

**NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES**

May 26, 2015

The North Ogden City Council convened in an open meeting on May 26, 2015 at 6:31 p.m. at 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 May 21, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 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:	Annette Spendlove	City Recorder/HR Director	
	Jon Call	City Attorney	
	Rob Scott	City Planner	
	Tiffany Staheli	Parks & Recreation Director	
EXCUSED:	Bryan Steele	City Administrator/Finance Director	
VISITORS:	Rose Storey	Rachel Trotter	Bob Buswell

**REGULAR MEETING – 6:31 P.M.**

Mayor Taylor welcomed those in attendance.

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

**CONSENT AGENDA**

**1. CONSIDERATION TO APPROVE THE APRIL 28, 2015 CITY COUNCIL MINUTES**

**Council Member Satterthwaite motioned to approve the consent agenda. Council Member Swanson 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.**

**ACTIVE AGENDA**

**1. PUBLIC COMMENTS**

There were no public comments.

**2. UPDATE FROM MISS NORTH OGDEN, ROSE STOREY**

Miss North Ogden, Rose Storey, approached the Council and thanked them for the opportunity to address them this evening. She reported on several of the events that she has participated in during her 11 months as Miss North Ogden, after which she discussed her platform: “The Power of Music – Inspiring Youth with Arts Education”. She has created her own program regarding the power of music and she has visited with classes at the elementary schools in the community to talk about the importance of arts education. She also attended a music rally on capitol hill and she met Thurl Bailey to discuss the importance of arts education. She reported she also collected shoes for Africa; she collected 1,513 pairs that were sent to those in need in Africa. She then reported she has recently been preparing for the Miss Utah pageant and she provided an overview of the schedule of the pageant. She added she will also participate in the upcoming Miss North Ogden pageant where she will pass her crown onto the next young lady crowned as Miss North Ogden. She concluded by stating she is so thankful for the opportunity she has had to be Miss North Ogden and she thanked the Mayor and Council for their support. She stated the opportunity has opened many doors for her, specifically fund raising opportunities for charitable organizations and potential future internship and career opportunities.

City Recorder Spendlove stated she had the opportunity to talk to Ms. Storey’s father and he also expressed his thankfulness for the opportunity his daughter had to serve as Miss North Ogden. She noted he has reported that Ms. Storey has grown and learned so many new things.

Council Member Bailey asked if Ms. Storey has access to coaching or mentorship before participating in the Miss Utah pageant. Ms. Storey answered yes and indicated she has been very lucky to have access to great mentors that are very familiar with the pageant industry.

Mayor Taylor stated he looks forward to hearing of the great things Ms. Storey will do with her future. He thanked her for all she has done for the City and wished her the best in the Miss Utah pageant.

**3. DISCUSSION AND/OR ACTION TO DISPOSE OF FOUND PROPERTY**

A staff memo from City Attorney Call explained the Police Department ends up with many items of personal property which we cannot legally dispose of unless we follow the statutory requirements. Every so often we need to clean out our evidence/property closets so we will be bringing a resolution similar to this one to the Council for approval. Specifically the statute requires that any property which is used for a “public interest use” be approved by the local legislative body. A “public interest use” includes: keeping the property, such as small hand tools, or other items that any of our departments could use; donating items to a charitable organizations, such as Deseret Industries, or the Boys and Girls Club; and selling the property at auction and using the proceeds in the Department for maintaining future Police Custody Property. Several of the items on the list will be destroyed because they have no real value. Though the Council does not have to approve the destruction of these items, it provides an additional opportunity for individuals who have lost items to find their items because of the additional notice requirements for our City Council meetings. We are asking that the council look at the resolution and attached property list and approve the Department’s recommendations as to which property should be donated to a public interest use. There are a few items on the list which still need to be determined. Typically these items are in sealed containers or original packaging and we don’t want to open them until we have exhausted our search for the real owner. Once the Council approves these items for a public interest use we will open the items, determine if there really is any useful life in the item, and then allocate the property according to its value.

Mr. Call reviewed his staff memo.

**Council Member Swanson motioned to adopt Resolution 03-2015 authorizing the disposal of found property. Council Member Stoker 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.**

**4. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR AN ACCESS EASEMENT AND ENCROACHMENT ONTO CITY OWNED PROPERTY, LOCATED AT APPROXIMATELY 615 E 2100 N**

A staff memo from City Planner Scott explained Andrew Letcher is requesting the City Council approve the construction of a fence adjacent to Orton Park that is also within a City slope and grading easement. The City Council heard this request on May 6, 2015 and directed Staff to prepare a fencing agreement to identify the responsibilities of Mr. Letcher and North Ogden City. The attached agreement allows Mr. Letcher to construct a fence along his south property line adjacent to Orton Park. The fence may also be on City property to avoid having the fence constructed on top of the rocks that protect the detention basin. The City will inspect the installation and will repair or replace the fencing, should any maintenance be required on the detention basin berm after the fence is installed. Mr. Letcher will be responsible for installing a black powder coated chain link fence, install the fence at his expense, insure it is properly installed, obtain approval for any grading or landscaping done in the slope easement, and indemnify the City for any damages arising out of injuries to the public during construction of the fence, and the contractors installing the fence are not employed by the City.

The memo summarized the potential City Council considerations:

- Does the proposed use meet the requirements of the applicable City Ordinances?
- Does the attached agreement meet the City Council's intent regarding access?

The memo also summarized the obligations of the property owner included in the proposed agreement:

- a. Parcel Owner shall install a black powder coated chain link fence upon a mutually agreed upon line as designated by the City Building Official.
- b. Parcel Owner shall install the fence entirely at their own expense.
- c. Parcel Owner shall insure that the fence is properly installed with cement and other appropriate materials to ensure the lasting nature, and safety for park patrons.
- d. Parcel Owner shall repair any damage to the walk way around the detention basin should any occur during the construction of the fence.
- e. Parcel Owner shall obtain written permission from the City Building Department prior to any grading or landscaping in the slope easement area which modifies or rearranges the slope material as clearly stated on the subdivision plat.
- f. Parcel Owner shall indemnify the City for any damages arising out of injuries to the public during construction of the fence.
- g. The Parties agree that the contractors or other individuals who are constructing the fence do no work for the City or have any relationship with the City which would impose additional liability on the City during the construction process.

The memo concluded this is a policy decision. If the City Council determines that granting the approval to construct a fence with the recommended conditions is appropriate; then the agreement can be approved.

Mr. Scott summarized his staff memo and indicated the proposed agreement was drafted by City Attorney Call.

Council Member Urry asked if the agreement should include a clause regarding which party is responsible for the maintenance of the fence. Mr. Scott stated that he is unsure if that needs to be stipulated in the agreement; he noted the fence is being installed by the property owner and it will belong to him. Council Member Urry stated a future owner of the home may not feel the same. Mr. Call stated that typically the maintenance of a fence is shared by the two property owners that the fence separates and it seems reasonable for both the property owner and the City to share any maintenance costs. Council Member Urry suggested that be included in the agreement. Mr. Call stated it would be easy to add language regarding the sharing of maintenance responsibility in the agreement. The Council then engaged in a brief discussion regarding circumstances surrounding potential damages to a fence, with a focus on whether both parties should be responsible to share in maintenance costs if one party is solely responsible for damage to the fence. Mayor Taylor stated that the fence to be erected by Mr. Letcher will be almost entirely located on his property and will only touch a few sections of the City's property.

Council Member Bailey inquired as to the ramifications the location of Mr. Letcher's fence will have on other lot lines in the area; he wondered if there will be alignment issues. Mr. Scott stated one thing staff was directed to do was develop a generic agreement that would apply to other properties in the area to allow for them to align their fence with Mr. Letcher's fence. He noted that Mr. Letcher's property is the only property where any type of encroachment on the City's property will be necessary. Discussion then centered upon the development of a policy pertaining to the City's participation in erecting a fence between City owned property and private property, with all Council Members indicating they feel it would be reasonable for the City to share in the costs to install a fence between City and private property. The Council asked for a draft policy with different options for financing the installation of the fence.

**Council Member Satterthwaite motioned to approve agreement A11-2015 for an access easement and encroachment onto City owned property, located at approximately 615 E. 2100 N. Council Member Stoker 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 Council indicated that any policy adopted regarding the installation of fencing between City owned and private property would apply to Mr. Letcher's fence as well.

**5. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR AN ACCESS EASEMENT TO CITY OWNED PROPERTY, LOCATED AT APPROXIMATELY 2992 N 300 E**

A memo from City Planner Scott explained the applicant is requesting the City grant a right of way access on City owned property, from 300 East to allow him better access to his garage. The City Council heard this request at their May 5, 2015 meeting. Direction was given to bring this request back with an agreement to allow the Marcotts to utilize the property for access to their garage. The agreement stipulates that the Marcotts will be allowed to have access provided that they will provide a plan showing the improvements to be installed; the City Planner will approve the plan, no modifications will be made without City approval, improvements will comply with appropriate city ordinances, and the property owner will provide weed control. The agreement does grant permission to use the property for access until the City determines a need for its use. No easements are being given. The City will not reimburse the owner for any expenses incurred.

The memo summarized the potential City Council considerations:

Does the proposed use meet the requirements of the applicable City Ordinances?

Does the attached agreement meet the City Council's intent regarding access?

The memo summarized the obligations of the parcel owner as included in the proposed agreement:

Obligations of Parcel Owner.

- Parcel Owner shall provide a plan detailing where the improvements will be installed to the Planning Department of the City.
- Parcel Owner shall not install any improvements until the Planning Department Director has given written approval of the Plan.
  - No modifications may be made to the improvements after completion without written approval from the Planning Department Director.
- Any improvement must comply with applicable building codes and be maintained in a safe and good workmanship manner.
- Parcel Owner shall maintain the City's property with respect to weeds by applying, at least semi-annually, an herbicide to keep noxious weeds under control, or by mowing regularly.
  - Parcel Owner may remove any vegetative materials including stumps, plants, etc.
  - Parcel Owner may not relocate fence lines or any other permanent structure on the City property.
- Parcel Owner agrees that at any point in the future the City may require the use of the property for other purposes and that Parcel Owner has no ownership rights in the installed improvements.
- Parcel Owner agrees that they are being given permission to use the City's property. Because this permission is not the grant of an easement or other specific right in real property it may be revoked at any time by the City providing 30 day notice in writing.
- Parcel Owner agrees that the City is not by this Agreement giving any guarantee about the future of the City property and Parcel Owner understands that any expenses incurred by Parcel Owner will not be reimbursed by the City.

The memo concluded this is a policy decision. If the City Council determines granting access with the recommended conditions; then the agreement can be approved.

Mr. Scott reviewed his staff memo.

Council Member Bailey asked if there is currently a garage on the Marcott's property. Mr. Scott answered yes and reviewed a diagram of the subject property and the surrounding area to identify the location of the garage. Mr. Call clarified that the garage is located entirely upon the Marcott's property. Ms. Marcott noted that she and her husband obtained a building permit from the City for the garage and it complies with all City codes and development standards. There was a brief discussion between Ms. Marcott and the City Council regarding maintenance of the area that the Marcotts will use as access to their property; Ms. Marcott indicated she is worried about being required to cut the weeds on the entire length of the property because she is concerned that the lot line measurements are inaccurate. Mayor Taylor suggested that the Marcotts have their property surveyed to determine the actual lot line measurements. Mr. Scott added that he feels it is to the benefit of the Marcotts and the City for the Marcotts to perform weed removal on the length of the road that they will use as access to their property. He stated the intention in drafting the agreement was for the Marcotts to maintain the street to the point where it curves. Ms. Marcott stated she would be comfortable with that, but that is not how the agreement reads. Mayor Taylor read sub-item D of paragraph three of the agreement and indicated it may be necessary for the Council to amend that section to provide clarity regarding the area that the Marcotts would be responsible to maintain. Mr. Call suggested that subsection D of paragraph be amended to read: "The parcel owner shall maintain the City's property, from the street to the property owner's access gate, with respect to weeds by applying at least semi-annually an herbicide to keep noxious weeds under control, or by mowing regularly."

Ms. Marcott then asked if the City would be opposed to her placing gravel or rock on the property to aid in keeping the weeds down. After conferring with staff, the Council indicated that they would be comfortable with the placement of rock on the area.

**Council Member Swanson motioned to approve agreement A12-2015 for an access easement to City owned property, located at approximately 2992 N. 300 E., with the change to subsection D of paragraph three as read into the record by City Attorney Call. 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.**

## **6. PUBLIC COMMENTS**

There were no public comments.

## **7. COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Swanson reported the new trail near Coldwater Canyon is stunning and is receiving rave reviews from citizens. He added the City Pride Clean-Up event was a success and he asked if the City has statistics regarding the amount of junk collected. Mayor Taylor stated 16 dumpsters were filled; 500 tires were collected; there were 750 total trips into the facility, including 250 for green waste; and the electronic recycling station was very popular. He stated the event was a great success and many properties were cleaned up. Council Member Swanson then reported that he has an electronic rain gauge on his meeting and it indicates that the City has received 6.4 inches of rain in the month of May; he encouraged residents to turn their sprinklers off.

Council Member Urry reported he attended the Senior Citizens Center Board meeting and they continue to discuss the proposed facility use policy. Mayor Taylor asked that the Council be thinking of suggestions for the use policy that can be forwarded to the Board. Council Member Urry then reported he had a nice meeting with Parks and Recreation Director Staheli and some of her staff regarding a proposal for increasing fees in a manner that would fund at least 60 percent of the Department's operations. He stated they feel that the increases are feasible and would be accepted by the citizenry and he provided a brief overview of some of the fee increases that were discussed. He then stated he is happy about the success of the City Pride Clean-Up day and he congratulated the citizens on their efforts.

Council Member Bailey asked if the City spent what was anticipated on the City Pride Clean-Up event. Mayor Taylor stated that the total costs associated with the event will be available to the Council later this week.

Council Member Satterthwaite stated he has also heard a lot of positive comments about the new trail near Coldwater Canyon. He stated it is his understanding it provides great connectivity between North Ogden's and Ogden City's trail system. Mayor Taylor stated that is correct, there are now 27 contiguous miles from Pole Patch to the area near Weber State University. Council Member Swanson stated the trail will become a draw for the City and the parking area near the trailhead at 2750 North and Mountain Road was completely full yesterday; it may be necessary to increase the area available for parking. Mayor Taylor stated he will ask staff to assess increasing the area available for parking. Council Member Satterthwaite then stated that it would be great to include an event in the Cherry Days celebration that utilizes the trail. Council Member Swanson stated that there could be a 10K trail run on the trail. Discussion then centered on maintenance of the trail, with Mayor Taylor noting Weber Pathways will be responsible for maintaining the majority of the trail, but there are a few sections that the City will maintain. Council Member Satterthwaite then stated he would like for the Council to have an in-depth discussion regarding a potential proposal to increase recreation fees. Mayor Taylor stated he will include that item on a future work session agenda. Council Member Satterthwaite then discussed

access inventory and management and noted he has found that iWorQs is capable of performing that inventory and management; he added there was a thorough review of the City's streets in the past year and the data gathered from that review has been added to iWorQs. He indicated that data can be used in the upcoming town hall meeting to communicate to the citizenry the City's infrastructure needs and the justification for a street construction utility fee.

Council Member Stoker reported on the work that is underway relative to the planning of the Cherry Days celebration. She noted there may be a bicycle race included in the celebration this year. She added Big Boys Toys will lend UTVs to the City for the City Council Members to ride in the Cherry Days Parade. She provided a brief review of the schedule of other events, focusing on entertainment and the fireworks show. She then stated she saw a video on Facebook that was taken during a rain storm near Pole Patch; the person shooting the video indicated that work has been done to clear debris from the detention basin there, which aided in proper handling and drainage of the water that have come from the heavy rains the area has received recently. Mayor Taylor thanked Council Member Stoker for that feedback and stated he will try to find the video.

Council Member Urry discussed options for developing a youth version of an iron man event in future Cherry Days celebrations.

Council Member Bailey reported there are some areas throughout the City where fiber-optic cable has been installed and the roadway has not been repaired. He stated he has noticed them on 1050 East and 2600 North. There was a brief discussion regarding the City's policy pertaining to road cuts, with Mayor Taylor stated he will follow-up with staff to ensure the policy is enforced against the company responsible for installing the fiber optic cable.

Ms. Spendlove reminded the Council that the declaration of candidacy period for the 2015 Election runs from June 1 to 8; declarations are to be filed at City Hall between the hours of 8:00 a.m. and 5:00 p.m. She also informed the Council that former Mayor Harris's mother passed away recently and the funeral will be held later this week.

Mayor Taylor stated the dog park will open soon; staff is trying to settle on a date for the grand opening of the facility. He then noted the recent rainstorms have slowed site work at the Public Works Facility site, but both buildings are essentially completed and final inspections are underway. The completion date is still slated for the end of June and he would like to schedule an open house and grand opening in the middle of July. He then reported on the draft agenda for the work session scheduled for next Tuesday, noting most of the evening will be dedicated to continued review of the Fiscal Year 2015-2016 budget. He stated the budget will be presented to the public at the town hall meeting scheduled for June 9 and final consideration of the budget will take place during a special meeting scheduled for June 16.

Council Member Stoker asked if the General Plan open house event is still scheduled for June 20. Mayor Taylor answered yes and noted the work being completed by the General Plan Steering Committee is nearly complete and the General Plan should be presented to the Planning Commission soon for their review and consideration.

Mayor Taylor then asked that the Council convene in a closed executive session to discuss pending or reasonably imminent litigation and the purchase, lease, or exchange of real property.

**8. ADJOURNMENT**

**Council Member Satterthwaite motioned to adjourn the Council meeting and convene in a Closed Executive Session to discuss pending or reasonably imminent litigation and the purchase, exchange, or lease of real property. Council Member Stoker 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 8:00 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