

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 9, 2010

The North Ogden City Council convened in regular session on February 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 February 5, 2010. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2010.

PRESENT:	Richard Harris	Mayor
	Martha Harris	Council Member
	Wade Bigler	Council Member
	Brent Taylor	Council Member
	Carl Turner	Council Member

EXCUSED:	Ron Flamm	Council Member
	Gary Kerr	Building Official

STAFF PRESENT:	Edward O. Dickie	City Manager
	Annette Spendlove	City Recorder
	Debbie Cardenas	Finance Director
	Craig Barker	Community Development Director
	Julia LaSeure	Commercial Development Coordinator

VISITORS:	George Parsons	Joan Brown
	Allan Dalpiaz	Kelli Hiatt
	Kevin Hiatt	Kevin Bailey
	Dave Hulme	Rachel Trotter
	Bill Treadway	Owen Allen
	Natalie Nigro	Shirley Nigro
	Taylor Spendlove	Gordon A. North
	Fred Philpot	Pam Primble

WELCOME

Mayor Harris welcomed those in attendance. Council Member Turner gave the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. Consideration and/or action to approve minutes of the January 26, 2010 meeting.
2. Consideration and/or action to approve Business Licenses.

Council Member Taylor moved to approve the Consent Agenda. Council Member Harris seconded the motion.

Voting on the motion:

Council Member Harris **aye**
Council Member Taylor **aye**
Council Member Bigler **aye**
Council Member Turner **aye**

Motion passed.

AGENDA

4. Public Comments.

Kevin Bailey, 3061 N. 1000 W., Pleasant View, stated that he was a long time resident of North Ogden and is formerly a member of the Pleasant View City Council. He is here, speaking for himself not Pleasant View City, to discuss combining Founders Days with Cherry Days. He suggested working together to consolidate those activities. He asked the Council to consider combining the two community celebrations calling it a win-win situation.

Mayor Harris asked for comments.

Council Member Bigler stated he is all for it. He thinks we could have a bigger, better celebration for less taxpayer dollars and both the citizens and Cities would benefit. There might be some people who don't agree but he feels that we could get a lot more for less. He added that there are a lot of neat people in the communities who would love to participate.

Mayor Harris stated that the City will consider this and talk with Mayor Clifford of Pleasant View City.

Bill Treadway, 667 E. 3100 N., explained that he came here tonight to talk about Cherry Days. He stated that Cherry Days has an internationally sanctioned Dutch Oven Cooking Society event. They have received some money from the City in the past for aprons, hats, etc... This year they were informed that the City would prefer that they use their own funds for those items and sun shade canopies. They explained that this is not a commercial enterprise and they feel that they can't pass on the added expense to the participants. They would like the Council to consider that this is a community service. If they have to pay for it themselves, they can't pull it off.

Gordon North, 2639 N. 200 E., stated that the Cherry Days cook-off has a 20 year history and is considered one of the best cook-offs worldwide, They have been really fortunate and some of their winners have gone on to win world championships. He feels that they need to put the ball back in the City's court as to whether they can have shade. They think they can get enough sponsors to get prizes but need the City to provide shade.

Don Johnson, 3426 N 850 E, resident of North Ogden for 15 years. Has talked to neighbors and people from church and has not heard any negative comments about joining the two festivals except for one elderly lady who did not want to see the combination of the two.

5. Discussion only regarding Business License fees study report.

Fred Philpot, Lewis, Young, Robertson & Burningham, made a presentation starting off with some background. This information will become part of the official minutes. Business license fees seek to

establish a balance between the cost incurred by the City and the cost produced by businesses in the community. This study establishes that relationship. This is a three stage approach; data gathering, business groupings and cost and revenue. He explained that the direct cost per minute consists of labor costs and department overhead costs. The indirect cost per minute consists of general building and non-departmental expenditures. Fixed and variable costs – based on the analysis there is a split of 12% fixed and 88% variable costs. The fixed costs are split among the departments uniformly. Variable costs based on Full Time Employees (FTEs) are allocated among the larger departments. They used those costs to establish a cost per minute per department. The business license process totals \$.82 per minute, etc... these are the foundation costs used to establish the per license fee that the City should charge. Mr. Philpot reviewed Home Occupation and Commercial Business License processes. The cost per minute was broken down by each department for a total \$82.34 for a new application while a renewal application came in at \$64.00. This is because renewals require less work. The Base Cost Summary shows all licenses with base costs. New alcohol licenses, alcohol renewal, rental units, solicitors, temporary general, temporary outdoor and firework stands. The study shows current fees and proposed fees. This includes some business types that are not currently licensed.

Mr. Philpot explained that disproportionate costs look at the total calls received from the Police Department and establish a base line level of service. Single-family, residential, non rental units are at .04726 for a base level of service. They considered the total number of calls from previous years and the Police Department budget to get a cost per call amount. Business groupings were listed as well as the number of businesses, call ratio with outliers, call ratio without outliers and the disproportionate cost. Only professional and restaurant had outliers that were removed. Outliers represent those groups that have one or two businesses with a high ratio of calls, those businesses are removed in order to determine the base line ratio. Because of the high number of calls those businesses skew the ratio as a whole. The summary of home occupation disproportionate costs does not show any. Mr. Philpot reviewed the rental information including single-family, duplex, and multiple family rentals with 3+ units. Disproportionate costs for all of them could be assessed. The Comparative Fee Scale shows disproportionate fees in other cities including Ogden, Roy and Washington Terrace. The Revenue Analysis shows the base costs and disproportionate fees that were already discussed including new commercial and home occupation applications, home occupation renewals, revenue projections are shown by groups also. The baseline revenue analysis for rental units is shown also currently and with the good landlord program in effect. He pointed out that these fees are assessed per landlord for licensing and disproportionate fees are assessed per unit. These figures assume that one landlord owns one building. Total revenues would be \$136,679 approximately.

Council Member Bigler stated that this report is very thorough. It seems that this study is looking at the businesses as a liability but does not take into account the benefits that they city receives from the businesses. He suggested that the city consider that as well.

Fred Philpot stated that these are the maximum costs associated with this process and agreed that there are other things to consider. These costs are tied to the services that the city provides. Can the city help those groups reduce the fees that they would face? If a business has a security system in place, could arrangements be made with the city to reduce the disproportionate costs? This is something to consider.

Mr. Philpot prepared bound copies of final and will leave some business cards also if there are further questions. He stated that they are happy to go through and explain the background of any of the slides adding that there is much more detail in the report so hopefully things will be clearer. Mayor Harris stated that the Council needs to move ahead on this study. Regarding the good landlord program he asked Ed Dickie if there are other things to be considered. This will need at least one public

hearing and there is lot of work to do. Council Members need to be thinking about this and thinking about a public hearing in first part of March if possible.

Debbie Cardenas stated that before staff can come up with alternatives they need guidance from the council. What do they want to look at? Rentals? Disproportionate fees?

Council Member Harris asked if this is just one component of the study. Will we be looking at enterprise funds also? She is hesitant to make sweeping changes in Business License fees until we find out what we are looking at for fee increases or potential fee increases. The most attractive thing has been the good landlord program, she would like to proceed with that but is not as interested in single family dwellings as much as duplexes and higher density. She does not want changes that will discourage the business community at this time.

Council Member Taylor stated, regarding the business licenses and the rentals, the businesses are bringing in sales tax. He can see more applying the disproportionate fees to rentals. If a certain business or area is bringing additional costs to the City he is comfortable with the increases. He would like more information on the business disproportionate fees now.

Mayor Harris stated that we have the option to decide whether additional business license fees are justified and can assess them incrementally as well. We need to give this some serious thought; where do we go from here? We need to look seriously at rental units also and he thinks we probably ought to.

Council Member Bigler stated that he would like to see that we not make money on this but if it is costing us money we shouldn't be going in the hole. He would like some more information before a decision is made.

Mr. Philpot stated that it should be easy enough to provide an example of the current fees and proposed changes to a specific entity. He will provide an update illustrating that.

Council Member Harris thinks that the really attractive part of this is that in the years she has been on the City Council they have tried to make very scientific decisions. She really appreciates the data that gives the information to substantiate changes.

Council Member Bigler feels it is crucial that the city not make money in this but we need to not go into the hole either.

Mayor Harris stated that we are incurring these charges now and it is others that are paying for them not the businesses that are causing them.

Council Member Turner asked whether the information requested could be available in time for the budget retreat on the 26th. He would like more information on the good landlord program also. It sounds like a great idea but he hasn't read through it.

Ed Dickie stated that the Council would set the parameters on it. Council Member Turner asked if there is any information currently. Ed Dickie stated that there is and staff is prepared to go to Public Hearing now. The Council will determine the fees, etc... He stated that Staff will send out what we have prepared now.

Debbie Cardenas suggested holding off on the Public Hearing at the next meeting and have more discussion at the retreat. She plans to have as much information as possible for the retreat.

Mayor Harris wants more information on the good landlord program, scenarios on that, including at least a base to go from which can then be adjusted. He would like to at least consider business license for rentals properties. Council Member Harris stated that she would like to see that also.

6. Planning Commission interview.

Mayor Harris stated that at the last Council meeting five Planning Commission applicants were interviewed. Allan Dalpias was out of town at that time and will be interviewed tonight. Mr. Dalpais will be asked the same questions the others were asked. He asked that the Council members get their recommendations on who they would recommend, to him in the next couple days.

Allan Dalpias, stated that he has lived in North Ogden for almost 30 years, and is currently employed by the Air Force. He considers it is his obligation to serve the community. He served a partial term for another Commissioner but did not pursue it further then because of his travel schedule. He feels his schedule would allow it now. He was a Community Planner for the Air Force in the 1980's and in the 1990's was co-chair of a committee working with issues around Hill AFB. He basically has 34 years of engineering experience, aircraft maintenance, and mission support. He is a licensed professional structural engineer with some background in onsite wastewater treatment. He feels like he's pretty impartial, he has no real estate interest or consulting conflicts. He stated that he enjoyed his first term on the Planning Commission and feels that his availability will increase as he will likely change jobs early next year.

Mayor Harris asked "What talent or special ability will you bring to the Planning Commission?" Allan Dalpias stated his previous experience in planning as well as his professional experience as a licensed professional engineer.

Mayor Harris asked "What do you think is the most important thing you will be doing on the Planning Commission especially looking to the future?" Allan Dalpias stated that he thinks it would be to do what is fair and what's right. The City has a responsibility to live up to the master plan, zoning ordinances, etc... It is a slippery slope once you don't abide by the standards that are set. He stated that he would be receptive to proposals also.

Mayor Harris asked "What is your philosophy concerning development in North Ogden City?" Allan Dalpias responded that it requires a balance; there are responsibilities for some higher density housing, open space, park system. Part of the balance is making it a community that people want to be part of.

Mayor Harris asked "What is your philosophy about planning in North Ogden City?" Allan Dalpias state that you have to have a good master plan, community involvement and a vision. He stated that he had some previous regional planning experience with the Wasatch Front Regional Council. Council Member Taylor asked "When neighbors have differing views regarding land rights, should the City get involved?" Allan Dalpias stated that he thinks there is really no choice. There might be some things left up to interpretation but that is why we have zoning ordinances. There would be no control otherwise.

Council Member Taylor stated that certain agenda items tonight have had to do with City requirements such as sewer and secondary water. He asked "Do you think that landowners should be required to comply with City regulations?" Allan Dalpias stated yes, absolutely. He explained that water is a precious commodity and must be maintained. He feels very strongly that we should not only make sure we have secondary water but even that should be conserved.

Council Member Taylor asked “Where on a scale would you put property rights and property values; what is more important to protect; property owner’s rights or property values?” Allan Dalpias stated that you have to consider the General Plan and ask where you want higher density. Is it in an area of larger lots and this would make an island of smaller lots? Is that something the city wants? What is best for the community at large? The City must have standards and look at how it fits.

Council Member Turner asked “Have you seen the design standards of the city?” Allan Dalpias stated no, but he is very familiar with national and state regulations.

Mayor Harris asked “Are you committed to fulfill your term and attend all Planning Commission meetings?” Allan Dalpias stated that he would hope to be at all of them; there may be 1 or 2 per year he would be unable to attend.

Mayor Harris stated that there was an instance in that a developer was told where to put sidewalk and trees. Should a Planning Commission member be making those decisions? Allan Dalpias stated that he might make some general recommendations regarding berming or landscaping. You can ask for something but how much authority do you really have? Unless there is a standard there isn’t much the Planning Commission can do.

7. Discussion and/or action to grant Final Acceptance to Silver Springs Subdivision – Phase 4.

Craig Barker explained that when a subdivision is completed and the construction of improvements is completed the Building Official comes to City Council stating that the developer has met certain requirements. This starts the one year period until final acceptance. The improvements have been installed and in place for that year and have been inspected. Gary Kerr has written a memo recommending that the City Council grant final acceptance. He added that the City Engineer has reviewed this also.

**Council Member Harris moved to grant final acceptance to Silver Springs Subdivision Ph 4.
Council Member Bigler seconded.**

Voting on the motion:

Council Member Harris aye
Council Member Turner aye
Council Member Taylor aye
Council Member Bigler aye

Motion passed.

8. Discussion and/or action to grant Final Acceptance to Silver Springs Subdivision – Phase 6.

Craig Barker stated that this item is the same as the last. They are ready for final acceptance.

**Council Member Bigler moved to grant final acceptance to Silver Springs Subdivision Ph 6.
Council Member Taylor seconded.**

Voting on the motion:

Council Member Harris aye
Council Member Turner aye

Council Member Taylor **aye**
Council Member Bigler **aye**

Motion passed.

9. Discussion and/or action to approve Lee’s beer license.

Annette Spendlove stated that Lee’s Marketplace has turned in the application for a beer license including all background checks. Chief Polo Afuvai has reviewed the background checks and signed off of them. Staff recommends approval.

Council Member Harris moved to approve Lee’s beer license. Council Member Turner seconded.

Voting on the motion:

Council Member Harris **aye**
Council Member Turner **aye**
Council Member Taylor **aye**
Council Member Bigler **aye**

Motion passed.

10. Discussion and/or action to approve partial funding of Community Services Seasonal Activities Guide.

Ed Dickie stated that the Community Services Department has put out these guides in the past. This last budget this item was taken out and citizens were directed to the website for information and registration. To this date there are quite a few sponsors to help fund this. This guide is crucial as it includes all the activities for the spring and summer. They are asking the City Council to pay for the remainder to mail out the Seasonal Activities Guide. This amount is not to exceed \$600.

Council Member Turner stated that the report indicates there has been some decline in registrations. He requested that the guide include a note that the information can be found on the website.

Ed Dickie stated that is correct. People can sign up on the website for these activities and programs. This is the first year without the guide and are worried about the reduction in registrations so we feel like they need to get it out there.

Council Member Harris thinks that when this was deleted from the budget we were working very hard to differentiate between “nice to have” and “critical”. The Council might have been a bit harsh.

Council Member Harris moved to fund the Seasonal Activities Guide not to exceed \$600. Council Member Turner seconded.

Council Member Bigler asked if all businesses were asked to contribute. Ed Dickie stated that some businesses are already contributing for Cherry days and other things. He suggested that Council Member Bigler contact Lorrie Frazier regarding other sponsors.

Council Member Bigler asked whether businesses that want to contribute but miss the deadline can get advertisement some other way. Ed Dickie stated that Council Member Bigler would have to get with Lorrie and see what they can work out.

Council Member Taylor stated that he thinks this is a great example of coming up with a compromise. He likes this approach, getting most of the funding from private enterprise. Kudos to the staff.

Voting on the motion:

Council Member Harris **aye**
Council Member Turner **aye**
Council Member Taylor **aye**
Council Member Bigler **aye**

Motion passed.

11. Discussion and/or action to appoint the Mayor Pro Tempore.

Mayor Harris explained that State Statute requires that the Mayor Pro Tempore be formally appointed and recommended Council Member Martha Harris as Mayor Pro Tempore.

Council Member Taylor moved to appoint Martha Harris as Mayor Pro Tempore. Council Member Turner seconded.

Voting on the motion:

Council Member Harris **aye**
Council Member Turner **aye**
Council Member Taylor **aye**
Council Member Bigler **aye**

Motion passed.

12. Discussion and/or action to cancel the March 23, 2010 City Council Meeting.

Ed Dickie explained that staff would like the City Council to cancel the scheduled Council meeting on March 23, 2010 because of the caucuses that night.

Council Member Bigler moved to cancel the March, 23, 2010 City Council Meeting. Council Member Turner seconded.

Voting on the motion:

Council Member Harris **aye**
Council Member Turner **aye**
Council Member Taylor **aye**
Council Member Bigler **aye**

Motion passed.

13. Council/Public comments.

Owen Allen, stated that he has a residence on 2800 N, and would like to share a few thoughts. The more laws we make the more rights we lose. We all pledge to the land of the free. We learned tonight the kind of money the City can get out of the landlords and businesses. The gentleman didn't include the cost of a new department and employees to do the work to handle this new law. That money would

come out of the revenue from the landlord program. He is a landlord and asked what will this landlord thing give the landlords? In his position he has not had many dealings with the Police Department. He would like to have a copy of the information on the program. If the City goes ahead with this, what are the benefits to the landlords? What is the City giving to them? Ogden City has this program and he doesn't see much good in it. They set up a new organization and ask for money every year and require classes. Mr. Allen doesn't think it's a good advantage to take a hold of the program here.

Annette Spendlove stated that Mr. Allen is probably aware of this but one major issue with utility billing is that tenants leave a balance on the account with the landlord. One of the things this program does is require the landlord to do background credit checks on the tenants. That is a huge benefit to the landlords. Other cities have set it up is so that those landlords who participate get a reduced rate on their business license fee.

Annette Spendlove stated that the City Council doesn't have to adopt the program the same way Ogden City did but there are classes required for the landlords. Mr. Allen stated that the Ogden City program is not very good.

Mayor Harris stated that the City is barely starting this process and there will be at least public hearing.

Council Member Turner reminded everyone that they are having a budget retreat on February 26, 2010 and a regular meeting on the 23rd. He stated that the public is welcome to attend.

Council Member Taylor stated that he will not be attending the next meeting. He expressed that he had spent some time with Craig Barker and other employees in that area and was impressed. He also rode around with an officer and enjoyed that. He was really impressed with how professional they were.

Council Member Bigler had no comments.

Council Member Harris stated that for many years before being on the City Council she wondered what the great info was in the City Council packet that only the Council Member could see. That info is now available to the public on the City's website. Click on the date of the meeting and all the information is there to view. She invited the public to check it out.

Mayor Harris explained that the City has been trying to go paperless and there is a considerable savings to the city to do that electronically.

Annette Spendlove had no comments.

Craig Barker had no comments.

Ed Dickie had no comments.

Mayor Harris stated that he has been attending a lot of regional meetings and there is a lot going on. He will try to keep the Council in the loop.

14. Adjournment

Council Member Turner moved to adjourn. Council Member Taylor seconded.

Voting on the motion:

Council Member Harris	aye
Council Member Turner	aye
Council Member Taylor	aye
Council Member Bigler	aye

Motion passed.

Meeting adjourned at 7:40pm.

Mayor

City Recorder

Date approved