

**NORTH OGDEN CITY COUNCIL MEETING MINUTES**

August 30, 2016

The North Ogden City Council convened in an open meeting on August 30, 2016 at 6:01 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on August 25, 2016. Notice of the annual meeting schedule was published in the Standard-Examiner on January 2, 2016.

PRESENT:            Brent Taylor            Mayor  
                      Lynn Satterthwaite    Council Member  
                      Phillip Swanson      Council Member  
                      James Urry            Council Member  
                      Carl Turner            Council Member  
                      Cheryl Stoker        Council Member

STAFF PRESENT:    Annette Spendlove    City Recorder/HR Director  
                          Jon Call                City Attorney / City Administrator  
                          Rob Scott              City Planner

VISITORS:

Ryan Barker	Christina Watson	Leonard Looney
Susan Clements	Ken Hill	Bob Buswell
Mindy Cope	Josh Turner	Corbin Barker

Mayor Taylor called the meeting to order. Council Member Carl Turner offered the invocation and led the audience in the Pledge of Allegiance.

**CONSENT AGENDA**

**1. DISCUSSION AND/OR ACTION TO CONSIDER THE AUGUST 9, 2016 MEETING MINUTES**

**Council Member Swanson motioned to approve the August 9, 2016 City Council Meeting minutes. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>

**The motion passed.**

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS**

Christina Watson, 1820 N. 100 E., stated that she spoke during the August 9 meeting and she noticed that the minutes of that meeting were being approved tonight. She was unsure whether it would be valuable to reiterate the points she made during that meeting. She has nothing new to share, but she will restate what she shared on August 9. She lives on a corner lot and she and her husband wanted to install a fence; they conducted research and found the City does not require a permit for installation of a fence so they proceeded. However, after work had commenced an inspector stopped at her home and told her that the fence they were installing was in violation of City ordinances. The ordinance currently indicates that a corner lot that abuts an adjacent lot with a driveway nearest the property line cannot be fenced unless the fence is three feet or less in height. She stated she feels one's backyard should be an extension of their home and they should be able to fence it to allow for privacy and protection from disturbance by others. She feels a shorter fence does not allow for this and she is suggesting that the ordinance be amended to provide a setback between the adjacent driveway and side yard fence on corner lots to preserve safety, but she is wondering what a safe distance would be. She stated she would be willing to cut the corner of the fence to provide a greater sight line. She stated she has been in communication with City Planner Scott via email and she has provided him with properties throughout the City that she would like the Council and Planning Commission to visit on their upcoming field trip that has been scheduled to discuss the issue.

Mindy Cope, 1216 E. 2650 N., stated she was asked to attend this meeting to provide the Council with a report regarding the Chalk It Up event that was held last weekend. The event was a huge success and the group that organized it has received great feedback. There was positive media coverage for the event and a great amount of community support. There were over 50 artists participating in the chalk art festival and over 300 runners in the 5K race associated with the event. Many have also indicated they plan to participate again next year as well. She stated she was very impressed by the quality of the chalk art and there were many great themes behind several of the art pieces. There was also a food truck area and many of the food truck operators indicated it was successful for them as well. The group that organized the event is hopeful it will become an annual event in the City that will only continue to grow each year.

Mayor Taylor inquired as to the total amount of money raised by the event. Ms. Cope stated she does not have final data yet, but that will be available to the City soon.

Council Member Satterthwaite asked if the committee that organized the event has taken notes regarding feedback received as well as things that didn't work so that they can improve the event in the future. Ms. Cope answered yes. Council Member Turner added the committee was great and they worked very hard to make the event a success. He added the City offered great support for the event and that was much appreciated. Ms. Cope agreed and noted there were nearly 100 volunteers that supported the event. Mayor Taylor asked Ms. Cope to pass on the thanks of the City to the committee. He indicated he thought the event would be a success, but he was surprised by how truly successful it was.

Josh Turner, 2673 N. 950 E., stated he is planning his Eagle Scout project and he is interested in building mini libraries in the City; he would place one in his own yard and donate another to the City for location elsewhere. He provided the Council with photos of examples of mini libraries and noted that he will place books in the libraries once they are in place, but they will be replaced with new books as others use the facility. Mayor Taylor congratulated Mr. Turner on his efforts and indicated that the Council can discuss the best location for the mini library that Mr. Turner plans to donate to the City.

Corbin Barker, 2499 N. 725 E., stated he and his fellow boy scouts from Troop 507 are working on their citizenship in the community merit badge this evening.

Ryan Barker stated the North View Fire Department established the ground breaking event for their new Fire Station next Wednesday, September 7 at 5:30 p.m. and the City will be provided with formal invitations to the event.

2. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION WAIVING IMPACT FEES FOR TWO RESIDENTIAL HOMES WHICH HAVE HISTORICALLY BEEN SERVED BY BONA VISTA WATER SYSTEMS**

A staff memo from City Attorney Call explained that as development has occurred at the intersection of 1700 N. and 400 E. several homes have been removed which were old and were no longer useful to the landowner. As those homes were removed, one of the Bona Vista lines has sprung a leak which has slowly drained water onto the existing right-of-way. In having discussions with the landowner where the homes were removed and Bona Vista, the landowner has determined it is probably better to connect the homes at 1776 N. 400 E. and 1808 N. 400 E. to the City's system and abandon the Bona Vista water line instead of digging up the 5 separate abandoned home connections and repairing the existing line.

To do this the landowner has requested that the City cover the cost of the impact fees to connect the existing homes across Washington Blvd. which are currently connected to the

Bona Vista line to be abandoned. The current water impact fee is \$3,312.29 which means the Council would be approving an expenditure from the general fund to the water impact fee account of \$6,624.58 for the two homes which will remain. The Impact Fee Act requires that the City identify funds to cover the costs of any “waived” impact fees, unless it is shown that the development has no “impact”. In this situation we would not be able to claim the homes have no “impact” on our water system.

The Council has the ultimate discretion to approve or deny this request and there is nothing which would require the Council to vote one way or another. As this is a legislative decision under the Utah Impact Fee Act, the staff has not made any recommendation on what the Council should do but only presented options to the Council.

Mr. Call reviewed his memo and he and Public Works Director Espinoza facilitated a discussion among the Council regarding the developer’s request to waive impact fees and what the fees would have covered if paid. Mayor Taylor emphasized that Bona Vista Water is ‘playing hardball’ and is threatening to disconnect any water service for the two homes that are connected to their line that is to be abandoned. They are unwilling to participate in any way in helping the owners of the two homes connect to the City’s water system.

Discussion then centered on the layout of City water infrastructure at the Village at Prominent Point development and the properties that the water line will serve, after which Council Member Turner noted that the most he would be willing to contribute is half of what the developer is requesting. Council Member Urry disagreed and indicated he feels the developer bears the responsibility for this issue solely; they can either repair the leaks they have created in the system to restore water to the area or pay the fees for the homeowners to connect to the City’s system; the latter would be less expensive. He stated he does not believe the homeowners should be required to pay the cost since it is not their choice to connect to the system. Mayor Taylor stated he does not disagree; he was simply trying to provide the Council with both sides of the issue. He does not believe the developer’s request is unreasonable, but he would not be willing to fully grant their request. Council Member Stoker added the City has already reduced or waived impact fees for the developer’s project. Mayor Taylor agreed; the City contributed \$500,000 to the construction of 1700 North via impact fee credits and \$110,000 for the water line portion of the project.

Council Member Swanson stated it is his perspective that the Bona Vista water line has a leak, which is creating a problem for the Village at Prominence Point project and both Bona Vista and the developer are expecting the City to fix it though the City had no involvement in the issue and it is not the City’s problem. He stated the City has been very generous to the project and he is not in favor of contributing to fix this issue.

**Council Member Swanson motioned to deny a resolution to waive impact fees for two residential homes which have historically been served by Bona Vista Water Systems. Council Member Urry seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>

**The motion passed unanimously.**

**3. DISCUSSION AND/OR ACTION TO CONSIDER A CONTRACT WITH MERIDIAN ENGINEERING AS THE FIRM TO PERFORM THE SURVEY WORK ON THE RIGHT-OF-WAY WIDENING ALONG 400 E/450 E PROJECT**

A staff memo from City Attorney Call explained that as the City is beginning the process to widen the right-of-way along 400/450 East, we have a need to survey the existing roadway and utilities to help us design a roadway in the best way to facilitate the widening project. The City put together a selection committee which interviewed several firms and has recommended Meridian Engineering, Inc. as the appropriate firm to perform the work. Meridian Engineering is the same group which performed the survey work on the Monroe Blvd. alignment we are wrapping up.

I have attached a copy of the contract and would recommend the Council approve this contract so we can begin moving forward with the widening project, especially as we are approaching the intersection widening in the 2017-2018 timeframe at 2600 N. and 400/450 East. Two Council Members and the Mayor were on the selection committee so they can share their feelings about why they are recommending this particular firm.

The Council may approve the contract or reject it and request the staff begin searching again for another firm to help us with surveying.

Mr. Call reviewed his staff memo and facilitated a discussion among the Council regarding the scope of work to be performed by Meridian Engineering if they are awarded the contract. Discussion briefly centered on the cost per parcel for surveying services.

**Council Member Satterthwaite motioned to approve Agreement A9-2016, a contract with Meridian Engineering as the firm to perform the survey work on the right-of-way widening along 400 E/450 E project. Council Member Turner seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>

**The motion passed unanimously.**

**4. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPROVING EXPENDITURES OF SIGNING INCENTIVES FOR LANDOWNERS IN THE PROPOSED 400 E/450 E PROJECT**

A staff memo from City Attorney Call explained the Federal Highway acquisition rules have started a pilot program that allows for government agencies to incentivize individuals who are having their property taken for road projects. This program allows for a signing bonus if the individual agrees to sell their property within so many days of receiving a formal offer from the government entity. According to our consultants, this program has seen a significant amount of success in Utah. Most projects have seen a significant increase in the number of properties which voluntarily agree to sell properties within the specified timeframe.

We believe this program is one which will provide a significant benefit to the City as we begin to acquire property for the 400/450 East widening project. There are several homes which will be taken as part of this widening as well as several front yards that will be affected. This allows the City to give a small bonus to each landowner for simply agreeing to sell their property and helps keep City costs down by avoiding litigation in most cases.

I am recommending that the City allow an incentive payment of \$3,000 for any individual who agrees to sell their property within 60 days of receiving a formal offer. This amount will be given to the landowner regardless of how much of their property is taken, or where along the right-of-way their property is. Commercial properties will receive the same bonus that residential properties receive as all property owners are treated exactly the same.

The Council is not required to approve this incentive program but the consultants, the Mayor, and I believe that a small expenditure will go a long way to help these property owners deal with the struggle of having to sell their property for this type of a roadway project. We expect that there will be around 35 properties which will benefit from this program or about \$105,000. This would be part of the money we have already committed

to the project (our match) and it should not affect the long term financial status of the City.

Mr. Call reviewed the staff memo and the aid of a map of the project area to identify the properties in the area that would be subject to the incentive program. Mayor Taylor stated the City must offer the same incentive to all property owners in the project area, but he feels the \$3,000 incentive per property is big enough to be attractive to the seller, but not too large that it will have too great of a negative impact on the City's budget for the project. Council Member Urry asked why the City cannot offer a dollar amount per square foot as the incentive rather than a lump sum amount regardless of the property size. Mr. Call stated that the Utah Department of Transportation (UDOT) recommended against that type of incentive. Council Member Urry stated he would prefer to start with a lower incentive rather than starting high. Mayor Taylor disagreed and stated there are hard feelings in the project area and he would prefer to show as much respect as possible and offer the \$3,000 incentive per property to help eliminate problems that may arise otherwise. He added he feels the incentive may help the City avoid the imminent domain process.

High level discussion ensued regarding the process the City will follow to negotiate property acquisition and relocation of residents, with Mayor Taylor reviewing the schedule for proceeding with property acquisition and resident relocation.

Council Member Urry stressed his concern about offering an incentive that may be higher than needed to incentivize property owners to negotiate with the City. Council Member Satterthwaite stated he feels the Council should rely upon the expertise of the consultants that have been hired to aid in property acquisition and give City Administration the tools they need to be successful in this process.

**Council Member Satterthwaite motioned to approve Resolution 20-2016 a resolution approving the expenditures of signing incentives for landowners in the proposed 400 E/450 E street widening project. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>nay</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>

**The motion passed on a 4-1 vote.**

5. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION  
AUTHORIZING THE SALE OF AN EASEMENT ON MUNICIPAL PROPERTY  
FOR AN EXISTING CELL TOWER.**

City Attorney Call explained that the owner of the cell tower has requested that the City approve a resolution authorizing the sale of the cell tower. He indicated the Council has had several discussions about this issue and the only significant change that has occurred in the sale documents is that the size of the property being sold is 1,870 square feet rather than 900 square feet, based upon a survey that has been performed. He noted that the price being paid by the cell tower company has not changed. He then noted that this item was added to the agenda as an emergency item and he reviewed the provision in State Law allowing for the addition of an item to an agenda with less than 24 hours' notice when the item is defined as an emergency. He added that the Council must also vote to approve the addition of the item to the agenda before taking action on the item.

**Council Member Swanson motioned to approve the addition of item five to the agenda. Council Member Satterthwaite seconded the motion.**

Mayor Taylor indicated it is worth noting that the reason this is an emergency is that the closing documents will expire tomorrow if not executed and allowing expiration to take place would require much work to be done again. He stated if the Council is not comfortable proceeding, he will direct the cell tower company to perform that work again to allow for additional time to consider this issue.

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>

**The motion passed unanimously.**

Mr. Call briefly reviewed the terms of the purchase agreement.

**Council Member Turner motioned to approve Resolution 21-2016 a resolution authorizing the sale of an easement on Municipal property for an existing Cell Tower. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
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<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>

**The motion passed unanimously.**

**6. PUBLIC COMMENTS**

There were no public comments.

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

Public Works Director Espinoza provided the Council with a brief update regarding public works projects that are currently underway, with a focus on the culinary water well project on the east bench.

Council Member Stoker stated she continues to hear a lot of great feedback about the recent Chalk It Up event. She then added that though some residents are not happy about the 450 East widening project, there are many that are supportive of the project and the process the City is following to acquire property. She then referenced a recent news article about the ordinance passed by the Council that would allow the City to demolish abandoned buildings and noted that she has received a lot of complaints about that issue; people have indicated the City should be looking in its own backyard (the old Public Works Facility) before judging someone else's property. Mayor Taylor stated he has heard the same complaint and he asked Mr. Espinoza to assess the condition of the site and see what can be done to improve its appearance.

Council Member Satterthwaite stated he spent a few minutes yesterday with the new Public Works Inspector and he was very impressed with his skill and personality.

Council Member Urry stated there is a piece of property at the intersection of 1700 North and Washington Boulevard where the weeds are very tall and need to be cut. He noted that the weeds are outside of the adjacent homeowner's fence and he wondered if they are the responsibility of the City. Mr. Call noted the City's ordinance indicates that the adjacent property owner is responsible for weeds in the park strip and he will reach out to that property owner about the issue. Council Member Urry stated the same action should be taken for properties along Fruitland Drive, which may be the responsibility of Weber County. He then asked who paid for the asphalt overlay at the North Ogden Plaza for the Chalk It Up event. Mayor Taylor stated the City was asked to pay for it, but it was paid for privately. Council Member Urry stated that some residents believe the City paid for the overlay and it may be good to develop a standardized policy that will aid the City in responding to such requests in the future and determining which charities will be selected

to benefit from and support similar events in the future. Mayor Taylor stated he will add the topic to a future work session agenda. Council Member Turner asked if all proceeds will go to the charity that was involved in the event or if a portion of the proceeds will be used to cover the City's costs. Mayor Taylor stated the RDA contributed \$5,000 to the event with no expectation to recoup that amount of money. Council Member Urry stated that only the net proceeds should be donated to the charity; otherwise, all North Ogden citizens are contributing to the charity whether they want to or not. Mayor Taylor stated RDA funds are not coming from the citizens. Council Member Urry stated he still believes the charity should only receive the net proceeds. He then asked if the food trucks at the event were licensed to do business and if they paid sales tax for their sales during the event. Mayor Taylor stated the food trucks are licensed, but it is up to the City to determine how much effort to expend to try to collect sales tax from the food trucks. Council Member Urry stated the other restaurants in the plaza are paying sales tax and he feels the food trucks should also pay. He then noted he thinks the event was great, but he wants to make sure the City is covered. Council Member Stoker stated she feels that is valuable feedback and it will be considered next year when planning for the event is underway.

Council Member Swanson asked that the City's Code Enforcement Officer be dispatched to 629 E. 2600 N. to address weeds, overgrowth, and parking of unlicensed or inoperable vehicles. It is one of the worst properties in the City and he would like for it to be addressed soon. He then thanked Council Member Urry for his comments about the Chalk It Up event and his desire to improve it; the purpose of the event was two-fold, with the exposure for the charity being secondary. The main purpose was to gain exposure and visibility for the North Ogden Plaza and its potential redevelopment. He stated that he thinks it was great to choose a charity that had a great support and following and it brought people to the site that may have learned of businesses they did not otherwise know exist.

Mayor Taylor briefly reviewed the Council calendar, with a focus on future meeting dates. He concluded that he spent a lot of time today meeting with the developer regarding their potential acquisition of the old Smith's building and he believes an agreement has been reached.

## **8. ADJOURNMENT**

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

**Voting on the motion:**

**Council Member Satterthwaite     aye**

<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>

**The motion passed.**

**The meeting adjourned at 8:15 p.m.**

\_\_\_\_\_  
Brent R. Taylor, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved

Not Approved