

NORTH OGDEN CITY COUNCIL MEETING MINUTES

November 28, 2017

The North Ogden City Council convened in an open meeting on November 28, 2017 at 6:02 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 November 21, 2017. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

PRESENT: Brent Taylor Mayor
 Lynn Satterthwaite Council Member excused
 Cheryl Stoker Council Member
 Phillip Swanson Council Member
 Carl Turner Council Member
 James Urry Council Member

STAFF PRESENT: Jon Call City Administrator/Attorney
 Annette Spendlove City Recorder/HR Director
 Evan Nelson Finance Director

VISITORS: Leonard Looney Susan Clements Max Colton
 Mason Colton Casey Colton Bob Buswell
 Kyle Odrisoll Scout Troop 299

Mayor Taylor called the meeting to order. Jon Call, City Administrator/Attorney, offered the invocation and Kyle Odrisoll led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **DISCUSSION AND/OR ACTION TO CONSIDER OCTOBER 17, 2017 CITY COUNCIL MINUTES**

Council Member Swanson motioned to approve the October 17, 2017 City Council Meeting minutes. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. DISCUSSION OF END OF FISCAL YEAR FINANCIAL REPORT

Finance Director Nelson used the aid of a PowerPoint presentation to provide the Financial Report for the final quarter of Fiscal Year (FY) for July 1, 2016 to June 30, 2017. He added he is currently participating in the annual audit for the last FY as well. His first slide offered a comparison of sales tax trends for the past three years and he noted that revenues in FY2017 were \$200,000 higher than the previous FY. Next he discussed revenues and expenditures percentages of budget by fund; the slide compared revenues to expenditures for each fund, including the General Fund, Aquatic Center fund, Transportation Utility Fund, Impact Fee funds, Capital Improvement Fund, Utility funds, and the Redevelopment Agency (RDA) and Community Development Area (CDA) funds. He briefly focused on the funds for which expenditures currently exceed revenues. Mayor Taylor briefly noted that management of the Aquatic Center has made several improvements and changes at the facility that have resulted in increased revenues to the point that the facility is now covering 98 percent of its expenses; this is the first time since the facility opened that it has covered more than 90 percent of its expenditures.

Mr. Nelson then reviewed a slide that illustrated General Fund expenditures by Department, after which he facilitated high level discussion and review among the Council regarding the detailed quarterly report. Throughout the discussion there was a brief focus on issues such as collecting on past due amounts owed to the City, expenses for City sponsored events such as the Cherry Days pageant, the timing of collection of property tax revenues, fluctuation of business license revenues from year to year, increased engineering fees, traffic citation revenues, and interest income.

Mayor Taylor indicated it is important to note that all departments contained within the General Fund came in under-budget at the end of the FY. He also briefly reviewed the wage savings in various Departments throughout the City. Continued high level discussion among the Council and Mayor centered briefly upon projects completed throughout the City in the last fiscal year and the final budget outcome for those projects.

Mr. Nelson continued his review of the report and responded to questions from the Council as they sought clarification regarding the purpose of various expenditures; at the conclusion of the discussion Council Member Urry thanked Mr. Nelson for the thorough nature of his report and his willingness to answer questions the Council has regarding the information contained therein.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ON DISPOSAL OF PROPERTY

A staff memo from City Administrator/City Attorney Call explained the State code requires that City's establish a process by which real property is accepted into City ownership along with a process for disposal of real property. The City has been operating under the default rule for disposition in that every piece of real property is required to go through the same process as the larger more valuable pieces of real property. This ordinance gives the council two options on the disposition of property. 1) Any parcel over .5 acres is a significant piece of real property; 2) Any parcel is a significant piece of real property. Also, this ordinance makes it clear that utility easements which are not utilized are also not significant pieces of real property.

The second part of this ordinance makes it clear that the City accepts property through the plat approval and recordation process when new development occurs in the City. City Administration recommends the Council select their preferred option and adopt the proposed ordinance.

Mr. Call reviewed his staff memo and provided a brief review of the proposed ordinance.

Council Member Urry motioned to approve Ordinance 2017-25 on Disposal of Property. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. **PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ANNEXATION LOCATED AT APPROXIMATELY 744 EAST 1700 NORTH (MOSHER)**

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 applicant owns property located at approximately 744 East 1700 North. The property is composed of one parcel totaling approximately .885 acres in size and is located in a county island within the North Ogden City limits. The applicants are requesting that their property be annexed and zoned Single Family Residential Zone (R-1-8).

The adjacent properties to the west, north, and east within North Ogden City are zoned R-1-8. The property to the south is zoned RE-20. Designating the property with an R-1-8 zoning classification is a logical extension of the R-1-8 zone.

The Planning Commission reviewed this request on November 1, 2017. No one appeared to give comment.

The North Ogden Annexation Policy Declaration in the General Plan calls for the property to be annexed into North Ogden City. The property is located in the Southtown Neighborhood. The General Plan map calls for this property to be developed as low density residential; the R-1-8 zone is consistent with this designation.

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

- Is the zoning proposal consistent with the General Plan?

The memo concluded the Planning Commission recommends that the City Council annex this property and apply the R-1-8 zone.

Mr. Call reviewed the staff memo and used the aid of an aerial photograph to orient the Council to the location of the property subject to the proposed annexation.

Mayor Taylor opened the public hearing at 7:24 p.m. There were no persons appearing to be heard.

Council Member Swanson motioned to close the Public Hearing. Council Member Stoker seconded the motion

Voting on the motion:

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

The motion passed unanimously.

The public hearing was closed at 7:25 pm

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ON A PROPOSED ANNEXATION LOCATED AT APPROXIMATELY 744 EAST 1700 NORTH (MOSHER)

Council Member Urry motioned to approve Ordinance 2017-26 approving the annexation of property located at approximately 744 East 1700 North (Mosher). Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED CDBG APPLICATION

An administrative staff memo summarized the items to be covered during the public hearing required prior to consideration of a Community Development Block Grant (CDBG) application. The purpose of the public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible application for the 2018 fund cycle. The City must explain that the grant money must be spent on projects benefiting primary low and moderate income persons.

The Wasatch Front Regional Council, of which North Ogden City is a member, is expecting to receive approximately \$572,000, and they could receive more in this new program year. All eligible activities that can be accomplished under this program are

identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Gary R. Kerr has the manual. Some eligible activities listed included public works projects such as water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.

Past CDBG projects include:

1. Loans for home improvements for North Ogden City Residents.
2. Building a Senior Center.
3. Waterline project in the Green Acre's area.
4. Sidewalk and curb & gutter project in the Green Acre's area.
5. Construction of an ADA accessible restroom for Oak Lawn Park.

The City's CDBG Capital Improvement Projects list includes the following projects:

1. Coldwater Waterline project – to replace old cast iron water line with a new ductile or PVC line.
2. Trail Crossings – Improve pedestrian safety at road crossings throughout the City.

Those in attendance should be asked if they have any questions, comments or suggestions during the hearing.

Mr. Call reviewed the staff memo.

Mayor Taylor opened the public hearing at 7:29 p.m. There were no persons appearing to be heard.

Council Member Urry motioned to close the Public Hearing. Council Member Swanson seconded the motion

Voting on the motion:

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

The motion passed unanimously.

The public hearing was closed at 7:30 p.m.

7. **DISCUSSION AND/OR ACTION TO CONSIDER A PROPOSED CDBG APPLICATION**

Council Member Turner asked if CDBG grants require matching funds from the City. Mayor Taylor answered yes, but noted the actual match amount is not specified until an application is made.

Council Member Urry suggested that the City submit an application for a project that did not receive funding last year. Mayor Taylor stated that is an option, though some projects for which the City sought funding did not score well. Mr. Call noted that the scoring system has been adjusted and some projects may be ranked differently than in the past.

Council Member Swanson motioned to authorize Administration to proceed with developing a formal proposal for a CDBG grant application. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING RESOLUTION 08-2017 ADDING TOWING FEES FOR IMPOUNDMENT OF VEHICLES AND TRAILERS ILLEGALLY PARKED ON MUNICIPAL STREETS**

A staff memo from City Administrator/City Attorney Call explained the City has seen an increase in illegal parking during the winter months and even during the summer when people bring their trailers out of storage. A few illegally parked vehicles were struck by snow plows last year. With our new “winged” trucks we have an increased need to keep the streets clear during the days we plow snow. We would like to add the towing fee to the consolidated fee schedule to make it clear that the City is not collecting a fee, but that the individuals are responsible for paying any fees charged by the towing company.

As background information, these fees are set by the state and towing companies cannot charge more than the fees established by the state department in charge of towing companies. I have attached a copy of the state towing fees chart which is adopted every year.

The Council should also consider whether we want to continue with our current contract which is piggy-backed on the County contract and rotates through a group of authorized towing companies. The risk with that contract is that a resident may have to drive to South Weber to pick up their vehicle. We could explore signing our own contract with any provider within a certain distance of the city for these services. We might establish that any group within 6 miles of the boundaries of North Ogden City can apply to get on the list of vendors for North Ogden City, which would be automatically rotated through by Weber County Dispatch.

Mr. Call reviewed the staff memo and facilitated a brief discussion among the Council regarding the implications of the proposed amendments to the resolution with a focus on the impetus for the recommended changes and the liability associated with towing vehicles.

Council Member Urry motioned to approve Resolution 13-2017 amending Resolution 08-2017 adding towing fees for impoundment of vehicles and trailers illegally parked on municipal streets. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

9. DISCUSSION OF NEW MAYOR PRO TEMP

Mayor Taylor stated that through the month of December there may be a need for the Mayor Pro Temp to conduct City business as there is the potential for him to be called away from the City for military training. He noted that Council Member Satterthwaite, the current Mayor Pro Temp, may also be unavailable as he prepares to serve an LDS mission at the end of his Council term. He asked if the Council would like to appoint a new Mayor Pro Temp at this time or wait to see if the need arises, at which time a new individual could be appointed during a Council business meeting.

Council Member Urry nominated Council Member Stoker to serve as the Mayor Pro Temp for the remainder of the calendar year. Council Member Swanson indicated his support for the nomination.

Council Member Urry motioned to appoint Council Member Stoker as Mayor Pro Temp through December 31, 2017. Council Member Turner seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

10. PUBLIC COMMENTS

There were no public comments.

11. COUNCIL/MAYOR/STAFF COMMENTS

Mr. Call reminded the Council of the upcoming Christmas lighting ceremony to be held December 3 at City Hall.

Mayor Taylor reminded the Council of the employee Christmas party scheduled for December 20.

Council Member Urry stated that given tonight's discussion regarding on-street parking and towing, he felt it pertinent to mention that a home near his has had a tent trailer parked on the street all summer long and it is still there. He suggested that someone from the City approach that resident and urge relocation of the trailer.

Council Member Swanson referenced the recent restriping project on 3100 North; the new stripes are wonderful during the day, but confusing and disorienting at night because the original striping shows through whatever material was used to cover it. Motorists can see all stripes at night and it is difficult to see where the actual traffic lanes should be. He then asked for an update on the City's attempts to correct an abandoned vehicle code violation at a home on 750 East just south of 3100 North. Mr. Call stated that City Administration has been working to address the matter, but the property owner's first amendment rights have been referenced and the City needs to proceed cautiously. He noted it may be necessary for the Council to consider a 'creative' ordinance to address the matter, but at this point in time, there is case law on these types of situations in other cities throughout the State and if the condition of a property is considered to be the owner's right to freedom of expression, the City can only proceed in mitigating the negative impacts. Council Member Swanson expressed his distaste for that law and legislation and stated that any individual could hide behind the first amendment to keep junk and debris or even noxious weeds on their property.

Council Member Turner followed up on the report he made during the last City Council meeting regarding the Youth City Council's activity whereby they provided Thanksgiving dinner for needy families. He heard a report from the youth, who indicated that is one of their favorite activities of the year. He then noted that the Youth City Council is actively collecting food items to donate to homeless centers in the community that serve youth.

Council Member Urry inquired as to the present status of the Family Promise facility located in the old Public Works facility. Mayor Taylor stated that the center is doing quite well; there have been no problems or complaints and the City hosts several families for one week during each month.

12. **ADJOURNMENT**

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

Voting on the motion:

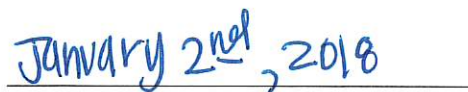
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 7:49 p.m.


Brent R. Taylor, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved