

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3
4 September 28, 2010

5
6
7 The North Ogden City Council convened in regular session on September 28, 2010 at 5:30 p.m.
8 at the City Offices. Notice of time, place and agenda of the meeting was delivered to each
9 member of the City Council, posted on the bulletin board at the municipal office and posted to the
10 Utah State Website on September 22, 2010. Notice of the annual meeting schedule was published
11 in the Standard-Examiner on January 24, 2010.

12
13 PRESENT: Richard G. Harris Mayor
14 Wade Bigler Council Member
15 Ronald Flamm Council Member
16 Martha Harris Council Member
17 Brent Taylor Council Member
18 Carl Turner Council Member

19
20 STAFF PRESENT: Edward O. Dickie City Manager
21 Annette Spendlove City Recorder/HR Director
22 Julia LaSeure Deputy City Recorder
23 Gary Kerr City Building Official
24 Dave Carlson City Attorney
25 Debbie Cardenas Finance Director
26 Craig Barker Community Development Director

27
28 VISITORS: Pam Trimble Marilyn Carter
29 Richard Kay Brimhall Jerry Harwood
30 Kerry Walker Jenice Jones
31 Kent Bailey Gary Ranas
32 William Maw Shawn Maynard
33 D. Toth Alison Trowbridge
34 Kathleen Flamm Toby Mileski
35 Ross Olsen Nancy Olsen
36 Sandra Williams Lorraine Tennant
37 Jonathon Badger Dave Hulme
38 Helen Mickelson Tinamarie Fowler
39 Sherrylyn Parkinson Ronald Hancock
40 Cathy Hancock Victor Calvo
41 Pamela Calvo Paul Calvo
42 Greg Calvo Kaden Hodson
43 Rachel Trotter Bruce Hall
44 Robert Bolar Paul Mackley
45 Dave Meentz Nick McIntosh
46 Marilyn Nye George W. Parsons
47 Taylor Spendlove Chukwuma Uzoh
48
49
50
51

52 **CONSENT AGENDA**

53

54 Mayor Harris said the minutes are being pulled from the consent agenda for some revisions.

55

56 **Council Member Harris moved to approve item #1 on the consent agenda. Council**
57 **Member Taylor seconded.**

58

59 **Voting on the motion:**

60

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

62 **Council Member Taylor** **yes**

63 **Council Member Bigler** **yes**

64 **Council Member Flamm** **yes**

65 **Council Member Harris** **yes**

66

67 **Motion passed.**

68

69 **PUBLIC COMMENTS**

70

71 Mayor Harris asked that any comments regarding the public hearing on item #5 be held until that
72 time. Any other comments are welcome. There were no comments.

73

74 **PRESENTATION REGARDING SIGNS.**

75

76 Mike Ostermiller, CEO and legal council for Northern Wasatch Association of Realtors, said he
77 understands the complexities of this and has worked with cities around the country on sign issues.
78 He said one issue they had when the City Council decided to significantly change the sign
79 ordinance is that it is much harder to sell homes. What impact will this have on a realtor's ability
80 to represent a resident of North Ogden City? He said he has spoken regularly with many brokers
81 and agents who do a large amount of their business in North Ogden City and they have suffered.
82 It is significantly more difficult on them. They have commented to him that the restrictions
83 placed on them have hurt them and their ability to sell these homes. There are economic
84 ramifications on the City, the brokers and the home buyers. The biggest complaint by far is
85 special events like on open houses. The majority of business at an open house is from drive by
86 traffic. Walk in business comes from these signs. He said he wants to express confidence that he
87 thinks there are things we can do here to represent all citizens and do it in a way that will not
88 impact the corporate citizens that are here trying to make a living. He said he would like to be
89 part of future discussions. We've been working with a number of different cities. The City could
90 create strict and reasonable restrictions on the use of these signs and create a special permit. It
91 could require that it be for a special event, that it go up in the morning, down in the evening, a
92 realtor could then pay a small application fee. If it were a special permit, they would be bound by
93 whatever rules and regulations the City deems appropriate. They would still be able to put out
94 those signs. That's a concept that if we explore it and make it available to businesses owners
95 throughout the City, he thinks it would pay huge dividends. He said he also thinks the businesses
96 would really appreciate it. He added that he hopes this is an issue that is not considered closed;
97 that we can continue to talk about it.

98

99 Council Member Taylor thanked Mr. Ostermiller for his presentation. He said he has looked at
100 the ordinances and doesn't know all the legal ins and outs but he would be supportive of this. He
101 said as he has purchased homes in his life, he and his wife have gone out and looked at those
102 open house signs. There are some free speech issues throughout the State. He would be

103 supportive if we could do it in a legal way. The problem is that some of these signs stay up for a
104 month and become an eyesore. He said he would like to be able to help these folks sell their
105 homes. Mr. Ostermiller stated that North Ogden's City Attorney, Dave Carlson, is one of the best
106 attorneys in the State and he has worked with him on other issues.

107
108 Council Member Bigler said he would like to look at this too. This isn't just for the realtors; it's
109 for the citizens too.

110
111 **PUBLIC HEARING TO RECEIVE COMMENTS ON BUSINESS LICENSE FEES**
112 **INCLUDING DISPROPORTIONATE FEES, RENTALS AND THE GOOD LANDLORD**
113 **PROGRAM.**
114

115 Council Member Flamm said there has been a lot said on this topic as well as articles in the
116 newspaper. He wants to help people understand what is going on. Sometimes people come to
117 these public hearings thinking that the City Council has already made up their minds and aren't
118 going to listen. No decision has been made and he said he personally has not made up his mind
119 yet. This has been going on since April. Council Member Flamm said for an overview he wants
120 to go over the analysis presented by Lewis, Young, Robertson and Burningham (LYRB) and then
121 show what some other cities have been doing. The presentation is on file as Attachment A.

122
123 Mayor Harris thanked Council Member Flamm and asked Debbie Cardenas, Finance Director, if
124 she had anything to add. Debbie Cardenas stated that the Police Department did try to pull those
125 numbers together and came up with some figures around 5:30 tonight. That information is on file
126 as Attachment B.

127
128 Debbie Cardenas reminded the Council that we went out to bid to find a consultant to do the
129 study. We did that in June 2008. They prepared the study; they did the analysis and worked
130 closely with the City and staff. They have over 30 years of experience and we are very confident.
131 We have made several presentations to the Council in February, April and September. We have
132 held two Public Hearings and she said she thinks that's because the Council wanted to make sure
133 that everyone has had a voice in this and an opportunity to bring their concerns forward. She said
134 we want to caution the Council and everyone that every city is different. When we looked at the
135 numbers they were all over the place because each city has different issues, needs and expenses.
136 We are here tonight to make a recommendation on moving forward on this. It's been two years.
137 We would like to at least start the program at the base level. We initially had the study done to be
138 able to justify the fees that we were charging. With that we discovered that the business license
139 fees should go down from \$100 to \$82.34, the Home Occupation fees would increase from \$50 to
140 \$82.34. Our rentals we have not charged a business license fee for and that is what we are
141 recommending, that we charge the base fee of \$64 per unit for all rentals, single family, duplexes,
142 and multi units. We are not necessarily recommending the disproportionate fee or the Good
143 Landlord Program. To implement the Good Landlord Program it would be labor intensive for the
144 staff. We would need to hire additional staff to implement it. Our recommendation is to start at
145 the base level; that is just to make sure we cover our costs. Whether or not we implement this
146 study, the current fees are not covering the costs. We have cut our expenses nearly one million
147 dollars but have not cut services. This is a justifiable fee and that's why the staff is making this
148 recommendation,

149
150 Council Member Taylor asked Debbie Cardenas if it's possible to put up the pages of the
151 disproportionate fees from the study. There is a lot of inaccurate information going around. He
152 wanted to give an example of what the study said. Debbie Cardenas said you can go on the

153 website and it will define for you what these businesses are. We have to be careful. We as a City
154 cannot disclose what sales tax businesses give to the City. She gave some random types.

155
156 Professional, business and contract services currently pay \$100 and if this is implemented they
157 would be paying \$64. Financial institutions have a disproportionate fee of \$766 and the base fee
158 of \$64. This is a significant increase but staff is not recommending that be implemented.
159 Automotive would have a \$166 disproportionate fee with the \$64 base fee. Restaurant and food
160 services would have a \$79 disproportionate fee. Fast food is high that one is \$1159
161 disproportionate fee. These are the maximum numbers and not what has been recommended.
162 Disproportionate fee is above the base fee. There are only a couple of businesses that the study
163 recommended an increase of about \$8,000; most businesses are not looking at thousand dollar
164 fees.

165
166 Council Member Taylor said thank you; he wanted that to be presented and you can see the
167 numbers. He wanted that to be made clear, a lot of businesses would see a decrease. Obviously
168 with any issue things get bigger than they truly are. He thinks that has been the case for some of
169 the folks he spoke to.

170
171 Mayor Harris said it was his understanding that State Statute requires a study of this type to be
172 conducted every four years. Dave Carlson said that is correct; a disproportionate fee study has to
173 be updated every four years. Mayor Harris said these are the maximum amounts that could be
174 charged. Debbie Cardenas said we have about three years left on the study.

175
176 Mayor Harris opened the public hearing. He asked that anyone who wished to speak come to the
177 podium and state their name and address. He said that we will be civil and there will be no
178 outbursts or applause. We will remain orderly and civil.

179
180 Toby Mileski, 3325 N 1000 W, Pleasant View, said he has a couple rentals in North Ogden City.
181 One of the key things is revenue. If the City needs revenue then the City should raise property
182 taxes and face it at re-election. The investment owner of rental properties doesn't get the discount
183 on property tax that homeowners do. Landlords already pay more to the City. He said he is a
184 member of the Good Landlord Program in Ogden and hasn't seen it make a whole lot of
185 difference. A felon is not a protected class so he won't rent to one. He has not seen a reduction in
186 crimes on any of his properties there. The thing he would like to know on the property crimes,
187 who committed the crimes? Are we making a blanket statement that all the renters in town are
188 committing all the crimes?

189
190 Sandra Williams, 1952 Kingston Rd, Farmington, said she is a business owner in North Ogden
191 City. She said she was surprised that sales tax cannot be announced and is curious as to the
192 reason. Is it the assumption that if all rental units didn't allow criminals to rent and didn't allow
193 them to be homeowners that we wouldn't have crime in our community any longer? She said she
194 comes from the Midwest, in areas that are quite remote but we still have crime. The criminals go
195 hit apartment complexes that are close to the freeways and do their dastardly deeds. She is not
196 sure you have completely analyzed the problem.

197
198 Mark Lund, 991 E 3350 N, moved here about 8 months ago. When he heard about this meeting
199 he was very excited. He manages 31 units in Ogden; three 4-plexes and a duplex. Using the
200 Good Landlord Program has been the best thing that has ever happened to us. When we have
201 felons on our properties, they pay less attention to taking care of your property. He took over
202 these rentals 12 months ago. When he took over they were in complete disarray. The Good
203 Landlord Program has enabled him to better those rentals. When he heard that there wasn't a

204 Good Landlord Program in North Ogden City he was disturbed. He has had his car broken into
205 two times in 8 months. He got on the website and was appalled at the crime rate in North Ogden
206 City; 36% is tremendous. When he rejects felons from his complex in Ogden they are going to
207 come here. If that's the case, if we have felons, it's more likely that they are going to commit
208 crime. He asked the City Council to please take this into consideration and go forward with this
209 program. As a citizen of this community we deserve to be safe. People will take better care of
210 your property, it's just smart business.

211
212 Richard Kay Brimhall, 3120 Mountain View Dr., pays a \$360 license fee independent of this and
213 pays the State of Utah. He has 16 rental units on the corner of 400 E and 1700 N. He asks for
214 photo id from everyone and he can check what has happened in all the State courts and City
215 courts. He has an empty apartment and would like to rent it but nobody has passed the checks.
216 Smart landlords are going to be smart and take care of what they need. He has taken people with
217 felonies 5 or 6 years old and has done ok with them in his units. Sometimes he has not and they
218 ended up back in jail. People are still people. We talk about parolees and he suggested that
219 eventually North Ogden City will take the Good Landlord Program and eventually all the cities in
220 the state will have it and eventually the parolees will live in tents down by the river. They are
221 still people. There is a big class of people who are still people and they have to live somewhere.
222 He had a problem in an apartment a year ago and the police came, there was a lot of noise. I came
223 to the City and asked what happened and they told me it was none of my business. You're going
224 to charge for each apartment, like they are all individual businesses. Obviously the Good
225 Landlord Program is great but he would like someone to explain to him why he is a bad landlord.
226 He has had this property for 32 years. He said he is 82 years old and since this issue came up he
227 has almost decided to sell his property and had somebody make an offer. He said he may take it.

228
229 Roger Smout, 1028 E 2750 N, said he is a member of the Good Landlord Program in Ogden. He
230 is not disputing that landlords are not smart. The issue is that Ogden City has put a stipulation on
231 that they will not allow you to rent to a specific class of people if you are a member of the Good
232 Landlord Program. They have sent that message to the rest of the cities also. We as landlords
233 can be choosy. Who will take care of our property? By the City making a statement that you can
234 go anywhere else just don't come to Ogden. That pushes everything out to Roy, Harrisville, and
235 North Ogden. We need a system here to be able to run a background check and get some help
236 from the Police Department. It's mainly a statement from North Ogden City saying we have a
237 Good Landlord Program in place and we are not afraid to enforce it. Fees have to be reasonable
238 for the landlords. It's a pain in the butt to go show up every two years and be recertified but
239 knows he has the backing of Ogden City if he has to go to them.

240
241 Mark Ostermiller, Northern Wasatch Association of Realtors, said he has had the opportunity in
242 representing some property owners and cities around the state look at the disproportionate fee and
243 Good Landlord Program. If the City, at this point, were to say we are going to charge a base fee
244 or disproportionate fee and make it applicable to rental units. I would say do it and charge it and
245 then create a Good Landlord Program that would tell them they will not have any increase if they
246 participate. Put it back on the applicant. At that point the landlords have no reason to be upset
247 with the city because it's up to them what they do. What we like about the Good Landlord
248 Program is that it incentivized good behavior. The landlords that don't do their jobs
249 professionally are likely the ones who are causing the additional police calls. If you say those are
250 the landlords who are going to pay the disproportionate fee that's fair. It sends a clear message
251 from the City that we are not just interested in money. Reward good behavior, the Good
252 Landlord Program adequately does that.

253

254 Nick McIntosh, 2230 N Fruitland, said the Good Landlord Program is near and dear to him. He
255 said he was born and raised in North Ogden City. When he was growing up, North Ogden had a
256 bubble around it. He has seen a direct correlation between the Good Landlord Program and crime.
257 He said he works in a certain city and he has seen the court traffic decrease because those people
258 are getting weeded out. He knows it's not popular but it's something the City needs to be
259 proactive about.

260
261 Council Member Bigler asked what City Mr. McIntosh was referring to? Mr. McIntosh said he
262 works for Washington Terrace City. The morale of the City has changed. There are a few
263 apartments in that city that don't belong to the GLP and you can tell. Usually it is landlords that
264 are out of state that don't know anything about their apartments. He said he agrees that there are
265 great landlords out here. They are here and they see what's going on and there are those who are
266 just in it for the paycheck. He said we want to keep the good ones and the GLP builds a
267 partnership between the Police and the landlord.

268
269 Chukwuma Uzoh, 2421 N 400 E, Chairman of the Sunbrook Condo Association, said typically
270 they have a low association meeting turnout. A number of their units are rentals and more people
271 are trying to buy rentals there. There are other condominium associations throughout the City.
272 These kinds of properties are going to be the distressed ones that are causing the problems in the
273 future. People are buying investment properties from all over and then renting to everybody. We
274 have disconnected homeowners renting out to whomever. He thinks that crime would go down if
275 the Good Landlord Program was enacted. Ogden City has this program and those people and that
276 element are going to rent in North Ogden City. He is not discriminating against that element but
277 when that element is in your area you are going to have an increase in that kind of crime.

278
279 Richard Kay Brimhall said that in running an ad in the newspaper he gets responses from people
280 living in Ogden who want to get out of Ogden. There is a conception that North Ogden City is a
281 better place to live, people who could qualify in Ogden still want to come here.

282
283 Shawn Maynard, 380 E 2000 N, owner of The Cannery Building and President of the North View
284 Business Association, heard mentioned that not every business will experience thousands of
285 dollars in fees. A business that contributes \$37,000 to the City in property and sales taxes is
286 probably already covering the cost of their services. If we choose to use more water; yes we
287 should expect to pay more. If we choose to ask for additional services we should pay more. If
288 we experience crime as a gas drive off or shoplifting should we pay a fee in addition to
289 experiencing the crime? That doesn't seem right. If there is a traffic accident in front of our
290 business should we pay more?

291
292 Kerry Walker, Walker Cinemas, 1610 N Washington, said, regarding business licenses, he has
293 been through this with Perry and North Logan. They did the same study and they all chose to
294 disregard the disproportionate fees. Perry liked how North Ogden City did their fees on theaters.
295 As you add on to business you should pay a little extra, that's fine. We are paying property tax
296 every year and sales tax which should be covering police fees. We are trying to get businesses in
297 North Ogden City and if you throw this at them they are going to go to Farr West or Ogden. If
298 you go with the disproportionate fee on businesses you are going to send people out of North
299 Ogden City.

300
301 Jonathon Badger, owner of Lee's Marketplace, 2645 N Washington, said a lot has been said about
302 business licenses and he understands that this is just a proposal. The maximum fee for a grocery
303 store is over \$8,900. Times are tight and he understands that. If he were to charge his customers
304 more for their groceries he wouldn't have customers. He said we do pay sales tax and we

305 generate that through the residents who shop here. The other thing is unintended consequences.
306 He wanted to say, and these numbers are not boastful but, he has donated over \$60,000 to the
307 City in the three years since they bought the store. We have tried to be part of the community and
308 do these things for the City. For fireworks alone they have donated \$15,000. They have donated
309 over \$20,000 to the schools and the Kiwanis. These schools are going to come to him asking for
310 a donation and he will have to say no I had to pay a \$9,000 business license fee and I have to cut
311 somewhere. He believes Lee's does a lot for the City.

312
313 Sandra Williams said she thinks we have made an assumption that what we're talking about
314 putting in place is going to resolve the problem. She thinks it's a temporary solution, the real
315 problem is crime. If you eliminate all businesses and apartment complexes from the community
316 would there still be crime? Yes, there would. You have come up with a solution to a larger
317 problem.

318
319 Ned Malen, 1700 N 1055 E, said he is thankful for the opportunity to say a few words. The City
320 Council members have an advantage, facing the speaker; his disadvantage is that he can't hear
321 them. We need to have something that projects what people are saying toward the audience. He
322 said as for new license fees he hopes the City doesn't go ahead with anything until you really
323 check it out more. We need to watch out what's going on. There is no room for new taxes and
324 licensing. This country was started by small businesses, farmers, and some of us are still in
325 meager circumstances. The youth don't know how to work, they are not taught to work. It's time
326 that the youth have some type of interest and opportunity to get into sales or some experience that
327 way. It's great to live in the USA and North Ogden. He moved from Ogden 56 years ago to get
328 away from the bureaucracy. He said these are great folks, keep it that way.

329
330 Ross Olson, 2967 N 150 W, said he owns a duplex in the area. He and his wife bought it to
331 subsidize their social security and try to take care of it, do checks and sign one year leases. Now
332 it sounds like we're going to have to have a Good Landlord Program or we will get all the trash
333 here. He has trouble with this, it sounds like we are being forced into a program that he doesn't
334 think we need to pay for. The program may help us keep our properties good but we don't want
335 to pay for it. He said he's got more time than money and he likes that part of the program. As for
336 the business license fees, one of the pages said there's been a history of not having licenses for
337 rentals. We don't have to change the history just because it's now legal.

338
339 Kent Bailey, 859 E 2850 N, owns a building at 2727 N Washington. It's a new building they
340 built 1 ½ years ago based on what we felt was the business climate in North Ogden City. We lost
341 a number of businesses but have now lost their main tenant, Exit Realty. It has been repeatedly
342 said that North Ogden City needs business in order to survive to reduce the tax burden on the
343 residents. The way to do this is not applying more fees on business owners. It seems like we're
344 dealing with three issues here. The first of which is should we be requiring business licenses for
345 landlords? If the answer is yes then the next one is should we charge them a disproportionate
346 fee? If the answer to that is yes then the next one is should we be doing the same to the
347 businesses? None of these issues has received a full hearing in his mind. One observation on
348 disproportionate fees, it's like taking a made up statistic and looking for things that fit that
349 statistic. There are a million ways to look at disproportion, amount of garbage, fire calls to older
350 portions of the city. It seems like a trap that can be drawn any way we want it to. It looks like the
351 City is chasing revenues and the State allows the City to do this so this is a convenient way to
352 look at things. These are tough times. We have a lot of businesses in trouble.

353
354 Jerry Harwood, 352 E 2600 N, owner of Great Clips. He said he is here on behalf of business
355 owners in the area. He said as business owners, they have taken huge risks. Most of them have

356 mortgaged everything they had to make our businesses grow. Because of that they have to be
357 profitable. They don't need any more costs introduced into their structure. Operating a business
358 anywhere is tough and that includes North Ogden City. He said we need a healthy business
359 environment and climate to be successful. The disproportionate fee issue is not going to prevent
360 crime. He said he thinks that there are things the business owners and residents of North Ogden
361 can do that could be equally effective. They could become involved in our community and
362 address the criminal element in that way. A fee is just another tax on our business. It's all too
363 easy sometimes for government to levy another tax to address more spending instead of looking
364 at working smarter, more efficiently and employing technology that can address the problem.
365 Disproportionate fees seem to group different types of businesses into categories regardless of
366 where they are. There could be a section of the City that is experiencing more crime than another.
367

368 Pam Trimble, 1229 E 2600 N, said she owns two 5-plexes, two 4-plexes, three duplexes and 11
369 homes that she rents. She asked Debbie Cardenas to clarify the base fee. Debbie Cardenas stated
370 that the base fee is \$64 per unit; for a 4-plex it would be \$64 times 4. Pam Trimble asked if the
371 new storage facility is going to be charged per unit. Debbie Cardenas said they would be charged
372 one base fee of \$64. Pam Trimble said it was never discussed that way. We talked about \$64 per
373 roof and \$24 per unit. Pam Trimble said she would like to look at the minutes. She said the GLP
374 is not necessary. She has been renting for years and knows everything she needs to know. She
375 doesn't need to go to school to learn how to tell if someone is on drugs. She said she is definitely
376 against \$64 a unit. She said she pays her taxes just like everybody else and she doesn't have the
377 Police at her rentals all the time.
378

379 Dave Hulme, 513 E 1700 N, said he also attended the ULCT convention and was struck by one
380 session on fees and taxes. He said what bothered him was the fact that in all the discussion of
381 taxes and fees there was no mention of whether a city should do any of them. It was only about
382 what the city could do. He said he won't be so arrogant as to try to offer a recommendation on
383 this. It's almost an impossible situation. He said he strongly recommends against any sort of tax
384 or fee increase unless you really feel that it is a fee that should have been charged all along; that
385 it's been an oversight; that someone really is getting more than they are paying for; and that you
386 have really stripped the budget of every single nonessential item. He said he knows that the City
387 has gone through countless hours on the budget. However, everybody knows that there are some
388 things that are still in there. Before we do something like this we need to look at every single one
389 of them and look at those first.
390

391 Nathan Wayment, 2274 N 400 E, owner and operator of Wayment Orthodontics. When he
392 decided where he was going to set up his practice he did a feasibility study on where to go in the
393 50 states. We came here because of the opportunity for growth. He fears that if we don't do this
394 in a thoughtful manner it can affect other things. He asked that the City Council do things that
395 will promote growth. As a business owner he said we need to have more growth and anything we
396 can do would be beneficial.
397

398 Owen Allen, 473 E 2800 N, said he liked Mr. Flamm's presentation tonight. Before something
399 like this is passed by the Council, perhaps it might be a good idea to have another meeting on this
400 item to let the people know exactly what is going to be charged to everyone. It should be
401 something that we have openly given to us to be able to look at. He said that the GLP in Ogden is
402 now in session and this City Council could go down and listen to the course. The Council could
403 talk to the landlords that are there participating in this thing. It isn't much other than how to
404 detect someone who is taking drugs. It's not that great of a deal. He said he thinks that landlords
405 in North Ogden City are doing a good job. If we keep doing what we're doing without being
406 charged for it we'll still have a good deal. He encouraged the City Council to take a few hours to

407 attend those classes and see what kind of program is going on and how it will be structured here.
408 That may open your eyes a little bit to understand what is involved. Find out exactly what's going
409 to be charged to us so we know.

410
411 Pam Trimble, 1229 E 2600 N, said she went over the business licensing and \$64 per unit will cost
412 her over \$3,000 a year. Council Member Taylor stated that the study on the bottom of page 19
413 shows the total fees for rentals. He said he thinks that's why there is some confusion.

414
415 Jerry Harwood said in his professional career he has dealt with many consultants and one thing he
416 cautions the City Council is to be very critical of the assumptions that are made in this study.
417 These can be configured to support the conclusions they come to. You paid for the study and they
418 are going to give you what they think you want.

419
420 Nancy Olson, 2967 N 150 W, asked Debbie Cardenas, if the City has cut and cut and cut and is
421 still one million dollars short, so we are thinking of charging the landlords in the City a fee but at
422 the same time to implement the Good Landlord Program it will take more staff. Therefore are we
423 eating up everything that the landlords are paying to you? Debbie Cardenas said we saw a \$2
424 million revenue loss over the past two years and the money isn't there to pay for the services. We
425 have gone into the General Fund to pay for the difference but we are required by law to stay
426 within a certain limit. The facts show that there is an expense to the City, a disproportionate fee
427 that the City is incurring from any business or rental that is using more services. Nancy Olson
428 asked if we go ahead and charge renters how long would it be before the City could afford to
429 implement the Good Landlord Program? Debbie Cardenas said we don't know what it would
430 take. We know it would require additional staff and we would have to look at what those costs
431 could be. Nancy Olson said we are putting the cart before the horse. Debbie said no, we are not
432 recommending the disproportionate fee.

433
434 Debbie Cardenas reminded everyone present that we are not recommending the disproportionate
435 fee or the Good Landlord Program. We are only recommending that the base fee be
436 implemented. That base is less for businesses and slightly more for Home Occupations and would
437 be implemented for rentals. Rental units are a business. They have never been charged before but
438 we need to recoup the costs associated with the rentals in the City. We just want to implement a
439 base fee because it's a business. We provide a wide variety of services. The citizens or
440 customers are the ones paying the sales tax that the city receives. There are some costs and
441 expenses associated with that and that is what we are trying to recoup. We have commissioned
442 the study, done the research, tried to accommodate the businesses, held two public hearings and
443 had several meetings on it. It doesn't change what the facts are. We are recommending the very
444 base level of what this study is showing us. We are not rushing into this. If we were we would
445 have done it two years ago. This is what it has come down to. The study is a good study; we feel
446 the fees are fair. We're not just doing it because we are allowed to. I personally would like to
447 implement the Good Landlord Program but we don't have the staff to be able to do that. If we
448 implement this then maybe we can look at the costs of the Good Landlord Program. We have
449 base costs that we need to recoup and we are asking for the base fee.

450
451 Cheryl Parkinson, 470 E 2750 N, said she wanted to complement the City on their website and
452 Council Member Flamm on his presentation. She said she spent several hours on the website.
453 My question for Debbie Cardenas is that we are only asking for the base fee; what is the base fee
454 going to bring? What's the total revenue going to be if you're just charging the base fee and not
455 the whole thing? Council Member Flamm said the base fee is based on what our current
456 expenses are, there will be no revenue increase, it will be revenue neutral. Cheryl Parkinson said
457 we are asking for something that won't give us what we want. Council Member Flamm said that

458 there is some extra work for staff in the approval process. We are charging \$18 extra for the
459 background check. We are just looking at the costs and what should we be charging. This is
460 what the study came up with to cover just our costs for handing the business licensing. Cheryl
461 Parkinson said there is no extra revenue. Council Member Flamm said that is correct; there will
462 be no change it will just make it equal for everyone. The one place there is some confusion is for
463 landlords; should they be paying one base fee as a landlord or a per unit fee? Council Member
464 Flamm said that needs to be clarified. Cheryl Parkinson said her only other comment is that
465 everything should be done fairly. The disproportionate fee is for Police coming to the business
466 areas and rental areas. What if you have a home that is owner occupied and the police are
467 constantly there. Are you going to charge the home owner too? Be fair about it; address the
468 crime equally and fairly.

469
470 Jenice Jones, 440 E 1908 N, said it seems like if our business, a small business, would go down a
471 little bit. She doesn't understand why theirs would go down when others would go up? Why not
472 leave the base fee alone and raise the ones that need to be raised. \$36 is not going to make or
473 break a small business. Ed Dickie stated that the others don't have a fee. He asked Dave Carlson
474 if we adopt the study can we charge more than the recommended amount. Dave Carlson, City
475 Attorney, said the City can't go above the recommended amount.

476
477 Debbie Cardenas, Finance Director, said that the City can't justify charging the current \$100 fee.
478 We can justify the fees in the study, that's why we did the study.

479
480 Kent Bailey, 859 E 2850 N, said he is really having a difficult time with this discussion. The
481 study is based on police services but the City provides way more services than just police. He
482 asked what percent of the City's budget is police. Mayor Harris said it's a large part. Kent
483 Bailey said we have snow removal, the swimming pool; why not charge a disproportionate fee on
484 the people who use the pool. There are so many things that the City is providing.

485
486 Council Member Flamm said he thinks the study is based on State law and we are limited to
487 police and fire. The Fire District is its own entity now so we can't use that. Dave Carlson said
488 that police is the biggest piece of the puzzle and the easiest to quantify. You could look at other
489 services and the study probably does. The police calls are the richest source of data. Fees have to
490 roughly approximate the City's cost. It's never an exact science but we have to be in the ballpark.
491 If we are charging too little that just means that someone else is being charged unfairly.

492
493 Debbie Cardenas said the Police department makes up 31% of the budget, the next highest is
494 13%. Dave Carlson said this is correct; the police data is the most measureable.

495
496 Mark Lund said he agrees that the City Council should go down and look at the Good Landlord
497 Program in Ogden. We heard from people here who have rented to criminals and they said that it
498 was a mistake. Something must be put in place with disproportionate fees. If people don't want
499 to be in the Good Landlord Program then they need to be pay for that.

500
501 Helen Taylor, 94 E 3275 N, said the only disproportionate fee that isn't being assigned is to the
502 criminal element that is causing the problem. On the one hand staff is saying we need to make up
503 revenue loss so let's spread the fees. We have the business owners who are paying a
504 disproportionate tax because they're not getting the 50% reduction that the homeowners are
505 getting. Then we have the taxpayers that are paying 50% of their property taxes to support the
506 services of the City. It's a tough problem and it's a very difficult balance to find. If we know, as
507 a result of this study, that it costs \$140 roughly every time a police officer has to react to a call;
508 could we instead charge \$140 proactively every time that officer has to go to a call? It would

509 cause the person who calls the officer to think about whether they really want to pay the \$140 or
510 even half of that; we have the perpetrator and the person who is calling. Take this information
511 and try to be proactive rather than charge the people who are not the problem and increase their
512 burden. The gentleman in Ogden loves the Good Landlord Program, so we are using the element
513 of fear to say we need the Good Landlord Program here you're going to get the criminal element.
514 It's a tough problem. No one has suggested that we proactively charge \$140 every time that
515 officer responds to a call. She said when she had a business in Ogden she knew that she got five
516 false alarm calls and on the sixth call she was charged \$200. She said she drove from North
517 Ogden City to Ogden to see if there really was an issue because she knew she was going to be
518 charged.

519
520 Richard Kay Brimhall, 3120 Mountain View Dr., said when he was President of the Northern
521 Utah Apartment Assoc., he went to a national association meeting in Dallas and they were having
522 a terrible time with vacancies there. He met a landlord there who said that he raised his rents and
523 filled up. Everybody was looking down on homosexuals. They raised their rent up and
524 advertised all homosexuals are welcome. They filled up they had no trouble at all. Even with the
525 Good Landlord Program I can say my rent is really high but I rent to all felons. I might make a
526 better profit than I'm making now. The problem won't totally go away. We assume Ogden is so
527 much better but we are talking about a terrible time in the economy. Crime will go up; it has to.
528 The basic problem will just shift. You are still going to have the same number of felons in the
529 state. We're not going to solve all of our problems.

530
531 Mayor Harris asked if there was anyone who had not had a chance to speak yet that would like to.
532 There were no more comments.

533
534 Council Member Taylor moved to close the Public Hearing. Council Member Flamm seconded.
535 Voting on the motion was unanimous in favor of the motion.

536
537 The public hearing closed at 7:58pm.

538
539 **DISCUSSION AND/OR ACTION REGARDING BUSINESS LICENSE FEES**
540 **INCLUDING DISPROPORTIONATE FEES, RENTALS AND THE GOOD LANDLORD**
541 **PROGRAM.**

542
543 Council Member Bigler said, regarding the disproportionate fees, for him it's a way of looking at
544 businesses and how we look at them. We look at these businesses as an asset or a liability to the
545 City? To recoup money for Police calls if that business was not in North Ogden City would we
546 be bringing in less money or more? He said he would imagine these businesses are bringing in
547 more money; they are an asset financially with the license fees and sales tax that we get. Lee's
548 mentioned \$60,000 in donations in the last three years. He said he also asked and received from
549 staff the donations and sponsorship amounts from businesses since 2008. Besides the \$60,000
550 from Lee's there are tens of thousands of dollars that other businesses have contributed to our
551 City. This study was real extensive in one area; it's a liability study. It doesn't look at the
552 community as a whole and what businesses do for our community. He would not like to go to a
553 business and say you need to pay more because you're a liability and then with the other hand ask
554 for a donation to Cherry Days. Rather than force these fees as the government, let the businesses
555 donate to the City what they want. We provide some services and everybody wins. The
556 disproportionate fee, I was wondering, can anybody just real quick tell me what the business
557 license fee is used for? Why do we collect that? Debbie Cardenas said that it is part of all the fees
558 and taxes that we collect to provide all the services for the City. These business license fees will
559 be used specifically to cover the expenses in administering the businesses. She said she disagrees

560 that what the businesses are bringing in is more than we need. We have taken all of the revenues
561 over the past two years and we have fallen short; we have had to go into the General Fund to
562 make up that difference to a tune of almost 1.8 million dollars. It's not covering it. Council
563 Member Flamm said, as far as business license fees, if we didn't have business licenses then any
564 business could come into town and do anything without getting approval to do business. It's
565 important that we have a process to go through. In order to have some regulation over what
566 comes into town there has to be a fee charged to cover those costs.

567
568 Council Member Bigler said, to clarify, he wasn't saying we shouldn't. That was a sincere
569 question and he understands that there is a shortage in the budget but we are only talking about
570 charging businesses and the businesses shouldn't have to pay for all of that. He said he thinks
571 these businesses bring in more than they cost the City. With the disproportionate fees that this is
572 one aspect of it and where do you stop. All of us as citizens pay for all of the services. In almost
573 17 years of living in North Ogden the Bigler family has never once had a police call to their
574 home. Council Member Bigler said he is paying a disproportionate amount; so if we are going to
575 be fair do we get a refund? No, because I am not just paying for police to come to my home, it's
576 my neighbor's home and down the street. We want the community to be safe. He said he chips
577 in with the businesses and he appreciates them being here. He said there are some financial assets
578 to them being here as well as some nonfinancial assets. He said he is more than happy to chip in.
579 He said as far as paying the police extra, we already pay their salaries, they're already working.
580 It's not like we have to call an off duty police officer to come in. He asked what a business
581 owner's proportion is and what is a homeowner's proportion in police calls? What should they be
582 paying? Debbie Cardenas said it is \$64. Council Member Bigler said thank you. With the
583 economy the way it is there are local business owners taking risks. If you don't get customers,
584 you don't bring food home. He said he is totally against disproportionate fees and he thinks the
585 principle is absolutely wrong. The study doesn't take into account all the assets like the
586 fireworks. If we look at the disproportionate fees and the businesses say don't ever ask me for a
587 penny. Then we're going to have to come up with other funds to do some of these other things.
588 He said he doesn't think that is treating the businesses right. The Council received a survey of 14
589 cities; four charge disproportionate fees and ten do not. We would be in the minority. Business
590 licenses for landlords; five do and nine do not. So we would be in the minority also. On the
591 disproportionate fee, besides the financial aspect of it, he said he was thinking you can't take a
592 study and look at one aspect of it. No business, no family would look at liabilities without also
593 looking at assets. None of us would have children or a house if we only looked at the financial
594 liabilities. You'd get rid of it in a week. Then you start looking at the assets of it; a roof over
595 your head. You look at it and see they're worth it. There are things that a business does for a
596 community that he said he absolutely loves and would like to see them thrive. He said the City
597 should do everything in its power to help them thrive and bring in more businesses to help with
598 the tax base. On the rental fees, he said he is still not sure how we can possibly know all of the
599 rental properties and who is renting and who is not. Is there a way for us to get a copy of all the
600 rental units in the City? Mayor, yes, we can get that through the utility billing system. Council
601 Member Bigler said there are a lot of condos rented out that we probably don't have as rentals.
602 The landlords are going to pass that fee on to the renters. A lot of time people who are renting are
603 young couples just starting out. The disproportionate fee will be passed on to the consumer by
604 the local businesses. What happens if the consumer holds back on going to the business then we
605 have businesses going out of business. He said he thinks the principle of this is wrong and they
606 bring a lot into the City; the businesses are assets.

607
608 Council Member Taylor thanked everyone who came tonight. He said there are a lot of issues
609 here and he has a few comments. He said overall he agrees, obviously businesses are not causing
610 the crime. There is a lot to be said about us passing on that cost. Looking at places where he has

611 lived he notices that businesses have a lot more security and things in other parts of the country
612 that he doesn't see here in Utah. Is that causing more of these issues that in other places are taken
613 care of by store security? There are some arguments on both sides. There are things that
614 businesses in some cases could do that they don't do because there is no financial incentive to
615 them. He said he used to live in Arizona and a lot of convenience stores have security guards;
616 that's something you don't see here. They are paying for their security in-house. Here the first
617 responder for most security issues is the police department. He said he likes what Helen said
618 about needing a balance. There are good arguments on both sides. He gave an example of sales
619 tax that is a big part of the discussion, as it should be. It's one of the most important taxes for
620 cities. The sales tax is pretty high almost 7% here in Weber County but the portion that comes to
621 the City is a very small part of that. Most of it goes to the State, 1% goes to the cities and half of
622 that 1% goes to the city where that sales tax was collected. A business with 2 million dollars a
623 year in gross sales is going to yield \$10,000 in sales tax that will come to the City. The yield
624 total; a lot more that goes to the State. That \$10,000 is the equivalent to 71 police calls, to put
625 that in perspective to the things we're talking about tonight. Sales tax is important but please note
626 only a small portion of that comes to the City. He agrees that it is a mutually beneficial
627 relationship between the City and the businesses. We want businesses to come here to provide
628 shopping to serve the citizens' needs and we also want sales tax revenue so we don't have to have
629 high property taxes. The businesses want to come here because we have a well-run city that
630 people want to live in. There are people who live here who are potential customers, people who
631 have money. That's why the businesses are coming here and the reason those people live here is
632 because we provide these services. We have to pay for those. As to the business disproportionate
633 fees; his overall thoughts are that it comes down to mathematics. These are charges we are
634 incurring. We did hire an officer last year and in years to come we will be hiring more officers.
635 That's additional officers because we will have more residents and more calls for them to respond
636 to. He said his feeling on it is that this is not a good time to make any substantial raises to
637 business fees and he would not be supportive of that right now and probably not ever at the full
638 amount recommended. He said he would be supportive of looking at ways to make changes to
639 the way business license fees are structured to be more reasonable. Our licenses right now are the
640 same for a small salon and a giant grocery store. We probably do need to look at that. He said he
641 has looked at some other cities systems and really liked Brigham City. It has three tiers but
642 maxed out at \$500. He would be supportive of looking at something like that that would give us
643 a little more revenue to meet these costs but at the same time would say that we're not going to
644 implement these fees because we have a partnership with the businesses that are here and want to
645 get more businesses here. Charging these kinds of disproportionate fees is not going to help us
646 get to where we want to go. The Business Development Committee (BDC) has been working on
647 some things that will bring more businesses to the City.

648
649 On the Good Landlord Program, he said he feels that a business license on a rental is appropriate
650 and fair. He said he has a neighbor whose wife cuts hair; she doesn't cut many people's hair; a
651 few friends and family members. He said she doesn't make a lot of money at it but she has a
652 business license. She is complying with the law and makes a lot less than any of the owners of
653 rental properties in this City. Having a license and complying with local laws is part of our
654 society. Nobody likes to pay those but he thinks it is a fair and equitable fee. He said he would
655 like to see it as part of the Good Landlord Program because then it gives the landlord the choice if
656 they would like to recoup a large amount of those fees through participating in the Good Landlord
657 Program; they have that option. He thinks we need to look at a license structure that has some
658 reasonable larger amounts but keep them proportional to what our fees are now and not institute
659 the disproportionate fees at the moment. He does support the licensing of the landlords with the
660 Good Landlord Program so they have an opportunity to recoup a large part of those fees.
661

662 Council Member Turner said it seems like we have more than one issue here; a base business
663 license fee, a base fee for rentals, disproportionate fees for businesses, disproportionate fees for
664 rentals and the Good Landlord Program. He said staff is recommending a base fee of \$82 for new
665 businesses, renewals would be \$64 and rentals would be \$64. Staff is recommending that the
666 Council adopt a business license fee of \$64 per business and an additional \$23.27 per unit.
667 Council Member Turner said businesses will have a \$64 fee so if I own five apartment buildings
668 and they each have four apartments in them, I will pay five business license fees and the
669 disproportionate fee would be for each door. Ed Dickie said staff is recommending the base fee
670 for everybody. For new businesses it would be \$82.37, existing business it would be \$64 and we
671 also require rentals to have that base fee. We did not recommend that the Council look at
672 disproportionate fees for rentals or for businesses. Council Member Turner said that we are not
673 looking at the Good Landlord Program then because you have to have the disproportionate fee to
674 have the Good Landlord Program. Is that correct? Ed Dickie said if the Council wants
675 disproportionate fees we have to discuss the Good Landlord Program.
676

677 Mayor Harris pointed out that if we do not charge the businesses the disproportionate fee and we
678 use police calls to measure that then those disproportionate fees are being spread out among all
679 the residents of the City. We need to understand that those costs are there regardless of whether
680 we instigate a disproportionate fee or not. The recommendation from the staff is to not do that so
681 that means our residents are going to pick up a share of that cost.
682

683 Council Member Harris said for major medical, right now they have been paying \$100 for a
684 business license and this would drop it down to \$64 for a base fee. If we totally disregard the
685 disproportionate fee we have actually taken a step backwards? Debbie Cardenas said from the
686 businesses we would be. Council Member Harris asked if we have been charging \$100 and
687 things are very tight to keep our level of service there and we don't go into that column at all on
688 disproportionate fees. If we just stick with the base fee we are losing money and have not
689 addressed the issue. Someone who has a disproportionate fee of \$1,800 is definitely being
690 subsidized quite a bit. She said she would really like to have the Council look at that
691 disproportionate fee column but not in its maximum. If we even did 10% to go onto the base fee,
692 that would use our data to try to get us to a level where the citizens of North Ogden are not
693 subsidizing the businesses. She would like to look at disproportionate fee and add 10%. If I am a
694 major medical and I pay \$64 for my business license and have a disproportionate fee of \$2,084 I
695 will be paying a little more but according to the data I should be paying more. I would like to
696 have the Council consider some percentage so the City hasn't invested in this study only to go
697 backwards.
698

699 Council Member Flamm said South Ogden charges more for large retail over 16,000 sq. ft. That's
700 the highest fee. Council Member Harris, when we try to compare cities, we have to be careful. If
701 we have some data from another city I guess we don't really know if they have obtained it
702 through a study such as this or if they are still operating like we have been. I get a little nervous
703 about trying to compare the data.
704

705 Council Member Flamm said that as he has looked at the Good Landlord Program there are some
706 positive things but he would like to see North Ogden consider inviting the landlords in and just sit
707 down and talk about some of the things that would make sense. For example, the differences in
708 the cities if you're in Brigham City, Clearfield, Ogden, Midvale, Washington Terrace, West
709 Jordan and West Valley City, you have to do a mandatory background check. In Salt Lake, South
710 Salt Lake and Taylorsville they require a mandatory lease, which the others don't, and they
711 encourage but don't require a background check. When you set up a Good Landlord Program in a
712 City there is some room to determine what's there. It seems that the landlords in the City ought to

713 have some input on that program. He said he would be happy to sit down and work with them to
714 get their recommendations. Some of the landlords here have said yes, others have said no. He
715 said he would like to see about coming to a consensus.

716

717 **Council Member Flamm moved that we implement the base fees that have been listed in the**
718 **study but with an exception that the landlords pay one base fee like other businesses would**
719 **pay a single base fee. For instance, Pam Trimble has numerous rentals in the City; she**
720 **would pay one single business license fee. The motion died for lack of a second.**

721

722 Dave Carlson, City Attorney, said to actually enact a new fee or change a fee you have to have a
723 resolution in front of you that amends the fee schedule. An appropriate direction tonight would
724 be to direct staff in terms of what you want them to bring back to you.

725

726 Council Member Harris asked should we make a motion to direct staff to do the work. Mayor
727 Harris said yes. Dave Carlson said the Council could have staff bring back some alternatives as
728 well; staff could bring back several options for the Council to look at.

729

730 Annette Spendlove, City Recorder, reminded the Council that on business licenses we do have
731 additional fees on barber/beauty shop over 3 chairs, daycare provider, food establishments, movie
732 theaters, retail sales per 1,000 sq. ft. or portion thereof, service stations per pump and storage
733 units. There are some additional fees for some types of businesses. Council Member Bigler
734 asked how do we justify charging additional fees for these types of businesses? It sounded like
735 we have to charge less according to State law. Annette Spendlove, City Recorder, replied these
736 fees were established before the current staff started working at the City.

737

738 Debbie Cardenas said, as Annette Spendlove replied, these fees were all established before we,
739 current staff, came here. Part of the reason we did the study was to find out what the fees should
740 be and be able to justify them. Part of this came about because when we look at raising other fees
741 or raising taxes we want to make sure it is fair. We need to make sure that we are covering at
742 least the base here. The motion that was proposed will not do that; we would take a hit and lose
743 revenues. This study is intended for us to adopt these fees to cover the costs. What we don't
744 want to do, as Council Member Harris said, is go backwards. We can use this as our base, we
745 can, as a staff, come back with a proposal that will keep us at least revenue neutral. The \$64
746 needs to be assessed to at least each business, not per landlord. She recommended that Council at
747 least let us cover what the base is so we don't go backwards.

748

749 Council Member Bigler asked if the \$64 is linked to the disproportionate fee program. Debbie
750 Cardenas said no, we are saying that as a base fee we should charge \$64 and we could also charge
751 the disproportionate fee. What we are saying is let's start with the base fee and work into the
752 disproportionate fee. What was proposed in the motion is less than that and would take us
753 backwards. Council Member Bigler said we are recommending this base fee and bringing the
754 disproportionate fee on behind it. Debbie Cardenas said she is recommending that we do the base
755 fee as it is stated in the study, not the base fee for the businesses and then a single base fee for
756 rentals per owner. That's not what the study is recommending. Council Member Bigler said he
757 thought that the study gives us a legal maximum for what we can charge for disproportionate
758 fees. Debbie Cardenas said for all fees. Council Member Bigler said he thought we can't charge
759 \$100 for a business license; we have to charge \$64. Debbie Cardenas said the study says the base
760 fee has to be \$64. We start with the \$64, and look at disproportionate fees. We can charge more
761 than \$100 for certain businesses. We are recommending the base fee only right now, and then
762 propose looking at disproportionate fees. If we just do the base fee and not the disproportionate
763 fee, the way the motion was made, we will get less than we are now.

764 Mayor Harris said if we start with the \$64 base fee that has to be assessed to all of the businesses
765 in the City including landlords. Debbie Cardenas said whatever the fee is supposed to be
766 according to the study that's what it should be. We should be charging a disproportionate fee as
767 well but we are not recommending that tonight. Mayor Harris said we need to consider that there
768 are a number of things we can do; we can do it as recommended or phase it in. Council Member
769 Bigler said tonight we are not recommending anything with disproportionate fees. Mayor Harris
770 said that staff is not recommending that but they are recommending that the landlords be charged
771 a business license fee just like everybody else. Debbie Cardenas said that is correct.
772

773 Council Member Harris said obviously we are not going to be able to make a motion that is going
774 to take care of all of our issues. She said she is very concerned that we not take a step backward
775 on the revenues. Therefore if we are going to do some analysis of this what would it take to keep
776 our present levels using the base fee and as she suggested a percentage of disproportionate fees?
777 What would it take combining those two columns to keep us at our present level? She said she
778 hasn't addressed landlords but feels that they need to be licensed. She said she knows that if we
779 want to have this up and running by January 1st we have got to enact something within the next
780 one or two meetings. All of those applications with that data have to go out. She asked if it is
781 realistic, can get that done. Mayor Harris said that staff will come up with some options based on
782 those kinds of principles; looking at base fee and looking at the base fee plus 10%.
783

784 Council Member Taylor said he thinks we should not punt on this. We have had a lot of
785 meetings, a lot of involvement from people who have come and spent hours with us. We have the
786 study and we need to decide; are we going to do this? Are we not going to implement this?
787 There needs to be a direct timeline associated with it. He said his suggestion would be that we
788 have some costs identified through our study associated with especially Police service to a
789 business address. The question is should they pay for that? Pay for part of it? Should the General
790 Fund? There are so many mitigating circumstances. We talked about the fact that the crime is not
791 of their creation. We talked about the generous donations and things that they do. We talked
792 about the relationship we want to have with them where we want more businesses. I think we
793 need to look at a way we could raise a little bit more revenue to cover some of these real costs but
794 not to the degree that it's going to damage what we're trying to do in terms of the overall business
795 climate. I would say we take a percent that we would implement of disproportionate fee. He said
796 this is only to start the discussion if there is anyone else who agrees along these lines. Maybe we
797 implement 25% of the disproportionate fee with 10% initially, 15% the next year, but with a
798 maximum cap of \$750. That way we are setting a cap, we are collecting some additional money
799 to help offset some of these costs. We are also saying that we are going to cover the vast majority
800 of these fees out of the General Fund of the City because we think that's part of having businesses
801 in our town and we want businesses in our town. We say we are comfortable paying to have
802 services delivered to those businesses because we want them here. We are also asking for some
803 percent of that disproportionate fee but setting a cap so we're not charging people tens of
804 thousands of dollars. He also thinks we should also move forward on licensing the landlords.
805

806 Dave Carlson, City Attorney, reminded the Council that to actually change something you need to
807 have a resolution in front of you to amend the fee schedule.
808

809 Council Member Taylor suggested that this is something to debate and come to a decision or
810 close to a decision. Then the staff could come back with something instead of just punting and
811 leaving it in limbo. Mayor said it looks like we could come up with several options.
812

813 Council Member Flamm said he agrees with Council Member Harris that we don't want to go
814 into the hole. He likes the idea of staff bringing ideas to stay revenue neutral. He said he would
815 like to see some recommendations brought back.

816
817 Council Member Bigler said that the study shows the commercial businesses going down from
818 \$100 to \$64 but the home occupations go up from \$50 to \$64. He asked if those two things are
819 attached if we bring this to \$64 is that automatically going to increase the home based businesses
820 fee. Mayor Harris said yes. Council Member Bigler said he is against that. He said it doesn't
821 make sense to him to raise the fee for the home businesses that are not making much money as it
822 is. He said he feels that it's like looking through a straw a little bit. Instead of seeing the bigger
823 picture because disproportionate fees are not charged by the majority of cities. So when
824 businesses are looking to come to North Ogden and most other cities don't charge this he
825 wouldn't suspect that they would come running to North Ogden to open their business here. He
826 thinks it may hurt us more financially in the long run. Council Member Harris asked Council
827 Member Bigler to create a proposal that the Council could consider and talk about. Council
828 Member Bigler said his proposal is not to charge a disproportionate fee; he thinks it would hurt us
829 in the long run.

830
831 Mayor Harris asked if we have the option of leaving the fees the way they are now. Debbie
832 Cardenas said she will have to look into that. Mayor Harris said that State statute requires that if
833 a City is going to change their fee schedule they have to do this study. Ed Dickie, City Manager,
834 stated that after talking to other City Managers this is on their radar, they are looking at this and
835 he thinks within the next year or two several more cities are going to be doing this. We are ahead
836 of the game on it, a little more proactive.

837
838 Council Member Taylor said over the last two years we have taken \$1.8 million from the general
839 reserves; we cannot continue to budget like that. We have to either significantly cut services or
840 raise revenues. Debbie Cardenas said that is correct. We can't continue to live out of the City's
841 savings account. That means cutbacks or additional revenues. Council Member Taylor said the
842 businesses shouldn't shoulder it all, neither should the citizens in terms of service cutbacks or
843 additional revenues. All parties should be contributing. He said in his opinion we have a lot to
844 offer businesses as well. It's not like businesses are not going to come here because, again, we
845 have 20,000 people here with money to spend. We have an attractive City; we have people who
846 like to live in North Ogden; and people who want to move to North Ogden. We have to look at it
847 as a partnership. We give things to businesses and we get a lot of things from businesses. It's a
848 mutually respectful and beneficial partnership. At this time we need to say that we have to share
849 some of the burden of running this City in order to balance our books without dipping into the
850 savings account. That is not a long-term solution.

851
852 Debbie Cardenas said she is glad that Council Member Taylor made that comment because she
853 wanted to respond to the comment that the police are already getting paid. They are getting paid
854 by hitting that reserve and if that reserve isn't there then how are we going to pay it?

855
856 **Council Member Taylor moved to guide the staff to present several different options along**
857 **this format; a percentage of the disproportionate fee to be adopted and a maximum cap**
858 **also. Work up three scenarios in those items which show what the businesses would pay,**
859 **what the revenues would be above what the current licensing structure is. A 20%, 25%,**
860 **35%, and 45% something along those lines; give the Council some scenarios to consider and**
861 **make a decision on in the near future. Council Member Harris seconded.**
862

863 Council Member Flamm said he thinks that if we are asking the staff to do some studies we don't
864 need a motion. He would like the staff to bring back whatever they think would work. He is
865 opposed to a motion of just two items and would rather leave them as suggestions. He is going to
866 vote no on this.

867
868 Council Member Taylor asked what some additional concrete ideas might be. Council Member
869 Flamm thinks we should leave it up to staff; give them the liberty to come up with other ideas.
870 That way we benefit from their judgment and experience. Debbie Cardenas asked if Council
871 Member Taylor is talking specifically about businesses and not including the rentals. Council
872 Member Taylor said he thinks they should be considered at the same meeting but as two separate
873 issues. Debbie Cardenas asked if the Council wants three scenarios for businesses and three more
874 for rentals. Council Member Taylor said the rental issue is fairly cut and dry; he doesn't see
875 much negotiation there. It's the disproportionate fee that could vary so much. He thinks that's
876 where the scenarios will make a big difference.

877
878 **Council Member Taylor amended the motion to include some scenarios and other ideas the**
879 **staff feel would be good to include in the recommendations. Council Member Harris**
880 **seconded the amended motion.**

881
882 **Voting on the motion:**

883
884 **Council Member Flamm** no
885 **Council Member Bigler** no
886 **Council Member Taylor** yes
887 **Council Member Turner** no
888 **Council Member Harris** yes

889
890 **Motion fails.**

891
892 Council Member Flamm said he thinks the staff has the direction if Council Members want to get
893 with them and help come up with some ideas then do it. He suggested turning it over to the staff
894 to come up with some ideas. Council Member Bigler said he thinks we should have some
895 numbers.

896
897 Mayor Harris said this needs to be brought to a close. He thinks we have plenty of direction from
898 the Council; let staff work on it. Send any suggestions or comments to Debbie Cardenas and staff
899 will present it at the next meeting.

900
901 **DISCUSSION AND/OR ACTION TO APPROVE A HOME OCCUPATION FOR A**
902 **COMMERCIAL KITCHEN TO BE LOCATED AT 2780 NORTH 400 EAST.**

903
904 Gary Kerr, Building Official, said this is an application for a home occupation license that would
905 normally be on the consent agenda. The applicant is present for any questions. Gary explained
906 that this is a small time commercial operation. The owner is planning to cook empanadas once or
907 twice a month and then sell them to grocery stores. Mr. Kerr said he has a couple concerns
908 regarding cooking with grease. Normally when you cook with grease you have to have a grease
909 hood. He and Joe Anderson, North View Fire Marshal, met with the applicant and expressed
910 their concerns. The applicant said he is willing to put a Class 1 hood in the home. Staff is
911 recommending approval of this license with the condition that it be issued after the installation of
912 the Class 1 hood and inspection by the Fire Marshal.

913

914 Council Member Flamm asked what an empanada is. The Applicant stated that an empanada is
915 made of corn meal and filled with beans or apples. He said he used to have a commercial space
916 but rates are too high and he is now pursuing the option of a home business. He wants to be sure
917 that it is safe for the business and the residence. It is a non-shelf stable food and comes under the
918 Department of Agriculture. They inspect every three months and issue their reports. He said he
919 approached the County Health Department and was told that it is controlled by the State not the
920 County.

921

922 **Council Member Harris moved to approve a Home Occupation for a commercial kitchen**
923 **for Shawn Martinson at 2780 N 400 E, contingent on a Class 1 hood being installed and an**
924 **inspection by the Fire Marshal. Council Member Bigler seconded.**

925

926 **Voting on the motion:**

927

928 **Council Member Bigler** **yes**

929 **Council Member Taylor** **yes**

930 **Council Member Turner** **yes**

931 **Council Member Harris** **yes**

932 **Council Member Flamm** **yes**

933

934 **Motion passed.**

935

936 **SET OCTOBER 12, 2010 AS THE DATE TO HOLD A PUBLIC HEARING ON AN**
937 **AMENDMENT TO THE ZONING ORDINANCE REGARDING OUTDOOR DISPLAYS.**

938

939 Craig Barker said this recommendation comes from the Planning Commission after they reviewed
940 the Business Development Committee's (BDC) proposal dealing with outdoor displays. The City
941 Council is required to hold a Public Hearing.

942

943 Council Member Bigler asked what specifically the proposal is. Craig Barker said the complaint
944 has been that businesses have been allowed to display items outdoors. This will regulate how
945 much area is allowed, the manner in which merchandise can be displayed, sight distances, etc.
946 Council Member Bigler said if the City Council has concerns it may be wise for them to look at it
947 first.

948

949 **Council Member Harris moved to set Oct 12, 2010 as the date to hold a public hearing on**
950 **an amendment to the Zoning Ordinance regarding outdoor displays. Council Member**
951 **Flamm seconded.**

952

953 **Voting on the motion:**

954

955 **Council Member Taylor** **yes**

956 **Council Member Turner** **yes**

957 **Council Member Harris** **yes**

958 **Council Member Flamm** **yes**

959 **Council Member Bigler** **no**

960

961 **Motion passed.**

962

963

964 **DISCUSSION AND/OR ACTION REGARDING FINAL ACCEPTANCE OF THE**
965 **COUNTRY BOY SUBDIVISION PHASE II.**

966
967 Gary Kerr said Ron Hancock has completed all the items in this subdivision. A final inspection
968 was done and staff recommends that the City Council approve final acceptance on this
969 subdivision.

970
971 Council Member Flamm said one of the common things in the past is to ask whether everything
972 has been done and we don't have any unseen liability. Gary Kerr said that is correct, all the
973 inspections have been done.

974
975 **Council Member Taylor moved to grant final acceptance to Country Boy Subdivision Phase**
976 **II. Council Member Flamm seconded.**

977
978 **Voting on the motion:**

979
980 **Council Member Turner** **yes**
981 **Council Member Harris** **yes**
982 **Council Member Flamm** **yes**
983 **Council Member Bigler** **yes**
984 **Council Member Taylor** **yes**

985
986 **Motion passed.**

987
988 **POSSIBLE CLOSED MEETING TO DISCUSS THE PURCHASE, EXCHANGE OR**
989 **LEASE OF REAL PROPERTY TO BE HELD IN ACCORDANCE WITH THE**
990 **PROVISIONS OF UTAH CODE 52-4-204-5.**

991
992 **Council Member Flamm moved to go into a closed meeting to discuss the purchase,**
993 **exchange or lease of real property to be held in accordance with the provisions of Utah**
994 **Code 52-4-204-5. Council Member Harris seconded.**

995
996 Council Member Taylor asked if the order could be rearranged to hear comments first if people
997 have things to say. Mayor Harris said he hoped the closed session will be very brief.

998
999 **Voting on the motion:**

1000
1001 **Council Member Harris** **yes**
1002 **Council Member Flamm** **yes**
1003 **Council Member Bigler** **yes**
1004 **Council Member Taylor** **yes**
1005 **Council Member Turner** **yes**

1006
1007 **Motion passed.**

1008
1009 **Recessed the regular meeting and convened in a closed meeting at 9:39pm.**

1010
1011 **Reconvened in regular meeting at 10:06pm.**

1012

1013 **DISCUSSION AND/OR ACTION REGARDING THE PURCHASE, EXCHANGE OR**
1014 **LEASE OF REAL PROPERTY TO BE HELD IN ACCORDANCE WITH THE**
1015 **PROVISIONS OF UTAH CODE 52-4-204-5.**
1016

1017 No action was taken.
1018

1019 **DISCUSSION AND/OR ACTION TO APPOINT THE ADMINISTRATIVE LAW JUDGE.**
1020

1021 Mayor Harris reminded the Council Members that the penalty for zoning violations was recently
1022 changed from Criminal to Civil. He would like to appoint the existing Justice Court Judge Pat
1023 Lambert as the Administrative Law Judge.
1024

1025 **Council Member Flamm moved to appoint Judge Pat Lambert as the Administrative Law**
1026 **Judge. Council Member Taylor seconded.**
1027

1028 **Voting on the motion:**
1029

1030	Council Member Harris	yes
1031	Council Member Flamm	yes
1032	Council Member Bigler	yes
1033	Council Member Taylor	yes
1034	Council Member Turner	yes

1035

1036 **Motion passed.**
1037

1038 **COUNCIL/PUBLIC COMMENT**
1039

1040 Lorraine Tennant, Mrs. Cavanaugh's, said after listening to the meeting tonight she feels pretty
1041 insignificant and small. She said she would feel it a privilege to pay a dollar a day to be in
1042 business in North Ogden City. \$300 to have services provided for a commercial businesses and
1043 maybe a home business could pay 50 cents a day. She said she thinks this could be a fair way for
1044 everyone. Regarding landlords, she suggested letting them be a dollar a day business. Maybe
1045 that would take care of all the problems.
1046

1047 Council Member Turner said he attended a meeting on trails and parks and asked Ed Dickie, City
1048 Manager, and Dave Carlson, City Attorney, to do some work drafting an amendment to the
1049 Subdivision Ordinance. He said he went and looked at trails with Joel Grassmeyer, Weber
1050 Pathways, and would like to get going to protect the trails throughout the City. This will be on
1051 the Planning Commission agenda for the next meeting. He said he is very impressed with the
1052 residents who give their time to serve on these different committees. The people on the Trails
1053 Committee spend hours every month working on the trails.
1054

1055 Council Member Taylor said that he will be out of town for the next meeting but he will be
1056 attending by phone.
1057

1058 Council Member Bigler thanked everyone for coming. He expressed his appreciation for those
1059 who came out to give the Council their feelings on things.
1060

1061 Council Member Harris thanked Council Member Flamm for his time in preparing the
1062 PowerPoint presentation.
1063

1064 Ed Dickie, City Manager, said he won't be here at the Council meeting on October 12th. He
1065 apologized for not having in the packet a copy of the Outdoor Display Ordinance and said staff
1066 will get it to the Council Members tomorrow.

1067
1068 Annette Spendlove, City Recorder, said that we received a letter from the Census Bureau
1069 thanking us. She reminded everyone that Thursday, October 7th is the date of the Employee
1070 Clean Up day. She mentioned that we will also have the electronic dumpster here that day to
1071 allow the residents to recycle their electronics.

1072
1073 **Council Member Bigler moved to adjourn. Council Member Flamm seconded.**

1074
1075 **Voting on the motion:**

1076
1077 **Council Member Harris yes**
1078 **Council Member Flamm yes**
1079 **Council Member Bigler yes**
1080 **Council Member Taylor yes**
1081 **Council Member Turner yes**

1082
1083 **Motion passed.**

1084
1085 The meeting adjourned at 10:18pm

1086
1087 _____
1088 Richard G. Harris, Mayor

1089
1090 _____
1091 S. Annette Spendlove, City Recorder/HR Director

1092
1093 _____
1094 Date approved