

Minutes of the Special Meeting of the Ogden City Council held on Tuesday, January 12, 2016 at 6:00 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  
  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 Johnson  
                  Planning Manager Greg Montgomery  
                  Community and Economic Development Director Tom Christopoulos  
                  Community and Economic Development Deputy Manager Brandon Cooper  
                  Deputy City Recorder Julia LaSeure

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.

Family Promise of Ogden – Presentation by Nancy Davis Broderick

Ms. Broderick explained Family Promise is a national non-profit organization and interfaith hospitality network designed to help those experiencing homelessness. The organization was founded in 1988 and there are currently 199 affiliates across the United States. The Salt Lake affiliate celebrated its 20<sup>th</sup> anniversary in October of 2015. They have served over 800 families and have a 95 percent success rate of getting homeless families back on their feet. She provided the Council with a two minute video clip about the program, after which she explained it is necessary to assemble between 10 and 13 congregations to get the Family Promise program started. There are currently seven churches in Ogden that have offered their commitment to the program with additional churches seeking approval from their leadership. Each church would take its turn at offering services for an entire week, from Sunday to Sunday once each quarter. Volunteers bring food and stay at the churches with the families. A van has been donated by the United Methodist Church to provide transportation for those that work and children that attend school. Unemployed adults will have access to the internet to aid in their job search and a director will offer intensive case management and assistance with social services.

Ms. Broderick explained the next step is to find a local day center building that can be used in conjunction with the program. The ideal building would be 1,000 square feet, have a washing machine and dryer, men's and women's restrooms, kitchen facilities, two small rooms for private case management, and a larger room for kids and adults to congregate. She stated the purpose for her visit this evening is to see if there are any community buildings that may be available for the program. She mentioned she is also seeking seed money or assistance in applying for grants to further the services that are provided by Family Promise. The program's budget will be approximately \$110,000 and she would like to get the program running in July or August of 2016 and will be seeking additional sponsorships between now and then. She stated she is not the spokesperson for Family Promise, but she saw the need for the program in Ogden and started the process of obtaining a non-profit designation for an Ogden affiliate program.

Council member Hyer stated he feels the program is wonderful and will meet a great need in the community. He asked how the program is being received by local churches. Ms. Broderick reiterated seven congregations have committed to be hosts for the program and two additional congregations are still seeking approval from their leadership to participate in the program. She added there are local LDS stakes that do not have adequate facilities but they do have volunteers willing to participate in the program. They will be considered support congregations.

Chair White indicated she appreciates the interfaith efforts and asked that Ms. Broderick keep the Council posted of the progress to implement the program.

### Approval of Minutes

Vice Chair Blair stated he had reviewed the minutes of the Closed Executive Session of September 15, 2015 and found them to be accurate to the best of his recollection.

Council member Hyer stated he had reviewed the minutes of the Closed Executive Sessions of October 13, 2015 and November 17, 2015 and the Regular Meeting of October 27, 2015 and found them to be accurate to the best of his recollection.

Council member Garner stated he had reviewed the minutes of the Closed Executive Session of October 27, 2015 and the Board of Canvass Meeting of November 17, 2015 and found them to be accurate to the best of his recollection.

Council member Stephens stated he had reviewed the minutes of the Special Meeting of November 10, 2015 and found them to be accurate to the best of his recollection.

**COUNCIL MEMBER STEPHENS THEN MOVED TO APPROVE THE MINUTES AS PRESENTED. MOTION WAS SECONDED BY COUNCIL MEMBER HYER, ALL VOTING AYE.**

### Joint Proclamation declaring January 18, 2016 “Martin Luther King, Jr. Day of Service” in Ogden City

A joint proclamation declaring January 18, 2016 “Martin Luther King Jr. Day of Service” in Ogden City came before the Council for consideration. Chair White indicated there would typically be a reading of the joint proclamation during the meeting, but this joint proclamation will be read on January 18, 2016 at 9:00 a.m. during the Martin Luther King Jr. Freedom Breakfast and march. The event will be held at the Marshall White Center and the theme is “The Fierce Urgency of Now: Stand Up for Equal Discipline of All Children in Schools”. This is a collaborative event with the Ogden Branch of the National Association for the Advancement of Colored People (NAACP), Weber State University’s (WSU) Black Scholar United Program, and the Diversion Program. She invited all to attend and hear the reading of the joint proclamation at that time.

**COUNCIL MEMBER GARNER MOVED TO APPROVE THE JOINT PROCLAMATION. MOTION WAS SECONDED BY COUNCIL MEMBER STEPHENS, ALL VOTING AYE.**

### Proposed Ordinance 2016-2 amending the Ogden Municipal Code as it relates to standards for Accessory Dwelling Units

A memo from the Community and Economic Development Department regarding accessory dwelling units (ADUs) came before the Council for consideration. The memo stated in 2008, an amendment was approved that would allow ADUs in certain parts of the City through a zoning overlay process. Areas were to be identified in various community plans that the City felt were best suited to accommodate ADUs. As of 2015, there were only three areas in the City with the ADU overlay zone approved. Recently, the City Council requested that the Planning Commission review and provide a recommendation on a proposal to allow ADUs in all residential areas of the City. The Planning Commission has provided a recommendation of approval for ADUs in all residential zones with the exception of specific areas within the Mt. Ogden Community Plan area. The proposal would remove the need to have an overlay zone and would allow a homeowner to apply for a license to have an ADU in any residential zone.

Planning Manager Montgomery summarized the memo and offered a background of the ADU land use in Ogden City. ADUs were first reviewed in 2000 within the larger discussion and action of downzoning large portions of the City. Although there was discussion, no proposal was formalized or considered. In 2007, ADUs were discussed again and at that time a proposal was developed and brought forward. The Planning Commission reviewed a proposal to allow ADUs in all residential zones throughout the City through the approval of an overlay zone. The proposal would allow a property owner to apply for a license to have an ADU if that owner’s property was included within an ADU overlay zone. The discussion about ADUs in 2007 was associated with the development and adoption of the Mt. Ogden Community Plan. In that plan, the proposal was to allow ADUs only in residential areas directly to the north of WSU. The proposed ADU ordinance disallowed ADUs in the Mt. Ogden Community Plan area if they were not located within the predesignated area. In 2007, the Planning Commission recommendation to the Council on ADUs was to allow them in all residential areas if the ADU overlay zone was approved for that area. The overlay zone had a minimum area of 10 acres, or one city block, and would be approved through the rezoning process. Once the overlay zone was in place, a property owner within that overlay zone area could apply for a license to operate the ADU. As the Council reviewed the proposal, it was determined that a more limited approach should be taken with ADUs. In 2008, the Council approved an amended proposal that would allow ADUs in an overlay zone but limited the eligible overlay zone areas to those which had been included in a given area’s community plan. Mr. Montgomery reviewed a map to identify the areas in the City in which ADUs are currently permitted, and concluded the current proposal differs from the proposal forwarded to the Council in 2007. The current proposal maintains all of the design and application requirements but eliminates the need for an overlay zone. This is a departure from the previous proposal and the existing ordinance. The proposed ordinance would allow any owner-occupant in a single-family home in any residential zone to apply for an ADU. The proposal maintains the standards for the number of units per parcel, occupancy, dwelling size, appearance, outside entrances, parking, and compliance with building codes. The proposal would allow ADUs as a permitted use, with the proper license and approval, in all single-family and multi-family residential zones in the City with the exception of those areas within the Mt. Ogden Community Plan area that have been designated as not permitting ADUs. The Planning Commission provided a recommendation of approval to the Council with the finding that the ordinance meets the General Plan goals of increasing homeownership, providing for a variety of housing styles, and strengthening neighborhoods.

Council member Garner asked Mr. Montgomery to summarize the recommended permitting requirements for ADUs. Mr. Montgomery noted the proposed ordinance would require that permits be issued for ADUs on an annual basis, similar to the

requirements in place for rental properties. An owner of an ADU would pay a fee of \$156 or \$13 if they participate in the Good Landlord Program. The application review process will help ensure that the space is safe and meets health and sanitation standards.

Council member Hyer stated an ADU situation would be different than a traditional landlord-tenant situation because the property owner must occupy one of the units on the property. He asked if it may be appropriate in the future to eliminate the requirement for the property owner to participate in the Good Landlord Program in order to receive a discounted permit fee. He said he understands the need for a business license and property inspection, but he reiterated the relationship between landlord and tenant will be different. Mr. Montgomery explained staff has taken the same stance on ADUs as they have taken on an owner-occupied duplex and he is unsure how to provide an additional differentiation. Chair White asked if there is a cost to participate in the Good Landlord Program. Mr. Montgomery answered yes, but noted that paying to attend the classes combined with the reduced license fee is still less than the \$156 that would otherwise be due from the applicant.

Council member Stephens asked if the owner of an ADU is required to rent the additional unit for a specified amount of time each year. Mr. Montgomery replied the minimum rental period is 30 days, but there is no requirement for a longer rental term. Council member Stephens asked if it is necessary to provide tenants an alternate entrance. Mr. Montgomery answered that it is not a requirement, but it is also not prohibited. He said the goal of the ordinance is to maintain the integrity of the neighborhood and keep these properties looking like single-family homes.

Council member Garner asked how often a landlord is required to take Good Landlord Program classes. Mr. Montgomery replied it is required every two years. Council member Garner asked if the owner can renew their ADU permit online. Chief Administrative Officer Johnson answered yes.

Council member Nadolski asked if there is an overwhelming demand or need for ADUs in Ogden. Mr. Montgomery stated many people have approached the City requesting the ability to convert their homes to ADUs, but the cost of petitioning for a plat amendment has been too great for applicants to proceed. He commented that in his estimation there are currently 30 to 40 ADUs in Ogden, though they are not permitted. Council member Nadolski referred to the Planning Commission packet materials, which included non-conforming certificates issued during the down-zoning process that took place in 2000 and asked for more information about that situation. Mr. Montgomery explained that legal conforming certificates were issued as a compromise during the down zoning process in response to concerns expressed by realtors that the City was abolishing duplexes. The legal conforming certificates granted rights for duplexes to continue even if the buildings were vacant for a year. Once the building is vacant for longer than a year, the legal conforming certificate would be revoked. He noted that the ADU mechanism allows for the preservation of a single-family home through various cycles of life. Council member Nadolski asked about the fate of the 30 to 40 ADUs that are currently operating without a permit. Mr. Montgomery explained the owner will be encouraged to obtain a license from the City to continue to operate an ADU. Vice Chair Blair stated he is supportive of the ordinance as he feels permitting ADUs provides different housing options that residents are looking for.

Council member Lopez asked why ADU owners would be required to renew their license each year. Mr. Montgomery responded an annual renewal allows the City to keep proper records for the properties in the event of a change in home ownership or ceasing to operate as an ADU. Council member Lopez wondered if owners will cease operating an ADU after they have made the investment in converting their property. He stated he feels it may be more appropriate to require renewal every other year. Mr. Montgomery responded that is a policy issue for the Council to make. He added that there are many different reasons that someone would cease operating an ADU, specifically related to changes throughout an owner's life cycle.

Council member Nadolski asked how the licensing of ADUs would impact the City's revenue stream either through license fees or increased property tax revenues. Mr. Montgomery replied the units are defined as a single-family home so they are not classified as a revenue producing unit for the purposes of property taxation. For that reason, property tax revenues will remain level and the only increased revenue the City will experience is in the form of licensing fees, which are minimal. Council member Nadolski asked if property taxes could increase if improvements are made to the property. Mr. Montgomery stated the value of a home generally does not increase dramatically unless it is expanded.

Chair White asked how staff plans to interact with the communities whose plans could potentially be amended to allow ADUs. Mr. Montgomery responded staff will communicate with the residents of those communities via their utility bill. They will be provided with a link to a survey where they can indicate their preference regarding whether ADUs should be allowed. The results of the surveys will be analyzed by staff and forwarded to the Planning Commission for their consideration in conjunction with a proposed amendment to the community plans. The Planning Commission will also hold a public hearing to give residents the opportunity to voice their opinions, after which they will forward a recommendation to the City Council for final action.

Council member Hyer stated that oftentimes a public hearing is noticed, but no one attends and if that is the case for the potential community plan amendments, he wondered what conclusion staff and Planning Commission will draw. Mr. Montgomery stated he will assume that a lack of public involvement means that the residents are not concerned about the proposed change; generally those that attend public hearings are opposed to what is being proposed.

Vice Chair Blair asked if the recommendation before the City Council was approved unanimously by the Planning Commission, to which Mr. Montgomery answered yes.

Chair White introduced in writing proposed Ordinance 2016-2, entitled:

“An ordinance of Ogden City, Utah, amending the Ogden Municipal Code by amending Chapter 13 of Title 15 to adopt a new Section 38 regarding standards for accessory dwelling units; amending Sections 15-15-2, 15-16-2, 15-17-2, 15-18-2, 15-19-2, 15-35-2, and 15-36-2 to allow accessory dwelling units as permitted uses in various zones; reserving Chapter 32 of Title 15; 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 Deputy 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 HYER AND SECONDED BY COUNCIL MEMBER GARNER, ORDINANCE WAS PASSED AND ADOPTED AS OGDEN CITY ORDINANCE 2016-2 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.

Council member Hyer stated he feels the ordinance amendment will be a great help to many property owners in the community. There are currently residents who are operating ADUs, not because they are trying to act illegally, but because they feel the use is appropriate and they do not know it is prohibited. He stated he is pleased by the action that was taken this evening. Council member Stephens agreed and added the land use provides a more manageable housing program for the community.

Proposed Resolution 2016-3 approving a loan guaranty for a \$400,000 loan between the Redevelopment Agency and Salt Lake County for environmental cleanup in the Trackline Economic Development Project Area

A memo from the Community and Economic Development Department came before the Council to consider a resolution approving a loan guaranty for a \$400,000 loan for environmental cleanup in the Trackline Economic Development Project Area. The memo stated City Administration is requesting execution of a loan agreement with Salt Lake County from the Wasatch Coalition Brownfields Revolving Loan Fund (WBCRLF). Loan proceeds will be used to fund environmental remediation costs at the Ogden Business Exchange. The WBCRLF, administered by Salt Lake County, will provide \$400,000 in loan funds and requires a match of \$90,500. Sources for the Agency’s matching funds will be the City’s Community Development Block Grant and Section 108 Loan Guarantee Program funds.

Community and Economic Development Deputy Manager Cooper summarized the memo and explained the Ogden Business Exchange site was formerly utilized as a stockyard and livestock exchange and has also been used for the storage of equipment and containers of unknown origins and type. There is a railroad spur that ran through the property for stock transportation, which has historically been a potential source of contamination from creosote, which is a blend of hundreds of chemicals. Chemical products that may have been historically transported and offloaded from rail cars could impact the site from unregulated and unreported spills. Ultimately, the resulting historic contaminants may include a mixture of hazardous substances and petroleum such as semi-volatiles, oils, and grease associated with the railroad ties/line and unidentified substances in the unmarked containers. The Redevelopment Agency (RDA) had enrolled in the Utah Department of Environmental Quality (DEQ) Voluntary Cleanup Program and has been performing predevelopment tasks needed to make the master-planned “lifestyle” business park economically feasible, including:

- property acquisition,
- environmental remediation,
- demolition,
- infrastructure improvements, and
- other site preparation.

The RDA has also partnered with a private developer who will be responsible for building, selling, and leasing buildings in the business park. The business park will feature office, manufacturing, light industrial, and distribution facilities that incorporate historical design and have connections to the Weber River, open space, pedestrian/bike trails, and access to the county-wide trail network. Ogden City is currently working with several companies planning to locate at the Ogden Business Exchange. Mr. Cooper concluded the loan is a four year interest-only loan with an interest rate of two percent per annum and a balloon payment at the end of the loan term. Disbursements of loan funds and interest payments will both be made on a quarterly basis. The loan is to be repaid through project revenues (land sales proceeds and tax increment) and is guaranteed by Ogden City Corporation. The WBCRLF has also agreed to allow loan proceeds to be disbursed for up to \$330,000 of already-incurred eligible cleanup expense.

Council Member Stephens asked how the WBCRLF was created. Mr. Cooper replied the WBCRLF is a coalition between Salt Lake County, the Salt Lake Redevelopment Agency, and Ogden City. The three entities joined forces in 2011 to apply to the Environmental Protection Agency (EPA) to establish a \$1 million revolving loan fund and since that time has been working to establish the terms and conditions of the program used to administer the grant funds. This is the first loan issued by the coalition and he is excited for Ogden City to be a member of the coalition.

Council member Nadolski stated his understanding is that staff intends to use tax increment proceeds and land sale proceeds to pay debt service on the loan. Mr. Cooper replied that is correct, certain project revenues have been identified and will be used to pay the interest payments throughout the life of the loan and the balloon payment at the end of the loan term. He reiterated matching funds are required for the loan and those funds have been appropriated in previous actions. The match has been met with no need for new appropriations. Council member Nadolski expressed interest in knowing whether the City has any land sale proceeds readily available for the project and noted the Council packet indicates that 11.6 of the 22.58 acres have already been sold. Mr. Cooper stated that is incorrect. One parcel, 7.56 acres in size, has been conveyed to a company called Two Mules, LLC and they are under construction for a 75,000 square foot manufacturing plant. Another three acre parcel was under contract, but that contract fell through. The City is currently working with two potential property owners for the purchase of two additional parcels. Council member Nadolski stated the packet outlines a 16 quarter payment schedule for a total payment of \$432,000, but the payments per quarter do not add up to that total amount and he is curious how the City will pay the total amount over time. Mr. Cooper answered the payment schedule in the loan documents was intended to be an example and the actual payment and amortization schedule will be followed. Council member Nadolski asked if the terms of the loan are fairly flexible until the end of the term when the balloon payment is due. Mr. Cooper responded yes, the loan has been structured as an interest only loan to give the City the ability to ramp up project revenue, but in the event there is not sufficient project revenue to pay the interest, the project costs will be paid by the developer. Council member Nadolski stated he feels it is important to note that staff plans to handle debt service on the loan with projected proceeds rather than proceeds that have already been received. Mr. Cooper indicated that is correct. He added the project has been structured in a way that it should be a five-year project from conception to completion and all funding sources and development timelines follow that five-year timeline. It is in the City's best interest to sell the lots as quickly as possible within those five years.

Chair White introduced in writing proposed Resolution 2016-3, entitled:

“A resolution of the Ogden City Council authorizing and approving a loan guaranty for a \$400,000 loan between the Ogden City Redevelopment Agency and Salt Lake County for environmental cleanup in the Trackline Economic Development Project Area.”

**COUNCIL MEMBER HYER MOVED THE RESOLUTION BE ADOPTED, AND THE CHAIR BE AUTHORIZED TO SIGN THE SAME. MOTION WAS SECONDED BY COUNCIL MEMBER STEPHENS, WITH THE FOLLOWING ROLL CALL VOTE: VOTING AYE – COUNCIL MEMBERS GARNER, HYER, LOPEZ, NADOLSKI, STEPHENS, VICE CHAIR BLAIR, AND CHAIR WHITE. VOTING NO – NONE.**

#### Public Comments

Dr. Forest Crawford stated he is a professor at WSU and has been there for 38 years. He indicated he is present this evening because he is also the co-founder and advisor to the State of Utah Martin Luther King Jr. Human Rights Commission. He wanted to ask the Council to consider or reinvestigate the honorary designation of Martin Luther King Jr. Boulevard on 24<sup>th</sup> Street. The honorary designation only runs along a portion of the street, but the original request asked that the name continue east of Washington Boulevard to Buchanan Avenue. He stated there was a great deal of controversy surrounding the original request and there were some residents who did not want the name change on their street and a compromise was made to only rename the portion of 24<sup>th</sup> Street west of Washington Boulevard. He asked the current Council to reconsider the honorary designation as he thinks the feelings of residents may be different now than they were in the past. He added that some misinformation was spread when the request was initially made, but that misinformation has been corrected and he feels residents will be more receptive.

Reverend Stanley Ellington stated he is the President of the Ogden Branch of the NAACP and he is present to publicly express his support for Dr. Crawford's request to reconsider the honorary designation of the name change for 24<sup>th</sup> Street.

Council Executive Director Cook asked for an opportunity to respond to the public comments. He noted that Dr. Crawford raised this issue in a recent Talk of the Town Meeting held on the WSU campus. A short time after that, former Council member Amy Wicks asked that the City reconsider the honorary street name designation and extend the honorary designation eastward past Washington Boulevard. She also requested an extension of the Cesar Chavez honorary designation. Both requests have been in process and once a fiscal implication of the proposal is available, the Council will be able to formally consider the requests and take final action. The needed information should be available within a matter of weeks.

Vice Chair Blair asked if the Council has the ability to determine the length of the honorary designation. Mr. Cook answered yes and explained the proposal is to extend both honorary designations eastward to Harrison Boulevard. Council member Hyer stated it is important to note there is a difference between changing a street name and assigning an honorary designation and the addresses for homes along the street will not change. Mr. Cook stated that is correct.

#### Mayor Comments

Mayor Caldwell reported Sunset Magazine recently recognized Ogden City as the best mid-sized city in America. He said it is always fun to see those types of things and people taking notice of what a great place Ogden is.

#### Council member Comments

Council member Lopez thanked Dr. Crawford and Reverend Ellington for their comments and indicated he is looking forward to taking action on their request. Council member Nadolski agreed and stated he is eager to move forward as well.

There being no further business to come before the Council, **COUNCIL MEMBER HYER MOVED THE MEETING  
ADJOURN AT 7:02 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER GARNER, ALL VOTING AYE.**

/s/ Julia M. LaSeure  
JULIA M. LASEURE, MMC  
DEPUTY CITY RECORDER

/s/ Marcia L. White  
MARCIA L. WHITE, CHAIR

APPROVED: April 5, 2016