

1 **NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES**

2
3 July 28, 2015
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5 The North Ogden City Council convened in an open meeting on July 28, 2015 at 7:11 p.m. at the
6 North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda
7 of the meeting was delivered to each member of the City Council, posted on the bulletin board at
8 the municipal office and posted to the Utah State Website on July 23, 2015. Notice of the annual
9 meeting schedule was published in the Standard-Examiner on December 21, 2014.
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12 **PRESENT:** Brent Taylor Mayor
13 Lynn Satterthwaite Council Member
14 Phillip Swanson Council Member
15 James Urry Council Member
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17 **STAFF PRESENT:** Bryan Steele City Administrator/Finance Director
18 Jon Call City Attorney
19 Annette Spendlove City Recorder/HR Director
20 Rob Scott City Planner
21
22 **EXCUSED:** Kent Bailey Council Member
23 Cheryl Stoker Council Member
24
25 **VISITORS:** Pam Smith Pam Trimble Naomi Foulger
26 Sue Rounkles David Gordon Bob White
27 Carolynn White Carl L. Gilbert Steve Rasmussen
28 Shawn Heiner Carlee J. Robinson Sharon Eva
29 Alma Harris Gayle Harris Ryan Barker
30 Anthony Costello Nora Costello Eric Thomas
31 Don Waite Rachel Trotter Steven Prisbrey
32 Justin Fawson
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35 **REGULAR MEETING – 7:00 P.M.**

36
37 Mayor Taylor welcomed those in attendance. He recognized State Representative Justin Fawson
38 as well as Planning Commissioner Chairman Eric Thomas and Planning Commissioner Steve
39 Prisbrey in attendance.
40

41 Council Member Satterthwaite offered the invocation and led the audience in the Pledge of
42 Allegiance.
43

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45 **CONSENT AGENDA**
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47 1. **CONSIDERATION TO APPROVE THE JUNE 2, 2015 CITY COUNCIL WORK**
48 **SESSION MEETING MINUTES**

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50 2. **CONSIDERATION TO APPROVE THE JUNE 9, 2015 TOWN HALL MEETING**
51 **MINUTES**

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53 Council Member Satterthwaite motioned to approve the consent agenda. Council Member
54 Swanson seconded the motion.

55
56 **Voting on the motion:**

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58 Council Member Satterthwaite aye
59 Council Member Swanson aye
60 Council Member Urry aye

61
62 The motion passed unanimously.

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65 **ACTIVE AGENDA**

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68 1. **PUBLIC COMMENTS**

69
70 Justin Fawson, 1205 E. 2321 N., provided a brief overview of some of the main points of
71 discussion of the State Legislature and noted the Legislature will likely call a special session to
72 review pressing issues. He then applauded Mayor Taylor and the City Council for their efforts in
73 transparency and keeping the residents informed of the things that are occurring in the City. He
74 stated he is excited to see the updated General Plan of the City. Mayor Taylor stated it is nice for
75 the City and residents to have access to Representative Fawson and he thanked him for his
76 service.

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78
79 2. **PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER AMENDING**
80 **THE ORDINANCES FOR NUISANCES AND THE ABATEMENT OF**
81 **NUISANCES WITHIN THE CITY**

82
83 A staff memo from City Attorney Call indicated he was asked to review the City's nuisance
84 policies to make sure City ordinance follows State Code. Based on his review of the code there
85 were many sections which should be amended to allow for easier procedures when City
86 enforcement staff discovers a nuisance or violation of our code. The memo concluded by noting
87 Mr. Call recommends the Council consider the language which has been suggested in the
88 proposed Ordinance and advise staff on how they would like to proceed.

89
90 Mr. Call reviewed his staff memo and provided the Council with an overview of the draft
91 ordinance amending the City's Code relative to nuisances and the abatement of nuisances. He
92 facilitated a discussion with the Council regarding specific sections of the proposed ordinance,

93 with a focus on the type of notification that must be provided to a property owner before a
94 nuisance is abated. According to State Code, the City is allowed to abate a nuisance and then
95 pass the cost for that abatement to the property owner via their property tax statement; this
96 ensures that the costs get paid.

97
98 Council Member Swanson referenced the section of the ordinance that amends the Code by
99 removing the term “responsible person” to “owner of record” and asked for additional
100 information. Mr. Call stated that he made that change specifically in the abatement portion of
101 the ordinance to indicate that the owner of record must be notified of the City’s intent to abate a
102 nuisance. He stated that earlier notices of a nuisance, such as grass or weeds exceeding a certain
103 height, can still be provided to the responsible person, which may be a tenant, but when it comes
104 to the abatement he would prefer that all notices are expressly provided to the actual property
105 owner.

106
107 Mayor Taylor noted it is necessary for the City to have the ability to abate nuisances, especially
108 in egregious cases; there are some abandoned homes or properties with weeds that have not been
109 maintained for months and they are creating an eyesore or even a traffic hazard.

110
111 Council Member Swanson noted that the ordinance refers to a nuisance action as an
112 administrative citation, but the fee schedule refers to such actions as civil citations and he asked
113 if the two should be consistent with one another. Mr. Call stated that would be his preference
114 and either term is sufficient.

115
116 Mayor Taylor inquired as to the authority the proposed ordinance would offer to the City’s Code
117 Enforcement Officer. Mr. Call stated that in theory the ordinance gives the Officer the ability to
118 provide notices of nuisance violations clearly stating where their obligation begins and ends; if
119 someone fails to comply with the notice of violation, the Officer can proceed to the abatement
120 process. A property owner would be provided with 10-days notice to abate the nuisance and if
121 they still fail to comply the Officer will physically post a notice at the property and can proceed
122 with the abatement 24 hours later. The City will then have different options for recouping the
123 cost of the abatement. He noted that many cities employ similar code enforcement and abatement
124 practices.

125
126 Council Member Satterthwaite asked if the Code Enforcement Officer has reviewed and is
127 comfortable with the proposed ordinance. Mayor Taylor stated he has not reviewed the
128 ordinance, but the ordinance amendments are in response to some of the concerns he has
129 expressed about his ability to enforce the City’s nuisance regulations. He added that the Officer
130 has been very proactive and has been very successful, but in many cases, such as with out of
131 state property owners, he has run into difficulty. He stated this ordinance would give the City an
132 avenue to take care of the problem and recoup the costs associated with the abatement. Mr. Call
133 added that by adding the charges to the property tax statement for the property the City will
134 definitely receive payment upon sale or transfer of ownership of any property that has been
135 abated.

136
137 Council Member Swanson asked if the City will use a fee schedule to determine the cost of an
138 abatement. Mr. Call stated it would be helpful to have a policy indicating the fees for abatement

139 and the City has the option of adding an administrative fee to abatement charges to cover the cost
140 of noticing and coordinating an abatement.

141
142 Council Member Urry asked if there are a number of bank-owned properties in the City that have
143 nuisances. Mayor Taylor answered yes and noted some of them have been neglected for an
144 extended period of time; the same is true for many out of state property owners. Council
145 Member Urry stated that he cannot understand why a bank would not maintain a foreclosed
146 home because it is in their best interest to keep it in a good state in order to sell it.

147
148 Council Member Satterthwaite referenced the options for recouping costs and asked if the City
149 has the option to take a property owner to court to collect the debt. Mr. Call answered yes and
150 noted the City would file a suit to put a lien on the property. General discussion then centered on
151 basic regulations included in the proposed ordinance.

152
153 Mayor Taylor opened the public hearing at 7:37 p.m. There were no persons appearing to be
154 heard.

155
156 **Council Member Swanson motioned to close the public hearing at 7:37 p.m. Council**
157 **Member Satterthwaite seconded the motion.**

158
159 **Voting on the motion:**

160
161 **Council Member Satterthwaite aye**
162 **Council Member Swanson aye**
163 **Council Member Urry aye**

164
165 **The motion passed unanimously.**

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168 **3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
169 **ORDINANCES FOR NUISANCES AND THE ABATEMENT OF NUISANCES**
170 **WITHIN THE CITY**

171
172 Mr. Call stated it was not his intent for the City Council to approve this ordinance tonight, but he
173 would welcome feedback and recommend that an item be added to the next City Council agenda
174 to allow the Council to take action on enacting the ordinance.

175
176 Council Member Satterthwaite stated he would like to see a fee schedule accompanying the
177 proposed ordinance so that the public is well aware of the amount they could be charged for a
178 nuisance violation. Mr. Call stated he will work with staff on a fee schedule, but indicated there
179 is no requirement for abatements to be performed by the City and it may be an option to hire an
180 outside contractor to perform abatement work. He stated that a bid process could be followed to
181 identify preferred vendors that could perform abatement work in the City. Mayor Taylor stated
182 he would prefer using a private contractor because it may be easier to justify the cost charged by
183 that contractor than justifying the costs associated with using City employees to perform

184 abatements. He concluded he and staff will work to amend the proposed ordinance according to
185 the feedback received this evening and bring it back to the City Council at a future meeting.

186
187 ****Council Member Satterthwaite then made a motion to amend the agenda by moving item**
188 **12 ahead of item four. Council Member Urry seconded the motion; all voted in favor.****
189

190

191 **12. DISCUSSION AND/OR ACTION ON A TEMPORARY LAND USE**
192 **REGULATION RELATED TO FLAG LOTS**

193

194 A staff memo from City Attorney Call noted the City has had significant concerns raised by
195 citizens, and City officials about the application of our Flag Lot ordinance. Attached to his memo
196 was a “Temporary Land Use Regulation” which under Utah Code 10-9a-504 is allowed when
197 there is a “compelling, countervailing public interest” found by the City Council. Many cities do
198 not allow for flag lots to be created as part of the subdivision process. Not all cities prohibit them
199 but they are typically heavily regulated. In North Ogden the approval of flag lots are currently
200 only subject to a few minor requirements.

201

202 1. The “flag” portion of any lot must meet the minimum lot standards for square foot area as well
203 as lot width, setbacks and other standards for the underlying zone. a. This cannot include the
204 “pole” portion of the lot in the calculation.

205 2. The pole portion of the lot requires a minimum of 30 feet of frontage and can’t be deeper than
206 220 feet. Currently there are no considerations for ways to mitigate the potential downfalls of
207 flag lots in small lots as compared to larger lots or some of the other policy decisions which may
208 be considered appropriate by the City.

209

210 The language proposed in the Temporary Regulation will impose a moratorium on the creation
211 of flag lots during at least the next six months or until the City adopts a new ordinance related to
212 flag lots. Mr. Call’s memo concluded he recommends the Council adopt the Temporary Land
213 Use Regulation which will allow for the City to take up to six months to review and adopt a new
214 ordinance related to flag lots.

215

216 Mr. Call reviewed his staff memo, after which the Council and staff engaged in a brief discussion
217 about current limitations on flag lots compared to potential proposed future limitations for flag
218 lots. City Planner Scott noted the Planning Commission has indicated they would like to meet
219 with the City Council in a joint work session to discuss regulations on flag lots in more detail.

220

221 Mayor Taylor stated concerns have arisen due to the recent purchase of several larger residential
222 parcels in the City Center with the intent of creating a flag lot and constructing new homes in the
223 backyards of existing homes. He stated there may be some circumstances where flag lots may
224 make sense, but he feels the regulations on flag lots need to be reviewed in more details and he
225 supports placing a moratorium on flag lots while that work can take place.

226

227 Council Member Satterthwaite stated he is aware of a situation in the City where a home is being
228 constructed on a lot with appropriate frontage, but to the side of it there is a driveway to an
229 existing home that will be situated behind it. He asked how the City treats someone seeking a

230 building permit to build a home in front of an existing flag lot. Mr. Scott stated he is aware of a
231 similar property that was approved that way as part of a subdivision and given that subdivision
232 approval all a property would need to do is apply for their building permit and it will be granted.
233 He stated that someone 'starting from scratch' would have to follow a different process; the
234 City's ordinance indicates that the Planning Commission reviews all flag lot applications, but
235 there are no standards for them to follow. Mr. Call stated it is his recommendation that the City
236 Council adopt the proposed ordinance to allow the staff, the Planning Commission, and City
237 Council ample time to develop meaningful regulations. He stated that according to the current
238 ordinance and the lack of regulations it would be very difficult for the City to deny flag lots on
239 residential lots throughout the City.

240

241 **Council Member Urry motioned to adopt Ordinance 2015-14 enacting a temporary land**
242 **use regulation related to flag lots. Council Member Satterthwaite seconded the motion.**

243

244 Planning Commission Chairman Thomas indicated that the Planning Commission has discussed
245 the issue of flag lots in the City in the past and he has been surprised to see that the City's
246 ordinance does not include appropriate regulations that would address flag lots that could be
247 perceived as a nuisance to existing residents. He agreed with Mayor Taylor's previous
248 comments that some flag lots may be appropriate and have been approved as part of a
249 subdivision, but he would like to avoid developers purchasing larger parcels to construct small
250 homes on the back portion of a lot behind an existing home. He stated that he supports an
251 ordinance that includes enforceable regulations and noted it is his experience that the majority of
252 residents do not want a home in their backyard on a flag lot. He would like to create and
253 maintain a nice community rather than creating a breeding ground for real estate investors who
254 see an opportunity to increase their profits by purchasing a large lot, dividing it into two lots, and
255 building a home on the back portion on a flag lot.

256

257 Council Member Satterthwaite thanked the Planning Commission or the City employee
258 responsible for catching this issue and bringing it to the City Council's attention. Mayor Taylor
259 agreed and noted that he thought that the City had addressed flag lots and was surprised at the
260 lack of regulations in the current ordinance.

261

262 Mr. Call clarified that the ordinance before the City Council this evening does not change the
263 current regulations; rather it places a moratorium on the creation of flag lots. He added that it
264 also does not impact any existing applications currently before the City. He stated there were
265 two flag lot applications before the Planning Commission last week; one was denied because the
266 property was too small to accommodate a flag lot, but the other was tabled until the next
267 Planning Commission meeting.

268

269 **Voting on the motion:**

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271 **Council Member Satterthwaite aye**

272 **Council Member Swanson aye**

273 **Council Member Urry aye**

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275 **The motion passed unanimously.**

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4. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER AMENDING THE GENERAL PLAN, TO ADD A MASTER PLANNED COMMUNITY ZONE

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity they have wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a legislative decision requires compatibility with the general plan and existing codes.

North Ogden City is engaged in an update of the North Ogden City General Plan. Creating a vibrant downtown and ancillary commercial areas is a topic of discussion. A form based code will be created once the General Plan is adopted. The City Council is interested in an interim measure to create a master planned community zone to facilitate several projects that have a mixed use component.

The current General Plan does not address the issue of mixed use. The City Council and Planning Commission have jointly worked on a temporary General Plan measure along with a companion ordinance that will allow for a mix of residential, commercial, recreational and or public uses. The zone has a multi-step review process that includes both the Planning Commission and City Council considering multiple design components that result in a development agreement.

The Planning Commission and City Council conducted a joint work session on June 23, 2015. Based upon that discussion additional edits were made to the draft ordinance. The Planning Commission held a public hearing on July 22, 2015 to consider amending the General Plan to allow for a mixed use community zone. Written comments were received and there was one individual who testified. The Planning Commission found that the amendment is an appropriate addition to the General Plan. The outlined changes are identified below:

**GENERAL PLAN CHAPTER VI
Residential Development
Multifamily**

Multi-family residential areas traditionally include rental apartments and condominiums and are often located along major arterial streets, adjacent to community commercial centers, or adjacent to existing multi-family developments. Multifamily residential areas also allow for business and professional offices which can be creatively mixed with housing areas. The appropriate location of this type of land use can provide residential dwellings adjacent to commercial developments to create a downtown environment. Appropriate areas lie generally along Washington Blvd. and 2600/2700 North. In the General Plan (see Figure 5), these areas are suggested to complement more intense commercial uses and adjacent single family homes were used to buffer lower density residential areas from commercial land uses and major streets. The zones used to accommodate higher densities MP- 1 R-4, R-3, and the Master Planned Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the community goals of creating higher quality buildings, and better site design.

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Commercial Development

North Ogden’s goals and policies concerning commercial developments address the aesthetics and location of commercial developments. The desire of City officials is to provide an attractive, pleasing environment in which to shop or work within a commercial core. Enough vacant property exists in North Ogden to accommodate future commercial growth. In order to function efficiently, proposed commercial developments should be evaluated for adequate internal circulation for automobiles and pedestrians with limited access points to the major streets serving the developments.

Within the commercial areas, a mix of uses is anticipated. Civic, office, retail, entertainment, small business, and higher density housing should be combined to create a diverse mix of uses that provides a wide variety of housing options and reasons for people to gather and linger. The zones used to accommodate higher densities are the R-4, R-3, and the Master Planned Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the community goals of creating higher quality buildings, and better site design.

The focus of commercial development in North Ogden should be to provide services that support the resident population of the City and adjacent areas. Regional commercial centers would be inconsistent with citizen desires and the direction of this Plan.

The memo offered the following summary of potential City Council considerations:

- Is the proposal to provide for a master planned community zone appropriate to be included in the General Plan?

The Planning Commission conducted a public hearing on July 22, 2015. The Planning Commission took public comment, found that the amendment is consistent with the General Plan, and recommends the City Council adopt the amendment approving the creation of a master planned community zone.

A subsequent memo from Mr. Scott explained when the City Council is acting in a legislative capacity they have wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a legislative decision requires compatibility with the general plan and existing codes.

This is a companion application to GPTA 2015-01 the general plan amendment that calls for the creation of the master planned community zone. Concurrent hearings are being held, the first to consider amending the General Plan to call for the adoption of a master planned community zone and the second to adopt the zone. See the GPTA 2015-01 staff report.

North Ogden City is engaged in an update of the North Ogden City General Plan. Creating a vibrant downtown and ancillary commercial areas is a topic of discussion. A form based code will be created once the General Plan is adopted. The City Council is interested in an interim

367 measure to create a master planned community zone to facilitate several projects that have a
368 mixed use component.

369
370 The current General Plan does not address the issue of mixed use. The City Council and
371 Planning Commission have jointly worked on a temporary General Plan measure along with a
372 companion ordinance that will allow for a mix of residential, commercial, recreational and or
373 public uses. The zone has a multi-step review process that includes both the Planning
374 Commission and City Council considering multiple design components that result in a
375 development agreement.

376
377 The Planning Commission and City Council conducted a joint work session on June 23, 2015
378 and edits have been made based upon that discussion. If the General Plan amendment is
379 approved then the master planned zone amendment is ready for consideration.

380
381 The Planning Commission conducted a public hearing to consider adopting the master planned
382 community zone on July 22, 2015, took public comment and received two written comments and
383 one verbal comment. The items identified in the written comments were not persuasive to make
384 any changes to the draft ordinance. The ordinance summary is provided below:

385
386 The Master Planned Community Zone consists of 9 subsections:

387
388 I. Purpose Statement – The purpose statement identifies the desire of North Ogden City to foster
389 creative and unique developments that have a mixed use component. It requires projects to be
390 consistent with the General Plan, have developments that are sustainable, with walkable
391 neighborhood centers, and integrated streets. A development agreement is required.

392
393 II. Master Planned Community Rezone Required – This section identifies under what conditions
394 this zone designation may be applied. There are 8 criteria identified, e.g., a minimum of 5 acres,
395 location near downtown, the primary use is residential, a minimum 5% requirement for mixed
396 commercial uses, quality architecture and design, a required development agreement, and an
397 overall site plan.

398
399 III. Process and Application Requirements – A 12 step process is spelled out including a pre-
400 application meeting, information regarding the application document, development proposal, site
401 plan, development agreement template, stipulation that a lack of full information will result in a
402 rejected application, a required technical review, Planning Commission review, City Council
403 review, Planning Commission conditional use approval, and final City Council development
404 agreement approval.

405
406 IV. Principal Review – Principal reviews will be conducted by the City Planner, Building
407 Official, Public Works, City Engineer, Fire Department, and Parks & Recreation.

408
409 V. Development Standards – This section provides for specific standards for the Master Planned
410 Community zone. They supersede other standards found in the Code. These standards will be
411 applied by the development agreement. Deviations from the standards are possible but only
412 through a development agreement. The standards address building placement and massing,

413 building orientation, building height, buffering with adjacent uses, architectural design and
414 materials, signage, open space, landscaping, outdoor lighting, streets and pedestrian ways, other
415 forms of transportation, parking areas, environmental concerns, requirements unique to
416 residential uses, and density.

417
418 VI. Land Uses – Land uses will be identified in the development agreement. The general
419 categories include retail, service, office, and residential uses.

420
421 VII. Zone Designation on the Official Zoning Map – A property zoned master planned
422 community zone will be designated with the prefix MPC with the project name afterwards.

423
424 VIII. Modifications of the Approved Plans – Amendments to the master planned zone are
425 allowed in two categories, a minor amendment and full amendment. The minor amendment will
426 be allowed if the amendment is not greater than 5% of the project area.

427
428 IX. Master Planned Community Zone Conflicts with other Requirements in the City Code – The
429 master planned community zone standards, requirements, and processes shall take precedence
430 when a development agreement has been approved.

431
432 GENERAL PLAN CHAPTER VI

433
434 The following sections of the General Plan describe the need for a master planned community
435 zone.

436
437 Residential Development
438 Multifamily

439
440 Multi-family residential areas traditionally include rental apartments and condominiums and are
441 often located along major arterial streets, adjacent to community commercial centers, or adjacent
442 to existing multi-family developments. Multifamily residential areas also allow for business and
443 professional offices which can be creatively mixed with housing areas. The appropriate location
444 of this type of land use can provide residential dwellings adjacent to commercial developments
445 to create a downtown environment. Appropriate areas lie generally along Washington Blvd. and
446 2600/2700 North. In the General Plan, these areas are suggested to complement more intense
447 commercial uses and buffer adjacent single family homes. The zones used to accommodate
448 higher densities are the R-3, R-4, and the Master Planned Community (MPC) zones. The MPC
449 zone relies on a development agreement to accomplish the community goals of creating higher
450 quality buildings, and better site design.

451
452 Commercial Development

453
454 North Ogden’s goals and policies concerning commercial developments address the aesthetics
455 and location of commercial developments. The desire of City officials is to provide an attractive,
456 pleasing environment in which to shop or work within a commercial core. Enough vacant
457 property exists in North Ogden to accommodate future commercial growth. In order to function
458 efficiently, proposed commercial developments should be evaluated for adequate internal

459 circulation for automobiles and pedestrians with limited access points to the major streets serving
460 the developments.

461
462 Within the commercial areas, a mix of uses is anticipated. Civic, office, retail, entertainment,
463 small business, and higher density housing should be combined to create a diverse mix of uses
464 that provides a wide variety of housing options and reasons for people to gather and linger. The
465 zones used to accommodate higher densities are the R3, R-4, and the Master Planned
466 Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the
467 community goals of creating higher quality buildings, and better site design.

468
469 The focus of commercial development in North Ogden should be to provide services that support
470 the resident population of the City and adjacent areas. Regional commercial centers would be
471 inconsistent with citizen desires and the direction of this Plan.

472
473 The memo offered the following summary of potential City Council considerations:

- 474 • Is the master planned community zone amendment consistent with the General Plan?
- 475 • Is the proposed master planned community zone appropriate?

476
477 The Planning Commission held a public hearing on July 22, 2015. The Planning Commission
478 took public comment, reviewed two written documents and heard one verbal testimony. The
479 Planning Commission found that the amendment is consistent with the General Plan, and
480 recommends that the City Council adopt the ordinance amendment establishing a master planned
481 community zone as written.

482
483 Mr. Scott reviewed his staff memos, after which the City's consultant from Civil Solutions
484 Group, John Jansen, provided an overview of the proposed language for the Master Planned
485 Community Zone. He indicated the proposed ordinance was drafted after much discussion and
486 input from the Planning Commission, City Council, Mayor, and administrative staff.

487
488 Mayor Taylor then noted there are several locations in the City where developers are interested
489 in pursuing master planned developments; he reviewed a draft site plan for a potential
490 development at 1700 North and Washington Boulevard and identified some of the components
491 of the proposed mixed use development. He anticipates that upon adoption of the ordinance
492 creating the master planned zone the City will receive an application from the owner of the
493 property in that area and that application would go through an extensive review process by the
494 City which will include input from staff, the Planning Commission, and a final decision from the
495 City Council. He also reviewed the conceptual diagram of the care facility that the property
496 owner is constructing on the same property and noted that the design theme and construction
497 materials would be carried throughout the development. He stated he feels the developer has a
498 plan that will result in a high quality development.

499
500 Council Member Satterthwaite asked how the actions to be taken this evening were advertised.
501 Mayor Taylor noted the rules for noticing a public hearing were followed and, in addition,
502 tonight's meeting was noticed in conjunction with the noticing of the General Plan open house
503 meeting held earlier today. Mr. Call added that in the future when a request is made to assign the

504 master plan zone to a specific piece of property there will be a public hearing and property
505 owners within a certain distance of the subject property will receive individual notification.
506

507 Council Member Swanson stated he wanted to be assured that the proposed zone is a tool by
508 which a mixed use development could occur, but it does not offer blanket approval for any and
509 all mixed use development requested in the City. Mr. Call stated that is correct. Council
510 Member Satterthwaite clarified that all applicants for the master planned zone must also enter
511 into a development agreement with the City, which will provide standards for the development.
512 Mayor Taylor agreed and reiterated that he supports the creation of the zone and is comfortable
513 that the proposed ordinance will protect the City while allowing high quality developments to
514 gain approval.

515
516 Mayor Taylor opened the public hearing at 8:23 p.m.
517

518 Steve Rasmussen, 1092 E. 3250 N., asked if this ordinance will only apply to planned
519 developments that are not strictly single family dwellings or if it will apply to any project with a
520 subdivision attached to it. Mayor Taylor stated single family homes could be one of the land
521 uses within a master planned development, but that is not very common; normally mixed use
522 developments include retail, commercial, and multi-family residential uses. Mr. Rasmussen
523 asked if it will accommodate locating multi-family dwellings around a commercial
524 establishment, to which Mayor Taylor answered yes and noted the projects will be located along
525 the City's highways, which are Washington Boulevard or 2700 North west of Washington
526 Boulevard. Mr. Rasmussen then stated he is not completely opposed to higher density housing,
527 but he thinks that the community needs to be somewhat more sensitive to having single family
528 dwellings because multi-family housing units typically end up deteriorating over a length of time
529 and that could be a detraction from the attractiveness of the community.
530

531 **Council Member Swanson motioned to close the public hearing at 8:27 p.m. Council**
532 **Member Satterthwaite seconded the motion.**
533

534 **Voting on the motion:**
535

536 **Council Member Satterthwaite aye**

537 **Council Member Swanson aye**

538 **Council Member Urry aye**
539

540 **The motion passed unanimously.**
541

542 Mayor Taylor responded to Mr. Rasmussen's comments by reiterating the geographical
543 conditions of the City place natural limitations on the locations of the City that could qualify for
544 the zoning. He reviewed the future land use map for the City and stated the vast majority of the
545 City is and always will be made up of single-family residential uses. He stated he feels it is
546 necessary to create a quality commercial corridor with higher density residential uses that will
547 support the businesses that choose to locate in North Ogden.
548
549

550 **5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
551 **THE GENERAL PLAN, TO ADD A MASTER PLANNED COMMUNITY ZONE**

552
553 Council Member Swanson stated he likes the idea of creating the proposed zone as he feels it
554 opens a door for this type of development, but noted that door is controlled by the City and
555 ultimately the City Council. He stated there is no guaranteed approval for any project. Council
556 Member Satterthwaite agreed and added that if the Council votes to create the zone they need to
557 be very aware that there will be applications for the zoning and they need to be prepared to
558 consider and potentially ultimately approve them.

559
560 **Council Member Satterthwaite motioned to adopt Ordinance 2015-15 amending the**
561 **General Plan to add a Master Planned Community Zone. Council Member Urry seconded**
562 **the motion.**

563
564 **Voting on the motion:**

565
566 **Council Member Satterthwaite aye**
567 **Council Member Swanson aye**
568 **Council Member Urry aye**

569
570 **The motion passed unanimously.**

571
572
573 **6. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER CREATING A**
574 **MASTER PLANNED COMMUNITY ZONE**

575
576 Mayor Taylor opened the public hearing at 8:39 p.m. There were no persons appearing to be
577 heard.

578
579 **Council Member Satterthwaite motioned to close the public hearing at 8:39 p.m. Council**
580 **Member Urry seconded the motion.**

581
582 **Voting on the motion:**

583
584 **Council Member Satterthwaite aye**
585 **Council Member Swanson aye**
586 **Council Member Urry aye**

587
588 **The motion passed unanimously.**

589
590
591 **7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE CREATING**
592 **A MASTER PLANNED COMMUNITY ZONE**

593
594 **Council Member Urry motioned to adopt Ordinance 2015-16 creating a Master Planned**
595 **Community Zone. Council Member Swanson seconded the motion.**

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Voting on the motion:

Council Member Satterthwaite aye
Council Member Swanson aye
Council Member Urry aye

The motion passed unanimously.

**8. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER AMENDING
THE BUSINESS LICENSE CODE**

A memo from Finance Director Steele explained that at the June 16 Council Meeting, staff presented to Council a request that the length of time for assessment of late fees for delinquent business license fees be shortened. The change was from two months to one month for the first late fee assessment and then from four months to two months for the second late fee assessment. Because this is part of the City Code, it is necessary to make the change to be reflected in the code and not just on the Consolidated Fee Schedule. The proposed ordinance updates Section 4-1-5, Fee For License and the proposed changes are marked for identification.

Mr. Steele reviewed his staff memo.

Mayor Taylor opened the public hearing at 8:43 p.m. There were no persons appearing to be heard.

Council Member Satterthwaite motioned to close the public hearing at 8:43 p.m. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Satterthwaite aye
Council Member Swanson aye
Council Member Urry aye

The motion passed unanimously.

**9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING
THE BUSINESS LICENSE CODE**

Council Member Swanson motioned to adopt Ordinance 2015-17 amending the business license code. Council Member Satterthwaite seconded the motion.

642 **Voting on the motion:**

643

644 **Council Member Satterthwaite aye**

645 **Council Member Swanson aye**

646 **Council Member Urry aye**

647

648 **The motion passed unanimously.**

649

650 City Recorder Spendlove identified a typographical error in need of correction in the ordinance
651 and she asked that the Council reconsider their previous action and make a motion to change
652 what was adopted.

653

654 **Council Member Swanson motioned to reconsider the passage of Ordinance 2015-17.**

655 **Council Member Satterthwaite seconded the motion.**

656

657 **Voting on the motion:**

658

659 **Council Member Satterthwaite aye**

660 **Council Member Swanson aye**

661 **Council Member Urry aye**

662

663 **The motion passed unanimously.**

664

665 **Council Member Swanson motioned to adopt Ordinance 2015-17 with the correction of the**
666 **typographical error, changing subsection A to B, as referenced by the City Recorder.**

667 **Council Member Satterthwaite seconded the motion.**

668

669 **Voting on the motion:**

670

671 **Council Member Satterthwaite aye**

672 **Council Member Swanson aye**

673 **Council Member Urry aye**

674

675 **The motion passed unanimously.**

676

677

678 **10. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER AMENDING**
679 **THE FISCAL YEAR 2015-2016 BUDGET**

680

681 Finance Director Steele reviewed the proposed amendments to the FY2015-2016 budget as
682 follows:

683

- 684 • Land purchase for \$65,000 (funded by the General Fund Reserve)
- 685 • Street Maintenance Projects for \$208,800 (funded by the Transportation Utility Fee
- 686 Revenue)

- 687 • Development of detention basin in Legacy IV for \$90,000 (funded by the Storm Water
688 Reserves)
689

690 The Council and staff engaged in a discussion about the development of the detention basin in
691 Legacy Estates Phase IV, with Mayor Taylor noting that the City is purchasing property from the
692 developer of the Legacy subdivision in order to construct a detention basin that will handle water
693 not generated by the development; the project will allow the City to install a gravity fed sewer
694 line through the senior center parking lot to avoid the need to pump sewer from the senior center
695 and City Hall.
696

697 Council Member Urry asked if there is a detailed list of the road projects that will be completed
698 using the \$208,000. Mayor Taylor stated the City Engineer is recommending to complete triple
699 the number of street overlay projects that were previously planned and the projects are taken
700 from the priority list generated by the City's iWorq's program; he reviewed a map of all projects
701 planned for the remainder of the year, which includes projects that will be funded by the City's
702 B&C road monies. He noted the projects identified in brown on 2700 North, 450 East, 2750
703 North, 2800 North, and 575 East will be mill and overlay projects that will be completed using
704 the \$208,800 being allocated in the proposed budget opening. He noted that next year there will
705 be additional mill and overlay projects completed using the Transportation Utility Fee revenue
706 and the City will work to communicate to the residents how their money is being spent. Council
707 Member Urry stated that the Transportation Utility Fee is a new fee and the City should not have
708 revenue on hand from the fee; he asked how the projects will be paid for. Council Member
709 Satterthwaite stated that the expenditure will be completed in the current fiscal year and by the
710 end of the year that money will be available. Mr. Steele stated the money can be borrowed from
711 the general fund until revenues are available if necessary.
712

713 The Council had a brief discussion about the mill and overlay method; Council Member
714 Satterthwaite stated it appears that these projects are completed in segments rather than all at one
715 time. Mayor Taylor stated he suspects that is true, but noted he would need to confirm with the
716 City Engineer before declaring that correct.
717

718 Mayor Taylor opened the public hearing at 9:03 p.m.
719

720 Steve Rasmussen, 1092 E. 3250 N., stated that on 3250 North the pavement near the gutter is
721 sloughing off and creating cracks and potholes in the roadway; he asked if that will be repaired
722 using any portion of the money being allocated in this budget opening. He noted other sections
723 of the road have been repaired, but not the section he is referencing. Mayor Taylor stated that
724 the damage Mr. Rasmussen is referencing could likely be completed in-house and is not part of
725 the list of projects being advertised for bid. The Council and Mayor had a general discussion
726 regarding the practices used to develop a project priority list using the City's iWorq program and
727 specific criteria.
728

729 **Council Member Swanson motioned to close the public hearing at 9:12 p.m. Council**
730 **Member Satterthwaite seconded the motion.**
731

732 **Voting on the motion:**

733
734 **Council Member Satterthwaite** aye
735 **Council Member Swanson** aye
736 **Council Member Urry** aye

737
738 **The motion passed unanimously.**
739

740
741 **11. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
742 **THE FISCAL YEAR 2015-2016 BUDGET**
743

744 Council Member Urry referenced the data included in the Council packet and inquired as to the
745 meaning of the line including the language “24% of General Fund Revenues”. Mr. Steele stated
746 that he has listed all fund balance amounts for the City and wanted to point out that the current
747 general fund balance is at 24 percent of the City’s budget. He noted the maximum amount that
748 can be held in reserve is 25 percent. Council Member Urry wondered why the Transportation
749 Utility Fee was created if the City has 24 percent of the total budget in reserve. Mayor Taylor
750 stated that there are many other expected projects or expenditures that will be funded with
751 general fund reserves in the future. Council Member Urry asked why they were not included in
752 the budget; he indicated that he is concerned that the City expressed to residents that the revenue
753 from a Transportation Utility Fee was needed to complete road projects and it appears that may
754 not have been the case. Council Member Satterthwaite disagreed and stated that he likes to have
755 money in the general fund balance in the case of emergency or to be used for capital projects.
756 Mayor Taylor agreed. General discussion ensued regarding budgeting practices and policies
757 relative to holding money in a reserve fund, with Mayor Taylor noting he does not feel the City
758 was disingenuous in expressing the reasons for the Transportation Utility Fee because some of it
759 will be used to fund much needed transportation projects while keeping money in the general
760 fund reserve available for capital needs or to grant matching funds. Council Member
761 Satterthwaite added that depreciation of capital assets is also included in the general fund
762 balance. Council Member Swanson added that the utility fee was not created with the intent of
763 preserving the general fund reserve for other wants or needs not included in the budget. Mayor
764 Taylor agreed and added that it is not possible to include all projects in a budget because some of
765 them are so expensive that they cannot be funded over a one year period and it is necessary to
766 save money over multiple years. Council Member Urry suggested creating a fund that would
767 allow for the City to earmark funds for multi-year projects. Mayor Taylor stated he would
768 support that and Mr. Steele stated he can work on a proposal regarding the creation of such a
769 fund.

770
771 **Council Member Satterthwaite motioned to adopt Ordinance 2015-18 amending the Fiscal**
772 **Year 2015-2016 budget with the recommendation that City Administration work on a**
773 **proposal to create a road fund where money can be saved to pay for multi-year or future**
774 **road projects. Council Member Swanson seconded the motion.**

775
776 **Voting on the motion:**
777

778 Council Member Satterthwaite aye
779 Council Member Swanson aye
780 Council Member Urry aye

781
782 The motion passed unanimously.

783
784

785

786 **13. PUBLIC COMMENTS**

787

788 There were no additional public comments.

789

790

791 **14. COUNCIL/MAYOR/STAFF COMMENTS**

792

793 Council Member Swanson stated that he has spoken with the Mayor about an issue at the dog
794 park; on the west side of 850 East near 2600 North there are individuals parking on the street
795 despite the signs that have been erected prohibited parking. He asked that the signs be reoriented
796 to make them more visible to motorists. He would also like to paint the curb red on the west side
797 of 850 North and install signs indicating that parking is allowed by permit only so that residents
798 are not negatively impacted. He then added that he has had questions from residents regarding
799 whether the City will be proceeding with implementation of a transportation impact fee and he
800 has informed them that discussions regarding that issue will take place in future work sessions.
801 He concluded by noting during the most recent Planning Commission meeting there were two
802 agenda items where both preliminary and final plat approval was being considered in the same
803 night; he stated that seems to go against the idea of having a preliminary vote in the first place,
804 especially when one of the items – an application for a flag lot – nearly received approval based
805 on miscalculation of lot size. He suggested that discussion take place regarding separating
806 preliminary and final votes.

807

808 Mayor Taylor asked Mr. Call for an update on the progress of the work being done relative to
809 enacting a transportation impact fee. Mr. Call noted the transportation consultant is working to
810 assemble all information needed to create the facilities plan and financial analysis documents. He
811 stated he would expect to have those documents completed within the next two months. Mayor
812 Taylor then asked Mr. Call to respond to Council Member Swanson's concerns regarding the
813 option for considering preliminary and final approval during the same Planning Commission
814 meeting. Mr. Call stated many cities handle certain applications that way, but the City has the
815 option of adopting an ordinance requiring the two steps to occur at different meetings. Mayor
816 Taylor asked Ms. Spendlove to add an item to the upcoming joint work session meeting agenda
817 to allow the Council and Planning Commission to discuss the issue.

818

819 Council Member Urry asked if the City's sign ordinance calls for a business to have their sign in
820 place before they open their doors for business. Mr. Call answered no and added that the City's
821 sign ordinance does not designate the type of sign a business must use and oftentimes new
822 businesses will use temporary signs to advertise their business until their actual sign has been
823 fabricated. Council Member Urry stated that some new businesses in the town center have very

824 flimsy signs that look somewhat ‘tacky’ and he wondered if there is a way to address that. He
825 then stated that he was approached by two members of the General Plan Committee this evening
826 who reported that from the time they have been on the Committee they have suggested changes
827 to a section of the Plan and their recommendations have not been reflected in the Plan document.
828 Mayor Taylor stated he has heard the same concern and noted the Council has the final decision
829 on the Plan and they can take those recommendations into consideration. Council Member Urry
830 stated that the recently adopted budget included funding for a new sound system in the Council
831 chambers and he asked if the City has obtained bids for that project, to which Ms. Spendlove
832 answered no. Council Member Urry again referenced the General Plan and noted there are some
833 properties from 2100 North to the boundary of the North Ogden Plaza that are identified as
834 multi-use zones, yet they are not included in the boundaries of an RDA or CDA and he suggested
835 that be addressed. He concluded his report by noting he was contacted by the Board Director of
836 the Senior Center who asked that they be allowed to attend the meeting the City will be holding
837 with Weber Human Services.

838
839 Council Member Satterthwaite reiterated Council Member Swanson’s comments about the
840 parking issues at the dog park; he noted the park has seen great use and is very popular. He then
841 expressed his appreciation to the Planning Commission for their careful consideration of the flag
842 lot applications that were considered during their last meeting. He then stated that he would be
843 interested in hearing an evaluation of the success of the recent Cherry Days celebration. Mayor
844 Taylor stated he will provide a final analysis of the Cherry Days celebration soon, but noted it
845 was the greatest financial success and there were more vendor booths than ever in the past.

846
847 Council Member Urry asked that an item be included on a future agenda to discuss a recent
848 proposal received by the City regarding satellite infrastructure/service. Mr. Steele stated he will
849 coordinate that item.

850
851 Mayor Taylor provided the Council with information about upcoming dinners and other
852 recognition events for various Committees that will be disbanding in the near future. Council
853 Member Urry suggested that local businesses be used for those dinners.

854
855 Mayor Taylor asked that the Council convene in a closed session to discuss the purchase,
856 exchange, or lease of real property.

857
858 **Council Member Swanson motioned to convene in a closed session to discuss the purchase,**
859 **exchange, or lease of real property. Council Member Satterthwaite seconded the motion.**

860
861 **Voting on the motion:**

862
863 **Council Member Satterthwaite aye**
864 **Council Member Swanson aye**
865 **Council Member Urry aye**

866
867 **The motion passed unanimously.**

868
869 The closed session began at 9:50 p.m

870 The business meeting reconvened at 10:26 p.m.

871

872

873 **15. ADJOURNMENT**

874

875 **Council Member Swanson motioned to adjourn. Council Member Satterthwaite seconded**
876 **the motion.**

877

878 **Voting on the motion:**

879

880 **Council Member Satterthwaite aye**

881 **Council Member Swanson aye**

882 **Council Member Urry aye**

883

884 **The motion passed unanimously.**

885

886

887 **The meeting adjourned at 10:27 p.m.**

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892 _____
Brent Taylor, Mayor

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895 _____
S. Annette Spendlove, MMC

896 City Recorder

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899 _____
Date Approved

900