

## NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

August 5, 2014

The North Ogden City Council convened in an open meeting on August 5, 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
	James Urry	Council Member
STAFF PRESENT:	Ronald F. Chandler	City Manager
	S. Annette Spendlove	City Recorder/H.R. Director
	Kevin Warren	Police Chief
	Gary Kerr	Building Official
	Craig Giles	Public Works Director
VISITORS:	Joan Brown	June Chekel
	Donna Cullen	

Mayor Taylor welcomed those in attendance.

Council Member Bailey offered the invocation and led the audience in the Pledge of Allegiance.

### **ACTIVE AGENDA**

#### **1. PUBLIC COMMENTS**

Donna Cullen and June Chekel, 405 E. 3475 N., 415 E. 3350 N., respectively, approached and expressed their feelings about a structure located on the corner of 425 E. 3475 N. that was initially built as a clubhouse but has turned into a dilapidated storage facility; the roof is in disrepair as is the boardwalk. It was recently broken into and broken glass is scattered about the foundation. It appears as if the purpose of the building is lumber storage, but there is also a bed located in the building and someone may be sleeping there. It is reducing the property value of nearby properties, namely Ms. Chekel's. Ms. Cullen stated she was pleased to see the City will be taking a more active role in code enforcement and she asked that the City pay close attention to the property and storage building mentioned. Ms. Chekel has complained to the property owner in the past and he threatened to build condominiums on the property if she continued to complain. Ms. Cullen then addressed the issue of animal keeping in the City; a young couple recently purchased the house across the street from her and their neighbor kept too many

chickens on their property. She wondered if the City took into consideration lots in the middle of a cul-de-sac when considering the setback requirements because a person owning such a lot could locate chickens very close to up to five other property owners. Mayor Taylor recommended that Ms. Cullen work with the Animal Control Officer to ensure that the chicken coops in question are well kept and clean. Ms. Chekel refocused on the clubhouse building that is located next to her property and added that it also has very tall weeds. City Manager Chandler stated that he has taken down the address and will direct staff to follow-up on the code enforcement issue.

## **2. UPDATE ON NEW PUBLIC WORKS FACILITY**

City Manager Chandler used the aid of a site map to provide the Council with an update regarding the progress of relocating the wells located at the north end of the new Public Works Facility property. He reported the owner of adjacent property whose property will be impacted has concerns about relocation of the wells and those concerns could impact the timing of the project; she is not prepared to make the financial commitment required to relocate the wells and she will not be prepared until September. He stated the well relocation must be completed early in the project and cannot wait until September. He is proposing that the City Attorney draft an agreement between the City and the adjacent property owner that would allow the City to pay for and proceed with the well relocation, with the requirement that the adjacent property owner pay the City for the services over a defined period of time. He stated he has also reached out to Weber Basin Water Conservancy District about the ability of the City to purchase the water rights for the wells, but he has not received a response. He stated he is seeking direction from the City Council regarding how to proceed. There was a general discussion regarding the issues surrounding the well relocation, with a focus on timing of the project and all options available for the City relative to relocating the well. Mr. Chandler noted that if the Council approves the concept of an agreement whereby the City would pay for the well relocation it will be necessary to approve a change order to the Public Works Facility contract because this component of the project was not included in the project budget because the adjacent property owner had agreed to pay for the well relocation. The Council discussed options for proceeding if the property owner refuses to relocate the well at this time, with Mr. Chandler noting the wells are very old and have not been operating for some time. The Council offered support for the City Attorney developing an agreement between the City and the adjacent property owner, but indicated they are concerned about discussions that have taken place to date regarding the manner in which the wells will be relocated. Council Members Stoker and Swanson noted they would like for the agreement to dictate that the work must be performed by a licensed and insured contractor and that the contractor must rely upon an engineering study to complete the project.

Public Works Director Giles then provided the Council with an update regarding the remainder of the Public Works Facility project.

## **3. DISCUSSION REGARDING COST OF ROAD REPAIR AT APPROXIMATELY 1675 N. 745 E.**

Mayor Taylor briefly referenced a water main break in the area that required road repairs. He stated he would prefer to focus on budgeted street projects included in the 2014-2015 budget under item four on the agenda.

#### **4. DISCUSSION REGARDING 2014-15 STREET PROJECTS**

Mayor Taylor referenced a bid sheet and map identifying road projects to be completed in the 2014-2015 Fiscal Year (FY). Mr. Giles noted the bid sheet includes a slurry seal project, crack sealing projects, and asphalt projects. He stated the most major project will take place on 450 East from 2600 North to 3100 North and he provided an overview of the scope of the project.

The Council then had a brief discussion regarding various minor road projects throughout the City, with a focus on road damage caused by a Century Link contractor. Mr. Chandler then reviewed the bid amounts for each bid schedule on the bid sheet; the total bid amount for all three schedules is \$527,045, which results in a budget shortfall of \$96,963. He stated the projected fund balance at the end of the FY is \$1,017,280 and the Council could take money from the fund balance to cover the shortfall, which would result in a 15.4% fund balance. He asked the Council if they are interested in considering a budget opening at their next Council meeting and he reviewed the City's options for proceeding with needed street projects.

Council Member Satterthwaite stated Pleasant View handles their own crack-sealing in house and he asked if that is a viable option for North Ogden. Mayor Taylor stated it may be wise to evaluate the cost of completing the work in-house and compare to bids received by contractors to complete the same work.

The Council then refocused on the list of needed street projects, with a focus on the reason for the budget shortfall, after which Mr. Chandler concluded staff would like to proceed with schedules A and C and bring a budget amendment to the Council in August to allocate funding for schedule B. Discussion regarding the reasons for the budget shortfall ensued, with Council Members Satterthwaite and Urry expressing their concern about unforeseen surprises related to budgeting. Mayor Taylor stated City Administration will conduct further research into options for completing necessary crack-sealing projects and report back to the Council at the last meeting in August.

#### **5. DISCUSSION REGARDING CODE ENFORCEMENT**

Mayor Taylor stated code enforcement is a priority for him and many Council Members and the City is working to hire a new part-time Code Enforcement Officer soon. He hopes the officer will be aggressive, targeted, and consistent in enforcing the City's codes in order to help keep the City looking nice. Mr. Chandler provided the Council with an update on the hiring process for the Officer, noting the successful candidate will be introduced to the Council soon. He then proceeded to provide an overview of the sections of the City Code that the officer will be charged with enforcing, including business licensing regulations and health and sanitation regulations that are more commonly known as junk and debris or nuisance regulations. The Council had a discussion regarding the notification process by which a property owner will be

notified of their code violation. The Council also reviewed public nuisance regulations with a focus on accumulation of cut weeds on a property as well as storage of licensed or inoperable vehicles stored on a property. Discussion focused on the manner in which the City will identify nuisance properties in the City; Council Member Urry expressed his concerns about the City actively searching for nuisance properties or residents storing inoperable vehicles on their property. Council Member Bailey stated he would like for the City to actively work to enforce the City's ordinances against nuisance properties because he has received more phone calls about this issue than any other during his time in office. All other Council Members offered support for hiring a Code Enforcement Officer and Council Member Stoker stated she feels he will receive appropriate leadership from the Mayor, City Manager, and Police Chief. Mr. Chandler agreed and stated the City will work with residents to assist them in bringing their property into compliance. Building Official Kerr added that the Officer will not enter backyards, but property owners can receive citations for nuisances in their backyards if a next door neighbor complains and assists the Officer into seeing the condition of a backyard.

Mr. Chandler continued to review the sections of City Code that the Officer will be responsible to enforce. Discussion centered on changes the Council would like to consider making to various sections of the City Code; Mr. Chandler stated he will take the feedback of the Council into consideration and make a future proposal relative to the requested amendments.

## **6. DISCUSSION REGARDING TITLE LOAN ORDINANCES**

Mayor Taylor indicated that this item will be discussed at a future date due to the late hour. He requested that the Council review the staff documentation regarding the item.

## **7. DISCUSSION REGARDING BEE KEEPING**

Mayor Taylor indicated that this item will be discussed at a future date due to the late hour. He requested that the Council review the staff documentation regarding the item.

## **8. DISCUSSION REGARDING SIDEWALKS NEAR SCHOOLS**

Mr. Chandler provided an overview of the City's past participation in the construction of sidewalks or walking paths that serve schools; the City has budgeted money in past budgets for safety sidewalks and local school Parent Teacher Associations have done the leg-work to secure easements upon which to build the sidewalks. He used the aid of a map to identify the locations of safety sidewalks built by the City as well as the locations of planned future sidewalks; the map is part of the safety sidewalk program adopted by the City in 2008. Council Member Urry asked if homeowners are asked to participate financially in safety sidewalk programs, to which Mr. Chandler answered no. Council Member Urry stated that is wrong. Mr. Chandler then reviewed a PowerPoint presentation to provide an explanation of additional improvements the City has funded for local schools, such as crosswalks and signage. He then stated the Council had asked for information about the number of students that would be served by a sidewalk on 2550 North

and he reported there are 75 children that are forced to find an alternate means of transportation rather than walking to school on the street. He reviewed a map to identify the areas where those students live. Council Member Urry stated that the residents that live in that area have agreed to pay a monthly Homeowners Association (HOA) fee for maintenance of their property and it may not be too difficult for them to also pay for a sidewalk on the street to serve their children. Mayor Taylor stated the sidewalk would not be constructed on their property. He then stated that City Administration has driven on roads throughout the City that have similar problems, but he does not feel there is a street in the City that is worse for pedestrians than 2550 North. Council Member Stoker agreed. There was a general discussion regarding the problems with 2550 North, with Council Member Stoker noting that years ago a pedestrian was struck by a vehicle and killed on the road and it is only a matter of time until that will happen again; there is a section of the road that lacks a shoulder and sidewalk.

Mr. Chandler noted the estimate for the project requested along 2550 North could be between \$13,000 and \$20,000. There was a general discussion regarding the proximity of the proposed sidewalk to the fence that is currently in place on the subject property, after which the focus shifted to maintenance of the sidewalk. Mayor Taylor stated he feels the road is dangerous for all pedestrians that use it, not just school aged kids, and he feels the City needs to address it. Council Member Stoker agreed. Council Member Urry disagreed and suggested that the City consider creating a special improvement district to achieve the construction of the sidewalk. He added he feels it is the responsibility of the parents to get their children to school safely and many other parents have done just that in other areas of the City lacking sidewalks for many, many years. Mayor Taylor argued he feels the request for the City to participate is reasonable.

Mr. Chandler suggested that the City develop a policy and plan for the construction of future sidewalks throughout the City; such a policy will assist the City in budgeting for sidewalk projects each year. The Council ultimately concluded to solicit bids for the project to understand a firm cost for the requested project. There was a general discussion regarding past sidewalk and crosswalk projects in the City, after which Council Member Bailey addressed Police Chief Warren and inquired as to his opinion regarding the requested sidewalk. Chief Warren stated he would recommend constructing the sidewalk on 2550 North to serve all residents, not just school aged children. Council Member Urry stressed that he feels parents are solely responsible for the safety of their children. Mayor Taylor and Council Member Stoker disagreed.

## **9. PUBLIC COMMENTS**

There were no public comments.

## **10. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

Council Member Urry reported on his participation in a recent Economic Development Committee meeting and noted after that meeting he received a phone call from Homer Cutrbus, who is interesting in converting the old Macy's building into an indoor gun range; he plans to petition the Planning Commission to amend the zoning regulations for the City to permit an indoor gun range on the property.

## **11. ADJOURNMENT**

**Council Member Swanson motioned to adjourn the meeting. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 10:15 p.m.**

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Brent Taylor, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved