

NORTH OGDEN CITY COUNCIL MEETING MINUTES

September 23, 2014

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

PRESENT:	Brent Taylor	Mayor
	Kent Bailey	Council Member
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
EXCUSED:	James Urry	Council Member
STAFF PRESENT:	Bryan Steele	Acting City Manager
	Sue Richey	Building Inspection/Business Licensing
	Jon Call	City Attorney
	Gary Kerr	Building Official
VISITORS:	Curtis Oda	Derek Ulibarri
	Janice Ulibarri	Joan Brown
	David Powers	Charles Wright
	Shanna Campbell	Ron Malknight
	Joslyn Postma	Sean Postma
	Kurt Illum	Elizabeth Putnam
	Dan Green	Rick Scadden
	Dave Wallace	Sorin Teles
	Rachel Trotter	Bob Buswell

Mayor Taylor welcomed those in attendance.

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

CONSENT AGENDA

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

Council Member Swanson moved to approve the consent agenda. Council Member Satterthwaite seconded.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

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

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

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

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

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

2. KIWANIS PRESENTATION

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

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

3. RAMP PRESENTATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

Council Member Bailey **aye**
Council Member Satterthwaite **aye**
Council Member Stoker **aye**
Council Member Swanson **aye**

The motion passed unanimously.

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

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

General Guidelines

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

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

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

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

Commercial Guidelines

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

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

The memo provided the following summary of City Council considerations.

- Is the proposal consistent with the General Plan?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Does the proposal meet the North Ogden Zoning ordinance standards?

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

Acting City Manager Steele summarized the staff memo.

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING 0.121 ACRES LOCATED AT APPROXIMATELY 1700 NORTH WASHINGTON BLVD.

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

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

Mayor Taylor announced this item as stricken from the agenda.

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

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

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

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

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

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

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

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

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

3. The retention basin vs extending Legacy North Drive.

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

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

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

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

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

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

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property;
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property in the city;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
4. The variance will not in any manner vary the provisions of the zoning ordinance, general plan or official map.

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

- Does the proposed variance meet the requirements of the applicable City Ordinances?
- Is the subdivision design acceptable with the requested variances?

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

Council Member Bailey **aye**
Council Member Satterthwaite **aye**
Council Member Stoker **aye**
Council Member Swanson **aye**

The motion passed unanimously.

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

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

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

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

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

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

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

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

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

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

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

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

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

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

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

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

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

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

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

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

13. PUBLIC COMMENTS

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

14. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

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

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

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

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

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

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

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

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

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

15. ADJOURNMENT

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye

Council Member Stoker aye
Council Member Swanson aye

The motion passed unanimously.

The meeting adjourned at 9:46 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved