

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 16, 2016

The North Ogden City Council convened in an open meeting on February 16, 2016 at 6:01 p.m. at the North Ogden City Office 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 February 11, 2016. Notice of the annual meeting schedule was published in the Standard-Examiner on January 2, 2016.

PRESENT:	Brent Taylor	Mayor	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director	
	Annette Spendlove	City Recorder/HR Director	
	Jon Call	City Attorney	
	Brandon Bell	City Planner I	
VISITORS:	Mark Palmer	Tammy Palmer	Steve Rasmussen
	Susan Clements		

Mayor Taylor welcomed those in attendance. Bryan Steele, City Administrator/Finance Director offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

No comments were made.

2. DISCUSSION AND SIGNING OF A PROCLAMATION HONORING THE 70TH ANNIVERSARY OF THE NORTH OGDEN KIWANIS CLUB

Mayor Taylor read the proclamation for the record as follows:

Whereas; the North Ogden Kiwanis Club was chartered in September of 1946;
and

Whereas; the Club's by-laws require that funds raised from the public must be used for community improvement, with emphasis on helping youth; and

Whereas; this is being done with the formation of High School Key Clubs, the Hope of America Awards, which recognizes outstanding Sixth Graders, the Achievement Award for graduating Seniors at Weber and Fremont High Schools, donation of books to include video books and E-books for local elementary schools resulting in tens of thousands of books going to school libraries, and classroom PA systems; and

Whereas; the North Ogden Kiwanis Club assists in the Highway cleanup program, has sponsored the North Ogden Cherry Day's Breakfast for nearly 40 years, has sponsored an annual Easter Egg Hunt for 300 - 400 children and has made generous donations to the North Shore Aquatic Center, Northview Senior Center, George Wahlen VA Home, and is working with North Ogden Parks and Recreation to build new water fountains in our parks; and

NOW, THEREFORE; we the Mayor and City Council of North Ogden City do hereby recognize and thank the North Ogden Kiwanis Club for their generosity, support, and willing hearts and hands in making our community a great place to live. Let us support them as they celebrate their 70th Anniversary on March 15, 2016 at an Open House at the Northview Senior Center. Dated this 16th day of February, 2016.

Council Member Swanson motioned to sign and deliver the Proclamation honoring the 70th Anniversary of the North Ogden Kiwanis Club. Council Member Urry seconded the motion.

Voting on the motion:

- Council Member Satterthwaite aye**
- Council Member Stoker aye**
- Council Member Swanson aye**
- Council Member Turner aye**
- Council Member Urry aye**

The motion passed unanimously.

3. PRESENTATION ON WHAT A MEMBERSHIP WITH EDC UTAH CAN DO FOR NORTH OGDEN

Mayor Taylor reported this item will be moved to a future meeting.

4. **DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT FOR THE OGDEN/WEBER CIVIL DISORDER UNIT (CDU)**

A staff memo from Police Chief Warren explained the Ogden/Weber Civil Disorder Unit (CDU) agreement involves consolidating the resources of ten law enforcement agencies within Weber County. The purpose of the CDU is to support participating law enforcement agencies, and any other requesting agencies with responses to critical incidents. Critical incidents are more fully defined as civil unrest or violent protests.

The CDU is managed by the Ogden Police Department, and coordinated by the Administrative Board acting in an advisory capacity. The Administrative Board consists of the Weber County Attorney and the head of each participant's law enforcement agency, or duly appointed representative, as determined by the participant. Said Administrative Board is responsible for reviewing activities of the CDU, recommends a CDU Commander, conducts program evaluation, pursues federal and state grant money as may be available, recommends operating policies and training, and issues an annual report of the preceding year's activities.

Training operations and day to day administration of the CDU shall be coordinated by the CDU Commander. The CDU Commander directs the CDU activities and should be consulted as to the tactics and operations of the group. The control and command of any event shall remain with the senior law enforcement official from the requesting agency. Each participating agency will have the right to determine which personnel should be added as a CDU member.

Participating agencies may request assistance from the CDU. However, the CDU will not respond to an incident without a specific request from the law enforcement agency that has jurisdiction over the incident. The CDU may be deployed as an entire unit or parts thereof when requested.

The CDU agreement is in affect for an indefinite period of time not to exceed 50 years. However, any party may withdraw from the CDU by giving 30 days written notice to the Administrative Board.

Chief Warren reviewed his staff memo.

Council Member Urry inquired as to how the CDU would be called upon. Chief Warren stated it will be very similar to SWAT; dispatch would assign a call to the CDU and each member of the team would be notified.

Council Member Satterthwaite inquired as to the cost to outfit an officer to be a member of the team, to which Chief Warren answered approximately \$2,000.

Council member Satterthwaite inquiring as to the training an officer will receive. Chief Warren stated officers will participate in a one week training course at the onset and they will also receive ongoing training; officers will be compensated for their training time in a fashion similar to how SWAT officers are compensated.

Council Member Turner inquired as to the number of North Ogden officers that will be participating on the CDU, to which Chief Warren answered one at this point in time. He then discussed the equipment that the officer will be provided with in order to participate on the CDU. City Attorney Call added that the City will be responsible for insuring its officer or officers participating on the CDU.

Council Member Turner asked when the term of the agreement will begin. Chief Warren stated he would like approval to proceed with training his officer immediately, but the team will likely not assemble for up to three months.

Council Member Satterthwaite motioned to approve Agreement #A1-2016, an Interlocal Agreement for the Ogden/Weber Civil Disorder Unit (CDU). Council Member Turner seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed unanimously.

5. PUBLIC HEARING TO RECEIVE COMMENTS ON AN ORDINANCE AMENDING CHAPTER 11-22-7 (A) SIGNS PERMITTED FOR NONRESIDENTIAL USES IN SPECIFIC DISTRICTS, AND CHAPTER 11-22-2, DEFINITIONS FOR THE SIGNS CHAPTER

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

Phil Nestoryak, the principal of North Ogden Elementary, has approached the City requesting that North Ogden Elementary be permitted to put up a marquee sign, and has provided the City with a design example of the type of sign they are

interested in. This request led to the consideration of this proposed text amendment by the Planning Commission and City Council. This amendment would allow the sign requested by North Ogden Elementary, as well as all other public schools to have the same type of signs. A clean-up item also included in the proposed amendment adds the RCC zone to the list of zones allowing signs for nonresidential uses, to ensure all schools are able to have marquee signs, if the ordinance is passed. The issue of light emission from signs has also been addressed in section 11-22-2, the definitions section for the signs chapter.

On October 7, 2015 the Planning Commission held a discussion regarding the request to amend the residential sign ordinance standards to allow for schools to have a larger sign. The Staff report identified several other issues regarding residential signs including home occupations, commercial uses, and institutional uses.

On November 18, 2015 the Planning Commission held a discussion regarding residential sign regulations. Jon Call shared a PowerPoint presentation that identified parameters for sign regulations based upon a recent Supreme Court case, *Reed v Town of Gilbert*. The case is centered around the principle that signs must be content neutral. Several options were discussed on how to approach these parameters.

On December 2, 2015 the Planning Commission held a discussion regarding various options for amending the residential sign ordinance standards permitted for nonresidential uses in specific districts, and other issues related to regulating sign content. There was a discussion of the recent court case *Reed v Town of Gilbert*, and an option to regulate signs for nonresidential use based on size of parcel and frontage was considered, as well as an option to create an institutional zone as one possibility for allowing signs for nonresidential uses in residential areas. It was determined, however, that only the issue of allowing school signs should be considered and addressed at this time, through a proposed zoning text amendment.

On January 6th, 2016 the Planning Commission considered the issue of amending the sign ordinance to allow for marquee signs with an electronic message display sign, for schools in residential zones. The Planning Commission passed the proposed ordinance on to the City Council for their consideration.

The ordinance provisions to be considered to be amended are 11-22-7 (A) and 11-22-2. In addition to the changes to allow for marquee signs for schools, and adding the RCC zone to the list of zones to which such signs are permitted within, in section 11-22-7 (A), the standards governing light emission have been changed to accommodate such signs and yet ensure that any signs that are erected do not cause glare or present a hazard or nuisance to drivers, residents, or pedestrians, in section 11-22-2.

The memo reviewed the proposed ordinance's conformance to the General Plan, noting the following sections from the General Plan should be considered as part of this decision process:

- Vision:
 - Assure that North Ogden remains a beautiful place to live, work, and recreate.
 - Preserve the essential characteristics of a family-friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

The memo then offered the following summary of City Council considerations.

- Are the changes to the ordinance appropriate?
- Is the sign amendment consistent with the General Plan?

The memo concluded the Planning Commission gave a positive recommendation on the ordinance to the City Council, with the stipulation that the issue of light emissions be addressed in the proposed amendment, which issue has been addressed and provided for in the currently proposed ordinance text. Staff recommends that the City Council review the ordinance and determine whether it is in conformance with the General Plan.

City Planner Bell reviewed his staff memo and reviewed the sections of the North Ogden City Code that would be amended if the Council chooses to adopt the proposed ordinance. The Council engaged in high level discussion with Mr. Bell to gain clarification on some of the recommendations included in the proposed ordinance. Mr. Bell reviewed design examples to illustrate the type of signage that would be permitted if the proposed ordinance were approved.

Council Member Swanson was excused from the meeting at 6:25 p.m.

Council Member Urry stated he wants to ensure that this type of sign does not obstruct the view of motorists trying to exit the school property. Mr. Bell stated that has been addressed in the ordinance; all signs of this type would be set back 11 feet behind the sidewalk.

Council Member Stoker inquired as to the size of the sign located at Ben Lomond High School in Ogden. Mr. Bell stated he is unsure, but could conduct research to determine the answer to that question.

Council Member Satterthwaite asked if the principal of the school requesting this sign is satisfied by the ordinance the Planning Commission has recommended. Mr. Bell stated Mr. Nestoryak is in the audience this evening and he deferred to him.

Council Member Swanson was excused from the meeting at 6:25 p.m.

Mayor Taylor opened the public hearing at 6:35 p.m.

Phil Nestoryak stated he is the principal of North Ogden Elementary School and he has worked closely with Mr. Bell on this project; the main goal of the school is to communicate with the community about events occurring at the school. He stated that the ordinance would require that the sign be set back 10 feet behind the sidewalk. There have been suggestions to wrap the pole of the sign with certain material and he does not believe the location of the sign of said wrapping will obstruct the view of those entering or exiting the school. He addressed the brightness of the sign and stated that the sign will be controlled by a timer so that it turns off at 9:00 p.m. each night so it does not distract or become a nuisance for neighbors. He indicated many schools are moving towards digital marquee signs to get messages out to their student, parents, and the community. He stated he feels the sign will be an improvement over what is currently used at the school.

Mr. Bell stated that the 10-foot setback is calculated from the property line, which is generally one foot behind the sidewalk; the location of the actual pole used to hold the sign will be somewhere between 12 and 14 feet behind the sidewalk.

There were no persons appearing to be heard.

Council Member Stoker motioned to close the Public Hearing. Council Member Urry seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

The hearing closed at 6:40 p.m.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING CHAPTER 11-22-7 (A) SIGNS PERMITTED FOR NONRESIDENTIAL USES IN SPECIFIC DISTRICTS, AND CHAPTER 11-22-2, DEFINITIONS FOR THE SIGNS CHAPTER

Council Member Satterthwaite motioned to approve Ordinance 2016-07 Amending Chapter 11-22-7(A) Signs Permitted for Nonresidential Uses in Specific Districts, and Chapter 11-22-2, Definitions for the Signs Chapter. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE

A memo from City Attorney Call explained that with all the recent changes to fees for the Roads Impact Fee, Utility Billing, and Beer License Renewals we need to update our consolidated fee schedule. Here are the changes you will need to make to the schedule.

- Transportation Impact Fee of \$482.64 per trip as calculated by the Building Department and City Engineer (This will not go into effect until April 18, 2016.
- Utility Billing
 - \$100.00 deposit required and held until one year after account is opened or most recent delinquent bill paid in full (if bills are missed during the first year of service)
- Beer Licensing
 - Annual Renewal \$25.00
 - Annual Renewal with Background Check \$100.00

These are the items that need to be added to the schedule, provided the Council adopts all the proposed ordinances and resolutions related to each item. At the very least we need to update our Transportation Impact Fee.

Mr. Call reviewed his staff memo and reminded the Council that during their last discussion about this issue they asked him to provide calculations of potential transportation impact fee totals for various types of land use in the City. He reviewed the proposed resolution and highlighted the section of the fee schedule that includes the potential impact fee for single family uses, multi-family uses, commercial uses, fast food restaurants, and office spaces. He stated that the cost is based upon the projected number of trips generated by each use and it may be

wise to work with the City's consultant that developed the Impact Fee Facilities Plan that resulted in the per trip cost. He stated that such a high transportation impact fee for certain commercial uses may curb commercial development in the City, which is not a desired result. The Council engaged in a discussion about the options for adjusting impact fees for commercial uses, with Mr. Call noting that he would recommend consistency regardless of the decision the Council makes. He stated that each business has the opportunity to provide the City with information regarding why they should not receive a certain classification that results in a higher impact fee and the City can use that information to calculate the business's fee. He stated he would like to work with the City Engineer and the consultant that developed the documentation supporting the impact fee and bring a more refined recommendation back to the Council. He suggested that they remove changes to the transportation impact fee from the consolidated fee schedule and approve the other pending changes. Council Member Satterthwaite stated that the fee schedule could be approved with an edit to the transportation impact fee to remove the trip calculations.

Mayor Taylor stated there may be an opportunity to amend the fee for commercial properties that abut state roads since the impact fee is not meant to cover costs associated with improving state roads. He added the remaining commercial properties to be developed are all on Washington Boulevard, which is a state road. Mr. Call agreed. He emphasized that he is comfortable with the methodology used to arrive at the per trip cost of \$482, but he has some questions about the national chart from the Institute of Traffic Engineers that provides the estimated number of trips per day generated by various types of businesses; it is necessary to determine if that chart applies wholesale to the City given the fact that the majority of the City's commercial properties front state roads. The Council discussed options for proceeding with consideration of the proposed resolution, after which Mr. Call reiterated he would recommend the Council approve the consolidated fee schedule without the impact fee and he will work with the City Engineer and other parties to bring a future recommendation to the Council regarding that issue prior to April 18, which is the first date the City can legally charge the fee.

Finance Director Steele then discussed the utility deposit item in the fee schedule; there seems to be a feeling in the City that the deposit is not needed and he would recommend eliminating the deposit fee in favor of implementing a set-up fee of \$25 to \$30. Council Member Satterthwaite stated that there is a difference between a deposit and a fee; residents would likely expect to get a deposit back eventually, but they will not get the set-up fee back. Council Member Urry agreed and added that he needs more time to consider that recommendation before taking action.

Council Member Satterthwaite motioned to approve Resolution 04-2016 Amending the Consolidated Fee Schedule without the Utility Deposit and

Transportation Impact Fee Trip Fee. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

8. DISCUSSION AND/OR ACTION TO ACCEPT THE OPHEIKEN PETITION FOR ANNEXATION WHICH WILL BEGIN THE ANNEXATION PROCESS

A staff memo from City Recorder Spendlove explained Orluff A. Opheikens submitted an application petitioning for annexation of 12.192 acres located at approximately 2750 N 1325 E, North Ogden, Utah. As required by State Code the Weber County Surveyor has reviewed the annexation plat map and signed off with some minor changes that have been made on the updated plat. The property being proposed for annexation is within North Ogden City’s Annexation Declaration Policy Map. The Petitioner is requesting an R-1-10 Residential Zone, which the Planning Commission will review and make recommendation to the City Council at a later date. The petitioner meets all the requirements to start the annexation process and it is recommended that the City Council accepts the petition to start the annexation process.

Ms. Spendlove reviewed her staff memo.

Council Member Urry motioned to accept the Opheiken Petition for Annexation and direct the City Recorder to proceed with the annexation petition certification process. Council Member Turner seconded the motion.

Council Member Satterthwaite asked if the Planning Commission will be involved in the annexation. Ms. Spendlove answered yes and noted they will make a recommendation to the City Council. Council Member Satterthwaite asked that they consider the zoning of all properties surrounding the subject property before making a final recommendation.

Voting on the motion:

Council Member Satterthwaite **aye**
Council Member Stoker **aye**
Council Member Turner **aye**
Council Member Urry **aye**

The motion passed.

9. DISCUSSION ON ECONOMIC DEVELOPMENT AND BEAUTIFICATION

Mayor Taylor provided the Council with a presentation regarding the Economic Development Committee’s beautification recommendations. The Committee has been discussing beautification efforts, including flower planters, custom benches, bus stop beautification, chalk art festival, public art installations, weed control, and a new welcome sign. However, the item he would like to focus on tonight is a public art installation in the form of vinyl wraps for utility boxes at signalized intersections throughout the City. He reviewed samples of photo submissions the City has received to be included on the wraps.

Council Member Turner asked if the photographers will be given credit for their work. Mayor Taylor answered yes and noted their names will be included on the wrap and they will receive a gift card from the City. Council Member Turner inquired as to the cost per wrap. Mayor Taylor stated the cost is \$750 each and they are quite durable and should last up to five years. The Council approved funding for beautification efforts and the total allocated to public art was \$7,500, which will cover the wraps and other public art installations, such as building murals. He added the wraps could be installed as soon as temperatures increase to 50 degrees. He asked for Council approval of the images that the Economic Development Committee has recommended for the wraps.

Council Member Satterthwaite motioned to approve the wraps as presented by the Mayor. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Satterthwaite **aye**
Council Member Stoker **aye**
Council Member Turner **aye**
Council Member Urry **aye**

The motion passed.

10. PUBLIC COMMENTS

Steve Rasmussen, 1092 E 3250 N, referenced the earlier discussion about transportation impact fees; he is a supporter of impact fees for road development as the fee will provide much needed relief quicker than any other method of road funding, but he has a few questions. He stated he was not in attendance when the fee was initially approved and he asked if the impact fee for commercial entities is an annual fee or a one-time fee. Mayor Taylor stated it is a one-time fee when a building is initially built. Mr. Rasmussen stated that residents are paying a monthly impact fee for transportation. City Attorney Call clarified the monthly fee is a utility fee, not an impact fee. Mayor Taylor indicated commercial businesses pay the monthly fee as well. Mr. Rasmussen asked if a commercial entity could be granted the option of paying an impact fee over a period of time rather than all at once. He stated that may provide some flexibility for businesses struggling with the fee amount. He then inquired as to the impact fee that will be assessed against residential homes. Mayor Taylor stated a single family home is roughly \$2,200 and multi-family developments will be charged \$1,600 per unit. Mr. Rasmussen then stated that though some commercial businesses may be located on state roads, they will cause a significant amount of congestion on major thoroughfares through the City and that will be an impact to the residents of North Ogden. He stated he knows that the City has planned for projects that will eventually reduce congestion, but he does not believe that businesses located on state roads should receive a break in impact fees. He then stated the last time he was in attendance at a Council meeting, Council Member Stoker indicated she believes there is a problem at the intersection of 2600 North and 1050 East. He stated he travels that area quite often and he has noticed the hedge on the northeast corner of the intersection is a significant problem; in the summer time the foliage blocks vision and in the winter time the snow builds up on it and blocks vision. Since Barker Parkway was built, the amount of through traffic has increased and there are significant hazards there, many of which he described. He stated that he believes the City should address the issue with the hedge to improve safety in the area. He wondered if it would be possible to install a traffic signal at the intersection. Mayor Taylor stated that traffic would need to warrant a signal according to Utah Department of Transportation (UDOT) criteria. Mr. Rasmussen stated the traffic may warrant the signal at some point in time and he does not feel a four-way stop would address the issue adequately. He then asked if there has been any movement on the North Branch library project. Mayor Taylor answered no and indicated there is nothing new to report.

11. COUNCIL/MAYOR/STAFF COMMENTS

Mayor Taylor stated that there are no sufficient items to warrant a Council meeting next Tuesday, February 23 and he asked that the Council cancel the meeting.

Council Member Satterthwaite motioned to cancel the February 23, 2016 City Council Meeting. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

Mayor Taylor reported the next meeting will be held March 1 and he asked that the Council keep their entire day free in the event it is possible to schedule the budget retreat for that day.

He then asked that the Council recess the City Council meeting to convene in a RDA meeting briefly.

Council Member Satterthwaite motioned to recess the regular meeting and convene in the RDA meeting. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

The meeting recessed at 7:45 p.m.

The meeting reconvened at 7:46 p.m.

Council Member Swanson returned to the meeting at 7:46 p.m.

Mayor Taylor asked that the Council convene in a closed session to discuss the sale or purchase of real estate as well as pending or reasonably imminent litigation.

Council Member Satterthwaite motioned to move into a closed meeting regarding the strategy regarding pending or reasonably imminent litigation and the purchase, exchange, or lease of real property. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

The meeting recessed at 7:56 p.m.

The meeting reconvened at 8:26 p.m.

12. AJOURNMENT

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

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed unanimously.

Brent R. Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved