

NORTH OGDEN CITY COUNCIL MINUTES

March 26, 2013

The North Ogden City Council convened in an open meeting on March 26, 2013 at 6:30 pm 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 March 22, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

PRESENT:	Richard G. Harris	Mayor
	Kent Bailey	Council Member
	Justin Fawson	Council Member (participated via electronic means)
	Cheryl Stoker	Council Member
	Brent Taylor	Council Member
EXCUSED:	Wade Bigler	Council Member
STAFF PRESENT:	Annette Spendlove	HR Director/City Recorder
	Bryan Steele	Finance Director
	Jon Call	City Attorney
	Craig Barker	Community Development Director
	Gary Kerr	Building Official
EXCUSED:	Ronald F. Chandler	City Manager
VISITORS:	Steven Armstrong	Blake Welling
	Tony Mileski	Rachel Trotter

Mayor Harris welcomed those in attendance.

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

CONSENT AGENDA

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

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

Voting on the motion:

Council Member Bailey **aye**
Council Member Fawson **aye**
Council Member Stoker **aye**
Council Member Taylor **aye**

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS:

There were no public comments.

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

3. PRESENTATION TO KEN KISER, FORMER PLANNING COMMISSION CHAIRMAN.

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

2. REPORT FROM WASTE MANAGEMENT.

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

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

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

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

Council Member Bailey stated his question is in regards to exclusivity; he stated he is aware of one other wireless service provider in the area that has expressed entering into a similar agreement with the City and he asked if this contract will preclude them from doing that. City Attorney Call stated that the language in the contract allows for another service provider at the same site, but because Digis is installing all the infrastructure at the site, they will have priority in signal. He stated that ultimately all providers will need to adjust their signal strength throughout the year and that is why they visit the tower on a regular basis. He stated that if there is a problem, the City will assist in mediating between the two providers. He stated that they do not have exclusive right to the tower and they share towers with other providers throughout the area.

Council Member Bailey moved to approve agreement A3-2013. Council Member Taylor seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

The motion passed unanimously.

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

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

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

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

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

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

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

Mayor Harris reviewed his memo.

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

7. PUBLIC COMMENTS

There were no public comments.

8. CITY COUNCIL, MAYOR, AND STAFF COMMENTS.

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

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

Council Member Fawson wished everyone a Happy Easter.

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

9. ADJOURNMENT.

Council Member Bailey moved to adjourn the meeting. Council Member Taylor seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

The motion passed unanimously.

The meeting adjourned at 6:50 pm.

Richard G. Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved