

NORTH OGDEN CITY COUNCIL MEETING MINUTES

December 8, 2015

The North Ogden City Council convened in an open meeting on December 8, 2015 at 6:04 p.m. at the North Ogden City Office 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 December 3, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Kent Bailey	Mayor Pro-Tem	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	James Urry	Council Member	
EXCUSED:	Brent Taylor	Mayor	
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director	
	Annette Spendlove	City Recorder/HR Director	
	Jon Call	City Attorney	
	Matt Hartvigsen	City Engineer	
	Rob Scott	City Planner	
VISITORS:	Steve Rasmussen	Michael Rough	Brent Rees
	Joe Perrin	Carson Jones	

Mayor Pro-Tem Bailey welcomed those in attendance. He then offered an invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **DISCUSSION AND/OR ACTION TO CONSIDER NOVEMBER 17, 2015 CITY COUNCIL MINUTES**

Council Member Satterthwaite motioned to approve the November 17, 2015 City Council minutes. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE TRANSPORTATION PROJECT PRIORITIES

An administrative staff memo explained an open house was held on November 17, 2015 to discuss the draft transportation report and impact fee study. As requested by the Council, staff has looked at the projects in the report and prioritized them as they felt best. Projects are listed in blocks of time as follows: 0-10 years, 10-20 years, 20-25 years, 25-30 years (build-out). A total project cost and expected City cost have been given for each time period to help with planning and budgeting. Many assumptions have been made regarding grants that could be received to assist with these projects. In most cases staff has assumed that grants will be available. It is important to begin requesting the Wasatch Front Regional Council grants now as current funds are already programmed out to the year 2021.

Mayor Pro-Tem Bailey reviewed the staff memo and invited City Engineer Hartvigsen to present his recommended transportation project priorities. Mr. Hartvigsen reviewed the list of projects attached to the staff report, noting he feels the top priority is the 2600 North and Washington Boulevard intersection, to include two north-south lanes, one east, and two west lanes, and dual turn lanes for all approaches. He then discussed grant funding opportunities through the Wasatch Front Regional Council (WFRC), noting it can take some time to gain access to that funding. An additional funding source is grant funding through the Weber Area Council of Governments (WACOG), but these funding sources are typically used for matching funds for the WFRC funds. He continued reviewing his project priorities, including signalization of Pleasant View Drive and Washington Boulevard; signalization of Elberta Drive and Washington Boulevard; the intersection improvements at 3100 North and Washington Boulevard; extension of Washington Boulevard (Lakeview Drive) from 3700 North to Mountain Road to provide connectivity to Pleasant View to include widening to five lanes; widening of 3100 North to three full lanes from Washington Boulevard to the east.

Mayor Pro-Tem Bailey referenced the Washington Boulevard (Lakeview Drive) project and noted that he does not believe the City owns the right-of-way to allow for widening the road to five lanes. Mr. Hartvigsen stated that is correct and it will be necessary to use WACOG funds to acquire more property for that project.

Council Member Satterthwaite inquired as to the timing of the Monroe Boulevard project; he stated it is listed in the 10 to 20 year project group, though he is aware that the City has begun the right-of-way acquisition process. Mr. Hartvigsen stated that right-of-way acquisition has begun, but the actual construction of the road could be 10 to 20 years from now. The Council can decide whether to wait for the road to be built in association with development of properties along the corridor or proceed with construction of the road using City funds. He stated he feels Monroe Boulevard is a valuable road as it will have the ability to take traffic through North Ogden and south to Ogden.

Council Member Satterthwaite asked why it is necessary for the Council to approve the priority lists. Mr. Hartvigsen stated the projects will be included in the capital facilities plan, which is the document used to determine the level of service upon which the transportation impact fee will potentially be based. Mayor Pro Tem added that projects must be identified in the capital facilities plan in order for them to be eligible for grant funding; he feels this is a good first step towards creating a list of needed projects. Mr. Hartvigsen agreed, but added the City will have some flexibility in proceeding with any of the projects listed in the plan.

The Council then engaged in a philosophical discussion regarding whether it is appropriate to allow roads to be constructed in association with development or taking certain projects on as City projects. Mr. Hartvigsen stated that including a project on the list does not preclude the City from allowing the roads to be constructed in association with development. He added that the project costs included in the priority list assume that the City will be completing the projects, but with grant funding meaning that the cost included is simply a grant match amount. Council Member Urry asked if the costs are in today's dollar amounts or in future inflation amounts. Mr. Hartvigsen stated the costs are in today's dollars, but it is possible to include an inflation rate in the capital facilities plan to account for inflation. City Attorney Call noted that the inflation rate is tied to a federally recognized number. Mr. Hartvigsen stated he will take the feedback provided by the Council and correct a few typographical changes in the priority list and include the list in the capital facilities plan that will be brought back to the Council for consideration in conjunction with consideration of implementing a transportation impact fee.

Mayor Pro-Tem Bailey inquired as to the timeframe that the transportation impact fee will be based. Mr. Call stated that staff may consider the full 35 years' worth of projects and break them into three smaller pieces upon which the impact fees could be based. He added, however, that the total project cost is so high that it may not be possible to develop an impact fee to collect all needed funding. A brief discussion centered on how impact fees are collected by the City as well as potential grant funding options for the projects included on the list, after which the Council concluded they are comfortable with the priority list and including it in the capital facilities plan. Mr. Call stated impact fees cannot be spent on a project unless it is listed in the capital facilities plan for that impact fee and it is appropriate to include this list in the plan; the law does not

require that money be spent according to the way projects are prioritized on the list, meaning the City has flexibility to spend impact fee revenues as they deem appropriate.

Council Member Stoker motioned to approve the Transportation Project Priority list as presented. Council Member Urry seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

3. DISCUSSION ABOUT SIDEWALKS ON FRUITLAND DRIVE

An administrative staff memo explained a public hearing was held on October 6, 2015 to discuss the Ward Farm Subdivision with particular emphasis on the widening of Fruitland Drive. In the meeting it was agreed to pursue a modified roadway section that would not have as big an impact on this development and future development along Fruitland Drive. Attached is a figure showing the modified roadway section agreed upon in the meeting when the public hearing was held. The right-of-way on Fruitland drive is 66 feet where development has occurred. The council requested that development continue to dedicate the 66 foot right-of-way. The recommended roadway cross section was reduced from 42 feet (standard for 66' R.O.W.) to 36 feet (standard for 60' R.O.W.). The sidewalk was eliminated from the east side. The sidewalk on the west side was widened from 4 feet to 6 feet and was moved against the back of curb (no park strip). For the Ward Farm and Fernwood subdivisions, it was also decided to waive the requirement to construct the sidewalk on Fruitland Drive but the area for the sidewalk was to be graded and prepped for sidewalk which the City would construct at some future time. Moving forward we will implement the modified roadway section for Fruitland Drive in order to minimize the impact on existing development. In the October 6 meeting we were looking at the section of Fruitland Drive between 1700 North and 2100 North. We may want to use this same section for the area between 2100 North and 2463 North.

City Engineer Hartvigsen reviewed the memo and reviewed a map to identify the portion of Fruitland Drive that is the subject of this agenda item. He stated he simply wants to ensure that he fully understands the direction given by the City Council when they approved the Ward Farm Subdivision; it was his understanding they wanted to require the developer to build a six-foot sidewalk against the curb on the west side, 36 feet of pavement, and then curb on the east side abutting front yards of the homes on that side of the road. He reviewed a cross-section of Fruitland Drive to identify how these improvements will be laid out and how they will impact existing homes and driveways on the east side of Fruitland Drive.

Mayor Pro-Tem Bailey stated that he sent a recent email to the entire City Council explaining his concerns about deferring sidewalk on this section of Fruitland Drive. He asked City Planner Scott to review a drawing that illustrates how different residential developments in the area will connect to one another via various sub streets that have been constructed or are planned for future construction. Mr. Scott reviewed the drawing referenced by Mayor Pro-Tem Bailey, focusing on the location of Ward Farms Subdivision and how it will connect to Fruitland Drive as well as existing residential neighborhoods to the north near 2100 North. The Council engaged in a discussion regarding how the requirement to install sidewalk on Fruitland Drive will impact existing residential properties on the east side of Fruitland Drive, after which Mayor Pro-Tem Bailey proposed that the City not defer the sidewalk that was required in conjunction with the approval of the Ward Farms Subdivision. Council Member Stoker agreed; she noted the City has taken the stance that sidewalks are needed for connectivity and safe pedestrian travel and she does not feel it is appropriate to require sidewalks in one area or development within the City while deferring the requirement for subdivisions in other areas.

Mayor Pro-Tem Bailey motioned to require sidewalk on the west side of Fruitland Drive within the pre-established right-of-way as development occurs. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER A SIDEWALK DEFERRAL AGREEMENT FOR PROPERTY LOCATED AT 669 E 2600 N IN THE RHEES CONNOR SUBDIVISION**

A staff memo from City Planner Scott explained when the City Council is acting as a land use authority in an administrative capacity it has less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The City Council considered the request to defer sidewalk improvements for the Rhees Subdivision Connor on November 24, 2015. The City Council agreed to the deferral based upon approving a deferral agreement.

The General Plan identified this area to be within the Old Town neighborhood. The General Plan map shows this area in the single family low density classification.

The memo summarized potential City Council considerations:

- Is there sufficient justification to grant a sidewalk deferral for the Rhees Connor subdivision?
- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning Ordinances?
- Does the City Council want to require an escrow for the sidewalk installation?

The memo concluded the Planning Commission did not make a recommendation. This is a policy decision for the City Council to either require that sidewalk be installed or grant a deferral.

Mr. Scott reviewed his staff memo.

Council Member Swanson stated he was not present for the initial Council discussion on this issue; he asked if it is correct that the City Council granted the deferral upon the execution of a deferral agreement due to the fact that any sidewalk required to be installed at this time could potentially be torn up upon the widening of 2600 North. Mayor Pro-Tem Bailey stated that is correct. Mr. Scott noted that if the deferral agreement is approved this evening a note will be recorded on the plat to inform any future property owner that they may eventually be required to install sidewalk.

Council Member Swanson motioned to approve agreement A36-2015 for the sidewalk deferral for property located at 669 E. 2600 N. in the Rhees Connor Subdivision. Council Member Urry seconded the motion.

Council Member Stoker stated she understands the logic behind the sidewalk deferral, but she does not like the fact that sidewalk is being required in other areas of the City while it is being deferred in this area.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	nay
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT ADDING A PUBLIC UTILITY EASEMENT ONTO CITY OWNED PROPERTY LOCATED AT APPROXIMATELY 3715 NORTH FOX LANE**

A staff memo from City Planner Scott explained CenturyLink is requesting the City Council approve a utility easement to install equipment on city owned property located at approximately 3715 North Fox Lane. The property is currently a detention basin owned by the City. The City Council heard this request on August 18, 2015. The City Council requested Century Link put in some landscaping in the park strip for this parcel. Century Link's preference is to pay the City an amount to cover the cost of the landscaping and have the City install it to the City's preference. Staff is estimating this cost to be \$1,450. Century Link has agreed to this amount. When this Subdivision was approved this parcel did not have a public utility easement placed upon it. Century Link is requesting that a public utility easement be established. Century Link has prepared an agreement establishing an easement that has been reviewed and approved by Jon Call.

ZONING ORDINANCE COMPLIANCE 12-2-2: Definitions EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of the property or properties. The easement may be for use under, on or above the lot or lots.

The memo summarized potential City Council considerations:

- Does the proposed use meet the requirements of the applicable City Ordinances?
- Should the easement be granted for all utilities?

The memo also summarized recommended conditions of approval:

- Applicant to obtain appropriate building permits.
- Applicant to remit \$1,450 to pay the cost of landscaping the park strip on this parcel.

The memo concluded if the City Council determines that granting the easement to Century Link with the recommended conditions is appropriate, then the agreement can be approved.

Mr. Scott reviewed his staff memo and used a map to identify the location of the proposed utility easement.

Council Member Stoker motioned to approve an agreement A37-2015 adding a public utility easement onto City owned property located at approximately 3715 North Fox Lane. Mayor Pro-Tem Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION TO CONSIDER APPOINTING CARL TURNER AS A TRUSTEE ON THE WEBER MOSQUITO ABATEMENT DISTRICT BOARD**

Mayor Pro-Tem Bailey asked Council Member Satterthwaite to provide his input regarding the appointment to the Mosquito Abatement Board as he is the City's current representative on the Board. Council Member Satterthwaite stated that he has served a two-year term on the Board and he has interest in serving on different boards to represent the City; he sees this as an opportunity to appoint a new person to the Board and he feels Mr. Turner would serve the City well. Mr. Turner has accepted the nomination to the Board and Mayor Taylor has expressed that he is comfortable with the appointment as well. He noted that his appointment would not be effective until after the first of the New Year once he is sworn in as a Council Member.

Council Member Urry motioned to appoint Carl Turner as a trustee of the Weber Mosquito Abatement District Board effective January 1, 2016. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

7. **DISCUSSION AND/OR ACTION TO CONSIDER THE ANNUAL FEE ATTACHED TO DOG LICENSES**

A memo from Finance Director Steele explained that in August 2014, the Council passed the Dog License Surcharge fee and specified that it was to be used for construction of a dog park.

Last year \$6,085 was received from the dog license surcharge. We also received a \$2,000 RAMP grant and a \$1,500 donation from American Nutrition (which was used to purchase benches for the dog park). The construction of the dog park in the spring of 2015 amounted to just under \$5,000. Taking the revenues we received and subtracting the expenses there is \$4,600 remaining.

The time for dog license renewal for 2016 has started and there have been some residents who have inquired if the dog license surcharge is still needed. Staff's recollection was that we were going to keep collecting the surcharge fee and those funds would be used to construct a permanent dog park, once a suitable location has been identified.

Staff is bringing this back to the Council for discussion of whether the City should continue charging the dog license surcharge fee for the purpose of collecting funds for construction of a permanent dog park in the future.

Mr. Steele reviewed the staff memo.

The Council engaged in a discussion regarding whether it is appropriate to continue to charge the fee now that the park has been built, with Council Member Bailey noting that until the permanent location for the dog park has been identified the fee should be suspended. Council Member Swanson agreed and stated that while he supports the dog park he is not sure it is necessary to continue to charge the fee at this point in time.

Council Member Stoker motioned to suspend the annual fee attached to dog licenses. Council Member Satterthwaite seconded the motion.

Council Member Swanson wondered if it would be helpful to identify a date certain upon which the dog park fee will be reconsidered. City Attorney Call stated that is not necessary.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

8. PUBLIC COMMENTS

Steve Rasmussen, 1092 E. 3250 N., stated he has missed a few Council meetings recently and he has questions about some of the recent actions taken. He stated he was interested in the connection of Ward Farms Subdivision to Fruitland Drive and he wonders if there will be adequate room for a left hand turn lane off of Fruitland Drive into the development. Mr. Call stated that it is his understanding that the shoulder of the road will be eliminated to accommodate the left hand turn lane. Mr. Rasmussen then discussed transportation impact fees and asked if there is any idea of what the impact fee will be. Mayor Pro-Tem Bailey stated that has not yet been determined.

Council Member Satterthwaite motioned to move items nine and ten after the RDA discussion items. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey **aye**
Council Member Satterthwaite **aye**
Council Member Stoker **aye**
Council Member Swanson **aye**
Council Member Urry **aye**

The motion passed unanimously.

RDA

1. DISCUSSION AND/OR ACTION TO CONSIDER INTERLOCAL AGREEMENTS FOR THE COMMUNITY DEVELOPMENT PROJECT AREA (CDA) PLAN AND RELATED MATTERS

a. NORTH VIEW FIRE DISTRICT AGREEMENT

A staff memo from City Attorney Call explained the City has had a few more agencies provide us with revisions to our CDA agreements. Both the Fire District and the Sewer District have incorporated some modifications to the City’s agreement. The changes which have been suggested are benign in nature and staff does not see any reason to object to them. There were some confusing provisions added into the Interlocal Cooperation Act in 2015 which he had previously determined did not affect the agreements in any material way, though obviously the attorneys who reviewed these documents have disagreed. Essentially the new revisions require that any interlocal agreement spell out how voting is to take place with regards to the newly created interlocal entity. The City has not created an interlocal entity, so there isn’t technically a need to address how voting will occur. Staff recommends approval of the agreements as they are proposed to avoid any further delays or other issues. The sewer agreement was also based upon a previous version which was not the final agreement approved by the Redevelopment Agency Board, so that is why there are a significant number of changes shown in that agreement. The majority of those changes have already been reviewed and approved, but some are new provisions suggested by the Sewer Board.

Mr. Call summarized his memo and identified the proposed amendments to agreements included in the packet.

Council Member Satterthwaite stated that the Mosquito Abatement Board has an item on their next agenda to approve the interlocal agreement; he asked if he should abstain from voting. Mr. Call answered no and indicated he is a trustee of the Board and is authorized to vote on matters before that body.

Mayor Pro-Tem Bailey motioned to amend Agreement #A28-2015 to approve the North View Fire District Agreement. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey aye
Council Member Satterthwaite aye
Council Member Stoker aye
Council Member Swanson aye
Council Member Urry aye

The motion passed unanimously.

b. **CENTRAL WEBER SEWER CONSERVANCY DISTRICT
AGREEMENT**

Council Member Satterthwaite motioned to amend Agreement #A25-2015 to approve the Central Weber Conservancy District Agreement. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey aye
Council Member Satterthwaite aye
Council Member Stoker aye
Council Member Swanson aye
Council Member Urry aye

The motion passed unanimously.

2. **ADJOURNMENT**

Council Member Swanson motioned to adjourn the RDA Meeting and reconvene in the City Council Meeting. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey aye
Council Member Satterthwaite aye
Council Member Stoker aye
Council Member Swanson aye
Council Member Urry aye

The motion passed unanimously.

The meeting adjourned at 7:35 p.m.

9. **COUNCIL/MAYOR/STAFF COMMENTS**

City Attorney Call noted his firm has applied to be the contract attorney for Perry City; he wanted to inform the Council of this situation before they hear it from other sources.

Council Member Urry asked if any progress has been made on Questar's request to purchase City owned property for a new substation. Mayor Pro-Tem Bailey stated that Mayor Taylor continues to work with the governmental affairs division of Questar on the matter. Council Member Urry asked for an update on the Village at Prominence Point development. Mr. Steele stated that Planning staff is waiting for additional information from the developer in order to finalize the language of the development agreement for the project. It may be possible to present all information to the Council by December 22, 2015. Council Member Urry then complimented City staff on the quality of the City's holiday decorations; he has received much positive feedback from residents.

Council Member Satterthwaite stated he received a phone call from a resident who asked that updated information regarding recycling be included in the City's newsletter. He will email additional information to Mr. Steele regarding the request.

Council Member Stoker also referenced the newsletter and stated that it may be helpful to provide residents with information about the garbage haulers' collection schedule. She then asked if the City's Code Enforcement Officer has taken action against the property located on Mountain Road south of 2600 North; it is a home with several unlicensed or inoperable vehicles. The vehicles also are not parked on a hard surface. Mr. Steele stated he will report back on that issue at the next Council meeting. Council Member Stoker then commented on other properties throughout the City that have been cleaned up as a result of code enforcement action.

Mayor Pro-Tem Bailey reminded the Council that a joint Planning Commission/City Council work session has been scheduled for January 5, 2016. He added that newly elected Council Members will be sworn in that day as well.

Council Member Urry stated Mayor Taylor was recently recognized by the Standard-Examiner in a category they are calling the "Top 40 under 40". He was nominated by Pleasant View Mayor Mileski. There was also information about the Mayor included in the Salt Lake Tribune and the Deseret News. The news articles were opened and reviewed by the Council.

10. **ADJOURNMENT**

Council Member Stoker motioned to adjourn. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 7:50 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved