

1 NORTH OGDEN CITY COUNCIL MINUTES

2  
3 March 26, 2013

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5 The North Ogden City Council convened in an open meeting on March 26, 2013 at 6:30 pm in the North  
6 Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting  
7 was delivered to each member of the City Council, posted on the bulletin board at the municipal office  
8 and posted to the Utah State Website on March 22, 2013. Notice of the annual meeting schedule was  
9 published in the Standard-Examiner on January 30, 2013.

10  
11 PRESENT: Richard G. Harris Mayor  
12 Kent Bailey Council Member  
13 Wade Bigler Council Member (excused)  
14 Justin Fawson Council Member (participated via electronic means)  
15 Cheryl Stoker Council Member  
16 Brent Taylor Council Member

17  
18 STAFF PRESENT: Ronald F. Chandler City Manager (excused)  
19 Annette Spendlove HR Director/City Recorder  
20 Bryan Steele Finance Director  
21 Jon Call City Attorney  
22 Craig Barker Community Development Director  
23 Gary Kerr Building Official

24  
25 VISITORS: Steven Armstrong Blake Welling  
26 Tony Mileski Rachel Trotter

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29 Mayor Harris welcomed those in attendance.

30  
31 Finance Director Bryan Steele offered the invocation and led the audience in the Pledge of  
32 Allegiance.

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34 **CONSENT AGENDA**

- 35  
36 **1. Consideration to approve the minutes of the January 22, 2013 City Council meeting.**  
37 **2. Consideration to approve the minutes of the February 26, 2013 City Council meeting.**  
38 **3. Consideration to approve the minutes of the March 7, 2013 City Council meeting.**  
39 **4. Consideration to approve the business licenses.**

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42 **Council Member Bailey moved to approve the Consent Agenda. Council Member Stoker**  
43 **seconded the motion.**

44  
45 **Voting on the motion:**

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47 **Council Member Bailey aye**  
48 **Council Member Fawson aye**  
49 **Council Member Stoker aye**  
50 **Council Member Taylor aye**

51  
52 **The motion passed unanimously.**

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54 **ACTIVE AGENDA**

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56 **1. PUBLIC COMMENTS:**

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58 There were no public comments.

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60 **Mayor Harris asked to amend the order of the agenda by hearing item three prior to item two.**

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62  
63 **3. PRESENTATION TO KEN KISER, FORMER PLANNING COMMISSION CHAIRMAN.**

64  
65 Mayor Harris asked Ken Kiser to stand and be recognized. He stated Mr. Kiser has served on the  
66 North Ogden City Planning Commission since 2009; he was the Chairman of the Planning  
67 Commission from November 2011 to December 2012. He stated the City very much appreciates Mr.  
68 Kiser's service; it takes a lot of dedication and time to be a Planning Commissioner. He stated he has  
69 known Mr. Kiser for several years and he appreciates everything he has done for the City. He  
70 presented Mr. Kiser with a plaque recognizing his service to the City. Mr. Kiser then received a  
71 round of applause and shook the hand of each Council Member present.

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73  
74 **2. REPORT FROM WASTE MANAGEMENT.**

75  
76 Mayor Harris stated that Lance Allen, the Government Affairs Director for Waste Management, had a  
77 scheduling conflict this evening and may not be able to attend the meeting. He suggested proceeding with  
78 the remainder of the items on the agenda and noted that if Mr. Allen arrives the Council can hear his  
79 presentation.

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81  
82 **4. DISCUSSION AND/OR ACTION TO CONSIDER A LEASE AGREEMENT WITH DIGIS**  
83 **FOR A TOWER THAT PROVIDES WIRELESS INTERNET SERVICE.**

84  
85 A staff memo from Finance Director Steele explained Digis has worked out the easement issues with the  
86 Curtis' and would like to finalize the contract now. There were some concerns about exclusivity of the  
87 contract (about other wireless internet service providers doing business or installing towers in the City),  
88 so some language has been changed to clarify that issue. The changes were made in Section 5.2, #4 &  
89 #4(a) of the contract and the City Attorney has approved the wording.

90  
91 Mr. Steele summarized his memo. He noted that negotiations regarding the agreement began in January  
92 and those negotiations are now complete.

93  
94 Council Member Bailey stated his question is in regards to exclusivity; he stated he is aware of one other  
95 wireless service provider in the area that has expressed entering into a similar agreement with the City  
96 and he asked if this contract will preclude them from doing that. City Attorney Call stated that the  
97 language in the contract allows for another service provider at the same site, but because Digis is  
98 installing all the infrastructure at the site, they will have priority in signal. He stated that ultimately all  
99 providers will need to adjust their signal strength throughout the year and that is why they visit the tower  
100 on a regular basis. He stated that if there is a problem, the City will assist in mediating between the two

101 providers. He stated that they do not have exclusive right to the tower and they share towers with other  
102 providers throughout the area.

103  
104 **Council Member Bailey moved to approve agreement A3-2013. Council Member Taylor seconded**  
105 **the motion.**

106  
107 **Voting on the motion:**

108  
109 **Council Member Bailey aye**  
110 **Council Member Fawson aye**  
111 **Council Member Stoker aye**  
112 **Council Member Taylor aye**

113  
114 **The motion passed unanimously.**

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117 **5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**  
118 **SECTION 11-1-4 OF THE NORTH OGDEN CITY ZONING ORDINANCE.**

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120 A staff memo from Community Development Director Craig Barker explained that in 2005 The Utah  
121 State Code Title 10-9a-502 changed the way Public Hearings are held when dealing with Land Use  
122 Ordinances and Zoning Maps. It now requires the Planning Commission to hold a Public Hearing for  
123 ordinances and zoning map changes and prepare and recommend to the legislative body a proposed land  
124 use ordinance or ordinances and zoning map that represent the Planning Commission's recommendation  
125 for regulating the use and development of land within all or any part of the area of the municipality. The  
126 Planning Commission held a Public Hearing on this issue March 6, 2013, the minutes are attached. The  
127 Legislative body may adopt or reject the ordinance either as proposed by the Planning Commission or  
128 after making any revision they consider appropriate. Also, changed in this ordinance is the length of time  
129 for a Public Notice from fourteen days to ten days. §10-9a-205. The ordinance before you is the current  
130 North Ogden City Zoning Ordinance with the changes for your consideration.

131  
132 Mr. Barker summarized his staff memo noting that the Utah State Legislature often makes changes to  
133 statewide land use laws and it is necessary for cities to amend their land use or zoning ordinances to  
134 follow those laws. He stated this particular law was enacted six years ago by the Legislature, but neither  
135 he nor the previous City Attorney, were aware of the change. He stated this is basically a housekeeping  
136 ordinance that will allow the City to conform to State Code, which states the Planning Commission can  
137 hold public hearings for all changes to the City's zoning ordinance and that the time frame for noticing of  
138 the public hearing is reduced from 14 days to 10 days.

139  
140 Mr. Call added that since the City Council wants to allow residents to comment on ordinance changes,  
141 staff has talked about allowing a comment period without calling that a public hearing and noticing it as  
142 such. He stated that will save the City time and money in noticing.

143  
144 Council Member Bailey stated that Mr. Call brought this to the Council's attention when he first began  
145 working for the City and the action item tonight will formalize his recommendation.

146  
147 **Council Member Taylor moved to approve ordinance 2013-4 amending section 11-1-4 of the North**  
148 **Ogden City Zoning Ordinance. Council Member Stoker seconded the motion.**

149  
150 **Voting on the motion:**

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152 Council Member Bailey aye  
153 Council Member Fawson aye  
154 Council Member Stoker aye  
155 Council Member Taylor aye

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158 **6. DISCUSSION AND/OR ACTION TO CONSIDER CANCELING APRIL 9, 2013 CITY**  
159 **COUNCIL MEETING.**

160  
161 A memo from Mayor Harris explained there are members of the City Council and key staff who will be  
162 unable to attend the April 9 City Council Meeting for various reasons. The Utah League of Cities and  
163 Towns' Spring Conference kicks off on April 10 and will require some to travel on April 9. In addition we  
164 don't anticipate enough agenda items to make it a productive meeting, or that can't be handled during the  
165 April 23 City Council Meeting. For these reasons I propose the April 9, 2013 City Council Meeting be  
166 canceled and will ask the City Council for a motion and vote to the effect.

167  
168 Mayor Harris reviewed his memo.

169  
170 Council Member Taylor stated he is comfortable with the cancellation of the meeting, but asked if the  
171 City has the budget discussion items rescheduled for another date. He asked what the Council meeting  
172 schedule will be in April. Mr. Steele stated his understanding is that there will be a special Council  
173 meeting on April 16, which will serve as the Council's second budget retreat meeting. Mayor Harris  
174 stated that was discussed at the last meeting and added that any additional items can be considered on  
175 April 16 as well.

176  
177 **Council Member Stoker moved to cancel the April 9, 2013 City Council meeting. Council Member**  
178 **Bailey seconded the motion.**

179  
180 **Voting on the motion:**

181  
182 Council Member Bailey aye  
183 Council Member Fawson aye  
184 Council Member Stoker aye  
185 Council Member Taylor aye

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188 **7. PUBLIC COMMENTS**

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190 There were no public comments.

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193 **8. CITY COUNCIL, MAYOR, AND STAFF COMMENTS.**

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195 Council Member Taylor stated this is the shortest meeting he has attended in his three years on the City  
196 Council. He stated he had nothing to add.

197  
198 Council Members Stoker and Bailey stated they had nothing to report.

199  
200 Council Member Fawson wished everyone a Happy Easter.

201

202 Mayor Harris stated he wanted to briefly report on the Youth City Council; last week they attended the  
203 Association of Youth Council's Leadership Conference at Utah State University. He stated the members  
204 of the Youth Council excelled at being ambassadors to the City. He stated they took ninth place out of 33  
205 Youth Councils at the Council Challenge, which is a very difficult problem solving activity. He stated he  
206 is proud of them and they did a great job representing the City. He expressed appreciation to the City  
207 Council for their support of the Youth Council.  
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209  
210 **9. ADJOURNMENT.**  
211

212 **Council Member Bailey moved to adjourn the meeting. Council Member Taylor seconded the**  
213 **motion.**  
214

215 **Voting on the motion:**  
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217 **Council Member Bailey        aye**  
218 **Council Member Fawson       aye**  
219 **Council Member Stoker       aye**  
220 **Council Member Taylor       aye**  
221

222 **The motion passed unanimously.**  
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224  
225 **The meeting adjourned at 6:50 pm.**  
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227  
228 \_\_\_\_\_  
229 Richard G. Harris, Mayor  
230

231  
232 \_\_\_\_\_  
233 S. Annette Spendlove, MMC  
234 City Recorder  
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236 \_\_\_\_\_  
237 Date Approved