

NORTH OGDEN CITY COUNCIL MEETING MINUTES

November 9, 2010

The North Ogden City Council convened in regular session on November 9, 2010 at 5:30 p.m. at the North Ogden City Justice Court, 515 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on November 8, 2010. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2010.

| | | |
|----------------|---|---|
| PRESENT: | Martha Harris Ron Flamm Wade Bigler Brent Taylor Carl Turner | Mayor Pro Temp Council Member Council Member Council Member Council Member |
| EXCUSED: | Richard G. Harris Edward Dickie | Mayor City Manager |
| STAFF PRESENT: | Annette Spendlove Julia LaSeure Craig Barker Dave Carlson Debbie Cardenas Dave Nordquist | City Recorder/HR Director Deputy City Recorder Community Development Director City Attorney Finance Director/Acting City Manager Community Services Director |
| VISITORS: | Dave Hulme Pam Trimble George W. Parsons Cecil Satterthwaite Sandy Price Annette Johnson Rachel Trotter Toby Mileski | Dean Allred Helen Taylor Bob Christofferson Mike Barrow Richard Johnson Gary Ramos Margaret Beus LA Christensen |

WELCOME

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

CONSENT AGENDA

1. Consideration to approve minutes of the October 12, 2010 City Council meeting.
2. Consideration to approve minutes of the October 26, 2010 City Council meeting.

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

ACTIVE AGENDA

3. Public Comments.

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

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

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

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

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

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

Mike
+ trails

City Council 11/9/10

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

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

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

The Public Hearing closed at 5:50pm.

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

The Public Hearing closed at 6:08pm.

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

The Public Hearing closed at 6:24pm.

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

The Public Hearing closed at 6:35pm.

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

The Public Hearing closed at 6:50pm.

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

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

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

The Public Hearing closed at 7:05pm.

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Due to the lack of a second the motion died.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | no |
| Council Member Flamm | no |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed three to two.

13. Discussion on Business License fees for Rentals.

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

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

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

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

15. Council/Public comments.

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

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

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

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

16. Adjournment.

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

Voting on the motion:

| | |
|------------------------------|------------|
| Council Member Bigler | yes |
| Council Member Flamm | yes |
| Mayor Pro Temp Harris | yes |
| Council Member Taylor | yes |
| Council Member Turner | yes |

Motion passed.

The meeting adjourned at 8:55pm.

Martha Harris, Mayor Pro Temp

S. Annette Spendlove, CMC
City Recorder

Date approved