

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 September 23, 2014

4
5 The North Ogden City Council convened in an open meeting on September 23, 2014 at 6:35 p.m.
6 in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and
7 agenda of the meeting was delivered to each member of the City Council, posted on the bulletin
8 board at the municipal office and posted to the Utah State Website on July 31, 2014. Notice of
9 the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

10
11
12 **PRESENT:** Brent Taylor Mayor
13 Kent Bailey Council Member
14 Lynn Satterthwaite Council Member
15 Cheryl Stoker Council Member
16 Phillip Swanson Council Member

17
18 **EXCUSED:** James Urry Council Member

19
20 **STAFF PRESENT:** Bryan Steele Acting City Manager
21 Sue Richey Building Inspection/Business Licensing
22 Jon Call City Attorney
23 Gary Kerr Building Official

24
25 **VISITORS:** Curtis Oda Derek Ulibarri
26 Janice Ulibarri Joan Brown
27
28 David Powers Charles Wright
29 Shanna Campbell Ron Malknight
30 Joslyn Postma Sean Postma
31 Kurt Illum Elizabeth Putnam
32 Dan Green Rick Scadden
33 Dave Wallace Sorin Teles
34 Rachel Trotter Bob Buswell

35
36 Mayor Taylor welcomed those in attendance.

37
38 Mayor Taylor offered the invocation and led the audience in the Pledge of Allegiance.

39
40 **CONSENT AGENDA**

- 41
42 **1. Consideration to approve the June 3, 2014 city council work session minutes**
43 **2. Consideration to approve the August 26, 2014 city council minutes**
44 **3. Consideration to approve the September 2, 2014 city council work session minutes**

45
46 **Council Member Swanson moved to approve the consent agenda. Council Member**
47 **Satterthwaite seconded.**

48 **Voting on the motion:**

49

50 **Council Member Bailey** aye

51 **Council Member Satterthwaite** aye

52 **Council Member Stoker** aye

53 **Council Member Swanson** aye

54

55 **The motion passed unanimously.**

56

57 **ACTIVE AGENDA**

58

59 **1. PUBLIC COMMENTS**

60

61 Janis and Derek Ulibarri, 181 E. 3575 N., referenced problems at ‘Frog Rock’; they have lived at
62 their residence for six years, which is right across the street from ‘Frog Rock’. She stated there
63 has been a lot of graffiti at the rock recently and that is very concerning to her and her husband
64 because there have been inappropriate words and pictures drawn. She has called the Police
65 Department about instances in the past and was told the teens would be required to clean the
66 graffiti, but that has never happened. She stated that instead of calling the Police Department
67 again and fearing retaliation, she decided to ask the teens to leave on their own. She stated there
68 are many young kids in the area and he thinks it is time for the City to act to protect them from
69 activities that are taking place on the rock. She stated she has taken photos of the rock to
70 illustrate that no trespassing signs have been torn down and are not being adhered to. She stated
71 she and other neighbors are working to form a neighborhood watch group to protect themselves
72 and all they want is to have a quiet neighborhood again. Mr. Ulibarri stated there have also been
73 car races in their neighborhood and he reiterated that everyone living there would like to have a
74 quiet neighborhood again. Mayor Taylor asked Ms. Ulibarri for a copy of the photographs taken
75 at the site.

76

77 Charles Wright, 2634 N. 700 E., stated a trench has been dug by a civilian contractor across 700
78 East and when asked about the trench he told residents that North Ogden City would be at the
79 site the next day to repave the road. He stated it has been a couple weeks now since the trench
80 was dug so he called the Public Works Department and they did not know anything about the
81 issue. He stated the trench is turning into a very large hole and is problematic for residents in the
82 area. He asked that the City follow-up on the issue and let the residents know when they plan to
83 repave the road. Building Official Kerr explained the developer is installing a water/sewer
84 lateral for a four lot subdivision in the area. He stated he will contact the developer and ensure
85 they patch the trench as it is their responsibility.

86

87 Kurt Illum, 805 E. 3300 N., expressed his concerns about the City adopting a daytime curfew
88 ordinance. He stated there are already state laws that address the issue of daytime truancy and he
89 believes the law is essentially an erosion of liberty for citizens and a select group of kids; he does
90 not think the ordinance will change a truant child’s behavior at all and he thinks the issue should
91 be addressed by the school district and local schools rather than the City; if the schools do not
92 have a tool to address the issue, it should be referred to the school board and not the City

93 Council. He stated he feels the ordinance opens a can of worms that the City will be forced to
94 deal with in the future.

95
96 Mayor invited Boy Scout Senior Patrol Leader Eric Stanley to come up and introduce himself.
97 Mr. Stanley provided a brief report of recent activities of his troop.

98
99

100 **2. KIWANIS PRESENTATION**

101
102 Dave Powers, past President of the North Ogden Kiwanis Club, presented \$1,500 to North
103 Ogden City to help fund the walking path for Majestic Elementary School. Liz Putnam, PTA
104 President for Majestic Elementary School, presented \$594 raised during a fund raiser held
105 Saturday, September 20. She also presented Mr. Powers with a poster signed by all the school
106 kids thanking the Kiwanis Club for their generous donation. Dave Wallace, principal of Majestic
107 Elementary, also thanked the Council for their willingness to fund the walk way. The PTA with
108 the help of the Kiwanis Club has raised \$2,094 of the needed \$3,000 to get the walk way
109 completed.

110
111 Mayor Taylor thanked everyone involved in raising money for the project; it has been wonderful
112 to see the community come together to provide safety for the students attending Majestic
113 Elementary School.

114
115

116 **3. RAMP PRESENTATION**

117
118 Using the aid of a PowerPoint presentation, Craig Dearden, RAMP representative, provided the
119 Mayor, Council, and audience with information regarding the benefits provided to Weber
120 County residents by the Recreation Arts Museum and Parks (RAMP) tax. There will be an issue
121 on the November ballot relative to the renewal of the RAMP tax and North Ogden City has
122 received over \$890,000 in RAMP funds. He concluded he is present this evening to ask for the
123 City's Council's support of the RAMP tax initiative and he referred the Council and residents to
124 a website containing information regarding the tax.

125
126 Council Member Satterthwaite inquired as to the current population of Weber County. Mr.
127 Dearden stated it is approximately 275,000. Mayor Taylor indicated seven percent of that
128 population lives in North Ogden and has received four percent of the revenues from the tax for
129 various projects; the return on investment for North Ogden has been good. Mr. Dearden agreed
130 and noted that there are many other entities that are not part of a city, such as the Dinosaur Park
131 or Treehouse Museum, that have received tax revenues; those entities benefit residents from all
132 cities in Weber County. Mayor Taylor concluded it is not an option for cities to implement their
133 own RAMP tax and such a tax can only be implemented at the County level.

134
135 Council Member Bailey inquired as to the amount of money that has been collected from the
136 RAMP tax since it was implemented. Mr. Dearden answered \$26.5 million.

137
138 Mayor Taylor thanked Mr. Dearden for the information regarding the ballot proposition. He
139 encouraged the citizens to become informed of the issue prior to voting on November 4.

140 **4. DISCUSSION REGARDING A DENIED CLAIM ON WATER BACKUP FOR DAN**
141 **GREEN**

142
143 Mayor Taylor summarized the situation concerning a water main break flooding Dan Green's
144 rental house. He noted the City filed a claim with its insurance company, which was ultimately
145 denied based on the fact that there was no negligence on behalf of the City to cause the damage.
146 He noted Mr. Green asked for an opportunity to address the Council regarding the issue.
147

148 Mr. Green identified the location of the rental as 745 E. 1675 N. He reviewed the circumstances
149 of the incident from his perspective. He stated based on a recommendation from the insurance
150 adjuster he has fixed the water damage and is asking the City to reimburse him for his costs.
151 Shortly after he paid the bill for the repairs he received notification that the claim had been
152 denied based upon the reasons reviewed by Mayor Taylor. He stated since the insurance
153 company will not take responsibility for the issue, he is asking that the City do so.
154

155 Kurt Oda, representative from Heiner's Insurance, the City's liability insurer, explained the laws
156 and procedures covering these types of claims. He noted government entities are given some
157 type of immunity in cases where negligence did not cause damages. He indicated that if the City
158 were to agree to pay for damages after an insurance claim for said damages has been denied, a
159 seriously dangerous precedent would be set. He concluded he is very sorry that Mr. Green is
160 dealing with the issue.
161

162 Jon Call, City Attorney, said he agreed with Mr. Oda. Municipalities do have a limited amount of
163 immunity in a situation where harm occurs in the process of providing city services.
164

165 Council Member Bailey stated that he read through Mr. Green's documentation and found the
166 City did take some steps to mitigate what was happening at the property and he inquired as to
167 whose expense that work was done and whether the City did something it should not have done.
168 Mr. Oda stated that when loss, such as the loss experienced by Mr. Green, occurs it is the
169 responsibility of the property owner to find a contractor that can help them mitigate the damage;
170 if that is not possible there is nothing wrong with the City dispatching an employee to assist in
171 slowing and removing the water. He stated the City did not act inappropriately and it was
172 reasonable for Mr. Green to pay for the work. Council Member Bailey stated that Mr. Green has
173 indicated that City employees assured him that the City would take care of the problem. Mr. Oda
174 stated that he is not privy to any such conversation, but reiterated that to approve the claim and
175 override the law would be a violation. Council Member Bailey addressed Mayor Taylor and
176 asked if employees have been inadequately trained regarding issues such as this. Mayor Taylor
177 stated he believes there is a difference in recollection of the incident.
178

179 Council Member Satterthwaite stated that it is his understanding that Mr. Green made the
180 decision to employ someone to mitigate the problem. Mr. Green stated that he did not make any
181 phone calls to get someone from the City to mitigate the problem; he was actually called by the
182 City and was asked if it was ok for City workers to come to his property. He indicated he
183 answered yes and he was never given any indication that mitigation would be at his expense. He
184 acknowledged City staff was very proactive once being informed of the issue, but it is
185 unfortunate that the water ran for such a long period of time because no one was available to take

186 a phone call regarding the break. He stated several days later he received a phone call from a
187 mitigation company that offered him a bid for the repairs and that was the first time that he
188 understood that it was his decision to make and that he could be responsible for the damages;
189 however, he felt confident that he would be reimbursed based on his understanding of insurance
190 that provides payment for problems caused by something owned by someone else. He stated he
191 is astonished by the amount of effort that has gone into trying to avoid responsibility legally. He
192 is not asking the City to rewrite the law, but he is asking the Council to do the right thing;
193 something the City owned caused damage to him.

194
195 Mayor Taylor stated it is important to note that the City has a 24 hour number that can be called
196 in case of emergency. He then added he is sympathetic to Mr. Green's situation because he has
197 been in a similar situation where he paid \$2,000 for a problem not caused by him. He stated the
198 City does the right thing in carrying liability insurance, but state law provides certain exemptions
199 that are not covered by that insurance. He stated he has talked to other insurance companies and
200 were told that they would have denied the same claim based upon the governmental immunity
201 act; if the City were liable for any problem that could occur associated with City utility
202 infrastructure, the costs for liability insurance would be astronomical and unaffordable.

203
204 Council Member Satterthwaite stated he feels that most citizens would feel that the City should
205 be liable for damages caused by a City water main. He stated he also called a few insurance
206 companies and they confirmed they would also deny the claim. He stated he can see the
207 rationale for protecting the City against such liability, but he has sympathy for the fact that Mr.
208 Green has paid the costs for the repairs. He stated his biggest focus is on whether the City
209 followed appropriate procedures and that no City employee gave Mr. Green the indication that
210 the City would pay for the damages.

211
212 Council Member Swanson asked if a commitment from a City employee that the City would pay
213 the costs for the damages would be legally binding upon the City. Mr. Call stated it is extremely
214 difficult to answer that question; on several occasions he has said that no one person in the City
215 has the authority to legally bind the City, not even an individual Council Member or the Mayor.
216 He stated there have been cases in Utah where an official issued a permit that violated certain
217 ordinances and the city has been barred against imposing its own ordinances. In this case the
218 City law has not been violated and, instead, the City is being asked to waive State law as well as
219 its own insurance policy and the question is whether an employee has the authority to do that or
220 to admit liability. He stated he would lean towards an employee not having that authority, but he
221 may need to conduct additional research before providing a definitive answer.

222
223 Council Member Bailey stated the situation does not feel fair at this point in time and he would
224 like to conduct more research into the issue with regards to the questions that have been asked
225 tonight.

226
227 **Council Member Bailey motioned to conduct more research and bring the issue back to a**
228 **future Council Meeting. Council Member Satterthwaite seconded the motion.**

229
230 **Voting on the motion:**
231

232 Council Member Bailey aye
233 Council Member Satterthwaite aye
234 Council Member Stoker aye
235 Council Member Swanson aye

236
237 The motion passed unanimously.
238

239 **5. PUBLIC HEARING TO RECEIVE COMMENTS ON AN ANNEXATION PETITION**
240 **FROM CEVERING FAMILY PROPERTIES, LLC FOR 0.121 ACRES LOCATED AT**
241 **APPROXIMATELY 1700 NORTH WASHINGTON BLVD.**
242

243 A staff memo from City Planner Scott explained when the Planning Commission is acting as a
244 recommending body to the City Council, it is acting in a legislative capacity and has wide
245 discretion. Examples of legislative actions are general plan, zoning map, and land use text
246 amendments. Legislative actions require that the Planning Commission give a recommendation
247 to the City Council. Typically the criteria for making a decision, related to a legislative matter,
248 require compatibility with the general plan and existing codes. The applicant is requesting that
249 the property located at approximately 1700 North Washington Boulevard be annexed and be
250 zoned Commercial Zone C-2. The property is being annexed to be included with the proposed
251 The Village at Prominent Point subdivision. The property is currently being used as part of a
252 single family residence. This small sliver of land is being included so that the 1700 North and
253 Washington Boulevard intersection can align properly. This property is currently in the Weber
254 Fire District and needs to be changed to the North View Fire District. The North Ogden General
255 Plan map calls for the property to be annexed into North Ogden City. The General Plan calls for
256 "All development in the community should be built on land suitable for the intended use."
257 Additionally, "New commercial and other business development will enhance the community
258 when meeting the objective of the General Plan. An improved standard of function, quality, and
259 appearance is expected by the citizens." The Zoning and Land-Use Policy includes guidelines for
260 how zoning changes should be considered:

261
262 General Guidelines

263 1. A definite edge should be established between types of uses to protect the integrity of each
264 use.

265 Staff comment: The appropriate zoning for this small parcel is to give it the zone of the adjoining
266 use C-2.

267 2. Zoning should reflect the existing use of property to the largest extent possible, unless the area
268 is in transition.

269 Staff comment: The proposal is transitioning from residential to transportation. The existing
270 northerly property is zoned C-2 and this is a logical extension.

271
272 Commercial Guidelines

273 11. Commercial zones should be located on collector and arterial streets, avoiding local streets
274 which serve residential zones. Access to commercial and manufacturing zones should avoid local
275 streets within residential zone.

276 Staff comment: The proposal is located on Washington Boulevard, an arterial street and 1700
277 North a collector street.

- 278 The memo provided the following summary of City Council considerations.
- 279 • Is the proposal consistent with the General Plan?
 - 280 • How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning
 - 281 requests?
 - 282 • Does the proposal meet the North Ogden Zoning ordinance standards?
- 283

284 The North Ogden Planning Commission considered this application on September 3, 2014. The
285 Planning Commission is recommending that the City Council annex this property and apply the
286 C-2 zone; the property must be de-annexed from the Weber Fire District and annexed into the
287 North View Fire District.

288
289 Acting City Manager Steele summarized the staff memo.

290
291 Mayor Taylor opened the public hearing at 7:46 p.m. There were no persons appearing to be
292 heard.

293
294 **Council Member Satterthwaite moved to close the public hearing at 7:47 p.m. Council**
295 **Member Bailey seconded the motion.**

296
297 **Voting on the motion:**

298
299 **Council Member Bailey** aye
300 **Council Member Satterthwaite** aye
301 **Council Member Stoker** aye
302 **Council Member Swanson** aye

303
304 **The motion passed unanimously.**

305
306
307 **6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING**
308 **0.121 ACRES LOCATED AT APPROXIMATELY 1700 NORTH WASHINGTON**
309 **BLVD.**

310
311 **Council Member Bailey motioned to approve Ordinance 2014-24 annexing 0.121 acres**
312 **located at approximately 1700 North Washington Boulevard. Council Member Stoker**
313 **seconded the motion.**

314
315 **Voting on the motion:**

316
317 **Council Member Bailey** aye
318 **Council Member Satterthwaite** aye
319 **Council Member Stoker** aye
320 **Council Member Swanson** aye

321
322 **The motion passed unanimously.**

323

324 **7. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT**
325 **BETWEEN WEBER COUNTY AND NORTH OGDEN CITY CORPORATION FOR**
326 **PROPERTY LOCATED AT APPROXIMATELY 1700 NORTH WASHINGTON**
327 **BLVD. REGARDING BUILDING INSPECTIONS**

328
329 Mayor Taylor announced this item as stricken from the agenda.
330

331 **8. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT**
332 **BETWEEN WEBER COUNTY AND NORTH OGDEN CITY CORPORATION FOR**
333 **PROPERTY LOCATED AT APPROXIMATELY 150 EAST LOMOND VIEW DR.**
334 **REGARDING BUILDING INSPECTIONS**
335

336 Mayor Taylor announced an annexation petition for the subject property has been filed and is
337 working its way through the process. The property owner would like to proceed with the
338 development process prior to final approval of the annexation and Weber County has consented
339 to that via this proposed agreement.
340

341 **Council Member Swanson moved to approve Interlocal Agreement A23-2014 between**
342 **Weber County and North Ogden City Corporation for property located at approximately**
343 **150 E. Lomond View Drive regarding building inspections. Council Member Bailey**
344 **seconded the motion.**

345
346 **Voting on the motion:**
347

348 **Council Member Bailey** aye
349 **Council Member Satterthwaite** aye
350 **Council Member Stoker** aye
351 **Council Member Swanson** aye
352

353 **The motion passed unanimously.**
354

355 **9. PUBLIC HEARING REGARDING A VARIANCE TO THE NORTH OGDEN CITY**
356 **SUBDIVISION STANDARDS FOR LEGACY NORTH PRUD PHASE IV, LOCATED**
357 **AT APPROXIMATELY 2400 N. 500 E.**
358

359 A staff memo from City Planner Scott explained the applicant has submitted an application for
360 Phase IV of Legacy North PRUD subdivision consisting of 22 lots. The subdivision design is
361 consistent with the previous 3 phases of Legacy North PRUD; however, several city ordinances /
362 standards have changed since this project began thus necessitating several variances, e.g., private
363 streets must now be constructed to city road standards. The applicant's application states that the
364 request is made in order to have the subdivision be consistent with the previous phases of Legacy
365 North PRUD. A separate rezoning application will be submitted to rezone this property from R-2
366 to Legacy Planned Residential Unit Development Zone. The subdivision ordinance provides for
367 the City Council to grant variances from the subdivision regulations where the City Council finds
368 that "extraordinary hardships or practical difficulties may result from strict compliance ... " after

369 receiving a recommendation from the Planning Commission. Staff has made an assessment of
370 each requested variance.

371 1. Allow a hammer head instead of a cul-de-sac at the end of North Legacy Drive.

372 Staff comment: The roads in this project are all private roads and will be maintained by the home
373 owners association. The design will allow the developer to have additional lots in his project.

374 2. The City accepting the same size roads as Legacy 1, which is narrower than a city approved
375 street.

376 Staff comment: The project roadways are shown within a 38 foot right of way compared to the
377 city standard 60 foot right of way. The 38 foot right of way is consistent with the previous
378 phases.

379 3. The retention basin vs extending Legacy North Drive.

380 Staff comment: A retention basin is planned and will be donated to the City adjacent to 2550
381 North next to the Senior Center property. Trails will be constructed to provide access to the
382 Senior Citizen's Center and the trail to the west adjacent to the Smith's project. Adding a
383 retention basin is consistent with the storm drain plans for this area. PRUDs are allowed to have
384 a 1,600 foot cul-de-sac length.

385 4. A 5 foot sidewalk on one side of the road.

386 Staff comment: Allowing for a 5 foot sidewalk on one side of the road is consistent with
387 previous phases.

388 5. The agreement from Legacy 1 that they will accept Legacy 4 as a part of their home owners
389 association.

390 Staff comment: The applicant will need to provide a document showing that the home owners
391 association has agreed to accept Phase 4.

392
393 The following standards from § 12-1-12 must be addressed in granting a subdivision variance:

394 1. The granting of the variance will not be detrimental to the public safety, health or welfare or
395 injurious to other property;

396 2. The conditions upon which the request for a variance is based are unique to the property for
397 which the variance is sought and are not applicable generally to other property in the city;

398 3. Because of the particular physical surroundings, shape or topographical conditions of the
399 specific property involved, a particular hardship to the owner would result, as distinguished from
400 a mere inconvenience, if the strict letter of these regulations is carried out; and

401 4. The variance will not in any manner vary the provisions of the zoning ordinance, general plan
402 or official map.

403

404 The memo provided the following summary of potential City Council considerations:

405 • Does the proposed variance meet the requirements of the applicable City Ordinances?

406 • Is the subdivision design acceptable with the requested variances?

407

408 The Planning Commission found that the variance requests are consistent with previous phases
409 of Legacy North PRUD and that this request is consistent with §12-1-12. The Planning
410 Commission is recommending to the City Council to grant the requested variances.

411

412 Acting City Manager Steele reviewed the staff memo. He reviewed the plat for the proposed
413 subdivision and identified the aspects of the development that are subject to the variance request.
414 Applicant John Hansen assisted in this portion of Mr. Steele's presentation. Mr. Hansen stated

415 he is anxious to move forward with the project and it is his understanding that the residents
416 living in Legacy One are supportive of the proposal.

417
418 Council Member Bailey stated that some residents in Legacy Phase One have complained to the
419 City about the road widths in their development. Mayor Taylor stated that is correct and some
420 residents have asked the City to take over responsibility for snow plow service in the past, which
421 is not possible because of the width. Mr. Hansen stated that when that phase of the subdivision
422 was built he recorded covenants, conditions, and restrictions (CC&Rs) against the property and
423 every person that purchased a lot there was made to understand that they were living in a private
424 community managed by a homeowners association and the roads were no City roads; however,
425 the roads were built to City specifications.

426
427 Council Member Stoker asked how construction vehicles will access the property during the
428 development process. Mr. Hansen stated they will enter from the north. Council Member Stoker
429 asked if Mr. Hansen will use the private road. Mr. Hansen answered no and stated he has signed
430 an agreement agreeing to fix any damages to the private road if it ever becomes necessary to use
431 it during construction. There was a general discussion regarding storm water infrastructure to
432 serve the development, with Mr. Hansen noting he is donating land to the City to accommodate
433 the construction of a new storm water basin.

434
435 Council Member Stoker asked if the trail associated with the development will connect to the
436 City's main trail system. Mr. Hansen reviewed the plat map to identify the potential locations of
437 the trail for the development, with a focus on different options for connectivity to the City's trail
438 system. Council Member Swanson asked if the City will be liable for any injuries that may
439 occur on the trail in the event that it connects to the City's senior center sidewalk or parking lot.
440 Mr. Call stated he does not foresee a huge risk to the City associated with the trail connection
441 near the senior center. Council Member Swanson stated he is concerned that the senior center
442 parking lot is being turned into a parking lot for a trail. Mr. Call stated that it is not problematic
443 for a trail to terminate at a parking lot in terms of liability.

444
445 Mayor Taylor asked Mr. Hansen when he plans to begin construction on the project, to which
446 Mr. Hansen answered next spring.

447
448 Planning Commissioner Brown approached and stated that there have been concerns expressed
449 in the past regarding the development, mainly from the residents of Legacy North Phase One, but
450 they are now pleased with the development plans and she does not feel there will be much
451 opposition to the project from this point forward. The main concern was related to the road, but
452 she is pleased with what has been said about it tonight.

453
454 Mayor Taylor opened the public hearing at 8:20 p.m. There were no persons appearing to be
455 heard.

456
457 **Council Member Swanson moved to close the public hearing at 8:22 p.m. Council Member**
458 **Satterthwaite seconded the motion.**

459
460 **Voting on the motion:**

461 Council Member Bailey aye
462 Council Member Satterthwaite aye
463 Council Member Stoker aye
464 Council Member Swanson aye

465
466 The motion passed unanimously.
467

468
469 **10. DISCUSSION AND/OR ACTION TO APPROVE A VARIANCE REGARDING THE NORTH**
470 **OGDEN CITY SUBDIVISION STANDARDS FOR LEGACY NORTH PRUD PHASE**
471 **IV, LOCATED AT APPROXIMATELY 2400 N. 500 E.**
472

473 Mr. Call stated that variances are complicated and he reviewed the City and State requirements
474 an applicant must meet in order to be granted a variance. He asked the Council to keep these
475 requirements in mind when considering the action to take on Mr. Hansen's application.
476

477 Council Member Bailey asked if granting the 38 foot right-of-way is compliant with City law.
478 Mr. Call stated that since the road will be a private road it will not affect the general public in
479 any way. Discussion regarding the variance provisions continued, with Mr. Call stating that he
480 would prefer that the Council issue findings supporting their decision regarding the variance.
481

482 Council Member Bailey referenced the request for a hammerhead turnaround at the end of the
483 private street and asked why the City currently prohibits that type of feature. Building Official
484 Kerr stated hammerhead turnarounds are prohibited because it is difficult to plow snow in such a
485 feature; it is also difficult to navigate a garbage truck in a hammerhead as well. He indicated the
486 Fire Marshall has consented to the hammerhead feature. Council Member Bailey stated it is his
487 opinion that the request for a variance pertaining to a hammerhead turnaround meets the
488 provisions of 12-1-12 of the City Code. All Council Members agreed. There was a general
489 discussion regarding the problems that have been associated with private roads and PRUD
490 subdivisions in the past, Council Member Bailey stated the City Code has been amended to
491 address issues with PRUD developments and many of the same problems that have occurred in
492 the past have been avoided.
493

494 Council Member Bailey referenced the request relative to the road width and stated it is his
495 opinion that the request meets the provisions of 12-1-12 of the City Code.
496

497 Council Member Bailey referenced the request relative to the retention basin versus extending
498 Legacy North Drive, indicating he feels this issue is similar to the request for a hammerhead, but
499 indicated he feels it meets the provisions of 12-1-12 of the City Code.
500

501 Council Member Bailey referenced the request for a five-foot sidewalk on one side of the road
502 and indicated he feels it meets the provisions of 12-1-12 of the City Code.
503

504 Council Member Bailey referenced the agreement from Legacy Phase One that they will accept
505 Legacy Phase Four as a part of their home owners association and noted like for final approval of

506 the variance to be conditioned upon the Homeowners Association Board from Phase One
507 accepting the agreement. Mr. Hansen stated he is comfortable with that, as did Mr. Call.
508

509 **Council Member Bailey motioned to approve the requested variance regarding the North**
510 **Ogden City Subdivision Standards for Legacy North PRUD Phase IV, located at**
511 **approximately 2400 N. 500 E., subject to Legacy Phase One approving an agreement to**
512 **accept Legacy Phase Four as part of their homeowners association. Council Member**
513 **Swanson seconded the motion.**
514

515 **Voting on the motion:**
516

517 Council Member Bailey	aye
518 Council Member Satterthwaite	aye
519 Council Member Stoker	aye
520 Council Member Swanson	aye

521

522 **The motion passed unanimously.**
523
524

525 **11. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH CIVIL**
526 **SOLUTIONS GROUP, INC. TO PROVIDE CONSULTING SERVICES TO UPDATE**
527 **THE NORTH OGDEN CITY GENERAL PLAN AND DEVELOP A DOWNTOWN**
528 **PLAN**
529

530 A staff memo from City Planner Scott explained the North Ogden City Council has budgeted
531 \$75,000 to update the North Ogden General Plan and create a Downtown Plan. The City Council
532 and Planning Commission held a joint work session on May 7, 2014 where the City Council and
533 Planning Commission identified issues they desire to be addressed in a General Plan update and
534 Downtown Plan. Subsequently a Request for Proposal was prepared and advertised. Four
535 responses were received on July 3, 2014. A selection committee made up of Mayor Taylor,
536 Council member Kent Bailey, Council Member Philip Swanson, Planning Commission Chair
537 Eric Thomas, City Manager Ron Chandler, and City Planner Rob Scott interviewed these four
538 firms on August 4, 2014. After doing an internal assessment and reference checks the Civil
539 Solutions Group, Inc. firm was selected. The attached contract and scope of work have been
540 prepared and are now ready for consideration by the City Council. The contract amount is for
541 \$75,000 to include both projects. The memo offered the following summary of City Council
542 consideration(s): is the contract and scope of work acceptable to the City Council?
543

544 The selection committee is recommending that the City Council approve the contract with Civil
545 Solutions Group, Inc. to update the North Ogden City General Plan and develop a Downtown
546 Plan.
547

548 Mayor Taylor reviewed the staff memo. He briefly reviewed the proposal from Civil Solutions
549 Group, Inc., with a focus on the scope of work to be handled by the company. He highlighted
550 some of the reasons the firm stood out among the other companies that responded to the request
551 for proposals (RFP), noting there is a significant economic development element to their

552 proposal. The proposed cost for the general plan review is \$44,000 and the cost for development
553 of the downtown plan is \$31,000, for a total of \$75,000.

554

555 Council Member Bailey asked if the agreement is based exactly upon the proposal provided by
556 Civil Solutions Group or if the scope of work was altered through a negotiation process. Mayor
557 Taylor stated there have been negotiations regarding the scope and some unneeded items were
558 removed. Council Member Bailey stated the City currently has an economic development
559 consultant in Better Cities and he asked if City Administration is comfortable that there will be
560 adequate dovetailing between the proposal by Civil Solutions Group to create a downtown plan
561 and what is being proposed by Better Cities. Council Member Satterthwaite echoed the
562 questions. Mayor Taylor stated Better Cities is working on specific projects identified by the
563 City while Civil Solutions will focus on a comprehensive look at the City's downtown area or
564 commercial corridor as a whole. He stated he feels the plan provided by Civil Solutions could
565 help to provide good recommendations to Better Cities.

566

567 Council Member Satterthwaite stated that he was pleased that Civil Solutions offered the
568 downtown plan as part of the overall cost for services. Council Member Bailey agreed and
569 stated that the firm was his first choice for the project. He concluded he feels the City will get
570 high quality service and product for the amount of money being expended.

571

572 Mayor Taylor reviewed some of Civil Solutions' references and stated the other cities they have
573 worked for have been very pleased with their services. He then reviewed the process the City
574 and Civil Solutions will follow to proceed with the terms of the agreement.

575

576 **Council Member Bailey motioned to approve Agreement A24-2014 with Civil Solutions**
577 **Group, Inc. to provide consulting services to update the North Ogden City General Plan**
578 **and develop a downtown plan. Council Member Stoker seconded the motion.**

579

580 **Voting on the motion:**

581

582 **Council Member Bailey** aye

583 **Council Member Satterthwaite** aye

584 **Council Member Stoker** aye

585 **Council Member Swanson** aye

586

587 **The motion passed unanimously.**

588

589

590 **12. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION SUPPORTING**
591 **THE "KEYS TO OUR COMMUNITIES"**

592

593 Mayor Taylor reviewed an informational flier providing information about the "Keys to our
594 Communities" program. The Center for Community Engaged learning (CCEL) at Weber State
595 University has played a vital role in uplifting communities across the Wasatch Front. Because of
596 the center's invaluable contributions to our society, an effort to recognize it with the "Keys to
597 Our Communities Award" is taking place. This document outlines CCEL's background and

598 proposes municipality and county involvement in recognizing this extraordinary community
599 asset through signed resolutions of support. A sample resolution of support was attached to the
600 informational flier.

601
602 **Council Member Swanson motioned to approve Resolution 15-2014 supporting the “Keys**
603 **To Our Communities” Program. Council Member Bailey seconded the motion.**

604
605 **Voting on the motion:**

606
607 **Council Member Bailey** **aye**
608 **Council Member Satterthwaite** **aye**
609 **Council Member Stoker** **aye**
610 **Council Member Swanson** **aye**

611
612 **The motion passed unanimously.**

613
614
615 **13. PUBLIC COMMENTS**

616
617 Joslyn Postma, 2788 N. 550 E., spoke about her concerns regarding the recently passed
618 ordinance regarding the City’s daytime curfew ordinance. She asked if the ordinance is a way of
619 enforcing consequences for an existing curfew or if it provides a new curfew. Mayor Taylor
620 stated the City did not previously have a daytime curfew, so that is a new concept for the City.
621 Ms. Postma stated she homeschools her children and she lives near the library and a park and she
622 allows her children to walk to both locations during the day. She understands homeschooled
623 children are exempted from the ordinance, but she is concerned they may still be stopped for
624 being on the street during daytime hours. Mayor Taylor stated an officer could have stopped
625 such children in the past because there was already a state-wide law in place regarding daytime
626 curfews; the difference in the City’s ordinance is that there are now extended consequences for
627 those violating the ordinance if they are truly truant. He stated he is willing to discuss the issue
628 further with Ms. Postma if she desires.

629
630
631 **14. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

632
633 Council Member Stoker spoke to her concern about employee training to prevent employees
634 from promising the City will do something that is not possible; the City seems to increasingly be
635 in this situation and she would like to avoid that if at all possible.

636
637 Council Member Swanson recognized Boy Scout Sean Postma and commended him for
638 attending this evening’s meeting.

639
640 Council Member Satterthwaite asked for an update regarding the road damage caused by
641 Century Link. Mayor Taylor stated City Administration had a productive meeting with Century
642 Link to discuss the repair project. Mr. Steele added they have hired Aspen Paving to complete
643 the project and it should be done by the end of the week.

645 Council Member Satterthwaite then stated he is aware of a situation in the City where sewer lines
646 are not properly aligned; there is a construction project on the road that he lives on and he
647 inquired as to the City's inspection policies for such work. Mr. Kerr stated all infrastructure
648 work is inspected before the contractor is allowed to cover any lines and repave a road.

649
650 Council Member Bailey then asked that staff review the City's voice mail greeting to ensure
651 there is clear information about a citizen's ability to contact a City employee after hours in the
652 case of a public works emergency. He then asked for an update regarding the process to hire a
653 Code Enforcement Officer. Mr. Kerr stated the officer has been hired and is doing a great job so
654 far. Council Member Bailey then stated he noticed Marsh Construction built a new building on
655 2000 North that does not meet the City's setback requirements. Mr. Kerr stated the building
656 does meet the setback; commercial buildings are only required to be setback 10 feet from the
657 road and Marsh Construction was actually required to build their building 10 feet back further
658 than they desired. Council Member Bailey then asked if the Council will have the opportunity to
659 see the final web development contract before it is executed. Mr. Steele answered yes.

660
661 Council Member Satterthwaite asked for an update regarding the Public Works Building project.
662 Mayor Taylor and Mr. Steele provided the Council with the update.

663
664 Mr. Steele then provided the Council with information about the Wasatch Choice 2040
665 Consortium and noted he had provided each Council Member with a handout regarding the event
666 in their packet.

667
668 Mayor Taylor reported the Code Enforcement Officer has issued notices to homeowners with
669 trees overhanging roadways. If those trees are not trimmed by a certain date, the City will trim
670 them because they can be very problematic during the winter months relative to snow plowing.
671 He then provided the Council with the status of property acquisition for the Monroe Boulevard
672 extension. He then reported there will be an e-waste dump event at City Hall on September 29
673 and 30. He concluded by thanking Mr. Steele for his hard work since he has been serving as the
674 Acting City manager and he provided the Council with a proposal regarding the process he
675 would like to follow to select a new City Manager. There was a brief discussion regarding the
676 recruitment process, with a focus on City Council involvement in selecting a new Manager.

677
678 The Council then briefly reviewed the tentative agenda for items to be discussed at the October 7
679 work session meeting, scheduled to begin at 6:00 p.m.

680

681

682 **15. ADJOURNMENT**

683

684 **Council Member Satterthwaite motioned to adjourn; Council Member Swanson seconded**
685 **the motion.**

686

687 **Voting on the motion:**

688

689 **Council Member Bailey** **aye**

690 **Council Member Satterthwaite** **aye**

691 **Council Member Stoker** **aye**
692 **Council Member Swanson** **aye**

693
694 **The motion passed unanimously.**

695
696
697 **The meeting adjourned at 9:46 p.m.**

698
699
700
701 _____
702 Brent Taylor, Mayor

703
704
705 _____
706 S. Annette Spendlove, MMC
707 City Recorder

708
709 _____
710 Date Approved

NOT APPROVED