

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 23, 2010

The North Ogden City Council convened in regular session on February 23, 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 February 19, 2010. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2010.

PRESENT:	Richard Harris	Mayor
	Martha Harris	Council Member
	Wade Bigler	Council Member
	Ron Flamm	Council Member – arrived at 5:37pm
	Carl Turner	Council Member
EXCUSED:	Brent Taylor	Council Member
STAFF PRESENT:	Edward O. Dickie	City Manager
	Annette Spendlove	City Recorder
	Debbie Cardenas	Finance Director
	Gary Kerr	Building Official
	Polo Afuvai	Police Chief
	Jeremy Hinds	Police Officer
	Julia LaSeure	Commercial Development Coordinator
VISITORS:	Austen Mackley	Landon Linford
	Mason Clark	Dean Halbert
	Austin Halbert	Colby Widison
	David Hampton	Joseph Hampton
	Jake Reed	Jeremy Porter
	Jason Godfrey	Tyler Mertuich
	Dave Hulme	Kelli Hiatt
	George W. Parsons	Helen Taylor
	Shawn Maynard	Paul Smith
	Rachel Trotter	Jenice Jones
	Scott Garner	Trent Goodwin
	Bruce Goodwin	Shirley Nigro
	Natalie Nigro	Jim Suhr
	Chris Bowen	Julia Bowen
	Don Mathewson	

WELCOME

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

CONSENT AGENDA

1. Consideration and/or action to approve minutes of the February 9, 2010 meeting.
2. Consideration and/or action to approve Business Licenses.
3. Set February 26 and 27 (if needed), 2010, as budget meetings for fiscal year 2010-2011.
4. Consideration and/or action to set March 9, 2010 as the date to hold a public hearing regarding amendments to Chapter 22, 'Sign Regulations for all Zones', of the North Ogden City Zoning Ordinance.

Council Member Martha Harris moved to approve numbers 1 through 4 of the Consent Agenda. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Turner	aye
Council Member Bigler	aye
Council Member Martha Harris	aye

Motion passed.

5. **PUBLIC COMMENTS**

Dean Halbert, Assistant Troop Master for Troop 236 of the Boy Scouts of America, explained that the boys want to discuss Airsoft guns. They have talked with Council Member Flamm about it and he told them they would need to come to a meeting. Current law states that any air gun is not to be used within the City limits. These guns are Airsoft guns, they are spring loaded and the boys would like the Council to re-evaluate them as part of that ordinance.

Colby Widison and Austin Halbert, explained that Airsoft guns are spring powered and are not as powerful as the CO₂ powered guns and they would like them to be allowed in the City limits.

Council Member Flamm arrived at 5:37pm.

Mayor Harris stated that he is active in the Boy Scouts of America and he is not certain whether Airsoft guns are appropriate or approved.

Dean Halbert stated that is true but the boys wanted to bring this issue up for their own personal use. These guns are only appealing to an age bracket of about 10-14 years old. These are something that they would just like the City Council to look at.

Mayor Harris stated that this will be discussed with Chief Afuvai.

Jed Musgrave, 292 E. Lomond View Dr., stated that he is here to testify that he is a good landlord and Paul Smith, the teacher of the Good Landlord Program, would agree. He feels that it is a good program. The article in the Standard-Examiner made it sound like the City could generate \$100k from this program but he believes that the program is probably an income neutral or income losing program. It is a good program in high density, urban areas for reducing crime. Landlords can be discriminating regarding who they rent to. He explained that there were times in Ogden City that the ratio of Police calls was 20 to 1 for rentals to homeowner properties. He thinks a business license, as it applies to a landlord, is a good idea. These

landlords would be on record with the City and there would be a small fee. It is difficult for him to want to buy another business license as he has properties in several cities in the area. He understands that the City is unsure of how the fees would be applied at this point. He does not think it is fair to require the fees per property as they are already taxed and those taxes go to services apply to those homes. He thinks that a minimal fee would be fair to register as a landlord and believes that North Ogden City applies taxes in a fair manner. The services that are provided by North Ogden City are the best in any city.

Council Member Turner asked Mr. Musgrave about the Good Landlord Program in Ogden and whether there is one in Sunset. Mr. Musgrave stated there is not in Sunset. He went on to say that there are additional fees for being in the Good Landlord Program; background checks, classes, etc... He thinks it is doubtful that it will achieve any of the goals in North Ogden that it achieves in other cities. North Ogden City doesn't have a high number of rentals. There are a large percentage of landlords that aren't doing it because they are businessmen; they do it because they need to rent a property. A modest business license fee is acceptable and appropriate.

Mayor Harris stated that the City is barely getting into this program. Mr. Smith is here to tonight to explain it further. There have been no decisions made.

6. **PRESENTATION OF 10 YEAR SERVICE PIN TO OFFICER JEREMY HINDES.**

Chief Polo Afuvai stated that he appreciates the opportunity to be here to recognize the services of their employees. It is his privilege tonight to present Officer Jeremy Hindes with a service pin. Officer Hindes has been here 10 years and is a Master Officer. He has been the DARE Officer at North Ogden Elementary for the last 8 years. He is also a firearms instructor including shotgun, Tazer, etc... Officer Hindes is a professional, highly trained individual.

Mayor Harris stated that the City appreciates Officer Hindes' years of service.

7. **DISCUSSION ONLY REGARDING THE GOOD LANDLORD PROGRAM.**

Paul Smith, Executive Director of the Utah Apartment Association, explained that the program can benefit and improve the community. It started about 6 years ago in Ogden. State law allows Cities to charge disproportionate fees and rental properties in Ogden generated a large percentage more service calls. Some landlords cause problems; some rentals cause more problems than others. This program gives the landlord an incentive to help reduce the services required. Background checks help because, statistically, when landlords know who they are renting to they are less likely to rent to drug dealers, sex offenders, etc... Landlords are also often unaware of how to evict a person. He explained that he has a property in a city in the Salt Lake Valley. They started an eviction on a tenant and within a week he was contacted by the local Police. The Police stated that they were called out to this residence 15 times within a month. If the Police had let him know the first time they had to go to that location, the landlord would have dealt with the problem immediately. The landlords also take classes to learn how to screen tenants. He explained that landlords can only enforce the zoning ordinances if they are aware of them so the classes are very beneficial.

Mr. Smith stated that the Cities and Police love these programs because they greatly reduce the number of calls. The Good Landlord Program is a partnership and if there is a problem on a property the police contact the landlords right away. He stated that people are sometimes afraid of the government, but if the fee is

minimal it is a benefit to everyone. The program helps that landlord make more money and be more successful.

Council Member Bigler mentioned the \$50 to charge for a license and asked what the cost of training is. Mr. Smith stated that the Apartment Association meets with code enforcement, etc... The cost is \$59 for the initial training, \$40 for refresher training and the costs of the business license. The issues change so it is helpful for the landlords to come back for refresher training. The Apartment Association sets up the training and provides it for the City.

Council Member Bigler stated that right now he is not very educated on this but is trying to go through the fundamentals. He has a problem with charging these people when they are already charged. North Ogden City does not have the problems that Inner city Ogden may have. Mr. Smith stated that 9 cities have adopted the program including, Washington Terrace, West Valley City and West Jordan City. Taylorsville, Provo, Roy and many others are considering the program. Washington Terrace learned quickly that they needed a program in effect to deal with the influx of criminals from Ogden City. If it is set up early for a nominal fee the City won't have problems later.

Council Member Turner asked how this affects commercial property landlords. Paul Smith stated that a disproportionate fee study looks at all the categories of businesses and North Ogden City has had this done. He is not aware of any discount program, like the Good Landlord Program, for commercial businesses.

Paul Smith stated that he appreciated the opportunity to come tonight and work with the City. He reminded the Council that whether he knits mittens or has a bakery in the city he is required to obtain a business license and that being a landlord is a real business as well.

Mayor Harris mentioned that we are in the midst of a fee study and as part of the study the Good Landlord Program came to light. The reason we are doing it is that the legislature requires a professional finance firm to complete this type of study. That firm will tell us what the disproportionate fees are for all types of businesses. We are taking a hard look at this and are very cognizant of our businesses and the fees they pay and the taxes they provide. One other aspect is that this study, by law, will set the maximum allowed by law but we would not necessarily charge the maximum allowed.

Council Member Martha Harris stated that she would not want to have the perception in the community that this is being looked at as a revenue generating item. There is a criminal element in society and we want to make sure that as a community we are doing everything we can to protect our safety.

8. PUBLIC HEARING TO TAKE COMMENTS REGARDING AMENDMENTS TO THE 2009-2010 FISCAL YEAR BUDGET.

Debbie Cardenas stated that each year we reopen the budget to address expenditures that were not covered in the original budget. Things we were not aware of at the time we did the original budget. Items that need approval include the following:

General fund –

Overages on Department Supplies and Paint Supplies in the Streets and Highways Dept. need to be covered. We are not raising the budget on this but taking \$4,400.00 from Street Maintenance and moving it to Department Supplies and Paint Supplies to cover it.

The man-lift being used to put up lights and banners was not safe. We are debating the purchase of a new man-lift; we are currently renting one. We sold the old man-lift for a little over \$6,000 and we are using \$1,900 of the proceeds to pay for the rental.

The drain retrofit needed at the Aquatic Center is required by Federal law. As the engineering, installation and inspections of the retrofit. The total is \$26,250.00 and this is an immediate need as it needs to be installed and ready when it is time to open for the season. This amount will be taken from the fund balance.

Because the Seasonal Activity Guide was not printed Community Services saw a substantial drop in registrations. We determined that if at least one was sent out it would benefit the City. The funds are coming out of the Little Miss pageant.

Travel and training is very important for the Council. We cut the budget last year because some of the outgoing members were not going to take advantage of the training. \$4,000.00 is needed and will be taken out of the Queen Pageant and the float.

We are looking at trying to purchase the property around the city buildings. It will cost us \$2,000.00 for two (2) first rights of refusal. This is not an increase in the budget and will also be taken from the Queen pageant. In addition we want \$10,000.00 in reserve in case any of those properties become available.

Last year quite a few employees left and filed for unemployment. We were hit with a bill that we were not ready for. Because we haven't had any claims this year currently have a balance of \$10,000.00 in that account to use for land acquisition seed money.

The City offered buyouts to employees who were eligible. Two of them affected the General Fund. There are enough funds in fund balance to pay for this.

Water fund –

We purchased a new generator which required an updated radio and remote for the radio. The total cost was \$4,850.00. This is not a budget increase. We are using the balance left from the generator purchase to pay for this.

One employee taking advantage of the buyout will be paid out of the Water fund. This will be paid for using reserve's in the fund balance.

Council Member Martha Harris stated that it is important to mention that we will see savings next year. Debbie Cardenas stated that it correct; the savings will be recognized in the next fiscal year.

Council Member Martha Harris explained that a City's budget has to be able to be a fluid document. The Council has to be able to adjust it as the situation changes. She explained that the money can be moved around as necessary and these items all had prior council approval. These are items that they have been aware of and have approved.

Edward Dickie stated the fund balance is still very healthy and is slightly over 10%.

Council Member Flamm asked what is left after the \$2,900.00 is taken out of the Queen pageant. Annette Spendlove stated it leaves a balance of \$10,100.00.

Council Member Bigler feels it is important that the citizens know that they are trying hard to save money. He stated that they were able to get the cost of the Seasonal Activity Guide covered for next year. He doesn't think any of this is wasteful spending at all.

Council Member Turner thanked the staff and stated that this information is all available online. He added that it is a great tool and that is what he is using tonight.

Open Public Hearing at 6:25pm.

There were no public comments.

Council Member Flamm moved to close the Public Hearing. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Martha Harris	aye
Council Member Flamm	aye
Council Member Bigler	aye
Council Member Turner	aye

Motion passed.

9. CONSIDERATION AND/OR ACTION TO APPROVE AMENDMENTS TO THE 2009-2010 FISCAL YEAR BUDGET.

Council Member Martha Harris moved to approve the amendments to the 2009-2010 fiscal year budget . Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Bigler	aye
Council Member Flamm	aye
Council Member Martha Harris	aye
Council Member Turner	aye

Motion passed.

10. CONSIDERATION AND/OR ACTION TO APPROVE THE FINAL STUDY ON THE PUBLIC WORKS BUILDING.

Edward Dickie stated that staff recommends the approval of the Final Study on the Public Works Building from Blaylock.

Council Member Turner asked whether they are just accepting the study from Blaylock as the final document.

Edward Dickie stated that they are looking at using it as a plan; accepting it as a plan.

Mayor Harris stated it set the parameters for the new Public Works Building which is sorely needed.

Council Member Bigler moved to approve the final study on the Public Works Building. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Turner	aye
Council Member Flamm	aye
Council Member Martha Harris	aye
Council Member Bigler	aye

Motion passed.

11. CONSIDERATION AND/OR ACTION TO APPROVE THE HOURS OF OPERATION FOR THE CITY.

Edward Dickie stated that staff is finding it difficult to cover the extended hours. Some employees are on a 9/80 schedule while others work straight 8 hour workdays. Staff is proposing a 4/10 hr schedule, straight 8 hour per day/40 hour week, or a hybrid. The four tens will extend the hours but would close the offices on Fridays.

Council Member Flamm stated that he feels we need to be open on Fridays.

Council Member Turner asked how the four tens would work with holidays. Edward Dickie stated that it could work different ways. The policy committee would have to figure out what would work best and bring it back to the City Council.

Council Member Bigler feels for the employees that would like a 4 day workweek but likes the Friday option for our citizens. To have 4/10s would cost more in the long run for the City because of holidays. Edward Dickie stated that it depends how they do the holidays. Council Member Bigler also likes the 8 hour days and would prefer 9am-5:30pm for the citizens.

Council Member Martha Harris stated it seems that we have had this conversation several times. We are a customer service entity and our offices need to reflect that. It is inconvenient to not be open on Fridays. The State has found minimal savings and she doesn't think we would see savings. Productivity in 8 hours is more than four tens also.

Council Member Turner stated that in some of the work he has been involved with there are entities that are closed on Fridays but once you get used to it, you just work around it. He is not opposed to trying it.

Mayor Harris stated that a year ago he and Council Member Martha Harris were solidly against a 4/10 schedule. Since taking office he has a different perspective. The State is on the 4/10 and he sees that as a trend for government agencies. He has been in office six weeks now and has been in his office on Friday afternoons and has seen very little business. There are a few people who come in to pay their bill. There are even fewer after 5pm and we are open until 5:30pm. He has the same concern about being open to the public but he has not seen the need to be open on Friday. He asked the Council Members to consider that.

Edward Dickie stated that all of these are a lot better than what we have and that rally is the point.

Mayor Harris agreed and stated that we don't have the staff to cover the current hours. The intent is to serve the public.

Council Member Martha Harris moved to set the hours of operation as 5 days a week, 8 hours per day. Council Member Flamm seconded the motion.

Council Member Bigler stated that we might get more people coming in the afternoon than between 8:30 and 9 am. He suggested the hours of 9am-5:30pm.

Council Member Flamm wondered whether the staff has noticed a difference in the times.

Council Member Martha Harris amended the motion to include the hours of 9am-5:30pm. Council Member Flamm seconded the amended motion.

Voting on the motion:

Council Member Turner	no
Council Member Bigler	aye
Council Member Flamm	aye
Council Member Martha Harris	aye

Motion passed 3 to 1.

Edward Dickie stated that we will implement the new hours April 5, 2010.

12. CONSIDERATION AND/OR ACTION TO ADOPT RESOLUTION 01-2010, AUTHORIZING A CAFETERIA PLAN FOR DEPENDENT CARE AND HEALTH FLEX SPENDING ACCOUNTS.

Annette Spendlove stated that this plan is already offered to staff and this is just to ensure that we are complying with federal regulations.

Council Member Flamm moved to approve Resolution 01-2010. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Martha Harris	aye
Council Member Bigler	aye
Council Member Turner	aye
Council Member Flamm	aye

Motion passed.

13. CONSIDERATION AND/OR ACTION TO APPROVE A BEER LICENSE FOR WINGER'S.

Gary Kerr stated that this is a renewal. He explained that this item and the next are basically the same. Staff recommends approval.

Council Member Bigler moved to approve Winger’s beer license. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Martha Harris	aye
Council Member Flamm	aye
Council Member Bigler	aye
Council Member Turner	aye

Motion passed.

14. CONSIDERATION AND/OR ACTION TO APPROVE A BEER LICENSE FOR 7-11.

Council Member Martha Harris moved to approve 7-11’s beer license. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Martha Harris	aye
Council Member Flamm	aye
Council Member Bigler	aye
Council Member Turner	aye

Motion passed.

15. CONSIDERATION AND/OR ACTION TO APPOINT MEMBERS TO THE PLANNING COMMISSION.

Mayor Harris stated that six very qualified applicants have been interviewed. In addition to the two vacancies on the Planning Commission there is one other member, Jon Bingham, whose term is due to expire. He recommended that the Council reappoint Jon Bingham to the Planning Commission and appoint Allan Dalpais and Dave Hulme to the Planning Commission.

Council Member Martha Harris moved that the Council endorse the Mayor’s appointments, Dave Hulme, Allan Dalpiais and Jon Bingham. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Flamm	aye
Council Member Bigler	aye
Council Member Turner	aye
Council Member Martha Harris	aye

Motion passed.

Council Member Martha Harris congratulated the new members.

16. **PUBLIC COMMENTS**

Trent Goodwin, Goodwin Auto Sales, 1583 N 400 E. stated that he is here to see that his business application went through. Mayor Harris stated that it was approved.

Council Member Turner reminded the public that we have our budget meeting on Friday and Saturday. He also stated that a year or so ago the Trails Committee started putting together a trails ordinance. Weber County is putting one together that will encompass North Ogden City trails. The Parks Committee has openings and he invited residents to come and apply. There are only two active members right now and there are lots of things to look forward to there.

Council Member Bigler congratulated the new Planning Commission members. He stated that he received a water quality report letter at home and asked if it is part of the budget? Required by law? Sent by the city? Annette Spendlove stated yes to all three. Council Member Bigler stated that he wanted to bring up some issues with business ordinances and codes. He is hoping that everyone will be open-minded to discuss those. He feels very strongly that some things in our ordinances are micromanaging a little too much. He wants to take a look at some of these ordinances and wants to know how the City Council feels about it. Signs, no outside advertising, no parking a vehicle in your place of business, etc... He has some concerns about some of these. He would like to propose that these items be put on the next agenda. These economic times are tough on the businesses too. They own the property and are trying to survive and people need to know what businesses are there. He is not talking about having no restrictions but wants to take a look and maybe adapt them. Some alterations are needed.

Council Member Bigler asked if he could make a recommendation to those options. He would prefer that this be an agenda item on the next agenda. Edward Dickie stated that we would have to have a public hearing but this sounds like something that would be more of a workshop first to get some consensus. Once we start looking at them more we would like to have a public hearing.

Mayor Harris stated that it will be put on the agenda. Edward Dickie stated that Council Members have the prerogative to add things; he was just trying to explain the process.

Council Member Turner mentioned that City emails are public records.

Council Member Flamm stated that the Senior Center is appreciated and pointed out Zella in the crowd. He mentioned the Airsoft gun issue and stated that they seem to be more of a toy than a firearm. He would like the Police Chief to come in and address that law and give the City Council his feelings so they can perhaps change the ordinance. Mayor Harris stated that Chief Afuvai will come make a presentation.

17. **ADJOURNMENT**

Council Member Turner moved to adjourn. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Harris	aye
Council Member Turner	aye
Council Member Flamm	aye
Council Member Bigler	aye

Motion passed.

Meeting adjourned at 7:02pm.

Mayor

City Recorder

Date approved