



NORTH OGDEN CITY

SETTLED 1851

Mayor
Council

Brent R. Taylor
Lynn H. Satterthwaite
Cheryl Stoker
Phillip D. Swanson
Carl D. Turner
Jim D. Urry

CITY COUNCIL MEETING
JANUARY 3, 2017 – 6 PM
505 EAST 2600 NORTH
NORTH OGDEN CITY, UTAH

Welcome: Mayor Taylor
Invocation and Pledge of Allegiance: Council Member Urry

CONSENT AGENDA

1. Discussion and/or action to consider December 6, 2016 City Council Meeting minutes

AGENDA

1. Public Comments*
2. Discussion and/or action to consider the skate park relocation site and budget
Presenter: Council Member Swanson
3. Discussion and/or action to consider an Ordinance amending the Residential City Center (RCC) zone allowing accessory dwelling units, and to create a new section in Chapter 10 Regulations Applicable to More Than One Zone; Accessory Dwelling Unit
Presenter: Rob Scott, City Planner
4. Discussion and/or action to consider the proposed budget for the Washington Blvd. street lighting project
Presenter: Mayor Taylor
5. Public Comments*
6. Council/Mayor/Staff Comments
7. Adjournment

**Please see back of this document for Public Comments rules and procedure*

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Annette Spendlove, City Recorder at 782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 30th day of December, 2016 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogdencity.com>, and faxed to the Standard Examiner. The 2017 meeting schedule was also provided to the Standard Examiner on January 1, 2017
S. Annette Spendlove, MMC, City Recorder

NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 3, 2017

The North Ogden City Council convened in an open meeting on January 3, 2017 at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 30th, 2016. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

PRESENT: Brent Taylor Mayor
 Lynn Satterthwaite Council Member
 Cheryl Stoker Council Member (arrived at 6:51 pm)
 Phillip Swanson Council Member
 Carl Turner Council Member
 James Urry Council Member

STAFF PRESENT: Jon Call City Attorney/City Administrator
 Annette Spendlove City Recorder/HR Director
 Tiffany Staheli Parks and Recreation Director
 Dave Espinoza Public Works Director
 Matt Hartvigsen City Engineer

VISITORS: Tucker Garrett Rosilee Lawson Jason Lawson
 BreAnn Lawson Rich Kotter Keith Johnson
 Lyn Johnson Susan Clements

Mayor Taylor called the meeting to order. Council Member Urry offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER DECEMBER 6, 2016 MEETING MINUTES

Council Member Satterthwaite motioned to approve the December 6, 2016 City Council Meeting minutes. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion carried.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Council Member Turner asked if the agenda item dealing with Accessory Dwelling Units will be tabled. Mayor Taylor stated he would recommend tabling that item once the Council gets to it on the agenda.

Rosilee Lawson, 2810 N. 1375 E., stated she is interested in hearing more about the skate park location; she is concerned about the park interfering with the tennis courts at North Ogden Park. There are many people in the community with the same concerns.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE SKATE PARK RELOCATION SITE AND BUDGET

Council Member Swanson reminded the Council of the discussion that took place at the last City Council meeting regarding the relocation of the park; since that time, he met with Parks and Recreation Director Staheli, Public Works Director Espinoza, and City Engineer Hartvigsen to discuss optional sites for the skate park. He reviewed a spreadsheet (included in the Council packet) that highlights the costs, size, and pros and cons of each of the optional sites, including the existing sand volleyball courts at North Ogden Park, the existing tennis courts at North Ogden Park, between the tennis and basketball courts at North Ogden Park, the Community Garden, and Wadman Park. He also reviewed a map to orient the Council and visitors to each of the optional locations and the project scope of each relocation option. He noted he and staff feel the sand volleyball court option is the best option for the City and costs for this option would be minimal, because Public Works staff can do all of the work; they would excavate the new courts, move the sand to the new courts, and also purchase and install a layer of fresh sand on top. The only cost will be materials, which are estimated at no more than \$10,000 per court. There are currently two courts, but staff would recommend building three upon relocation to the northeast corner of the park. This area has a high water table and would not be suitable for a skate park, but can serve as a sand volleyball court. He noted Ms. Staheli has suggested using \$18,000 yearly allotment of Recreation Arts Museum Parks (RAMP) grant funding; this could be augmented by \$12,000 from the City while efforts are made to find a funding source for the skate park. He then discussed funding options for the \$12,000 noting that the City currently has

\$71,000 in sales tax revenues that exceed the amount that was originally included in the current fiscal year budget. Also, there is carryover funding of \$6,000 for Christmas decorations and Mayor Taylor has indicated that money could be used for the project. He concluded that Wadman Park received the second highest ranking by he and staff, with the other three options classified as non-viable.

The Council engaged in discussion of the relocation options, with a focus on phasing of the project and inclusion of a pump track at the park. Council Member Satterthwaite stated he is relieved that Council Member Swanson and staff were willing to consider the feedback provided at the last meeting and develop an alternative proposal for the Council to consider. He stated he feels the updated proposal is a great improvement.

Council Member Urry then stated he would like to consider locating amenities in other parks in the City rather than locating them all at North Ogden Park. Ms. Staheli stated she would like to do both; she feels that all amenities at North Ogden Park are needed and well utilized, but it would be great to expand the amenities to other parks as well. For example, she feels that another set of sand volleyball courts would be well used at Barker Park.

Discussion then centered on funding for the relocation project; Council Member Turner stated he is somewhat frustrated that Weber County is not covering the entire cost of the project since it is only being considered due to the expansion of the Weber County library building. He wondered if it may be possible to locate the skate park in a detention basin. He then expressed his concern about parking capacity at North Ogden Park; he is not opposed to the location, but he wants to ensure that any changes or improvements to the park will negatively impact residents living around the Park. City Engineer Hartvigsen stated that the cost to construct the skate park in a detention basin would be approximately \$40 per square foot; the expansion of the park is over 6,000 square feet, which means the cost would be upwards of \$240,000. He stated it is less expensive – approximately half the cost – to build the skate park on the already flat ground at North Ogden Park. Mayor Taylor added that it may be problematic to build the facility in a detention basin due to issues with standing water or freezing. Mr. Hartvigsen then discussed the infrastructure work to be done at North Ogden Park to address any ground water issues that may be present.

Discussion re-centered on phasing of the project; Council Member Swanson stated that relocation and reconstruction of the sand volleyball courts would be done simultaneous with preparing the ground for the skate park.

Council Member Urry suggested his concern about accommodating pedestrians as well as bikers, skaters, and scooters to use the pump track; he wondered if the trail should be widened or divided to allow for the various types of uses. Council Member Swanson stated that the path is planned to be a six-foot wide concrete path. Mr. Hartvigsen stated it would be the same price to build an eight-foot wide asphalt path. He stated he would be comfortable with accommodating two-way traffic on the path and he suggested that a dividing line be painted down the center of the path to separate pedestrians from other users. He added that there are other options besides the path that could be considered for the site if the Council is not supportive of such an amenity.

After continued high level discussion and debate regarding the project, the Council concluded they would like to hear additional public comment regarding the skate park project.

Council Member Urry moved to suspend the rules and allow public comment. Council Member Swanson seconded the motion; all voted in favor.

Tucker Garrett, 3088 N. 175 W., stated he is excited about the skate park as long as it is not located at the Community Garden site. He stated he feels the path included in the plan could be something really great or it could be a complete waste of money; if it is too narrow or is just a sidewalk around the park, he does not support it and does not feel it would be usable by the skaters. He stated he would rather see lights installed at the park, though he is not sure the cost of lighting. Council Member Swanson stated it would cost approximately \$90,000 to light the park while the cost of the path is estimated at \$10,000. Mr. Garrett reiterated the track could be great if done well. He added he is excited about the idea of three volleyball courts at the Park; every time he visits the Park to play volleyball, he is forced to wait for a court to become available because they are so popular. He concluded he thinks Wadman Park would be a good location, but he understands that it received a lower ranking because it is not more centrally located; people would still use it, but he does understand that some feel it may be too far away. He added that it would not necessitate the relocation of the volleyball courts. Council Member Swanson stated Ms. Staheli also prefers Wadman Park and he welcomed Mr. Garrett's comments as he represents the skate community.

There were no additional public comments and Mayor Taylor closed the public comment period.

Council Member Satterthwaite asked Mr. Garrett what he does not like about the path. Mr. Garrett reiterated the path may be too narrow. He added that a mix of uses on the path may also be problematic because pedestrians may interfere with skaters, or vice versa, and this could lead to collisions or other problems on the path. He stated that if he were forced to choose between the North Ogden Park proposal or a larger skate park without a path at Wadman Park, he would choose the Wadman Park option. It would be nice for the skate park to be the only amenity at a park. However, he likes the close proximity of North Ogden Park to the town center of the City so visitors can go to local stores.

Continued discussion then centered on the amount of space available for the skate park at Wadman Park, with a focus on future expansion opportunities; locating the park at Wadman Park would save the City \$18,000, but Council Member Satterthwaite stated he is hesitant to move the amenity to Wadman Park without first soliciting additional public input regarding that proposal. He stated it seemed there was fairly wide acceptance of the idea of locating the skate park at North Ogden Park. Council Member Swanson stated he would like to work with the skate park working committee to get their feedback regarding the idea of moving the skate park to Wadman Park and report back to the Council at the next meeting. He asked the Council to be prepared to make a final decision regarding the site at the next meeting. Council Member Turner stated it would be helpful for the Council to have renderings of the skate park at both North Ogden Park and Wadman Park to compare with one another.

Council Member Swanson motioned to table the item until the next City Council meeting. Council Member Stoker seconded the motion.

Council Member Swanson summarized the public outreach efforts that he will make over the next few days and asked that other members of the Council and the Mayor reach out to their constituents for feedback regarding the location of the skate park.

Voting on the motion:

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

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE RESIDENTIAL CITY CENTER (RCC) ZONE ALLOWING ACCESSORY DWELLING UNITS, AND TO CREATE A NEW SECTION IN CHAPTER 10 REGULATIONS APPLICABLE TO MORE THAN ONE ZONE; ACCESSORY DWELLING UNIT

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

The City Council held a public hearing on this amendment on November 29, 2016. The City Council tabled action on the proposed amendment and requested additional information be brought back regarding options for allowing detached ADUs, the separation standard between the primary building and a detached ADU, the potential for requiring impact fees, and utility meters. Staff has also added a new section that defines what an owner occupant is.

The Planning Commission held a public hearing on the ordinance amendment on November 2, 2016. There were no public comments at the public hearing.

On July 6, 2016, the City Council adopted an ordinance eliminating two-family dwellings and twin homes from the Residential City Center (RCC) zone. The City Council also agreed with the Planning Commission that an accessory dwelling unit provision should be considered for the RCC zone and asked that an ordinance be returned in October. Part of the rationale for

eliminating twin homes and duplexes and allowing ADUs was this softened the sting of downzoning, while creating the potential options for young people to return to North Ogden to live. Also, if an owner moves into an existing duplex then it becomes a conforming ADU and the duplex right is lost.

On September 21, 2016, the Planning Commission discussed various optional standards to be included in this amendment. Staff has also researched other city accessory dwelling unit ordinances from around the state. A draft ordinance is attached that addresses the options from the September 21, 2016 Planning Commission meeting.

On October 5, 2016, the Planning Commission reviewed a draft ADU ordinance and gave direction to staff to make various edits and bring the ordinance back at a public hearing.

The draft ordinance has the following provisions:

- A. Accessory Dwelling Unit is listed as a permitted use in the RCC zone.
- B. A new subsection in chapter 10 identifies the standards for accessory dwelling units. If additional zones allow accessory dwelling units in the future, then these standards can be applied.
- C. Provides a purpose statement.
- D. Requires that an accessory dwelling unit be owner occupied.
- E. A dwelling unit occupancy standard is established.
- F. Allows one accessory dwelling unit with each single-family dwelling.
- G. Addresses for the primary building and ADU must be the same with B added to the ADU.
- H. A separate living area standard is provided that requires eating, sleeping, and sanitation facilities be included with both the primary dwelling and ADU.
- I. ADUs are required to conform to building, fire, and health codes.
- J. Utility meters may be separated from the primary dwelling.
- K. ADUs cannot be sold separately from the primary unit or rented for a period less than 30 days.
- L. The review process for registration and business licensing is spelled out along with a penalty for non-compliance.
- M. Home occupation licenses in ADUs are limited to a home office and require the property owner's permission.
- N. Additional design standards:
 1. The total area for an ADU cannot be greater than 40% of the primary residence.
 2. The location of an ADU is not allowed in a front yard or corner sideyard.
 3. ADUs must be similar in appearance to the primary dwelling.
 4. ADUs are limited to one per lot or parcel.
 5. A height standard is identified to be the same as the underlying zone.
 6. ADUs may be allowed in the primary building or as a separate building if they meet setback standards.
 7. Building entrance standards require a separate entrance for the primary dwelling and the ADU.

8. Parking standards require a minimum of 3 parking stalls and have spaces for all vehicles maintained on the premises and all vehicles be parked in an approved parking space.

The following options were requested to be addressed by the City Council:

1. Should ADUs be allowed as detached units? All of the following options should be considered:
 - Allow ADUs as detached units with additional standards (See subsection O. Development Standards, (6) Location. Staff has added standards for all accessory dwelling units, attached accessory dwelling units, and detached dwelling units.
 - All ADUs
 - Over a garage, provided the parking within the garage is not converted.
 - Attached ADUs
 - Inside the home through an internal conversion of the housing unit, or
 - By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building
 - Detached ADUs
 - Accessory dwelling units are allowed as a detached accessory dwelling unit or over a detached garage.
 - Not allow ADUs as detached units
2. What separation standard should there be between the primary building and a detached ADU? Current ordinance has a 6-foot requirement. Other cities do not have a separation standard other than using the underlying zone standards.
3. What floor size standard should there be for ADUs? Some additional options are listed. See subsection O. Development Standards 6. Location:
 - PC recommendation was to limit all ADUs to 40% of the size of the primary dwelling
 - Create a standard to limit attached ADUs to 50% of the total floor area of the primary dwelling and 40% of the total floor area of the primary dwelling for a detached accessory dwelling.
 - Some cities also have a maximum size requirement, e.g., a percentage but not greater than 650 square feet or 800 square feet.

The following table identifies the maximum ADU size based upon rear yard dimensions and primary dwelling size. Both should be factored in establishing an effective standard. The maximum ADU size may also be modified if there are other accessory buildings on a lot.

Maximum Accessory Building Size Comparison*		
Rear Yard Depth (Feet)	Maximum ADU Size (Square Feet)	House Size Minimum
20	400	1,000
30	600	1,500

40	800	2,000
50	1,000	2,500

- *8,000 square foot lot with varying rear yard setbacks
- **ADU size limitation (25%) Rear Yard

The following table shows the amount of buildable area for the primary dwelling with various lot sizes.

Buildable Area for Primary Dwelling With Minimum Setbacks	
Lot Size (Square Feet)	Building Footprint (Square Feet)
8,000	3,200
10,000	4,200
15,000	8,400
20,000	11,800

4. Utility Meters (See section J)

- A single-family dwelling with an accessory dwelling shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner’s name.

5. Definition of Owner Occupant

Staff has also included a definition of owner occupant from the Provo City ordinance. (See subsection C Owner Occupied).

The memo discussed conformance with the General Plan and RCC Zone; the Residential City Center Zone is part of the “Old Town Neighborhood” described in the General Plan:
The Old Town Neighborhood

Description – This neighborhood surrounds the intersection of Washington Blvd. and 2700 N, and encompasses the original plat for North Ogden, which is a grid system. These blocks are generally composed of streets with 60 foot right of ways and block widths of 475 feet. The views are up toward the surrounding mountains but because of the rising slope toward Ben Lomond peak, some areas have a considerable valley view, too. There still exist open lands; mostly west of Washington and north of Pleasant View Drive, but much of the area is already zoned for half acre lots.

Neighborhood Character – There are a combination of newer homes and older housing combined with pleasant streetscapes. The most common lot size is approximately 8,000 square feet. The area is expected to be developed with mostly single family homes at low densities but includes areas for the planned Downtown, which will contain higher densities and mixed uses...

Existing and Future Concerns: Higher densities – Allowing limited multi-family in the Old Town neighborhood, especially to the west seemed to be logical.

Downtown and Southtown The Downtown chapter in the General Plan addresses the properties in the Northeast quadrant as described below. This area will be considered for redevelopment with mixed use and higher densities; design standards will be addressed as part of the form based code project.

Housing Goals

Goal #1 – Increase Housing Quality and Variety

Encourage adequate housing types which accommodate lifecycle transitions and changing population norms.

Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

The General Plan housing goals and strategies are supportive of providing appropriate design standards and increasing housing types, e.g., adding accessory dwelling units.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

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

- Are the accessory dwelling unit amendment standards appropriate?

The memo concluded the Planning Commission found that this amendment is consistent with the General Plan and recommends adoption by the City Council. The vote was 6-0 in favor.

Mayor Taylor indicated that Mr. Scott was unable to attend the meeting this evening and he recommended that the item be tabled until the next meeting.

Council Member Swanson motioned to table consideration of an ordinance amending the Residential City Center (RCC) zone allowing accessory dwelling units, and to create a new section in Chapter 10 Regulations Applicable to More Than One Zone; Accessory Dwelling Unit. Council Member Stoker seconded the motion.

Council Member Turner stated a resident has asked a question about the definition of primary residence, but he did not see that information included in the ordinance. He asked that Mr. Scott address that during the next opportunity to discuss the proposed ordinance.

Council Member Swanson stated that he would also like to understand how the ordinance is applied in situations where the owner/occupant of the primary residence may be living elsewhere temporarily and they desire to rent both the primary structure and the ADU. Mayor Taylor stated that the ordinance would prohibit rental of both properties. Council Member Turner stated that situation may be worth considering; there are several residents who may be living in another

location on a temporary basis, either related to business or personal reasons. Mayor Taylor stated he will ask Mr. Scott to consider that issue.

Voting on the motion:

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

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER THE PROPOSED BUDGET FOR THE WASHINGTON BLVD. STREET LIGHTING PROJECT

Mayor Taylor used the aid of a PowerPoint presentation to provide the Council with information regarding his proposal to increase the number of street lights on Washington Boulevard. During 2016 there was extensive discussion regarding the reasons for increasing the number of lights on Washington Boulevard; the reasons are related to safety and aesthetics. The determined program area is encompassed in the area between 2600 North and 2300 North; this will be a multi-year project and lights will be installed further to the south in later years. The Utah Department of Transportation is open to participating in future years as well. He reviewed photographs and specifications for the types of lights to be used in the project.

Todd Spendlove, representative of Hidden Peak Electric Company, provided the Council with additional information regarding the light to be used; the specifications are in accordance with the requirements of UDOT and North Ogden City. Council Member Turner asked if it is possible to install electric outlets on each pole that are 'daisy chained' to one another underground so that all outlets are connected to fewer meters. Mayor Taylor stated that may be an option, but it could be very costly; he is hopeful Rocky Mountain Power will work with the City to accomplish the goals of the project while keeping costs at a minimum. He added that existing street lights on Washington Boulevard will be retrofitted with new heads and lights to provide a better transition to the new lights. Once all lights are installed, the City will be the first in the State to have transitioned to all LED street lights, which is much more environmentally friendly.

Mayor Taylor then discussed the estimated funding and budget for the first year of the project; total costs with a contingency amount is \$275,434, with available funding sources at \$303,000; the majority of this funding is already approved in the current budget with just \$24,000 in Rocky Mountain Power rebates not included in the budget. One outstanding issue is to decide whether to install just three lights on the west side of Washington Boulevard and wait for a developer to install the additional three lights in the future or proceed with installing all six lights at this time. He asked the Council to consider that issue, which is roughly a difference of \$10,000. Discussion then centered on the difference between the original estimated costs and the updated costs, with a

focus on the dramatic increase in boring costs from \$40,000 to \$115,453. Public Works Director Espinoza indicated that the reason for the change in the boring costs is that some work that would have previously been done in-house has been shifted to the contractor; however, this resulted in a decrease in costs for the installation of the poles from \$180,000 to \$118,581.

Mayor Taylor then invited the Council to ask additional questions they may have about the project. Council Member Satterthwaite asked why the contingency for the project has increased when compared to the original project estimate. City Engineer Hartvigsen stated that he has not worked on this type of project very often and he wanted to ensure that he provided an adequate contingency to cover any unforeseen costs in the project. Mayor Taylor added that if any large issues arise he will work with UDOT to secure additional funding to cover additional costs. He noted Washington Boulevard is a state highway and UDOT has the responsibility to light it and they will share in the costs of the project; to date they have agreed to pay one-third of the estimated costs of the project.

Discussion also centered on the number of lights that will be installed along Washington Boulevard; the final number of 29 was decided upon after the type of pole was selected and UDOT was able to analyze the manner in which the poles will light the street. They are careful to avoid dark spots and bright spots and the project scope is in accordance with their practices. Council Member Turner stated he is concerned about the dramatic increase in costs and he is leaning towards not installing the lights poles on the west side of the street that would otherwise eventually be installed as a result of development. Discussion continued regarding opportunities for decreasing the cost of the project, with Mayor Taylor stating that the most important components of the project are also the most costly components. Council Member Swanson stated he understands the City's desires to install lights that will beautify the commercial center of the City; if UDOT were charged with handling the lighting project they would choose a standard light that meets minimum requirements and they would pay the entire cost, but given that the City wants to beautify the street it is reasonable for the City to participate in the costs over and above the installation of a standard light. Council Member Urry argued that UDOT should be responsible for a greater share of the project; they may feel that they got a great deal as North Ogden is paying the majority of the project costs. Mayor Taylor disagreed and stated he is pleased with UDOT's participation level at this point and feels the arrangements that have been made are fair. Council Member Turner stated he supports the City's desire to improve lighting on the street, but he wanted to acknowledge that the total cost of each pole will be roughly \$10,000 and the City should plan for similar costs in the future. He added he agreed that UDOT should possibly be responsible for a greater share of the project cost. Council Member Satterthwaite stated he does not believe it would be realistic to ask UDOT to increase their participation for this phase, but there may be an opportunity to ask for greater participation in future phases. Mayor Taylor stated that may be an option, but he again emphasized that all monies being discussed this evening have been included in the approved budget for the current fiscal year.

Mayor Taylor then reviewed the timeline for proceeding with the project; once the project receives Council approval, City Administration will take the initiative to work on the project immediately. It is expected that the boring work will progress through the winter and lights could be ordered for estimated delivery and installation in April or May.

Council Member Stoker stated a lot of work has been done on this project to date and she would prefer to do the project right rather than cut corners that could result in impacting the appearance of the entrance to the City. She stated she has noticed beautiful street lights in other cities and they have made an impression on her and actually have a calming effect for motorists. She stated she feels the project is money well spent. Council Member Satterthwaite agreed the Council has already given much consideration to the funding sources for the project and he feels comfortable proceeding with phase one of the project as it has been presented this evening; however, he may want to consider scaling back the scope of work for the project as it continues to the south.

Discussion then centered on whether the City should pay for the installation of the three poles in front of America First Credit Union that may otherwise be installed in conjunction with future development. Council Member Satterthwaite stated he feels the City should install the poles as the Council has committed to beautifying the downtown commercial area of the City. Mayor Taylor stated that he feels that all six poles can be installed within budget and use of the contingency for the project. Council Member Stoker stated she is comfortable with installing all six lights at this time.

Council Member Stoker motioned to approve the budget of \$275, 434 for the Washington Boulevard Street Lighting Project, with approval to install all six lights on the west side of the street north of 2550 North using contingency funds if necessary. Council Member Swanson seconded the motion.

Council Member Turner stated it may be important to specify that if all six lights cannot be purchased using contingency funds that City Administration will come back to the Council to request additional funding before proceeding. Council Member Stoker accepted Council Member Turner's suggestion as a friendly amendment to her motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	no

The motion passed 4 - 1.

Council Member Urry stated he voted in opposition because he feels the City's concern should be improving the safety of driving on Washington Boulevard rather than beautifying it.

5. PUBLIC COMMENTS

Lyn Johnson, 676 E. 2550 N., stated she did not receive word that the agenda item related to ADUs would be tabled this evening; she will not be in town when the Council will discuss the issue so she will voice her opinion this evening. She stated she owns a very well-cared for home in the City and she has owned it for 30 years. She and her husband will be leaving their home for extended periods of time to serve five or six church service missions over the next five years. Within one block of her home there are 6.5 rental units, three of which are very poorly taken care of. Residents that live high on the hill in the City have purchased the homes as rental properties and they are not properly maintaining them. The owner of a property across the street lives in Arizona and he does not care if the property is taken care of. There is not a Code Enforcement Officer in the City that is able to consistently enforce ordinances in her neighborhood, even though she has complained about nuisances that exist on those properties. She noted her home was purchased to raise her family, but now that her family is raised and gone she would like to use it as an investment to provide for her future. She asked that the City leave homeowners like her alone and go after those that are not taking care of their properties in the City. She stated she is also speaking for the Parkinsons who also contacted Council Member Turner; the Parkinsons have an apartment in their home as she does. The properties on either side of her home and the Parkinson's home are rental properties that are not as well taken care of. If the City takes away her rights and the Parkinson's rights to rent their homes while they are out of the City, she wonders why the City is not doing the same to owners of traditional rental properties. She stated she respects where others live and asked that the City also respect where she lives and maintain her rights to rent her investment home while she is on a service mission.

Keith Johnson, 676 E. 2550 N., stated that he is unsure why the City would be considering an ordinance that would prevent a homeowner from renting the main living area of their home as well as a basement apartment. He noted a neighboring property is used as a duplex; the upper level and lower levels are both rented to different individuals and the owner lives at another property. He stated he and his wife had planned to do the same thing when they decide to serve a church mission in the future and he is hopeful that the right will not be taken away. He stated there are many people that own property in the City that they rent to others for investment purposes.

Mayor Taylor invited the Johnsons to speak to him to gain more information about the issue. He stated that City ordinances currently do not allow a property owner to rent both the upper and lower levels of their homes as separate properties. He stated he recognizes it is happening, though it is disallowed. He noted the goal of the proposed ordinance is to allow for an ADU on a property to be used as a rental unit. He noted that some older properties in the City that are renting both the upper and lower levels may be grandfathered under old ordinances, but the current ordinance does not allow that type of activity. Ms. Johnson stated she and her husband have gone about renting their property in an honest way; they made the decision to make a long-term investment in their property with future plans to rent it when their family was raised. She stated that if her right to rent the upper level and lower level of their home is taken away, they will be dramatically impacted. She stated that the Parkinsons have done the same for the same purposes; they desired to use their home as income in their retirement years. Mayor Taylor stated that he would be happy to meet with the Johnsons and the City Attorney to discuss the issue further. Ms. Johnson stated that at one point Mayor Taylor told her that flag lots were not

allowed in the City and she now has a flag lot in her backyard with a home being built upon it. Mayor Taylor stated that the City has banned flag lots in the City and there should be no future development of that type of land use; the ban was implemented after the development of a flag lot behind Ms. Johnson's home after the City was unaware that the land use was allowed in that particular zone. Ms. Johnson stated Mayor Taylor gave her his word that no flag lots would be developed and she asked that the City work with her and her husband since they have invested in their property with future plans to rent both the upper and lower levels.

6. COUNCIL/MAYOR/STAFF COMMENTS

City Recorder Spendlove provided the Council with information regarding upcoming training opportunities.

City Attorney Call distributed to the Council a packet of information regarding an item that will be discussed in the work session meeting scheduled for next week; the issue relates to proposed development of the sod farm property on the north side of 2700 North. Mayor Taylor stated that the potential buyer is seeking approval of a certain type of development on the property that would require some variations from the City's Master Planned Community Zone; they would like to remove the mixed-use component from the project and only construct attached housing units. He stated he will send the Council an email updating the Council on the entire project.

Council Member Satterthwaite stated he has been contacted by residents who have requested the installation of flashing stop signs at the intersection of 1050 East and 2600 North, specifically for south bound traffic. He added there have been discussions about depreciation in the past and discussion of the subject will continue throughout the upcoming budget development process for the next Fiscal Year. He asked that the Council be thinking of that issue in preparation for such discussions.

Council Member Urry asked if any progress has been made to require the relocation of the wood chip pile at the top of 1700 North. City Attorney Call stated he has no update. Council Member Urry stated that he has been asking for action on that issue for a year and he would like for something to be done. He then stated he needs advance notice of proposed dates for budget meetings. Mayor Taylor stated he will provide that information next week. Council Member Urry asked if the City has heard from Jack Barrett, the owner of the Village at Prominence Point development; he wondered if the property will remain un-maintained with weeds and debris for the next several years. Mayor Taylor stated the developer has not pulled any building permits for the project; he has indicated he is close to moving on the project and is lining up his funding. He stated that the property for the assisted living facility has been sold and the owner of that property has pulled the permit for the project, which cost approximately \$700,000. Council Member Urry stated he is simply concerned because no work has been done at the site for four or five months. Mayor Taylor stated he can follow up with the owners of the properties at the project site.

Council Member Swanson stated he enjoyed participating in a ride-along with snow plow drivers recently and he encouraged other Council Members to also participate. He has heard feedback from residents that often jog or walk on the streets; they appreciate the work done by snow plow drivers to keep the roads clear for them. He then reported he is aware of several vehicles that have been parked on the street for the last two storms and they are still parked on the street though another storm is forecast to hit tonight. This can be a safety issue, especially on busier or narrow streets and he encouraged the City's Police Department to address the problem. Mayor Taylor stated that topic has been on his mind in addition to residents who are removing snow from their properties onto City streets. He would like to enforce that issue as well and asked if the Council is comfortable with such action. He facilitated a discussion among the Council regarding snow removal on sidewalks and pushing snow from residential properties into City streets; Council Member Turner asked that City Administration proceed with enforcement efforts with caution as some residents may push back and question whether City sidewalks are being maintained. He suggested that residents first be reminded of ordinances currently in place before any enforcement action is taken. Council Member Swanson stated he is comfortable with first reminding residents of ordinances, but if the City has no plans to eventually enforce ordinances then those ordinances should be changed. High level discussion of the issue continued, with a focus on current enforcement efforts.

Mayor Taylor then reviewed the calendar of upcoming Council meetings and other events for which the Council's participation is requested.

7. ADJOURNMENT

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

Voting on the motion:

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

The motion passed.

The meeting adjourned at 9:15 p.m.

Brent R. Taylor
Brent R. Taylor, Mayor

S. Annette Spendlove
S. Annette Spendlove, MMC
City Recorder

24th January, 2017
Date Approved