

NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

July 14, 2015

The North Ogden City Council convened in an open meeting on July 14, 2015 at 6:30 p.m. at the North Ogden City Council Chambers at 505 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 July 13, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor	
	Kent Bailey	Council Member	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director	
	Sue Richey	Building Inspections/Business Licensing	
	Jon Call	City Attorney	
	Dave Espinoza	Public Works Director	
	Annette Spendlove	City Recorder/HR Director	
	Rob Scott	City Planner	
EXCUSED:	Phillip Swanson	Council Member	
VISITORS:	Mark Anderson	Collette Anderson	Keith Johns
	Steve Rasmussen	Shawn Heiner	Adair Vaterlaus
	Kent Bates	Nancy Bates	Rachel Trotter
	Sarah Rhees	Cleo Christensen	Chuck Millet
	Pat Millet	Richard Kotter	Jeff Newman
	Scott McKay	Zack Bindy	Margaret Schvaneveldt
	Brandt Stewart	Cyrus Palmer	Connor Wade
	Stan Kippen	Holly Remkes	Garrett Frost
	Taylor Zampedri	Rakel Elmer	Diane Budge
	Mike Griffin	Chris Griffin	

REGULAR MEETING – 6:30 P.M.

Mayor Taylor welcomed those in attendance.

Council Member Stoker offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

Mayor Taylor recognized Ms. Sue Richey for serving as the acting City Recorder this evening in City Recorder Spendlove's absence. He then recognized the newly crowned Cherry Days royalty.

Miss North Ogden 2015 Chloe DeLair approached the Council and noted her platform is working with teens in pursuit of a happy and successful future. She stated she is excited to represent the City of North Ogden in the Miss Utah pageant next year.

Miss North Ogden First Attendant 2015 Shannon Stoddard stated she will be a senior at Weber High School during her tenure; her platform is suicide prevention and awareness and she is excited to serve North Ogden over the next year.

Miss North Ogden Second Attendant 2015 Nicole Smith stated she is a sophomore at Weber State University and her platform is promoting the Red Cross blood services.

Mayor Taylor reported the Miss North Ogden pageant was held the week before the Cherry Days celebration and the community got the opportunity to learn a lot about the things these young ladies have been working on; they have done much for the City and he is excited to work with them over the next year.

2. PUBLIC HEARING TO RECEIVE COMMENTS TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 575 E 3700 N, FROM RESIDENTIAL R-1-10 TO HILLSIDE PROTECTION HP-1

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity as the land use authority the City Council has 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 decision, related to a legislative matter, require compatibility with the general plan and existing codes.

The Planning Commission held a public hearing on the application on July 1, 2015. There were no comments received regarding this application.

The applicant is requesting that the property located at approximately 575 East 3700 North be rezoned from Residential R-1-10 to Hillside Protection HP-1. The applicant received preliminary subdivision approval for this property (Cactus Ridge, Phase II) on June 3, 2015. One of the conditions was that this property all be within the HP-1 zone. The property is currently in two

zoning districts and without the rezoning would have several lots in two differing zones. City code does not allow one property in two different zoning districts.

The General Plan calls for “All development in the community should be built on land suitable for the intended use.” Additionally, “A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space.”

The Zoning and Land-Use Policy includes guidelines for how zoning changes should be considered:

General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use. Staff comment: The proposed land use is complimentary to existing single family developments.
2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition. Staff comment: This area is transitioning with the extension of single family development northward up the hillside.
3. Where possible, properties which face each other, across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones. Staff comment: All the lots fronting each other will have the same zoning.
4. Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines. Staff comment: If approved, all properties in the same zone.

Residential Guidelines

8. Avoid isolating neighborhoods. Staff comment: The proposed street layout will not isolate any neighborhoods. The street layout provides for appropriate future connections.

The General Plan map calls for this property to be developed as single family residential, low density. The HP-1 zone is consistent with that designation.

The memo provided a summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Is the HP-1 request appropriate for this neighborhood?

This is a policy decision; the General Plan recommends this area as low density single family zoning. The Planning Commission determined that the HP-1 zone is appropriate; that the application is consistent with the North Ogden General Plan and zoning ordinance recommends approval to the City Council. The Planning Commission recommends that the City Council rezone this property from R-1-10 to HP-1.

Mr. Scott reviewed his staff memo.

Council Member Urry asked if there is an advantage to the HP-1 zone when compared to the R-1-10 zone. Mr. Scott explained there are higher standards dealing with hillside protection in the HP-1 zone relating to grading and drainage. During the City Engineer's review of a development project, he will require geotechnical reports for the property. Council Member Urry asked if the Council has considered another issue relating to this property in the past. Mr. Scott stated there was a discussion about potentially extending a waterline into the property, but the City did not participate in that project; the developer would be required to extend the waterline into the subject property as part of the requested project.

Council Member Bailey asked City Engineer Hartvigsen to provide more specificity regarding how the HP-1 zone differs from the R-1-10 zone. Mr. Hartvigsen stated HP stands for hillside protection; the zone is designed for sensitive lands and there are specific grading limitations that prohibit cutting of more than 10 feet into a hillside to improve lots. He referenced drainage and noted that these areas are considered to be groundwater recharge areas; storm drain systems are designed differently to allow groundwater to infiltrate into the ground rather than being piped away and taken downstream.

Council Member Urry asked if one of the goals of the HP-1 zone is to prevent flooding. Mr. Hartvigsen answered yes and noted there is a focus on preserving natural drainage channels; the subject property does not have such channels or streams nearby. He added the HP-1 zone also encourages preservation of vegetation when possible.

Council Member Bailey asked Mr. Hartvigsen if it is his opinion that the HP-1 zone contains adequate protections or if the ordinance should be revisited. Mr. Hartvigsen stated that is a tough decision and the Council needs to determine the level of risk they are willing to accept; as development moves further up the hill, that development becomes riskier. Mr. Scott added that as part of the General Plan update process a goal was identified to revisit sensitive lands provisions in the City; he is concerned that some of the standards within the HP-1 zone are not applied to other areas of the City that are very steep but do not carry the HP-1 zoning designation. He stated higher grading and drainage standards should be applied to other areas of the City. Mayor Taylor agreed and stated he would recommend further discussions about development on sensitive lands throughout the City. City Attorney Call added that if there is a compelling public safety interest the City can restrict development on hillsides, but typically there are ways to engineer a development to facilitate building on a hillside and that is why providing adequate standards for hillside development is necessary.

Mayor Taylor opened the public hearing at 7:48 p.m. There were no persons appearing to be heard.

Council Member Urry motioned to close the public hearing. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

The public hearing was closed at 7:50 p.m.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 575 E 3700 N, FROM RESIDENTIAL R-1-10 TO HILLSIDE PROTECTION HP-1

Council Member Bailey motioned to adopt Ordinance 2015-13 rezoning the property located at approximately 575 E. 3700 N. from Residential R-1-10 to Hillside Protection HP-1. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE FOR MYSTERY MEADOWS PHASE II

A staff memo from Building Official Kerr explained Olympus Investments has completed all subdivision improvement for Mystery Meadows Phase II. Bruce Higley, our Public Works Inspector, has inspected this subdivision and has found all improvement items completed and in good condition. It is my recommendation we give Conditional Acceptance Subdivision approval for the above referenced subdivision. Conditional Acceptance will start the one-year conditional guarantee period for the subdivision improvements.

City Administrator/Finance Director Steele reviewed Mr. Kerr's staff memo.

Council Member Urry inquired as to the approximate address of the subdivision, to which Mr. Steele answered 1825 N. 100 E. Council Member Urry stated the developer has begun building on the subject property and he asked how that can be done without prior approval. City Attorney Call clarified that this is not approval of the subdivision as the subdivision has already been

approved; tonight's action is consideration of accepting the infrastructure within the development, which begins the one year time frame that a developer must wait to have his escrow money released. Council Member Urry stated he wonders why someone would be allowed to build until receiving this approval. Mr. Call stated that building homes in the development puts pressure on the infrastructure and helps to find any faults that may exist in the infrastructure. Mr. Hartvigsen added that this is a phase of a development that has been approved over the years and much of the infrastructure is already in place; City inspectors determine whether that infrastructure was built to City standards and if it was they recommend conditional acceptance, which begins a one-year guarantee period. If anything happens in that one year period the developer is required to repair it. Council Member Urry asked when the infrastructure was built. Mr. Hartvigsen stated the infrastructure has been in for months. Council Member Urry asked if the inspection was conducted months ago. Mayor Taylor stated inspections are conducted throughout the project parallel to work being completed. Mr. Hartvigsen stated that the bottom line is that all public improvements for this phase of the development are now completed.

Council Member Satterthwaite motioned to grant conditional acceptance of Mystery Meadows Phase II. Council Member Urry seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE FOR MYSTERY MEADOWS PHASE III

A staff memo from Building Official Kerr explained Olympus Investments has completed all subdivision improvement for Mystery Meadows Phase III. Bruce Higley, our Public Works Inspector, has inspected this subdivision and has found all improvement items completed and in good condition. It is my recommendation we give Conditional Acceptance Subdivision Approval for the above referenced subdivision. Conditional Acceptance will start the one-year conditional guarantee period for the subdivision improvements.

Mr. Kerr reviewed his staff memo.

Council Member Satterthwaite motioned to grant conditional acceptance of Mystery Meadows Phase III. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO RESTRIPE 2600 N

A memo from Mayor Taylor explained the City has been discussing possible plans to re-stripe 2600 North, similar to what we did last year on 3100 North. The objective is to improve the flow of traffic on this very busy road. There are two primary concerns I see with 2600 North: first, that there is not a turn lane to facilitate left turns. This results in people stopping traffic in order to wait for an opportunity to turn left. Impatient drivers behind them pass the car waiting to turn left on the shoulder, a dangerous and illegal move. A second problem is cars trying to turn left onto 2600 North. Because there is not a center turn lane, cars must wait for both travel lanes to clear long enough to make a left turn onto 2600 North. At busy times of the day this can require a significant wait, and increasingly we see motorists “punching the gap” and turning left in very short pauses of traffic. Both of these trends present safety hazards. 2600 North will certainly need to be widened at some point, but that is many years in the future and will take a large amount of money to purchase properties and political will. We are looking at options short of widening the road, but that would still positively affect traffic flow. One idea is to restripe 2600 North to eliminate parking on the south side of the road. The 2 “extra” spaces saved from the parking/shoulder would be used to create a center turn lane and/or left turn pockets at each street crossing. We believe there are upsides from this idea, but also downsides, in particular for those who live directly on the street and occasionally have visitors who park directly on 2600 North. Time is of the essence for a decision on the re-striping, because 2600 North is set to receive a slurry seal coat later this month. All existing stripes will be covered by the slurry and this presents the perfect opportunity to re-stripe the road. It is very hard to remove old lane striping, so this is our best opportunity to re-stripe 2600 North within the next few years.

Mayor Taylor summarized his memo and the discussions that have taken place regarding the matter to this point; he noted an open house was held earlier this evening with the residents that would be impacted by the project and indicated there have been some suggestions to table this item for a few additional weeks and he asked Public Works Director Espinoza what impact that would have on the slurry project scheduled for later this month. Mr. Espinoza noted that the materials to complete the project are on hand and the only thing he would need to do is contact the contractor that will be performing the work to delay the project. Discussion ensued regarding tabling a decision regarding the restriping project, with the Council ultimately concluding they would like to table the item and wait for other design options to better facilitate traffic flow on the street while causing minimum impacts to residents.

Police Chief Warren then provided the Council with traffic accident data for 2600 North east of Washington Boulevard over the past five years. He indicated there have been 10 accidents in that time frame and noted the majority of the accidents result from an illegal left turn failure to yield by vehicles accessing 2600 North from side streets.

The Council indicated they would like to hear additional public comments regarding the issue. Mayor Taylor noted that more comment could be taken on August 4 before a decision is made. The Council indicated they would like to hear additional comments this evening if there are members of the audience that would like to speak.

Council Member Stoker motioned to allow public comments regarding the restriping of 2600 North. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

Kent Bates, 532 E. 2600 N., stated his comment relates to restrictions on left turns on 2600 North; he feels that is a good idea, but feels it is only necessary to impose the restriction during peak traffic hours. Council Member Satterthwaite stated that may be difficult to enforce; Chief Warren agreed and added that he is unsure how visitors would be aware of the restrictions.

Steve Rasmussen, 1092 E. 3250 N., referenced the concept of prohibiting left turns on 2600 North and asked if that means that people will not be able to make a left hand turn from Fruitland Drive onto 2600 North. Council Member Bailey answered no and indicated that left hand turns from 2600 North would be prohibited. Mr. Rasmussen stated that it can be confusing to impose restrictions during specific hours and he would recommend that the City decide against doing that.

Stan Kippen, 629 E. 2600 N., stated during peak hours of the day the traffic on 2600 North is very thick and merging into traffic from driveways fronting 2600 North can be very difficult. He stated he would be supportive of controlling or redirecting traffic flow on 2600 North and he suggested that 3100 North be better utilized to handle heavy traffic flows.

Mr. Rasmussen re-approached and referenced discussions about restriping the section of the road from Washington Boulevard to the City offices; he wondered if there had been discussions about extending further to the east. Mayor Taylor stated the City would like to initially address the section of the road from Washington Boulevard to 550 East. Mr. Rasmussen stated that he would suggest working further to the east because he dislikes streets that narrow down fairly soon after an intersection because that scenario does not give drivers adequate time to merge into a single lane.

Mayor Taylor then introduced Utah Transit Authority (UTA) representative Eddie Cummins and asked for his input regarding the proposed project. Mr. Cummins noted UTA bus route 12 has high ridership in the area and there is a bus travelling through the area in question every 15 minutes; the most used stop is the one near the 7-Eleven convenience store and the bus pulls onto the road shoulder. He noted if the striping pattern is changed to eliminate on-street parking, that would be challenging for UTA and, instead, what would work best for UTA is to have a pull-out area that could be used upon the elimination and consolidation of bus stops on the road. Mayor Taylor stated that City Administration will continue to work with UTA to identify an appropriate location for a bus pull-out in the area that will facilitate extended stops by busses.

Council Member Urry asked Chief Warren to consider a policy in his department whereby Police Officers would ask drivers to pull onto a side street in situations where drivers are pulled over on a busy street.

A resident, no name or address given, suggested that a pull-out area be maintained on 2600 North to allow for people talking on their cell phones to pull onto the side of the road; many people pull off the side of the road in front of his home and use their phone and sometimes it is good to have such a place to pull over for such emergencies.

Jeff Newman, 2988 N. 450 E., addressed Mr. Kippen's comments regarding rerouting traffic to 3100 North; he noted that increased traffic on 3100 North would further worsen the traffic problems on that road, especially traffic related to the schools in the area. He suggested leaving 3100 North as it is.

Council Member Satterthwaite motioned to close the public comment period. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

Mayor Taylor thanked everyone who made comments this evening and noted that the item will be continued to a future agenda.

7. DISCUSSION AND/OR ACTION TO CONSIDER DEFERRAL OF SUBDIVISION IMPROVEMENTS FOR ORCHARD VIEW SUBDIVISION, FIRST AMENDMENT, LOCATED AT APPROXIMATELY 785 E 3000 N

A staff memo from City Planner Smith explained the Orchard View subdivision contains one lot and has an existing home. Adjoining this lot is a large agricultural parcel owned by the applicant.

The proposed subdivision is adding land from the agricultural parcel to enlarge and square off the lot boundary.

The applicant is requesting the City Council grant a deferral to construct the required subdivision improvements along 3000 North. The future Monroe Boulevard alignment will abut the west boundary of this lot; the subdivision design has been modified to account for that alignment.

On June 17, 2015, the Planning Commission granted final plat approval with the condition that the applicant request the City Council for a deferral of improvements.

3000 North currently has no curb, gutter, or sidewalk in the vicinity. Eventually the pavement will need to be widened and there is a possibility that a power pole may need to be moved.

The Technical Review Committee meeting was held on May 28, 2015 and provided comments. During the review the City Engineer found that the improvements along 3000 North would need to be installed or obtain a deferral from the City Council.

The proposed subdivision meets the requirements of applicable North Ogden City Ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential.

The memo reviewed the potential City Council considerations as follows:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and Zoning Ordinances?
- Should an improvement deferral be granted for the Orchard View Subdivision, First Amendment?

This is a policy decision. If the City Council determines that granting a deferral to install subdivision improvements is appropriate; then a deferral agreement will be prepared and brought back for approval.

City Planner Scott reviewed Mr. Smith's memo and reviewed a plat of the subject property to identify the location of 3000 North and the area subject to the requested deferral. He also provided a brief overview of the terms of the draft deferral agreement that was provided in each Council Member's packet.

Council Member Bailey stated that in the past when dealing with deferrals there have been discussions about taking an approach that would provide the City with solid standing and the ability to require installation of deferred improvements at the will of the City. He asked if the proposed deferral agreement is written in a manner that would facilitate that. Mr. Scott stated he would allow City Attorney Call to answer that question, but noted it is his opinion that it would be appropriate for the Council to adopt a policy regarding deferrals to provide some consistency within all deferral agreements. Mr. Call stated the agreement is similar to the agreement that was used for the Scadden deferral, with one minor change allowing the agreement to be assignable in the event that the property for which the deferral was granted changes hands. Discussion then ensued regarding the recordation of agreements, with Mayor Taylor noting that adequate

processes have been put in place to ensure that the City can meaningfully track all agreements to which the City is a party.

Council Member Urry referenced two properties to the east of the proposed subdivision and asked if improvements would be required of those properties were to develop in the near future. Mr. Scott stated there is a potential to require the improvements be installed at that time.

The applicant, Chuck Millet, referenced the map of the proposed subdivision; he noted the subject property was purchased in 2009 by his daughter and her husband and the City granted them approval to build their 'dream home' on the property. He stated the economic downturn occurred shortly after and they delayed construction. He stated he and his wife purchased the smaller home on the front of the parcel, but asked for a lot line adjustment to give them a larger lot that would encompass their garden and accessory structure. He stated, however, the mortgage holder would not allow for the lot line adjustment without calling the loan. He stated the mortgages were paid off last fall and he began to proceed with adjusting the lot lines; he and his wife will stay on lot one and this application is simply to adjust the lot lines to how they should have been when the subdivision was originally recorded. He stated he also agreed to move the western lot line to accommodate the future construction of Monroe Boulevard, but he clarified that he is not asking for a building permit for any type of construction on the property and he thought that this process would be very simple. He noted he has paid over \$1,400 for a survey of the property and the City is now asking for him to install curb and gutter. He stated he is retired and on a fixed income plus there is no other curb and gutter along the street. He added the installation of curb and gutter would require serious landscaping changes and the relocation of a fence; what is concerning to him is that the City is approving an agreement that he has not been allowed to review before tonight and if the agreement stipulates that he is subject to the City's whim to install the curb and gutter he does not want to enter into the agreement. He stated that he would be willing to pay his fair share to install curb and gutter as the rest of the area develops and costs are shared among multiple property owners, but he does not want to enter into an agreement that creates a liability for him, whereby, he could be required to install curb and gutter whenever the City decides that is necessary. He stated that he would like for the agreement to be amended to indicate that he will be required to install curb and gutter at the time that all other property owners on the street are required to make the same improvements.

Mayor Taylor provided some historical information regarding the City's perspective regarding sidewalk installation; the City Council adopted a policy that no sidewalk improvements would be deferred because the result was that many developed areas of the City lack sidewalk due to those deferrals that were never called upon. He stated there are still certain situations where it is reasonable to defer improvements because there may be no other development on the street. He stated the City simply needs the option, via agreement, to require the installation of the deferred improvements in the event that development of adjacent property occurs and the continuity of such improvements would benefit the area. Mr. Call added that the idea behind a deferral agreement is that it would not be called due until the entire street is improved; he has never seen a situation where one single property owner would be required to install the improvements without adjacent development being the catalyst for that requirement. He noted that the agreement technically indicates that the City can require the installation of the improvements and the property owner would be required to comply, but he has never seen that happen.

Council Member Urry asked if the construction of Monroe Boulevard around the corner from the property could be the catalyst for requiring the improvements. Mr. Call stated that would be up to the City to determine at the time Monroe Boulevard is constructed; if the deferral agreement is not entered into by both parties, the property owner will be required to install the improvements now rather than later. Council Member Urry stated he is comfortable approving the deferral, but communicated to Mr. Millet that the current City Council cannot bind future City Councils and if a future Council calls on the agreement that is their prerogative. Council Member Satterthwaite agreed, but added he believes the calling of the agreement would only be triggered by major development adjacent to the subject property.

Council Member Bailey motioned to approve agreement A16-2015 granting the deferral of subdivision improvements for Orchard View Subdivision, First Amendment, located at approximately 785 E. 3000 N. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER A PARK FENCE POLICY

A memo from City Planner Scott and City Attorney Call explained the City Council approved the construction of a fence next to Orton Park on May 26, 2015. The City Council request Staff to draft a policy wherein the City would share in the cost of construction and materials for fencing adjacent to City owned parks. Staff has prepared the attached resolution to address the City Council's request. The policy is divided into three sections. The first section identifies the appropriateness for having fencing, e.g., the commitment to having attractive and safe park facilities. The second section identifies under what circumstances the City will participate in the fencing costs, e.g., sets a maximum of 50% participation rate and the City will establish the style and type of fencing. The third section provides for an agreement between the City and property owners and how payments will be made. This is a policy decision; if the draft Fencing Policy is acceptable then the City Council may adopt the resolution.

Mr. Scott reviewed his memo and provided a general overview of the intent of the draft policy.

Council Member Bailey asked if the policy would permit a property owner to construct a fence directly on the property line between their property and City property. Mr. Call stated that the policy would require property owners to complete all work on their side of the property line. Council Member Bailey stated he is supportive of that because he wants to preserve the City's ability to construct an additional fence on the other side of the property line.

Council Member Satterthwaite inquired as to how the policy would apply to a situation where the City may decide to construct a park adjacent to a group of homes that have been in existence for 10 years or more; those homeowners may not have had a requirement or need to fence their yard to protect it from activities occurring in a park, but the City may now tell them that they are required to participate in the installation of a fence. Mr. Scott stated the draft policy would not require residents to participate in the installation of a fence and, instead, the City has the ability to construct a fence entirely at the City's cost. Council Member Bailey noted, however, that residents living near undeveloped parcels should expect that those properties may develop in the future and it may be necessary to fence their property upon that development. Mr. Scott agreed and noted that all property owners would be notified of any such development before it is approved by the Planning Commission or City Council so those residents would have the ability to provide input regarding this issue. General discussion of the draft policy continued, with Council Member Bailey indicating he is appreciative of the option to enact a policy as he has felt the City has needed such a policy for many years.

Council Member Bailey motioned to allow public comments on this matter. Council Member Urry seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

Garrett Frost, 783 E. 2100 N., stated that he is one of the property owners living adjacent to Orton Park where fencing between residential property and City property has been an issue. He stated that he chose his property knowing that it was adjacent to a City property and he understood it would need fencing; he worked with City staff to understand fencing regulations before installing his fence. He noted there is an easement across the back of his property and he surveyed his property and found that his property line falls within the rock retaining wall between his property and the park. He stated he was told that he could not install his fence within the rock wall, which was somewhat disappointing because it drastically reduced his fence height and ultimately his privacy. He stated that his concern is the type of fencing that neighbors will be permitted to install and he noted he would also like to preserve his access to the park through a gate in the fence in the event that the City installs an additional fence on their side of the property line. He added he would also like the City to consider a policy regarding the maintenance of the rock retaining wall between the park and residential property.

Mayor Taylor thanked Mr. Frost for his understanding and for working with the City to install his fence. Mr. Frost asked if the residents in the area will be notified if the City plans to install its own fence in the area in order for the residents to opt for a gate allowing them access to the park. Mayor Taylor stated the residents would definitely be notified of the potential installation

of a fence, but he is unsure whether residents could choose to have a gate in the fence to preserve their access.

Holly Remkes, 657 E. 2100 N., stated that she would choose to install a fence below the rock retaining wall and would choose a vinyl fence to prevent people from sticking their hands through the fence and potentially getting bit by her dogs. She stated she also understood that her property was adjacent to a park, but she is surprised by the fact that park visitors come onto her property and use her children's toys and even use her tree as a bathroom facility. She wondered what the next step is for her family in order to proceed with installation of the fence.

Mayor Taylor noted the Remkes' can proceed with installing the fence below the rock wall because that is definitely inside the property line. Ms. Remkes then echoed Mr. Frost's comments regarding the desire to have a gate in the City's fence to preserve her access to the park. Mayor Taylor recommended that Ms. Remkes include a gate in her fence and if the City opts to install a fence in the future the concept of a gate in that fence can be discussed. Ms. Remkes then asked if her fence should line up with the Frost's fence or with the Letcher's fence on the end; she wondered if the City is supportive of staggered fencing or if continuity is preferred. Council Member Bailey recommended that she align her fence with the fencing of her closest neighbor.

Council Member Urry stated that in his reading of the fence policy it is his understanding that residents would be responsible to pay the cost of a gate in a fence installed by the City. Mr. Scott stated the cost of the gate would be paid by the party requesting the gate. Mayor Taylor stated there may be unique situations, such as those near Orton Park, that will need to be discussed on a case-by-case basis at the time of the City's installation of a fence and a neighbor's request for a gate. He added that he is unsure whether the draft policy would apply to the fences between Orton Park and adjacent residential properties as some of the fences are already installed. Council Member Urry stated that if the policy indicates that the person requesting the gate will be required to pay for the gate, the policy should be enforced in all instances. Council Member Satterthwaite stated that may only apply to situations where one fence is being erected between City and residential property and the cost of that fencing is being shared with the exception of the cost for a gate, which would be paid by the requesting party. He stated that the residents living adjacent to Orton Park may be exempt from that section of the policy since they have already installed their own fence and included a gate in that fence. Council Member Bailey disagreed and stated he agrees with Council Member Urry's interpretation of the policy. City Attorney Call noted the policy indicates that the City would enter into an agreement with all private property owners adjacent to City parks; when entering into that agreement there will be a discussion regarding the sharing of costs and the installation of gates. He stated each property can be considered on a case-by-case basis at that time. Council Member Bailey stated he understands that, but noted that a gate in the fence between City and private property benefits the private property owner and no one else in the City and because of that he feels that the private property owner should pay for the gate, even if they have already installed a fence and a gate. He stated the cost of the gate should not be spread across all residents of the City. Mr. Call stated he does not have an opinion on the matter, but if the City wants to consider each property on a case-by-case basis there is a mechanism within the policy to do that. General discussion about the installation of a gate between private and public property continued, with Council

Member Bailey concluding he likes the policy the way it is written and noted that it offers some flexibility. Council Member Urry agreed.

Council Member Bailey motioned to adopt Resolution 06-2015 enacting a park fence policy. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	nay
Council Member Urry	aye

The motion passed.

9. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION FOR WEBER COUNTY LIBRARY

Mayor Taylor noted there has been much discussion over the past several months regarding the north branch of the Weber County Library, located in North Ogden. He noted the cities of Pleasant View, Harrisville, and North Ogden partnered together to make a joint presentation to the Weber County Library Board encouraging them to rededicate the bond proceeds allocated to renovate the existing library to instead relocate the library. He noted the rationale for the proposal is that the current site of the library is very small and does not allow for expansion of the building unless the adjacent skate park is removed; there is also no room to increase parking space and there is already much less parking space than exists at other libraries in the area. He noted the proposal is to relocate the library to the old Public Works Facility site north of Lee's Marketplace and the Library Board declined that proposal; the three cities feel the Weber County Commission should overrule the Board's decision and approve the relocation. He stated that a written statement has been signed by the Mayors and Council Members of all three cities and Council Member Bailey has suggested that a resolution also be considered regarding the issue.

Council Member Bailey stated that the resolution is a result of much work done by Mayor Taylor, Council Member Satterthwaite, and Pleasant View Mayor Mileski. He noted this is a matter of fundamental fairness and it appears that there was little or no representation from the north end of Weber County in the process leading up to the documentation and needs analysis that was used to ultimately gain approval of a \$45 million library bond in 2013. He noted that other libraries have seen great improvements and expansions, ultimately turning them into community gathering places. He indicated the north branch is intended to serve North Ogden, Pleasant View, Farr West, Plain City, and Harrisville; in the future there are plans to build a west branch library to serve the needs of Farr West and Plain City, but those plans are not definitive. He stated the north branch library is the most highly utilized library in the system per capita, yet it is only a third of the size of other libraries, such as the Pleasant Valley library. He stated it has become glaringly apparent to him that the north end of Weber County was severely underrepresented and there was no consideration given about how to provide the same level of

service to residents serviced by the north branch library. He added that many of the community outreach programs available through the library system do not come to the north branch library because there is not sufficient space; even with the proposed \$5 million expansion of the building, there will not be room for that programming and there will not be a large meeting or gathering space similar to those that exist in other libraries. He stated that upon the planned expansion of the basement of the library, the building would be 23,000 square feet in size, which is similar in size to the Huntsville library that services one-sixth of the population of the north branch library. He reiterated Mayor Taylor's comment that there is no room to expand the footprint of the building or to provide additional parking space. He noted the Pleasant Valley library has 220 dedicated parking spaces, the new south west branch in Roy has 290 dedicated parking spaces, the Huntsville library has 110 dedicated parking spaces, and the north branch library has 24 parking spaces with no room to expand. He stated the City has offered to donate an alternate site for the library similar to the donation of property for the original north branch library in 1983; the old Public Works Facility site has considerable commercial value. He reiterated the Library Board declined to accept the proposal made by the three cities so efforts are underway to communicate the issues surrounding the North Branch Library to the Weber County Commission. He asked that the Council consider the proposed resolution, which will ultimately be passed on to the Commission.

Council Member Satterthwaite noted that included in the resolution is the fact that the City was invited by the Library Director to offer an alternate site for the library, which the City has done. He added it is important to point out that the Library Director has indicated significant efforts have been made to save money on the renovation of the main branch library, up to \$2 million, and when asked if that money could be appropriated towards the north branch the answer was in the affirmative.

Council Member Bailey added the new library in Roy will cost \$23 million to construct; the City's existing library constructed in 1983 cost \$700,000; he noted he understands some of the difference in cost is a result of inflation, but he feels there is a great difference in scale between the two. He stated he would propose that the northern end of Weber County get a library similar to the Pleasant Valley facility based upon usage and other factors. He added the proposed resolution will also be considered by Harrisville and Pleasant View cities.

Council Member Satterthwaite added the Roy library, which will become the main library for Weber County, is larger than the libraries in Kaysville, Centerville, Bountiful, Syracuse, and Clearfield combined.

Mayor Taylor stated he has been pleased to see the City Council take a very active role in the discussion regarding this issue. He stated it is important to note that the City is not asking for a library similar to the Pleasant Valley library at this time because it may be necessary to wait until additional funding is available to complete such a project; instead, the City is asking that the Board take the money available to build a facility on a piece of ground that will allow for future expansion. He stated that the old Public Works Facility property is approximately three acres in size and he feels that should be reflected in the resolution. He added he feels it would be appropriate to offer some funding to cover site work or other components of construction in order to make negotiations with the Commission more successful. Council Member

Satterthwaite stated the Library Director has indicated that a new site would need to be four acres or larger in size; it was his understanding that the old Public Works Facility site was approximately 3.75 acres, but could be larger upon closing an access point to the property. He stated he feels the resolution should communicate that the property is closer to four acres in size. Mayor Taylor added that it may be possible to acquire additional property in the area to make sure there is four acres of property available for a future project. Discussion then centered on Mayor Taylor's suggestion of offering an additional financial contribution for the project, with the Council concluding they would prefer to wait and discuss that issue throughout continued negotiations regarding the project. Mayor Taylor stated that it is not necessary to include a dollar figure in the resolution, but it would be positive to include language indicating the City is willing to consider an additional cash or in-kind contribution to further the project.

Council Member Satterthwaite concluded he feels the resolution effectively communicates the inequities associated with the North Branch Library and he is comfortable proceeding.

Council Member Urry wondered if the City's library sees greater use because it is a traditional library rather than a community gathering place. Discussion regarding this concept ensued, with Council Member Urry noting he feels the only reason that any money was offered to the expansion of the north branch library was to get the resident of the area to vote in support of the bond. Council Member Bailey agreed and noted he feels that has been borne out in continued review of the plans for the facility. Upon further discussion the Council concluded it is not necessary to amend the resolution relative to the size of the site and the City's ability to contribute funding to a future project; such issues can be discussed further as negotiations regarding the subject continue.

Council Member Satterthwaite motioned to adopt resolution 07-2015 encouraging Weber County to recognize the significant shortcomings of the existing North Branch Library site as a "community gathering place" library and consider a new proposed site for the North Branch Library as they allocate funding to construct and upgrade County libraries using the \$45 million bond approved by taxpayers in June 2013. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO AMEND THE FY 2015-2016 CONSOLIDATED FEE SCHEDULE

A memo from City Administrator/Finance Director Steele explained that even though the Council passed the new Utility Fees in June, not all of them were included in the Consolidated Fee Schedule that night. The Consolidated Fee Schedule included in the packet reflects the fees passed by the City Council that night. They include:

- Period of assessment for Business License Late Fees
- Sewer Fees
- Storm Water Fees
- Solid Waste Fee
- Transportation Utility Fee

Mr. Steele reviewed his staff memo. The Council engaged in general discussion regarding the changes to the fee schedule, with a focus on utility fees for commercial and residential connections.

Council Member Urry asked if recreation fees have been adjusted in the fee schedule. Mr. Steele stated they were adjusted in the previous amendments to the fee schedule.

Council Member Bailey motioned to adopt resolution 08-2015 amending the Fiscal Year 2015-2016 Consolidated Fee Schedule. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR REIMBURSEMENT TO WIDEN MOUNTAIN ROAD, LOCATED AT APPROXIMATELY 3250 N MOUNTAIN ROAD

A memo from City Planner Scott explained the Taylor Hills Subdivision contains 7 lots and is located at approximately 3250 North Mountain Road. The property is currently vacant. This subdivision will provide a connecting link on Mountain Road between two existing subdivisions (Northcrest and Indian Cove). The property sits on a hillside with some fairly steep slopes.

As part of the subdivision requirements the developer is required to put in the improvements. The City agreed to reimburse the developer for the future widening of Mountain Road from a sixty-six (66) foot right-of-way to an eighty (80) foot right-of-way. The engineer shows in

Exhibit A (in the packet) in the agreement, the amount the City will reimburse in the amount of \$15,857.00. This amount could be adjusted based on actual invoiced cost amounts approved by the City Engineer.

The proposed subdivision meets the requirements of applicable North Ogden City Ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for Mountain Road to be extended to complete access through the City.

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

- Does the proposed subdivision meet the requirements of the applicable City subdivision and Zoning Ordinances?
- Should a reimbursement agreement be granted for the Taylor Hill Subdivision?

This is a policy decision. If the City Council determines that granting a reimbursement agreement for the widening of Mountain Road is appropriate then the City Council should approve the attached agreement.

Mr. Scott reviewed his memo.

Council Member Bailey inquired as to the source of the funds to cover the City's contribution to the project. Mayor Taylor stated it will be necessary to amend the budget to allocate funding to the project and that action will come before the Council.

Council Member Urry asked if the City requires an 80 foot right of way, to which Mr. Scott answered yes. Council Member Urry wondered why the City is participating in the cost of providing an 80 foot right of way; he indicated he feels the developer should be responsible for the entire cost. City Attorney Call indicated there is case law regarding the exaction cities can impose for transportation fees; cities can only take an exaction equal to the burden a development may be imposing on the system. He noted that the standard development does not impose an 80 foot burden on the City's system, but rather it imposes a 66 foot burden so the City cannot require the additional 14 feet unless it is possible to show that it can be required. Council Member Urry asked if the similar situation will occur with the development of Monroe Boulevard; he wondered if the City will be required to participate in a portion of the construction of that road based upon the City's inability to show that an 80 foot right-of-way is required. Mr. Call stated that will depend upon the size of the subdivisions being constructed adjacent to Monroe Boulevard; if the number of houses will create a level of traffic requiring an 80 foot right-of-way then the City can impose the exaction. He added that each new resident will eventually pay a traffic impact fee and those impact fee revenues can be used to pay the City's portion of widening roads.

Council Member Bailey suggested that the City implement a standard requiring 80 foot roads for all developments. Council Member Urry agreed. Mayor Taylor stated the City would end up with roads much wider than needed throughout the entire City. He addressed the subject application and noted that it is a seven lot subdivision and for subdivisions of that size local roads are required; however, nearby, the City has plans for a larger collector road so it makes sense to make the entire right-of-way 80 feet to serve as a collector. He stated seven homes is

not large enough to require a collector road and it makes sense for the City to pay for the upsizing of the road. Mr. Call agreed and stated the same analysis is used for underground utility infrastructure; by participating in upsizing of needed infrastructure, the City is saving money in the long run because it prevents the need to come back at a future date and upsize roads or utility infrastructure.

Council Member Bailey suggested that the City work quickly to implement a transportation impact fee to provide funding sources for these types of projects.

Council Member Satterthwaite motioned to approve agreement A17-2015 for reimbursement to widen Mountain Road, located at approximately 3250 N. Mountain Road. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION TO CONSIDER AN UPDATE OF BUSINESS LICENSE CODE TO REFLECT CHANGES

A memo from City Administrator/Finance Director Steele explained at the June 16, 2015 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 we have to make the change to be reflected in the code and not just on the Consolidated Fee Schedule.

Mr. Steele reviewed his staff memo and reviewed Section 4-1-5 of the City Code where the proposed changes will be included.

City Recorder Spendlove noted that no ordinance has been drafted to allow for the amendments to the Code to be approved and it is necessary to table the item until the next meeting. Mayor Taylor declared the item tabled until the next meeting.

13. DISCUSSION TO CONSIDER A DEVELOPMENT AGREEMENT BETWEEN CHARTWELL CAPITAL PARTNERS AND NORTH OGDEN CITY

Mayor Taylor reported Chartwell Capital Partners has asked that the City consider entering into a development agreement for an independent living senior housing facility. He noted that the

agreement is not being presented for action this evening; rather, he wanted to receive feedback from the Council regarding the content of the agreement.

The Council had a general discussion about the agreement, with a focus on access to the property upon which the development would be located from Washington Boulevard.

Council Member Urry expressed his concerns about the developer's request for the City to participate in demolition of existing buildings on the property and the cost to install infrastructure. Mayor Taylor noted that the property is located within the City's Redevelopment Agency (RDA) Area and there is funding available for those types of things. Council Member Urry stated that the developer is asking the City to contribute \$100,000 to support the project. Mayor Taylor stated that is correct, but noted that the project will generate \$500,000 in estimated tax increment over the lifespan of the RDA area meaning the project will create a net gain for the City.

Council Member Urry suggested that other issues related to the proposed agreement be discussed in a closed session. Mayor Taylor agreed that would be appropriate and noted he will ask for a closed session at the conclusion of tonight's meeting.

14. PUBLIC COMMENTS

Steve Rasmussen addressed the previous discussion regarding transportation impact fees and he asked how quickly developers will be required to pay impact fees for developments currently underway. City Attorney Call noted there is a 90 day waiting period after the creation of an impact fee before the City can begin charging the fee. Mr. Rasmussen asked if the City will be able to charge the impact fee for any of the homes being constructed in the Mystery Meadows Subdivision. Mr. Call stated the fee is charged when the building permit is issued so there may be homes in the Mystery Meadows Subdivision that are assessed the fee. Mr. Rasmussen encouraged the City to act as quickly as possible to enact the impact fee because there are some current subdivisions underway that will have a great impact on the City's transportation system. He also asked if there will be a commercial transportation impact fee, to which Mr. Call answered yes and noted the impact fee analysis will include a formula that will be used to determine appropriate non-residential impact fees. Discussion ensued regarding the process that must be followed to enact an impact fee, with Mr. Call noting there are two fairly complicated documents that must be developed in order to enact an impact fee. Mayor Taylor added that the City recognizes that it is necessary to require new development to contribute to funding needed improvements in the City and the City Council is trying to do the right thing to make that possible.

15. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Urry reported he met with the president of the Senior Citizens Advisory Board and before it is possible to move forward with amendments to the Board's bylaws, it is necessary to ensure that a proper agreement between the City, County, and Weber Human Services is in

place. He stated the Mayor has agreed to schedule a meeting to discuss the issue with Weber Human Services further. He added that Mr. Steele provide him proof that the City owns the building and he will provide that information to the Board as well.

Mayor Taylor thanked staff and volunteers for their work to make the recent Cherry Days Celebration a great success. He then asked the Council to convene in a closed session for the purpose of discussing character and competence of an individual as well as the property purchase.

Council Member Satterthwaite motioned to convene in a Closed Meeting to discuss the character of competence of an individual and the purchase, exchange, or lease of real property according to Utah Code 52-4-205. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

The Closed Meeting began at 10:55 p.m. The meeting reconvened at 11:39 p.m.

16. ADJOURNMENT

Council Member Bailey motioned to adjourn. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 11:39 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved