

Minutes of the Regular Meeting of the Ogden City Council held on Tuesday, January 19, 2016 at 6:00 p.m., in the Council Chambers on the third floor of the Municipal Building, 2549 Washington Boulevard, Ogden City, Weber County, Utah.

Present:           Chair                   Marcia L. White (*via telephone*)  
                  Acting Chair           Bart E. Blair  
                  Council members   Neil K. Garner  
                                  Luis Lopez  
                                  Ben Nadolski  
                                  Doug Stephens

Council Executive Director Bill Cook  
Council Deputy Director Janene Eller-Smith  
Council Policy Analyst Glenn Symes  
Communications Manager Amy Sue Mabey

Excused:           Council member Richard A. Hyer

Also present:    Mayor Mike Caldwell  
                  Acting Chief Administrative Officer Mike Mathieu  
                  Police Chief Mike Ashment  
                  Management Services Director David G. Buxton  
                  Planning Manager Greg Montgomery  
                  Arts Coordinator Diane Stern  
                  Chief Deputy Recorder Lee Ann Peterson

At the request of the Vice Chair, all present stood and recited the Pledge of Allegiance led by Council member Nadolski.

A moment of silence was observed.

Acting Chair Blair then reported that the agenda for tonight's meeting has been amended; the item allowing the Council to convene in a Closed Executive Session has been removed from the agenda.

Proposed Joint Resolution 2016-3 honoring the Ogden-Weber Tech College for its nationally recognized programs

A joint resolution honoring the Ogden-Weber Tech College (OWATC) for its nationally recognized programs came before the Council for consideration. Council member Garner read the joint resolution after which **COUNCIL MEMBER GARNER MOVED TO APPROVE THE JOINT RESOLUTION. MOTION WAS SECONDED BY COUNCIL MEMBER STEPHENS, ALL VOTING AYE. Council member Hyer was not present when this vote was taken.**

Council member Garner then presented the joint resolution to Jim Taggart, OWATC Vice President for Instructional Services and Jennifer Streker, OWATC Program Director, and the following students: Megan Dorrity, Staci Galvez, and Deborah Becker. Mr. Taggart thanked the Council for this honor on behalf of the OWATC President, Board of Directors, and staff. He stated OWATC is proud to be part of Ogden City and to add to the list of 'number ones' for the City. OWATC is proud to be the number one tech college in the nation.

Council member Stephens stated OWATC is a great asset to the community.

Proposed Joint Resolution 2016-4 recognizing the new Ogden Chapter of the Utah Hispanic Chamber of Commerce

A joint resolution recognizing the new Ogden Chapter of the Utah Hispanic Chamber of Commerce came before the Council for consideration. Council member Lopez read the joint resolution, after which **COUNCIL MEMBER LOPEZ MOVED TO APPROVE THE JOINT RESOLUTION. MOTION WAS SECONDED BY COUNCIL MEMBER NADOLSKI, ALL VOTING AYE. Council member Hyer was not present when this vote was taken.**

Council Executive Director Cook noted there will be a kick-off event held tomorrow night for the Hispanic Chamber of Commerce and the joint resolution will be presented to the Chamber during that event. He noted all Council members are invited to attend.

Approval of Minutes

Council member Garner stated he had reviewed the minutes of the regular meeting of September 15, 2015, the work session of November 17, 2015, and the joint study session of November 24, 2015 and found them to be accurate to the best of his recollection.

Council member Stephens stated he had reviewed the minutes of the joint study session and regular meeting of November 17, 2015 and the work session of November 10, 2015 and found them to be accurate to the best of his recollection.

**COUNCIL MEMBER GARNER THEN MOVED TO APPROVE THE MINUTES AS PRESENTED. MOTION WAS SECONDED BY COUNCIL MEMBER STEPHENS, ALL VOTING AYE. Council member Hyer was not present when this vote was taken.**

Proposed Ordinance 2016-3 amending the Ogden City General Plan by amending Subsection 8.F.4.E and Subsection 8.F.4.F. regarding amendments to the Annexation Plan

A memo from the Community and Economic Development Department regarding proposed amendments to the City's Annexation Plan came before the Council for consideration. The memo stated the current proposal is to amend Areas 5 and 6 of the City's Annexation Plan. Area 5 is being amended to add the rear portion of the properties along Glasmann Way. Area 5 of the existing Annexation Plan currently describes an area that has since been annexed into the city. Rather than adding a new section to the Annexation Plan, the old information is being supplanted with the new information for Area 5 included in this proposal. The amendment to Area 6 includes the removal of the southern-most portion of the properties identified for future annexation in an area along the southern portion of Harrison Boulevard adjacent to South Ogden City. The area being removed is included in South Ogden's annexation plan. The Planning Commission reviewed the proposal and voted to recommend approval of the amendments. The recommendation was made with the finding that the amendments are consistent with the ability of the city to provide service to the land, that the plan amendment eliminates unincorporated islands, and that the changes are consistent with State law.

Acting Chair Blair then introduced in writing proposed Ordinance 2016-3, entitled:

“An ordinance of Ogden City, Utah amending the Ogden City General Plan by amending Subsection 8.F.4.E and Subsection 8.F.4.F of the General Plan; and providing that this ordinance shall become effective immediately upon posting after final passage.”

A copy of the proposed ordinance was deposited with the Chief Deputy City Recorder and ordered that the City Recorder have at least one copy available for public inspection in her office during all business hours.

The proposed ordinance was then read by long title.

**COUNCIL MEMBER GARNER MOVED A PUBLIC HEARING ON THE PROPOSED ORDINANCE BE HELD IN THE CITY COUNCIL CHAMBERS ON FEBRUARY 16, 2016, DURING THE CITY COUNCIL MEETING TO BE HELD AT 6:00 P.M. AND THAT THE CITY RECORDER BE DIRECTED TO PROVIDE NOTICE AS REQUIRED BY LAW. MOTION WAS SECONDED BY COUNCIL MEMBER NADOLSKI, ALL VOTING AYE. Council member Hyer was not present when this vote was taken.**

Proposed Ordinance 2016-1 re-appropriating \$18,428.00 for public art at the Fire Station #3 site

A memo from the Community and Economic Development Department regarding public art at Fire Station #3 came before the Council for consideration. The memo stated Ogden City Arts staff, along with a subcommittee of the Ogden City Arts Advisory Committee, has created a Request for Proposals (RFP) for public art at the site of Fire Station #3 (405 North Street.) The subcommittee was formed in compliance with the Arts Committee Ordinance and included a representative from the City Council Staff and one from City Planning staff along with Fire Chief Mathieu. After a meeting with the Design Subcommittee and the architects on the project, it was determined that it would be prudent to increase the available funding to create the potential for funding a wider variety of project proposals. The consideration and allowance of a potentially greater budget might increase the quality and variety of potential art projects submitted. The Administration recommends that the City Council approve the funding increase based on the Design subcommittee's recommendations. As a Capital Improvement Project, the Fire Station generates a total of \$36,511.00 for the public art portion of the facility. Ten percent of that amount (\$3,651.00) needs to be put into a maintenance account leaving a total of \$32,860.00 for the new art work. After a meeting with the design subcommittee and the architects, a recommendation was made to consider expanding the budget to support wider set of potential options for art on the site. The increase would come from pooled funds and would expand the potential budget to \$50,000 for the art project. Should an acceptable submission be submitted that is less than the allowable amount, the balance would be returned to pooled fund account. The Administration would support increased expenditures if there is a significant art project presented during the RFP period. The memo concluded by summarizing the fiscal impact of the action, noting City Administration is requesting additional funding not to exceed \$18,489 from the Percent for Art pooled fund account.

Arts Coordinator Stern summarized the memo and stated the Arts Committee is looking for a substantial piece of public art to include at the Fire Station. If the Committee receives an acceptable submission with a cost lower than \$50,000, the remaining funding would be returned to the pooled percent for arts fund.

Council member Stephens asked if efforts are made to use local artists for these types of projects. Ms. Stern stated that is dependent upon the call for proposals; the Committee has the possibility of limiting the call to Ogden area or Weber County artists, but they were considering making the call open to the entire State of Utah and beyond. She reiterated the Committee is looking for a substantial piece of art and widening the selection pool will provide more options to consider.

Chair White asked if one or multiple piece of art will be selected. Ms. Stern stated that is yet to be determined based upon the response to the call for proposals. Chair White asked if the art will be situated indoors or outdoors. Ms. Stern responded it will be outdoors; it is considered public art and most of the public does not go into the Fire Station. Council member Stephens noted

there is a public meeting room in the Station. Acting Chief Administrative Officer Mathieu reported that is correct, but there are a few prominent areas on the exterior of the building that would be ideal for public art. He agrees with locating the art where the greatest number of people can see it.

Acting Chair Blair then called for a public hearing on proposed Ordinance 2016-1, entitled:

“An ordinance of Ogden City re-appropriating \$18,428.00 for public art at the site of Fire District #3 as detailed in the body of this ordinance; and providing that this ordinance shall become effective immediately upon posting after final passage.”

The Chief Deputy City Recorder presented written notice of said hearing and affidavit of the publication in the Standard-Examiner on the 10th day of January, 2016, specifying the time and place of this meeting as the time and place when and where the proposed ordinance would be given a public hearing and be considered for final passage. The proof of publication was accepted and filed.

The proposed ordinance was read by long title and all persons interested were given full and fair opportunity to be heard. No persons came forward to be heard

**COUNCIL MEMBER GARNER MOVED THE PUBLIC HEARING BE CLOSED. MOTION WAS SECONDED BY COUNCIL MEMBER STEPHENS, ALL VOTING AYE. Council member Hyer was not present when this vote was taken.**

**ON A MOTION BY COUNCIL MEMBER GARNER AND SECONDED BY COUNCIL MEMBER NADOLSKI, ORDINANCE WAS PASSED AND ADOPTED AS OGDEN CITY ORDINANCE 2016-1 AND ORDERED POSTED AS REQUIRED BY LAW UPON THE FOLLOWING ROLL CALL VOTE: VOTING AYE – COUNCIL MEMBERS GARNER, LOPEZ, NADOLSKI, STEPHENS, ACTING CHAIR BLAIR, AND CHAIR WHITE. VOTING NO – NONE. Council member Hyer was not present when this vote was taken.**

The Acting Chair signed the ordinance as passed and adopted and the Acting Chair’s signature was attested by the City Recorder. The authenticated ordinance was then filed with the City Recorder for transmittal to the Mayor for review and consideration.

#### Proposed Joint Resolution 2016-6 adopting Ogden City’s legislative priorities for the 2016 Utah General Legislative Session

A memo from Council staff came before the Council to consider a joint resolution adopting Ogden City’s legislative priorities for the 2016 Utah General Legislative Session. The memo stated each year the City prepares for the upcoming Utah State Legislative Session by identifying the City’s top legislative priorities. The City has a clear interest in the challenges facing the nation, state, and other local governments and wants to ensure that the City’s concerns and positions on the issues are made known and that the City’s interests are protected. The City partners with various legislative delegations on the national, state and local levels in order to achieve the City’s goals. When appropriate, the City supports the legislative positions of the Utah League of Cities and Towns and the Ogden-Weber Chamber of Commerce. The City’s legislative priorities are consolidated into a joint resolution which communicates that both the Council and Mayor are in agreement regarding these priorities. The list of legislative priorities is provided to the state legislators representing Ogden City and Weber County. The Administrative staff also work closely with the City’s representatives during the session, providing advice and direction where appropriate. The memo concluded Council and Administrative staff recommend the approval of the legislative priorities outlined in the proposed resolution.

Council Deputy Director Eller-Smith summarized the memo and stated members of City Administration have taken an active role in the State legislative process and it has proved to be very beneficial for the City. One example of this is the passage of the transportation bill in the 2015 legislative session, which will result in up to \$3 million in additional revenue to be used for transportation infrastructure. She added the City Council and Administration generally support the legislative priorities recommended by the Ogden-Weber Chamber of Commerce and that is the case this year as well, except for in the transportation category. She noted the Chamber selected the 12<sup>th</sup> Street corridor as their top transportation priority, but Ogden City’s top transportation priority is the 24<sup>th</sup> Street interchange and viaduct improvements. She then summarized the legislative priorities included in the proposed resolution as follows:

- Water development and conservation
- Air Quality
- Transit
- Transportation Projects
- Education
- Capital Funding
- Economic Development
- Healthcare
- Law Enforcement

Council member Stephens asked if the air quality priority includes support for the idle-free week event. Ms. Eller-Smith responded that the City currently supports idle-free week; the legislative priority concerning air quality will support all legislative acts dealing with air quality throughout the State. Council member Garner added the City will be working jointly with the Weber-Morgan Health Department on those efforts.

Acting Chair Blair introduced in writing proposed Joint Resolution 2016-6, entitled:

“A joint resolution of the Ogden City Mayor and the Ogden City Council adopting Ogden City’s legislative priorities for the 2016 Utah General Legislative Session, and providing that this resolution shall become effective immediately upon posting and final passage.”

**COUNCIL MEMBER GARNER MOVED THE JOINT RESOLUTION BE ADOPTED, AND THE CHAIR BE AUTHORIZED TO SIGN THE SAME. MOTION WAS SECONDED BY COUNCIL MEMBER LOPEZ, WITH THE FOLLOWING ROLL CALL VOTE: VOTING AYE – COUNCIL MEMBERS GARNER, LOPEZ, NADOLSKI, STEPHENS, ACTING CHAIR BLAIR, AND CHAIR WHITE. VOTING NO – NONE. Council member Hyer was not present when this vote was taken.**

Public Comments

Nefi Garcia, Murray, Utah, stated he is present tonight to request assistance from the Council. He does primarily contract work for Verizon Wireless and he works to negotiate lease agreements with private property owners for the location of cell towers. He said he has been working in this field for nine years and has negotiated five lease for cell tower sites on Ogden City property. He stated Verizon is a tenant of Ogden City and is current on all rents for three cell tower sites. He is currently looking at three additional sites on Ogden City properties and he has been told the City has created a committee to handle all cell tower leases. He reached out to the City’s legal counsel and has received no response since November 2015. He would like to hear back from the City regarding whether they are interested in moving forward with a lease. He asked that he receive a response as quickly as possible.

Acting Chief Administrative Officer Mathieu indicated that City Administration will respond to Mr. Garcia’s request this week.

Mayor Comments

Mayor Caldwell stated he was pleased by the two recognition items on tonight’s agenda; the OWATC is a great asset to the community and the Hispanic Chamber of Commerce will do great things for the community.

Council member Comments

Council member Nadolski referenced the agenda item dealing with legislative priorities and stated he appreciates the strong presence the City has on Capitol Hill in Utah. He stated he has witnessed it personally and knows how important it is.

There being no further business to come before the Council, **COUNCIL MEMBER GARNER MOVED THE MEETING ADJOURN AT 6:30 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER LOPEZ, ALL VOTING AYE. Council member Hyer was not present when this vote was taken.**

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LEE ANN PETERSON, MMC  
CHIEF DEPUTY CITY RECORDER

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BART E. BLAIR, ACTING CHAIR

APPROVED: March 22, 2016