

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 November 18, 2014

4
5 The North Ogden City Council convened in an open meeting on November 18, 2014 at 6:35 p.m.
6 in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and
7 agenda of the meeting was delivered to each member of the City Council, posted on the bulletin
8 board at the municipal office and posted to the Utah State Website on November 17, 2014.
9 Notice of the annual meeting schedule was published in the Standard-Examiner on January 24,
10 2014.

11
12
13 **PRESENT:** Brent Taylor Mayor
14 Kent Bailey Council Member
15 Lynn Satterthwaite Council Member
16 Cheryl Stoker Council Member
17 Phillip Swanson Council Member
18 James Urry Council Member

19
20 **STAFF PRESENT:** Bryan Steele Acting City Manager
21 S. Annette Spendlove City Recorder/H.R. Director
22 Jon Call City Attorney
23 Kevin Warren Police Chief
24 Gary Kerr Building Official
25 Craig Giles Public Works Director
26 David Espinoza Culinary Water Superintendent
27 Clark Crowther Lieutenant
28 Paul Rhoads Police Special Functions Supervisor
29 Justin Shinsel Culinary Water Maintenance Worker I
30 Dylan Hill Culinary Water Maintenance Worker I

31
32 **VISITORS:** Shelly Rhoades Toby Mileski
33 Sean Stan Cecil Satterthwaite
34 Steve Rasmussen Lynda Pipkin
35 Walt Nielson Jaylene Nielson
36 Paul Nanney Donna Nanney
37 David Evertsen Randy Winn
38 Rachel Trotter

39
40 Mayor Taylor welcomed those in attendance.

41
42 Bryan Steele offered the invocation and led the audience in the Pledge of Allegiance.

43
44 **CONSENT AGENDA**

- 45 1. Discussion and/or action to approve the October 7, 2014 City Council meeting minutes
46 2. Discussion and/or action to approve the October 14, 2014 City Council meeting minutes
47 3. Discussion and/or action to approve the October 28, 2014 City Council meeting minutes

48 4. Discussion and/or action to approve the November 4, 2014 City Council meeting minutes

49

50 **Council Member Bailey motioned to approve the Consent Agenda. Council Member**

51 **Satterthwaite seconded the motion.**

52

53 **Voting on the motion:**

54

55 **Council Member Bailey** aye

56 **Council Member Satterthwaite** aye

57 **Council Member Stoker** aye

58 **Council Member Swanson** aye

59 **Council Member Urry** aye

60

61 **The motion passed unanimously.**

62

63 **ACTIVE AGENDA**

64

65 **1. PUBLIC COMMENTS**

66

67 Randy Winn, 2412 Barker Parkway, offered his support for two items currently under Council
68 consideration: first is the proposal to realign the salaries for the City's Police Department. He
69 stated he feels that is a wise move and his only criticism is that it was not done sooner. He stated
70 that he also supports agenda item four and feels the City should take advantage of the Mayor's
71 generous offer to serve full time while the City is without a City Manager.

72

73 David Evertsen, 875 S. Estrella Parkway, Phoenix, AZ, stated that he has served the U.S.
74 Government overseas building local government and he wanted to talk to the Council about good
75 government. He indicated he is in Utah currently to recruit 20 interns for his company, which
76 does compensation and classification studies throughout the United States and internationally;
77 the issue of good governance is constantly raised throughout his studies and what constitutes
78 good governance. He offered a personal experience regarding a time that he was working as a
79 consultant for a municipality on their personnel and policies manual and the municipality did not
80 take his advice relative to some policy issues, but later regretted it and subsequently adopted a
81 policy that he recommended. He stated that the reason he tells that story is because of item four
82 on tonight's agenda; the opportunity to have a Mayor or any elected official serve in a
83 professional capacity is a great opportunity, but it also has a lot of challenges that are seen and
84 unforeseen. He stated that he wants the Council to think about the consequences of the action
85 they are being asked to take tonight beyond the financial implications. He also asked that they
86 take into consideration public perception regarding the proposed action. He stated there are
87 many capable officials that applied for the position and it has been reported that they are not
88 qualified; he disagreed with that assessment and stated that he simply wants to stress the
89 importance of good governance. He stressed the importance of professional leadership and
90 stated there are many risks associated with relying upon someone that may not have that
91 expertise. He concluded it is also very important to maintain and strengthen trust in government
92 and giving tax payers the greatest value possible. He wished the Council the best in their
93 decision this evening.

94 **2. CDBG – 1ST PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK**
95 **GRANT (CDBG) PROJECTS AND APPLICATION**
96

97 A staff memo from Building Official Kerr explained this public hearing is for the city to discuss
98 the CDBG program and to consider potential projects for which funding may be applied under
99 the 2015 Community Development Block Grant Program. The grant money must be spent on
100 projects benefiting primarily low and moderate-income persons. The Wasatch Front Regional
101 Council, in which North Ogden City is a member, is expecting to receive approximately
102 \$1,000,000 in this new program year. All eligible activities that can be accomplished under this
103 program are identified in the CDBG Application Policies and Procedures Manual and interested
104 persons can review it at any time. Eligible activities could include construction of public works
105 and facilities such as water and sewer lines, fire stations, acquisition of real property, provision
106 of public services such as food banks or homeless shelters. Also eligible are loan programs for
107 private businesses which would then hire low income persons and the program can also pay for
108 housing rehabilitation or down payment assistance for low income homeowners. In the past
109 North Ogden City has received CDBG funding for:

- 110 1. Low interest loans for North Ogden City citizens to remodel their homes.
- 111 2. The North View Senior Center.
- 112 3. Waterline replacement in the Green Acres area.
- 113 4. Street improvements in the Green Acres area.

114 The next item on our agenda will be to update our Capital Improvement Projects Plan. This is
115 part of the regional "Consolidated Plan" which shows which projects the city has identified as
116 being needed in the community that are identified as CDBG projects.
117

118 Mr. Kerr read his staff memo for the public record of the meeting.
119

120 Council Member Urry asked if the applications are for 2015 grant monies, to which Mr. Kerr
121 answered yes. Council Member Urry asked when the City will receive the money if any grant
122 funding is awarded. Mr. Kerr stated the money will not be available until close to July of 2015.
123

124 Council Member Satterthwaite asked when the City will know if any of its applications were
125 successful. Mr. Kerr stated the application is due in January and the City will not receive a
126 response until March.
127

128 Mayor Taylor opened the public hearing for the CDBG program at 6:50p.m. and stated that this
129 hearing is being called to consider potential projects for which funding may be applied under the
130 2015 Community Development Block Grant Program. It was explained that the grant money
131 must be spent on projects benefiting primarily low and moderate-income persons. The Wasatch
132 Front Regional Council, in which North Ogden City is a member, is expecting to receive
133 approximately \$1,000,000 in this new program year. All eligible activities that can be
134 accomplished under this program are identified in the CDBG Application Policies and
135 Procedures Manual and interested persons can review it at any time. Mayor Taylor read several
136 of the eligible activities listed including: construction of public works and facilities, i.e.: water
137 and sewer lines, fire stations, acquisition of real property, provision of public services such as
138 food banks or homeless shelters. Also eligible are loan programs for private businesses which
139 would then hire low income persons and the program can also pay for housing rehabilitation or

140 down payment assistance for low income homeowners. Mayor Taylor indicated that in the past
141 North Ogden City has received four grants. The City has handed out its capital investment plan
142 as part of the regional "Consolidated Plan". This list shows which projects the City has identified
143 as being needed in the community. Mayor Taylor asked that anyone with questions, comments or
144 suggestions during the hearing please identify themselves by name, before they speak. The clerk
145 will include the names of those that spoke in the minutes and the City would like to specifically
146 respond to any questions asked or suggestions made during the hearing.
147

148 Randy Winn, 2412 Barker Parkway, stated that not long ago the City Council discussed the lack
149 of sidewalks in certain residential areas of the City and he suggested the City seek funding to
150 assist in providing those needed sidewalks. Mayor Taylor responded to the suggestion by stating
151 Harrisville is seeking CDBG funding to aid in providing connectivity to North Ogden's trail
152 system near 2550 North. He added CDBG funding can be used for sidewalks in areas that meet
153 the grant requirements.
154

155 Joan Brown, Planning Commissioner, noted that Barker Park is not ADA accessible and she
156 suggested that the City seek funding to make improvements to provide ADA accessibility.
157

158 Seeing no additional persons appearing to be heard, Mayor Taylor asked for a motion to close
159 the public hearing.
160

161 **Council Member Bailey motioned to close the public hearing. Council Member**
162 **Satterthwaite seconded the motion.**
163

164 **Voting on the motion:**
165

166 Council Member Bailey	aye
167 Council Member Satterthwaite	aye
168 Council Member Stoker	aye
169 Council Member Swanson	aye
170 Council Member Urry	aye

171

172 **The motion passed unanimously.**
173

174 The public hearing was closed at 6:55p.m.
175

176 Mayor Taylor reported the City will take the suggestions made during the public hearing under
177 advisement and determine if they fit within the requirements of the CDBG grant program. He
178 stated the City has developed a few ideas of its own.
179
180

181 **3. DISCUSSION AND/OR ACTION TO CONSIDER CAPITAL PROJECTS** 182

183 Mayor Taylor asked Mr. Kerr to provide the list of projects for which the City will seek funding.
184 Mr. Kerr referenced two projects:
185

- 186 1. Oaklawn Park, replace existing restroom, \$252,000
- 187 2. Lomond View Park, replace existing restroom, \$205,000

188
189 Mr. Kerr noted the initial CDBG grant application list will need to be amended as it previously
190 included an additional project for the replacement of restrooms at Orton Park, but the City is seeking
191 RAMP grant funding for that project and it is not necessary to seek CDBG funding at this time.

192
193 Council Member Bailey wondered if it would be best to still seek CDBG funding for the project
194 because RAMP funding will only cover 50 percent of the project cost if the City is awarded funding.
195 Mr. Kerr noted the City could request enough CDBG funding to cover an entire project cost, but
196 applications are ranked higher if the City offers to provide some matching funds. He noted City
197 Administration is proposing that RAMP grant funding be used for the City's matching funds, but that
198 the City make available \$75,000 for each project to cover any gap not covered by RAMP funds. He
199 noted the CDBG funds will pay for the restroom facilities, but not for the attached storage sheds.
200 Council Member Bailey asked if use of RAMP funds for the Orton Park project will require Council
201 approval. Mayor Taylor stated the Council will be asked to approve the agreement for use of RAMP
202 funding. Council Member Bailey stated he is concerned that the timelines for the two grant
203 applications are not lining up and the outcome may be that the City will not receive the anticipated
204 grant award and the Orton Park Project will not be completed. Mr. Kerr stated the City will seek
205 grant funding in the next program year if that occurs. There was a general discussion regarding the
206 CDBG application process with Mr. Kerr noting he has been working with a liaison from the WFRC
207 that is a specialist for the grant program and she has assured him that the manner in which he has
208 prepared the CDBG application is sufficient.

209
210 Council Member Urry referenced the Oaklawn Park project and stated it is his understanding that the
211 bid for the project was well above \$250,000 and he asked why the City is still listing the project cost
212 as \$250,000. Mr. Kerr stated it is his understanding that the \$250,000 cost is revised to reflect the
213 bid amounts. Council Member Bailey stated it is his recollection that the engineer's estimate for the
214 project was approximately \$150,000 and the bids were closer to \$250,000. Council Member Urry
215 stated the low bid for the project was \$286,000. Mr. Kerr then noted the City has budgeted an
216 additional \$75,000 for the storage shed attached to the restroom facility. Council Member Urry
217 asked what is stored in the storage units. Mayor Taylor stated it houses supplies needed at the park.
218 Council Member Urry stated a large storage facility can be built for \$75,000 and he would like
219 detailed information regarding the purpose of the storage facility. Council Member Stoker
220 interjected that one reason the cost for the Oaklawn Park project is higher than the projects at the
221 other parks is that the current restroom facility is connected to a concession stand and rebuilding the
222 concession stand was very costly; City Administration made the decision to separate the restroom
223 facility from the concession stand for bidding purposes. She added that there is much more than
224 restroom supplies stored in the storage facility; it houses equipment and gear needed to facilitate the
225 use of the recreation facilities at the Park throughout the year. Council Member Urry added that he
226 spoke to the company that submitted the low bid and they indicated another reason for the high bid
227 amount were the sewer connectivity issues at the Park. Council Member Stoker stated that is
228 accurate. General discussion regarding the cost of the project continued with Mayor Taylor noting it
229 is his understanding that the bid amount for the restroom, concession facility, and sewer connection
230 was near \$350,000, but City Administration felt they could get the project cost closer to \$250,000 by
231 changing the scope of work at the site for the purposes of securing CDBG grant funding. Council
232 Member Urry wondered if the City should be applying for more than \$250,000 for the project. Mr.
233 Kerr noted that the City Engineer assured him that the \$250,000 cost is the revised project estimate.

234 Council Member Bailey stated the only decision the Council should be considering this evening is
235 whether to add the projects to the capital improvement plan; he noted the scope of the projects and
236 the associated costs can be discussed in more detail at a future date. Council Member Urry stated his
237 only concern is whether the City is applying for a sufficient amount of money for the project. Mayor
238 Taylor stated that the cost of the project will fluctuate, but staff feels the \$250,000 grant funding
239 request is appropriate at this time. The Council then had a discussion regarding the process for
240 adding a project to the capital improvement plan and funding those projects. Mayor Taylor
241 concluded the projects and grant applications can be discussed in further detail during the December
242 work session meeting.

243
244 **Council Member Bailey made a motion to add the three park restroom projects at**
245 **Oaklawn, Orton, and Lomond View Parks to the City’s Capital Improvement Plan with**
246 **the caveat that no application be made for grant funding for the three projects until the**
247 **Council has granted final approval. Council Member Stoker seconded the motion.**

248
249 **Voting on the motion:**

250
251 **Council Member Bailey** **aye**
252 **Council Member Satterthwaite** **aye**
253 **Council Member Stoker** **aye**
254 **Council Member Swanson** **aye**
255 **Council Member Urry** **aye**

256
257 **The motion passed unanimously.**

258
259 **4. DISCUSSION AND/OR ACTION TO CONSIDER TEMPORARILY CHANGING THE**
260 **MAYOR’S POSITION FROM PART-TIME TO FULL-TIME AND TO ADJUST HIS**
261 **STIPEND ACCORDINGLY**

262
263 A memo from Council Member Bailey explained North Ogden City’s City Manager recently
264 resigned. The City has posted the opening and solicited applications for this position. At present
265 we are in a unique, temporary position where we have an elected mayor who has the education,
266 training, experience, willingness, and time to assume the administrative responsibilities of North
267 Ogden City full time. Mayor Taylor is willing to quit his full-time job to assume the position of
268 full-time mayor. The Council has expressed interest in and has begun researching the possibility
269 of having the Mayor serve in a full-time capacity, eliminating the need for a full-time City
270 Manager. Jon Call, the City Attorney, has suggested that the Council has three alternative ways
271 of facilitating this change:

- 272 • Switch to a Mayor-Council form of government
273 ○ Requires a public vote probably in the November 2016 elections.
274 ○ Means that we would have a full-time mayor forever unless changed by another
275 public vote
276 • Increase the Mayoral stipend and eliminate the responsibilities of the City Manager (City
277 Administrator) from all City Code.
278 ○ Would need to be done if we do not appoint another employee to serve as the City
279 Administrator.

- 280 ○ The City Council could increase the mayor's annual stipend commensurate with
281 his duties subject to public noticing and hearing requirements.
282 ○ The changes in City statutes would need to be undone if/when we want to return
283 to a part-time Mayor and full-time City Administrator.
284 • Increase the Mayoral stipend and designate another employee to perform the statutory
285 roles of City Administrator.
286 ○ This could be done at any Council meeting with the appropriate notice to modify
287 the budget.
288 ○ This would specifically not require any amendments to code that I am aware of as
289 all of the administrative power is currently vested in the Mayor anyways with a
290 few exceptions of tasks to be completed by the City Administrator.
291 ○ This would require that a City Administrator be identified for the relatively few
292 tasks that our code requires a City Administrator for. (They deal mostly with
293 financial considerations.)
294 ○ This could also include an increase in the stipend for the Mayor's Position and
295 review it as often as the Council would like. (Potentially annually during budget
296 discussions.)
297 ○ This option would allow the Council to hire another City Administrator without
298 making any code changes to give power back to the position.
299

300 The memo reviewed the advantages to the City, noting Mayor Taylor has a Master of Public
301 Administration degree and formal training in municipal government; has extensive public sector
302 and private sector management experience; is committed to North Ogden. He was duly elected
303 by the residents of North Ogden and he lives in North Ogden; he understands the needs of our
304 City; knows the employees of North Ogden and has a good working relationship with them; has
305 demonstrated a genuine willingness to work with the City Council and to not overstep his
306 statutory responsibilities as mayor; and he understands the City Council's expectations.
307

308 The memo concluded additional benefits are that the City can delay hiring and training a new
309 City Manager; can move forward on current initiatives without losing time training a new City
310 Manager. There is a considerable financial savings to the City as Mayor Taylor is willing to
311 work for an additional \$60,000 added to his current \$10,000 stipend. He will not receive any
312 employee benefits such as health insurance and retirement. When the \$10,000 pay increase is
313 added to the department head who will serve as part time City Administrator the net expense to
314 the City is about \$80,000. (It will be slightly more because of mandatory FICA taxes on the
315 mayor's stipend and FICA and benefit expenses for the City Administrator.) The City Manager's
316 job currently pays between \$87,948 and \$129,284. When benefits are added in the range is
317 \$131,922 and \$193,926. At the low end the City will save \$51,922 per year and at the high end it
318 will save \$113,926 per year. This is a temporary arrangement as the City is currently in a unique
319 situation where the Mayor has the expertise to perform the functions of Mayor and City
320 Administrator. It appears it will be possible to return to the part-time Mayor/full-time City
321 Manager approach at any time by a simple majority vote of the Council.
322

323 The memo summarized the potential considerations of the City Council:

- 324 • Can we easily return to the current situation with a simple majority vote? State law
325 requires that the Mayor's vote be included whenever his powers are changed.

- 326 • How do we increase the part-time city administrator's pay without causing a significant
327 increase in required withholding?
328 • When we decide to change back to a part-time mayor, full-time City Administrator what
329 will be the effect on the department head, who has been serving as part-time City
330 Administrator, who now loses \$10,000 in pay?
331

332 Council Member Bailey reviewed his memo.
333

334 City Attorney Call noted he feels the consideration before the Council tonight is not an
335 expansion of the Mayor's power; in the future if the Mayor's stipend is ever reduced, the sitting
336 Mayor would not be able to argue that the reduction in the stipend equates to a reduction in
337 power, which would require a vote of the Mayor.
338

339 Council Member Swanson suggested that a sunset clause be considered for the action and that
340 the sunset clause mirror the Mayor's term of office so that any future Mayor does not expect to
341 be full-time and be paid the stipend that has been recommended by Council Member Bailey.
342 Council Member Satterthwaite stated a sunset clause is a great idea and he would recommend
343 that the situation be reviewed much earlier than the end of Mayor Taylor's term of office.
344 Council Member Swanson agreed. Council Member Swanson stated he supports the proposed
345 action and feels it would generate positive results for the City, but he acknowledged that the
346 Council must have options for transitioning back to a situation where the City has a full time
347 City Administrator and part time Mayor.
348

349 Council Member Stoker agreed the Mayor does a great job for the City and can be trusted to
350 serve in the capacity that is being recommended. She also agreed that a sunset clause for the
351 action would be appropriate and she would like to review the situation on a regular basis.
352

353 Council Member Urry asked if the Mayor would be assigned the new title of Mayor/City
354 Manager. Mr. Call answered no. Council Member Urry stated it is his understanding that
355 removing any duty from the Mayor would require a unanimous vote of the Council. Mr. Call
356 stated that is correct. Council Member Urry stated that the only concern he has is asking a staff
357 member to perform various City Administration duties; he feels some of those duties could be
358 delegated to various Council Members. Mr. Call stated there are some statutory requirements
359 that must be handled by a City Administration, but those duties could be reassigned to the Mayor
360 or others. Council Member Urry reiterated his suggestion that some of those duties be assigned
361 to Council Members.
362

363 Discussion regarding an appropriate motion for the Council to consider in order to formalize the
364 recommendation ensued. Mr. Call noted the change in stipend is a budgetary issue and should
365 take place during the budget hearing listed as the next item on the agenda.
366

367 Mayor Taylor noted he is very comfortable with a review period or sunset clause. He added he
368 has not pressured the Council to appoint him as a full time Mayor or change his stipend; he
369 simply offered the idea as a solution to the City's current situation relative to the vacant City
370 Manager position.
371

372 **Council Member Satterthwaite made a motion to increase the stipend for the position of**
373 **Mayor by \$60,000 to total \$70,000, with no benefits. Council Member Swanson seconded**
374 **the motion.**

375
376 **Voting on the motion:**

377
378 **Council Member Bailey** aye
379 **Council Member Satterthwaite** aye
380 **Council Member Stoker** aye
381 **Council Member Swanson** aye
382 **Council Member Urry** aye

383
384 **The motion passed unanimously.**

385
386 The Council then had a discussion regarding the appropriate way to reassign duties currently
387 assigned to the City Manager or City Administrator. Council Member Bailey asked if the duties
388 to be assigned to a current employee are truly commensurate with the \$10,000 in additional pay
389 that has been proposed for the employee. Mayor Taylor stated he feels the duties are
390 commensurate with the proposed \$10,000 increase. He noted the employee chosen to perform
391 the duties will continue to carry out the duties assigned to their position as well as serve as the
392 point of contact for the Mayor and City Council, which includes facilitating agenda items for the
393 Council to consider. Mr. Call noted Mr. Steele is currently serving as the interim City
394 Administration and in order for him to receive the \$10,000 in pay the Council needs to consider
395 formally appointing him as the acting City Administrator. Council Member Bailey noted he
396 would like to amend the City Code to eliminate inconsistencies between the City Manager and
397 City Administrator title. Mr. Call agreed that would be appropriate.

398
399 Council Member Urry stated he feels that according to State Law the Council must take formal
400 action on appointing an acting City Administrator. Mr. Call stated he feels that action would be
401 appropriate and it would be best to include the potential action on the next Council business
402 meeting agenda.

403
404 Mayor Taylor thanked the Council for this vote of confidence and he enjoys working with the
405 entire Council and feels they make a great team working together for the City.

406
407
408 **5. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON AMENDMENTS TO**
409 **THE 2014-2015 FISCAL YEAR BUDGET**

410
411 A staff memo from Finance Director Steele explained each year amendments to the current fiscal
412 year budget are necessary to cover expenditures not accounted for in the original budget. The
413 memo explained the Council packet includes a file explaining the expenses which require the
414 Council's approval and the source of revenues from which the expenses will be paid.

415
416 Mr. Steele reviewed his staff memo and summarized the proposed budget amendments, noting
417 the budget amendments total \$182,200.

418 The Council had a brief discussion regarding item three, an increase of \$77,700 for employee
419 salary and benefit increases, after which Council Member Bailey concluded at a future date he
420 would like additional information regarding how the budget amendments will impact the City's
421 fund balance.

422
423 Mayor Taylor opened the public hearing at 7:55p.m. There were no persons appearing to be
424 heard.

425
426 **Council Member Satterthwaite motioned to close the public hearing. Council Member**
427 **Swanson seconded the motion.**

428
429 **Voting on the motion:**

430
431 **Council Member Bailey** aye
432 **Council Member Satterthwaite** aye
433 **Council Member Stoker** aye
434 **Council Member Swanson** aye
435 **Council Member Urry** aye

436
437 **The motion passed unanimously.**

438
439 The public hearing was closed at 7:56p.m.

440
441
442 **6. DISCUSSION AND/OR ACTION TO AN ORDINANCE AMENDING THE 2014-2015**
443 **FISCAL YEAR BUDGET**

444
445 **Council Member Swanson motioned to adopt Ordinance 2014-27 amending the 2014-2015**
446 **fiscal year budget. Council Member Swanson seconded the motion.**

447
448 **Voting on the motion:**

449
450 **Council Member Bailey** aye
451 **Council Member Satterthwaite** aye
452 **Council Member Stoker** aye
453 **Council Member Swanson** aye
454 **Council Member Urry** aye

455
456 **The motion passed unanimously.**

457
458
459 **7. DISCUSSION AND/OR ACTION TO CONSIDER A DEVELOPER'S REQUEST ON**
460 **THE 3775 NORTH WATERLINE LOOP**

461
462 A memo from Mayor Taylor explained that after Council discussion of the proposed 3775 North
463 subdivision waterline loop on Nov 4, 2014, he received an updated figure for the engineering

464 costs from Mr. Paul Nanney. The figure he used in the discussion of Nov 4, 2014 of “\$7,500” in
465 engineering costs was an estimate he received from Mr. Nanney. The actual cost of the
466 engineering work done for the proposed waterline loop and subdivision was \$9,375.25. Mr.
467 Nanney is asking the Council for consideration of the actual amount of the engineering costs if
468 the Council moves forward with the idea of reimbursing the property owners for 50% of the
469 costs incurred under the assumption and belief that the city was going to participate in the
470 waterline loop.

471
472 Mayor Taylor summarized his memo and noted Mr. Nanney is in attendance to answer any
473 questions the Council may have regarding this issue.

474
475 Council Member Urry noted that one of the bills provided by Mr. Nanney indicates that a portion
476 of the \$9,375.25 is delinquent and has been unpaid and he does not feel the City should pay any
477 portion of that delinquent amount.

478
479 Paul Nanney, 1329 N. 1675 E., Layton, addressed Council Member Urry’s comment and noted
480 that the reason there is a delinquent amount is due to a miscommunication between himself and
481 the engineering firm that worked on the project; the engineering firm offered an initial bid of
482 \$7,200 and he has been disputing the additional \$2,000. He noted the engineering firm has
483 indicated the charges will stand because they have revised the engineering drawings multiple
484 times. He stated the bill will be paid as it is owed to engineer, but he reiterated he has been
485 disputing it.

486
487 Council Member Urry reiterated he does not feel the City should reimburse for any amounts that
488 have not yet been paid.

489
490 Council Member Bailey asked Mr. Nanney if he would have fought harder against the increased
491 costs if the City had not agreed to reimburse him for half of the engineering costs. Mr. Nanney
492 stated he fought very hard against the increased costs and he lost that fight.

493
494 Mayor Taylor noted he has met with the property owners that have worked on this project and it
495 is his opinion that they were misled by the City and he feels the City should reimburse them for
496 half of the full engineering costs.

497
498 **Council Member Bailey moved to reimburse Mr. Nanney and the other property owners**
499 **for half of the full amount of engineering costs paid for the water line looping project.**
500 **Council Member Swanson seconded the motion.**

501
502 Council Member Satterthwaite stated he will vote in support of the motion because he feels the
503 City did make some mistakes relative to this project; however, he feels the property owners will
504 realize some future benefit from the engineering work.

505
506 **Voting on the motion:**

507
508 **Council Member Bailey** **aye**
509 **Council Member Satterthwaite** **aye**

510 Council Member Stoker nay
511 Council Member Swanson aye
512 Council Member Urry nay

513
514 **The motion passed unanimously.**
515

516

517 **8. DISCUSSION AND/OR ACTION TO CONSIDER A CHANGE ORDER FOR A**
518 **VAULT ON THE PUBLIC WORKS SITE**

519

520 A staff memo from Acting City Manager Steele explained Lundahl is going to be paving at the
521 Public Works Building within the next few weeks. Because of extenuating circumstances we
522 have to put the east well in a vault at this point. The attached change order shows the cost of
523 putting the well in a vault and it is being presented to the Council for approval at this time.
524

525

526 Mayor Taylor summarized the memo and added that since the publication of the City Council
527 packet for this meeting he has learned that it will be necessary to delay the time frame for
528 completion of the Public Works project and delivery of the facility due to weather conditions that
529 are making it impossible to lay asphalt at the site. He then provided the Council and residents in
530 attendance with an update regarding the overall Public Works Facility project.

531

532 Public Works Director Giles provided the Council with a report regarding his transition plan for
533 moving from one building to another. Council Member Bailey asked if the asphalt work will be
534 the final aspect of the project completed. Mr. Giles answered yes. Council Member Bailey
535 asked if conduit was installed at the site to facilitate construction of future buildings on the
536 property. Mr. Giles answered yes and noted that work was done in house at a much lower cost
537 than previously reported.

538

539

540 **9. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ADOPTING AN**
541 **OFFICIAL POLICY FOR SNOW PLOWING DAMAGE PROCEDURES**

542

543 A staff memo from Acting City Manager Bryan Steele explained we have been contemplating
544 the best course of action to handle damage to resident's mailboxes located in the city right of
545 way when it comes to snow plowing. Every snow plowing season there are mailboxes that are
546 damaged and staff doesn't have a policy in place to proceed from. Public Works sent out a
request for information from many cities along the Wasatch Front and had numerous responses.

547

548 This information was sent to the City Attorney to help prepare a resolution that would identify
549 how snow plowing damage could be addressed. This is our first attempt to address this problem
and staff would appreciate Council comments

550

Resolution to address the problem:

551

- The City will repair or replace any mailbox or mailbox structure which comes into direct contact with a city snow plow or any other portion of a city owned vehicle.

552

- Mailbox repair or replacement shall not exceed one hundred (\$100) dollars for any single event.

553

554

- 555 • Property owners with more expensive mailbox structures are responsible for any
556 costs above one hundred dollars (\$100) as the construction of such structures in the
557 City right-of-way is done at the property owners' risk.
558 • Damage caused by snow being pushed from a City snow plow does not qualify
559 unless the City vehicle directly contacts the mailbox structure.
560

561 Mr. Steele reviewed his staff memo and summarized the proposed policy.
562

563 Council Member Bailey inquired as to the average number of mail boxes damaged by the City in
564 a given year, to which City Recorder Spendlove responded 25.
565

566 Council Member Swanson asked how the differentiation is made between snow damage and
567 equipment damage. Mr. Giles reported his snow plow drivers know when they have run over a
568 mailbox rather than pushed snow into one causing damage. The majority of the mailbox damage
569 incidents are reported by snow plow drivers.
570

571 Council Member Bailey asked how the City has been handling mailbox damages in the past. Mr.
572 Giles noted the City has simply been taking care of repairs without a policy in place.
573

574 Council Member Urry asked if the policy could open the City to liability or lawsuits. Mr. Call
575 stated that a clearly defined policy should eliminate lawsuits that the City could be more
576 susceptible to by having an unwritten policy.
577

578 Council Member Satterthwaite asked if there was a monetary limitation on past repairs of
579 mailboxes. Mr. Giles answered no and stated the City was basically spending the amount of
580 money the resident asked for to repair or replace their mailbox.
581

582 Ms. Spendlove stated she is very happy that the Council is considering a policy because she
583 deals with most calls regarding mailbox damages. Mr. Call added he researched policies used in
584 other cities when drafting the proposed policy.
585

586 Council Member Urry inquired as to where the funding for mailbox replacement will come from.
587 Mr. Giles indicated it will come from his snow plowing budget.
588

589 Council Member Bailey stated he feels the policy is a good starting point. Council Member
590 Satterthwaite agreed and noted the policy can be revisited if it is not working.
591

592 **Council Member Bailey moved to adopt Resolution 20-2014 adopting an official policy for**
593 **snow plowing damage procedures. Council Member Stoker seconded the motion.**
594

595 **Voting on the motion:**
596

597 **Council Member Bailey aye**

598 **Council Member Satterthwaite aye**

599 **Council Member Stoker** **aye**
600 **Council Member Swanson** **aye**
601 **Council Member Urry** **aye**

602
603 **The motion passed unanimously.**
604

605
606 **10. PUBLIC COMMENTS**
607

608 Dylan Hill, 320 W. 4675 S., Washington Terrace, thanked the Council for the budget amendment
609 to provide pay increases for City employees. He noted he enjoys working for North Ogden City.

610
611 Justin Shinsel, 3901 W. 6000 S., Roy, thanked the Council for amending the budget and stated
612 morale has improved over the past weeks and months due to the work of the Mayor and Council
613 Members as well as the Department Heads of the City.

614
615 Clark Crowther, 252 W. 1600 N., thanked the Council for the work they do to make things better
616 for the employees of the City.

617
618 Kevin Warren, 2595 W. 2325 N., Farr West, stated he appreciated the vote the Council took to
619 support Mayor Taylor as a full time Mayor of the City; it has been a pleasure working with him
620 over the past months and he has a unique ability of rallying the troops and bringing everyone
621 together to work towards a common goal. He also thanked the Council for approving employee
622 raises and indicated he feels improved pay will go a long way in attracting and retaining quality
623 employees as well as slow the turn-over rate of the City.

624
625 Paul Rhodes, 611 E. 1750 N., thanked the Council for the vote of support for City employees.
626 He also voiced his support for Mayor Taylor and stated this will be an excellent opportunity for
627 him to do even more for the City.

628
629 Randy Winn, 2412 Barker Parkway, stated that he became very involved in the last election held
630 in North Ogden because he was so disappointed by what he was reading in the newspaper about
631 the City. He stated he wanted to take the opportunity tonight to express how proud he is of the
632 City, especially because of the actions taken tonight and the way the Mayor and Council work
633 together so well. He stated the group has taken a bad situation and improved the City and
634 improved the morale of the employees. He stated tonight he is proud of his City.

635
636
637 **11. COUNCIL/MAYOR/STAFF COMMENTS**
638

639 Council Member Swanson thanked the City employees for the work they do. He also thanked
640 the Police Department for increased enforcement of rolling stops at the intersection of 3100
641 North and 1050 East. He concluded he feels privileged to be part of the current City Council and
642 to work with the Mayor.

643

644 Council Member Urry expressed a concern regarding the lighting of the entrance into the new
645 Smith's Marketplace; it creates a dangerous condition for pedestrians that may be walking
646 through the intersection after dark. He stated the same condition exists near McDonalds at the
647 intersection of Washington Boulevard and 2600 North. Mr. Kerr stated he will follow up on
648 those concerns and determine who is responsible for the lights referenced by Council Member
649 Urry. Council Member Urry then echoed the positive comments made regarding the employees
650 of North Ogden City.

651
652 Council Member Satterthwaite also echoed the positive comments made about City employees
653 and indicated he feels it is the intent of the Council to provide City Administration with the tools
654 they need to nurture employees and make them the best they can be. He then acknowledged that
655 the City's current situation relative to the vacant City Manager position and the willingness of
656 Mayor Taylor to serve as a full time Mayor is a unique one and he supports Mayor Taylor in the
657 capacity of full time Mayor and thanked him for what he has done for the City to this point.

658
659 Council Member Stoker thanked the employees for expressing their feelings regarding the action
660 taken tonight to provide for pay increases; it is nice to hear positive feedback. She stated she has
661 always advocated very strongly for Police Officers and she thanked them for their service and
662 protection of North Ogden City. She stated the Public Works employees are also wonderful and
663 very responsive to the needs of residents. She addressed Mayor Taylor and thanked him for his
664 service to this point; she has been pleasantly surprised with his ability to lead the City. She
665 concluded she was happy to see the walking path on 2550 North installed and she looks forward
666 to riding her bike on it.

667
668 Council Member Bailey echoed the things that have been said about City employees and stated
669 he feels this is just one step in the right direction. He stated the City employees are very
670 professional in the way they handle themselves and the citizens appreciate that. He then reported
671 the Council had an opportunity to tour the new Smith's Marketplace store and it will be a great
672 asset to the community. He then asked if there are County roads running through North Ogden
673 City. There was a general discussion regarding roads that are maintained by the County as
674 opposed to the City, with a focus on snow removal, traffic law enforcement, etc. with Council
675 Member Bailey stating his questions have arisen due to a recent newspaper article regarding
676 Weber County islands in the City. He stated he would like to discuss the issues at a future work
677 session meeting.

678
679 Mr. Call referenced an earlier discussion during the agenda item dealing with the Mayor's part
680 time or full time status and noted that he believes the reference to statutory employees actually
681 deals with appointed officers, which include the City Recorder, City Treasurer, and City
682 Manager. He stated due to this he feels the salary of the acting City Manager should be
683 addressed via an ordinance.

684
685 Ms. Spendlove reported that her Deputy City Recorder resigned and her last day will be
686 November 26. The position was advertised in house for three days according to City policy and
687 a qualified applicant applied and was offered the job. Stacie Cain will assume the position of
688 Deputy City Recorder.

689

690 Mayor Taylor stated he is also happy to see the completion of the 2550 North walkway and
691 stated it will be a positive improvement in the neighborhood. He added Smith's Marketplace
692 made the large donation to the City for the project tonight and he will provide information about
693 the status of the fundraising to the project to the Council and press at a later date. He then asked
694 the Council to convene in a closed session for the purpose of discussing pending or imminent
695 litigation as well as the purchase or sale of real estate.

696
697 **Council Member Swanson motioned to move into a closed session to pending or reasonably**
698 **imminent litigation and the purchase, lease, or exchange of real property. Council Member**
699 **Satterthwaite seconded the motion.**

700
701 **Voting on the motion:**

702
703 **Council Member Bailey** aye
704 **Council Member Satterthwaite** aye
705 **Council Member Stoker** aye
706 **Council Member Swanson** aye
707 **Council Member Urry** aye

708
709
710 The Closed Session began at 8:46 p.m.

711
712 The City Council reconvened in its open meeting at 9:44 p.m.

713
714
715 **12. ADJOURNMENT**

716
717 **Council Member Swanson motioned to adjourn. Council Member Bailey seconded the**
718 **motion.**

719
720 **Voting on the motion:**

721
722 **Council Member Bailey** aye
723 **Council Member Satterthwaite** aye
724 **Council Member Stoker** aye
725 **Council Member Swanson** aye
726 **Council Member Urry** aye

727
728 **The motion passed unanimously.**

729
730
731 **The meeting adjourned at 9:46 p.m.**

732
733
734 _____
735 Brent Taylor, Mayor

736

737
738 _____
739 S. Annette Spendlove, MMC
740 City Recorder
741
742 _____
743 Date Approved

NOT APPROVED