

NORTH OGDEN CITY COUNCIL MEETING MINUTES

March 9, 2010

The North Ogden City Council convened in regular session on March 9, 2010 at 5:30 p.m. at the City Offices. 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 March 5, 2010.

PRESENT:	Richard Harris	Mayor
	Martha Harris	Council Member
	Wade Bigler	Council Member
	Ron Flamm	Council Member
	Carl Turner	Council Member
	Brent Taylor	Council Member
STAFF PRESENT:	Edward O. Dickie	City Manager
	Annette Spendlove	City Recorder
	Gary Kerr	Building Official
	Polo Afuvai	Police Chief
	Craig Barker	Community Development Director
	Julia LaSeure	Commercial Development Coordinator
VISITORS:	Dave Hulme	Shirley Nigro
	Natalie Nigro	Helen Taylor
	Ivan Barker	Bob Napoli
	Ammon Turner	Aaron Cain
	Judie Reese	Richard Reese
	Ned Malan	Ronda McLendon
	Taylor Spendlove	Michael Griffiths
	George Parsons	Tina Marie Fowler
	Steve Hampton	Dave Meents
	Kelli Hiatt	Lloyd Peterson
	Austin Halbert	Christopher Protzman
	Colby Widdison	Casey Bond
	Darin Peterson	Jenice Jones
	Carrie Neeld	Ray Garner
	Karla Chugg	Bruce Higley
	Merlin Clark	Mike Westbroek
	Shawn Maynard	Whitt Woods
	Julie Woods	Rachel Trotter
	James Powell	Jeff Price
	Marilyn Nye	Kerry Walker
	Bill Goss	Kathy Goss

WELCOME

Mayor Harris welcomed former Council Member Bob Napoli, former Planning Commission Chairman Ivan Barker, and Planning Commissioner Dave Hulme and thanked all the visitors for attending.

Mayor Harris explained that North Ogden City was honored by Weber State University at a men's basketball game this past January and he received a signed ball from the players.

Edward Dickie gave the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

2. Consideration and/or action to approve minutes of the February 23, 2010 meeting.
3. Consideration and/or action to set April 13, 2010 as the date to hold a Public Hearing regarding Business License fees.

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

Voting on the motion:

Council Member Harris	yes
Council Member Taylor	yes
Council Member Turner	yes
Council Member Flamm	yes
Council Member Bigler	yes

Motion passed.

4. Public Comments.

Mayor Harris stated that a Public Hearing will be held later this evening to discuss a portion of the sign ordinance regarding community/special events signs. He asked visitors to hold comments regarding that issue until then; other comments are welcome now. Visitors were reminded to speak directly into the microphone and state their name and address for the record.

Ned Malan, a 55-year resident of North Ogden, stated that he has paid his City business license for years and years and was recently told that he could not put out a sign to sell fire wood to feed his family. He stated that he tries to behave and live within the confines of what the Lord would like. He asked the City to cut people a little slack. He asked that they do away with business licenses like they did in Nauvoo. He knows there needs to be some regulations but he has not bothered the City. He hopes and prays for some relief; everyone is trying to get by and the little guys like him need a little slack. He lives on \$10k or less and would like anyone here to try and get by on that amount. He thinks the staff could be cut and jobs should be doubled up.

5. Presentation of Service plaques to Bill Goss, Merlin Clark and Roy Cottam.

Mayor Harris explained that this is a special presentation and he was honored to be a part of it. He asked Bill Goss, Water Supervisor, to come forward to receive a plaque for his 27 years of service. The Council and staff wishes Bill the best in his retirement.

Mayor Harris presented a plaque to Merlin Clark for his 30 years of service. Merlin was the Motor Pool Supervisor and has done a great job of keeping the City's equipment running. He will be coming back part-time to help out.

Mayor Harris presented a plaque to Roy Cottam for his 27 ½ years of service to the City. He has done a marvelous job in the City keeping the roads and infrastructure in good repair. He will also be coming back part-time.

5. Presentation on spring loaded air guns.

Mayor Harris explained that a Boy Scout Troop was present at the last meeting and requested that the City take a look at allowing Airsoft guns within the City. Chief Afuvai was asked to share his feeling on this request.

Chief Afuvai showed the Council an Airsoft gun that had been confiscated, possibly from one of these young men. He stated that he didn't know how much the City Council wanted to delve into this but he had made a few notes. Airsoft is the name of a game people played for fun and also as a way to better their marksmanship skills. Players use military tactics to play a form of tag. Airsoft guns are replicas of actual guns. They come in many forms such as the AK-47, M-16, Uzi machine gun and so on. The difference is the orange color on the tip of the gun. These guns come with a warning that unsafe use may cause injury or death and these guns should only be used by persons 18 years or over. Chief Afuvai said he had contacted Wal-mart and Big-5. Their policies prevented them from selling guns to anyone under the age of 18. Chief Afuvai had also brought copies of city ordinances from three other cities; Ogden, South Ogden, and Centerville. They were all identical to North Ogden City's ordinance and did not allow the use of Airsoft guns within city limits. Chief Afuvai reviewed the North Ogden City ordinance regarding the discharge of a fire arm in the City limits and stated that this ordinance does not prohibit the use of toy guns, bows and arrows and other similar children's toys.

Council Member Flamm stated that from the time he was a kid they were playing cops and robbers with bb guns, etc... in fact you could still hunt in the City. He wonders about the toy guns sold in stores all the time and those that use gun powder. Airsoft guns don't hurt much and paint balls have been around a long time. The kids want to play but they don't want to do anything illegal. Chief Afuvai stated that the ordinance was written to protect people. If a crime were committed with an Airsoft gun that person would be charged as if they were carrying a real weapon. Young kids are taking these guns to school and there has been a lot of damage. Kids can get hurt and property has been damaged.

Council Member Flamm asked if there is any way the City could set up an area for the kids to play with them. Chief Afuvai stated that it is not his place to have an area for the kids to do their tagging. He is afraid some kid will accidentally hit someone in the eye and that the blame is going to ultimately be put on the City. He explained that the City had a case not too long ago at Green Acres; four or five young men had Airsoft guns. The officer told them to be safe and to go home and talk to their parents. One of the parents called and the officer explained what the ordinance was. There were no problems; no one was cited. Chief Afuvai said he feels that the City should give that responsibility back to mom and dad.

Council Member Flamm asked whether somebody could work with the Chief to put something in their backyards. Chief Afuvai stated that they have done that. If the area was safe, the property owners contacted the neighbors and that property owner assumed responsibility, there wouldn't be a problem.

Council Member Flamm asked if a parent approached the Chief is there a possibility that he would work with the boys to set up an area to do that. Chief Afuvai stated that he would if the parents were aware of the issues.

Council Member Taylor stated that he uses these guns with his brothers and they have never had concerns about damage to property. He would like to see the ordinance enforced for shooting when there is bad behavior involved, not just have the City impose a blanket prohibition.

Mayor Harris stated that it is up to the City Council ultimately. Chief Afuvai mentioned the safety of his own officers and stated that there is some concern there also. Chief Afuvai stated that it is tough for officers at a distance and in the dark to determine whether it is a real gun or a fake gun. They wouldn't be able to see the orange. The Chief also expressed concern that someone might paint that orange black to make it look like a real gun or paint the barrel of a real gun orange to make it look like a replica.

Council Member Bigler agrees that the safety of the officers and residents using the Airsoft guns should be considered. He said sometimes we love our kids so much that we have to tell them no. He indicated he would not like to see the ordinance changed.

Council Member Turner stated that his boy has an Airsoft gun, an AK-47 and it looks like an AK-47. He is concerned about the kids going outside the city limits; he doesn't see anything in the ordinance about carrying them. What happens if a group of kids are walking down the street carrying AK-47 lookalikes? Council Member Turner said he agrees with Council Member Bigler that the ordinance should not be changed although he would like to have the issue of possession and transportation of the Airsoft guns addressed. Chief Afuvai stated that they have gotten these calls in the past.

Mayor Harris thanked Chief Afuvai for his hard work in keeping the City safe. It is his great leadership that keeps our community safe and quiet.

Council Member Taylor asked how other children's guns were allowed under this ordinance. He said he thinks the Council needs to look at possible inconsistencies in this ordinance. Chief Afuvai stated the problem is the way the air guns are manufactured. They look very similar to real guns. Council Member Taylor stated that this needs to be revisited.

6. Public Hearing to take comments regarding amendments to Chapter 22, "Sign Regulations for All Zones" of the North Ogden City Zoning Ordinance. (Special Events).

Craig Barker, Community Development Director, referred to the staff report and cautioned the City Council that some people may want to talk about other signs. He stated this Public Hearing was being held to discuss the sign regulations for special events or events regarding community events. Those events could include the Civic League's Art Festival, North Shore's Beach Bash, the Kiwanis Club, Homecoming etc... This ordinance addresses the signage needs for those events and only special events held by these types of organizations. Sales, etc... are not included under the definition of Community

Signs. Community signs are defined as any sign used solely for the purpose of advertising or announcing a special community-wide event or activity conducted by, sponsored by or on behalf of local government, public or private schools, charitable or non –profit organizations. These events do not occur more than twice in a twelve month period and they seek to include everyone in the City.

Mayor Harris explained that these are the types of signs being discussed this evening. He asked if the Council had any questions.

Council Member Harris stated that when the ordinance refers to a community sign the events being advertised are not defined as only those events being held in the community of North Ogden. What if a different city in the county wanted to put up a sign in North Ogden that competed with our event? If any city chooses to advertise here do they fall under this umbrella? Mr. Barker said he didn't think so but he has wondered about it. He said the Council may need to address events that are external to our City. Do we want to allow these signs only for events that happen in our City and interpret it that way in our ordinance? Mr. Barker said he has been doing some research on how this might be done.

Council Member Flamm referred to signs used for hiring employees at the pool. He didn't feel very comfortable about the City putting these up around town when the City wouldn't allow Mr. Malan to put up a small sign to sell fire wood. Mr. Barker stated that Mr. Malan is allowed to put up a sign; what is prohibited is the way he wanted to do it and his unwillingness to pay a fee to do it. Mr. Barker also said the Council can modify this ordinance at any time if they so choose.

Council Member Flamm stated that people want to be able to share their messages and the Council needs to be very sensitive to people's concerns. Mr. Barker said he agreed that the Council needs to provide venues and methods to do that even if we don't agree with them. He said how the Council presents the opportunity and what they must do to take advantage of the opportunity are the mechanics that are contained in a sign ordinance.

Council Member Flamm asked about the process if someone wants to put up a community sign. Mr. Barker explained that for these types of signs and only for community signs, the sponsor would come in with a sign plan and get a permit approved by City staff. We think that is a reasonable thing to do. Staff will look for potential public safety issues; if we need to we can ask Public Works or the Police Department for comments regarding any such issues. If there are further concerns then the application would then go to the Planning Commission. Once the Planning Commission gives its approval or City staff approves the plan then the sponsors must also get the approval of the property owners where the sign will be placed. Once this is done then the signs can be up ten days prior to the event and until two days after the event.

Council Member Bigler stated that he came in on Monday for clarification on this. He explained that this is a loosening of the reins; these types of signs are not currently allowed. Craig Barker stated that is correct; this is section (2) (F) the wording in section F is new. Mr. Barker recommended the Council examine the existing City Ordinance to gain an understanding of how the new language would fit in.

Council Member Turner stated that he didn't see anything mentioned about putting these signs in the park strip. Craig Barker stated that on the second page it states these signs will be allowed in park strips with the permission of the property owner. One problem that will come up is along Washington

Boulevard. The Utah Department of Transportation (UDOT) owns the land between the sidewalk and the street. They may not want to have signs on their property. This means the owners of the signs must get permission from the appropriate public agencies. Craig Barker said he would contact UDOT before this comes before the Council for their consideration. He said he didn't know if the State would have any kind of review process.

Council Member Taylor mentioned that nonprofit groups vary and could include political action groups and controversial issues. He asked whether those signs would be allowed. Craig Barker stated that is an interesting question and he doesn't have the answer. Craig Barker said this should be discussed with the City's legal counsel. Council Member Taylor suggested having staff tighten up the language in this section.

Mayor Harris opened the Public Hearing at 6:22 pm for comments on this particular ordinance.

Dave Hulme, 513 E. 1700 N., stated that he thought Council Member Taylor's comment was really good. The KKK is probably a nonprofit organization; what if they were to come in under this ordinance. Mr. Hulme asked about community events held outside of the City. There is a Lutheran Church and Catholic Church just outside the city limits as well as Weber High and Orion Jr. High. He wouldn't want them prevented from advertising their events in North Ogden. Mr. Hulme said he thinks non-competing events like that should be permitted.

James Pelt, 709 E. 1900 N., stated that a while ago the Police Chief mentioned an incident with an Airsoft gun; that was his child who was hit with one. He felt it occurred because she lived at the time with a single mother. If he had been in the home, he felt it wouldn't have happened since she has been living with him there have been no problems. The Scouts have merit badges for archery, etc... and Mr. Pelt said he thinks it is good to be able to learn to shoot and handle a gun.

He stated that he put a sign on the carwash and he was told it had to come down. He said he felt that North Ogden is not a business friendly City. Hopefully with new City Council Members it will change. Mr. Pelt said he wasn't here on behalf on Lee's or Bull Frog Spa but rather he is here on his own. The North Ogden City ordinances are such that he doesn't know if he wants to reopen his business in North Ogden.

Jo Canfield, owner of Yoga Jo's at 2120 N. Washington Blvd., stated that she used to put signs up but was threatened by the City. She mentioned that she got another verbal warning and it wasn't her sign. This ordinance isn't enforced with any consistency. The Pilate's Body sign was up for two years until the wind blew it down.

Ivan Barker, 177 W. 3325 N., former long-time Planning Commission Chair, stated that he can recall sitting through hundreds of meetings over 15 years talking about signs. The Planning Commission could never come up with the language that would allow non profit signs because the City cannot regulate the content on the signs. Mr. Ivan Barker said he was glad he isn't sitting on the other side of the table; adding there is the potential for having serious unintended consequences. When content gets out of control this will have to be revisited and the City will try to limit it again.

Council Member Harris moved to close Public Hearing at 6:30 pm. Council Member Flamm seconded.

Voting on the motion:

Council Member Harris	yes
Council Member Taylor	yes
Council Member Turner	yes
Council Member Flamm	yes
Council Member Bigler	yes

Motion passed.

7. Discussion and /or action to adopt Resolution 02-2010, authorizing the Quit Claim of property to the North View Fire Agency.

Annette Spendlove, City Recorder, stated that when North View Fire became its own agency a small piece of land was left off that should have been quit claimed to them. This should have been done a few years ago. This will allow the fire agency to move ahead on their bonding for the new fire district.

Mayor Harris asked if this is strictly a housekeeping item. Annette Spendlove stated yes.

Council Member Flamm move to adopt Resolution 02-2010 authorizing the Quit Claim of property to the North View Fire Agency. Council Member Harris seconded.

Voting on the motion:

Council Member Harris	yes
Council Member Taylor	yes
Council Member Turner	yes
Council Member Flamm	yes
Council Member Bigler	yes

Motion passed.

8. Discussion and/or action to adopt the Resolution 03-2010, approving the contract for Miss North Ogden pageant applicants.

Annette Spendlove stated that it has been some years since this contract has come before the City Council. The contract contains two exhibits, 'a' and 'b'. The Miss North Ogden Pageant is affiliated with the Miss America Pageant and exhibit 'a' is part of their contract which provides the guidelines the Miss North pageant must follow and information about the contestant. North Ogden City can also include requirements for the contestants. Exhibit 'b' was changed to reflect those proposed changes requested by the Council during its last meeting.

Council Member Bigler moved to adopt Resolution 03-2010 approving the contract for Miss North Ogden Pageant Contestants. Council Member Flamm seconded.

Council Member Taylor stated that he did vote against funding the pageant but since it has been approved he will vote in support of this item to make sure we have the proper things in order.

Voting on the motion:

Council Member Harris	yes
Council Member Taylor	yes
Council Member Turner	yes
Council Member Flamm	yes
Council Member Bigler	yes

Motion passed.

9. Discussion only regarding the North Ogden City Sign Ordinance.

Council Member Bigler said he appreciated the opportunity to express his views and feelings on business advertising issues that he feels strongly about. He is not trying to do this in the spirit of attacking anyone but wants to focus on what he feels is right. He thinks the City has been micromanaging too much. He has talked to other cities that are our size or larger. Council Member Bigler said he didn't find any that had sign ordinances stricter than or equally as strict as what North Ogden City has.

Council Member Bigler read the purpose as stated in the sign ordinance which states "These sign regulations are intended to encourage attractive, effective and adequate signs for businesses and services, while promoting the general welfare of the community by creating safer frontages through the use of controlled signs." He feels the shorter wider signs are more of a hazard for drivers than taller pole type signs would be. Council Member Bigler said he thinks that the main reason for some of these restrictions is the issue of the attractiveness of the City. That's the first thing mentioned and safety comes later. He asked who determines what is effective and adequate for businesses and suggested that the Council should listen to those who own businesses. The speed limit along Washington Boulevard is 50 mph and without adequate advertising it makes it extremely difficult for North Ogden businesses.

Council Member Bigler stated he is concerned with a section of the sign ordinance under "Special Regulations". This section states, "All business shall be conducted wholly within an enclosed building except for the sale of gasoline and oil by service stations, the parking of automobiles, service to persons in automobiles, Christmas trees sales, fruit and vegetable stands, fireworks stands and garden supplies." He said he felt that fundamentally this and some of the other stipulations in the ordinance are not the place for city government. Council Member Bigler said he didn't think the City can enforce this law with the manpower we have; we have Smith's water softener pellets, propane tanks, outdoor patio sets, charcoal, fire wood, bark, and newspapers, ice melt, pop machines, and bottled water. It goes on and on. This is a hard ordinance to enforce and the City has been inconsistent with the enforcement of these laws that we created. Council Member Bigler said he felt if it is important enough to make a law then it is important to enforce it. He said he would hope that instead of that the Council would reverse this one. He stated he felt it was trying to micromanage things. Why shouldn't a business be able to advertise on their property? The perception is that North Ogden is not business friendly. The City says we want to attract new business to North Ogden but why should they come? It is a hard sell when other cities will allow them to advertise outside. We may be picking on some business owners more than others because

we certainly aren't being consistent about enforcement. Council Member Bigler asked why is it legal for a business with no connection to the City to come in and have a sale in a parking lot while a business, that has made a major economic investment in our community, is prohibited from having a sale in their own parking lot. Ned Malan can't sell firewood on his own property but we let someone else come in and sell fireworks. Council Member Bigler said he does not think that government has no role in governing any of this. He said that in his opinion there are protection issues as stated in the Constitution and that isn't just physical protection. It is to protect a way of life. If there are suggestive signs that go up, it shouldn't be a free-for-all. These are things that hurt our children and our way of life. However, if it isn't a protection issue but rather complaints about what it looks like then Council Member Bigler said he didn't feel that is a road that the City should go down or be involved in.

Council Member Bigler said he had another concern the prohibition regarding commercial signs on trailers, boats, etc...that are parked continuously for more than 24 hours on the premises of a business and which sign advertises a product or service available on the premises. This means that any business that has their logo on a vehicle cannot park that vehicle on their own property for more than 24 hours without breaking the law. Council Member Bigler said he felt it was a legitimate concern when business owners have come before the Council to discuss this. He said that whatever the interpretation is, that is what the ordinance says and they are breaking the law. He explained that he, as a resident, had come to the City to get some kind of interpretation on this law. For example, why can Pizza Man park their vehicle at their business location but Bullfrog Spas who has a bigger trailer with advertising on it, can't park it in their parking lot. The principal is the same. The trailer is a method of delivery of hot tubs; the Pizza Man truck is delivering pizzas. The pizza truck just happens to be smaller. The explanation is that Bullfrog Spa is trying to advertise their business with the bigger vehicle. Council Member Bigler asked why wouldn't we want to help them to survive as a business. This isn't a safety issue; it is their parking lot. Shouldn't the City be doing everything it can to help this business thrive? He said legally, this is not a safety issue, it is an aesthetics issue and where does the City stop with that? What if some neighbors got together and complained that they didn't like the color of paint on a resident's truck. They then come to Council for a law that would restrict the owner from parking it in his driveway? This seems silly but Council Member Bigler said he felt the situation is fundamentally similar to what the City is doing with businesses. The language in the ordinance doesn't indicate whether the vehicle is smaller or bigger, it is illegal to park it on the property of that business for longer than 24-hours if it has a commercial logo on it. A large unattractive front-end loader could be legally parked there for over 24-hours. He said he felt this is fundamentally wrong.

Council Member Bigler cited one more section in the ordinance. The section states a business cannot put advertising on their windows that covers more than 25% of those windows. This 25% applies to each window not an aggregate of all the windows in the building. He asked Council Members to go around the City tomorrow and see what the businesses look like. Virtually everyone is breaking this law. Why micromanage that? Some things are very important and some are not. Council Member Bigler said he felt there is no way we can enforce all these things and he said he felt the City shouldn't try. Businesses are private property and he said he felt strongly that the City should allow them to advertise on their windows. If there are safety issues attached to this he would like to be informed because he does care about the safety of the community.

Council Member Bigler stated the last item he would like to discuss is regarding the size of signs and type of signs allowed in the sign ordinance. He said the Walker Theater would like a new sign. They

purchased the theater and then put millions into updating and improving it as an asset for our community. They would like a new sign to match their Perry Theater which any business that has multiple locations would like for the business recognition. Council Member Bigler said he would love to see the City allow that. It is a safety issue going 50 mph down Washington and looking to find out what movies are playing. It would be much safer to have a nice big sign right there to see what is playing. Council Member Bigler said he, along with others he has spoken with, has missed the theater entrance because the sign is too small to see. He said he felt it would be safer to allow them to have a larger sign. Some cities have a separate theater sign ordinance that allows the theater to advertise each movie as though it were a separate entity (or business). It can then be seen and would be similar in form to the shopping plaza signs now allowed in the City. He would love to see that happen.

Council Member Bigler also commented on Council Member Harris' referral to the City's liquor law. He said he would also like to take a look at the liquor law, even though there may be those in the community who are opposed to that and some in favor. They don't have to partake of it if they are opposed. He said he has contacted other cities to ask whether there are more police calls, drunk drivers, fights, etc... associated with these types of businesses (Chili's, Applebee's etc). The answer was absolutely not. If we could bring that up with some of these other things it could help all the businesses in the City.

In wrapping up his comments, Council Member Bigler said we have wonderful residential areas in North Ogden City; gorgeous open spaces, parks, trees, rolling hills but a very limited business corridor along Washington Blvd. He said he felt it was almost as though the City is trying to make this business corridor part of the residential area. He hopes we can make it a thriving business district with signs and advertising. Council Member Bigler said he doesn't want things out of control and he agrees that there will be guidelines but it is currently way too restrictive. Council Member Bigler said he would like to propose, as Edward Dickie, the City Manager suggested at the last Council meeting, we hold a public business workshop which would include the City Council and Planning Commission and have North Ogden business owners come in to discuss their concerns with these bodies. This could also include local residents. Then the City Council and Mayor can ask the business owners questions in return. Council Member Bigler said what he would like to see happen in this work shop is for the City Council and Planning Commission to just sit and listen and then be free to ask any questions they may have. The City isn't doing its businesses any favors. He would like the Council to hear directly from the business owners and citizens rather than a committee. Then at the end of the work shop, Council Member Bigler said the Council can have more discussions or make some decisions.

Council Member Turner stated that the only way we can solve this is with a workshop type session because there are a myriad of issues here including things such as ADA. Council Member Turner also mentioned that the existing sign at the theater could be almost twice as big as it currently is under the existing sign ordinance. While he doesn't necessarily disagree with Council Member Bigler's comments he does have some concerns about big neon signs. Council Member Turner said he likes the idea of a work session and would like to hear how the business owners feel about it.

Council Member Flamm said he also likes the idea of a work shop. He would like to have it held during an evening though so North Ogden residents can also attend. He suggested the first Tuesday in May.

Council Member Harris mentioned that she has been through a lot of this before. One caution she would give everyone is that it is not wrong to revisit this or get additional comments. As a city evolves and as needs change city government needs to listen to that. She said she wants to be very cautious so that any changes that are made need to be thoroughly researched as far as what will that look like. She suggested photoshopping signs from other cities into places in North Ogden City to show the citizens what these signs will really look like. Signs are very expensive so any business changing their sign wants to know that this is an investment that will hold its value over time. The signs need to be in keeping with the City's commercial design standards and should be included in that ordinance. Council Member Harris said there should be no expectation that after a workshop there will be a rapid change. There should be a process that gathers a lot of data, research from other cities and a lot of opinions. North Ogden doesn't want to replicate something that has failed in other cities. She said she would like to see the process begin. She said she is a firm believer in process but is not a firm believer in reacting as emotion or opinion drives us. There is a process and Council Member Harris said she thought we all should be willing to participate in that.

Council Member Taylor said he supports looking at various sections of the sign ordinance in an effort to create a better business climate. He said he felt, however, that a controlled approach should be taken. There could be a lot of possible unintended consequences here. He thinks this sign ordinance goes beyond reasonable but he doesn't want to mirror some cities where the signs are very crowded and overbearing. Council Member Taylor said he felt we need to look at perception vs. reality. He agrees that a work shop is a great start but to really go through this and look at the consequences we will need a good committee to review the ordinance and other issues. We need to create a strong business community. Council Member Taylor said he felt the Council could build on the workshop to create a formal committee which includes City staff, Council Members, and representatives from the business community to get into the nuts and bolts of these things and get it done right.

Mayor Harris stated that from what he has been hearing the Council would be in favor of a workshop as a starting point. It would begin with open discussion regarding the business climate specifically. Mayor Harris said then perhaps this would evolve into a formal committee that could go forward with this review. The Mayor said he didn't think we would be able to solve everything with one workshop. He said Council Member Flamm has suggested having the work session the first Tuesday in May (May 4th). He asked if that would work for City Staff. Mr. Dickie said that would be fine and he understood that the Planning Commission Members would also be invited. Mayor Harris agreed they should be involved. He stated that staff will work out the details and where to hold it.

Council Member Turner asked if we are going to make an announcement with a specific invitation to the businesses in North Ogden. Mr. Dickie said the City will do all it can to make sure the businesses are informed. Annette Spendlove stated that the City would be posting the information. In response to Council Member Brent Taylor question about having the work session sooner, Mrs. Spendlove said the first Tuesday in each month is set aside for work sessions if the Council deems they are needed. The date in May is a good time. Council Member Bigler said April is busy with spring break, Easter and the Utah League of Cities and Towns semi-annual meeting.

Council Member Bigler asked if business owners who wanted to present something during the work session could be put on the agenda. He thought it might make things more orderly. Mayor Harris agreed that we do want to have some order but the session would be held in the spirit of a regular Public

Hearing. Everyone will be given a chance to speak without time constraints. He said he hoped folks would be willing to keep their comments brief.

10. Council/Public comments.

Ned Malan, top of 2700 N, stated that he has enjoyed being here in the City and has basically been left alone to survive and grow, but he was told that if he was having trouble he should go on church welfare. Mr. Malan told the Council he couldn't do that. He said when he has a representative of the community tell him that he is offended. He knows the Council means well.

Dave Hulme, 513 E. 1700 N., stated regarding the Airsoft issue that it is not a particular surprise that he and Council Member Taylor see eye to eye on this. There has been a shift in society away from guns. Mr. Hulme said he felt playing with guns seems like a normal thing for boys and he wonders who is going to be enlisting in the military if high school ROTC's are no longer allowed to shoot air rifles on a Saturday on a range in some states and cities. Mr. Hulme said he sees this type of ordinance as perhaps making that kind of activity a little more difficult. He suggested that something be written in the ordinance that allows their use under certain circumstances, for example, on private property with adult supervision as long as other laws of the City are not violated such as the nuisance ordinance. Mr. Hulme said wording could also be included that addressed the display of these air guns in public. Rather than skirting the issue we should be very specific, it could be done on public property if prior permission is obtained from the Police Chief or his representative. Mr. Hulme said he bought one for his son for Christmas and he will not shot it in the City unless the law is changed and that is too bad because it is a lot closer to a toy than a weapon.

Dean Halbert, Boy Scouts of America Troop 236, said he didn't realize that the topic they brought up would be so talked about. He thanked the Mayor and Council for putting it on the agenda. The Boy Scouts attending tonight are here for two reasons. One is to fulfill a merit badge requirement, Communications and Citizenship in the Community. The other is the opportunity to see how the process of City governance works in regard to the Airsoft issue. They want to use these guns and after doing some research found the ordinance that prohibited their use in the City. Mr. Halbert said that Scout ideology has always been to adopt the proper safe shooting of weapons. These boys have been trained in the proper handling of fire arms. Mr. Halbert said they would also like to thank the Police Chief for his diligence on doing the necessary research on this issue. Safety is a big topic for the boys and they would never want to put any officers or each other in jeopardy. The Chief brought up some warning labels; most things have warning labels on them. Through proper training and proper governing of these guns they would be supervised and able to us them effectively. Mr. Halbert thanked the Council again for the time they took in addressing this issue.

Shawn Maynard, President of the North View Business Alliance and owner of The Cannery, thanked the Council for addressing the issues surrounding the sign ordinance. He stated that most of the business owners didn't know they were breaking the law. He knows that on occasion he comes to the Council and it looks like it maybe this is just his issue. Most businesses keep their heads down and hope they don't get caught. He is looking forward to the workshop.

Council Member Harris left 7:24 pm.

Whitt Woods, North Ogden, explained to the Council he and his wife own a small business in North Ogden. He stated that we do not feel that North Ogden is a very friendly business city. It is frustrating. Business owners want to grow and be successful. Not being able to advertise makes it is tough to compete. He said he appreciates the Council's willingness to look at this. He cautioned the City Council to ask themselves whether the residents and business owners really need to be micromanaged; let us govern ourselves. On the Airsoft issue we grew up with guns did we get hurt, yes but we survived. He asked the Council to use prudence in their decisions.

Aaron Farr stated that he and his wife own a small business in North Ogden. Advertising is not principally an issue for them because most of their business comes from overseas customers. However, they operate out of North Ogden and he is always curious as to why his business license costs him \$50 for which he doesn't seem to get anything and his state license costs \$12 and for that he gets protection from the state itself. It's a puzzle. Mr. Farr commented on the City's sign ordinance and the businesses' concerns. He explained that he and his wife travel a lot and go to many cities all over the world. The one thing he notices when he travels is if you want to feel safe, go to a well lit city. He travels a lot to Singapore and it is the safest city in the world. You can walk anywhere anytime and the reason for this feeling of security is that it is covered with lights and the people there know they are being observed. Mr. Farr said he felt the central part of Ogden City died when they took all the signs off the buildings and it was suddenly dark. Then there were reports of muggings. He said he noticed that and maybe others feel the same way.

Jenice Jones, Jones Shirts and Signs, appreciates the City Council addressing this. She wondered if she could bring a video presentation to this workshop. Mayor Harris stated yes, adding that she should coordinate that with Annette Spendlove.

Kerry Walker, Walker Cinemas, thanked the City Council for bringing the sign issue up. He mentioned that he has been in business in Perry, Utah on a busy highway and has never had any safety issues. He stated that signs are very costly and he appreciated Council Member Harris saying that. He understands what the workshop is supposed to do but stated that we are looking at two months away. He would like to present a sign application to the City Council and get some approval before the first part of May.

Council Member Flamm asked how large the sign in Perry is. Mr. Walker stated that it is over 200 sq ft.

Mike Westbroek, owner of Big-O, thanked the Council for the workshop. He said people told him when he came to North Ogden that he would not be accepted here. He has been very well accepted. He bought a \$30k sign and ended up sending it to scrap metal because it wasn't allowed. They keep tires outside and to him it is inventory. There are currently over 800 tire sizes, there is no way he could stock all those in his store. The bays are used for storage during the night and those tires have to come out during the day. His store has the largest sales volume of any Big-O store between Salt Lake City and Idaho. In order to keep that up he has to have the inventory. His sales tax revenue last year was \$162k. He said he is glad we can move forward with this.

Chris Bowen, from The Cannery, thanked Council Member Bigler and Council Member Taylor for their comments on the workshop. He stated that hopefully the committee will be made up of people that are affected by these sign issues. He appreciates all that the City Council does but would appreciate it even more if the City Council did a little less.

Dave Meents stated that about six years ago the sign ordinance was redone. He said he didn't feel that the local businesses had gotten anywhere with their concerns then. Common sense tells you that Big-O should be allowed to put tires outside and Smith's is allowed to put salt outside. The speed limit on Washington Blvd. is 50 mph and he really thinks that something should be done. He stated that he realizes that it is UDOT though so that could be difficult.

Jonathon Badger, Lees' Marketplace, said he appreciates the City Council looking at this. He was on that committee and the frustrating thing is that this has drug on and on. He is busy; running three different stores in three different cities. He asked that the date of the workshop be moved up. It would be helpful if the City Council could find the time.

Taylor Spendlove, 830 E. 3550 N., stated that he has heard a lot about signs. He passes by the theater all the time and feels that a lot of the problems with the theater and other businesses are the entrances. He agrees with the Council on some of the sign issues but not others. Riverdale Road is not something that we want to see in North Ogden. He doesn't feel that the issue is the signs; people know where things are.

10. Council comments.

Council Member Turner thanked everyone for coming out. He said he felt like the Council should give Mr. Walker some guidance on his sign. Craig Barker stated that he has been in this business almost 40 years and he has never seen a City Council make an exception before an ordinance is properly changed through the hearing process. If the City Council wants to hear a proposal at their next meeting they can do that but the City must follow the noticing procedures. There are no exceptions to zoning; it is a processing activity. The Planning Commission has to hold a Public Hearing and take comments and recommendation to the City Council. The City Council has to hold a Public Hearing also. Council Member Turner added that he would like to talk with staff about green building design in North Ogden; our ordinance doesn't address it at all. He would like to work with Gary Kerr and Craig Barker on that.

Council Member Taylor wanted to address the Airsoft issue one more time. He hopes some of the other Council Members would like to readdress it also. He said he didn't feel the City needed a blanket approach. He added regarding the businesses in general and the article in the newspaper, he hopes that that is the last article he sees talking about the negative business climate in the City. He hopes the business owners will work with the City to improve things. The intention was not to create a bad business climate. He proposed a Business Development Committee and said he thinks we need a committee like that which will create a business plan and get started. He suggested moving the workshop up toward the end of March.

Council Member Bigler stated that he is all for looking at how other cities are treating their businesses. He said if we really take a look at that we would likely loosen things up. The Riverdale Road comment has been brought up a lot and that is not going to happen here. Riverdale and Layton are in the middle of a lot of cities, and right by the interstate. We have the opposite problem. He wants everyone to know that the Council and staff are good people and their intention was not to hinder business.

Council Member Flamm thanked the Scouts for being here. Right now we are in a mode where we can't do certain things because we are without a City Attorney. Edward Dickie stated that we are interviewing this week and hope to have a new Attorney start as soon as possible. Council Member Flamm said he would like to sit down with the attorney and talk about the Airsoft guns. He recommended the workshop be held on the 30th of March at 5:30pm.

Edward Dickie stated, regarding the signs, that the City has done some things recently; the "Making Life Better" campaign, the newsletter, the website, etc... coupons on our website. He explained that the things that City can do quickly we have done. We also have a few banners we have made and put up promoting shopping in North Ogden. These banners were paid for by the City employees, the Kiwanis Club and the Civic League. This opportunity is open to the businesses as well. The City would be willing to put the banners up for the businesses. We have taken steps because we are successful when the businesses are successful.

Mayor Harris mentioned that there is a notice on the City website about the Regional Vision for Growth. The Wasatch Front Regional Council is working on some things and they welcome citizens' input. The comment period ends on March 12th. He thanked everyone for coming.

ADJOURNMENT

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

Voting on the motion:

Council Member Harris	yes
Council Member Taylor	yes
Council Member Turner	yes
Council Member Flamm	yes
Council Member Bigler	yes

Motion passed.

Meeting adjourned at 8:03pm.

Mayor

City Recorder

Date approved