

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 April 26, 2011

4
5 The North Ogden City Council convened in regular session on April 26, 2011 at 5:30 p.m. in the North
6 Ogden City Council Chambers, 505 East 2600 North. Notice of time, place and agenda of the meeting
7 was delivered to each member of the City Council, posted on the bulletin board at the municipal office
8 and posted to the Utah State Website on April 19, 2011. Notice of the annual meeting schedule was
9 published in the Standard-Examiner on January 1, 2011.

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|----|----------------|----------------------|--------------------------------------|
| 10 | | | |
| 11 | PRESENT: | Richard G. Harris | Mayor |
| 12 | | Wade Bigler | Council Member |
| 13 | | Ron Flamm | Council Member |
| 14 | | Carl Turner | Council Member |
| 15 | | | |
| 16 | STAFF PRESENT: | Annette Spendlove | City Recorder/HR Director |
| 17 | | Dave Carlson | City Attorney |
| 18 | | Debbie Cardenas | Finance Director/Acting City Manager |
| 19 | | Craig Barker | Community Development Director |
| 20 | | Julia LaSeure | Deputy City Recorder |
| 21 | | Dave Nordquist | Community Services Director |
| 22 | | Mel Blanchard | Public Works Director |
| 23 | | Scott Felter | Public Works Maintenance Supervisor |
| 24 | | | |
| 25 | EXCUSED: | Martha Harris | Council Member |
| 26 | | Brent Taylor | Council Member |
| 27 | | Edward O. Dickie III | City Manager |
| 28 | | | |
| 29 | VISITORS: | Charles Crippen | Chukwuma Uzoh |
| 30 | | Bob Christofferson | Dale Swenson |
| 31 | | Don Lee | Gwen Lee |
| 32 | | Tom Baguley | Jim Suhr |
| 33 | | Melanie Barker | Joel Grasmeyer |
| 34 | | Aaron Christensen | Dave Hulme |
| 35 | | Charles Lindquist | Royce Richards |
| 36 | | Rachel Trotter | Lisa Payne |
| 37 | | Dan White | Bud Hardy |
| 38 | | Scott Wilding | Kirk Allred |
| 39 | | Brian Bott | Stan Kippen |
| 40 | | | |

41 **WELCOME**

42
43 Mayor Harris welcomed everyone in attendance. Council Member Bigler gave the invocation and led the
44 audience in the Pledge of Allegiance.

45
46 Mayor Harris announced that we had quite a momentous occasion the previous Thursday afternoon.
47 Senator Hatch was here in the City presenting service awards to members of the Kiwanis Club and the
48 Civic League. We had a number of service awards that totaled up into the thousands of hours of
49 volunteer work. We appreciate Senator Hatch taking his time to be here to present those awards. We
50 appreciate all of those who received these Presidential Service Awards; they are available to citizens in
51 our community. The City has the authority to administer those on behalf of the President of the United

52 States. If you know of folks who have a lot of service hours let us know and we can arrange to have them
53 recognized.

54

55 **CONSENT AGENDA**

56

- 57 1. Consideration to approve minutes of the March 22, 2011 City Council meeting.
- 58 2. Consideration to approve minutes of the March 25, 2011 City Council Budget Retreat meeting.
- 59 3. Consideration and/or action to approve business licenses.
- 60 4. Set Public Hearing to receive comments regarding the tentative budget for fiscal year 2011-2012.
- 61 5. Set Public Hearing to receive comments regarding borrowing money from the Enterprise Fund to
62 purchase property.

63

64 Annette Spendlove, City Recorder, stated that as part of the tentative budget we need to include the RDA
65 budget and those public hearings need to be set for May 10, 2011.

66

67 **Council Member Flamm moved to approve the consent agenda with the addition of the RDA**
68 **budget as Annette Spendlove mentioned. Council Member Turner seconded the motion.**

69

70 Council Member Bigler asked regarding items 4 and 5 whether we should talk about that first. What if
71 with the amended budget, we are still not clear on a few things? Annette Spendlove said that Utah State
72 Code requires that we adopt a tentative budget at the first meeting in May and we need to have a public
73 hearing to do that so they both need to be done the same night. Council Member Bigler asked what
74 happens if the Council is not set on the budget. Annette Spendlove replied they would bring that up at the
75 May 10, 2011 meeting.

76

77 **Voting on the motion:**

78 Council Member Flamm	yes
79 Council Member Bigler	yes
80 Council Member Turner	yes

81

82 **Motion passed.**

83

84 **PUBLIC COMMENTS.**

85

86 Mayor Harris stated that those in attendance need to wait until the public hearings to make comments
87 regarding those items but if there are other comments the public is welcome to make those now.

88

89 Chukwuma Uzoh, 2421 N 400 E Unit A6, said he represents the Sunbrook Condominiums. He said he is
90 here regarding previous discussion by the Council on what constitutes a unit. He said this measure creates
91 a problem for his association which is a mixture of single meter units and shared meter units. They don't
92 have a problem with the fee itself; the problem is that the meters on the shared meters are not being
93 provided the same services that the individual meters are. He asked the City to review that. He said he
94 sent some emails to the City Recorder and City Manager asking that the bills be split up but was told that
95 the City can't do that.

96

97 Joel Grasmeyer, 2220 Fruitland Dr., thanked the City Council and citizens for their work on the chicken
98 ordinance. He said the proposed ordinance reaches a compromise and he encouraged that the City
99 Council to vote to adopt it tonight.

100

101 Megan Hardy, Youth City Council (YCC) Mayor, said the YCC wants to thank the City for their support.
102 The YCC does a lot in the City. They have done the 4th of July, a dance, a turkey drop, the Santa house

103 and the day at the legislature. She expressed thanks from the YCC members to the Council for letting
104 them go to the Utah State Leadership conference each year. Council Member Bigler thanked the members
105 of the YCC and stated that they do good work.

106
107 Stanley Kippen, 629 E 2600 N, said he has been down to the City several times about an improvement
108 district bill that he has been paying for several years. He said the previous Mayor, Gary Harrop, said he
109 would help them get this bill paid down and stop charging interest on the bill if they put it on their utility
110 bill. They did that and have been paying on it and paying on it and the principal isn't dropping. He said
111 all of it has been charged as interest. He said he asked at the time this was passed what the interest would
112 be and he was told not more than 2%. His bill states 5.5% interest, which keeps compiling. The principal
113 doesn't go down but the interest gets paid. He said he approached the City several times this month to
114 come up with some way to pay this off. He said he has been referred to the City Attorney's office. Why
115 does it have to go that far? He said the City told us at the meeting that it would be 1.5% to 2% interest
116 but he is being charged 5.5% on his utility bill. If he doesn't get this paid his utilities get shut off and he
117 gets a warning and an extra \$10 gets added on top. He said he asked the City to come to a settlement and
118 he gets turned away. It is stressful; he hasn't had a job in over a year. He said he doesn't know why it's
119 so difficult to take the money they've paid and take the 1.5% interest and come up with a settlement. He
120 said he wants this off his books and off the city's; he wants it done. He said this hasn't been much of an
121 improvement; the damage the City did to his yard is extensive and they really didn't fix it. Before the
122 improvement he had a nice sloping yard that he could mow. He said he is trying to do simple business.
123 Why can't it be done already? Why does he have to come to a City meeting and cry about it? He said he
124 has paid more than it cost the City. Mayor Harris said staff is working on it and will get back to him.
125 Council Member Bigler asked that the research on this be passed on to the City Council members. He
126 said he would like to know where this goes. Mayor Harris said the City Council is always privy to that
127 information.

128
129 **DISCUSSION AND/OR ACTION REGARDING A WATER WEEK PROCLAMATION.**

130
131 Mayor Harris read the proclamation which is on file.

132
133 **PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AMENDMENTS TO**
134 **SECTIONS 11-2-1, DEFINITIONS; 11-7A-4, 11-7B-4, 11-7F-4, 11-7G-4, 11-7H-4 AND 11-7J-4,**
135 **RESIDENTIAL ZONES; 11-9-8, HILLSIDE PROTECTION ZONES AND 11-10-6,**
136 **REGULATIONS APPLICABLE TO ALL ZONES, AS THEY RELATE TO ACCESSORY**
137 **BUILDINGS.**

138
139 Craig Barker, Community Development Director, said this is one of four public hearings scheduled for
140 tonight. This comes from the Planning Commission working diligently on issues of concern to the City
141 Council and citizens. There have been some issues on some properties with these tall accessory buildings
142 on lots with main dwellings of a lesser height. We have defined what a large accessory building is and
143 are amending the definition of that. Most of us have a shed where we put mowers or a detached garage
144 where we park our automobiles, those are accessory buildings. Any building of 600 sq. ft. of larger meets
145 the definition of a large accessory building. We also talk about height in these sections and there are
146 some discrepancies there. We allow a maximum coverage of the rear yard by accessory buildings. This
147 proposal would allow accessory buildings up to 15 ft. and 600 sq. ft. to be 3 ft. from property line; with
148 different setbacks requirements as the buildings get larger.

149
150 Mayor Harris opened the public hearing 6:07pm.

151
152 Stanley Kippen, 629 E 2600 N, said this proposal seems a little bit over the top since we live in a place
153 where we can have barns. He was thinking of a large building in his own yard that would be higher than

154 the proposed height. He doesn't see what it would hurt to have a large shop on his property. He said he
155 is an inventor and he needs more space for his inventions; right now he is working on solar power. There
156 needs to be room to include height for solar energy collection.

157
158 Aaron Christensen, 2428 Barker Pkwy, said if you look at the bottom of 700 E there is a prime example
159 of why we need this type of ordinance. There is a person in that neighborhood with a building that is an
160 eyesore and he wishes it had never been built. His understanding is that as the law stands they are within
161 their rights to have it. He encouraged the City Council to look seriously at this.

162
163 Melanie Barker, 2524 Barker Pkwy, said we live in a beautiful community; we don't want it to look
164 commercial and it is starting to.

165
166 Stanley Kippen, 629 E 2600 N, said he lives straight across from the LDS 5th ward and that building
167 exceeds that height. He stated you have to consider that if a church can build in the middle of a
168 residential area and the building is that tall, the residents have the right to build higher to have a view over
169 that building.

170
171 **Council Member Bigler moved to close the public hearing. Council Member Turner seconded.**

172
173 **Voting on the motion:**

174 **Council Member Bigler** **yes**

175 **Council Member Turner** **yes**

176 **Council Member Flamm** **yes**

177
178 **Motion passed.**

179
180 The public hearing closed at 6:13pm.

181
182 **PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AN AMENDMENT TO**
183 **SECTION 11-10-27, SITE PLAN APPROVAL.**

184
185 Craig Barker said this proposal dovetails in with another public hearing later tonight. The Planning
186 Commission has been working very diligently on this for the last year and as they went through the
187 signage section there is a requirement about site plans. Our ordinance says when we have commercial
188 development we require the developer to come in with a site plan. That site plan does not include a plan
189 of the signs. Normally what happens is we have a development and right before they open they will come
190 in with a sign that they want to use to advertise their business. When the Economic Development
191 Committee (EDC) adopted standards for new signs they also said that any signs should be coordinated
192 with the buildings; the same rock or brick should be used, the supporting structure should appear as if it is
193 part of the overall site development. He explained that Section B states that the site plan shall include a
194 comprehensive sign plan in accordance to section 11-22-5 of this title.

195
196 Council Member Bigler said he was trying to figure out if this is different than number 11 on the agenda.
197 Craig Barker said this is saying that we want to see the sign plan and site plan together.

198
199 Mayor Harris said whether the City Council adopts the proposed sign changes, this will still apply to the
200 sign ordinance.

201
202 Mayor Harris opened the public hearing 6:18pm.

203 There were no public comments.

204

205 Council Member Flamm moved to close the public hearing. Council Member Bigler seconded.
206

207 Voting on the motion:

208 Council Member Turner yes

209 Council Member Flamm yes

210 Council Member Bigler yes

211

212 Motion passed.

213

214 Public hearing closed 6:13pm.

215

216 **PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AN AMENDMENT TO**
217 **SECTION 11-16-1, HOME OCCUPATIONS.**
218

219 Craig Barker said this proposal is in response to some citizen concern and City Council comments in
220 regard to home occupation regulation. This regulation has been in place for many years with no changes.
221 It was felt that there should be some updates. He reviewed the existing conditions for a home occupation
222 and the proposed changes recommended by the Planning Commission. The proposed changes affect
223 items D, E, F, G and N.
224

225 Council Member Bigler asked about the limit of five vehicular trips, should that be an even number?
226 Should it read six vehicular trips or five round trips? Craig Barker said he sees his point. Mayor Harris
227 agreed that it should be changed to round trips or six vehicular trips.
228

229 Council Member Flamm asked whether individuals with businesses that do not meet this would be
230 grandfathered with the proposed change in the ordinance? Craig Barker said that is typically how it
231 works, once the use lapses for a year or more they would lose the right.
232

233 Council Member Turner asked whether all conditional use permits need to be renewed annually. Craig
234 Barker said the zoning ordinance requires annual renewals only on certain types.
235

236 Debbie Cardenas asked whether item N should read buyer instead of seller. Craig Barker stated that is an
237 error and needs to be changed to seller; that will be corrected.
238

239 Council Member Bigler said he is unclear on this. He said this type of home business already falls under
240 a Conditional Use Permit. He is unsure what we are adding here. Craig Barker said we are just trying to
241 clarify. Mayor Harris said this gives the Planning Commission more discretion to add conditions. Craig
242 Barker said that is correct. This change requires the applicant to propose mitigation. Council Member
243 Bigler said he would like to see more specifics before he would vote for this. He said we need to take it
244 case by case to ensure a level playing field. He asked about Tom Baguley's Conditional Use Permit.
245 Craig Barker stated that the Building Official went by and looked at the things that were stipulated. The
246 Planning Commission has approved it for the next year.
247

248 Council Member Turner said the public hearing we had on accessory buildings said that no home
249 occupations could be run out of a detached garage. He said there was another issue a few years ago.
250 Craig said that is correct; you can't build another accessory building and put a home occupation in it.
251

252 Council Member Bigler said he is ok with the clarification as long as he is assured that we are not going
253 to come back on these people. Craig Barker said Council Member Flamm touched on that and those
254 things would be grandfathered.
255

256 Mayor Harris opened the public hearing at 6:36pm.
257

258 Dale Swenson, 3593 N 575 E, said he has some concerns he would like to share. One of the slogans of
259 North Ogden City is "Making Life Better". There are some things that occurred in North Ogden City
260 lately that have not made his life better. He asked the City Council to imagine a home occupation box.
261 That box seems innocuous sitting there. There have been some provisions made under the home
262 occupation that have allowed an auto shop and machine shop to go into residential neighborhoods. Every
263 one of the immediate neighbors objected to that right from the beginning. That box has become a
264 Pandora's Box. You see all sorts of undesirable things in there. Neighbors can hear the noise on the
265 porches and in their homes. He said Mr. Bigler wants to level the playing field. He asked are we going to
266 have auto shops in all the neighborhoods? I hope not! He said he appreciates what the City Council
267 members do but they have done some things recently that he has been very concerned about.
268

269 Stanley Kippen, 629 E 2600 N, said this is very interesting and he has learned a lot. He said there are
270 good things inside Pandora's Box, like tax revenue. He said people need to be able to make a living and
271 it shouldn't be mandated by the City. He said not everyone has the money to go out and buy a huge
272 building and pay taxes on it. He created a toy airplane in his house in Ogden. He made a lot of money
273 with that product. Somewhere, someone has to start something. Like Edison... did his neighbors get
274 mad because his lights were on. Mr. Kippen said that Mr. Swenson commented on a little noise from the
275 neighbor. Mr. Kippen said 2600 N has moved 10 ft. closer to his house. Everything rumbled when trucks
276 and busses go down that road. Everybody that lives in the City has to remember that cities grow. They
277 get closer and denser. There has to be a little give and take with the neighbors. We are in a difficult time
278 right now.
279

280 Royce Richards, 554 E 3575 N, said the thing that disturbed him the most about the ordinance is the
281 shifting of the burden from the Planning Commission to the applicant. He said he feels that is the purpose
282 of having a Planning Commission who can evaluate what the application is. Shifting the burden seems to
283 him to be contrary to the whole purpose. To shift that seems to be a bigger detriment than it benefits the
284 City by passing that ordinance.
285

286 Chuck Crippen, 3576 N 575 E, read from a document which he distributed to the members of the City
287 Council and staff, which will become part of these minutes as Attachment A.
288

289 Loren Baguley said the current process has been fair. It has been something that the Planning
290 Commission can regulate. She said changing this ordinance brings out a slippery slope. The precautions
291 in place now do protect the neighborhood. She stated if you have a broad spectrum of conditions that do
292 not meet any specific little business and putting the burden on the person does not help the community at
293 all. It needs to be looked at on a case by case basis. She believes that what we have now is workable. If
294 we keep changing it, we will change the character of our City. These are tough times. If we have the
295 people with Home Occupations work with the City it can work. She invited anyone from the City to
296 come by their house to see their operation.
297

298 Tom Baguley, 3590 N 575 E, owns an auto repair business in his garage. He said the Planning
299 Commission and City Council have both voted unanimously on his behalf. He said there is a very small
300 percentage of his neighbors that are against him. He is concerned that we are even considering amending
301 the ordinance and that the grandfather clause is something that he might not be able to use. He said if we
302 change the ordinance the faux businesses without a license working from their homes would end up going
303 right to the house. He feels that the garage is a better place for these types of things rather than in the
304 home where we are raising our families. He said he appreciates everything that the City Council and
305 Planning Commission have done for him and all that they do.
306

307 Gwen Lee, 582 E 3550 N, said she appreciates the City Council and staff. She said she sent some
308 comments some time ago that were to be distributed to the City Council. She said, regarding garages
309 being a safe place to use chemicals; it is not a safe thing. We are told not to idle our cars in the garage
310 because of the fumes. Everything is not ok just because it is in the garage. She feels that we need to be
311 really careful about these things. She said the point of zoning is to delegate certain parts of the city for
312 certain types of uses. Commercial vs. residential. She said she doesn't want to live in a bedroom
313 community with an auto shop or machinist. It doesn't belong there.

314
315 Stanley Kippen said he has some ideas of his own that he finds quite pleasing to the community. Suppose
316 gardens were encouraged and more people grew their own food at home. He suggested that land used for
317 growing food be tax deductible. It could make it look nice. He lives on a really busy street and as far as
318 business goes, every day thousands of businesses go by spewing fumes and toxins. What if there were
319 some regulations to close a street once a week. Cars seem to own our world and they are really not that
320 clean. It might encourage people to ride their bike. It would be nice if there was something that the City
321 could do to encourage growth in our community.

322
323 Scott Wilding, 3602 N 225 E, said he grew up in Brigham City and his Dad had a shop with
324 woodworking tools. He learned a lot and was able to build a skill set. It was how he landed his first job.
325 It wasn't a home business, just a hobby as his Dad was a doctor. There are a lot of good things that come
326 from home. He said he doesn't see the difference between having something in his house vs. his garage.
327 If there are noise issues, there should be a maximum decibel level. He is not seeing the distinction
328 between something in the garage or in the home.

329
330 Dave Hulme, 513 E 1700 N, said for the record, he is the current chair of the Planning Commission. He
331 said he wanted to clarify his thinking. It was not his intention to create something that is really different
332 from what we currently have. We already have something in place for the Planning Commission to
333 decide what the mitigating factors will be. We already have a place for the applicant to make suggestions.
334 We just want to put it out there so the applicant knows going in that they will need to have answers to
335 these types of questions. He doesn't see this as a strengthening of the regulation. As we were going
336 through this the questions came up about selling candles. We wanted to include the answers in the
337 regulation to clarify those questions. He said he couldn't see as he looked at this how it would drastically
338 change anything.

339
340 **Council Member Flamm moved to close the public hearing. Council Member Turner seconded.**

341
342 **Voting on the motion:**

343 **Council Member Flamm** **yes**

344 **Council Member Bigler** **yes**

345 **Council Member Turner** **yes**

346

347 The public hearing closed 7:24pm.

348

349 **PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AN AMENDMENT TO**
350 **SECTION 11-22-7, SIGNS PERMITTED FOR NONRESIDENTIAL USES IN SPECIFIC**
351 **DISTRICTS.**

352

353 Craig Barker said this is a really important amendment to City's sign regulations and this was proposed
354 by the EDC. We currently only allow one type of sign regardless of the type of business; that is the
355 monument sign. We allow them up to a maximum height of 8 ft. and a maximum total size of 32 sq. ft.
356 They are also allowed to have up to 50% additional signage in the form of an electronic reader board.
357 This proposal would allow monument signs and low-profile signs as permitted uses and double pole

358 signs, monolith signs and unique signs as conditional uses. He reviewed the specifics of the proposal
359 which is on file.

360
361 Council Member Turner asked where it addresses signs on corners. Craig Barker said that is in the sign
362 code not this particular ordinance.

363
364 Council Member Bigler asked where the theater sign fits into this. Craig Barker said the Entertainment
365 Overlay Zone (EOZ) is coming to the City Council for a public hearing. The recommendation is a
366 maximum of 180 sq. ft. Council Member Bigler said this sounds fantastic. He said regarding the
367 landscaping requirements that they seem to be getting too specific. Craig Barker said that is already in the
368 sign ordinance. Council Member Bigler asked what if they want to just have grass. Craig Barker said the
369 intent is to not have turf grass; the intent is to have decorative plant areas beneath the signs.

370
371 Mayor Harris opened the public hearing at 7:50pm.

372
373 Ben Gerritsen, 683 E 2650 N, said when he was helping Brent Taylor knock on doors they got a lot of
374 feedback from people wanting this type of ordinance to come around. He said he remembers talking with
375 a handful of people who were all for this ordinance being modified.

376
377 **Council Member Turner moved to close the public hearing. Council Member Bigler seconded the**
378 **motion.**

379
380 **Voting on the motion:**

381 **Council Member Flamm** **yes**
382 **Council Member Bigler** **yes**
383 **Council Member Turner** **yes**

384
385 **Motion passed.**

386
387 The public hearing closed at 7:52pm.

388
389 **DISCUSSION AND/OR ACTION TO AMEND AN ORDINANCE TO DISSOLVE THE BOARD**
390 **OF ADJUSTMENT AND GIVE APPEAL AUTHORITY TO THE ADMINISTRATIVE LAW**
391 **JUDGE.**

392
393 Dave Carlson, City Attorney, said there is no proposed ordinance as of tonight. He has begun working on
394 an ordinance that would eliminate the Board of Adjustment and give that authority to the Administrative
395 Law Judge. He explained that in a City this size the Board of Adjustment doesn't have a lot to do. They
396 may meet twice a year to hear applications for variances. Their jurisdiction is variances and appeals of
397 an interpretation of a zoning ordinance. It revolves entirely around interpreting the law. It is hard to keep
398 a Board of Adjustment staffed and trained because they don't meet very frequently. They tend to not
399 exercise the kind of impartiality that they should. LUDMA gave cities the option to eliminate the Board
400 of Adjustment. Pat Lambert, the Administrative Law Judge, is very well suited to interpret the law. He is
401 impartial and independent which is a big improvement over the Board of Adjustment. The proposal will
402 come to the City Council soon.

403
404 Council Member Turner asked when the Administrative Law Judge is doing this work will there be an
405 additional cost to the City? Dave Carlson said he doesn't think so. Mayor Harris said the Judge is here
406 regardless and is paid a salary. He would take this on as part of his regular duties. Dave Carlson said he
407 has already taken on the duties of the Administrative Law Judge and this is part of those duties. Council
408 Member Turner said he would like the ordinance written so that it is clear that it does not cost us any

409 more money.

410

411 Annette Spendlove, City Recorder, stated that the members of the Board of Adjustment are currently paid
412 each time they meet and if this is passed the City will not be spending that money.

413

414 Mayor Harris said the point is that this is a much more efficient method of dealing with these things.

415

416 **DISCUSSION AND/OR ACTION TO ADOPT AN ORDINANCE WHICH WOULD ALLOW**
417 **BACK YARD CHICKENS IN ALL SINGLE-FAMILY RESIDENTIAL ZONES.**

418

419 Craig Barker said the City Council has discussed this and made some clarifications so staff went back
420 and made those. One item has been added on the second page that has been drawn up showing how many
421 chickens you can have depending on your zone and lot size. He reviewed the proposal which is on file.

422 Annette Spendlove stated that the correct proposal was given to each City Council member separately
423 from the packet.

424

425 **Council Member Flamm moved to approve Ordinance 2011-06 which would allow backyard**
426 **chickens in all single-family residential zones. Council Member Bigler seconded the motion.**

427

428 **Voting on the motion:**

429 **Council Member Flamm** **yes**

430 **Council Member Bigler** **yes**

431 **Council Member Turner** **yes**

432

433 **Motion passed.**

434

435 **DISCUSSION AND/OR ACTION TO APPROVE A REQUEST FOR VARIANCE FROM THE**
436 **CITY'S NOISE ORDINANCE.**

437

438 Annette Spendlove stated that the Wilde's have come in previous years for this same variance. They
439 harvest hay on their property each year and because of the time of day that they need to do that they come
440 in for this variance each year. They are requesting a variance to the City's noise ordinance.

441

442 Mayor Harris said for the past several years we have granted this variance for them to harvest their hay.

443

444 **Council Member Flamm moved to approve the request for variance for the Wilde's as has been**
445 **done previously. Council Member Turner seconded the motion.**

446

447 **Voting on the motion:**

448 **Council Member Flamm** **yes**

449 **Council Member Bigler** **yes**

450 **Council Member Turner** **yes**

451

452 **Motion passed.**

453

454 **DISCUSSION AND/OR ACTION REGARDING THE FY 2011-2012 BUDGET.**

455

456 Debbie Cardenas, Finance Director, said the budget retreat was held on March 22, 2011. Staff brought to
457 the Council a 6.5% General Fund balance at that time. Staff met afterward to discuss additional cuts. She
458 reviewed the approved and proposed cuts which are on file as well as an email that was sent to the City
459 Council Members which is on file as Attachment B.

459

460 Council Member Flamm said he is concerned about staff sneaking in the 4/10 work week. He doesn't
461 feel that is serving the community well and he doesn't think we will see that savings. He said he thinks
462 there would be more overtime. He would like to see that pulled out because he is not convinced that
463 amount of money is saved. He said he thinks the public will be frustrated by the City's offices being
464 closed. Debbie Cardenas said it wasn't our intent to sneak it in; these are just proposals. This would
465 bring the General Fund balance up to 8.3%. Our intent is to try to increase the service that we could
466 provide to the citizens. Right now they are not able to take care of business early in the morning as we
467 open at 9am. She said she feels we could realize about a 20% savings and the numbers she gave the City
468 Council were conservative at only 10%. She said until we try it there is no way to know what the savings
469 would be.

470
471 Council Member Bigler asked if we are open 40 hours either way how do we save on utilities. Debbie
472 Cardenas said it's based on a two year history of what our utilities and fuel are. We have startup costs on
473 the big equipment that run idle and we estimate three hours on startup time.

474
475 Mayor Harris said the State has been on this schedule for three years now. Legislation was brought up
476 this year to go back to a five day workweek and that did not pass. Some of the largest cities in the state
477 are doing a 4/10 workweek. Our Fridays are much, much slower than the other four days as well.

478
479 Debbie Cardenas said that while we don't open until 9am we have staff here at 7:30am every day. Mayor
480 Harris said these are proposals; staff is trying to increase that General Fund balance. We presented a
481 balanced budget at the retreat and we were just over the required 5% minimum. We like to have it up to
482 10% and these are just ideas that we feel we can work toward. There is nothing magic about that 10%.
483 He said MUDCO, as it is listed on the memo, should be MUTCD which relates to our sign safety and
484 reflectivity.

485
486 Council Member Bigler said he would like to second what Council Member Flamm said about the four
487 day workweek unless it can be clearly proven with the numbers that it is substantially helping taxpayers
488 by saving so much money that it is worth it. He said he would need to see that in writing with pluses and
489 minuses. He also mentioned that there are four holidays a year that are always on a Monday. He said as a
490 resident he would like to have the option of calling on a Friday unless Staff can prove there is substantial
491 savings. Council Member Flamm said he thinks we should still look at it. Mayor Harris said the State
492 required a number of their agencies to stay open on Fridays. Mayor Harris said there are advantages both
493 ways but we are not going to know until we try it.

494
495 Debbie Cardenas said the City Council had some issues with certain things in the past and we planned to
496 look at that.

497 Council Member Bigler said as far as Recreation goes most of these things we're doing, we're doing
498 pretty well. He mentioned that while football is the biggest intake of money it is also the greatest
499 expense. He asked can we charge more for non-residents. Should they pay a little bit more? There are
500 going to be Dads that want their kids to play football and they will pay the fee. Regarding the Senior
501 Center, he said he was glad to see the fee lowered but asked is there anything that gives a bigger
502 timeframe that would allow for a wedding reception? Have we had anything in the past that would allow
503 a wedding party to rent from a Friday afternoon until Saturday evening? How do the families do that?
504 Dave Nordquist, Community Services Director, said the window for us to use the center is pretty small.
505 There are a lot of activities over there for the seniors. We are not having the kind of rentals that we have
506 in the past. He strongly recommends that we go back to what we were doing before. The reason we
507 changed is that we were starting to have problems with activities on Saturdays. He said he would be glad
508 to look at the fee structure for a longer window.

509

510 Council Member Bigler said he asked about medical insurance coverage and what the cost difference
511 would be if the City paid 80% or 70% instead of the 90% that is currently paid. He said that paying 80%
512 would save over \$50,000 a year and paying 70% would save the City over \$100,000 a year. He said he
513 knows there are probably people in here that don't want to hear this but most business owners don't pay
514 that. It is costing residents over \$50,000 a year to go from 80% to 90%. He said his personally is at 70%
515 and they deal with it. He thinks that would be fair. It's easy when it is taxpayers' money but if this were
516 your business would you pay that? Most business owners don't. Debbie Cardenas said that would be a
517 10% saving to the City but almost a 100% cost increase to the employee. She said the same employees
518 are going to be absorbing a 3.5% increase in the health insurance premiums and are not getting any wage
519 increases. Council Member Bigler said he hears that but the average resident of North Ogden is not
520 getting this kind of benefit. He thinks this is something that would be very fair. Annette Spendlove said
521 that our staff's wages have never been what other cities wages are and we have been able to keep good
522 staff because of our benefits. Our benefits are pretty much in line with what other municipalities pay but
523 our wages aren't. That's how we've been able to keep the good people that we have. Council Member
524 Bigler agreed that we have excellent staff. He said, regarding what we pay, that the wages for public
525 employees are all public information. He said that any resident can take a look at that; look at us and
526 other cities and compare. He said he has looked at a lot of other cities and he thinks we are very close to
527 other cities of our size and makeup. He said he knows a lot of men, including two engineers that live by
528 him, and an attorney that lost their jobs and they worked for the same company for over 20 years; they are
529 great people and educated. He said he knows people who would jump at the chance to make \$45,000 a
530 year. He said that is why government is so broke now. Everywhere they are in trouble because they don't
531 do things like the private sector because it's not their money. It is easy to divvy it out. He said from what
532 he has seen with the salaries, it is public for anybody to see that we are comparable with the salaries of
533 other cities. Debbie Cardenas said operations in the public sector are different from operations in the
534 private sector. She said looking at a finance person in the private sector vs. a finance person in the private
535 sector; you will not get the same level of experience. You have to look at the job description from one
536 city to another and you have to make sure they are comparable. There are a lot more factors to take into
537 account and that is something we are planning to do throughout this year. Council Member Bigler said
538 that most cities with this many residents are more complicated in a way because they have a lot more
539 businesses and so there are other factors. He agreed that we should do a salary survey and include the
540 entire benefit package but that we don't have staff do it. He said we should have an outside source should
541 do it. To have staff monitor their own benefit package loses a little bit of legitimacy to residents. Debbie
542 Cardenas said staff agrees 100% with that.

543
544 Council Member Flamm said a few years ago it seems that the amount the city paid was less. The
545 employees chose to have more insurance paid than getting a raise. He said this is the same thing as
546 getting their wages cut. They should have some input there. Council Member Bigler said that's fine but
547 this is ongoing every year. His bottom line is that our city employees are not alone in that. He said he
548 knows a lot of people whose employers came to them and said they can take a pay cut or not have a job.
549 That's just the way things are. He said he thought that was a logical thing to look at the whole benefit
550 package. He feels that 90% is more than fair.

551
552 Council Member Turner said he appreciated Council Member Bigler pointing out these ideas. He is
553 against decreasing the benefit package. He said you cannot run the government as a private sector. The
554 company he works for did increase the benefits and they did that to maintain good people. Because of
555 that increase they cut out raises. This is a company of 600 people. He said because of that they have a
556 club for people who have worked there for five years or more and that club is 480 strong. He said before
557 we look at cutting benefits we need to look at what it would cost to train people to fill those positions. He
558 thinks it is about \$5,000 to \$6,000 to train someone new. He said he appreciates that we got a look at
559 everything but he would not be in favor of that.

560

561 Mayor Harris said we will take this into account. There will be some options presented at the meeting on
562 May 10th. The City Council will have a chance to study those and will need to vote on them just like we
563 did during the retreat. We have a balanced budget; all we are looking at doing is increasing the rainy day
564 fund.

565
566 Council Member Bigler said that last year the City Council voted to have the pageants and then we got an
567 email that staff cancelled that. He said he sent an email stating that we should make it clear to the
568 directors and everyone that it was not a Council decision. He said if the City Council has to vote to fund
569 something it seems logical to him that the City Council would have to vote to take it away. It was out
570 around town and in the paper that the Council cancelled it. He said after 13 people had signed up and
571 some had bought stuff it's kind of like this was done by staff in private but blamed on the City Council.
572 He added that the Council didn't have a say in it; it was already cancelled. Debbie Cardenas said she
573 doesn't know where people would have gotten the idea that the Council cancelled it. The Council didn't
574 put it in the budget for next year. Council Member Bigler said that it was not in the budget that staff
575 presented. Staff didn't put it in the budget; Council didn't vote to take it out. Debbie Cardenas said that
576 the Council didn't put it back in the budget like they did with Cherry Days. Council Member Bigler said
577 he hopes we do things more open in the Council meetings because in the same email about the pageant it
578 also said that Staff took away the \$10,000 for Cherry Days that Council put in there. Debbie Cardenas
579 said it was taken out of the budget because it was going to be funded with donations rather than the City
580 paying for it. Mayor Harris said this is just a proposal and cancelling the pageants was an administrative
581 decision that he made. Council Member Bigler said he is one who voted against that from public funds
582 for last year. If a decision is made by Administration or Staff it needs to be made clear to the Directors
583 and those committees exactly what took place so there are not rumors going around. He proposed that it
584 be sent in an email but that didn't get done. He said he guesses that he hears it more than others because
585 of the profession he is in. He said in the future if the Council votes to do something logic would be that
586 the Council would have to vote to undo it. Debbie Cardenas said the policy states the Council looks at a
587 budget and adopts the overall budget once it's adopted the department heads do have the option to make
588 changes within the department and it is not required to come back to the Council. Council Member Bigler
589 asked if the Council votes for a program Staff can cancel it. Debbie Cardenas replied, legally yes, within
590 that department. Mayor Harris said that is correct as long as it isn't more money. Debbie Cardenas said
591 she believes she quoted the State Code on that in an email she sent back to Council Member Bigler.
592 Mayor Harris restated that it was an administrative decision and he made it. Council Member Bigler said
593 as long as people know that, we're ok.

594
595 Mayor Harris said we will go forward at the next meeting with some options.

596
597 **PUBLIC/COUNCIL COMMENTS**

598
599 Dale Swenson, 3593 N 575 E, said regarding the four day workweek, the reason that the legislature
600 brought up going back to a five day workweek is because the savings was tens of thousands of dollars less
601 than they anticipated.

602
603 Charles Crippen, 3576 N 575 E, said there were some statistics stated today in regard to the home
604 occupation code that are not accurate. He said he personally took a poll this last weekend of the
605 immediate neighbors to the Baguley's and the statement was that they can't believe what the City had
606 done. His numbers are such that 100% of the people are against it. He referred to the document that he
607 presented earlier, which is on file. He said that in this instance some of the neighbors were brave enough
608 to face the ridicule and that is the only reason any mitigation was required. His concern going forward is
609 how many more times the residents are going to be put through this kind of thing.

610

611 Council Member Turner reminded everyone that this is an election year. He said he has a friend who is a
612 Pleasant View Police Officer and he said that since Ogden City has the injunction on the Trece gang it is
613 daily that they are running them out of Pleasant View now. He wondered if North Ogden City has seen
614 an increase in gangs. He said staff has done a fantastic job here on the budget and added that it has been a
615 tough year.

616
617 Council Member Bigler said regarding the ordinance on the home businesses, he thinks this was taken
618 before the Planning Commission and it was voted unanimously by the Planning Commission that this
619 business was within the law. A citizen appealed it and the City Council disagreed with him. The Council
620 was instructed that this is not about opinions, it is about the law. He said he took that to heart and the
621 City Council voted unanimously as the Appeals Board to allow it. The business owner went through the
622 effort and expense to do everything the City asked him to do. Six months later he is still being harassed.
623 The business is legal and for him that's the bottom line. He said he hopes the neighborhood can get along
624 and that the Baguleys' are not harassed anymore.

625
626 Council Member Flamm said one comment has been that we need to be more business friendly and
627 increase the tax base. He thinks the new sign ordinance is great. He particularly likes the unique sign
628 section. It gives the Planning Commission the ability to look at some of those things. He complimented
629 the Planning Commission and Economic Development Committee.

630
631 **Council Member Flamm moved to convene to the MBA. Council Member Bigler seconded the**
632 **motion.**

633
634 **Voting on the motion:**

635 Council Member Flamm	yes
636 Council Member Bigler	yes
637 Council Member Turner	yes

638
639 **Motion passed.**

640
641 The MBA convened at 9:13pm. The City Council reconvened at 10:01pm.

642
643 **CONSIDERATION AND/OR ACTION TO ENTER INTO A CLOSED MEETING TO DISCUSS**
644 **THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY TO BE HELD IN**
645 **ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-204-5.**

646
647 **Council Member Turner moved to go into closed meeting. Council Member Flamm seconded the**
648 **motion.**

649
650 **Voting on the motion:**

651 Council Member Flamm	yes
652 Council Member Bigler	yes
653 Council Member Turner	yes

654
655 **Motion passed.**

656
657 The City Council convened in a closed meeting at 10:11pm.

658
659 **DISCUSSION AND/OR ACTION TO DIRECT STAFF TO SELL CITY OWNED PROPERTY.**

660
661 Staff was directed to pursue appraisals and secure first right of refusal. No votes were taken.

662 **ADJOURNMENT.**

663

664 **Council Member Bigler moved to adjourn. Council Member Turner seconded the motion.**

665

666 **Voting on the motion:**

667 **Council Member Flamm yes**

668 **Council Member Bigler yes**

669 **Council Member Turner yes**

670

671 **Motion passed.**

672

673 The meeting adjourned at 10:37pm.

674

675

676

677

678 _____
Mayor Richard G. Harris

679

680

681

682

683 _____
S. Annette Spendlove, MMC

684 City Recorder

685

686

687

688 _____
Date approved

689

Not Approved

Home Occupation Code Presentation – City Council

- ✓ 1. I stand before you a concerned citizen. My views are neither anti-government nor pro big-government. I support reasonable government that protects and benefits the general well being of this City's residents and its business owners. I do not support government which is, or people who are, unreasonable and disrespectful of the process of citizens providing civil input regarding the governance of this City.
- ✓ 2. I am amused by people who believe that property owners should be allowed to do whatever they want on their property, and not be encumbered by government rules or regulations. However, my amusement is tempered because these same people often ignore, discount, and disregard the right of other property owners to enjoy their property without the annoyance, nuisance and intrusion of objectionable and excessive noise, fumes, dust, and other hazards. The lack of government creates an atmosphere where, historically, the few who are rich, powerful, and/or aggressive subjugate the many that are not. Reasonable government equalizes this inherent imbalance of power and rights.
3. Let's look at why we, as citizens of this country, have zoning regulations or ordinances.
→ Theoretically, the primary purpose of zoning is to segregate uses that are thought to be incompatible. However, in practice zoning is used as a permitting system to prevent new development from harming existing residents or businesses. This second statement is true because this country was established during a time of a predominately world-wide agricultural economy. As the industrial revolution expanded and immigrants flowed into this country, zoning efforts began to control and mitigate land-use conflicts and negative impacts on property owners and communities. Again, the intent or goal of zoning ordinances is to segregate uses that are thought to be incompatible.
- 4. Let's look at the City's purpose for its Title 11 Zoning Regulations as stated at 11-1-2:
PURPOSE:
a. *"This title is designed and enacted in order to provide for the health, safety and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience and aesthetics of the city, and its present and future inhabitants and businesses, to protect the tax base, secure economy and governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, to protect property values, and to govern uses, density, open spaces, structures, buildings, energy efficiency, light and air quality, transportation and public alternative transportation, infrastructure, public facilities, vegetation, trees and landscaping. (Ord. 2002-05, 4-9-2002)"*
- ✓ 5. Having said that, let's talk about the Home Occupations Code. The City's term "Home Occupation" can best be defined as a home based business compatible with being operated out of the interior living space of a residential home.

-
- ✓ 6. The reason why I am here tonight is because the City's decisions have been both arbitrary and capricious regarding enforcement of their Zoning Ordinances, its approval of Conditional Use Permits for Home Occupations in Residential Zones, and the recent changes and proposed changes to its Codes.
 - ✓ 7. This assertion is evidenced by:
 - ✓ a. The current Home Occupation Code states that any use
 - 1) *"...shall not disturb the peace and quiet, ..., of the neighborhood by reason of ..., sounds, noises or vibrations"* (11-16-1-B)
 - 2) *"...shall not be associated with noise, dust, odors, noxious fumes, glare, or other hazards to safety and health which are emitted and may be discernable beyond the premises"* (11-16-1-J)
 - 3) In fact, the very reason most uses proposed by home owners to be operated in their garage is because the use generates just such conditions. The fact the use will be operated within a garage does not circumvent these disqualifying conditions.
 - 4) There is nothing in this code that states these disqualifying conditions are permissible with conditions or mitigations. The code makes it clear that uses which generate these types of nuisances are not to be allowed
 - ✓ b. Knowing this, the City has allowed two auto repair businesses and a machine/repair shop to operate out of residential garages – uses that are not compatible by the City's own codes;
 - ✓ c. One auto repair use and the machine/repair use are operating in an accessory building on their respective residential properties, in direct violation of City code and with full knowledge of the City. One applicant even told the Planning Commission that he built the structure for his auto repair business.
 - ✓ d. the City office recently denied a resident from holding sewing lessons out of her home while allowing pre-schools to operate out of residential homes;
 - ✓ e. the City will now allow residents to (retail) sell eggs out of their homes, yet will specifically restrict how home party sales consultants can operate their business.
 - ✓ 8. The City's record also gives me serious concern for the future; and, what other non-conforming and incompatible uses the City will allow in our residential neighborhoods as the Planning Commission approved just this month a tooling/repair business to operate out of a residential garage. Call it what you want, this business has a metal lathe and a milling machine – it is a machine shop, which is clearly identified by the City's own ordinances as a Manufacturing Zone use.
 9. In the August 18, 2010 Planning Commission minutes (Line 141), one Commissioner is quoted as stating: *"we can't go against the ordinance"* regarding consideration of a conditional use permit application for a light auto repair business in a residential neighborhood. Yet, the Commission and the City Council ignored and continues to disregard the uses clearly identified as "Permitted" "Conditional Use" and "Not Permitted" in Residential Zones as listed in Ordinance Title 11, Chapter 8, Article A, for C-1 designated zones; and, and in Title 11, Chapter 8, Article C.

-
- ✓ 10. After reviewing the minutes of the following Planning Commission and City Council meetings regarding these explicitly **Not Permitted Uses**, the proposed modifications to the Home Occupation Code, and the final approval allowing chickens in all residential zones, we cannot trust the City to apply a consistent process, based on guiding principles, that will maintain the integrity of all of the City's zones. For example:
- ✓ a. The Conditional Use Permit issued by the Planning Commission on January 16, 2008 to operate an auto repair business out of a detached garage contains absolutely no conditions to mitigate the impact on the neighbor situated right next door to that detached garage. Additionally, the fact this business is operated in a detached garage automatically disqualified it as a home occupation use then, and disqualifies it now.
 - ✓ b. The same situation now exists with the machine shop situated on Fruitland Drive. As of April 6, 2011, we now have a Manufacturing Zone use (see Title 11, Chapter 8, Article C) allowed in an accessory structure, in a residential neighborhood with what amounts to no mitigating conditions.
 - ✓ c. In regards to the auto repair business approved by the City Council October 12, 2010, and based on the lack of conditions placed on the previous two actions, I doubt any mitigating conditions would have been invoked if some of the immediate neighbors had not showed up and persistently objected.
 - ✓ d. The new Chicken ordinance meandered through the Planning Commission and the City Council in what started out as a means for families to harvest a few eggs for their own use and to teach their children responsibility, with the proviso that any excess eggs could not be sold. I was confident that the limit of 6 chickens and the prohibition of selling eggs would limit the number of people who would want to do this, as well as the size of their activity. All of a sudden, during the Council's approving discussions of March 22, 2011, the City Council increased the number of chickens from 6 to 10 (for lots under ½ acre), and as a result of that increase: *"Council Member Flamm said we have in there the selling of eggs is prohibited. He said he feels like if they go to the effort of having the chickens, the family is probably not going to be eating that many eggs... Council Member Flamm made a motion to strike the restriction on the selling of eggs."* The result? The City Council has now approved the retail sale of eggs in every residential zone in the City. We now have a use (Egg handling, processing and sales) which is identified by the City's ordinance as a Permitted **Manufacturing Zone Use** (see Title 11, Chapter 8, Article C) that will now be allowed in residential neighborhoods.
 - ✓ e. Targeting party sales consultants in the proposed amendment is now a bit hypocritical and discriminatory. I can understand we don't want retail sales businesses operating out of residential homes. But, at least allow these businesses the option to receive delivery of the party sales goods at the consultant's home to check and organize the party order before delivery to the party host/hostess for distribution.
 - ✓ f. The Planning Commission and the City Council members' interpretation that any use located in a garage automatically qualifies as a Conditional Use is faulty, self-serving, and disregards the integrity of the City's zoning ordinances. The garage is merely the location of the proposed use, not the standard by which a use is determined to be a Permitted Use or a Conditional Use allowed in a Residential Zone. The City's suite of

Zoning Codes specify what uses are a **permitted** use, are a **not-permitted** use, or a **conditional** use in the various zones:

- 1) See Utah Code: 10-9a-507. Conditional uses. (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
 - 2) For the examples I just stated above, the City already has applicable ordinances and standards in place for numerous uses: See both Title 11, Chapter 7, Article B-2 and B-3, and Title 11, Chapter 8, Article A, for C-1 designated zones; and, Title 11, Chapter 8, Article C
- g. In the minutes of the Planning Commission October 20, 2010 meeting, Agenda Item #5: Discussion regarding a proposal to amend section 11-14, "Conditional Use", the City Zoning Ordinance, Mr. Craig Barker even stated the following: *"There is a list of uses in commercial zone that shows everything that is allowed. He told the Commission conditional use can be included in every chapter. He said there are various standards of conditional uses in the general guidelines. General conditions can specifically be attached to the guidelines."*
- h. The Planning Commission, on November 17, 2010, was presented with the opportunity to define, or list, what uses should not be allowed and what uses would be compatible in a residential area.
- 1) At the Planning Commission, on November 17, 2010, Commissioner Bingham stated my point very well: *"right now there are not parameters on whether or not a home occupation should occupy a garage; it is all up to conditional use". He added that right now, decisions are being made with regards to how the Commission and the neighbors feel. He added that they should tighten up the ordinance beforehand so people will know what the conditions are. He said they need to look at the home occupation criteria and discuss the parameters of what should be allowed in a garage."*
 - ✓ 2) Regarding the Conditional Use Permit Code, Commissioner Hulme said: *"traffic is an issue that has been addressed multiple times. He suggested they take the objective language out."* Commissioner Bingham said: *"the State has a problem with putting conditional uses in the Commission's hands because they are using subjective standards that can change with each individual's feeling or opinion."* [and, I might add, with any change in membership on the Commission].
 - 3) Mr. Craig Barker stated (regarding the Conditional Use Permit Code) the following: *"The ordinance currently includes any conditional use. He explained that in the commercial zones there are between 30 to 40 conditional uses and each one may have its own impact."* I take exception to that statement. A more accurate statement would be: The current interpretation by the City is that any use could be operated out of a residential garage; and, the very fact someone wants to do it in a garage automatically qualifies it as a conditional use!
 - ✓ 4) On page 13: *"Mr. Carlson said conditional uses are a problem, the area where planning commissions and city councils themselves in trouble more often. Most cities have subjective standards and it gets down to a beauty contest. The decision is based more on whether they like the applicant or if they like the business or trade the*

applicant is engaged in. He stated that is not what a conditional use is about. It is about a use that may be appropriate in a zone under certain circumstances and the Commission should be able to articulate that. Most conditional uses are generally perceived as those that are compatible with the use next door under certain circumstances. He said they also need to think about the negative impacts on the neighboring properties. There may be certain areas in the zone the use would be allowed and other areas that it may not."

- 5) Add the portion of the recorded conversation on that night, which I had inserted in the public record (see the last page of the minutes for Planning Commission December 15, 2010 meeting), regarding a recently approved auto repair business as follows: *LINE 269: After "legally is the issue." Insert the following 1 minute and 22 second conversation [at the 51:14 to 52:36 mark of recording]: "Commissioner Kaiser stated That's probably what pushed us to our decision, is the current economic conditions, and probably have some compassion for this individual. I think in a normal situation, we probably would have not passed this. Mr. Barker replied Well, you see, that brings up that whole idea that can you use that as a basis for making a decision? Commissioner Dalphias interjected No, you shouldn't do it. Mr. Barker said I used to sit where you guys sit. And, I was also the Chairman of the Board of Adjustments many years ago. You have people come up with a rational reason, why they want to do something, but they need some adjustment in doing that. And, you have all kinds of feel sorry for the guy; but, sometimes you have to say no. Maybe in a normal situation, you would not have done that. Commissioner Kaiser stated I agree with that. Mr. Barker repeated Maybe in a normal situation, you would not have done that. Who knows? Commissioner Bingham interjected But, Ken, brings up a good point, if we allow it now for, I guess there are two of these types of situations in our city. Now, does that set a precedence so if someone else wants to come in and they say, they've got a hardship, and they need to have that extra income, how could you deny it? Commissioner Kaiser agreed How could you deny it? "*
- 6) The fact that the Planning Commission has not amended this Home Occupation code to identify "Permitted" "Conditional Use" and "Not Permitted" uses should be interpreted as the Commission having endorsed and ratified the following:
- a) The authenticity and veracity of the list, specified for C-1 designated uses in residential zones, in Ordinance Title 11, Chapter 8, Article A; and that,
 - b) Personal agendas, to allow any use in residential areas at the expense of the integrity of the City's zoning ordinances, exist among the members of the Planning Commission in conflict with their duty to protect and enforce the integrity of the City's land-use zoning ordinances.

- ✓ 11. The City's past, recent, and potential continued actions allowing Not Permitted Uses and incompatible uses to operate out of residential properties unnecessarily creates situations that pit neighbors against neighbors; wherein, property owners are encouraged to start up these non-conforming and incompatible businesses; and, the surrounding neighbors become outraged that the City allows them to do so. Once both sides dig in their heels, with one side feeling they are justified, and the other side feeling they are right,

5

relationships are fractured and the quiet residential atmosphere evaporates. When the City stuffs an obnoxious and incompatible use down the throats of the immediate neighbors, and exposes them to greater risk of harm, the City cannot wash its hands of the consequence by such statements as: "More people were in favor than opposed, besides, the City's vote on the matter was unanimous."

12. There is a ton of scientific evidence documenting that excessive noise and harmful emissions have harmful effects on young and older people, especially those with asthma, COPD, heart disease, depression tendencies, and weakened immune systems. You also place immediate neighbors at risk of fire damage. You knowingly place these families and my family at risk. And, in my opinion, you place the City coffers at risk.

✓ 13. Finally, I have two proposals for the City to consider:

- ✓ a. Create a zone that allows these types of business in structures that have living quarters behind or above the shop for the owner/operator; instead of forcing a square peg in a round hole, and shoving these intrusive situations down the throats of your fellow citizens.
- ✓ b. If the City Council chooses to allow the continued operations of incompatible and non-conforming uses out of residential garages, at least institute a "sunset provision" that will encourage the "business" owner to relocate to a commercial zone once they are established. The business owner could relocate to the new zone I just proposed.

Thank you for your time and service.

Debbie Cardenas

From: Debbie Cardenas
Sent: Wednesday, May 04, 2011 2:06 PM
To: Debbie Cardenas (dcardenas@northogdencity.com)
Subject: FW: Budget Questions

From: Debbie Cardenas
Sent: Tuesday, April 26, 2011 6:53 PM
To: Wade Bigler
Cc: Martha Harris; 'BRENT RUSSELL TAYLOR'; Brent Taylor; 'Carl Turner'; Carl Turner; 'Ron Flamm '; Ronald Flamm; Richard Harris; Ed Dickie
Subject: RE: Budget Questions

Wade,

Please see responses to your questions below. Hope this is helpful.

Thank you,

Debbie

From: Wade Bigler
Sent: Tuesday, April 26, 2011 1:30 PM
To: Debbie Cardenas
Subject: RE: Budget Questions

What is the \$9,175 cut from "council raises"?

In the original draft budget we had projected raises for the Council and forgot to remove it before we met at the retreat. At the retreat we discovered that and cut it from the budget. This just means that the Council keeps the same wages less the 10% the Council voted to reduce their salaries by.

Since it is proposed that we change some recreation fees, I would like to know how many signed up for kickball and flag football, and how much money these two sports took in.

Kickball had 50 kids play who paid \$20 each which brought in \$1,000

Flag Football had 63 kids play who paid \$30 each which brought in \$1,890

I would also like the record of how many registered and \$ taken in, for each of the adult rec programs.

Tennis was the only adult sport which we have offered and we had 50 youth and adults which paid \$10 for a total of \$500

This fall we will begin offering adult volleyball, three on three basketball and adult flag football.

Our football program is the largest of our recreation programs having 220 boys play each paying \$100 and bringing in \$22,200.

Some questions I have for council meeting:

- Can we change some employees from full-time, to part-time, so we don't have to pay benefits? This could be considered but it would severely hurt our staffing level which naturally affects the level of service we can provide.

- I'd like us to see how much it costs the city to pay for 90% medical coverage, vs. 80% and 70%.

90% - \$465,564

80% - \$413,835

70% - 362,105

- Why is councils pay and not our leader's pay decreasing? If the council is sacrificing, shouldn't our mayor also sacrifice?

The Mayor wanted to cut his salary but if you will recall, at the retreat, the Council recognized that the Mayor has done more than any other Mayor in recent history and has put in hours equivalent to a full-time Mayor vs a part-time Mayor. You all felt that he deserved his salary therefore, made a motion to exclude him from the 10% pay cut, and unanimously approved it.

- What are we specifically deducting, or how, from the follow areas listed under "POST Retreat & Proposed Staff Changes":

Travel & Training \$28,851.

We left it to the Dept. Heads to decide which seminars would be cut. We just had them do a straight across 10% cut.

4/10 schedule \$11,814 (How will this 4 day schedule cut fuel and utility costs?)

I took a 2 year history of utilities and fuel and estimated a savings based on the City being shut down for one day. I did not cut fuel for the Police since Polo stated that they would continue on their current schedule. We could potentially realize a 20% savings but I went with a conservative 10% savings. This is based on a 4 day work week with hours of operation that would better serve the public. The City offices would be open from 7:30 – 6:00 or from 7:00 – 5:30.

Court & Animal Control phone expenses \$1020. - Based on year to date figures Polo felt that these two line items could be reduced.

Court \$1,500. – Additional Travel & Training

Non-Dept \$3,000. - Unemployment Insurance

Inspections \$600. – Additional Office Supplies

Admin. \$3,900. – Still researching

Elections \$1,000. – Weber County expense
