

# NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 13, 2009

The North Ogden City Council convened in regular session on January 13, 2009 at 5:30 p.m. at the City Offices. Notice of time, place and agenda of the meeting were delivered to each member of the City Council, posted on the bulletin board at the municipal office and mailed to the Standard-Examiner January 9, 2009 Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2008

PRESENT:	Gary A. Harrop	Mayor
	Martha Harris	Council Member
	Richard Harris	Council Member
	Jed Musgrave	Council Member
	Carl Turner	Council Member
EXCUSED	Ronald Flamm	Council Member
STAFF PRESENT:	Edward O. Dickie	City Administrator
	Annette Spendlove	City Recorder
	Sue Richey	Deputy City Recorder
	Craig Barker	Community Development Director
	Bruce Evans	City Attorney
	Mel Blanchard	Public Works Director
	Debbie Cardenas	Finance Director
	Gary Kerr	Building Official
VISITORS:	Melanie Zodikis	Melissa Plank
	Mary Haymen	Jerry Lindquist
	Lance Wood	Paul Strahl
	Kim Wahlquist	Ivan Barker
	Justin Penrod	Aaron Pfof
	Tanner Hone	Rachel Trotter
	Lana Tolman	Preston Kirk

## WELCOME

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

## CONSENT AGENDA

1. Action to approve the Council Meeting Minutes for November 25, 2008.
2. Action to approve business licenses: Home Occupation – B. D. Crobie Consulting, L. Harding Transport, LLC., Colette Asay, Aspen Engineering Group and Buy Low

Sell High.

3. Action to approve the Council Meeting Minutes for December 9, 2008.
4. Action to approve January 27, 2009 as the date for a Public Hearing to receive comments on proposed amendments to the North Ogden City Budget FY 2008-2009.
5. Action to approve the Seasonal Activity Guide for the Community Services.

**Council Member Rich Harris moved to approve the consent agenda without the business licenses. Council Member Jed Musgrave seconded the motion.**

**Voting on the motion:**

**All Members voted aye.**

**Motion passed.**

Discussion on the motion:

Council Member Rich Harris had a question about the license application for L Harding Transport, LLC. He asked Gary Kerr, City Building Official, if the owner, Larry Harding understood that City ordinance prohibited parking business trucks in front of his house. Mr. Kerr said he would make sure the applicant was informed on those requirements.

**Council Member Rich Harris moved to approved the Business Licenses with Harding Transport's approval contingent upon the business complying with City Ordinance. Council Member Martha Harris seconded the motion.**

**Voting on the motion:**

**All Members voted aye.**

**Motion passed.**

## **AGENDA**

### **6. Public comments.**

Mary Haymen, 808 E. 3200 N., read a written statement (on file) detailing her concern about an article she had read in the Standard stating the City would be changing its Animal Ordinance. Her statement documented her long history with dogs, breeding, showing and ownership. Mrs. Haymen told the Council she was a responsible dog owner who complied with all the City's ordinances concerning dog ownership in the City. If the law was changed and her son had to give up his 4 month old Great Dane puppy because he was a renter in her home, she and her family would be forced to sell their home and move. She expressed her belief that if the City changed its ordinance it would cause residents to hide their dogs instead of licensing them as the law requires.

Council Member Musgrave told Mrs. Haymen that he had initiated work on an ordinance dealing with barking dogs. The problems, he had been having, have since been resolved and he has withdrawn his request for action.

Council Member Martha Harris told the Haymens that it would be very difficult for the Council to consider dog ownership requirements on a case by case basis. The City must be so careful to ensure every resident is treated equitably. The Council doesn't want to be viewed as being arbitrary or capricious. Council Member Martha Harris explained that there are only certain areas in the City zoned Residential "R-4" where rental units are allowed.

Mayor Harrop told Mrs. Haymen the Council would be looking into this in more detail and there will be a public hearing held on the proposed changes to the Animal Ordinance during some future Council meeting.

Polo Afuvai, Chief of Police, told Mrs. Haymen that the City's Animal Ordinance has always limited dog ownership to two animals per household. He said he would have the Animal Control Officer look into this.

Bruce Evans, City Attorney, explained that the City was trying to accommodate the use of therapy dogs. In the specific case where the owner is a licensed therapist using his dogs in a professional capacity the animal ordinance would be amended to allow three dogs in such a household. This change would only apply to someone who is a state-licensed therapist. Mr. Evans asked Mrs. Haymen if she was in an area zoned for apartments. Mrs. Haymen said, as economic conditions worsen, others in the community may want to rent out part of their homes, what would the City do then? Mr. Evans said this can only be undertaken in areas zoned for rental property.

Mr. Haymen asked how a citizen could change a City Ordinance, especially if there was a great deal of support for the change. Mayor Harrop told Mr. Haymen to get in touch with Gary Kerr, City Building Official.

Melissa Plank, 256 E. 2625 N., read a prepared statement to the Council (on file). She told the Council she had been informed that she, as a property owner, could have two licensed dogs and her renter could have two licensed dogs because they are separate residences. She was also concerned that this might be changed. Ms. Plank told the Council she would like to see a change in the City's management of its cat population. She told the Council she had dealt with stray cats on her property and was concerned at the lack of attention the City paid to this growing problem. Ms. Plank encouraged the Council to use resident's tax dollars more wisely by paying the impound fees for stray cats, instead of letting them suffer and die from exposure and starvation.

7. Presentation to Ivan Barker for his years of service to the City as a Planning Commission Member.

Mayor Harrop recognized Ivan Barker for his service on the Planning Commission extending from October 1993 to January 2009. Mayor Harrop thanked Mr. Barker for his dedication and his 15 + years of service as a member of the Planning Commission.

8. Introduction of Branden Quinney, new employee in the Public Works Department.

Mel Blanchard, Public Works Director, introduced Brandon Quinney, the newest employee in the Public Works Department. Mr. Quinney came to the City with a Class A Commercial Driver's License and is a great addition to the City's workforce especially in the area of vehicle maintenance.

9. Update on Snow Removal.

Mel Blanchard, Public Works Director, gave the Council an update on snow removal in the City. He explained that while other cities along the Wasatch Front have had to cut back on their snow removal this winter North Ogden wasn't one of them. On Christmas Day the entire Public Works crew worked 12-hour shifts. Mr. Blanchard also gave an update on the amount of salt used by the City so far this year, 1100 tons. In the years prior to 2007 the average amount used was 600 tons. He reviewed the procedure currently in place for plowing. Snow isn't pushed until there is at least 3" of accumulation. During regular business hours, the Director of Public Works decides whether to salt or salt and plow. After business hours, the police officer on duty decides what action should be taken. The officer calls the person on-call who passes the message on to the Assistant Director who then decides whether salt or salt and plowing are necessary.

Council Member Martha Harris complemented the Public Works Department for the great job they have done keeping the streets clear of snow. Council Member Musgrave also thanked Mr. Blanchard and his department for the great job they are performing. Mr. Blanchard said that Parks and Recreation employees do the job of snow removal on the sidewalks and it isn't an easy one. Every time the plows come by the snow is pushed up on the sidewalks and they have to be re-shoveled.

10. Public Hearing to receive comments on the proposed increase in the City's Sanitary Sewer Fees.

Lance Wood and Preston Kirk, Central Weber Sanitary Sewer District, presented this item to the Council. Mr. Wood gave a short history on the Sanitary Sewer Treatment Plant. It currently doesn't meet Environmental Protection Agency (EPA) requirements. Mr. Kirk told the Council the District had to bond for the money to finance the required upgrades to the facility. Without these upgrades the Sewer District would have been fine \$100,000 per day by the EPA. Mr. Kirk explained that in order to repay the money received through the bonding process, the City's bill from the Sewer District would increase from \$64,582 to \$130,112. This will mean an increase for North Ogden City residents on their sanitary sewer charge. It will increase by \$4.05 to a fee of \$14.30 per month for the sewer charge. He told the Council the District was planning on having the

new plant on line in 2011. By this time the District will know the exact amount of the construction costs and so can re-evaluate the rates they are charging the cities.

Bruce Evans asked about the TMDL (total maximum daily load) on the Weber River and if the plant was projected to handle new growth? Mr. Wood said the District is strictly regulated and is planning construction to handle the projected future growth in its service area. Mayor Harrop opened the Public Hearing at 6:31pm.

Steve Morgan, 1249 E. 2500 N., asked the Council about the difference between what the City pays and what residents pay for sewage treatment. He asked if the difference included the projected 20% increase. Mr. Dickie, City Administrator, said it didn't and that change would not take place until next year. It would probably add an additional \$1.59 to a City resident's bill in addition to the increase of \$14.50 already being discussed. Mr. Dickie told Mr. Morgan that by 1012 the City's sewer bill could be \$20.75 per month. Mr. Wood explained that the increase for this project would be in place and then bonding would take place.

Council Member Turner asked Mr. Wood and Mr. Kirk when they had become aware of the needed construction. If there had been some lead time on this then why didn't they increase their fee to the cities in smaller increments over a more extended time period instead of hitting us all at once with such a substantial increase? Mr. Wood said the District has known an approximate cost for a couple of years. We have looked at three different methods of funding for this project. They are impact fees, property taxes and monthly sewer fees. Mr. Kirk said because of the collapse of the housing market, impact fees are much less than anticipated, the District is already at the top of the allowable rate for property tax revenue so monthly fees had to be raised to cover the gap between the other two revenue sources. He told the Council many other sewer districts are raising their fees. The information being presented tonight is the best available at this time on interest rates and constructions costs.

**Council Member Martha Harris moved to close the Public Hearing. Council Member Rich Harris seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris - yes**  
**Council Member Richard Harris - yes**  
**Council Member Jed Musgrave – yes**  
**Council Member Carl Turner – yes**

**Motion passed**

Public Hearing closed at 6:41pm.

11. Interview of the applicants for the vacancy on the Planning Commission.

The potential applicants were unable to attend the meeting this evening, so the interview was postponed to a later date.

12. Discussion and/or action on Ordinance #2009-01. An Ordinance establishing an Urban Design Plan for property located in areas zoned for commercial enterprises.

Craig Barker, Community Development Director, reviewed this item, reminding the Council this has been before them for their consideration and discussion during previous Council meetings.

**Council Member Martha moved to approve Ordinance #2009-01, an ordinance establishing an Urban Design Plan for property located in areas zoned for commercial enterprises. Council Member Rich Harris seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris - yes**

**Council Member Richard Harris - yes**

**Council Member Jed Musgrave – yes**

**Council Member Carl Turner – yes**

**Motion passed.**

13. Discussion on Compensation for On-call Employees, Comp Time vs. Overtime.

Annette Spendlove, City Recorder/Human Resource Director, told the Council the current Personnel Policies stipulate an employee on-call in the Public Works Department will be paid at a regular rate of one hour for each week day while they are on-call and two hours for each weekend day. City staff has requested the policy be amended so employees working on-call could choose between comp time or regular pay as compensation for the time they work in that capacity. Council Member Martha Harris pointed out that this suggested amendment of the City's Personnel Policy was proposed as a cost saving measure for the City. Mr. Evans said he could see an increasing trend among younger workers wanting this option so that they can have more time off.

Council Member Rich Harris asked Mr. Dickie what his feelings were about this proposed change. Mr. Dickie said he felt it was a good change that had the potential to save the City some money. He explained to the Council that employees couldn't be forced to take comp time instead of overtime but this would be offered to them as a choice. Mrs. Spendlove explained how the hours worked on-call were calculated. Debbie Cardenas, Finance Director, told the Council employees aren't trying to get a higher rate. If they select comp time it saves the City money.

**Council Member Musgrave moved to amend the City's Personnel Policies to allow employees working on-call to be paid either in overtime or comp time depending on their choice. Council Member Turner seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris - yes**  
**Council Member Richard Harris - yes**  
**Council Member Jed Musgrave – yes**  
**Council Member Carl Turner – yes**

**Motion passed.**

14. Public/Council comments.

Mrs. Cardenas reviewed the City's finances through the end of December 2008. The City has received 48.2% of the overall revenues projected in the FY 2008-2009 Budget. Last year at this time it had received 56.5%. Expected revenue in the areas of Building Permits, Engineering and Plan Check Fees are all significantly below projected amounts. The State has allocated 33% of the Class 'C' road funds. North Ogden City has received 24.2% of the budget so we are down 8.8%. Mrs. Cardenas then reviewed the areas in the budget that exceeded the amount placed in the budget for FY 2008-2009. Under Legislative- account number 10-41-220 the public notices expenses for Truth in Taxation pushed the budget over by \$1,215.50. In Non-departmental – account number 10-49-250 three employees have filed for unemployment. In General Government Buildings - account number 10-51-310 the Senior Center personnel costs have increased and Weber Human Services is asking for an additional \$23,000 to cover those costs for this fiscal year. In Planning – account number 10-55-310 professional services reflects the cost for the traffic study. In the areas of Streets & Highways and Capital Projects, funds were appropriated in the last fiscal year and these items will be addressed in the budget opening.

Council Member Rich Harris asked if there were funds in the budget for the additional \$23,000 the City would have to pay for the Senior Center's personnel costs. Mrs. Cardenas there is enough in the General Fund to cover this expenditure. He also asked about having the Council's goal to have a 10% cushion in the General Fund. Mrs. Cardenas said the City is over the 18% limit imposed by the State in the General Fund but it is hoped that this will cover the City's reduced revenue flow for this fiscal year. Council Member Martha Harris asked if the 18% included all the costs for the Community Services Building, Mrs. Cardenas said even with those costs the City is still at or slightly above the 18% limit.

Council Member Turner commented that this is his first year anniversary as a Council Member. He has been very impressed with the Public Works Department and their work doing snow removal. Plowing is tough work and these guys do a great job. He is also very impressed with the work done by past City Councils to ensure North Ogden is well managed both in the areas of fiscal stability and providing services to the residents.

Ed Dickie, City Administrator, told the Council the Utah Department of Transportation (UDOT) would be here on the 20<sup>th</sup> of January at 4pm to have a discussion with State Senator Christensen, the Mayor, the City Administrator and the City's Public Works Director about the median on Washington Boulevard across from the new Zion's Bank building. He told the Council his first year anniversary with the City would be tomorrow.

Mayor Harrop thanked Rachel Trotter, a reporter from the Standard-Examiner for her coverage of our community. He told those in attendance that the City has 57 full-time employees who have a total of 585 years of experience serving the community. The Council and City employees share the credit for the soundness of the City's finances, infrastructure and the services provided to all who live in North Ogden.

**Council Member Jed moved to adjourn the meeting. Council Member Rich seconded the motion.**

**Voting on the motion:**  
**All Members voted aye.**

**Motion passed.**

The meeting adjourned at 7:15 pm.

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Gary A. Harrop, Mayor

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S. Annette Spendlove, CMC  
City Recorder

Date minutes approved. \_\_\_\_\_



Honorable Mayor, City Council Members, & Concerned Citizens of North Ogden.

I would like to introduce myself.....

My name is Mary. Five years ago my husband and I moved our family to North Ogden from Chula Vista, California.

From the time I was ten years old I have been involved with purebred dogs. My mother and I raised and bred them. Later I became a breeder in my own right being the first to have litters of both Nor. Elkhounds and Soft Coated Wheaten Terriers in California. I was an AKC All Breed Judge for many years, and one of the founding members of the Bahia Sur Kennel Club of Chula Vista, which now boasts well over 1200 members and is one of the largest all breed kennel clubs in California. I am and always have been a strong supporter of the American Kennel Club. I have spent many hours teaching dog obedience classes to children in the Chula Vista Elementary School District during their after school activity programs and many hours in the classroom teaching about dog care and the importance of obedience training. Some of my children showed our dogs in Jr. Showmanship. The care and raising of dogs has been a very large part of our family. I am not a novice when it comes to dogs and I am also NOT your problem.

The first thing we did after we bought our home

was to put up a steel fence....not to protect the neighbors from our great dane but to protect him from the outside world. My great danes are members of our family...since our eleven children are all adults now they have become like our kids. They do not run the neighborhood, they do not defacate on the neighbors lawns, they do not spend hours during the day & night outside barking, and you will NEVER see any of my dogs in the back of a pick-up truck!...instead they are loved, they are well fed, medical care is not an issue, they are in the house, on the sofa's and in our bed. My dogs NEVER leave our property without their leash, and a baggy in our pocket. If they are in our cars they are harnessed for their protection. On their collars they have a name tag, a tag from Dr. Steve Lemmon's office and a North Ogden Lic....they are up to date on any and all shots that they should require for good health and see the vet every six months for checkups. I am NOT your problem.

If you change the laws that are now on the books and come and take dogs from their homes, even the ones that have lic.'s you are opening the door for such trouble. I for one would have to be placed under arrest before you would be able to take one of my dogs. I would pray you would give me enough time to

place my home on the market and sell it, for that is what we would have to do before we gave up one of our family members.....

If you get a complaint about a dog and your animal control officer goes and that dog has no tag around its neck then it should be picked up and the owners cited, and I mean a BIG fine! That should go for the ones that are left outside in the snow and heat of summer with no shelter...animals that are underfed and uncared for properly. Dogs riding in the back of pick-up trucks unsecured.... That is animal abuse and in the state of Utah it is now a felony and that law should be actively enforced in North Ogden.... By changing laws all you are going to do is have people hide their dogs, which means they are much less apt to get their rabies and other shots that not only protect the dog but us as well. There are those of us that can care for several dogs properly and many others that have no business having one let alone two. Every 10 seconds in this country an animal is being beaten or abused in some way...it needs to STOP!! Once again I am NOT your problem!

In closing I would like you all to take a look at my Birthday present my children presented me with this year...This is our 12 year old Great Dane...Barabbas. On that nightmare of a day in September when we lost him, something left our home, our hearts, that will never be

replaced. He was in very sense of the word "family"...in fact my kids referred to him as their brother from another mother.... I would hope that every single person in this room has had a dog like Barabbas at one time or another in their lives, for I believe the love of a dog is truly the only unconditional love we will ever know. Does he look under fed? uncared for? unloved? NO he does not...I brought this picture of him to show you what was around his neck....please take notice...my dogs are legal...I am NOT your problem.....please, don't punish all of us for the irresponsible acts of others, WE here today are NOT your Problem.....

Thank you for your time & your consideration on this very important matter that effects so many!

Good Evening:

My name is Melissa. My family and I moved to North Ogden in May of 2006. I have a concern I would like to address to you this evening.

Soon after moving into our home we quickly noticed several stray cats that roamed our neighborhood. For the most part they were of little concern to us. We often thought of them as local pets that just roamed the block. It was soon after that we began to speak to our neighbors and realized that they were not pets but strays. In observation I began to suspect the cats were being abandoned behind Lee's Market by the dumpster, which is close to my residence. In the winter of 2006 a kitten had fallen into my basement windowsill and as I attempted to rescue it the mother cat attacked me. Through watching her demeanor I guessed she had distemper and I avoided contact with the entire stray. As the weather got colder I caved in and supplied the cats and kittens with food, and warmth in my garage.

The cats seem to gain in numbers as the following winter arrived. The mother cat had reproduced and the litter was lost in the snow. Upon the melting of the snow in 2008 the remains of the kittens were found in my yard.

I contacted animal control and requested a trap for these cats. After having waited a week or so I picked one up from the city office. I was taken back when I was informed that I would have to pay a \$25.00 fee to forfeit the caught strays. I chose to do that as opposed to have the abandoned cats suffer and possibly die. I accomplished the trapping of the mother cat and a male cat that I suspected was fathering the litters. I took them to the shelter and paid the fees. With little doubt that they would be adopted I found comfort in knowing that if they did have to be put down it would be in a humane way as opposed to freezing or starving to death. Within a few months a young cat was discovered roaming my property. I noticed its markings to be similar to the ones on the male I had trapped. A few weeks later I also noticed a couple of small kittens

on my property. I was saddened to realize that the younger cat had produced a litter of her own.

I once again notified animal control. I explained to them the situation and was told I would need to repeat the trapping and forfeiting once again. I was also told that there was a wait for the traps since we only have a few traps available.

The problem was similar to the last. The two kittens and young cat were in the snow, cold and hungry. I again wanted to rescue these helpless animals. Unfortunately I did not have the funds to pay the fee for their rescue. In December of 2008 we found one of the kittens dead. This broke my heart and I became frustrated with the operations of North Ogden Animal control department.

As the Christmas season was upon us now, the holiday lights and decorations were hung and displayed up and down Washington Blvd. A beautiful display was assembled on the corner of Pleasant View and 400N.

I like many truly enjoy the expression of the holiday season, yet this year instead of bringing joy to me I became even more frustrated with the cities decision on how our tax dollars were being spend. The recession our nation is facing has changed my and many others priorities. I feel that our city council does not agree with what I feel is a priority in the spending of the taxpayers dollars. I feel that the \$25.00 fee to rescue these strays should be priority over lighting up our streets with extensive Christmas décor. I truly wish that both needs for animals and the spirit of Christmas expenses could be met, but it is obvious we need to start making choices of importance. I would like to see the money I pay in both property tax and in the registering of my dog be used to rescue these strays at the expense of the city. I, as a mother, was left with the choice of providing the necessities of my children or to save the life of these suffering animal. I chose my children, as each of you would have as well, I am sure.

I would like the board to reconsider having the citizens of North Ogden is burdened financially with the fee of the forfeit. I, like other residence I have spoken with am willing to trap these cats

and deliver them to the Ogden shelter if the city would wave the fee. If not, these cats will remain free to roam our neighborhood, which will most likely lead to their suffering death.

I understand that the budget may just not have the funds to meet the demands I have given today. I feel that the city has an extensive ability to raise the money by giving citations to the residence of North Ogden for ordinance violations. Such as parking on the streets during the restricted times of the year, or given a charge instead of warnings for unlicensed dogs and an additional one for the violation of the dogs causes a disturbance with in the neighborhood. I believe that there would be capability for the city to pay the surrendering fee of the stray through this fund collected from the violations I have listed and many other violations that go unenforced.

I wish this matter became as important to you as it has to us. Thank you for your time.