

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2  
3  
4 November 9, 2010

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7 The North Ogden City Council convened in regular session on November 9, 2010 at 5:30 p.m. at the  
8 North Ogden City Justice Court, 515 East 2600 North. Notice of time, place and agenda of the meeting  
9 was delivered to each member of the City Council, posted on the bulletin board at the municipal office  
10 and posted to the Utah State Website on November 8, 2010. Notice of the annual meeting schedule was  
11 published in the Standard-Examiner on January 24, 2010.

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13  
14 **PRESENT:** Martha Harris Mayor Pro Temp  
15 Wade Bigler Council Member  
16 Brent Taylor Council Member  
17 Carl Turner Council Member

18  
19  
20 **EXCUSED:** Richard G. Harris Mayor  
21 Edward Dickie City Manager

22  
23  
24 **STAFF PRESENT:** Annette Spendlove City Recorder/HR Director  
25 Julia LaSeure Deputy City Recorder  
26 Craig Barker Community Development Director  
27 Dave Carlson City Attorney  
28 Debbie Cardenas Finance Director/Acting City Manager  
29 Dave Nordquist Community Services Director

30  
31  
32 **VISITORS:** Dave Hulme Dean Allred  
33 Pam Trimble Helen Taylor  
34 George W. Parsons Bob Christofferson  
35 Cecil Satterthwaite Mike Barrow  
36 Sandy Price Richard Johnson  
37 Annette Johnson Gary Ramos  
38 Rachel Trotter Margaret Beus  
39 Toby Mileski LA Christensen

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41  
42 **WELCOME**

43  
44 Mayor Pro Temp Harris called the meeting to order and welcomed the audience. She explained that  
45 Mayor Harris and Ed Dickie, City Manager, are out of town for training. Council Member Flamm gave  
46 the invocation and led the audience in the Pledge of Allegiance.

47 **CONSENT AGENDA**

48 1. Consideration to approve minutes of the October 12, 2010 City Council meeting.

49 2. Consideration to approve minutes of the October 26, 2010 City Council meeting.

50 **Council Member Flamm moved to approve the consent agenda. Council Member Taylor**  
51 **seconded.**

52 **Voting on the motion:**

53 **Council Member Bigler**      **yes**

54 **Council Member Flamm**      **yes**

55 **Mayor Pro Temp Harris**      **yes**

56 **Council Member Taylor**      **yes**

57 **Council Member Turner**      **yes**

58 **Motion passed.**

59 **ACTIVE AGENDA**

60 3. Public Comments.

61 Mayor Pro Temp Harris stated that agenda items 4, 5, 6, 7, 8 and 9 are all public hearings on various  
62 topics. There will be specific public comment time for each of those topics; any other comments can be  
63 made now at item 3 or later at item 15.

64 There were no comments.

65 4. Public Hearing to receive comments on amendments to the PRUD Subdivision Regulation to  
66 include the City Trails recommended in the City Trails Plan.

67 Craig Barker, Community Development Director, referred to the staff report which includes the five  
68 public hearings he will address tonight. Some proposed amendments are from the Economic  
69 Development Committee (EDC), some are from the Planning Commission and others are from the  
70 public at large.

71 Craig Barker said the first of these is to amend the Zoning Regulations of the City to amend the PRUD  
72 requirements. This will add the trails shown on the Trails Plan of the City as a requirement to future  
73 development. The City has had a hard working Trails Committee for a number of years and this comes  
74 in large part from the work that those people have done. When a proposal comes to the City, it will be  
75 reviewed for any trails that are part of the Trails Plan. He reviewed the requirements of the proposed  
76 amendment for the Council and said these areas would count toward the required open space of the  
77 development. The City would become responsible for the maintenance of these dedicated public trails  
78 as part of final acceptance of the subdivision. This is all new as a standard for developing PRUDs.

79 Mayor Pro Temp Harris opened the Public Hearing at 5:44pm.

80 Mike Barrow, 2911 Cherry Dr., said he is here as a member of the Trails Committee. Joel Grasmeyer  
81 asked Mr. Barrow to read a statement which is on file.

82 **Council Member Flamm moved to close Public Hearing. Council Member Bigler seconded.**

83 **Voting on the motion:**

84 **Council Member Bigler**     **yes**

85 **Council Member Flamm**   **yes**

86 **Mayor Pro Temp Harris**   **yes**

87 **Council Member Taylor**   **yes**

88 **Council Member Turner**   **yes**

89 **Motion passed.**

90 The Public Hearing closed at 5:50pm.

91 Mayor Pro Temp Harris stated that the procedure in the past has been to hold a Public Hearing at one  
92 meeting and approve the ordinance at a future meeting.

93 5. Public Hearing to receive comments on amendments to the Subdivision Regulations to include  
94 the City Trails recommended in the City Trails Plan.

95 Craig Barker stated that this is the second part of the same action to include the trails in the City. This  
96 deals with the Subdivision Ordinance; standard subdivisions typically do not have required open space.  
97 He reviewed the proposed standards and said if the master plan shows a public trail the developer will  
98 have to build it.

99 Council Member Bigler said, regarding the trails in the master plan, there is a lot of privately owned  
100 property and this is assuming that every piece is going to be developed. If families decide not to  
101 develop then we will have put in all this work and are now responsible for these trails that are a bunch of  
102 dead ends. Craig Barker said that is correct, it depends on the property owners and the Trails Committee  
103 working with those property owners to try to get public access easements.

104 Council Member Bigler asked when it is going to be developed, does this allow for the trail to be moved  
105 to the edge of a property? Craig Barker said yes.

106 Council Member Turner said part of this proposed amendment is that the Trails Committee is going to  
107 work on a Trails Ordinance for the City. Some of these issues have not been fully addressed. Some of  
108 the trails we have been able to do with grants. We don't have all the answers on some of this yet.

109 Dave Carlson, City Attorney, said there are some published standards out there. Council Member Bigler  
110 said he would not expect every detail to be worked out before moving forward on this. He also said he  
111 wouldn't want a trail going through his backyard. Craig Barker said if this is done as part of a  
112 subdivision, you will know that a trail is going through your backyard. The trail would be known as to  
113 where it is going to be. A buyer will purchase knowing that a trail is going in there.

114 Council Member Flamm said in Eagle Mountain there are a lot of trails. Sometimes the trails go right  
115 up to the yard and sometimes there are fences. The trails were there before they started building. Craig  
116 said yes, once we approve a subdivision there will be a guarantee of the installation of that subdivision.  
117 A person would know if they are to have a trail in their backyard.

118 Council Member Turner said this will not affect all subdivisions either, only those with master planned  
119 trails shown in those areas. This will allow the City to protect our trails.

120 Council Member Taylor said his first thoughts are that it's one thing to require roads, sidewalks, etc. but  
121 trails are different. This raises some concerns for him, is there any compensation to the landowner? He  
122 said he would appreciate more research on this.

123 Craig Barker stated that trails are not new to development; trails have been a part of the discussion over  
124 at least the last 35 years. If the City gives certain criteria these can be required as part of the  
125 transportation plan. If it is specified in the ordinance, the Courts have generally said that the Cities can  
126 require that they occur. Some of these things don't have to be owned by the City, it can be included in  
127 the generalized lot size.

128 Mayor Pro Temp Harris opened the Public Hearing at 6:07pm.

129 There were no comments.

130 **Council Member Flamm moved to close the Public Hearing. Council Member Bigler seconded.**

131 **Voting on the motion:**

132	<b>Council Member Bigler</b>	yes
133	<b>Council Member Flamm</b>	yes
134	<b>Mayor Pro Temp Harris</b>	yes
135	<b>Council Member Taylor</b>	yes
136	<b>Council Member Turner</b>	yes

137 **Motion passed.**

138 The Public Hearing closed at 6:08pm.

139 6. Public Hearing to amend the Zoning Ordinance on Home Occupations Section 11-16-1 to clarify  
140 and remove redundancy.

141 Craig Barker stated that this ordinance is in response to some applications for home occupations and  
142 also the Mayor's request that the Planning Commission look at the Zoning Ordinance chapter by  
143 chapter. We have made some amendments and most of them are for clarity. He reviewed the proposed  
144 amendments.

145 Council Member Flamm said he was thinking about Penny's Candies, she has a space in her basement  
146 with a little candy counter.

147 Council Member Taylor said he is fine as long as it is not visible from outside the home.

148 Council Member Bigler said he has concerns about the language "specialty products primarily for home  
149 sales", who is going to determine primarily for home sales? Craig Barker said when there is a question  
150 about the interpretation it becomes the Council's interpretation. Craig will make a decision and if the  
151 applicant disagrees it comes to the City Council. Council Member Bigler asked about "income  
152 producing activities engaged in by minors". Craig said that would be for things like a lemonade stand in  
153 the front yard.

154 Mayor Pro Temp Harris opened the Pubic Hearing at 6:18 pm.

155 Sandy Price, 3589 N 500 E, said she does not currently have a home occupation but she did in the past.  
156 She had some suggestions. She said regarding item D - not to disturb the peace and quiet in the  
157 neighborhood, what about daycares and music schools? They create noise. She said it seems subjective  
158 to her. She suggested including a level of decibels. She said that not having activities outside would  
159 also apply to daycares. She said the display of sales or goods would affect massage therapists who  
160 might have oils or books. They couldn't sell those. This would also affect people who are music  
161 teachers and could not sell music books. She said she is not sure what a vehicular trip means. Is that one  
162 trip to and from? Is the trip there one and the trip away two? Could the City allow additional trips with a  
163 special permit like a Conditional Use Permit? That would be needed more so for a hair stylist or  
164 daycare. That limit of five can be used up very quickly and she suggested increasing that.

165 **Council Member Flamm moved to close the Public Hearing. Council Member Taylor seconded.**

166 **Voting on the motion:**

167 **Council Member Bigler**      **yes**  
168 **Council Member Flamm**     **yes**  
169 **Mayor Pro Temp Harris**    **yes**  
170 **Council Member Taylor**    **yes**  
171 **Council Member Turner**    **yes**

172 **Motion passed.**

173 The Public Hearing closed at 6:24pm.

174 7. Public Hearing to amend the Zoning Ordinance to include Agriculture in all zones as a permitted  
175 use.

176 Craig Barker stated that this item came about because of some conflict we had last summer and spring  
177 regarding some areas that have been zoned residential for about 50 years and are being used for  
178 agriculture. We only have two zones that allow agriculture as we currently define it, RE-20 and R-1-8  
179 (AG). None of the other areas allow the keeping of animals other than family pets. He said he doesn't  
180 know why agriculture as a permitted use was taken out of the zones other than those two. Weber  
181 County defines agriculture as the growing of crops and tilling of the soil. He proposes that we add  
182 agriculture back in as a permitted use with that definition. He said he sees no reason not to do that with  
183 the new definition of growing of crops and tilling of soil.

184 Council Member Flamm said one of the tours he went on at the Utah League of Cities and Towns  
185 conference was on urban gardens; chickens, beehives, all types of gardens in Rose Park. He said he had  
186 never seen such a small place being used for agriculture. He said that some people now are asking if we  
187 allow chickens. Is that what we are talking about here? Craig said no we are only talking about the  
188 growing of crops and the tilling of soil.

189 Council Member Bigler said he understands that this is keeping the livestock as it is but expanding the  
190 garden type areas permitted. Craig said that is correct. Council Member Bigler said Staff did a good job  
191 on this.

192 Mayor Pro Temp Harris opened the Public Hearing at 6:33pm.

193 Dean Allred, 1942 N 500 E, said he was not aware of the fact that you could not legally have a garden in  
194 your yard in North Ogden. He said he has been breaking the law for years. This definitely needs to be  
195 changed. He stated that he understands this isn't about chickens right now but said that chickens don't  
196 bark. He said he is an old farm boy and he doesn't want chickens but when that issue comes before the  
197 City Council they should think about that.

198 **Council Member Taylor moved to close the Public Hearing. Council Member Bigler seconded.**

199 **Voting on the motion:**

200 **Council Member Bigler**      **yes**

201 **Council Member Flamm**    **yes**

202 **Mayor Pro Temp Harris**    **yes**

203 **Council Member Taylor**    **yes**

204 **Council Member Turner**    **yes**

205 **Motion passed.**

206 The Public Hearing closed at 6:35pm.

207 8. Public Hearing to amend the Zoning Ordinance to allow A-Frame Signs in the Commercial  
208 Zones.

209 Craig Barker said that this proposal comes as a result of the Economic Development Committee. We are  
210 finally coming to fruition of some of the work they've done. We have previously not allowed an A-  
211 frame or sandwich board sign. This proposal will add that to the Zoning Ordinance. We define what an  
212 A-frame sign is and the requirements of those. We also address banners, pennants and other temporary  
213 displays and propose that they be allowed in the Commercial Zones.

214 Mayor Pro Temp Harris asked if a hair salon puts out a banner advertising shampoo for a week it stays  
215 for a week and then comes down for a week. Could they then put up a banner advertising permanents  
216 for a week? Craig Barker said yes but they still only have 12 weeks per year total. That is his  
217 interpretation.

218 Council Member Taylor said when this came through the Economic Development Committee (EDC)  
219 there was a provision that the signs have to come in at night. Craig said it is there in the beginning.  
220 Council Member Taylor mentioned the twelve week total period and that the intention was not year  
221 round for different things. Craig Barker agreed that needs to be clarified and said that was his  
222 interpretation.

223 Council Member Taylor stated that these are two examples of work from the EDC and a lot of things  
224 have been produced from them. The idea is to encourage business success and become more business  
225 friendly. He said a lot of people are putting in their time on this Committee.

226 Council Member Turner asked whether the Making Life Better banners that the City has up are covered  
227 under this ordinance. Craig replied no. Council Member Turner asked if it is the same with special  
228 events signs. Craig replied these are specifically designed for businesses.

229 Council Member Bigler asked whether this would include Gordon's Halloween? Craig Barker said that  
230 would not be covered here but they could have advertising on their own property. Council Member  
231 Bigler asked about the corn maze at the fish farm. Craig replied no because that is not in a commercial  
232 zone. Mayor Pro Temp Harris said in the A frame sign section we say it must be on the business site.  
233 She doesn't see that in the banner ordinance. Craig said the ordinance covers that in another section.

234 Mayor Pro Temp Harris opened the Public Hearing at 6:48pm.

235 Mike Barrow, 2911 Cherry Dr., said that signs must be on the business property but the parking strip is  
236 City property. Is that correct? Mayor Pro Temp Harris said that is correct.

237 **Council Member Bigler moved to close the Public Hearing Council Member Taylor seconded.**

238 **Voting on the motion:**

239 **Council Member Bigler**      **yes**  
240 **Council Member Flamm**   **yes**  
241 **Mayor Pro Temp Harris**   **yes**  
242 **Council Member Taylor**   **yes**  
243 **Council Member Turner**   **yes**

244 **Motion passed.**

245 The Public Hearing closed at 6:50pm.

246 9. Public Hearing to receive comments on Community Development Block Grants projects for  
247 2011.

248 Gary Kerr, Building Official, stated that North Ogden City has many times gone after grants; this is one  
249 of those times. North Ogden City is going after a 2011 Community Development Block Grant (CDBG);  
250 this Public Hearing is the first step. We need to identify and discuss the Community Development needs  
251 of the community and obtain citizen views on projects. We then respond to any suggestions. The  
252 Wasatch Front Regional Council area in which North Ogden City is a member, is expecting to receive  
253 \$1.3 million. Eligible projects include street improvements, sewer lines, water lines, etc. We have a five  
254 year Capital Improvements Plan which includes some under street improvements in the Green Acres  
255 area. We could go after a maximum of \$200,000 for road projects. Gary Kerr stated that the Senior  
256 Center and water line in the Green Acres area were completed with CDBG funds. Most types of projects  
257 that are included have to be used for low to moderate income people but there are numerous projects that  
258 you can do. The low to moderate income areas of North Ogden City are the southern Green Acres area  
259 and the central older part of town. The purpose for this public hearing is to hear the citizen's ideas for  
260 potential projects. If they come up with a great idea we would have to add it to our Capital  
261 Improvement Plan.

262 Council Member Turner asked if this is a matching grant. Gary Kerr responded by stating no but you do  
263 get points for putting money into it. Council Member Bigler asked if, before we apply for the grant, we  
264 have to have a specific purpose and place that we would use that money. Gary responded by stated yes  
265 and it has to be on the Capital Improvement Plan.

266 Council Member Taylor said some of the things for the Water Division service the whole City; would  
267 that qualify for low to moderate? Gary Kerr responded saying it has to service at least 50% low to  
268 moderate income people. He said it would be very tough to qualify for because most of the City is not  
269 low to moderate.

270 Mayor Pro Temp Harris opened the Public Hearing at 7:00pm. Anyone with questions, comments or  
271 suggestions were asked to identify themselves by stating their name and address.

272 Pam Trimble, 1229 E 2600 N, asked if Green Acres is the area that we are looking at, could a recreation  
273 facility with sport courts qualify for something like this. Gary Kerr responded by stating yes, if it were  
274 only for those low to moderate income people. Mrs. Trimble said North Ogden City needs a recreation  
275 facility for the teenagers to go play basketball and such. North Ogden should think about having  
276 something like that for our children.

277 Council Member Taylor said that he would like to see us put up the matching funds to increase our odds  
278 of getting some grant money. Gary Kerr said we are doing that with B&C Road Funds and added that  
279 this area needs a lot of work.

280 Mayor Pro Temp asked if there were other comments or suggestions.

281 **Council Member Bigler moved to close the Public Hearing. Council Member Flamm seconded.**

282 **Voting on the motion:**

283 **Council Member Bigler**        yes  
284 **Council Member Flamm**        yes  
285 **Mayor Pro Temp Harris**        yes  
286 **Council Member Taylor**        yes  
287 **Council Member Turner**        yes

288 **Motion passed.**

289 The Public Hearing closed at 7:05pm.

290 10. Discussion and/or action to approve Cold Springs Village PRUD Phase II Conditional  
291 Acceptance.

292 Gary Kerr said that Nilson Homes, the developer of Cold Springs Village PRUD Phase II, is requesting  
293 conditional acceptance. All subdivision items have been completed to the City's specifications.

294 **Council Member Taylor moved to grant conditional acceptance of Cold Springs Village PRUD**  
295 **Phase II. Council Member Flamm seconded.**

296 **Voting on the motion:**

297 **Council Member Bigler**        yes  
298 **Council Member Flamm**        yes  
299 **Mayor Pro Temp Harris**        yes  
300 **Council Member Taylor**        yes  
301 **Council Member Turner**        yes

302 **Motion passed.**

303 11. Discussion and/or action to approve a variance to Stoneridge Subdivision to eliminate  
304 approximately 350 feet of sidewalk on 175 East about 3550 N.

305 Gary Kerr stated that this is a request for a variance on a subdivision improvement which requires City  
306 Council approval. Cecil Satterthwaite is representing the developer. The City Council received a map  
307 showing where they would like to omit some of the sidewalk, where the sidewalk is in and where two  
308 ADA ramps are to be installed. The reason for this request is that being on the steep hill they are  
309 worried that rock and debris will come down on the sidewalk and create a hazard to pedestrians. Gary  
310 said his opinion is that there is no physical reason that the sidewalk could not go in. There is plenty of  
311 room it may just require a little more work. He feels that this area is fairly stable. Physically they can  
312 put sidewalk in.

313 Council Member Taylor said it is a little steep and asked if the hillside is part of a lot? Gary Kerr replied  
314 yes. Council Member Taylor said someone will be responsible for maintaining that area. The property  
315 owner will have to keep it clean. He said he thinks there are some challenges for the builder but does  
316 not see a reason not to require the sidewalk.

317 Council Member Flamm agreed with Council Member Taylor, the property owner will have to take  
318 responsibility for that. Whoever buys those two lots will have some fairly hefty landscaping costs; there  
319 are huge chunks of rocks left there. There are some major costs there, whether they put in the sidewalk  
320 won't make a difference. He said he thinks it will take some major work. Gary Kerr said the sidewalk  
321 has to go in. They got their conditional acceptance a year ago and they now have to install it or get a  
322 variance.

323 Mayor Pro Temp Harris asked if the developer could come back with a variance request to delay the  
324 installation of the sidewalk until the lot is sold. Dave Carlson, City Attorney, said that would be  
325 acceptable. Gary Kerr said right now we have the money in escrow; in future years that amount may not  
326 cover the installation of that sidewalk.

327 Cecil Satterthwaite, the Developer, said as far as putting in the sidewalk it's a unique situation. These  
328 lots have sidewalks on both sides. He is concerned about the property owners having to go all the way  
329 around to maintain that. He would like to do away with the park strip there. Mr. Satterthwaite asked if  
330 they could keep the sidewalk but without the park strip. Dave Carlson, City Attorney, said we can  
331 modify it. The City Council doesn't have to grant him exactly what he asked for.

332 Council Member Taylor asked if we have precedent for that? Are there areas where we have done that?  
333 Gary Kerr replied yes. Mr. Satterthwaite stated that there are no utilities in this area either. Gary Kerr  
334 said he has no problem with this.

335 Council Member Bigler asked if there is a specification for how far back the lot should be from the  
336 sidewalk. Is there concern about the danger of falling rock

337 **Council Member Flamm moved to deny the variance as requested and allow them to put the**  
338 **sidewalk next to the curb and gutter and not have to have a park strip in that area. Council**  
339 **Member Bigler seconded.**

340 **Voting on the motion:**

341 **Council Member Bigler**     **yes**  
342 **Council Member Flamm**    **yes**  
343 **Mayor Pro Temp Harris**   **yes**  
344 **Council Member Taylor**   **yes**  
345 **Council Member Turner**   **yes**

346 **Motion passed.**

347 12. Discussion on Business License fees for Commercial Businesses and Home Occupations.

348 Debbie Cardenas, Finance Director, stated the City Council should have before them five options for  
349 consideration. Rather than discuss them in detail, she would like to summarize the common factors. We  
350 are proposing that the businesses, the home occupations and the rentals be charged the \$64 unless it is a  
351 new application then they would be charged the \$82.34. \$10 less than the amount proposed in the study  
352 because we are not implementing the Good Landlord Program. The differences you will find is the  
353 calculations we made in the disproportionate fees for businesses. The one that is the most considered is  
354 option E which was proposed by Council Member Taylor. Council Member Taylor also sent a narrative.

355 Council Member Taylor said he talked with Shawn Maynard of the North View Business Alliance and  
356 the key points here are raising revenues to cover the costs of the City. This proposal makes it clear that  
357 we value the businesses in the City; they are not seen as a liability. The philosophy of the proposal is  
358 that we need to raise revenues but we want to include that the businesses and landlords are assets to our  
359 City. If we're raising these fees there have to be some benefits. He proposed implementing a portion of  
360 the fees from the study. He is proposing that the City charge the disproportionate fees as proposed by  
361 the study at 100% up to \$250, then the next \$250 will be charged at 50%, any remaining amount over  
362 \$500 would be implemented at 8% . The key is that these funds are being collected and going into the  
363 General Fund. We will offer services to our business owners: establishing a business liaison officer in  
364 the Police Department. This will be an existing officer who will take on this additional duty. There will  
365 be a liaison for the landlords also and we will create an economic development fund that takes 20% of  
366 the license revenues that the City will use to support campaigns like Spend It in North Ogden. The EDC  
367 is discussing a number of exciting things now. Specifics are not in there but they would like the City  
368 Council's commitment to this type of program. Use funds for marketing, Spend It campaign, fliers, shop  
369 local, etc.. Lastly this money could be used to fund a North Ogden Business Alliance and improve the  
370 Spend It website. The main idea is to create a comprehensive proposal that will give back to the  
371 business community and landlords to improve relationships with both groups.

372 Mayor Pro Temp Harris said we have been looking at this since February. At the last discussion it was  
373 requested of all City Council members that any ideas needed to be brought to the City Council prior to  
374 the meeting tonight. She said she appreciates that Council Member Taylor got this to Debbie Cardenas  
375 so we could compare things. If option E is considered and if we started gathering revenues in January,  
376 the City Council would need to consider opening the budget in February to come through with some of  
377 the promises and conditions that are put in option E so we don't wait for a City Budget to roll around six  
378 months later. Tonight what we need to do is approve one of these options; we do not need to have an  
379 ordinance to do that. Upon approval of the option, the staff starts the process of getting letters out for  
380 January renewal. We will adjust the Consolidated Fee Schedule at the next meeting showing all these  
381 fees.

382 Council Member Flamm said he doesn't like to spend other peoples money, if we are going to give back  
383 20% then the fees should be 20% less. If a person wants to join the association, they can. He said he  
384 thinks that less government in a lot of cases is better. We are becoming involved in things we ought not  
385 be. He doesn't think the City should be charging that money. He thinks we ought to hold license fees as  
386 low as we can.

387 Council Member Bigler said he wholeheartedly feels the same way. The proposal says a fund financed  
388 by the City, it says that the City will invest in this but this is the business owners' money. To him it  
389 mimics what the Federal Government has been doing. Regarding the police liaison we are proposing to  
390 charge a fee and then give you more police services. He said he is against the bigger government there.  
391 This is not the proper role of government, marketing businesses. He said he thinks businesses would  
392 rather keep their money and market themselves. He said he thought that this was a little bit misleading.  
393 He would much rather not get into the marketing business. He said he fundamentally disagrees with this  
394 Option E. Debbie Cardenas said we are not recommending the Good Landlord Program but in a year  
395 from now it would be implemented with Option E. Debbie said she would like to address those  
396 concerns. We are not charging more fees; we are trying to recoup the expenses that we are incurring.  
397 We are taking some of that and pouring it back into the businesses.

398 Council Member Taylor said that the money that is collected through disproportionate fees has to be tied  
399 to certain City services; economic development isn't one of them. The money coming from the  
400 disproportionate fees is going to the existing police budget, that wouldn't change. It is being subsidized  
401 through the General Fund. Of that savings to the General Fund we take 20% to finance an Economic  
402 Development Fund. Right now our City spends \$3,000 to \$5,000 every year on the Chamber of  
403 Commerce. The concept of marketing our City and businesses was already approved by everybody  
404 here. That's something that was part of the budget that was approved and it seems that it is an  
405 acceptable use of funds to market business.

406 Council Member Turner said we are voting on one of these options, not necessarily voting on this  
407 philosophy. The summary is not linked to option E. Debbie replied that is correct. We would take that  
408 option and incorporate it into the Consolidated Fee Schedule which will be coming back to the City  
409 Council. Council Member Turner said right now we're voting on the options. This is more of a  
410 philosophy. At this point it is good to have this discussion but we are not making the decision on the  
411 philosophy.

412 Mayor Pro Temp Harris said because the quasi agreement was that options had to be in the spreadsheet  
413 form so we could do a close analysis. Right now we have options A, B, C and D. She asked Shawn  
414 Maynard, of the North View Business Alliance, if the business community is in favor of option E.  
415 Shawn Maynard replied yes and added that they are not for a disproportionate fee but seeing that it's  
416 going to happen there are things that as individual business we can't do by ourselves that the City can do  
417 better. He said the business owners endorse it for that reason.

418 Council Member Flamm said he has never seen this proposal until now and the Economic Development  
419 Committee has not seen this. He would like some clarification on the one option showing money going  
420 out for economic development. Debbie Cardenas said that is what we are proposing. Council Member  
421 Flamm said that's what he is opposed to. We are showing in this budget type item that we can afford the  
422 extra \$14,000. He said he'd rather see us lower the fees by \$14,000. If we need money to cover the  
423 police then that's where it needs to go. Debbie Cardenas said the idea is not to go spend more money.

424 She said she is personally telling the Council that all of these options are to recoup the money that we  
425 are already spending.

426 Council Member Flamm said the biggest gain is from the landlords, there is nothing in here to help the  
427 landlords. We will take from people and give to other group in the City. Debbie said the amounts  
428 shown on here are not coming from the rentals. It's coming from the new applications in the first year.

429 Council Member Bigler said if we need this much money to run the City and give it back, it doesn't  
430 matter what account we take it out of. If there is extra money let them keep it. Debbie Cardenas said we  
431 are not asking them to pay us so we can run the City, we are asking them to pay to help us recoup the  
432 costs that we are already incurring. The police portion is coming from the disproportionate fees that we  
433 are charging the businesses. The rentals are paying to cover the costs that we have to pay for the  
434 administration and code enforcement and compliance.

435 Council Member Bigler said he is confused why we are recouping the cost and then having more  
436 expenditures. Debbie Cardenas said we are not adamant about that. Mayor Pro Temp Harris suggested  
437 that someone make a motion and see if it gets three votes.

438 Annette Spendlove, City Recorder, asked that when someone makes a motion it is made for staff to  
439 bring this back on the Consolidated Fee Schedule to bring back to the City Council at the next meeting.

440 Council Member Flamm moved to take option A and charge those licensing fees as shown on that page  
441 and that staff then work it in with the Consolidated Fee Schedule.

442 Due to the lack of a second the motion died.

443 **Mayor Pro Temp Harris moved to approve option E with staff directed to adjust the Consolidated**  
444 **Fee Schedule with these fees, and tied to that motion will be that City Council agrees to do a**  
445 **budget opening in February and look at following through on some of the commitment options in**  
446 **the narrative about option E mainly the liaison officer and support to the business development**  
447 **committee as outlined. Council Member Taylor seconded.**

448 Council Member Taylor said that it's not in his mind taking money, there will be some savings to the  
449 City and economic development is something that is needed for our City. He thinks it is a win for the  
450 City and for the businesses.

451 Council Member Turner said if you have your own income and you're overspending what you're  
452 bringing in you'll go bankrupt. Basically the City has been doing that with these fees, we have not been  
453 bringing this money in. We're not trying to take money from people because we want to, it's just the  
454 way it is because we are losing money.

455 Council Member Bigler agrees with what Council Member Turner said but there is more than one way  
456 to achieve that. He said he would prefer that we look at spending. That's where he would start with his  
457 family. Are there ways to cut back? Regarding the video store disproportionate fee he said "mark my  
458 words they are going to go out of business". They are already competing with Redbox and Netflix. He  
459 said he has asked several times to get a record of the police calls to the businesses and was told that was  
460 too expensive. Maybe it's justified but why can't the elected officials get the concrete information. He  
461 said he knows that the County did not have the specific information on calls to which businesses. If it  
462 was justified he would say ok but why can't we see it for ourselves. That's the reason we keep

463 discussing this. He maintains that the police calls are based on whatever address the incident occurs in  
464 front of.

465 Fred Philpot, Lewis, Young, Robertson and Burningham (LYRB), said, with regard to the traffic related  
466 calls, they are coded as such with the county. We look at all of the calls to determine the cost per call.  
467 We take all the addresses and filter out all the traffic coded calls then put them on a map. The reason we  
468 use the geocoding process is because a lot of streets have aliases. We take those addresses and  
469 businesses on the map and see where those points align. When we get the call data from any entity we  
470 take out all traffic coded calls. Council Member Bigler asked if they get specific police calls to each  
471 specific business. Fred Philpot said the City doesn't provide those ratios or associate the calls with any  
472 businesses. He said that LYRB performs that work and provides those ratios. They have all the business  
473 license data, name, description, type, account number, all the information that the City has on that  
474 businesses and then take the call data which in this case was received separately by the County and join  
475 it. There is further filtering also that goes on. Strip malls, multiple businesses, if the call data doesn't  
476 specify a unit number we can't attribute that call to a specific business. If they are all dentists, they can  
477 be grouped together. If not, those calls are taken out of the analysis. Council Member Bigler said so  
478 LYRB did have the name of each of the businesses. Fred replied yes and the call data received. The  
479 County doesn't have the data so that is the process that we go through. We take the whole database of  
480 all the calls that come through the City. Sometimes it's more than just addresses within the City. We  
481 have to take everything that the County database has for North Ogden and go through a lot of filtering  
482 and geocoding to tie the services and the fee. Council Member Bigler said that is the part he is unclear  
483 on.

484 Mayor Pro Temp Harris said, regarding the comments and timeliness of information given to Council  
485 Member Bigler, Fred Philpot came to the abbreviated meeting and Staff really endeavored to get the  
486 information at that time. Debbie said that at the last meeting when that information was requested she  
487 talked to Fred and Fred's memo was given to the Council Members days after that request. It's not just a  
488 simple process. Polo Afuvai, Chief of Police, worked overtime over the weekend to get to this. Council  
489 Member Bigler said he wants the information in front of the City Council members adding that the proof  
490 is in the pudding.

491 Mayor Pro Temp Harris said there is a motion on the floor and there has been discussion on that.

492 Council Member Taylor proposed that members of the public be allowed to comment on this item.

493 Mayor Pro Temp Harris said that if Council wants to suspend the rules that is fine.

494 Toby Mileski, 836 E 2750 N, said he would love to know what benefits he gets for being a landlord in  
495 North Ogden. What is the administration we are paying for? We know we're going to pay a fee; make  
496 it reasonable, call it a fee and we'll pay it. Mr. Mileski handed a stack of papers to Council Member  
497 Bigler. He said in relation to the disproportionate fees, Council Member Bigler has all of the Weber  
498 County calls for 2009 and year to date 2010. This is only police calls. He said he had his secretary  
499 cross reference this information; there were 573 calls at Weber Dispatch. Of those, 297 were traffic  
500 related stops and or messages and 192 of those 573 calls were dispatched to the addresses of the home  
501 owners. Owner occupied. He sad our police are spending their time on traffic stops and owner occupied  
502 issues.

503 Council Member Bigler said that he tried to do this in the spirit of humility. He said he is concerned  
504 about this and he has talked to lots of business owners in the City and they say I have had one police call  
505 in the last 3 years, or I've never had any police calls.

506 Helen Taylor, 94 E 3275 N, said she has not heard any discussion about limiting the expense of the  
507 Police Department. The Police budget is about 33% of the City's budget. Is it possible to reduce the  
508 size of our Police Department and put the burden on the people who are using the services if businesses  
509 are only using 12% of the services? The ACLU is getting ready to sue the Cities for refusing to rent to  
510 felons. If we have gotten to a point where the police costs need to be placed on the user, let's do it.

511 Pam Trimble thanked Toby Mileski for all his work for the landlords. She asked Fred Philpot how he  
512 got the information on the police calls when the rental people are not licensed yet. Fred stated that the  
513 rental data was collected by the water meter data from the City. We couldn't use business license data  
514 because they are not licensed right now.

515 Shawn Maynard, the Cannery and North View Business Alliance, stated that the businesses agree with  
516 the point that Council Member Bigler raises. We don't really call the police a lot. The study is flawed.  
517 If we have to go down that road we want to mitigate the impact. If any of these options are chosen, the  
518 businesses support option E. Surely the easiest and best way to raise revenue is to have more business.

519 Fred Philpot said the percentages were spot on, maybe a little high actually. We took this to illustrate  
520 what we looked at. There is quite a reduction in what we looked at and what we attributed to businesses.  
521 The other difference is that the legislature requires that you have a base. The ratio above that base is the  
522 disproportionate fee. Fred said the base fee is the per minute costs for administering those licenses. The  
523 base fee covers the actual cost, if there is no license there is no administration. Council Member Flamm  
524 said we have certain fixed fees because we have staff here, whether we issue one license or 50. We still  
525 have the fixed fees but now we have a bunch of different variable fees.

526 Council Member Bigler said these numbers don't take into consideration the taxes paid by each  
527 residence or business. Fred Philpot said that is correct.

528 Mayor Pro Temp Harris said at some point the non commercial people, the residents, need an advocate  
529 also in that all of these costs, because landlords didn't pay a fee for a business license. All costs because  
530 of rentals have been paid for by the residents. The residents have been shouldering the majority in a  
531 disproportionate way. She said that a portion of the General Fund has come from residential property  
532 taxes.

533 Council Member Taylor said that as he has tried to look at other cities business license fees, most are  
534 higher than ours. Harrisville's are much higher, up to \$43,000. In Ogden there is a certain fee for the  
535 business and then \$7 per employee. Nobody wants to do more fees, but the City has done a study that  
536 has shown that the disproportionate cost is 'x' and we need to implement a fraction of a fraction of the  
537 recommended amount. It is very reasonable. Enhanced services make it a better value for the  
538 businesses.

539 **Voting on the motion:**

540 **Council Member Bigler** no  
541 **Council Member Flamm** no  
542 **Mayor Pro Temp Harris** yes

543 **Council Member Taylor**    **yes**  
544 **Council Member Turner**   **yes**

545 **Motion passed three to two.**

546 13.    Discussion on Business License fees for Rentals.

547 This item was taken care of as part of number 12.

548 14.    Discussion and/or action to set December 14, 2010 as a Public Hearing date to receive comments  
549 on an annexation application for the Sentinel Storage Subdivision and Retail Project located at  
550 2197 N. 400 E. containing approximately 5380 sq. ft. and to certify the annexation, map,  
551 description, and owners.

552 Annette Spendlove, City Recorder, stated that she has certified the annexation petition following the  
553 guidelines. The City Council needs to set a Public Hearing and the law requires that Notice be  
554 published three consecutive weeks in the newspaper, there is also a 30 day protest period. We are  
555 asking the City Council to set the Public Hearing for December 14, 2010.

556 **Council Member Flamm moved to set December 14, 2010 as a date for a Public Hearing to take**  
557 **comments on an annexation application for the Sentinel Storage Subdivision and Retail Project**  
558 **located at 2197 N. 400 E. containing approximately 5380 sq. ft. and to certify the annexation, map,**  
559 **description, and owners. Council Member Bigler seconded.**

560 **Voting on the motion:**

561 **Council Member Bigler**       **yes**  
562 **Council Member Flamm**       **yes**  
563 **Mayor Pro Temp Harris**       **yes**  
564 **Council Member Taylor**       **yes**  
565 **Council Member Turner**       **yes**

566 **Motion passed.**

567 15.    Council/Public comments.

568 Richard Brimhall, 3120 Mountain View Dr., said regarding Walker Theater, over the years he has tried  
569 to see what is playing and he can't see the sign. He has been to the Perry Theater though and sees the  
570 sign.

571 Council Member Bigler said he is disappointed with the decision but that is why there are five of us and  
572 he respects the process. He said Farr West is thriving and they don't have any disproportionate fees. He  
573 said you need to go to some of the cities mentioned and look at their signs and the way they advertise.  
574 You've got to look at the whole pie, not just a piece of it.

575 Mayor Pro Temp Harris and Council Member Taylor both requested an electronic meeting on November  
576 23, 2010.

577 Annette Spendlove, City Recorder, said at the Administration Building a backflow device was installed  
578 on the pump downstairs. We brought in an expert who checked it. The carpet has been brought in and

579 they will begin laying it. They are working on the sheetrock and she will meet with the adjustors  
580 tomorrow. She said we also found mold in some areas and were able to treat those areas. We hope that  
581 those upstairs can move in by the end of the week. We will do what we need to get by. Council  
582 Member Bigler asked what our deductible is. Annette Spendlove said it is \$1000 but mold is not  
583 covered in any of it. Council Member Bigler asked if we know why it backed up? Debbie Cardenas,  
584 Acting City Manager, said we have Jim Wells from the Sanitary Sewer Division videoing it, and the  
585 engineers are looking at it. One option is to upgrade the lines going north to the parking lot; another is  
586 to run it to the Senior Center. Annette Spendlove said currently we are pumping the sewer up to 2600  
587 N.

588 16. Adjournment.

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

590 **Voting on the motion:**

591 **Council Member Bigler**      **yes**  
592 **Council Member Flamm**    **yes**  
593 **Mayor Pro Temp Harris**   **yes**  
594 **Council Member Taylor**   **yes**  
595 **Council Member Turner**   **yes**

596 **Motion passed.**

597 The meeting adjourned at 8:55pm.

598

599

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601 Martha Harris, Mayor Pro Temp

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605 S. Annette Spendlove, CMC  
606 City Recorder

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610 Date approved