

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 25, 2010

The North Ogden City Council convened in regular session on May 25, 2010 at 5:30 p.m. at the City Offices. 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, 2010. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2010.

PRESENT:	Richard G. Harris	Mayor
	Ronald Flamm	Council Member
	Martha Harris	Council Member
	Brent Taylor	Council Member
	Carl Turner	Council Member
EXCUSED:	Wade Bigler	Council Member
STAFF PRESENT:	Edward O. Dickie	City Manager
	Dave Carlson	City Attorney
	Annette Spendlove	City Recorder/HR Director
	Craig Barker	Community Development Director
	Gary Kerr	Building Official
	David Nordquist	Community Services Director
	Debbie Cardenas	Finance Director
	Ken Young	Assistant Park Superviosr
	Byron Dallinga	Parks Maintenance Worker
VISITORS:	Bruce Oman	Rachel Trotter
	Carolyn Oman	Helen Taylor
	Jennie Taylor	Troy Nichols
	Nick McIntosh	

WELCOME

Mayor Harris welcomed those in attendance. He also gave the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. Consideration to approve minutes of the May 11, 2010 Council meeting.
2. Consideration of Business Licenses: Andies Fitness, Hilight Properties, Inc. DBA At Last Restoration, Jotdowns by Rennub and Bears Den.
3. Set June 8, 2010 as the date for a Public Hearing to receive comments regarding the Final Budget for Fiscal Year 2010-2011.

**Council Member Taylor moved to accept the Consent Agenda as presented.
Council Member Flamm seconded the motion.**

Voting on the motion:

Council Member Flamm	yes
Council Member Harris	yes
Council Member Taylor	yes
Council Member Turner	yes

Motion: Passed

AGENDA

4. Public comments.

Carolyn Oman, 2780 N. 500 E., appeared before the Council and read the following letter: "We have lived in North Ogden for about 53 years and have loved it. We've been in our house now for 25 years. A few years ago Gyle Hollingworth thought North Ogden needed an ordinance on trailers so North Ogden enforced it. The lot on the south of us was for sale. A couple seemed interested in it and complained about having to look out the window and see our trailer that's on our lot, so the seller complained to the Council without talking to us first. The people decided they didn't want the lot, so we bought it and the complaint was dropped. The trailer wasn't blocking anyone's view and is off the road on a concrete slab. We use the trailer two weeks a month through the summer. We need to charge the batteries and fill the trailer with water and food. We've been taking emergency classes and the trailer is our 72-hour kit. [Mrs. Oman explained that she and her husband are over the food for a trip their ward will be taking in the next few weeks. She said she was hoping to put the food in the trailer.] She continue to read, Gary Kerr said in order to have the trailer in back we have to have a cement or road base driveway and a cement slab for our trailer to sit on several feet from the road to make it legal. We had a builder tell us that that would cost at least \$6,000. We can't afford it. We're hoping you would reconsider and let our trailer back on our property without threatening us. Your slogan is "Making Life Better." This isn't the way to do it. We have a beautiful lot that is well kept. My husband has been working hard getting the yard on the lot we bought up to our expectations of beauty and pride. When you drive around North Ogden you see a lot of real trashy yards and illegal trailer parking and you say we are in violation. [Mrs. Oman said she had sent a letter out to the Council on March 11, 2010 when they were first notified about the violation. She gave a copy of her March letter to the City Recorder.] She informed the Council that her trailer has been in storage for the past three months since the complaint.

5. Presentation of Employee Service Pins, 5-years, Ken Young and 30-years, Bryon Dallinga.

Dave Nordquist, Community Services Director, presented a five-year service pin to Ken Young. Mr. Nordquist reported that Mr. Young is an outstanding employee for North Ogden. He works 50% of the time for the Parks Department and 50% of the time at the

North Shore Aquatic Center as the engineer and technician that keeps the facility running. He has two certifications in pool operations and is extremely knowledgeable. Mr. Young is very talented and can fix almost anything and can build almost anything. He is a very positive person and a tremendous asset to the City.

Mr. Nordquist presented Byron Dallinga with a 30-year service pin. Mr. Nordquist reported that during his 30-years with the City Mr. Dallinga has mowed many thousands of miles of parks. He is an expert on the Jacobson Mower and can go places on it that no one else can. Mr. Dallinga has an incredible safety record with the City and is a very dedicated, hardworking individual. He is a great person who does his job year in, year out, day in, day out. Mr. Nordquist congratulated Mr.Dallinga on his 30 years of service to the City.

Mayor Harris also thanked Mr. Young and Mr. Dallinga for their dedicated service to the City. The Council Members congratulated them and shook their hands.

6. Discussion and presentation on the structure and procedures of the Parks, Trails and Beautification Committee.

Council Member Turner presented this item to the Council. He passed out an informational hand-out to those in the audience. He said a few meetings ago the Council had approved combining the Parks, Trails and Beautifications Committees. For its first meeting the new committee had between 19 and 20 people who were willing to serve. Joel Grasmeyer was appointed as the interim Chair of the Committee. He and several members of the former Parks/Beautification Committee and the former Trails Committee formulated a plan to create a structure for the newly combined committee. Council Member Turner explained to the Council that the committee would like their approval to proceed with this structure until an ordinance can be written to codify this plan. The committee will have the City Attorney Dave Carlson review the draft ordinance before it is brought to the Council.

Council Member Turner described the proposed framework and structure of the new committee. There will be a chairperson, nominated and elected by members of the committee. There would be vice-chairpersons appointed who have been working on projects for the Trails Committee, Parks Committee and Beautification Committee. The Committee will be comprised of 11 members. Council Member Turner stated that there would be the Chairperson, four vice-chairs and six additional members. There would also be additional non-voting members; a Council Member, the City Forester Ken Kolb, Parks and Recreation Representative Becca Godfrey, and then a Member of the Weber Pathways Committee who comes and helps coordinate Weber County's trails projects with the City's trails.

Council Member Turner then reviewed the organization of the committee. The Chairperson would set the meeting agenda, the location, time and chair the meetings. The Chairperson would also ensure the minutes are recorded properly and then co-ordinate among the four Vice-chairs, the City Council and staff on all related items that

needed additional resources. The Trail Planners and Park Planners would participate in coordinating the future plans for parks and trails and participate in the revision of the City's General Plan for parks and trails. They would also work on developing a parks and trails ordinance. The committee is working on a trails ordinance with the representative from Weber Pathways. Weber Pathways is also developing an ordinance and North Ogden's ordinance would tie into that. The committee would also work with City staff and the Planning Commission on subdivision reviews. Council Member Turner reported that in some instances subdivisions have gone in and blocked access to some of the City's trails. The Trail Projects and Park Project Vice-chairs will also work with young men looking for work to do for their Eagle Projects and school participation projects.

Council Member Turner reported that this weekend there had been a service project up at the Lakeview Park working on the trail. The Committee will work with the Community Services Department on writing grants for both parks and trails. They will work with the City staff, City Council, youth groups, and volunteer groups on maintaining and expanding the parks and trails.

Council Member Turner then outlined the meeting format for the new Parks, Trails and Beautification Committee. He said he would like to have the Council's blessing to begin operating the committee along these guidelines until the ordinance is completed. Council Member Turner explained that this is the perfect time of year for their projects and they don't want to lose any time waiting for official approval of the newly combined committee.

Council Member Harris said she has been watching trails committees for several years and has never seen one this well organized. She said she would like to point out the members of this committee are all volunteers donating their time, hard work and ideas. She said she is all for this, the community will benefit greatly from all this effort.

Council Member Turner said he was impressed with City staff, who schedule their time so they can attend these meeting without accruing overtime, which would cost the City extra money. Mayor Harris said he is seeing affirmative nods from Council Members. Council Member Turner thanked the Council and stated their next committee meeting would be held in June.

Mayor Harris stated that June 5th is National Trails Day. Weber Pathways has been working with North Ogden and it has been very beneficial for the City. The Mayor also said NWH Construction the company working on the large expansion project at the Central Weber Sewer Facilities had volunteers work at Lake View Park as part of their annual party function. They accomplished a lot of good work.

7. Discussion and/or action to approve Resolution 08-2010, a Resolution creating a rule of procedure to allow a Council Member located in a remote location to participate in a City Council Meeting by electronic communication.

Annette Spendlove, City Recorder, said the City Attorney had prepared this resolution for the Council's consideration. This will allow Council Members who are not able to personally attend the bi-weekly Council meetings to attend via electronic communication.

Council Member Flamm said he supports this resolution. Council Member Turner asked for a definition of electronic communication. He asked if it is just via the telephone or can it be by email? Dave Carlson, City Attorney, said it is defined in State law as electronic communications. He said the requirements for an electronic meeting are that a person who participates from a remote location has to be able to hear what is going on in the meeting and participate with what is going on in the meeting. Mr. Carlson said North Ogden has done this by telephone and if the City had the means it could be done through video conferencing.

Council Member Taylor moved to approve Resolution 08-2010, a Resolution creating a rule of procedure to allow a Council Member located in a remote location to participate in a City Council Meeting by electronic communication. Council Member Flamm seconded the motion.

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion: passed

8. Discussion and/or action to approve Resolution 09-2010, a Resolution approving a lease agreement for the leaf collector.

Debbie Cardenas, City Finance Director, reported to the Council that with the adoption of the tentative budget the Council approved the purchase of a leaf collector using a lease purchase agreement. City staff has requested bids for the equipment lease and financing. A company has been selected that has the lowest rate, best service and quickest response time. Ms. Cardenas said the leaf collector will be purchase from the ODB Company at the cost of \$130,100. Staff is recommending the City enter into an eight year lease purchase agreement with Zions Bank at a rate of 4.62% with annual payments of \$19,891.75. Ms. Cardenas reported that the City's legal counsel has reviewed the documents and the attorney has submitted his opinion letter as required by the agreement. She said staff is recommending that the Council approve Resolution 09-2010, approving the Equipment Lease/Purchase Agreement with Zions for the leaf collector.

Council Member Flamm asked if this was also a street sweeper. Ms. Cardenas said no this is the leaf collector. Ms. Cardenas explained that the leaf collector picks up what a street sweeper cannot effectively pick up, leaves. Mayor Harris said it is also able to get the leaves out of the City's storm water collection boxes.

Council Member Taylor asked for an explanation on why leasing would be the most advantageous way for the City to finance this equipment. Ms. Cardenas explained that this will be paid for out of the Storm Water Fund. The City is planning to construct a new Public Works building in the near future and staff wanted to maintain more cash in this fund. The recommendation was made to look at an equipment lease purchase for the leaf collector. After going out to bid, this proposal looks like it is the most advantageous for the City. Mayor Harris said another deciding factor is that interest rates are currently quite low.

Council Member Harris moved to approve Resolution 09-2010, a Resolution approving a lease agreement for the leaf collector. Council Member Taylor seconded the motion.

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion Passed

9. Discussion and/or action to approve Resolution 10-2010, a Resolution approving a lease agreement for the street sweeper.

Debbie Cardenas reported that when the tentative budget was adopted the Council approved the purchase of a street sweeper using a lease purchase agreement. She reported that the street sweeper was purchased from Tymco, Inc., at a cost of \$189,440. They also provide financing with the lowest rate so the City entered into a 5-year lease agreement with Tymco, Inc. at an APR rate of 3.89% with annual payments of \$41,142.51. The agreement was reviewed by the City Attorney and he submitted his opinion letter as required by the agreement. Tymco is not requiring a resolution but staff felt consistency in these transactions would be prudent. Ms. Cardenas said staff was recommending the adoption of Resolution 10-2010, approving the Equipment Lease/Purchas Agreement with Tymco, Inc. for the street sweeper.

Council Member Flamm moved to approve Resolution 10-2010, a Resolution approving a lease agreement for the street sweeper. Council Member Harris seconded the motion.

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

10. Discussion and/or action to approve Ordinance 2010-07. An Ordinance amending the North Ogden City Zoning Ordinance by amending Section 11-22-2 and adding a special community wide event or activity signage definition, placement and time period.

Craig Barker, Community Development Director, stated that the Council had reviewed this item a month ago when a Public Hearing had been held to receive comments regarding this. Council had some questions about the proposed ordinance. One of these questions was how groups would be defined that are allowed to place signs. Mr. Barker said the discussion had centered on those groups with a 501-C3 designation from the State. The types of activities these groups engaged in were also discussed along with whether these groups should be limited to those that reside in the City or those close to the City. Mr. Barker said he and staff have worked with the City Attorney on the appropriate wording for this ordinance. There have been substantial changes to what was discussed during the Public Hearing.

Mr. Barker said first, there is a definition of what a community sign is. It is a temporary sign of a different type than is mention elsewhere in City Code. It will be placed on City-owned or City-controlled right of way solely for the purpose of advertising or announcing a special community-wide event or activity conducted or co-sponsored by the City. A special community-wide event or activity is one which occurs not more than twice in a twelve month period and seeks to attract donations or participants throughout the City. Mr. Barker said North Ogden City's policy for sponsorship of special community-wide events allows the City to sponsor or co-sponsor certain special community-wide events that build community, generate unity and preserve heritage and tradition. He continued stating that community sponsorship may range from complete support and funding of certain events to partial funding, provision of City facilities, service or by simply making City-owned right of way available for temporary advertisement of events. Only events that meet the following criteria will be considered for some form of sponsorship. (1) the event must be open to the public and enjoy broad community support and appeal; (2) the event must either enjoy a past history and tradition or be designed to promote the history, heritage or values of a broad spectrum of the community; (3) no event will be entitled to sponsorship; (4) sponsorship of events that meet the criteria set forth above may still be denied due to lack budget, prior conflicting commitments of sponsorship by the City; unavailability of City resources or public safety considerations. Groups or individuals seeking City sponsorship of a community-wide event shall make application to the Community Development Department at least 10 days in advance of the event. Applications will be received by the Community Development Department and if additional review is necessary it may include but not be limited to the City Engineer, Public Works Director and Chief of Police. Mr. Barker explained that this is the policy that the Council would adopt that would then allow the City to implement the ordinance.

Mr. Barker then went on to review the language that would be added for community signs. He read the following: community signs are permitted in all zones with a permit issued by the Community Development Department. A community sign plan and visual representations of all types of signs and their proposed locations shall be submitted to the Community Development Department. These submittals shall be reviewed by the Community Development staff for compliance with these requirements. Additional review, if necessary, may include but not be limited to the City Engineer, Police Department and Public Works. In some cases, the Community Development staff may refer the proposals to the Planning Commission when issues arise with the proposed plans of the sign design or placement. Mr. Barker explained this wording is referring to design not content. No sign shall be permitted that is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, or is in a deteriorated condition. Mr. Barker then went on to describe the other sign requirements as to materials that can be used, lettering and graphics allowed, size and height. Such signs may not be attached to other temporary signs or permanent traffic or business signs. The signs may not be displayed for more than 10 days before the event and more than two days after the event. Sponsor's logos may appear on this signage. He said staff dove-tailed the ordinance with City policy in order to address this issue. Once this is adopted it will institute the City's community signs. Mr. Barker said perhaps sometime in the future it may need some tweaking if something changes. It should, however, cover 95% of the City's needs.

Council Member Taylor complimented Mr. Barker and other staff members on their work on the community signs. He said he felt it was very well done and provides a way for community groups to advertise their events.

Mayor Harris explained that this ordinance also applies to City signs used to advertise Cherry Days and the Civic League's signs for the Art Festival. The Mayor said this ordinance has long been needed. Mr. Barker informed the Council that on state roads UDOT turns the space from the back of the curb to the property line over to the City for maintenance and upkeep and oversight of signage.

Council Member Harris moved to approve Ordinance 2010-07, an ordinance amending the North Ogden City Zoning Ordinance by amending Section 11-22-2 and adding a special community-wide event or activity signage definition, placement and time period. Council Member Flamm seconded the motion.

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

11. Public/Council comments.

Nick McIntosh, 230 North Fruitland Drive, asked the Council to reconsider the proposed ATV ordinance and hold a public hearing. He said he felt there were a lot of misconceptions about the street legal ATVs. The Chief of Police had expressed concerns about kids racing up and down the streets. Mr. McIntosh said this isn't for those types of riders. This would be for law-abiding citizens who have a valid drivers' license with a motorcycle or ATV endorsement. Mr. McIntosh said safety concerns had been brought up. He said there are two different types of ATVs, those that are the more common four-wheeler and there are side by-sides. Mr. McIntosh said his side-by-side is basically a jeep. He said he feels it is safer than scooters that a lot of young people drive around. He said once he hits the power lines he can legally drive all the way up to the Idaho border as long as he stays off four-lane highways and uses the two lane roads that go up over Monte Cristo, the Avon Divide and other areas through the mountains. Mr. McIntosh said street legal ATVs have the same equipment as motorcycles or cars have. Owners have to have insurance. Mr. McIntosh said he has seen some interest in taking advantage of going street legal. He said the City wouldn't have to write its own ordinance; the State has one and will allow cities to adopt it. North Ogden would be a perfect fit. He asked the Council to reconsider and hold a Public Hearing on this issue to get people's input.

Council Member Flamm addressed the Oman's questions and said he wondered if there may not be places where the ordinance on RV might be tweaked to accommodate people who have a situation where they have large lots and can store their RVs in areas where they would not be intrusive for their neighbors. Council Member Flamm asked if the City Attorney Dave Carlson could check to see what it would require for the City to adopt the State's ATV ordinance. He said if the process is relatively simple then he would like to start the process with a Public Hearing to see if there is an interest in the City.

Mayor Harris recommended to Council Member Flamm that if he would like to review the City's RV parking ordinance he should contact Craig Barker, Community Development Director and Dave Carlson, City Attorney to begin the process.

Council Member Taylor said to update the Council on the Business Development Committee there has been some very productive meetings. Its members are pleased with the recommendations that have been approved by the Committee. Council Member Taylor said there is a lot of good discussion and exchange of ideas. He is anticipating having some great recommendations sent along to the Planning Commission and then to the City Council. He also said he would like to keep the Good Landlord Program on the back burner with the opportunity to bring it back before Council at a later date.

Ed Dickie, City Manager, gave the Council a brief history about the leaf collector. He said new federal regulations on storm water make it vital that the City have this piece of equipment. The Public Works Department has requested this for the past couple of years. The federal government has increased the fines to \$10,000 per day for non-compliance. Currently the only way to remove the leaves from the storm drains is by hand, a very labor intensive and time consuming job. The leaf collector will enable the City remain in compliance with federal regulations. The word is the federal government will be

checking on all the cities in the next few years. Mr. Dickie said they will just call one day and come in and do an audit.

12. Closed meeting for “discussion of the character, profession competence, or physical or mental health of an individual” to be held in accordance with the provisions of Utah Code 52-4-204-5.

Mayor Harris wondered since there wasn't a full quorum of Council Members, should the closed meeting be held at a later date. Council Member Harris said she felt that without a full Council this is not the time to recess into a closed meeting. Mayor Harris announced that item #12 was tabled.

10. Adjournment.

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

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

The meeting adjourned at 6:25 pm.

Richard G. Harris, Mayor

S. Annette Spendlove, CMC
City Recorder

Date minutes approved. _____

