

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 January 25, 2011

4
5 The North Ogden City Council convened in regular session on January 25, 2011 at 5:30 p.m. in the North Ogden
6 City Council Chambers, 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to
7 each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State
8 Website on January 19, 2011. Notice of the annual meeting schedule was published in the Standard-Examiner on
9 January 1, 2011.

- 10
11 PRESENT: Richard G. Harris Mayor
12 Martha Harris Council Member (on the phone)
13 Wade Bigler Council Member
14 Brent Taylor Council Member
15 Ron Flamm Council Member
16
- 17 STAFF PRESENT: Edward O. Dickie III City Manager
18 Annette Spendlove City Recorder/HR Director
19 Dave Carlson City Attorney
20 Debbie Cardenas Finance Director/Acting City Manager
21 Julia LaSeure Deputy City Recorder (left at pm)
22
- 23 EXCUSED: Carl Turner Council Member
24
- 25 VISITORS: Sherry Bernard Kent R. Christensen, CPA
26 Taylor Spendlove Scott Schwaneveldt
27 Connor Mendez Andrew Karner
28 Tristan Thomas Patrick Karner
29 Joshua Evans Jeff Lund
30 Bill Bernard Dave Hulme
31 T. Cody Stowes Gordon North
32 Rachel Trotter Chukwuma Uzoh
33 Mel Blanchard Jason Reney
34

35 **WELCOME**

36
37 Mayor Harris welcomed those in attendance and called the meeting to order at 5:30pm. Council Member
38 Flamm gave the invocation and led the audience in the pledge of allegiance.
39

40 **Council Member Flamm moved that Council Member Harris be allowed to participate electronically by**
41 **phone. Council Member Bigler seconded the motion.**
42

43 **Voting on the motion:**

- 44 **Council Member Harris** yes
45 **Council Member Flamm** yes
46 **Council Member Bigler** yes
47 **Council Member Taylor** yes
48

49 **Motion passed.**

50
51 Mayor Harris stated Council Member Turner is unable to attend and is excused.
52
53

54 **CONSENT AGENDA**

55
56 **Council Member Taylor moved to approve the consent agenda. Council Member Bigler seconded the**
57 **motion.**

58
59 **Voting on the motion:**
60 **Council Member Flamm yes**
61 **Council Member Bigler yes**
62 **Council Member Taylor yes**
63 **Council Member Harris yes**

64
65 **Motion passed.**

66
67 **ACTIVE AGENDA**

68
69 **PUBLIC COMMENTS.**

70
71 There were no public comments.

72
73 **PRESENTATION OF A 5-YEAR SERVICE PIN TO JULIA LASEURE**

74
75 Annette Spendlove, City Recorder/HR Director, stated 5 years ago we interviewed for a position that Craig
76 Barker had open for a Planning Technician. Julia LaSeure was hired and worked in the Planning Department for
77 a long time; she has many skills and has really helped the City move along. Julia came to the Administration
78 Department in October of 2010 as the Deputy City Recorder; she has been working to get the City's records in
79 order and understands the need to ensure preservation of those records.

80
81 **AUDIT REPORT FOR 2009-2010 FISCAL YEAR.**

82
83 Debbie Cardenas, Finance Director, introduced Kent Christensen from Crane, Christensen and Ambrose to the
84 Council Members.

85
86 Kent Christensen thanked the City for allowing Crane, Christensen and Ambrose to serve as the auditors for the
87 City. There were some issues with the physical problems related to the flooding during the time they were to start
88 the process but City staff was very helpful. As the audit is being done, they work primarily with the Finance
89 Department, but also have contact with other staff and department heads. Mr. Christensen said the auditors are
90 very appreciative of the help that they have received and reviewed the Audit Report for 2009-2010 Fiscal Year
91 (on file). He stated that none of the department exceeded the budgeted amounts allowed. The General Fund is in
92 good condition as well.

93
94 Mayor Harris stated the City is in good financial shape and asked for any final summation from the auditors.

95
96 Kent Christensen stated he had nothing additional; he said they did present a letter with a few recommendations to
97 City Management. The City is in excellent financial condition and has weathered this economic storm really well.
98 Revenues have been budgeted rather conservatively and actual expenditures have been kept well in line as what
99 was budgeted. The City will be well within the 5% to 18% range in excess of the General Fund that is
100 recommended by the State.

101
102
103
104
105

106 **DISCUSSION AND/OR ACTION TO APPROVE BEER LICENSES FOR LEE'S, SMITH'S AND**
107 **WINGERS.**

108
109 Debbie Cardenas stated all paperwork had been received and everything is in line for City Council approval.

110
111 Mayor Harris asked for individual motions.

112
113 **Council Member Taylor moved to approve a beer license for Lee's. Council Member Flamm seconded the**
114 **motion.**

115
116 **Voting on the motion:**

117 **Council Member Flamm** yes

118 **Council Member Bigler** yes

119 **Council Member Taylor** yes

120 **Council Member Harris** yes

121
122 **Motion passed.**

123
124 **Council Member Flamm moved to approve a beer license for Smith's. Council Member Bigler seconded**
125 **the motion.**

126
127 **Voting on the motion:**

128 **Council Member Flamm** yes

129 **Council Member Bigler** yes

130 **Council Member Taylor** yes

131 **Council Member Harris** yes

132
133 **Motion passed.**

134
135 **Council Member Taylor moved to approve a beer license for Winger's. Council Member Bigler seconded**
136 **the motion.**

137
138 **Voting on the motion:**

139 **Council Member Flamm** yes

140 **Council Member Bigler** yes

141 **Council Member Taylor** yes

142 **Council Member Harris** yes

143
144 **Motion passed.**

145
146 **DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE AUTHORIZING NORTH OGDEN**
147 **TO CHARGE A FEE TO REPLACE WATER METERS.**

148
149 Dave Carlson, City Attorney, stated that the City has been experiencing problems with damage to water meters.
150 He was asked to draft an ordinance that would allocate the cost of the water meter damage to the individual
151 property owners because the meters are now read electronically and it is no longer necessary to take the lids off to
152 get the meter readings. There have been a number of instances where homeowners have damaged the sending unit
153 through their own actions and this ordinance would allow the presumption that the repair responsibility is the
154 homeowners. The presumption may be rebutted, if they can prove it was not their fault they can be relieved of the
155 cost of that damage, the issue would be handled through the administrative hearing process. Each damaged unit
156 costs the City roughly \$130 to replace. Mel Blanchard, Public Works Director, and Jason Reney, Interim Water
157 Supervisor, are here to give the City Council a demonstration so they can visualize what the problem is.

158

159 Jason Reney showed the water meter setter and said it is typically located in the park strip buried roughly 30 to 36
160 inches in the ground. The old meter setter was wired and situated down inside the hole with the meter. The
161 manufacturer is no longer producing the old units. On many of the homes in North Ogden you would not know
162 the meter is there except for the lid showing through the sod. The new style is more efficient and gets a signal out
163 much easier as the radio signal unit is part of the lid. These new water meters have been installed in old homes
164 needing meter replacement and in all new homes. That meter is about \$130 per unit to buy. There are about
165 5,600 meter connections that can be read in about three days using a laptop computer in a vehicle driven through
166 the neighborhood. The newest units, of which there may be 1,000 installed, have a lid mounted radio and when
167 the old style goes bad they are replaced with these.
168

169 Mayor Harris asked whether the new units being installed have the recessed lid. Jason Reney said we were
170 calling for a lid with a 2" hole to allow the read. This is the new specification and limits the damage to the lids
171 from lawn equipment, etc.
172

173 Council Member Bigler asked how many have been broken. Jason Reney answered probably about 35 at this
174 point; we have been changing the lids out as we can. He said staff can run a search and find out how many are
175 out there. He said these have been in use for approximately two years. Council Member Bigler said we need to
176 do something; he doesn't like the idea of charging for damage when they are in the front curb.
177

178 Mayor Harris said we need to start an education process in the newsletter and try other means to let residents
179 know that these are there and they need to protect them. Jason Reney said it isn't anything new for cities to
180 charge residents for these units to be replaced. Council Member Bigler said with these not being protected in the
181 back yard he has a hard time charging people who may not have done the damage. Jason Reney said any new
182 development has the new style lid which will alleviate these problems.
183

184 Council Member Flamm said it seems to him that our water fund is one of the only funds in the negative and we
185 did a study that said we need to adjust rates. We do have cash there though and could take that cash, replace the
186 lids and get credited back. It would not be the entire City that has these lids. He said some people are at a natural
187 disadvantage due to when their meter was installed and he would be more comfortable with charging if necessary
188 after replacement.
189

190 Council Member Taylor looked at the numbers and said if we lost 25 units it's just over \$3,000. It sounds like it
191 would pay for itself pretty quickly. He thanked Mel Blanchard and Jason Reney for taking the initiative to bring
192 these things to the City's attention. These things come to us where our staff is trying to save the taxpayers'
193 money. It makes the most sense and would be fairest to the people who have these raised lids and hit them
194 unintentionally if there is a way to get the new lids for around \$5,000 and see if that takes care of the problem.
195

196 Mayor Harris said the problem is ongoing and those units are going to be exposed and will be damaged. He asked
197 will it be charged to the homeowner or is the City going to absorb those costs. Mayor Harris said there could be a
198 spree of vandalism which would be obvious that the homeowner didn't do it. Council Member Taylor feels that
199 this could come down to the homeowners saying they didn't do it and we would have to prove conclusively that
200 they did the damage.
201

202 Council Member Flamm said we are going to have to readdress the water fund and what the charges are. It's a
203 given that we have to address what those charges are. It seemed to him that if a unit is damaged unintentionally,
204 there should be some consideration but if it breaks and then a week later it breaks again then they need to pay for
205 it. He said he would rather build it into the budget so that we all pay a few pennies extra to cover those few that
206 may be damaged through the year.
207

208 Council Member Bigler said he would like to replace all the lids so all yards are equal. This mechanism is the
209 City's property and he thinks it should be included in the City's replacement budget.
210

211 Council Member Taylor said he would support something that said willful or negligent and intentionally damaged
212 units would be the property owner's responsibility and he would be in 100% support an ordinance in that case.
213 He is not comfortable with the ordinance as it is now.

214
215 Debbie Cardenas, Finance Director, said there was a comment about the amount of cash in the enterprise funds
216 and she wanted to remind the Council Members that those numbers were from June 30, 2010. We have used a
217 significant amount since then, \$300,000 in capital improvements and others. This cash is not just sitting there
218 waiting to be spent, some of it has already been spent and some is required for reserves.

219
220 Edward O. Dickie III, City Manager, asked for clarification, when a lid is damaged it is replaced with a new
221 recessed unit/lid. Jason Reney stated the units are not replaced just the newer recessed lid.

222
223 Council Member Bigler stated with the replacement cost; he would rather have us do it right and find a way to do
224 it for a more permanent fix.

225
226 Council Member Taylor stated we definitely should have the outreach and education immediately; most people
227 probably have no idea that there is anything electronic inside this cast iron apparatus. If we have a lot of them
228 that can be credited we can hopefully reduce a lot of instances in the meantime. He would like to update the
229 ordinance to include intentional damage.

230
231 **Council Member Flamm moved to replace the meter lids where there is a problem and come up with a**
232 **process to do that and to and have our City Attorney draft an ordinance that if there is more than one that**
233 **has to be replaced then the homeowner has to pick up the cost of that.**

234
235 **Council Member Bigler seconded the motion.**

236
237 **Council Member Bigler added that we should add language that we will not automatically pay for it, but**
238 **allow the homeowners to dispute it.**

239
240 **Council Member Flamm agreed.**

241
242 Council Member Taylor stated if there is obvious vandalism or no negligence then there is no problem.

243
244 **Voting on the motion:**

245 **Council Member Flamm** **yes**
246 **Council Member Bigler** **yes**
247 **Council Member Taylor** **yes**
248 **Council Member Harris** **yes**

249
250 **Motion passed.**

251
252 Mayor Harris stated education will start in the newsletter without waiting for the ordinance. Mayor Harris
253 reemphasized the money saved by staff being on the lookout for these types of things and stated how much their
254 efforts were appreciated.

255
256 **DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE AUTHORIZING NORTH OGDEN**
257 **TO "PICK-UP" THE EMPLOYEES CONTRIBUTORY AMOUNT IN THE UTAH RETIREMENT**
258 **SYSTEMS CONTRIBUTORY RETIREMENT PLAN FOR FISCAL YEAR 2010-2011.**

259
260 Annette Spendlove, City Recorder, said this is mostly a housecleaning item, Utah State Code and IRS ruling state
261 that the City has to annually, in a formal meeting, adopt the members contributions paid by employers into the
262 Utah State Retirement Plan and we have one employee that this affects. The ordinance is 2011-01. Edward O.
263 Dickie III restated that there is one employee that is affected.

264

265 Council Member Flamm verified the amount we are talking here is that equivalent to what is being paid in for
266 other employees.

267
268 **Council Member Taylor moved to approve Ordinance 2011-01. Council Member Flamm seconded the**
269 **motion.**

270
271 **Voting on the motion:**
272 **Council Member Flamm** **yes**
273 **Council Member Bigler** **yes**
274 **Council Member Taylor** **yes**
275 **Council Member Harris** **yes**

276
277 **Motion passed.**

278
279 **DISCUSSION AND/OR ACTION TO APPOINT TAYLOR SPENDLOVE AS A MEMBER OF THE**
280 **BOARD OF ADJUSTMENT.**

281
282 Mayor Harris stated Taylor Spendlove is already an alternate on the Board of Adjustment and we would like to
283 appoint him as a regular member.

284
285 **Council Member Flamm move to appoint Taylor Spendlove as a member of the Board of Adjustment.**
286 **Council Member Taylor seconded the motion.**

287
288 **Voting on the motion:**
289 **Council Member Flamm** **yes**
290 **Council Member Bigler** **yes**
291 **Council Member Taylor** **yes**
292 **Council Member Harris** **yes**

293
294 **Motion passed.**

295
296 **DISCUSSION AND/OR ACTION TO APPOINT JOAN BROWN TO THE PLANNING COMMISSION.**

297
298 Mayor Harris said Joan Brown's appointment expires on Jan 31, 2011 and she has expressed a desire to serve for
299 one more term. That has been the tradition in the past; we have generally allowed a second term.

300
301 Council Member Taylor said he has gotten to work with Joan and is impressed with her work on the Planning
302 Commission.

303
304 **Council Member Taylor moved to appoint Joan Brown to the Planning Commission. Council Member**
305 **Bigler seconded the motion.**

306
307 **Voting on the motion:**
308 **Council Member Flamm** **yes**
309 **Council Member Bigler** **yes**
310 **Council Member Taylor** **yes**
311 **Council Member Harris** **yes**

312
313 **Motion passed.**

314
315 Mayor Harris said we have additional vacancies on the Planning Commission that will be advertised in the near
316 future. Council Member Bigler asked how those Planning Commission vacancies are published. Annette
317 Spendlove, City Recorder, said in the past it has been in the newspaper, on the City website and in the newsletter.

318

319 **COUNCIL/PUBLIC COMMENTS.**

320
321 Council Member Harris requested that she be permitted to participate electronically for the February 8, 2011 City
322 Council meeting.

323
324 Council Member Taylor mentioned the importance of the audit and how well the City did. These happen in every
325 city, you can go to the internet and see the audits for every city in the State.. It is great when we have an outside
326 CPA that reviews in detail the City's financials and finds that we are doing so well. Kudos to staff and everyone
327 who works so hard on the budget. He asked that we post it online for the public to take a look at. Mayor Harris
328 stated we will post the audit on the website.

329
330 Council Member Bigler stated it was great to have the Scouts here. He congratulated Taylor Spendlove on his
331 appointment.

332
333 Council Member Flamm said February 4, 2011 is the annual dinner for the Ogden Weber Chamber of Commerce.
334 This year's Wall of Fame recipient is Jay Wadman. He said anyone wishing to attend can go to the Chamber
335 website and RSVP.

336
337 Council Member Bigler asked, regarding the streetlights scheduled to be replaced Thursday, whether we bought
338 the truck? Edward O. Dickie III, City Manager, stated we did not buy either of those and we will be renting again
339 this time. Council Member Bigler asked if the lift in that truck is able to be moved to a different vehicle.
340 Edward O. Dickie III said he did not know but would find out and send an update.

341
342 Annette Spendlove, City Recorder, stated there is a 55" high definition TV in her office. She explained that the
343 City did not purchase it but we received it through a Homeland Security grant for our emergency operation center,
344 which is the City Council room so we will be able to use it for City Council meetings also. We also got a smart
345 board with two pads. That was all paid for out of the grant. We did budget for a projector and screen and we
346 will just get the projector that will work with the board. Mayor Harris said these types of equipment make all the
347 difference in handling emergencies.

348
349 Annette Spendlove stated Utah League of Cities and Towns Spring Conference is coming up and we need to
350 know who is going. She said she also needs the Council's goals as staff will be working on the budget Thursday.

351
352 Edward O. Dickie III stated we are going to go over the budget on Thursday and will need those goals. The City
353 Council will meet on Feb 25, 2011 for the budget retreat.

354
355 **CONSIDERATION AND/OR ACTION TO ENTER INTO A CLOSED MEETING TO DISCUSS THE**
356 **PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY TO BE HELD IN ACCORDANCE WITH**
357 **THE PROVISIONS OF UTAH CODE 52-4-204-5.**

358
359 **Council Member Flamm moved to go into closed session to discuss the purchase, exchange or lease of real**
360 **property to be held in accordance with the provisions of Utah Code 52-4-204-5. Council Member Taylor**
361 **seconded the motion.**

362
363 **Voting on the motion:**
364 **Council Member Flamm yes**
365 **Council Member Bigler yes**
366 **Council Member Taylor yes**
367 **Council Member Harris yes**

368
369 **Motion passed.**

370
371 The meeting recessed at 6:50pm for the closed meeting. The meeting reconvened at 7:00pm.

372

373 **ADJOURNMENT.**

374

375 Council Member Bigler moved to adjourn. Council Member Flamm seconded the motion.

376

377 The meeting adjourned at 7:00pm.

378

379

380

381

382 _____
Richard G. Harris, Mayor

383

384

385

386

387 _____
S. Annette Spendlove, CMC

388 City Recorder

389

390

391

392

393 _____
Date approved