

NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

July 28, 2015

The North Ogden City Council convened in an open meeting on July 28, 2015 at 7:11 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 23, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor	
	Lynn Satterthwaite	Council Member	
	Phillip Swanson	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director	
	Jon Call	City Attorney	
	Annette Spendlove	City Recorder/HR Director	
	Rob Scott	City Planner	
EXCUSED:	Kent Bailey	Council Member	
	Cheryl Stoker	Council Member	
VISITORS:	Pam Smith	Pam Trimble	Naomi Foulger
	Sue Rounkles	David Gordon	Bob White
	Carolynn White	Carl L. Gilbert	Steve Rasmussen
	Shawn Heiner	Carlee J. Robinson	Sharon Eva
	Alma Harris	Gayle Harris	Ryan Barker
	Anthony Costello	Nora Costello	Eric Thomas
	Don Waite	Rachel Trotter	Steven Prisbrey
	Justin Fawson		

REGULAR MEETING – 7:00 P.M.

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

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

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE JUNE 2, 2015 CITY COUNCIL WORK SESSION MEETING MINUTES**

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

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

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

1. **PUBLIC COMMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

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

The motion passed unanimously.

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

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

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

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

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

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

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

1. The “flag” portion of any lot must meet the minimum lot standards for square foot area as well as lot width, setbacks and other standards for the underlying zone. a. This cannot include the “pole” portion of the lot in the calculation.
2. The pole portion of the lot requires a minimum of 30 feet of frontage and can’t be deeper than 220 feet. Currently there are no considerations for ways to mitigate the potential downfalls of flag lots in small lots as compared to larger lots or some of the other policy decisions which may be considered appropriate by the City.

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

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

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

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

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

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

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

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

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

Voting on the motion:

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

The motion passed unanimously.

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

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

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

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

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

GENERAL PLAN CHAPTER VI
Residential Development
Multifamily

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

Commercial Development

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

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

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

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

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

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

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

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

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

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

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

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

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

The Master Planned Community Zone consists of 9 subsections:

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

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

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

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

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

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

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

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

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

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

GENERAL PLAN CHAPTER VI

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

Residential Development Multifamily

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

Commercial Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

Council Member Satterthwaite aye

Council Member Swanson aye

Council Member Urry aye

The motion passed unanimously.

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

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

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

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

Voting on the motion:

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

The motion passed unanimously.

6. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER CREATING A MASTER PLANNED COMMUNITY ZONE

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

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

Voting on the motion:

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

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE CREATING A MASTER PLANNED COMMUNITY ZONE

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

Voting on the motion:

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

The motion passed unanimously.

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

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

Mr. Steele reviewed his staff memo.

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

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

Voting on the motion:

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

The motion passed unanimously.

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

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

Voting on the motion:

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

The motion passed unanimously.

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

**Council Member Swanson motioned to reconsider the passage of Ordinance 2015-17.
Council Member Satterthwaite seconded the motion.**

Voting on the motion:

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

The motion passed unanimously.

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

Voting on the motion:

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

The motion passed unanimously.

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

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

The motion passed unanimously.

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

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

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

Voting on the motion:

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

The motion passed unanimously.

13. PUBLIC COMMENTS

There were no additional public comments.

14. COUNCIL/MAYOR/STAFF COMMENTS

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

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

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

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

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

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

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

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

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

Voting on the motion:

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

The motion passed unanimously.

The closed session began at 9:50 p.m

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

15. ADJOURNMENT

Council Member Swanson motioned to adjourn. Council Member Satterthwaite seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 10:27 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved