

Minutes of the Regular Meeting of the Ogden City Council held on Tuesday, January 26, 2016 at 6:02 p.m., in the Council Chambers on the third floor of the Municipal Building, 2549 Washington Boulevard, Ogden City, Weber County, Utah.

Present: Chair Marcia L. White
 Vice Chair Bart E. Blair
 Council members Neil K. Garner (*arrived 6:05 p.m.*)
 Richard A. Hyer
 Luis Lopez
 Ben Nadolski
 Doug Stephens

Council Executive Director Bill Cook
Council Deputy Director Janene Eller-Smith
Council Policy Analyst Glenn Symes
Communications Manager Amy Sue Mabey

Also present: Mayor Michael P. Caldwell
 Chief Administrative Officer Mark L. Johnson
 City Attorney Gary Williams
 Assistant City Attorney Mark Stratford
 Community & Economic Development Director Tom Christopulos
 Community & Economic Development Deputy Director Brandon Cooper
 Management Services Director David G. Buxton
 Comptroller Lisa Stout
 City Engineer Justin Anderson
 Public Ways & Parks Manager Perry Huffaker
 Planning Manager Greg Montgomery
 City Recorder Tracy Hansen

At the request of the Chair, all present stood and recited the Pledge of Allegiance led by Vice Chair Blair.

A moment of silence was observed.

Joint Proclamation declaring February 7-14, 2016 as “Idle-free Week” in Ogden City

A joint proclamation declaring February 7 through 14, 2016 as “Idle-Free Week” in Ogden City came before the Council for consideration. Council member Nadolski read the joint proclamation, after which **COUNCIL MEMBER NADOLSKI MOVED TO APPROVE THE JOINT PROCLAMATION. MOTION WAS SECONDED BY COUNCIL MEMBER HYER, ALL VOTING AYE.**

Council member Hyer stated he and Council member Stephens have been carpooling to Council meetings over the past couple of years and Council member Lopez joined them this evening. He stated minimizing trips is one way to make an effort to improve air quality.

Weber State Downtown/Start-Up Ogden

Community and Economic Development Director Christopulos explained Start-up Ogden is a joint venture with the Weber State University Research Foundation (WSURF), a for-profit foundation created to manage intellectual property and other revenue generating ventures for the University. He indicated Start-up Ogden uses a business model that brings together investment, mentorship, and facilities to create a synergistic environment to foster growth and expansion. WSURF created Start-up Ogden to manage the apps program and the facility; it then entered into a Management Agreement with the City (the owner of the facility). He reviewed photographs to illustrate the progress that has been made since the project began in 2013. He indicated Start-up Ogden is housed in a historic site at 2314 Washington Boulevard and the original objectives of the project included the development of science, technology, engineering, and manufacturing employment centers. This focus on emerging technology will drive the future; high-income jobs, investment into companies that will stay in the community and build the industry, create an active joint venture relationship between WSU and the City, and create local payroll of \$60 million by 2030. He then discussed the types of companies that have been developed at Start-up Ogden; these unnamed companies provided information related to the success at Start-up Ogden. He explained WSU is responsible for maintaining the project, and noted that all revenue categories are tracking appropriately, while expenditures are lower than anticipated. Most importantly is the evergreening portion of the project; Start-up Ogden is accumulating capital and has been able to ‘stay ahead’. He stated the accumulated capital is reinvested into

scholarship programs that are continually redefined. An advisory board helps govern operations at Start-up Ogden; the Board includes Gary Crittenden, Robert Dodson, Steve Naylor, Alex Lawrence, and himself. He stated these five people help develop program targets. He concluded by stating he believes Start-up Ogden is a wonderful asset for the community and there are continued opportunities for exploration and growth.

Chair White asked if businesses that begin at Start-up Ogden and eventually outgrow it, are staying in Ogden. Mr. Christopoulos stated to date all businesses have remained in Ogden and he has worked to find them suitable locations in the City. He added the site is very lively all the time and the WSU book store is finding a market in downtown Ogden.

Council member Hyer inquired if there is opportunity for other community members to join Start-up Ogden. Mr. Christopoulos stated it is open to anyone willing to pay the monthly membership fee. Council member Hyer asked if there is a limited number of memberships and if Start-up Ogden is at capacity. Mr. Christopoulos indicated there are a limited number of memberships, but additional capacity is available. There is assigned and unassigned desk space; the assigned desk space is nearly full, but someone could secure a membership and come to Start-up Ogden for unassigned desk space.

Council member Lopez inquired as to the current membership level. Mr. Christopoulos stated the facility is at 85 percent of capacity, but there are opportunities to expand and add more desk space; it may also be an option to increase membership fees to control participation. Council member Lopez asked how businesses are being made aware of the opportunity. Mr. Christopoulos reported marketing has been left to the Business Information Center (BIC) and word of mouth. Council member Lopez questioned whether membership includes any Hispanic businesses. Mr. Christopoulos answered yes, there are several although not primarily first-generation Hispanic. He explained the businesses are second-generation Hispanic business owners from WSU. Council member Lopez stated that last week was the launch of the new Hispanic Chamber of Commerce and that entity seems to have a lot of energy; he suggested connecting with them to attract Hispanic businesses to Start-up Ogden.

Council member Stephens inquired about scholarship opportunities at Start-up Ogden. Mr. Christopoulos stated each scholarship is \$15,000 and there is competition for the money. He explained there is no requirement to repay the money until a business is profitable and specific benchmarks have been met. Council member Stephens asked if all business owners at Start-up Ogden are WSU students. Mr. Christopoulos stated not all are students; some are past students that are in the entrepreneurial phase of their career. There is a broad cross-section of people that are participating. He added people come and go quickly as their business concepts do not always pan out, but there has been great success.

Council member Stephens stated the process by which the building was renovated is quite interesting and he asked Mr. Christopoulos to share information about that. Mr. Christopoulos responded three groups participated in funding for the project: Weber State University, Ogden City, and the Economic Development Administration (EDA); the EDA provided a grant for the purchase of the property. However, WSU invested the majority of the funds to renovate and updated the building and the City is trying to support the desire to provide a WSU presence in downtown Ogden.

Council member Hyer stated the book store is great, but there are advertising restraints; he asked if City Administration has thought about suggesting better advertising methods. Mr. Christopoulos answered it is difficult for City Administration to make too many suggestions regarding the operation of the book store as WSU manages it; WSU book stores are very successful and he is not sure he can make a suggestion to them that they have not already tried. People do not normally anticipate finding a college book store downtown, but as residential population in the downtown area increases, awareness of the bookstore will spread.

Council member Nadolski complimented Mr. Christopoulos and his staff on the project and noted he thinks it is very innovative and forward-thinking. He then referenced the business financial information provided by Mr. Christopoulos for a cross-section of five businesses participating at Start-up Ogden and noted that he has done some of his own calculations to try to determine the likelihood that the project will meet the goal of 750 new jobs created by 2027. He asked if the five businesses are representative samples of the rest of the businesses at Start-up Ogden. Mr. Christopoulos stated they are the top five performers with the highest number of full-time employees. He added there are additional programs that can be incorporated into Start-up Ogden to help other businesses grow a little faster.

Vision for the future of the Ogden Weber Chamber of Commerce

Chuck Leonhardt, President and Chief Executive Officer of the Ogden-Weber Chamber of Commerce, used the aid of a PowerPoint presentation to provide the Council with information about the vision and role of the Chamber and how the services impact the greater Ogden community. He stated his own business roots are in Ogden City and he loves serving the City and the community at large through the Chamber of Commerce. He stated the Chamber includes 700 organizations with 25,000 employees; the businesses that are part of the Chamber are representative of a legacy of businesses within the community and he hopes to continue to grow that legacy. He stated the vision of the Chamber is strong and aggressive with a focus on leading business; he sees the Chamber as a catalyst to create an epicenter for business in the State of Utah within Northern Utah. The role of the Chamber is to support business growth and prosperity and that requires a focus on five different areas, including providing information, facilitating connections, meeting business demand, addressing business policy, and networking relative to business operations. He provided more in-depth information about how each of these five areas will be addressed, after which he referenced the recent creation of the Hispanic Chamber of Commerce and noted that the Chamber will work very closely with that new entity to accomplish similar goals as he feels the community is and should be one. He then read a quote from a Chamber Member, Sheryl Cox of America First Credit Union, as follows: "The Chamber provides the greatest value that an organization can invest in. You can't put a price tag on what it offers." He then summarized core Chamber member benefits as follows:

- New member luncheon and orientation
- Spiker ribbon cuttings, ground breakings and re-grand openings

- Subscription to Hashtag email newsletter
- Event promotions through the Hashtag newsletter
- Chamber directory listing with web hotlink
- Event listings on the Chamber web calendar
- Social media promotion for events/news
- Member mailing list
- Participation in Contacts referral exchange group
- Participation on Small Business, Partners in Education, Workforce Development and Transportation committees
- Free entrance to first Business After Hours
- New member referral credit for Chamber dues or
- Business After Hours
- Group and employee discounts

Mr. Leonhardt then reviewed leader member benefits as follows:

- Premier Promotion (events and communications including top tier logo association and membership card sponsorship)
- Northern Utah Business Sponsorship (Symposiums, Blog and Economic Forecast)
- Business After Hours Passes
- Chairman’s Golf Passes
- Annual Dinner Seats
- Paid Partner Organization Memberships
- Board of Governors Participation
- Leadership Northern Utah Tuition

He then thanked the Council for their time and attention this evening and stated he is open to any questions they may have.

Council member Stephens stated he feels the Chamber provides a great benefit to the community and their partnership with the Hispanic Chamber of Commerce will increase that benefit. He then asked if the Chamber works with Chambers of Commerce in other communities. Mr. Leonhardt stated that the Ogden-Weber Chamber of Commerce is responsible for the origination of the Northern Utah Chamber Coalition (NUCC) and it includes Chambers from Rich, Box Elder, Cache, Davis and Weber counties; they work together on a variety of issues with a heavy focus on legislative priorities. Council member Hyer stated it is his understanding NUCC was created just two years ago, but it is an entity that has already been very helpful to Northern Utah in the State Legislative process.

Chair Hyer concluded by stating the City Council appreciates the City’s partnership with the Chamber of Commerce and all they do for Ogden and Weber County.

Proposed Resolution 2016-4 awarding Arts Grants for FY2015-2016 and setting forth findings pursuant to Utah Code Ann. § 10-8-2 (2002)

A memo from the Community and Economic Department regarding proposed arts grants in the current Fiscal Year came before the Council for consideration. The memo stated the Ogden City Arts Advisory Committee has conducted the arts grant process including advertising to recruit applicants and reviewing and grading the applications. Ogden City Staff formed a grading system for the committee in compliance with the Arts Committee Ordinance allowing each grant application to be measured equally using the grant criteria. The individual scores for each grant were combined then averaged to determine a final overall score for each application. Those scores were used to rank the grants in both the General Support and Project Support categories. The review committee included four representatives from the Ogden City Arts Advisory Committee, a representative from City Council Staff and a representative from Community and Economic Development. Three applications were not recommended for funding because, in all cases, their proposals fell outside of the current grant cycle. Those applicants are encouraged to submit for the FY2017 grant cycle. The Administration recommends that the City Council approve funding based on the committee’s recommendations. The Administration supports the recommendations of Ogden City Arts Advisory Committee and recommends that the City Council fund these grants to promote the public good of Ogden City based on information presented below:

Organization	Committee Recommendation
General Support	
Eccles Community Arts Center	\$7,000
Treehouse Children’s Museum	\$2,000
Ogden Symphony Ballet Assn.	\$5,000
Ogden Friends of Acoustic Music	\$6,860
Chamber Orchestra Ogden	\$4,000
Strings Project – WSU	\$2,640
Shaw Gallery - WSU not recommended	
Project Support	
Ogden Nature Center – Earth Day	\$2,000

Ogden Nature Center – Birdhouses	\$2,000
Weber Morgan Health Dept.	\$500
Ogden Opera Guild	\$1,000
Good Company Theatre – High Hopes	\$7,000
Good Company Theater – “Pirated”	not recommended
Historic 25th St. Foundation	not recommended

The memo concluded the funding of \$60,000 for Arts Grants was allocated in the FY2016 budget and grant applications recommended for funding total \$60,000.

Chair White then introduced in writing proposed Resolution 2016-4, entitled:

“A resolution of the Ogden City Council awarding Arts Grants for FY2015-2016 and setting forth findings pursuant to Utah Code Annotated § 10-8-2 (2002).”

A copy of the proposed resolution was deposited with the City Recorder and ordered that the City Recorder have at least one copy available for public inspection in her office during all business hours.

The proposed resolution was then read by long title.

COUNCIL MEMBER GARNER MOVED A PUBLIC HEARING ON THE PROPOSED RESOLUTION BE HELD IN THE CITY COUNCIL CHAMBERS ON FEBRUARY 16, 2016, DURING THE CITY COUNCIL MEETING TO BE HELD AT 6:00 P.M. AND THAT THE CITY RECORDER BE DIRECTED TO PROVIDE NOTICE AS REQUIRED BY LAW. MOTION WAS SECONDED BY COUNCIL MEMBER HYER, ALL VOTING AYE.

Proposed Ordinance 2016-4 amending the FY2016 Budget in the amount of \$3,150,000

A memo from the City Comptroller regarding a proposed amendment to the Fiscal Year (FY) 2016 budget came before the Council for consideration. The memo stated Administration is proposing an ordinance that will increase the FY2016 budget by \$3,150,000. The proposed amendment recognizes and appropriates funds from several grants and General Fund balance to the General Fund, CIP and Miscellaneous Grants Funds. The proposed amendment also transfers funds from a CIP project account to fund the Recreation Master Plan.

Chair White then introduced in writing proposed Ordinance 2016-4, entitled:

“An ordinance of Ogden City amending the budget for the Fiscal Year July 1, 2015 to June 30, 2016 by increasing the anticipated revenues for a gross increase of \$3,150,000 from sources as detailed in the body of this ordinance; and increasing the appropriations for a gross increase of \$3,150,000 as detailed in the body of this ordinance; and providing that this ordinance shall become effective immediately upon posting after final passage.”

A copy of the proposed ordinance was deposited with the City Recorder and ordered that the City Recorder have at least one copy available for public inspection in her office during all business hours.

The proposed ordinance was then read by long title.

COUNCIL MEMBER GARNER MOVED A PUBLIC HEARING ON THE PROPOSED ORDINANCE BE HELD IN THE CITY COUNCIL CHAMBERS ON FEBRUARY 16, 2016, DURING THE CITY COUNCIL MEETING TO BE HELD AT 6:00 P.M. AND THAT THE CITY RECORDER BE DIRECTED TO PROVIDE NOTICE AS REQUIRED BY LAW. MOTION WAS SECONDED BY COUNCIL MEMBER HYER, ALL VOTING AYE.

Proposed Ordinance 2016-5 amending the Ogden Municipal Code by amending Section 15-13-27 regarding provisions related to mobile food trucks

A memo from the Community and Economic Development Department regarding provisions relating to mobile food trucks came before the Council for consideration. The memo stated in August of 2014, the Council passed a newly developed ordinance allowing mobile food trucks in the City’s downtown and commercial areas; food trucks were already permitted in the City’s manufacturing zones. As part of the discussion and as a condition of passage, the ordinance was to be revisited in April 2015 to review the efficacy of the ordinance and the impacts of allowing food trucks in the downtown area. The Council revisited the issue in April of 2015 and developed a list of potential changes on which the Council requested a recommendation from the Planning Commission. The Planning Commission reviewed the issues and forwarded its recommendation to the Council. The current proposal includes several recommendations for changes to the mobile food trucks ordinance as requested by the Council. The Planning Commission is recommending that the 200-foot buffer between mobile food trucks and brick and mortar restaurants be reduced to 100 feet, that food trucks may play music but that the volume must be within the City’s noise ordinance restrictions, and that the limit of five (5) food trucks in the downtown area be eliminated. The Planning Commission did not recommend changes to allow food trucks to operate at or near City parks if they are within a residential zone. The Planning Commission reviewed the proposal at the October 7, 2015 meeting and voted to recommend approval of the changes with a 6-0 vote. The Commission’s motion was made with the findings that proposed amendment is consistent with the intent of the zoning ordinance for mobile food trucks and that the proposal is consistent with the policies outlined in the General Plan.

Planning Manager Montgomery summarized the memo and stated there are presently three mobile food trucks licensed in Ogden City, though there are more food trucks that come in and out of the City on a daily basis. One issue that has been discussed by City Staff and the Planning Commission is why there seems to be a lack of mobile food trucks in downtown Ogden; one

conclusion is that the operation of mobile food trucks seems to be most successful when associated with an activity that allows for the congregation of several food trucks at the same time. He stated there are many cities that have events specifically geared toward bringing multiple food trucks together and the Planning Commission felt that the existing regulations of mobile food trucks prohibit that from happening. He reiterated the Planning Commission's recommendations referenced in the memo, with a focus on the Planning Commission's recommendation to maintain the provision that prohibits food trucks from locating at City parks located in residential zones; the Planning Commission was concerned about allowing food trucks, which are a commercial activity, in the residential zones of the City due to street congestion and excessive on-street parking. There may be some specific parks where the allowance of food trucks is appropriate, though there are some City parks in which a private contractor has the rights to sell concessions and allowing a food truck in those parks may create competition issues. During discussions of this issue, Council member Lopez made a recommendation that the Planning Commission consider allowing food trucks at parks in the East Central neighborhood of the City and the Planning Commission is taking that under advisement and will solicit public input.

Council member Hyer asked if mobile food trucks would be permitted at special events that take place throughout the City. Mr. Montgomery answered yes and noted mobile food truck operators would be able to secure a special event permit for any event that may be held in a City park or elsewhere in the City.

Council member Garner stated this is an issue the City has been working on for some time and he appreciates the efforts of the original petitioners as well as staff and the Planning Commission.

Council member Lopez asked if more research will be done relative to the appropriateness of allowing mobile food trucks at parks in the East Central community. Mr. Montgomery answered yes; he is recommending the Council accept the Planning Commission's recommendation to prohibit mobile food trucks in parks, but noted that through the process of developing the Lester Park Master Plan there will be a community outreach component and the public will be asked their feelings about allowing food trucks in parks in the East Central community.

Council member Stephens stated City parks are very important, but it makes sense to allow mobile food trucks in parks during special events. He asked how a mobile food truck owner would obtain a special event permit. Mr. Montgomery stated there is an application process that the mobile food truck owner would need to follow. Council member Stephens asked if there is a cost for the permit, to which Chief Executive Officer Johnson answered yes and added the cost is based upon the services needed for the special event.

Council member Stephens requested more information regarding the restriction of one mobile food truck per one linear block. Mr. Montgomery stated there is competition for on-street parking throughout the commercial areas of the City and if all the on-street parking were consumed by multiple food trucks congregating in one area, it would create a concern for businesses. Staff and the Planning Commission felt that limiting food trucks to one per linear block would still allow customer parking for brick and mortar businesses. Council member Stephens asked how long a food truck can stay in one location on a block. Mr. Montgomery stated that would depend on the parking regulations for specific blocks throughout the City.

Chair White introduced in writing proposed Ordinance 2016-5, entitled:

"An ordinance of Ogden City, Utah, amending the Ogden Municipal Code by amending Section 15-13-27 to amend provisions related to mobile food trucks; and by providing that this ordinance shall become effective immediately upon posting after final passage."

A copy of the proposed ordinance was deposited with the City Recorder and ordered that the City Recorder have at least one copy available for public inspection in her office during all business hours.

The proposed ordinance was then read by long title.

Chair White then called for public input regarding the proposed ordinance.

No persons came forward to be heard regarding this matter.

ON A MOTION BY COUNCIL MEMBER HYER AND SECONDED BY COUNCIL MEMBER GARNER, ORDINANCE WAS PASSED AND ADOPTED AS OGDEN CITY ORDINANCE 2016-5 AND ORDERED POSTED AS REQUIRED BY LAW UPON THE FOLLOWING ROLL CALL VOTE: VOTING AYE – COUNCIL MEMBERS GARNER, HYER, LOPEZ, NADOLSKI, STEPHENS, VICE CHAIR BLAIR, AND CHAIR WHITE. VOTING NO – NONE.

The Chair signed the ordinance as passed and adopted and the Chair's signature was attested by the City Recorder. The authenticated ordinance was then filed with the City Recorder for transmittal to the Mayor for review and consideration.

Proposed Ordinance 2016-6 adopting a temporary land use regulation regarding development in the Gibson Community Area

A memo from the Community and Economic Development Department regarding a temporary land use regulation in the Gibson Community Area came before the Council for consideration. The memo stated the Utah State Municipal Land Use, Development, and Management Act (LUDMA), allows a municipality to enact a temporary zoning regulation for a given area as a means to temporarily halt development to allow that municipality to adopt zoning ordinances or general or master plans specific to the subject area. This is a means for cities to temporarily halt new development in an area where new plans are being developed. The temporary halt prevents new development in the subject area that may be incompatible with the newly proposed general or master plan. The Administration is proposing the adoption of such a temporary zoning regulation for the Gibson Community Plan area. The plan area ranges from Wall Avenue to the west city boundary and from 12th Street to the Ogden River. The proposed temporary zoning regulation would be in place for a period of up to six (6) months.

Planning Manager Montgomery summarized the memo and reviewed a map to identify the area encompassed within the

Gibson Community Plan. He explained staff has been in the process of developing the Gibson Community Plan for the last year. An open house was held on January 20, 2016 to present to the community the suggestions of land use and other objectives that can help this Ogden neighborhood reach its potential. One of the key factors to the plan is to change the development trends in the neighborhood from more disruptive heavier industrial uses which typically have been storage and outdoor activity land uses to more productive community uses. The plan suggests this be done by rezoning areas of the community and he identified the zoning and existing land use of properties in the Plan Area. Most of the uses are currently non-conforming and land use under the proposed zoning can change the character of the area for the positive. The properties along the Wall Avenue frontage and along the Ogden River are of prime concern as some parcels have been vacant for many years. Development under existing zoning in key, identified plan areas however, have the potential to be disruptive to the future of the area. The concept plans at the open house call for rezoning the Wall Avenue frontage to commercial to create a better image of the community, provide sales tax opportunities and create a reason to help develop residential areas in this community rather than people having to live next to all industrial uses. Creating housing opportunities by rezoning in areas presently zoned manufacturing could also be thwarted if developed under the present zoning. Rezoning manufacturing areas to lower intensity manufacturing is also part of the plan to avoid large land uses that do not add value to the community but create environmental and image problems. The development actions in this area prior to the plan adoption and rezoning can either help forward the plan or undermine the plan objectives now that the concept have been made available to the public. He explained the proposed temporary ordinance allows the City time to have the plan adopted and approve necessary zoning changes while prohibiting some undesirable uses allowed under the present zoning. The temporary regulation would then allow the overall goal of the Gibson Plan to be achieved. The temporary ordinance would not restrict normal maintenance and repair work in keeping buildings under their present uses nor prohibit development plans currently under review. He concluded City Administration recommends approval of the six month temporary regulation.

Council member Hyer asked for examples of times in the past when the City has enacted a land use moratorium. Mr. Montgomery stated a moratorium was put in place when the City was working on the River Project because it was important to put a hold on development in that area to ensure no developer would proceed with a development that was not in harmony with the River Project plans. A moratorium was also enacted when the City was going through the R-2 Residential downzoning process; no new duplexes were allowed until the Council determined the areas of the City where R-2 zoning was appropriate. A third time a moratorium was enacted was in relation to the City's street vendor ordinance.

Council member Stephens inquired as to the process of formulating a Community Plan. Mr. Montgomery stated the City examines the history of a specific neighborhood and then holds a series of open houses where the public is invited to offer their concerns about their neighborhoods as well as their desires for the future of the neighborhoods. A steering committee is then formed made up of citizens and business owners in the neighborhood to consider and address the concerns and desires that have been expressed. The steering committee ultimately makes a recommendation to their peers regarding future development concepts for their neighborhood. The steering committee accepts feedback regarding the recommendation and that feedback is used to develop the final Community Plan document, which is presented to the Planning Commission in conjunction with a public hearing. The Planning Commission makes a recommendation to the City Council, who has the authority to make a final determination regarding the plan for the area. Council member Stephens stated it is his understanding that residents of the Gibson Community Plan Area are anxious to include more residential uses in their neighborhoods. Mr. Montgomery stated that they do want more residential development, but they also recognize the importance of commercial and manufacturing uses; however, they would like the quality of that development to be improved.

Chair White asked if this is the first Community Plan that has been developed in the Gibson area. Mr. Montgomery stated a Community Plan was proposed for the Gibson area several years ago, but the attitude of residents and business owners at that time was that they did not want the City involved in their community. However, the Community has seen problems with certain developments that have been permitted in their neighborhoods and they now welcome the development of the Community Plan.

Vice Chair Blair asked if the six-month timeline associated with a moratorium is firm. Mr. Montgomery answered yes and noted that if final decisions are not made before the expiration of the six-month period, it cannot be extended. Vice Chair Blair asked if it may be necessary to consider similar moratoriums when developing community plans in other areas of the City. Mr. Montgomery stated that generally there is not such a wide discrepancy between zoning, land use, and the potential development of vacant land as exists in the Gibson area; it is his opinion the Gibson area is unique.

Council member Hyer stated it seems the proposed zoning changes will create a large amount of legal nonconforming uses. Mr. Montgomery stated that may be the case with the salvage yards in the Plan Area. Council member Hyer remarked that is what he was referring to and noted that as salvage yards close they become brownfields and it is expensive to mitigate the contamination of the land resulting from its previous use. He inquired as to the process to transition from a salvage yard to a brownfield. Mr. Montgomery stated that in some communities the salvage yards are forced closed; in the Gibson Area, the rezoning will prevent currently vacant parcels from being converted to salvage yards.

Council member Lopez asked if the majority of the residents that have participated in the Community Plan meetings supported this recommendation. Mr. Montgomery stated no vote was taken, but the comments provided support this direction.

Council member Stephens asked if there are any development applicants that have been submitted for the Plan Area. Mr. Montgomery stated he is aware of two applications that would not be impacted by this moratorium.

Council member Hyer stated he is appreciative of Staff for their work on this Community Plan and he feel the proposed moratorium will protect the hard work that has been done to improve the Gibson Community Plan Area. Council member Stephens agreed.

Chair White introduced in writing proposed Ordinance 2016-6, entitled:

“An ordinance of Ogden City, Utah, adopting a temporary land use regulation regarding development in the Gibson Community Area; and providing that this ordinance shall become effective immediately upon posting after final passage.”

A copy of the proposed ordinance was deposited with the City Recorder and ordered that the City Recorder have at least one copy available for public inspection in her office during all business hours.

Chair White then called for public input regarding the proposed ordinance.

No persons came forward to be heard regarding this matter.

ON A MOTION BY COUNCIL MEMBER GARNER AND SECONDED BY COUNCIL MEMBER STEPHENS, ORDINANCE WAS PASSED AND ADOPTED AS OGDEN CITY ORDINANCE 2015-6 AND ORDERED POSTED AS REQUIRED BY LAW UPON THE FOLLOWING ROLL CALL VOTE: VOTING AYE – GARNER, HYER, LOPEZ, NADOLSKI, STEPHENS, VICE CHAIR BLAIR, AND CHAIR WHITE. VOTING NO – NONE.

The Chair signed the ordinance as passed and adopted and the Chair’s signature was attested by the City Recorder. The authenticated ordinance was then filed with the City Recorder for transmittal to the Mayor for review and consideration.

Mayor Comments

Mayor Caldwell stated he had the opportunity yesterday to attend the funeral of Police Officer Doug Barney along with many of the City’s Police Officers and it reminded him of how unique the City’s Police Officers are and of the sacrifices they make for the community; he thanked them for their service and how they represent the City. He then thanked City Attorney Williams, Chief Administrative Officer Johnson, and Management Services Director Buxton for the effort they will expend on behalf of the City during the upcoming 2016 Legislative Session.

Council member Comments

Council member Stephens said he also viewed the funeral service for Officer Barney and he felt the citizens of Utah really appreciate the individuals serving in law enforcement positions. He cannot thank the City’s Police Officers enough for the job they do to make the community safe.

Consideration of adjourning into a Closed Executive Session

At this time, the Council gave consideration of adjourning into a Closed Executive Session pursuant to one or more of the provisions of Section 52-4-205(1) of the Open and Public Meetings Law:

- a. Discussion of the character, professional competence, or physical or mental health of an individual
- b. Strategy session to discuss collective bargaining
- c. Strategy session to discuss pending or reasonably imminent litigation
- d. Strategy session to discuss the purchase, exchange, or lease of real property
- e. Strategy session to discuss the sale of real property
- f. Discussion regarding deployment of security personnel, devices, or systems
- g. Investigative proceedings regarding allegations of criminal misconduct

COUNCIL MEMBER GARNER MOVED THE COUNCIL ADJOURN INTO A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205(1) OF THE OPEN AND PUBLIC MEETINGS LAW. MOTION WAS SECONDED BY COUNCIL MEMBER HYER, WITH THE FOLLOWING ROLL CALL VOTE: VOTING AYE – GARNER, HYER, LOPEZ, NADOLSKI, STEPHENS, VICE CHAIR BLAIR, AND CHAIR WHITE. VOTING NO – NONE.

The meeting adjourned into Closed Executive Session at 7:21 p.m.

The meeting reconvened at 8:10 p.m.

There being no further business to come before the Council, **COUNCIL MEMBER HYER MOVED THE MEETING ADJOURN AT 8:11 P.M. MOTION WAS SECONDED BY GARNER, ALL VOTING AYE.**

TRACY HANSEN, MMC
CITY RECORDER

MARCIA L. WHITE, CHAIR

APPROVED: September 13, 2016