

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 28, 2017

The North Ogden City Council convened in an open meeting on February 28, 2017 at 6:01 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 February 23rd, 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
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	Carl Turner	Council Member
	James Urry	Council Member
STAFF PRESENT:	Jon Call	City Attorney / City Administrator
	Susan Nance	Deputy Recorder
	Rob Scott	City Planner
	Evan Nelson	Finance Director
	Justin Shinsel	Public Works Inspector
	Brandon Bell	Planner I
	Tiffany Staheli	Parks and Recreation Director
VISITORS:	Phil Nestoryak	Larry Florence
	Shondra Ekenstan	Allan Lunt
	Kent Christensen	Leonard Looney
	Bob Buswell	

Mayor Taylor called the meeting to order. Deputy Recorder Susan Nance offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Phil Nostoyak, North Ogden Elementary School Principal, stated that he is present to request an additional ingress/egress point at the west side of the parking lot that serves the school. There is just one ingress/egress point that parents use for drop off and pick up of their children and the area gets very congested during the morning and afternoon rush

times. He stated that he is requesting the additional exit for safety reasons as it will prevent people from making a u-turn in the parking lot. He reviewed a map of the area and identified the future location of the skate park and stated that the additional ingress/egress would also make access to that area easier. He also used the map to illustrate current traffic flow as compared to the traffic flow that would be possible if the additional point were provided. He stated he has spoken with Weber School District officials and they are willing to financially support the request. Mayor Taylor stated that he and City Administration discussed the proposal during staff meeting last week and they are comfortable with what is being recommended; however, the City would expect the District to pay for the improvements. City Attorney/Administrator Call agreed; he noted the City currently shares the parking lot with the school and the addition of the ingress/egress point would be a great improvement. The Council engaged in discussion regarding the request with a focus on shared maintenance and liability for the parking lot; they ultimately offered consent for City Administration to work with North Ogden Elementary School and the Weber School District to reach an agreement relative to the addition of an additional ingress/egress point to the parking lot.

Larry Florence, 1338 E 2600 North, stated that he is present representing the Kiwanis Club this evening. He presented the Council with a letter soliciting funds for the Club. He noted that recently the Club donated \$3,000 to the Weber School District Foundation and the Foundation matched that donation. This means that each elementary school in North Ogden, Pleasant View, and the Ogden Valley will receive \$1,000 to purchase new books for their libraries and for electronic use. He added that the Club awards one \$500 scholarship to a student from Fremont High School and Weber High School; the person is chosen by a counselor at the school and is presented at the close of each school year. He stated the letter from the Club to North Ogden City details these programs and requests that the City support the Club financially to allow for these programs to continue. Mayor Taylor thanked Mr. Florence and expressed his appreciation for all the Club does for the City. Mr. Florence added that the Club cleans the highway in North Ogden three times per year; they are trying to keep the City clean.

Alan Lunt, representing Boy Scout Troop 491, indicated the Troop is working on their Citizenship in the Community merit badge.

2. **DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING THE AUDIT FOR THE 2015-2016 FY BUDGET**

A staff memo from Finance Director Evans explained the City has completed the process of the annual audit for Fiscal Year 2016. The audited financial statements will be presented and discussed at the City Council meeting on February 7, 2017. Auditor, Kent Christensen, of Christensen, Palmer, and Ambrose CPAs, will be presenting.

The role of the auditor is to review the financial records of the City to ensure that the financial statements are fairly presented in accordance with generally accepted

accounting principles. The auditor also evaluates accounting practices, internal controls, and compliance with regulations. As appropriate, the auditor may issue findings and recommendations and highlight areas for improvement.

The audit report contains two findings related to General Compliance:

Finding #1: Actual expenditures for the City Capital Projects Fund exceed the final budget.

Recommendation: Monitor actual spending more closely when compared to the budget amounts. When necessary, hold public meetings to amend budget.

This finding specifically relates to two capital projects that exceeded approved budgets. These projects are the Public Works Facility and the Monroe Boulevard right-of-way purchases. On March 10, 2015, the former Finance Director presented a proposal for a change order on the Public Works Facility project. This proposal acknowledged \$140,488 contingency available and then proposed approval of an additional change order for the construction of the vehicle storage building. After discussion, the Council approved a change order amounting to \$592,646. It is assumed that at least part of this change order was intended to apply to the Fiscal Year 2016 budget since there was no corresponding budget amendment proposed in Fiscal Year 2015 and final expenditures were less than budget. However, we failed to propose an amendment in Fiscal Year 2016 and the account was over-expended by \$189,150.61. Simply approving a change order makes no change to the budget. We should have proposed an amendment to the budget in addition to the change order. In the future, we will monitor expenditures more closely and propose amendments as needed. Total expenditures recorded for the Public Works Facility project equal \$4,005,967.83. Shown below, are Council meeting minutes from March 10, 2015 approving the change order for the vehicle storage building.

The second project that exceeded the budget was the grant expenditure related to Monroe Boulevard. When staff performed an end-of-year review of budgets and expenditures, several sizable expenditures, related to this grant, had not yet been recorded in the accounting system. While the budget appeared to be sufficient, this was not the case. Our mistake was the delay in recording these expenditures. While the approved budget for the fiscal year was over-expended, the grant itself was not over-expended. As recommended by the auditor, we will monitor actual spending more closely and propose amendments to the budget when appropriate.

Finding #2: The City Council was not provided quarterly financial reports with enough detail to allow them to make decisions regarding financial matters and to monitor actual and budgeted revenue and expenditures.

Recommendation: Provide the Council with the required financial reports at least quarterly.

Staff has begun implementation of this recommendation in the current fiscal year. The Quarterly Report for the second quarter is forthcoming.

In addition to the findings and recommendations provided with the audit report, the auditors issued several other recommendations in a letter dated February 10, 2017. These recommendations are as follows:

1. We feel the City should review its procedures surrounding the recording of Accounts Payable invoices to insure that amounts for work completed on significant projects is included in the proper accounting period while waiting for required approvals.
 - a. Response: During the course of the audit, we received a few very late invoices that belonged in fiscal year 2016, but had not been received and recorded. More careful communication between the Finance Department, the various City departments, and the City Engineer will help correct this problem.

2. We recommend the City adopt procedures to insure that all capital asset accounts are reconciled to the City's depreciation system and that all capital assets are correctly classified to the correct ledger account.
 - a. Response: The Finance Department is working to improve the tracking of capital assets. Significant clean-up work was required at the end of Fiscal Year 2016 to separate capital expenditures from non-capital expenditures. Our first steps to improve in this area are to increase the capitalization threshold and to maintain capital expenditure accounts separate from non-capital expenditure accounts.

3. We suggest that the City record all amounts retained on construction projects in one fund and an appropriate amount be maintained in the designated cash account.
 - a. Response: These procedures were not followed during the fiscal year. We will implement this recommendation during fiscal year 2017 for any projects requiring retainage.

4. We encourage the City to adopt procedures to track the number and amount of utility account statements billed via e-bill, paper, and dual bills. These statistics should be reconciled each month with the Utility Funds accounts receivable records to insure that all utility customers are billed.
 - a. Response: This recommendation is under staff review and an appropriate implementation plan will be determined and implemented.

5. We suggest policies relating to Capital Assets accounting be reviewed. This could include reevaluating thresholds for capitalizing qualifying assets and the estimated useful life of capitalized assets. The review should also consider which street projects to add to fixed asset records and which are to be treated as repairs. The review should also include procedures to remove assets from the records when no longer used.

a. Response: Staff has discussed possible changes to capitalization thresholds and intends to propose a change before the end of the fiscal year. Staff will also review the other practices as recommended.

Kent Christensen provided a brief overview of the Audit Report, an electronic copy of which was included in the Council packet for the meeting. He noted that he is happy to report that his firm has issued an unmodified opinion, which means that there was no material items in the City's financial statements that were found to be incorrect. He discussed the two audit findings detailed in Mr. Evans' staff report.

Council Member Satterthwaite addressed page 22 of the audit report and indicated it shows \$460,000 in outstanding accounts receivable. He asked if that is unusual for a City. Mr. Christensen answered no; most governmental funds are received within 90 days. One change in the current year audit when compared to last year is that the City determined that two months of sales tax should be accrued rather than one month. That resulted in \$200,000 being shown as a prior period adjustment.

Council Member Satterthwaite then referenced page 19, which includes information regarding assets. He asked how the depreciable infrastructure and improvements of nearly \$16 million is determined. Mr. Christensen stated that is based upon engineer's estimates and expenditures for significant infrastructure projects; these numbers are entered into depreciation schedules and the estimated life for accounting purposes are determined for the purpose of the audit.

Mr. Evans then reviewed his staff memo and read the audit recommendations and staff responses for the record. There was brief Council discussion regarding the audit findings and the Council thanked Mr. Evans for his thorough review and analysis of the audit findings and recommendations.

Council Member Urry then noted that he has been working with Mr. Evans to ensure compliance with State Law that requires that the governing body of each municipality receive regular reports regarding the status of the City's budget and overall financial situation. He stated the Council can determine whether those reports should be provided monthly or quarterly. Mr. Evans stated he will continue providing quarterly reports until otherwise directed. He added that he is always available to meet with Council Members to address any questions they may have regarding the financial reports.

Mayor Taylor then mentioned some of the highlights of the audit report, including the amount of debt the City has, the overall positive condition of the City's utility funds, and the amount of cash on hand to replace infrastructure and noted that those issues will be a topic of conversation during the upcoming budget meeting scheduled for March 7, 2017 at 8:00 a.m.

Council Member Satterthwaite stated that in 2008 the City entered into a lease purchase agreement to purchase two dump trucks; there were additional lease purchase agreements

in 2009 and 2010 and he was unaware of these debt obligations. Mr. Evans stated the two dump trucks and a leaf collector was purchased using lease purchase agreements; there is approximately \$37,000 in outstanding debt for each of those agreements. Council Member Satterthwaite stated he simply wanted to ensure that the rest of the Council is aware of that debt obligation as he had forgotten about it.

Council Member Urry thanked Mr. Evans for his transparency and openness with the City's budget and audit.

Council Member Satterthwaite motioned to accept the Audit for 2015-2016 FY Budget. Council Member Urry 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 unanimously.

Council Member Satterthwaite motioned to rearrange the order of the agenda item by moving items eight, nine, 10, and 14 ahead of item four on the agenda. Council Member Swanson 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 unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE

A staff memo from Parks and Recreation Director Staheli explained that if North Ogden City chooses to publish content for the Cherry Days Brochure in conjunction with the City Magazine, the advertisements and other content will now be printed in color.

The current fee for ad space in the Cherry Days Brochure is for black and white ad space, and is very low compared to the cost of advertising in the area.

Increasing the fee for the ad space will make it more in-line with colored ad space pricing. The proposed fees for the Cherry Days insert will still be almost 50% less than purchasing an ad for a regular month in the City Magazine, and will also help to better cover the cost of printing Proposed fee changes as outlined below:

	Regular Magazine Ad (Monthly)	North Ogden Current fee – Cherry Days	North Ogden Proposed Fee – Cherry Days
Outside Cover	1650	500	850
Inside Cover	1350	500	700
Full Page	990	250	520
Half Page	630	150	320
¼ Page	390	100	200

Ms. Staheli reviewed her staff memo.

Council Member Urry expressed his concern about charging loyal advertisers higher rates for advertising in the Cherry Days insert in the City magazine. Ms. Staheli stated that the increased costs are intended to cover the City’s costs of printing and publishing the magazine and including the Cherry Days insert. She added she does not believe that the City will be competing with the publisher of the City magazine for advertisements during the month that the Cherry Days insert will be included in the magazine. She added that the value of a Cherry Days sponsorship is greater than the value generated by advertisements in the brochure, yet event sponsorships have been used to subsidize the cost of printing past Cherry Days brochures. The Council engaged in high level discussion and debate of the proposed fee amendments, after which Council Member Urry stated that it is his expectation that the Cherry Days budget for brochure printing be decreased; he added he would like to see a detailed budget for the entire Cherry Days event and he will compare that budget with the report of actual expenditures to see how close to funding the brochure the advertisement revenue came. Ms. Staheli stated that the budget for Cherry Days has been broken down into greater detail in the past.

Council Member Satterthwaite asked Ms. Staheli if she is confident that it will be possible to secure enough advertisements to fill and pay for the Cherry Days brochure. Ms. Staheli stated that due to the increase in the number of magazines sent to City residents, there will be a decrease in the number of ads sold in the Cherry Days brochure; she noted that Besst Realty was formerly one of the largest advertisers, but they have begun publishing their own magazine and will no longer be advertising in the brochure. She stated that she anticipates a decrease in the number of advertisements sold, but she is hopeful that the price increase coupled with the provision of a quality product will generate at least the same, if not more, revenue than in the past.

Mr. Spelts added that he does not view the Cherry Days brochure insert as a threat to the City magazine whatsoever. The size of the magazine for the month of the Cherry Days celebration will double in size to 64 pages. Discussion briefly centered on the increased postage costs for mailing a larger magazine that month, with Mr. Spelts noting the postage increase will be minor.

Council Member Swanson motioned to approve Resolution 05-2017 amending the consolidated fee schedule for Cherry Days advertising as presented. Council Member Urry 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 unanimously.

8. REPORT FROM RYAN SPELTS

Mayor Taylor reported the six month trial period with Mr. Spelts' company has one month left and this is an opportunity to discuss the relationship between the City and the publisher before deciding whether to extend the agreement.

Mr. Spelts clarified that the March magazine, which has already been printed, is actually the sixth edition, meaning that the trial period has come to an end. He then reported that he is pleased with the response to the magazine thus far and the manner in which the community has engaged. He stated there was an art contest advertised in the magazine last month, which generated 72 entries and over 2,000 votes. He added that advertisers are responsive and grateful for the opportunity afforded them by the magazine. At this point in time, the magazine is breaking even, but it has grown each month and he believes it will soon reach the point of being revenue generating.

The Council and Mr. Spelts then engaged in discussion regarding topics such as online readership of the magazine, the benefit the magazine provides to the community, projected future growth of the magazine and the share of space in the magazine between the publisher and the City, the positive nature of the magazine, and magazine content and layout.

9. **DISCUSSION AND/OR ACTION TO CONSIDER EXTENDING THE EXISTING AGREEMENT TO CONTINUE WITH THE CITY MAGAZINE**

Council Member Satterthwaite expressed concern about approving an agreement with a five year term and he indicated he would be more comfortable with a three year term. Mr. Spelts stated that the five year term is recommended, but the agreement does include a flexible termination clause allowing the City to cancel the agreement with 90-days notice and commitment to continue for 12 months if there are long term advertising contracts in place. Brief discussion centered on the cost of publishing the magazine for a five-year term, with Mayor Taylor noting that Mr. Spelts has committed to hold the costs of the publication at the same amount for the entire five years. Council Member Satterthwaite stated that he is simply concerned that entering into a long term contract is that doing so will limit the opportunity for other publishers to bid on the service. Mayor Taylor stated he has shared that same concern for other contracts in the past, but in this case the City made a good faith agreement with Mr. Spelts and his company and Mr. Spelts has made capital expenditures based upon that agreement. Council Member Swanson added that he is not aware of any other publishing companies interested in engaging with the City for the publication of a magazine. He stated he is comfortable with the recommended contract term. Discussion briefly centered on the termination clause included in the agreement with focus on the impact that advertising agreements would have on the publisher's ability to terminate the agreement in a short time frame. Mayor Taylor stated that a private/public partnership such as this can have some drawbacks, but overall, the City is receiving a great benefit. The community is receiving a nice service at a reduced cost, but the publication is augmented by private advertisements.

Council Member Swanson motioned to approve an extension to Agreement A8-2016 to continue with the City Magazine. 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 unanimously.

10. **DISCUSSION AND/OR ACTION TO CONSIDER AN INSERT FOR CHERRY DAYS INTO THE CITY MAGAZINE**

A staff memo from City Attorney/Administrator Call explained that each year the City publishes a brochure regarding the annual Cherry Days celebration that is delivered to each household in the City. This year City Administration has considered different

options for publishing the brochure and have found that the City would save approximately \$4,000 by including it as an insert in the monthly magazine. This would also provide 32 pages of additional content that will be dedicated to Cherry Days. The City would still provide all the ad space in the insert as in past years and the City will keep the revenue generated by that ad space.

City Administration is recommending an amendment to the contract between the City and the publisher of the City magazine that would clarify how much the City will pay for the 32 page insert, as well as identify how much, per ad, would be charged to advertisers who need to use the design services of the magazine.

The trial period for the magazine will come to an end soon and the City Council needs to decide whether to continue using Connection Publication for our monthly newsletter. Staff has found this partnership to be successful and the arrangement has freed up some City resources because all organization and compiling of information has been outsourced.

Staff is seeking direction from the Council on these two items in order to proceed with negotiation of the contract amendment and extension.

Mr. Call reviewed his staff memo and Mr. Spelts explained the process of printing and assembling the magazine with the Cherry Days insert included. He then noted that it has been a pleasure to work with City staff over the past six months and he looks forward to a continued relationship.

Council Member Swanson motioned to approve Agreement A3-2017 for Cherry Days insert into the City Magazine. Council Member Turner 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 unanimously.

14. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER

Mayor Taylor stated that the City's franchise agreement with Rocky Mountain Power (RMP) has expired and City Attorney/Administrator Call has been working to negotiate a new agreement for the Council to consider.

Mr. Call stated the original franchise agreement was executed in 1992; the City passed an ordinance in 1997 adopting a municipal energy tax to allow this transition of negotiating and entering into a new franchise agreement to be much simpler. An updated ordinance is required in order for the agreement to be executed and he summarized the proposed ordinance as well as the proposed franchise agreement taking note to identify the differences in the agreement when compared to the 1992 agreement. Discussion briefly centered on the amount of money collected as a result of the franchise fee, with Rocky Mountain Power Representative Steve Rush noting that RMP undergoes an annual audit and there have never been discrepancies relating to the amount of money collected as a result of the franchise tax/fee. Mr. Call pointed out that certain entities are exempt from paying the tax, though none of those entities have property in the City.

Council Member Urry stated that he is comfortable proceeding with continuation of the franchise agreement so long as the franchise tax is not increased. Mr. Rush stated that no increase is being suggested. Mr. Call added that the proposed agreement has a 10-year term.

Mayor Taylor stated that a side note is that RMP has been great to work with as the City has worked to upgrade street lights and converted to LED lighting throughout the City. Mr. Rush added that he also appreciated the efforts of North Ogden to beautify RMP infrastructure by wrapping utility boxes in the City.

Council Member Urry motioned to approve Ordinance 2017-04 granting an electric utility franchise and general utility easement to Rocky Mountain Power. 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 unanimously.

4. **PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO THE NORTH OGDEN GENERAL PLAN PARKS AND TRAILS MASTER PLAN MAPS AND ADD A BIKE LANE MAP TO THE TRANSPORTATION SECTION OF THE PLAN**

A staff memo from City Planner Bell explained when the City Council is acting in a legislative capacity they have 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 legislative decision require compatibility with the general plan and existing codes.

North Ogden City adopted an updated General Plan in September of 2015, with revisions to the text in August 2016. Staff has recently completed a few updates to the maps in the General Plan.

The Parks and Recreation Department identified that the Parks Master Plan Map and the Trails Master Plan Map did not accurately identify the location of all trails. Staff has worked with the General Plan consultant to prepare revised maps which include more accurate information on the trails in North Ogden City and presents information related to parks and trails more effectively. A Bike Lane Map is proposed to be added to the Transportation section of the General Plan.

The Planning Commission has recommended that the maps referred to as the Parks Master Plan and the Trails Master Plan be replaced with a single map, entitled Parks and Trails with Future Park Needs in the Parks and Trails section of the General Plan. The Planning Commission also recommended that an additional 5 maps with supplementary information related to parks and trails in North Ogden City be added to the General Plan appendix. The five maps that are recommended to be added to the appendix are labeled as the Parks and Trails Map, the Future Parks Map, the Parks Map - With Labels, the Parks Map – Not Labeled, and the Trails Map. Finally, the Planning Commission recommends that a new Bike Lanes Map be added to the Transportation section of the General Plan.

Minor changes to the maps were requested by the Planning Commission. The versions of those documents included with this report reflect those changes.

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

- Are the maps accurate?

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

Mr. Bell reviewed his staff memo and he and Parks and Recreation Director Staheli reviewed the maps recommended for inclusion in the General Plan.

Council Member Urry asked for assurance that the City has not planned trails on properties that do not belong to the City or for which there is no willing seller. Mr. Bell stated that when a developer seeks to develop property in the City they are informed that an adopted map for the property includes a trail and that they are required to provide that trail in their development.

Council Member Satterthwaite inquired as to the plans for including a trail in the Rice Creek development. Mr. Bell reported that a six-foot sidewalk was constructed along 2750 North in lieu of a trail. Council Member Satterthwaite stated that he recalled the trail was supposed to be located in the gully. Mr. Call stated that the six-foot sidewalk replaced that trail.

Council Member Turner referenced trails associated with new development and asked if trails must follow exactly the lines included on the adopted maps. Mr. Bell answered no as long as the trail is included in the development and the City has the ability to review and grant approval of the trail location. Mr. Call then reviewed a map illustrating trails already constructed and the location of future planned trails. Ms. Staheli added that she will bring an additional proposal to the Council at a future date that would facilitate the connection of existing trail systems through areas that are already developed; this would not entail the taking of any private property, but it will likely utilize existing sidewalk.

Mayor Taylor opened the public hearing at 8:39 p.m.

Rob Scott, City Planner, stated that several years ago Weber County established a trail committee and all cities in the County are represented on that committee. The committee is now known as the Weber Active Transportation Committee and they consider all modes of transportation, including trails. He and Ms. Staheli attend the meetings and represent North Ogden's interests. He stated that the significance of the committee is that the County has a map that shows all trails in all cities throughout the County and they are facilitating relationships between cities and other counties that will provide connectivity throughout the trail network. He stated this proposed action tonight is another effort to support trail connectivity.

Bob Buswell, 920 E 3025 N, stated that he is a member of the City's Trails and Open Space Committee and he indicated that Ms. Staheli does a great job at coordinating the efforts of that Committee.

Council Member Urry motioned to close the Public Hearing. Council Member Swanson 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 public hearing closed at 8:43 p.m.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN GENERAL PLANS PARKS TRAILS MASTER PLAN MAPS AND ADD A BIKE LANE MAP TO THE TRANSPORTATION SECTION OF THE PLAN

Council Member Turner complimented staff, the Planning Commission, and the Parks and Trails Committee for their work on this issue.

Council Member Urry stated he would like for Mayor Taylor to work with the Utah Transit Authority (UTA) Board to locate bike racks or bike repair poles that could be located on trails throughout the City; this has been done in other cities if those cities have committed to covering costs of the concrete pad for the rack or pole to sit on. Mayor Taylor added that UTA will be making a significant investment with the use of proposition one funding to build trails, sidewalks, and shelters throughout the County.

Council Member Swanson motioned to approve Ordinance 2017-05 amending North Ogden General Plans Parks and Trails Master Plan Maps and add a Bike Lane Map to the Transportation Section of the Plan, pending the changes that have been described by staff. 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 unanimously.

6. **PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO THE SECURITY FENCE HEIGHT REGULATIONS AND NON-CONFORMING SITE FENCE REGULATIONS**

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 Planning Commission held a public hearing on February 1, 2017. No one spoke at the public hearing.

The Planning Commission discussed the proposed security fence height amendment at their January 4, 2017 meeting as part of the Questar Gas regulator station conditional use permit.

Questar Gas desires to have an 8 foot high security fence for their regulator station. The following proposed language was reviewed at the public hearing.

This amendment allows the Planning Commission the ability to approve an 8 foot high security fence as part of site plan review approvals for public utility substations and institutional uses. Institutional uses include public schools, churches, and city facilities. Staff has added a provision that if chain link is desired it must be approved by the Planning Commission.

11-10-11 E. Security Fencing: Public utility substations and institutional uses, e.g., churches, government buildings, or schools, may be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height, which shall be constructed of cement block, masonry, precast masonry, and / or wrought iron and may be equipped with an appropriate anticleimbing device. Chain link may only be used as approved by the planning commission.

A second amendment to allow an 8 foot high fence as part of approving a non-conforming site review was considered. This came up as part of the Rand's Roofing review. See the language below:

11-10-11 F. The planning commission may vary the fence height for nonconforming commercial sites in residential zones if it determines the proposed fence design, materials, and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:

1. Not isolate the surrounding neighborhoods;

2. Be consistent with the theme of the development; and
3. Provide an effective screen to adjacent properties.
4. Chain link, vinyl, cement block, masonry, and wrought iron are acceptable materials
5. If the fence is a solid screen wall it shall have at least a ninety five percent (95%) screen value.
6. The owner of the nonconforming commercial property shall construct, maintain, and keep the fence in good repair.

The memo discussed the proposal's conformance with the General Plan:

Housing Goals

Goal #1 – Increase Housing Quality and Variety

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

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:

- Is the security fence height amendment appropriate?
- Is the non-conforming height amendment appropriate?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission unanimously (6-0) found that the amendment is consistent with the General Plan and recommends adoption by the City Council.

Mr. Scott reviewed his staff memo.

Council Member Urry asked if the eight-foot height limitation for security fence would include razor wire at the top of the fence, to which Mr. Scott answered yes. Council Member Urry asked if passage of the ordinance would require that every nonconformity have an eight-foot fence. Mr. Scott stated it would give nonconformities the right to request an eight-foot fence. The City would enforce a six-foot fence unless the applicant requested an eight-foot fence. Mr. Call added that the ordinance allows for the Planning Commission to act on their own initiative in proposing conditions and requirements to address specific issues, so they could require an eight-foot fence without the applicant requesting that fence height. Mr. Scott stated that such a requirement would need to be based upon a specific finding. High level discussion centered on the implications of the

ordinance with a focus on the requirement to erect eight-foot security fences around retention ponds specifically.

The public hearing was opened at 8:59 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 Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

The public hearing was closed at 8:59 p.m.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE SECURITY FENCE HEIGHT REGULATIONS AND NON-CONFORMING SITE FENCE REGULATIONS

Council Member Satterthwaite motioned to approve Ordinance 2017-06 amending the security fence height regulations and non-conforming site fence regulations. Council Member Swanson seconded the motion.

Council Member Urry stated he would feel more comfortable if the ordinance provided guidelines for when an eight-foot fence would be required rather than the decision being based upon a whim of the Planning Commission or City Council. Mr. Scott stated that Section 11-10-27 of the City Code stated that decisions on an individual site plan will be based upon how a requested land use might impact adjoining properties and the review of the site plan gives the applicant, neighbors, and the Planning Commission the opportunity to provide input regarding appropriate buffers and fencing.

Council Member Stoker asked if the ordinance will provide protection to nonconforming uses. Mr. Scott stated a two part process will be in place; an applicant will propose a site plan for review and as part of that, if the use is determined nonconforming in a residential zone, staff will work with the applicant to determine the appropriateness. Council Member Stoker stated that she expects that nonconforming uses would be required to erect eight-foot security fences. Mr. Scott stated the fence ordinance will define the standards that must be met in order for site plan approval to be granted. Mr. Call added that eight-foot fences are not an absolute requirement for nonconforming uses, but they

would be on the table as an option for the Planning Commission to consider. The Council engaged in discussion and debate of the appropriateness of the implications of the proposed ordinance, after which the Mayor called for a vote on the motion.

Voting on the motion:

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

The motion passed with a 3-2 vote.

Council Member Urry stated his opposing vote was based upon the fact that he believes the ordinance targets one person.

11. DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE OF RMJ ACRES SUBDIVISION

A staff memo from Public Works Inspector Shinsel explained he has completed a conditional inspection for RMJ Acres and he recommends that the one year warranty period for the development commence.

Mr. Shinsel reviewed his staff memo and facilitated a review of the plat for the development to orient the Council to its location. There was a brief focus on the temporary deferral for the installation of sidewalk for the development and Mayor Taylor asked that staff research the issue and inform him of the status of the deferral before he executes the document to commence the one-year warranty period.

Council Member Swanson motioned to approve conditional acceptance of RMJ Acres Subdivision contingent upon resolution of the question regarding the temporary deferral for installation of sidewalk on the east side of the development. Council Member Satterthwaite 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 unanimously.

12. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT TO AMEND AN EASEMENT ON NORTH OGDEN COVE SUBDIVISION, LOT 153**

A staff memo from City Attorney/Administrator Call explained the City has received a request for the modification of an easement the City holds on the Olson's property located in the Cove subdivision. The Storm Water Department currently has an easement across Lot 153 of the Cove subdivision to access a manhole on the lot to the north of lot 153. As the Olson's have planned their new home and landscaping, they found it was preferable to have the access easement moved from their western property line to the driveway. This requires the City Council to officially modify the easement by written agreement.

The Public Works Department has confirmed that though this easement will not be used very often, it will be more than adequate for their needs to service this manhole in the Cove subdivision. There is a landscape plan attached to the agreement to help you understand exactly what is occurring on the site. The grade changes in the two lots (Olson's and neighbors to the north) have caused the access to the manhole to be required from below the manhole, instead of above it.

The memo concluded staff recommends the Council approve this amendment to the easement so that the Olson's can move forward with their plans on the property they own.

Mr. Call reviewed his staff memo and reviewed plat of the Cove Subdivision to identify the property for which the easement modification is requested.

Council Member Satterthwaite motioned to approve Agreement A4-2017 to amend an easement on North Ogden Cove Subdivision, Lot 153. Council Member Swanson 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 unanimously.

13. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ADOPTING THE MUNICIPAL WASTEWATER PLANNING PROGRAM SELF-ASSESSMENT REPORT FOR NORTH OGDEN CITY

City Attorney/Administrator Call explained that the City is required to present a self-assessment report for municipal wastewater to the Council annually; upon Council approval the report will be submitted to the Utah Department of Environmental Quality. He indicated that the Storm water Superintendent was unavailable to attend tonight's meeting, but he has reported that there are no significant issues to report and they recommend that the report be accepted via resolution by the Council.

Council Member Swanson motioned to approve Resolution 06-2017 adopting the Municipal Wastewater Planning Program Self-Assessment Report for North Ogden City with changes discussed being corrected. 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 unanimously.

15. PUBLIC COMMENTS

There were no public comments.

16. COUNCIL/MAYOR/STAFF COMMENTS

City Administrator/Attorney Call stated that in the budget meeting to be held on March 7 there will be two action items: approval of the Spohn Ranch agreement for the skate park project and a lease agreement with Questar for the use of the old Public Works Facility for storage. He concluded by reporting that he became engaged to be married this coming summer.

Council Members Stoker and Satterthwaite indicated they had nothing to report.

Council Member Urry asked if anyone from the City has contacted the resident on 1700 North that he mentioned in the last City Council meeting who has had problems with flooding due to the ditch in the area. Mr. Call stated that he provided the information to

the Public Works Department and they have committed to following up with the resident next week; they have been out of town attending road school training. Council Member Urry stated that homes in that area have suffered from flooding and he feels that any developer building homes in that area in the future should be required to install a drainage system around the footings of their homes. Mayor Taylor stated that he and Mr. Call, Mr. Scott, and the City Engineer have been discussing that issue. He stated there will be an opportunity for the Council to discuss the issue further at a future date. Council Member Urry stated he would like to have a clear understanding of what is causing flooding in the area.

Council Member Swanson stated that he visited communities in Wyoming today that were of similar size to North Ogden and the only streets where snow have been plowed were main streets. He stated it reminded him of the amazing job that the City's Public Works Department does for North Ogden residents.

Mayor Taylor provided a brief overview of the agenda for the first budget retreat meeting scheduled for March 7, 2017 at 8:00 a.m. He stated that by Thursday staff will provide electronic and paper copies of the information to be discussed in the meeting. He added that breakfast, lunch, and possibly dinner will be provided depending on the length of the meeting. He then stated that the Utah Department of Transportation (UDOT) has introduced some administrative permitting requirements regarding the installation of new street lights on Washington Boulevard, but those requirements have been addressed and he will be presenting to the Council for approval a cost sharing agreement for the project. He added he is also working on an informational video that can be shared with the public regarding the project to widen the intersection of 2600 North and Washington Boulevard, as well as the widening of Washington Boulevard to the north; the project timeline has been accelerated and should be funded in 2019. He stated that all phases of the project will be completed at the same time, which will be painful for residents, but will be better in the long run. He stated he will provide a more detailed report regarding the project during the budget retreat. He then reported that Comcast has approved a service day for April 22, which is Earth Day, and he will need the help of the Council to encourage local community groups, families, and residents to participate in the event. He stated he will provide the Council with more detailed information about the event that can be provided to residents. Council Member Stoker added that participants will be fed breakfast and lunch. Mayor Taylor added that for every participant that attends the event, Comcast will donate \$20 to the City that can be used for many different types of community improvements. He stated a good turnout is imperative. He then asked that the Council consider convening in a closed session to discuss pending or reasonably imminent litigation.

Council Member Swanson motioned to recess the regular meeting and convene in a closed meeting regarding pending or reasonably imminent litigation. Council Member Satterthwaite 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 recessed at 9:40 p.m.

The meeting reconvened at 9:58 p.m.

17. ADJOURNMENT

Council Member Stoker motioned to adjourn the meeting. Council Member Swanson 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 9:58 p.m.

Brent R. Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved