous projects that you can
260 do. The low to moderate income areas of North Ogden City are the southern Green Acres area and the
261 central older part of town. The purpose for this public hearing is to hear the citizen's ideas for potential
262 projects. If they come up with a great idea we would have to add it to our Capital Improvement Plan.

263 Council Member Turner asked if this is a matching grant. Gary Kerr responded by stating no but you do
264 get points for putting money into it. Council Member Bigler asked if, before we apply for the grant, we
265 have to have a specific purpose and place that we would use that money. Gary responded by stated yes
266 and it has to be on the Capital Improvement Plan.

267 Council Member Taylor said some of the things for the Water Division service the whole City; would that
268 qualify for low to moderate? Gary Kerr responded saying it has to service at least 50% low to moderate
269 income people. He said it would be very tough to qualify for because most of the City is not low to
270 moderate.

271 Mayor Pro Temp Harris opened the Public Hearing at 7:00pm. Anyone with questions, comments or
272 suggestions were asked to identify themselves by stating their name and address.

273 Pam Trimble, 1229 E 2600 N, asked if Green Acres is the area that we are looking at, could a recreation
274 facility with sport courts qualify for something like this. Gary Kerr responded by stating yes, if it were
275 only for those low to moderate income people. Mrs. Trimble said North Ogden City needs a recreation
276 facility for the teenagers to go play basketball and such. North Ogden should think about having
277 something like that for our children.

278 Council Member Taylor said that he would like to see us put up the matching funds to increase our odds
279 of getting some grant money. Gary Kerr said we are doing that with B&C Road Funds and added that
280 this area needs a lot of work.

281 Mayor Pro Temp asked if there were other comments or suggestions.

282 **Council Member Bigler moved to close the Public Hearing. Council Member Flamm seconded.**

283 **Voting on the motion:**

284	Council Member Bigler	yes
285	Council Member Flamm	yes
286	Mayor Pro Temp Harris	yes
287	Council Member Taylor	yes
288	Council Member Turner	yes

289 **Motion passed.**

290 The Public Hearing closed at 7:05pm.

291 10. Discussion and/or action to approve Cold Springs Village PRUD Phase II Conditional
292 Acceptance.

293 Gary Kerr said that Nilson Homes, the developer of Cold Springs Village PRUD Phase II, is requesting
294 conditional acceptance. All subdivision items have been completed to the City's specifications.

295 **Council Member Taylor moved to grant conditional acceptance of Cold Springs Village PRUD**
296 **Phase II. Council Member Flamm seconded.**

297 **Voting on the motion:**

298	Council Member Bigler	yes
299	Council Member Flamm	yes
300	Mayor Pro Temp Harris	yes
301	Council Member Taylor	yes
302	Council Member Turner	yes

303 **Motion passed.**

304 11. Discussion and/or action to approve a variance to Stoneridge Subdivision to eliminate
305 approximately 350 feet of sidewalk on 175 East about 3550 N.

306 Gary Kerr stated that this is a request for a variance on a subdivision improvement which requires City
307 Council approval. Cecil Satterthwaite is representing the developer. The City Council received a map
308 showing where they would like to omit some of the sidewalk, where the sidewalk is in and where two
309 ADA ramps are to be installed. The reason for this request is that being on the steep hill they are worried
310 that rock and debris will come down on the sidewalk and create a hazard to pedestrians. Gary said his
311 opinion is that there is no physical reason that the sidewalk could not go in. There is plenty of room it

312 may just require a little more work. He feels that this area is fairly stable. Physically they can put
313 sidewalk in.

314 Council Member Taylor said it is a little steep and asked if the hillside is part of a lot? Gary Kerr replied
315 yes. Council Member Taylor said someone will be responsible for maintaining that area. The property
316 owner will have to keep it clean. He said he thinks there are some challenges for the builder but does not
317 see a reason not to require the sidewalk.

318 Council Member Flamm agreed with Council Member Taylor, the property owner will have to take
319 responsibility for that. Whoever buys those two lots will have some fairly hefty landscaping costs; there
320 are huge chunks of rocks left there. There are some major costs there, whether they put in the sidewalk
321 won't make a difference. He said he thinks it will take some major work. Gary Kerr said the sidewalk
322 has to go in. They got their conditional acceptance a year ago and they now have to install it or get a
323 variance.

324 Mayor Pro Temp Harris asked if the developer could come back with a variance request to delay the
325 installation of the sidewalk until the lot is sold. Dave Carlson, City Attorney, said that would be
326 acceptable. Gary Kerr said right now we have the money in escrow; in future years that amount may not
327 cover the installation of that sidewalk.

328 Cecil Satterthwaite, the Developer, said as far as putting in the sidewalk it's a unique situation. These lots
329 have sidewalks on both sides. He is concerned about the property owners having to go all the way around
330 to maintain that. He would like to do away with the park strip there. Mr. Satterthwaite asked if they
331 could keep the sidewalk but without the park strip. Dave Carlson, City Attorney, said we can modify it.
332 The City Council doesn't have to grant him exactly what he asked for.

333 Council Member Taylor asked if we have precedent for that? Are there areas where we have done that?
334 Gary Kerr replied yes. Mr. Satterthwaite stated that there are no utilities in this area either. Gary Kerr
335 said he has no problem with this.

336 Council Member Bigler asked if there is a specification for how far back the lot should be from the
337 sidewalk. Is there concern about the danger of falling rock

338 **Council Member Flamm moved to deny the variance as requested and allow them to put the**
339 **sidewalk next to the curb and gutter and not have to have a park strip in that area. Council**
340 **Member Bigler seconded.**

341 **Voting on the motion:**

342 Council Member Bigler	yes
343 Council Member Flamm	yes
344 Mayor Pro Temp Harris	yes
345 Council Member Taylor	yes
346 Council Member Turner	yes

347 **Motion passed.**

348 12. Discussion on Business License fees for Commercial Businesses and Home Occupations.

349 Debbie Cardenas, Finance Director, stated the City Council should have before them five options for
350 consideration. Rather than discuss them in detail, she would like to summarize the common factors. We
351 are proposing that the businesses, the home occupations and the rentals be charged the \$64 unless it is a
352 new application then they would be charged the \$82.34. \$10 less than the amount proposed in the study

353 because we are not implementing the Good Landlord Program. The differences you will find is the
354 calculations we made in the disproportionate fees for businesses. The one that is the most considered is
355 option E which was proposed by Council Member Taylor. Council Member Taylor also sent a narrative.

356 Council Member Taylor said he talked with Shawn Maynard of the North View Business Alliance and the
357 key points here are raising revenues to cover the costs of the City. This proposal makes it clear that we
358 value the businesses in the City; they are not seen as a liability. The philosophy of the proposal is that we
359 need to raise revenues but we want to include that the businesses and landlords are assets to our City. If
360 we're raising these fees there have to be some benefits. He proposed implementing a portion of the fees
361 from the study. He is proposing that the City charge the disproportionate fees as proposed by the study at
362 100% up to \$250, then the next \$250 will be charged at 50%, any remaining amount over \$500 would be
363 implemented at 8% . The key is that these funds are being collected and going into the General Fund.
364 We will offer services to our business owners: establishing a business liaison officer in the Police
365 Department. This will be an existing officer who will take on this additional duty. There will be a liaison
366 for the landlords also and we will create an economic development fund that takes 20% of the license
367 revenues that the City will use to support campaigns like Spend It in North Ogden. The EDC is
368 discussing a number of exciting things now. Specifics are not in there but they would like the City
369 Council's commitment to this type of program. Use funds for marketing, Spend It campaign, fliers, shop
370 local, etc.. Lastly this money could be used to fund a North Ogden Business Alliance and improve the
371 Spend It website. The main idea is to create a comprehensive proposal that will give back to the business
372 community and landlords to improve relationships with both groups.

373 Mayor Pro Temp Harris said we have been looking at this since February. At the last discussion it was
374 requested of all City Council members that any ideas needed to be brought to the City Council prior to the
375 meeting tonight. She said she appreciates that Council Member Taylor got this to Debbie Cardenas so we
376 could compare things. If option E is considered and if we started gathering revenues in January, the City
377 Council would need to consider opening the budget in February to come through with some of the
378 promises and conditions that are put in option E so we don't wait for a City Budget to roll around six
379 months later. Tonight what we need to do is approve one of these options; we do not need to have an
380 ordinance to do that. Upon approval of the option, the staff starts the process of getting letters out for
381 January renewal. We will adjust the Consolidated Fee Schedule at the next meeting showing all these
382 fees.

383 Council Member Flamm said he doesn't like to spend other peoples money, if we are going to give back
384 20% then the fees should be 20% less. If a person wants to join the association, they can. He said he
385 thinks that less government in a lot of cases is better. We are becoming involved in things we ought not
386 be. He doesn't think the City should be charging that money. He thinks we ought to hold license fees as
387 low as we can.

388 Council Member Bigler said he wholeheartedly feels the same way. The proposal says a fund financed by
389 the City, it says that the City will invest in this but this is the business owners' money. To him it mimics
390 what the Federal Government has been doing. Regarding the police liaison we are proposing to charge a
391 fee and then give you more police services. He said he is against the bigger government there. This is
392 not the proper role of government, marketing businesses. He said he thinks businesses would rather keep
393 their money and market themselves. He said he thought that this was a little bit misleading. He would
394 much rather not get into the marketing business. He said he fundamentally disagrees with this Option E.
395 Debbie Cardenas said we are not recommending the Good Landlord Program but in a year from now it
396 would be implemented with Option E. Debbie said she would like to address those concerns. We are not
397 charging more fees; we are trying to recoup the expenses that we are incurring. We are taking some of
398 that and pouring it back into the businesses.

399 Council Member Taylor said that the money that is collected through disproportionate fees has to be tied
400 to certain City services; economic development isn't one of them. The money coming from the
401 disproportionate fees is going to the existing police budget, that wouldn't change. It is being subsidized
402 through the General Fund. Of that savings to the General Fund we take 20% to finance an Economic
403 Development Fund. Right now our City spends \$3,000 to \$5,000 every year on the Chamber of
404 Commerce. The concept of marketing our City and businesses was already approved by everybody here.
405 That's something that was part of the budget that was approved and it seems that it is an acceptable use of
406 funds to market business.

407 Council Member Turner said we are voting on one of these options, not necessarily voting on this
408 philosophy. The summary is not linked to option E. Debbie replied that is correct. We would take that
409 option and incorporate it into the Consolidated Fee Schedule which will be coming back to the City
410 Council. Council Member Turner said right now we're voting on the options. This is more of a
411 philosophy. At this point it is good to have this discussion but we are not making the decision on the
412 philosophy.

413 Mayor Pro Temp Harris said because the quasi agreement was that options had to be in the spreadsheet
414 form so we could do a close analysis. Right now we have options A, B, C and D. She asked Shawn
415 Maynard, of the North View Business Alliance, if the business community is in favor of option E. Shawn
416 Maynard replied yes and added that they are not for a disproportionate fee but seeing that it's going to
417 happen there are things that as individual business we can't do by ourselves that the City can do better. He
418 said the business owners endorse it for that reason.

419 Council Member Flamm said he has never seen this proposal until now and the Economic Development
420 Committee has not seen this. He would like some clarification on the one option showing money going
421 out for economic development. Debbie Cardenas said that is what we are proposing. Council Member
422 Flamm said that's what he is opposed to. We are showing in this budget type item that we can afford the
423 extra \$14,000. He said he'd rather see us lower the fees by \$14,000. If we need money to cover the
424 police then that's where it needs to go. Debbie Cardenas said the idea is not to go spend more money.
425 She said she is personally telling the Council that all of these options are to recoup the money that we are
426 already spending.

427 Council Member Flamm said the biggest gain is from the landlords, there is nothing in here to help the
428 landlords. We will take from people and give to other group in the City. Debbie said the amounts shown
429 on here are not coming from the rentals. It's coming from the new applications in the first year.

430 Council Member Bigler said if we need this much money to run the City and give it back, it doesn't
431 matter what account we take it out of. If there is extra money let them keep it. Debbie Cardenas said we
432 are not asking them to pay us so we can run the City, we are asking them to pay to help us recoup the
433 costs that we are already incurring. The police portion is coming from the disproportionate fees that we
434 are charging the businesses. The rentals are paying to cover the costs that we have to pay for the
435 administration and code enforcement and compliance.

436 Council Member Bigler said he is confused why we are recouping the cost and then having more
437 expenditures. Debbie Cardenas said we are not adamant about that. Mayor Pro Temp Harris suggested
438 that someone make a motion and see if it gets three votes.

439 Annette Spendlove, City Recorder, asked that when someone makes a motion it is made for staff to bring
440 this back on the Consolidated Fee Schedule to bring back to the City Council at the next meeting.

441 Council Member Flamm moved to take option A and charge those licensing fees as shown on that page
442 and that staff then work it in with the Consolidated Fee Schedule.

443 Due to the lack of a second the motion died.

444 **Mayor Pro Temp Harris moved to approve option E with staff directed to adjust the Consolidated**
445 **Fee Schedule with these fees, and tied to that motion will be that City Council agrees to do a budget**
446 **opening in February and look at following through on some of the commitment options in the**
447 **narrative about option E mainly the liaison officer and support to the business development**
448 **committee as outlined. Council Member Taylor seconded.**

449 Council Member Taylor said that it's not in his mind taking money, there will be some savings to the City
450 and economic development is something that is needed for our City. He thinks it is a win for the City and
451 for the businesses.

452 Council Member Turner said if you have your own income and you're overspending what you're bringing
453 in you'll go bankrupt. Basically the City has been doing that with these fees, we have not been bringing
454 this money in. We're not trying to take money from people because we want to, it's just the way it is
455 because we are losing money.

456 Council Member Bigler agrees with what Council Member Turner said but there is more than one way to
457 achieve that. He said he would prefer that we look at spending. That's where he would start with his
458 family. Are there ways to cut back? Regarding the video store disproportionate fee he said "mark my
459 words they are going to go out of business". They are already competing with Redbox and Netflix. He
460 said he has asked several times to get a record of the police calls to the businesses and was told that was
461 too expensive. Maybe it's justified but why can't the elected officials get the concrete information. He
462 said he knows that the County did not have the specific information on calls to which businesses. If it was
463 justified he would say ok but why can't we see it for ourselves. That's the reason we keep discussing
464 this. He maintains that the police calls are based on whatever address the incident occurs in front of.

465 Fred Philpot, Lewis, Young, Robertson and Burningham (LYRB), said, with regard to the traffic related
466 calls, they are coded as such with the county. We look at all of the calls to determine the cost per call.
467 We take all the addresses and filter out all the traffic coded calls then put them on a map. The reason we
468 use the geocoding process is because a lot of streets have aliases. We take those addresses and businesses
469 on the map and see where those points align. When we get the call data from any entity we take out all
470 traffic coded calls. Council Member Bigler asked if they get specific police calls to each specific
471 business. Fred Philpot said the City doesn't provide those ratios or associate the calls with any businesses.
472 He said that LYRB performs that work and provides those ratios. They have all the business license data,
473 name, description, type, account number, all the information that the City has on that businesses and then
474 take the call data which in this case was received separately by the County and join it. There is further
475 filtering also that goes on. Strip malls, multiple businesses, if the call data doesn't specify a unit number
476 we can't attribute that call to a specific business. If they are all dentists, they can be grouped together. If
477 not, those calls are taken out of the analysis. Council Member Bigler said so LYRB did have the name of
478 each of the businesses. Fred replied yes and the call data received. The County doesn't have the data so
479 that is the process that we go through. We take the whole database of all the calls that come through the
480 City. Sometimes it's more than just addresses within the City. We have to take everything that the
481 County database has for North Ogden and go through a lot of filtering and geocoding to tie the services
482 and the fee. Council Member Bigler said that is the part he is unclear on.

483 Mayor Pro Temp Harris said, regarding the comments and timeliness of information given to Council
484 Member Bigler, Fred Philpot came to the abbreviated meeting and Staff really endeavored to get the
485 information at that time. Debbie said that at the last meeting when that information was requested she
486 talked to Fred and Fred's memo was given to the Council Members days after that request. It's not just a
487 simple process. Polo Afuvai, Chief of Police, worked overtime over the weekend to get to this. Council

488 Member Bigler said he wants the information in front of the City Council members adding that the proof
489 is in the pudding.

490 Mayor Pro Temp Harris said there is a motion on the floor and there has been discussion on that.

491 Council Member Taylor proposed that members of the public be allowed to comment on this item. Mayor
492 Pro Temp Harris said that if Council wants to suspend the rules that is fine.

493 Toby Mileski, 836 E 2750 N, said he would love to know what benefits he gets for being a landlord in
494 North Ogden. What is the administration we are paying for? We know we're going to pay a fee; make it
495 reasonable, call it a fee and we'll pay it. Mr. Mileski handed a stack of papers to Council Member Bigler.
496 He said in relation to the disproportionate fees, Council Member Bigler has all of the Weber County calls
497 for 2009 and year to date 2010. This is only police calls. He said he had his secretary cross reference this
498 information; there were 573 calls at Weber Dispatch. Of those, 297 were traffic related stops and or
499 messages and 192 of those 573 calls were dispatched to the addresses of the home owners. Owner
500 occupied. He sad our police are spending their time on traffic stops and owner occupied issues.

501 Council Member Bigler said that he tried to do this in the spirit of humility. He said he is concerned about
502 this and he has talked to lots of business owners in the City and they say I have had one police call in the
503 last 3 years, or I've never had any police calls.

504 Helen Taylor, 94 E 3275 N, said she has not heard any discussion about limiting the expense of the Police
505 Department. The Police budget is about 33% of the City's budget. Is it possible to reduce the size of our
506 Police Department and put the burden on the people who are using the services if businesses are only
507 using 12% of the services? The ACLU is getting ready to sue the Cities for refusing to rent to felons. If
508 we have gotten to a point where the police costs need to be placed on the user, let's do it.

509 Pam Trimble thanked Toby Mileski for all his work for the landlords. She asked Fred Philpot how he got
510 the information on the police calls when the rental people are not licensed yet. Fred stated that the rental
511 data was collected by the water meter data from the City. We couldn't use business license data because
512 they are not licensed right now.

513 Shawn Maynard, the Cannery and North View Business Alliance, stated that the businesses agree with the
514 point that Council Member Bigler raises. We don't really call the police a lot. The study is flawed. If we
515 have to go down that road we want to mitigate the impact. If any of these options are chosen, the
516 businesses support option E. Surely the easiest and best way to raise revenue is to have more business.

517 Fred Philpot said the percentages were spot on, maybe a little high actually. We took this to illustrate
518 what we looked at. There is quite a reduction in what we looked at and what we attributed to businesses.
519 The other difference is that the legislature requires that you have a base. The ratio above that base is the
520 disproportionate fee. Fred said the base fee is the per minute costs for administering those licenses. The
521 base fee covers the actual cost, if there is no license there is no administration. Council Member Flamm
522 said we have certain fixed fees because we have staff here, whether we issue one license or 50. We still
523 have the fixed fees but now we have a bunch of different variable fees.

524 Council Member Bigler said these numbers don't take into consideration the taxes paid by each residence
525 or business. Fred Philpot said that is correct.

526 Mayor Pro Temp Harris said at some point the non commercial people, the residents, need an advocate
527 also in that all of these costs, because landlords didn't pay a fee for a business license. All costs because
528 of rentals have been paid for by the residents. The residents have been shouldering the majority in a
529 disproportionate way. She said that a portion of the General Fund has come from residential property
530 taxes. Council Member Taylor said that as he has tried to look at other cities business license fees, most

531 are higher than ours. Harrisville's are much higher, up to \$43,000. In Ogden there is a certain fee for the
532 business and then \$7 per employee. Nobody wants to do more fees, but the City has done a study that has
533 shown that the disproportionate cost is 'x' and we need to implement a fraction of a fraction of the
534 recommended amount. It is very reasonable. Enhanced services make it a better value for the businesses.

535 **Voting on the motion:**

536 **Council Member Bigler** no
537 **Council Member Flamm** no
538 **Mayor Pro Temp Harris** yes
539 **Council Member Taylor** yes
540 **Council Member Turner** yes

541 **Motion passed three to two.**

542 13. Discussion on Business License fees for Rentals.

543 This item was taken care of as part of number 12.

544 14. Discussion and/or action to set December 14, 2010 as a Public Hearing date to receive comments
545 on an annexation application for the Sentinel Storage Subdivision and Retail Project located at
546 2197 N. 400 E. containing approximately 5380 sq. ft. and to certify the annexation, map,
547 description, and owners.

548 Annette Spendlove, City Recorder, stated that she has certified the annexation petition following the
549 guidelines. The City Council needs to set a Public Hearing and the law requires that Notice be published
550 three consecutive weeks in the newspaper, there is also a 30 day protest period. We are asking the City
551 Council to set the Public Hearing for December 14, 2010.

552 **Council Member Flamm moved to set December 14, 2010 as a date for a Public Hearing to take**
553 **comments on an annexation application for the Sentinel Storage Subdivision and Retail Project**
554 **located at 2197 N. 400 E. containing approximately 5380 sq. ft. and to certify the annexation, map,**
555 **description, and owners. Council Member Bigler seconded.**

556 **Voting on the motion:**

557 **Council Member Bigler** yes
558 **Council Member Flamm** yes
559 **Mayor Pro Temp Harris** yes
560 **Council Member Taylor** yes
561 **Council Member Turner** yes

562 **Motion passed.**

563 15. Council/Public comments.

564 Richard Brimhall, 3120 Mountain View Dr., said regarding Walker Theater, over the years he has tried to
565 see what is playing and he can't see the sign. He has been to the Perry Theater though and sees the sign.

566 Council Member Bigler said he is disappointed with the decision but that is why there are five of us and
567 he respects the process. He said Farr West is thriving and they don't have any disproportionate fees. He
568 said you need to go to some of the cities mentioned and look at their signs and the way they advertise.
569 You've got to look at the whole pie, not just a piece of it.

570 Mayor Pro Temp Harris and Council Member Taylor both requested an electronic meeting on November
571 23, 2010.

572 Annette Spendlove, City Recorder, said at the Administration Building a backflow device was installed
573 on the pump downstairs. We brought in an expert who checked it. The carpet has been brought in and
574 they will begin laying it. They are working on the sheetrock and she will meet with the adjustors
575 tomorrow. She said we also found mold in some areas and were able to treat those areas. We hope that
576 those upstairs can move in by the end of the week. We will do what we need to get by. Council Member
577 Bigler asked what our deductible is. Annette Spendlove said it is \$1000 but mold is not covered in any of
578 it. Council Member Bigler asked if we know why it backed up? Debbie Cardenas, Acting City Manager,
579 said we have Jim Wells from the Sanitary Sewer Division videoing it, and the engineers are looking at it.
580 One option is to upgrade the lines going north to the parking lot; another is to run it to the Senior Center.
581 Annette Spendlove said currently we are pumping the sewer up to 2600 N.

582 16. Adjournment.

583 **Council Member Bigler moved to adjourn. Council Member Flamm seconded.**

584 **Voting on the motion:**

585 Council Member Bigler	yes
586 Council Member Flamm	yes
587 Mayor Pro Temp Harris	yes
588 Council Member Taylor	yes
589 Council Member Turner	yes

590 **Motion passed.**

591 The meeting adjourned at 8:55pm.

592
593

594 Martha Harris, Mayor Pro Temp

595

596

597 S. Annette Spendlove, CMC
598 City Recorder

599

600

601 Date approved