

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2  
3 December 14, 2010

4  
5 The North Ogden City Council convened in regular session on December 14, 2010 at 5:30 p.m. in the  
6 North Ogden City Council Chambers, 505 East 2600 North. Notice of time, place and agenda of the  
7 meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal  
8 office and posted to the Utah State Website on December 8, 2010. Notice of the annual meeting schedule  
9 was published in the Standard-Examiner on January 24, 2010.

- 10  
11
- |             |                   |                           |
|-------------|-------------------|---------------------------|
| 12 PRESENT: | Richard G. Harris | Mayor                     |
|             | Martha Harris     | Council Member            |
|             | Wade Bigler       | Council Member            |
|             | Brent Taylor      | Council Member (by phone) |
|             | Carl Turner       | Council Member            |
|             | Ron Flamm         | Council Member            |
- 
- |                   |                   |                                      |
|-------------------|-------------------|--------------------------------------|
| 19 STAFF PRESENT: | Annette Spendlove | City Recorder/HR Director            |
|                   | Dave Carlson      | City Attorney                        |
|                   | Debbie Cardenas   | Finance Director/Acting City Manager |
|                   | Gary Kerr         | Building Official                    |
|                   | Julia LaSeure     | Deputy City Recorder                 |
- 
- |             |               |              |
|-------------|---------------|--------------|
| 25 EXCUSED: | Edward Dickie | City Manager |
|-------------|---------------|--------------|
- 
- |              |                 |               |
|--------------|-----------------|---------------|
| 27 VISITORS: | Lorin Gardner   | Dale Swenson  |
|              | Dave Hulme      | Tom Baguley   |
|              | LoRen Baguley   | Ben Judkins   |
|              | Alex Treadway   | Bill Treadway |
|              | Charles Crippen | Lauren Puzey  |
|              | Jordan Tanner   |               |

33  
34 **WELCOME**

35  
36 Mayor Harris welcomed those in attendance and called the meeting to order at 5:32pm. Dave Carlson,  
37 City Attorney, gave the invocation and led the audience in the pledge of allegiance.

38  
39 Mayor Harris stated that Council Member Taylor has asked to be allowed to participate by phone as he is  
40 out of town. **Council Member Harris made a motion to allow Council Member Taylor to participate**  
41 **by phone. Council Member Flamm seconded the motion.**

42  
43 **Voting on the motion:**

- 44
- |                                 |            |
|---------------------------------|------------|
| 45 <b>Council Member Turner</b> | <b>yes</b> |
| 46 <b>Council Member Harris</b> | <b>yes</b> |
| 47 <b>Council Member Flamm</b>  | <b>yes</b> |
| 48 <b>Council Member Bigler</b> | <b>yes</b> |
| 49 <b>Council Member Taylor</b> | <b>yes</b> |
- 50 **Motion passed.**

52 **CONSENT AGENDA**

53

54 **Council Member Harris made a motion to approve Consent Agenda items 1 and 2. Council**  
55 **Member Bigler seconded the motion.**

56

57 **Voting on the motion:**

58

59 **Council Member Turner**        **yes**

60 **Council Member Harris**       **yes**

61 **Council Member Flamm**       **yes**

62 **Council Member Bigler**       **yes**

63 **Council Member Taylor**       **yes**

64 **Motion passed.**

65

66 **PUBLIC COMMENTS**

67

68 Dale Swenson, 3593 N. 575 E., said he would like to compliment the City Council members and City  
69 staff for the services they provide. He said he hasn't always agreed with them but he commends them for  
70 their service. He said that Walter Neibauer stopped by his house the other day and asked him to present  
71 some information on his behalf. Mr. Neibauer filed the appeal regarding the Baguley's auto repair  
72 business and said he didn't think he did a very good job when he made his presentation to the City  
73 Council. Mr. Swenson said he has lived in North Ogden for over 60 years and has enjoyed it all. He said  
74 he has seen a lot of good happen and it has been a pleasure to live here. He said he has enjoyed working  
75 with the staff and City Council members and the Mayor.

76

77 **PUBLIC HEARING TO RECEIVE COMMENTS ON AN ANNEXATION APPLICATION FOR**  
78 **THE SENTINEL STORAGE SUBDIVISION AND RETAIL PROJECT LOCATED AT 2197 N.**  
79 **400 E. CONTAINING APPROXIMATELY 5,380 SQ. FT.**

80

81 Annette Spendlove, City Recorder, said Steve Tobias from Highly Profitable Properties submitted an  
82 application for annexation on October 12, 2010. These storage units are going up and during financing it  
83 was discovered that this small piece of property was left out of the original annexation.. Tonight is the  
84 date that was set for the Council to receive public comments on it.

85

86 There were no public comments.

87

88 **Council Member Flamm made a motion to close the Public Hearing. Council Member Bigler**  
89 **seconded the motion.**

90

91 **Voting on the motion:**

92

93 **Council Member Flamm**        **yes**

94 **Council Member Bigler**       **yes**

95 **Council Member Turner**       **yes**

96 **Council Member Taylor**       **yes**

97 **Council Member Harris**       **yes**

98 **Motion passed.**

99

100 The Public Hearing closed at 5:43pm.

101 **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING**  
102 **APPROXIMATELY 5,380 SQ. FT. OF PROPERTY LOCATED AT 2197 N. 400 E., NORTH**  
103 **OGDEN, UTAH**

104  
105 Annette Spendlove, City Recorder, stated there were no protests for this annexation. This is Ordinance  
106 number 2010-19.

107  
108 **Council Member Flamm made a motion to approve Ordinance 2010-19 annexing property located**  
109 **at 2179 N. 400 E. Council Member Harris seconded the motion.**

110  
111 **Voting on the motion:**

112  
113 **Council Member Taylor**            **yes**  
114 **Council Member Bigler**           **yes**  
115 **Council Member Turner**          **yes**  
116 **Council Member Harris**           **yes**  
117 **Council Member Flamm**           **yes**

118 **Motion passed.**

119  
120 **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING ORDINANCE**  
121 **2010-01 TO SET THE ANNUAL MEETING SCHEDULE OF THE NORTH OGDEN CITY**  
122 **COUNCIL**

123  
124 Annette Spendlove, City Recorder, explained that Utah State Code requires that a schedule of meetings be  
125 posted for each year. She stated the majority of the City Council wanted it left the way it is. This is  
126 Ordinance 2010-20.

127  
128 **Council Member Harris made a motion to approve Ordinance 2010-20 establishing a time and**  
129 **place for the 2011 City Council meeting schedule. Council Member Bigler seconded the motion.**

130  
131 Council Member Taylor said he wanted to comment on what some other cities do. Personally he would  
132 like to do a later meeting because 5:30pm is difficult for people who don't work in the immediate area.  
133 That's a tough time to meet if they wanted to come. He said he has had a difficult time getting here at  
134 times. He looked at ten other cities; five of them start at 7pm, four of them start at 6pm and one starts at  
135 6:30pm. He said he thinks ours is unusually early. He knows there are good reasons to be early but he  
136 thinks a little later time would be better for more of our residents to more easily attend the meetings. He  
137 said he would like to put that out and see if there is any support for at least 6pm, maybe even 6:30pm.

138  
139 Council Member Bigler said he agrees that the main importance is the public input and he wouldn't mind  
140 seeing it a little bit later but he is concerned about staff also. He suggested seeing what other cities are  
141 doing regarding staff. He said he would support either but personally prefer later.

142  
143 **Voting on the motion:**

144  
145 **Council Member Turner**            **yes**  
146 **Council Member Taylor**           **no**  
147 **Council Member Harris**           **yes**  
148 **Council Member Flamm**           **yes**  
149 **Council Member Bigler**           **yes**

150 **Motion passed 4 to 1.**

151

152 **DISCUSSION AND/ORE ACTION TO CONSIDER A RESOLUTION AMENDING**  
153 **RESOLUTION 21-2010 THE CONSOLIDATED FEE SCHEDULE**

154  
155 Annette Spendlove, City Recorder, stated at the last meeting this was brought to the City Council and  
156 when business licenses were amended some things were accidentally taken out. She reviewed the changes  
157 for the Council and those are on file.

158  
159 **Council Member Bigler made a motion to pass Resolution 22-2010. Council Member Harris**  
160 **seconded the motion.**

161  
162 **Voting on the motion:**

163  
164 **Council Member Turner**            **yes**  
165 **Council Member Taylor**        **yes**  
166 **Council Member Harris**        **yes**  
167 **Council Member Flamm**        **yes**  
168 **Council Member Bigler**        **yes**  
169 **Motion passed.**

170  
171 **DISCUSSION AND/OR ACTION TO CONSIDER A BUSINESS LICENSE FOR TOM**  
172 **BAGULEY FOR AN AUTO REPAIR SHOP, A CONDITIONAL USE, LOCATED AT**  
173 **3590 N 575 E**

174  
175 Gary Kerr, Building Official, said this matter was brought to the Council in October. The City Council  
176 approved it with certain conditions. A couple of those conditions required his help; ventilation for the  
177 garage and the insulation of the garage doors. Both of those items have been completed. Gary Kerr said  
178 during his inspections some minor items were found and Mr. Baguley has completed those as well. The  
179 final inspection is done and staff recommends final approval of the home occupation. These are things  
180 that we will need to verify through time; no more than two vehicles are allowed at one time; one in the  
181 garage and one waiting for repair, parking of vehicles shall not obstruct the sidewalk, and when noise  
182 generating tools are in use the doors and windows are to remain closed. The exception is that when he is  
183 not creating noise he can open up the man door and window. He will have six months and then we will  
184 review it. After that it will be an annual review. The conditional use ordinance also prohibits the display  
185 of sales or goods.

186  
187 Council Member Bigler said he is unclear of what we are doing with this tonight; he thought they had it  
188 for six months. Gary Kerr said that is correct but first he had to comply with the building permit items  
189 and then the City would issue the business license. Council Member Bigler said he thought we already  
190 did this. Gary said the restrictions had to be met first and the business license has not gone through that  
191 process yet. Mayor Harris said that the City did issue a temporary permit contingent on this license being  
192 approved tonight.

193  
194 **Council Member Bigler made a motion that a business license be issued for Tom Baguley to do his**  
195 **business in his home. Council Member Turner seconded the motion.**

196  
197 **Voting on the motion:**  
198 **Council Member Harris**            **yes**  
199 **Council Member Flamm**        **yes**  
200 **Council Member Bigler**        **yes**  
201 **Council Member Turner**        **yes**  
202 **Council Member Taylor**        **yes**

203 **Motion passed.**  
204 **DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE FOR THE**  
205 **LEWIS PEAK PRUD PHASE I**  
206

207 Gary Kerr, Building Official, said Lyman Barker, the Developer, is requesting conditional acceptance;  
208 staff has done their inspections and he has completed all items. Conditional means he still has a one year  
209 warranty on his development. After that year is up we will inspect again. He said the sidewalk is not  
210 completed, it was deferred. Money will remain in escrow to ensure the installation of sidewalks. Gary  
211 Kerr recommended approval.

212  
213 Council Member Bigler asked if there are people living there? Gary Kerr said one house has been  
214 constructed and is occupied. Council Member Flamm said we have done this before for other  
215 subdivisions; developers like to wait because when they start building homes they end up breaking up the  
216 sidewalks with the heavy equipment during construction.

217  
218 **Council Member Harris made a motion to grant Conditional Acceptance to Lewis Peak PRUD**  
219 **Phase I. Council Member Bigler seconded the motion.**

220  
221 **Voting on the motion:**

222  
223 **Council Member Flamm**            **yes**  
224 **Council Member Bigler**           **yes**  
225 **Council Member Turner**           **yes**  
226 **Council Member Taylor**           **yes**  
227 **Council Member Harris**           **yes**

228 **Motion passed.**

229  
230 **COUNCIL/PUBLIC COMMENTS**  
231

232 LoRen Baguley, 3590 N. 575 E., said she wanted to thank the City Council and Planning Commission for  
233 their approval. She thanked the City for having an atmosphere here that we can take care of our families.  
234 She said she is grateful for the support of the City, and staff and grateful that she lives in this City. She  
235 said she is grateful that we are allowed to take care of our families, as long as we abide by the law. She  
236 said she interacts with the youth of this community and is very impressed with the people that live here.

237  
238 Charles Crippen, 3576 N. 575 E., said in regard to the applicant for business license for the auto repair  
239 shop, after the October 12, 2010 City Council meeting a neighbor went up and asked Council Member  
240 Flamm how the conditions were going to be enforced and the response was that the neighbor across the  
241 street would keep an eye on that. Mr. Crippen said he finds that appalling. This type of situation will  
242 continue to set neighbors against neighbors. His understanding is that the City's expectation is that Mr.  
243 Baguley will close the doors and windows when he does work. The residential character of the  
244 neighborhood has been changed to commercial. He said he finds it impractical that Mr. Baguley is  
245 limited to using only the single bay garage and knows that Mr. Baguley has done work in the 2 bay  
246 section of the garage too. Mr. Crippen said whenever Mr. Baguley makes any noise the doors and  
247 windows should be shut that way the neighbors won't have to try to figure out whether he is in violation.  
248 If he operates in that way Mr. Crippen said he will let him be. We'll see if that contains the noise to the  
249 neighbors' satisfaction. Mayor Harris said that during commercial repair work the doors and windows are  
250 required to be closed.

251  
252 Tom Baguley, 3590 N. 575 E., stated when he applied for the license he was told that he didn't need a  
253 business license to work on his family's cars. Council Member Bigler said he would discuss this again in

254 four months and that was the purpose of the Conditional Use Permit being reviewed. He said he is the  
255 only one in the city that will have a six month review; everyone else gets a year review. He said he tries  
256 to keep the garage closed even when he is working on his kids' cars but it is not easy in the summertime.  
257 He said he is aware of the area he is in and the neighbors he has. Now that he has the conditions when he  
258 does commercial work he will keep the doors closed. Insulation has worked somewhat but more for the  
259 sound deafening than the cold. The problem here is if they hear something they can call the City and  
260 complain. He said he tries to limit the time that those tools are on.

261  
262 There were no other public comments.

263  
264 Council Member Turner welcomed the Scouts in the audience. The Trails Committee asked if they can  
265 do a presentation to the City Council and will schedule that with Annette Spendlove. He said they met last  
266 week and met with Pleasant View City. They just started a trails committee also and are working on a  
267 grant to connect North Ogden and Pleasant View. Barker Park has had a bunch of Eagle projects there on  
268 completing the trails. Lakeview Park also and Wadman Park were Eagle projects too.

269  
270 Council Member Bigler said he is glad to see the Scouts and students here. He said that when the  
271 Planning Commission voted upon the auto repair license it was a unanimous vote and the City Council  
272 upheld that. Life is too good for us to jump and complain every time there is a noise. There is too much  
273 happiness to be had. Hopefully the neighbors can work it out somewhat and get along.

274  
275 Council Member Flamm said he, Mayor Harris and Debbie Cardenas, Finance Director, went to a  
276 legislative meeting. Most of the time was spent on immigration bills and one of the big concerns is  
277 unfunded bills that would require our municipality to pick up people without proof of citizenship and haul  
278 them to jail. That would take a lot of time and effort. The other problem is the cost the cities would have  
279 to bear. We don't feel there is an immigration problem here in North Ogden but it could make it tough  
280 for our Police Department if these things passed. It might be good to watch what is happening and think  
281 about how it might affect us locally.

282  
283 Council Member Harris said the lights in the park look wonderful. The City looks very nice.

284  
285 Debbie Cardenas, Finance Director, explained that Ed Dickie is out sick and that's why she is here.

286  
287 Annette Spendlove, City Recorder, thanked Council Member Taylor's wife for the treats.

288  
289 Mayor Harris said he appreciates the work done over the past year. He said we have a great Youth City  
290 Council and some of the young people present may want to look into that. He said he is really  
291 appreciative of the support we get for the Youth City Council and those that serve as advisors.

292  
293 **ADJOURNMENT**

294  
295 **Council Member Harris made a motion to adjourn. Council Member Bigler seconded the motion.**

296  
297 **Voting on the motion:**

298  
299 **Council Member Flamm**            **yes**

300 **Council Member Bigler**           **yes**

301 **Council Member Turner**           **yes**

302 **Council Member Taylor**           **yes**

303 **Council Member Harris**           **yes**

304 **Motion passed.**

305 The meeting adjourned at 6:22pm.

306

307

308

309

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310 Richard G. Harris, Mayor

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312

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314

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315 S. Annette Spendlove, CMC

316 City Recorder

317

318

319

320

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321 Date approved

Not approved