

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

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3
4 March 8, 2011

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7 The North Ogden City Council convened in regular session on March 8, 2011 at 5:30 p.m. in the North Ogden
8 City Council Chambers, 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to
9 each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State
10 Website on March 3, 2011. Notice of the annual meeting schedule was published in the Standard-Examiner on
11 January 1, 2011.
12

13
14 **PRESENT:** Richard G. Harris Mayor
15 Martha Harris Council Member
16 Wade Bigler Council Member
17 Brent Taylor Council Member (by phone)
18 Ron Flamm Council Member
19 Carl Turner Council Member
20

21 **STAFF PRESENT:** Edward O. Dickie III City Manager
22 Annette Spendlove City Recorder/HR Director
23 Dave Carlson City Attorney
24 Debbie Cardenas Finance Director
25 Craig Barker Community Development Director
26 Julia LaSeure Deputy City Recorder
27

28 **VISITORS:** Dale Swenson Nik Aardema
29 Kaden Garecht Lisa Payne
30 Mark Nuttall Tyler Nuttall
31 Madie Gunter Kaden Hodson
32 Charles Crippen Rodney Betzer
33 Kael Harrison Gary Chambers
34 Steven Bennett Klarissa Kemp
35 Jerald Shaw Rachelle Tracy
36 Lisa Tracy Jacob Marsh
37 Robert Hadley Quinn Longhurst
38 David Marsh Manya Stolrow
39 Amy Slaughter Rachel Trotter
40 Melanie Rhode Shelly Fuentes
41 Thomas Bray Gordon North
42 Gregg Sorensen David Erickson
43 Lynda Erickson Mike Sjoblom
44 Devin Knight Jay Mackley
45 Bruce Christensen LeeAnn Christensen
46 Helen Taylor Jerald Johnson
47 Kay Johnson Tyler Mertlich
48 Dean Leake Christa Wayman
49 Ken Harrison Terry R. Johnson
50 Kurt Johnson James Mackley
51 Victor Calvo Alma F. Haris

52 Joel Grasmeyer David Parkinson
53 Nate Parkinson Scott Taylor
54 William Ward Greg Calvo
55 Karryn Humphries Terri Comber
56 Dave Hulme Glenn Gunter
57 Gary Bland Joan Bland
58 Steve Shaw Connor Shaw
59

60 **WELCOME**

61
62 Mayor Harris welcomed those in attendance and called the meeting to order at 5:30pm. He said Council Member
63 Taylor has asked to participate by phone.
64

65 **Council Member Harris moved to allow Council Member Taylor to participate by phone. Council**
66 **Member Flamm seconded the motion.**
67

68 **Voting on the motion:**
69

70 **Council Member Bigler** yes
71 **Council Member Turner** yes
72 **Council Member Harris** yes
73 **Council Member Flamm** yes
74 **Motion passed.**
75

76 Council Member Harris gave the invocation and led the audience in the Pledge of Allegiance.
77

78 **CONSENT AGENDA**
79

- 80 1. Consideration to approve minutes of the February 22, 2011 City Council meeting.
81 2. Consideration and/or action to approve business licenses.
82

83 **Council Member Flamm moved to approve items 1 and 2 of the Consent Agenda. Council Member Bigler**
84 **seconded the motion.**
85

86 **Voting on the motion:**
87

88 **Council Member Bigler** yes
89 **Council Member Turner** yes
90 **Council Member Harris** yes
91 **Council Member Flamm** yes
92 **Council Member Taylor** yes
93 **Motion passed.**
94

95 **PUBLIC COMMENTS**
96

97 Charles Crippen, 3576 N. 575 E., said he emailed his input regarding home occupations to the Mayor and City
98 Council members earlier. He asked that when the Council reviews those, that they consider his input. He said his
99 issue with the large accessory building proposal is the definition itself. There is no real definition for garage;
100 there is for private garage and public garage. He said to just say something meets the definition of garage is
101 ambiguous according to what the current code says. He asked that we go back and look at that. He said he is
102 concerned where it says if it meets that definition then no home occupation may be allowed in the building. He

103 asked what happens if someone builds a large accessory structure with no intention of using it as a garage but for
104 some other purpose. He said he finds that exclusion not inclusive enough. He asked that the City go back and
105 make double sure of what the intent was.

106

107 **PUBLIC HEARING TO RECEIVE COMMENTS ON AN ORDINANCE TO ALLOW BACKYARD**
108 **CHICKENS IN CERTAIN ZONES WITHIN NORTH OGDEN CITY**

109

110 Craig Barker, Community Development Director, said at the last City Council meeting this was
111 discussed and some suggestions were made as to modifications to this proposal; those recommendations
112 have been included in the ordinance being presented tonight. This is not a stand-alone ordinance; it is
113 part of 11-10-7 “Animals and Fowl” that talks about most almost domestic animals, family pets, etc.
114 This proposal will be a section of that dealing specifically with chickens allowed on small residential
115 lots. There are currently two residential zones that allow chickens, RE-20 and R-1-8AG. There are
116 animals in those areas today and those are permitted under the current regulations. We did have some
117 people come to us asking that chickens be allowed in zones with smaller lot areas. The Planning
118 Commission prepared an ordinance that would do that. Staff researched a number of ordinances in
119 Weber County and north Davis County; they cover the entire gamut of allowing chickens based on lot
120 size to not allowing them at all. He referred to the second page of the ordinance which is where the
121 changes begin. The first page already exists. Section E, “Keeping of backyard chickens in residential
122 zones” lists the different zones that would allow this. Four main criteria have been established for any
123 of those zones. On lots up to an acre there will be allowed no more than 6 hens with no roosters; most
124 cities have had objections because of roosters. Apparently there are some crowing hens and some
125 ordinances made mention of those. We don’t address that, but there is a slight chance that could become
126 an issue and would have to be dealt with. It addresses coop location on the lot and setbacks from
127 property lines. The minimum lot size is 8,000 sq. ft. generally they are approximately 80 ft. side to side
128 and 100 ft. front to back. He explained why those distances are chosen. Most ordinances regulating
129 sound and obnoxious activities use distance as a modifier for that. Chickens must be contained in an
130 enclosed area in the owner’s rear yard. There must be an enclosure in that space. We do not regulate the
131 size of the coop but the chickens cannot roam freely on a lot. The selling of eggs is prohibited in all of
132 these zones. There are no State laws that address the selling of eggs of this type so it is up to the City.
133 We also address lots of 1-5 acres and lots of more than 5 acres; the standards are different for those lots.
134 On lots of 1-5 acres we would permit up to 10 chickens per acre. On lots of more than 5 acres up to 60
135 chickens would be allowed. There are also regulations applicable to all properties regardless of the size
136 of the property; feed must be stored in a rodent proof container, clean water must be provided to the
137 chickens at all times, chickens must be housed in a covered, ventilated and predator resistant coop, the
138 coop must be located in rear yard, chickens must be contained within the owner’s property lines. It also
139 addresses chicken runs and chicken coops sq. ft. per chicken, which is common almost in all of the
140 zones, and was recommended by the Agricultural Agent. This proposal also addressed odors, rotting
141 eggs, dead birds, bugs, etc. A chicken permit must be obtained annually at the cost of \$5 per year.

142

143 Council Member Taylor said this is going to basically replace the existing RE-20 ordinance for those
144 people keeping chickens now. Craig Barker said no, not in the R-1-8AG or RE-20 zones. Council
145 Member Taylor said it will stay the same for the larger properties in those zones. Craig said yes.
146 Council Member Taylor asked whether those people can sell the eggs as they might be already selling
147 them or selling hay. Craig said he doesn’t know, but City Council can change that if they would like to
148 allow those people to do that.

149

150 Mayor Harris opened the public hearing at 5:58pm.
151
152 Christa Wayman, 2618 N. 200 E., asked what the \$5 permit fee is going to be used for. Mayor Harris
153 replied that it would go toward the administration of the permits. Craig Barker said there also may be
154 some type of avian diseases and this would allow us to know who has them so we could notify those
155 people to make them aware. It would be similar to the way dogs are licensed. It would help support the
156 costs of those things. Ms. Wayman said she has a problem with the limit of 10 chickens unless you have
157 over one acre. She said when you go to buy them their survival rate is lower when you buy fewer of
158 them so they make you buy a minimum amount. She asked about the requirement of being 10 ft. from
159 any property line. She said their barn has been there since they moved in and asked would that be
160 grandfathered in? Craig Barker said it depends what the use of the barn is and what can be documented.
161 The law provides that a non-conforming building maintains that status but the non-conforming use can
162 be lost if that use is not maintained for a certain period. Ms. Wayman said she moved here for a reason.
163 She said she has two children and was recently engaged and she wants to make sure she is able to
164 comply with these regulations.
165
166 Glenn Gunter, 944 E. 2800 N., said he thinks people should be able to own chickens. He said they can
167 own a dog which can sometimes be dangerous or loud. Chickens are not dangerous. The impact of a
168 chicken is much less than the impact of other animals that are currently allowed.
169
170 Dean Leake, 209 W. 1700 N., said he lived on a 0.6 acre lot on a corner. He asked the Council to
171 consider corner lots and those special requirements.
172
173 Sammy Leake, 209 W. 1700 N., said he would like to have chickens for eggs, to show to at the County
174 fair and because they eat the bugs (attachment A). He said he has been researching chickens in some
175 chicken books.
176
177 Gary Bland, 783 E. 2850 N., said he already had a bad experience with chickens a few years ago. The
178 rat problem was enormous; you could look out the window and see the rats eating the chicken food and
179 drinking the water. He said he doesn't think chickens should be allowed on lots of .25 acres or less. He
180 doesn't think they belong.
181
182 Lynda Erickson, 2800 N. 1025 E., said she is a farm girl and she wears her heritage proudly. Her family
183 helped settle North Ogden City and it is important to not lose sight of the fact that we are a farming
184 community. Chickens as birds are amazing; they are perfect recyclers, great bug killers, they are overall
185 good for every purpose. She agrees that people do need guidelines for proper care. She said she also
186 holds on very dearly to her rights as an American and thinks they should be allowed to make their own
187 decisions. She said she has neighbors with cats that pee on her doormats and they don't have to pay a
188 license fee for them. She also has neighbors with rats in their house as pets. Rats do live here but
189 animals help keep rats away if they are raised properly; whether it is dogs that keep them out or cats that
190 take care of them. She commended the City Council for their work on this so far and hopes that the
191 Council will give the residents credit for being as smart as most of them are.
192
193 Rodney Betzer, 3012 N. 175 W., asked the Council to consider raising the number of chickens allowed
194 on less than an acre from 6 to 10. He said he wants to keep chickens for more than eggs and meat; kind
195 of like a pet. He said a lot of them are mail order only and they will only ship them in certain numbers.

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Joel Grasmeyer, 2220 Fruitland Dr., read a statement (attachment B). He said there is a backyard chicken class coming up on March 31, 2011 at 6pm, at the USU extension office which is at the fairgrounds, more information is available on their website.

Charles Crippen, 3576 N. 575 E., said he sat in on a couple of earlier meetings in regard to this. It states that any dead chickens need to be properly disposed of. He asked what that means to a chicken owner. He asked how the City is going to enforce that.

Thomas Bray, 790 E. 1925 N., said for 18 years he had chickens. The last time was when he lived in Harrisville and he was in the Utah Chicken Club, Utah Fancy Feathers. In order to be a member of that club you go to chicken shows and try to better your breed. You need a sufficient number of birds for breeding purposes and less than 10 chickens would be difficult to do that. Rare breeds can be gotten in Utah; different fairs have them. He said almost every breeder has upwards of 50 birds in order to better their breed. People raise dogs for show and generally need a kennel license. Chickens generally are bantams, a smaller breed, which means they take up less room. He asked the Council to think about that too.

Jerald Shaw, 491 E. 1850 N., thanked the Committee, Craig Barker and the Council. He said if he were to comply with the setback requirements, a coop would be right in the middle of his back yard. He said he called around to a lot of cities and talked to Animal Control in Spanish Fork and the main thing for them is the 10 ft. setback; people call and say a neighbor's coop is only 9 ½ ft. from the property line. He asked why he can't make money on this. People who raise dogs can sell the pups. People who raise bees can sell the honey.

Melanie Rhode, 1205 E. 3100 N., thanked the Council for considering this and asked them to consider that the agricultural rules stay the same. She said when they came in to see about this being allowed in residential areas she didn't mean to change the rules for them. It is not fair to change those zones; R-1-8AG and RE-20.

Quinn Longhurst, 1597 N. Washington Blvd., said his mom had chickens once and they followed the laws. He said the chickens helped them a lot and gave them eggs; they used the droppings as fertilizer and helped the garden. He said he thinks that raising the number of chickens would be good.

Jay Mackley, 1121 E. 1675 N., said he has been a resident of North Ogden his whole life and encouraged the Council to vote for more freedom and less control.

Manya Stolrow, 3193 Mountain Rd., said she is excited about this and hopes it passes.

Jim Mackley, 2803 N. Hwy 89, said the chicken ordinance is being put under the zoning regulations. He said zoning regulations are supposedly legal but asked, are they really appropriate. The reason we are discussing the chicken ordinance is a good thing and he applauds the City Council for that. One factor to consider is allowing people to sell the eggs. He said he thinks that is pretty common and doesn't see a reason for that part of it. He encouraged the Council to consider freedom.

241 Jerald Johnson, 2634 N. 200 E., said he moved in that area so they could have animals and stuff. He said
242 the City keeps having ordinance changes all along and he thinks the Council should consider, on 1-5
243 acres, allowing the selling of eggs. Prohibiting it might be a good idea on the smaller lots but he said he
244 doesn't think these things should be changed to prohibit the selling of eggs.
245

246 Karryn Humphreys, 1368 E. 3075 N., thanked everybody for their time and effort on this. The whole
247 point of bringing this up was for people on smaller lots. She calls chickens "pets with benefits". Kids
248 name the chickens and carry them around the yard. She agrees with not messing with the bigger lots and
249 the ordinances currently in effect. She asked that the Council not change anything for the other zones.
250 She said she appreciates the Planning Commission and everybody who has put their time and effort into
251 making this happen.
252

253 **Council Member Flamm moved to close the public hearing. Council Member Bigler seconded the**
254 **motion.**
255

256 **Voting on the motion:**
257

258 **Council Member Bigler** **yes**

259 **Council Member Taylor** **yes**

260 **Council Member Turner** **yes**

261 **Council Member Harris** **yes**

262 **Council Member Flamm** **yes**

263 **Motion passed.**
264

265 The public hearing closed at 6:29pm.
266

267 Mayor Harris said the City Council will consider some tweaking on this proposal. He said staff is
268 looking for input from the Council and then will come back with a new ordinance.
269

270 Council Member Bigler asked exactly what the changes are for the larger properties. Craig Barker said
271 we can only address R-1-8AG and RE-20 and they are already allowed to keep chickens. This
272 ordinance only speaks to numbers. The present law of setbacks has been in effect for over 30-40 years.
273 Council Member Bigler said in the current zoning there is no maximum number of chickens. Craig
274 Barker said those limits are there already and this will allow the smaller lots to keep some chickens. The
275 numbers are pretty close to what the current law says.
276

277 Council Member Bigler said he would like to see the smaller lots changed regarding the 10 ft. from the
278 property line requirement. On some of those smaller lots the coop would be in the middle of the yard.
279 He said he would much rather see a neighbor's coop off in a corner than the eye sore of a coop in the
280 middle of the yard. He added that if they put it in a corner one foot from each side it's a lot easier to
281 maintain. If they have 10 ft. how will the homeowners maintain that? He said he would much rather
282 have it match the dog run setback of 1 ft. Craig Barker said that coops made out of wood may have to be
283 3 ft. minimum because of the fire issue. He said he will clarify that with the Building Official. Council
284 Member Bigler said he thinks it would really help the people with smaller lots and he wishes we weren't
285 charging the \$5 permit fee either.
286

287 Council Member Taylor asked Craig Barker to look at these things also. He said he would like to add
288 something similar to Salt Lake's ordinance. There would be an inspection clause in the ordinance that it
289 could be inspected upon any complaint of a neighbor. That would offer some protection of the rights of
290 those who are really against the chickens. Another thing is if we added one more size category; right
291 now all properties less than 1 acre are lumped together. He said 0.2 acre and 0.75 acre are very
292 different; he suggested up to 0.5 acre and between 0.5 and 1 acre. As far as RE-20 and R-1-8AG are
293 concerned, he said he would like to make sure we are not adding any new restrictions. If people have
294 been selling eggs he would like them to be able to continue doing that. He would also like to allow the
295 coop, if it is legal per fire code, to put it closer to property line but again, subject to inspection. The
296 government can step in and take that right from the person if it becomes necessary.

297
298 **PUBLIC HEARING TO RECEIVE COMMENTS ON AN AMENDMENT TO THE ZONING**
299 **ORDINANCE TO ADD THE LANGUAGE FOR THE PURPOSE OF A SIGN ORDINANCE.**
300

301 Craig Barker explained that this proposal has to do with the size regulations. The Economic
302 Development Committee (EDC) has had numerous discussions about sign regulations. This section, 11-
303 22-1, is the purpose. He read the existing purpose of the sign ordinance "These sign regulations are
304 intended to encourage attractive, effective and adequate signs for businesses and services, while
305 promoting the general welfare of the community by creating safer street frontages through the use of
306 controlled signs." and the EDC's proposal and came up with this language "These sign regulations are
307 intended to promote the general welfare of the community by encouraging attractive, effective, adequate
308 and safe signs for businesses and services. This ordinance promotes prosperity, comfort, convenience
309 and aesthetics by allowing businesses the ability to creatively market their business in new and different
310 ways." He stated the Planning Commission recommends approval of this ordinance amendment.

311
312 Council Member Bigler asked whether this is just a verbiage change. Mayor Harris said it is and it only
313 affects this one section. Craig Barker said the Community Development Department has created a
314 spreadsheet showing the status of all the changes.

315
316 Mayor Harris opened the public hearing at 6:47pm.

317
318 Charles Crippen, 3576 N. 575 E., said he would encourage the City to help our businesses keep up with
319 the times and the marketing strategies. One concern he has is if you have a lot of background clutter it
320 might hide the lighted semaphores that would cause those signals to blend in with the background. If
321 UDOT moves the semaphores off to the side it would certainly be an issue.

322
323 Mayor Harris stated public safety is a big part of the sign ordinance and we are looking at those things.

324
325 Gordon North, 2639 N. 200 E., said sometime back the City made Mrs. Cavanaugh's sign go lower than
326 what it had been. He thought the taller sign was attractive and easy to see; now it is not as easy to see.
327 He said on the corner by the park there is a sign that blocks peoples view turning off Pleasant View Dr.
328 The City should allow some leeway for people to make their choice. He said the theater should be
329 allowed a sign that you can actually see and there are probably other situations like that. We need to be
330 reasonable when it comes to the sign ordinance.

331

332 Mayor Harris reminded the audience that this public hearing is for the purpose of the sign ordinance
333 only.

334
335 **Council Member Turner moved to close the public hearing. Council Member Bigler seconded the**
336 **motion.**

337
338 **Voting on the motion:**

339
340 **Council Member Turner** **yes**

341 **Council Member Harris** **yes**

342 **Council Member Flamm** **yes**

343 **Council Member Bigler** **yes**

344 **Council Member Taylor** **yes**

345 **Motion passed.**

346
347 The public hearing closed at 6:51 pm.

348
349 Mayor Harris said this will come back at next meeting for action.

350
351 **DISCUSSION ON AMENDMENTS TO THE ZONING ORDINANCE REGARDING LARGE**
352 **ACCESSORY BUILDINGS**

353
354 Craig Barker referred to the proposed changes to accessory building regulations as proposed by the
355 Planning Commission. He explained that we are getting requests for much larger sized accessory
356 buildings and the height allowance is not clear which has caused us some problems. We have had some
357 very large accessory building proposed and built within the City. They cause a walling effect of the
358 sight distances from the neighboring property lines. He said the Mayor and other parties have received a
359 number of complaints regarding those buildings. This proposal comes from those complaints. In this
360 proposal an accessory building has been separated into two categories, currently it is only one definition.
361 It can be one ft. from the property line if it is fire rated, if not then three ft. from property line. We have
362 had some built up to 30 ft. high and the present height requirement says 15 ft. unless the zone specifies a
363 different height; all the zones specify 35 ft. The proposal is to define accessory building and large
364 accessory building. An accessory building is 599 sq. ft. or less and a large accessory building is
365 anything over 600 sq. ft. He said a typical two car garage is 400-450 sq. ft. Once that is decided and the
366 property owner will come in to the Planning Dept. It will then be determined what type of structure it is
367 and what the restrictions are. That is basically what the proposed ordinance says. It will require that all
368 zones be changed.

369
370 Council Member Turner said there is nothing that specifies what these accessory buildings are to be built
371 out of. In certain areas where there is a lot of brick work and stucco, what if someone puts up a tin shed.
372 He said he thinks it should have to comply with CCRs. Craig Barker said we don't regulate ugly.

373 Council Member Turner said we regulate CCRs. Craig said we don't, the developer does. We have
374 never been in the business of telling people what they have to use to build with.

375
376 Council Member Bigler asked about the requirement of 3 ft. from property lines, now this is increasing
377 the setback, what is that area going to look like? Craig said there is a property impact issue. The

378 neighboring property owners end up with a 15-30 ft. wall along their back yard. Council Member Bigler
379 said it will look like a weed patch. Craig said he disagrees and thinks that a responsible homeowner will
380 keep it up. Craig said he built a home next to Weber High on a corner lot. His neighbor came in and
381 built an accessory building out of brick that was almost 15 ft. high. He said the 3 ft. setback bothered
382 him mostly because the neighbor stored all his stuff in that 3 ft. area. It was all visible through the chain
383 link fence.

384
385 Council Member Harris asked what height we allow for fences in a residential zone. Craig said it is 6
386 feet. Council Member Harris said he would like to see, since this is a zoning issue, this be continued for
387 a public hearing. Annette Spendlove, City Recorder, said regarding the timeframe for posting, we could
388 not schedule the public hearing until April 26, 2011.

389
390 **Council Member Harris moved to set a Public Hearing for April 26, 2011 to review the zoning**
391 **ordinance regarding large accessory buildings. Council Member Turner seconded the motion.**

392
393 **Voting on the motion:**

394
395 **Council Member Harris** **yes**
396 **Council Member Flamm** **yes**
397 **Council Member Bigler** **yes**
398 **Council Member Taylor** **yes**
399 **Council Member Turner** **yes**

400 **Motion passed.**

401
402 Council Member Taylor said, regarding the different setbacks for accessory and large accessory, we
403 would not allow a home to be built 3 ft. from a property line and an accessory building is basically the
404 same height as a single story home. He said he likes the 25 ft. height being allowed as a Conditional
405 Use; that measure to have it reviewed is a good addition.

406
407 Council Member Flamm said sometimes people are trying to store motor homes and keep them out of
408 the weather. He asked if a person didn't have enough room could they get a variance. Craig Barker said
409 no.

410
411 Mayor Harris said the ordinance right now allows a 35 ft. outbuilding 3 ft. from the property line. That
412 was what precipitated this whole thing. He added that in some cases these buildings are bigger than the
413 house itself.

414
415 **DISCUSSION ON AMENDMENTS TO THE ZONING ORDINANCE REGARDING HOME**
416 **OCCUPATIONS**

417
418 Craig Barker explained that this item was before the City Council previously and the Planning
419 Commission has taken the job of looking at the ordinances and changing redundant language. He said
420 they prepared an ordinance and talked about the display of goods and still don't allow the direct sale of
421 goods out of a home occupation. If a person goes over a certain amount in sales they would need a City
422 business license. One of the issues the City Council wanted the Planning Commission to address was
423 the issue of home occupations requiring a Conditional Use Permit to be conducted in the garage as

424 associated with a residential unit. The ordinance talks about the revamping of these regulations. The
425 proposed language would say a home occupation can be conducted in the garage only with a Conditional
426 Use Permit and would allow minimal environmental impact on the character of the neighborhood. It
427 doesn't say what that is so an assessment by the Planning Commission is necessary. Anything beyond
428 minimal intrusion will require mitigation to be shown as part of the Conditional Use Permit. The
429 Planning Commission can increase the mitigation above and beyond the proposal of the applicant. We
430 talk about the display of goods. Retail sales are not permitted unless the product is drop shipped from
431 the order warehouse to the buyer's home. No more than 5 trips per day are allowed but we added
432 "except as specifically allowed by Conditional Use Permit". Product sales, specialty products such as
433 kitchenware, candles, etc. intended primarily for home sales are permitted.

434
435 Council Member Flamm asked, regarding accessory buildings and garages, could someone try to do
436 these things in an accessory building? Craig Barker said no, it says it has to be in a garage and a
437 Conditional Use Permit is required; it would not be allowed.

438
439 Council Member Bigler when we look at changing ordinances he likes to know why. The memo said it
440 was directed by the City Council. At what City Council meeting, he doesn't remember the Council
441 directing staff to do that. The thing that he agrees with is what Dave Hulme said "the fact that both
442 bodies voted unanimously means the system is working." Mayor Harris said there is a difference, our
443 ordinance allows home garages currently, we are not talking about home garages being taken out; we are
444 talking about amending the ordinance to not allow any home occupations in any garage. The Planning
445 Commission disagreed with him but came to the Council with this proposal. He said he would
446 personally like to see us do away with home occupations in garages.

447
448 Council Member Harris said she didn't know he had done that so after one discussion here she called
449 Craig Barker and said she would really like to have the Planning Commission review this. Craig had
450 told her that it was already in the works. She said perhaps the unanimous vote was partly because of
451 mitigation we felt like we had no options. She said she would like to see home occupations not allowed
452 in garages either. It would be so much cleaner if we had a very specific ordinance that requires a home
453 occupation to take place in the home itself not where you store vehicles.

454
455 Council Member Turner said he respectfully disagrees with Mayor and Council Member Harris. He
456 thinks some occupations can be done in the garage. He knows of several businesses that have started that
457 way. He said he has no problem with the way it's been tweaked but garages are ok with him.

458
459 Council Member Flamm said we have the ordinance in front of us but have not had an opportunity for
460 the public to speak to this. He would like a public hearing if we were to proceed.

461
462 Council Member Taylor said he agrees with what others have said. This proposal is not really making
463 changes it is more just elaborating on the previous Conditional Use Permit requirement for home
464 occupations. He thinks it is cleaning it up and he is comfortable with it. Overall on zoning, in several
465 things the Council has addressed, they are a basis of our own cities and life. Absolute freedom means
466 that everyone can do whatever they want. That is not possible so zoning restrictions are necessary. The
467 reality is that having no zoning regulations is not great. He said he supports the zoning regulations and
468 in this case is very hesitant in expanding home occupations that change the residential feel of the home.
469 Machinery, equipment, hearing and seeing it from the outside changes the residential nature of the home

470 and then is a concern. We don't need to say 100% no to garage based home occupations because he
471 thinks there are some that will work but he said he likes the Conditional Use Permit requirement. He
472 thinks we can give people as much freedom as possible while protecting their neighbor's freedom.
473

474 **Council Member Harris moved to set April 26, 2011 for a public hearing to review the zoning**
475 **ordinance regarding home occupations. Council Member Turner seconded the motion.**
476

477 **Voting on the motion:**
478

479 **Council Member Flamm** **yes**

480 **Council Member Bigler** **yes**

481 **Council Member Taylor** **yes**

482 **Council Member Turner** **yes**

483 **Council Member Harris** **yes**

484 **Motion passed.**
485

486 **DISCUSSION AND/OR ACTION TO CONSIDER FINAL ACCEPTANCE OF ROYLANCE**
487 **FARMS SUBDIVISION PHASE 4**
488

489 Debbie Cardenas, Finance Director, said that Gary Kerr, Building Official, sent a memo on this. She
490 said we were waiting on this to make sure some property has been transferred into the City's name.
491 That has been done and Staff recommends granting final acceptance.
492

493 **Council Member Taylor moved to grant final acceptance for Roylance Farm Subdivision Phase 4,**
494 **Council Member Bigler seconded the motion.**
495

496 **Voting on the motion:**
497

498 **Council Member Bigler** **yes**

499 **Council Member Taylor** **yes**

500 **Council Member Turner** **yes**

501 **Council Member Harris** **yes**

502 **Council Member Flamm** **yes**

503 **Motion passed.**
504

505 **DISCUSSION AND/OR ACTION ON HOW TO PROCEED WITH THE HAVE A HEART**
506 **FOUNDATION AND OTHER DONATION REQUESTS**
507

508 Debbie Cardenas said staff met to discuss whether there are any benefits that we could provide to the
509 Have a Heart Foundation. The only thing is that the plan they brought in is a plan that we have reviewed
510 previously so the plan check fee will be \$100 rather than the usual \$900 it would cost if it were a brand
511 new plan. She said they have already come in and paid the fees.
512

513 Mayor Harris said the City Council needs to decide what to do with requests like this. There was a time
514 that we were getting requests for cash donations regularly. We felt we were not able to use taxpayer
515 dollars in that manner but tried to accommodate them in other ways.

516 Council Member Bigler said he agrees that cash donations are not appropriate but would like to help out
517 in ways that don't cost the City anything really. He said this is \$800 more than other cities have done.
518 He said they have already dug the hole and they were very committed to doing it here in North Ogden.
519

520 Council Member Turner said he would like to see a sample policy that we could look at but asked how
521 we would word something like that. Council Member Bigler said we could make it simple and just say
522 no cash donations. Mayor Harris said we do have a policy that for active service members away from
523 home we waive their utility bills. Edward O. Dickie III, City Manager, said the City Council can do that
524 tonight as a motion; we don't need an actual document. Council Member Harris said she would like to
525 see something in writing first.
526

527 Dave Carlson, City Attorney, said the Utah Supreme Court weighed in on a case over donations that
528 City Councils were making to charitable foundations. Legislature came back and created a statute that
529 spells out the procedure for a city if they choose to donate. The City Council has to show that the City is
530 getting back an equivalent value of what we are giving away. It doesn't have to be tangible; it can be
531 something like good will or relieving the burden of the poor.
532

533 Council Member Turner asked if we are outside of that with this instance. Debbie Cardenas said we
534 have not done any donation here. Council Member Flamm said it would have been the same for
535 anybody who brought in a plan that has already been reviewed.
536

537 Council Member Flamm asked if someone goes to Recreation asking for pool passes, would that need to
538 come down to the City Council for approval. Dave Carlson said it could come down to some delegation
539 to allow the Mayor to approve some things up to a certain amount without Council approval.
540

541 Council Member Bigler said he would like to include "no cash donations". If someone wants to donate
542 out of their pocket, that's a different thing.
543

544 Council Member Turner said he thinks as a City we don't need to get into donations. He thinks we are
545 getting into something that we don't need to be.
546

547 **DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE AMENDING THE NORTH**
548 **OGDEN CITY CODE BY CREATING A NEW SECTION 3-1-9.1 REGULATING THE**
549 **DISPOSAL BY THE NORTH OGDEN POLICE DEPARTMENT OF PROPERTY HELD AS**
550 **EVIDENCE OR AS UNCLAIMED PROPERTY**
551

552 Dave Carlson said the Police Department accumulates two kinds of property that it needs to dispose of
553 from time to time. One is property that was seized as evidence but is no longer needed and the other is
554 unclaimed property. State Law provides a procedure that the Police Department is to follow when they
555 dispose of these types of property. This will bring the Police Department procedures in line with State
556 Law. They need direction as to what will happen with the revenue that comes from the sale of this
557 property. If it is evidence, they have to notify the prosecutor, and then try to contact the owner of the
558 property if they know who that is. There are special provisions for weapons too. If a weapon was used
559 in a crime and the owner was involved in the crime they never get that weapon back. If the weapon was
560 stolen or used without the owner's permission they can get it back. There is also the option to keep
561 those weapons for your own purposes. Our Police Department has asked that they be allowed to keep

562 those weapons for their own purposes. He reviewed the section regarding unclaimed property and asked
563 that the City Council create a fee in the fee schedule to cover the cost of storage and notification. That
564 would give the City flexibility in how to dispose of these items depending on what it is. He
565 recommended that the City Manager be able to consult with the Finance Director and determine which
566 method will get the best return on the sale of the property. Proposed the proceeds from these sales go
567 into a special revenue account which will give the city a way to track it and know how much the city has
568 brought in from these sales.
569

570 **Council Member Harris moved to approve Ordinance 2011-02 amending the North Ogden City**
571 **code by creating by creating a new section 3-1-9.1 regulating the disposal by the North Ogden**
572 **Police Department of property held as evidence or as unclaimed property. Council Member Bigler**
573 **seconded the motion.**
574

575 **Voting on the motion:**
576

- 577 **Council Member Taylor** **yes**
- 578 **Council Member Turner** **yes**
- 579 **Council Member Harris** **yes**
- 580 **Council Member Flamm** **yes**
- 581 **Council Member Bigler** **yes**

582 **Motion passed.**
583

584 **DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE REZONING PROPERTY**
585 **LOCATED AT APPROXIMATELY 800 EAST 2100 NORTH FROM R-1-8 TO RE-20**
586

587 Craig Barker said a public hearing was held by the Council a couple weeks ago. Mr. Lyman Barker has
588 asked that this property be rezoned from R-1-8 back to RE-20. He has a buyer who wants to put horses
589 there which would be allowed in that zone. In the future he may decide to subdivide the land.
590

591 **Council Member Bigler moved to approve Ordinance 2011-03 rezoning property located at**
592 **approximately 800 East 2100 North from R-1-8 to RE-20. Council Member Turner seconded the**
593 **motion.**
594

595 **Voting on the motion:**
596

- 597 **Council Member Turner** **yes**
- 598 **Council Member Harris** **yes**
- 599 **Council Member Flamm** **yes**
- 600 **Council Member Bigler** **yes**
- 601 **Council Member Taylor** **yes**

602 **Motion passed.**
603
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607

608 **CONSIDERATION TO CANCEL THE APRIL 12, 2011 CITY COUNCIL MEETING**

609
610 Annette Spendlove said the Utah League of Cities and Towns conference is that week and a majority of
611 the City Council will be heading down on Tuesday afternoon to prepare for the conference beginning
612 Wednesday.

613
614 **Council Member Bigler moved to cancel the April 12, 2011 City Council meeting. Council**
615 **Member Turner seconded the motion.**

616
617 **Voting on the motion:**

618
619 **Council Member Harris** **yes**
620 **Council Member Flamm** **yes**
621 **Council Member Bigler** **yes**
622 **Council Member Taylor** **yes**
623 **Council Member Turner** **yes**
624 **Motion passed.**

625
626 **PUBLIC/COUNCIL COMMENTS**

627
628 Edward O. Dickie III said Mel Blanchard, Public Works Director, is in the audience. He said they are
629 asking whether City Council would approve additional funds in the amount of \$5,000 for the purchase
630 of a lift truck.

631
632 **Council Member Flamm moved to approve the amount necessary to purchase the lift truck.**
633 **Council Member Turner seconded the motion.**

634
635 Council Member Bigler asked, when the vehicle runs out of life, is the lift available to be put into a
636 different vehicle? Mel Blanchard said yes.

637
638 Council Member Taylor asked what the plan is for where the additional funds will come from. Debbie
639 Cardenas said we are going through the budget right now. She said she can email that information to the
640 City Council tomorrow. Council Member Taylor said that's fine.

641
642 Council Member Bigler said this is going to be way more efficient than what we are doing now and in
643 the long run it will save us a lot of money.

644
645 **Voting on the motion:**

646
647 **Council Member Flamm** **yes**
648 **Council Member Bigler** **yes**
649 **Council Member Taylor** **yes**
650 **Council Member Turner** **yes**
651 **Council Member Harris** **yes**
652 **Motion passed.**

653

654 Council Member Turner reminded everyone present that the Parks Committee meets on March 9, 2011
655 at 5:30pm.

656
657 Council Member Taylor invited everyone present to attend the City's Budget Retreat on March 25, 2011
658 from 8am to 6pm.

659
660 Council Member Bigler said the volleyball court was brought up last time and a young man came to him
661 for an Eagle project and would like to see if he can get permission to rake through the volleyball sand to
662 break up and remove clumps. He asked about getting approval for him to do that rather than City staff
663 time. Mayor Harris said he thinks it would be possible but it was determined that the sand will have to
664 be removed and replaced. He stated that Ken Kolb is in his office at 4pm on Thursdays for information
665 on Eagle projects. Council Member Bigler said he would like someone to clarify on Quail Ponds.
666 Edward O. Dickie III said we have the plat and are waiting for an official report from the Army Corps of
667 Engineers regarding the wetlands. There is another issue on the plat that needs to be resolved between
668 Bruce Jones, the homeowners and a potential buyer. We are waiting for the property owners to sign off.
669 Council Member Bigler said he has had calls from homeowners saying they are waiting on the City.
670 Edward O. Dickie III said the homeowners and developer need to work things out. We are only waiting
671 for signatures. Craig Barker said there was a difference between the owners regarding the parcel that is
672 where the pond was. They have agreed that it will be lot 36. We are assuming that the issue has been
673 resolved and will get notification soon. We are waiting for the Corps to accept the transfer which should
674 take place Friday and the Corps will direct him to make the exchange for wetlands credits.

675
676 Council Member Flamm said the State Legislature is coming to their final days and one bill they dealt
677 with was about public hearings. He said it appears that it should reduce our current costs.

678
679 Council Member Harris said she talked with Edward O. Dickie III and Mayor Harris about the property
680 on the corner that the City owns. There was some discussion that may be a good place to have a
681 community garden. Edward O. Dickie III recommended that it not be a City endeavor but let them use
682 the land. Do it on a volunteer basis and organize it that way. He said that these gardens are most
683 successful when it's a volunteer thing and not the City. It would be nice to have something there on that
684 piece. He said he went to one that was just a children's garden and it was neat. Council Member Harris
685 said she would like to have it be not something the City is actively involved in. Do we just put out a
686 notice that we are looking for some leadership for someone to spearhead this? Council Member Flamm
687 said it could also be an Eagle project for the summer. Edward O. Dickie III said he would like the City
688 to step back.

689
690 Annette Spendlove, City Recorder, said our Xpress bill pay system went down last Sunday evening and
691 didn't come back up until late last week. Bills are late going out and we did not do shut offs this month.
692 We couldn't take payments over the phone or in the office with credit or debit cards. She reminded the
693 Council that she is registering for Utah League of Cities and Towns on Thursday and they will need to
694 let her know if they are going.

695
696 **CONSIDERATION AND/OR ACTION TO ENTER INTO A CLOSED MEETING TO DISCUSS**
697 **THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY AND DISCLOSE THE**
698 **APPRAISAL OR ESTIMATED VALUE OF A PROPERTY UNDER CONSIDERATION; TO**
699 **BE HELD IN ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-204-5**

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Council Member Harris moved to go into closed meeting. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Harris yes
Council Member Flamm yes
Council Member Bigler yes
Council Member Turner yes
Motion passed.

Meeting recessed at 8:22pm.

Meeting reconvened at 8:40pm.

DISCUSSION AND/OR ACTION REGARDING PROPERTY ACQUISITION

Mayor stated that there were no decisions were made in the closed meeting.

Council Member Flamm moved to direct Staff to make an offer contingent on City Council approval. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Harris no
Council Member Flamm yes
Council Member Bigler no
Council Member Turner yes
Mayor Harris yes
Motion passed.

ADJOURNMENT

Council Member Turner made a motion to adjourn. Council Member Harris seconded the motion.

Voting on the motion:

Council Member Harris yes
Council Member Flamm yes
Council Member Bigler yes
Council Member Turner yes
Motion passed.

The meeting adjourned at 8:46 pm.

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Mayor Richard G. Harris

S. Annette Spendlove, CMC
City Recorder

Date approved

NOT APPROVED