

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2  
3 December 9, 2014  
4

5 The North Ogden City Council convened in an open meeting on December 9, 2014 at 6:30 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 December 4, 2014. Notice  
9 of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.  
10

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

19 STAFF PRESENT: Bryan Steele Acting City Manager  
20 S. Annette Spendlove City Recorder/H.R. Director  
21  
22

23 VISITORS: Norman Schmehl Matt Hartvigsen  
24 Roger Hepworth Debbie Hepworth  
25 Blake Welling Julie Anderson  
26 Dale Anderson Rachel Trotter  
27

28 Mayor Pro Tem Bailey welcomed those in attendance.  
29

30 Council Member Swanson offered the invocation and led the audience in the Pledge of  
31 Allegiance.  
32

33 **ACTIVE AGENDA**

34  
35 **1. PUBLIC COMMENTS**  
36

37 Boy Scout Camden Morris, 3041 N 550 E, stated he is working on his Citizenship in the  
38 Community merit badge.  
39

40 Mayor Pro Tem Bailey moved item two to the end of the agenda.  
41

42 **3. DISCUSSION AND/OR ACTION TO CONSIDER A CHANGE ORDER FOR THE**  
43 **UPSIZING OF THE DETENTION POND AT THE NEW PUBLIC WORKS SITE**  
44

45 A staff memo from City Planner Scott explained when the City Council is acting in a legislative  
46 capacity it has wide discretion. Examples of legislative actions are general plan, zoning map, and  
47 land use text amendments. Since this legislative action does not involve the zoning ordinance it

48 does not require that the Planning Commission give a recommendation to the City Council.  
49 Typically the criterion for making a decision, related to a legislative matter, requires  
50 compatibility with the general plan and existing codes. The Valley View Estates subdivision was  
51 granted final approval on March 27, 2007. One of the conditions of approval relates to the  
52 requirement in 9-2-4 (Use of Culinary Water for Irrigation Prohibited) that requires all  
53 subdivisions to provide secondary water. Pineview Water District is unable to serve all 8 lots of  
54 this subdivision; they are currently serving 2 lots. The applicant is requesting that the City  
55 Council amend 9-2-4 to grant an exception to this provision for Valley View Estates subdivision  
56 until the appropriate easement and construction of the secondary water line is completed. The  
57 secondary water lines are in place within the Valley View Estates subdivision but are not  
58 connected to the Pineview System at 3650 North.

59

#### 60 9-2-4: USE OF CULINARY WATER FOR IRRIGATION PROHIBITED

61 It is unlawful for any person, whether owner or occupant, of any residential or agricultural  
62 property, to use culinary water from the city waterworks for the purpose of irrigating any yard,  
63 garden, lawn, field or for livestock watering. Building permits for residential structures shall not  
64 be issued unless there is a pressurized secondary water system serving the property. Property  
65 located in the Ben Lomond estates subdivision, Roylance farms PRUD subdivision, phases 1 and  
66 2, and the Roylance farms phase 3 subdivision are excluded from this section until secondary  
67 water is available.

68 *Adopted by Ord. 2001-04 on 2/13/2001*

69

70 The Ben Lomond Estates subdivision and Roylance Farms subdivision were granted a temporary  
71 reprieve from having secondary water installed to give time for Pine View Water to extend lines  
72 to these subdivisions. The difference between these two circumstances is that access was  
73 available to the secondary water system; there was a construction timetable to get the water lines  
74 extended that the City Council granted the temporary exception. In this case the water lines are  
75 also available but an access across an intervening property is not currently available. In Mr.  
76 Schmehl's letter he indicates that Pine View Water District has agreed to condemn the water line  
77 easement but has not completed this process. Mr. Schmehl is requesting that the City Council  
78 amend the ordinance to allow the use of culinary water for irrigation purposes until secondary  
79 water is available. Staff has contacted Mr. Terel Grimley, Pineview District General Manager; he  
80 confirmed that he has been in contact with the property owner. He is going to make another offer  
81 before condemning the easement. His goal is to have the water line in before next year's water  
82 service begins. If building permits were issued today it would take about 6 months to complete a  
83 home. New homes have 18 months to landscape front and side yards and two and half years to  
84 landscape back yards. The City could require no landscaping be allowed until secondary water is  
85 available. The proposed subdivision conforms to the North Ogden City General Plan. The  
86 General Plan map calls for this property to be developed as single family residential. However,  
87 unless the City Council amends 9-24 the subdivision cannot meet that ordinance requirement.  
88 The memo concluded that if the City Council is satisfied that there is sufficient information to  
89 grant the request; they will direct Staff to bring back an ordinance amendment and a revised  
90 development agreement that the building permits for Valley View Estates will have a stipulation  
91 that no landscaping will occur until the secondary water system is connected.

92

93 Acting City Manager Steele reviewed Mr. Scott's memo.

94  
95 Norman Schmehl, 1731 Whispering Oaks, Ogden, UT, stated he is the co-developer of the  
96 subject property and the project was completed in 2007; the warranty period for the project  
97 expired in 2009 and at that time he entered into an agreement with the City to put money in  
98 escrow to guarantee the installation of the line as required by Pineview District. He stated he has  
99 tried diligently over the past six years to secure an easement for the installation of the line and in  
100 each and every case he was denied the easement for several reasons. He stated that in 2011,  
101 former City Manager Ed Dickie wrote a letter to the District asking for information to assist in  
102 determining whether the connection on 3650 North was actually needed. He stated he is asking  
103 to be allowed to use culinary water for irrigation purposes so that he can proceed with selling the  
104 lots in the subdivision and so that those that purchase the lots can secure a building permit. He  
105 stated he feels his project has been halted because of the City and Pineview and he would like for  
106 the City to revise its ordinance to allow him to use culinary water to irrigate the six lots in the  
107 subdivision in the interim while additional work is done to determine how much water is actually  
108 needed for the subject property. He stated he would also like the ordinance amended to modify  
109 the requirement for water needed at the property. He stated he has spoken with the City  
110 Engineer and Fire Marshall and found that the water pressure in the area is sufficient and it is not  
111 necessary that houses be built with sprinkling systems; since that time he has been able to sell  
112 two lots in the project and if the ordinance revision he is requesting were to be approved he  
113 would be able to sell the remaining parcels.

114  
115 Jill Taylor, co-developer of the subject property, indicated that one of the problems she has  
116 experienced with this project is that Pineview District and the City would not talk with one  
117 another to address the issues with the property; at the final engineering meeting where all parties  
118 gathered to discuss the project, a representative of Pineview was not present and they were told  
119 that they had not been informed of the meeting. She stated that if Pineview had made her and  
120 Mr. Schmehl aware that they did not feel there was enough pressure to serve the project without  
121 looping a line in the area, they would not have proceeded with the development. She stated that  
122 for six years the project has been at a standstill and the adjacent property owners do not want to  
123 grant an easement to allow for the installation of the water line being requested by Pineview.

124  
125 Mr. Schmehl added that the money has been put in escrow and there is sufficient funding to  
126 complete the project.

127  
128 Mayor Pro Tem Bailey asked if the project has just been sitting for six years. Mr. Schmehl  
129 answered yes and reiterated all other infrastructure work for the project was completed in  
130 September of 2007. Mayor Pro Tem Bailey stated he believes the applicants should be talking to  
131 Pineview and not North Ogden City because Pineview is the entity that can provide the solution  
132 needed to make the project viable. He stated he is confused as to why the applicants have come  
133 to the City. Mr. Schmehl stated that he has been made many promises by Pineview over the  
134 years and he feels there is sufficient water at the connection at 500 East to serve the project and  
135 he feels the City has the responsibility to verify that what they are requiring is actually necessary;  
136 if there is sufficient water in the area he should be allowed to proceed with the project. He stated  
137 Mr. Grimley has refused to help him complete the tests to determine if there is sufficient water in  
138 the area so he is asking the City for help. Ms. Taylor added that every solution she has offered to  
139 Pineview has been rejected; Pineview has been holding the key and they are placing fault with

140 the City for approving the subdivision without getting better input from Pineview. She stated she  
141 feels she and Mr. Schmehl are caught in the middle between the City and Pineview. She stated  
142 that the owner of the adjacent property has been opposed to granting an easement for the  
143 pressurized water line, but her daughter understands that the line is likely needed. She stated that  
144 the daughter will not go against her mother's wishes for her property. She stated Pineview has  
145 told her that they will use eminent domain to take the property for the easement because the  
146 installation of the water line is part of their master plan. Mayor Pro Tem Bailey asked if  
147 Pineview intends to pay for the easement. Ms. Taylor answered yes and noted they indicated  
148 they will have the property appraised. She reiterated she feels this issue has been created by  
149 miscommunication between North Ogden City and Pineview.

150  
151 Council Member Urry stated he does not feel the City should be involved other than possibly  
152 facilitating a meeting between the applicants and Pineview. He stated he is opposed to  
153 approving the use of culinary water for irrigation. He stated that if he were installing a  
154 subdivision he would have conducted testing to ensure there was appropriate water in the area to  
155 serve it. Mr. Schmehl and Ms. Taylor stated they did such testing; they received a letter from the  
156 City Engineer and their own engineer to verify the testing, but Pineview was not involved. Mr.  
157 Schmehl stated that he did everything asked of him by the City, yet he is still in a bind and he  
158 feels the City has the ability to provide oversight and protect him. Council Member Urry stated  
159 he does not feel the City has the responsibility to protect anyone that chooses to subdivide  
160 property. Mr. Schmehl stated he is not asking the City to protect him; he is asking the City to  
161 verify what Pineview is trying to require of him is valid. Ms. Taylor added she feels the City is  
162 at fault for approving the subdivision without requiring more from Pineview.

163  
164 Council Member Swanson stated he has several concerns and wondered what would happen is  
165 the homes were built and the pressure at 500 East were not sufficient as Pineview has claimed.  
166 He stated the individuals that build the homes will want to install landscaping but there is not  
167 sufficient water to do so; those individuals will need to use culinary water to maintain their  
168 landscaping for an undetermined amount of time. He stated the applicants are asking the Council  
169 to act on the issue based on several assumptions and he is uncomfortable doing that. Mr.  
170 Schmehl stated that he does not feel his claims are based upon assumptions. He added that he  
171 has authority to use secondary water for two lots, but he feels enough water is available to water  
172 the additional six lots as well. Council Member Swanson stated that he understands Mr.  
173 Schmehl's position, but he does not feel the City can pay for an engineering study to prove there  
174 is sufficient water for the development because that would mean the City would need to pay for  
175 such a study for every development proposed to be built in the City .

176  
177 Council Member Stoker asked to hear from the City Engineer. City Engineer Hartvigsen stated  
178 he understands the State Property Rights Ombudsman has become involved in the situation and  
179 he does not want to provide an opinion on those dealings, but he noted Pineview agreed to serve  
180 the development in a letter that did not include any conditions of approval. He stated he is not  
181 surprised the City approved the development based upon that letter. City Attorney Call noted he  
182 has seen the letter and there were some things included therein that could be considered  
183 conditions, but they were not specific to the locations of lines. Mr. Hartvigsen added that once  
184 the development was under construction Pineview indicated they could not serve it unless a  
185 second water line was installed. He stated he attended a meeting with the applicants and

186 Pineview and Mr. Grimley committed to provide a solution to the problem within 30 days, but  
187 that has never happened and Pineview has continued to fail to respond to the applicant's request.  
188 He then noted that he does not feel the City has sufficient culinary water to serve irrigation  
189 purposes and he would hate to modify the City's ordinance to allow such a practice even on a  
190 temporary basis. He concluded he can sympathize with the position they are in due to no fault of  
191 their own, but the City cannot dictate how Pineview provides their services, though the City has  
192 tried to get involved in this situation.

193  
194 Council Member Stoker asked if the main problem is that it is unknown if there will be sufficient  
195 water pressure even if there is an easement across the adjacent property to allow for the  
196 installation of an additional line. Ms. Taylor answered no and stated that Pineview has indicated  
197 that if the water is looped there will be sufficient pressure for the subject property as well as all  
198 subdivisions in the area. There was a brief discussion regarding the proposed location of the  
199 water line requested by Pineview, with Mr. Hartvigsen reiterating that Pineview has requested  
200 that the second line be looped to serve and provide a connection to all lots in the subdivision.

201  
202 Mayor Pro Tem Bailey concluded he feels that the issue is between the developer and Pineview  
203 and the City's only role in the issue is the ordinance that requires that secondary water be  
204 available for the development. City Attorney Call noted the opinion of the Ombudsman's office  
205 is a very unique one and it essentially states that the City and Pineview are both obligated to  
206 make sure there is a fair exaction upon the property owners. The opinion also indicates the City  
207 is being fair in requiring secondary water be provided to every lot in order to allow the culinary  
208 system to remain dedicated to culinary purposes and alleviate any opportunities for shortfalls in  
209 the system. He added the City Council does have the authority to make an exception on a  
210 temporary basis to allow culinary water to be used for irrigation purposes.

211  
212 Council Member Urry asked if the City could draft a letter to Pineview asking for the  
213 information that the Ombudsman has indicated they are required to provide. Mr. Call stated that  
214 there is not a specific indication of the type of information Pineview should be providing, but his  
215 conclusion is that the City could be made liable if what Pineview was trying to impose upon the  
216 developer exceeded what was reasonable. Council Member Urry stated he feels it would be in  
217 the City's best interest to find out if there is sufficient pressure at 500 West and it may be  
218 appropriate for the City to draft a letter to Pineview asking for information to make that  
219 determination.

220  
221 Mayor Pro Tem Bailey added he feels Pineview is responsible for make the situation right, but  
222 he is sympathetic to the applicant's situation and wishes to help if possible. He asked if Mr.  
223 Hartvigsen has the ability to determine if there is adequate pressure to serve the development.  
224 Mr. Hartvigsen stated he can conduct a study, but it will be up to Pineview to ultimately  
225 determine if the pressure is adequate. Mr. Schmehl added he feels what Pineview is requesting is  
226 unfair; they are asking for a new line that will provide adequate pressure to 50 or 60 additional  
227 lots rather than just the six lots in his subdivision. Mayor Pro Tem Bailey asked if the applicants  
228 are seeking resolution to the problem or if they would like retribution as well. Mr. Schmehl  
229 stated he is simply seeking a resolution so he can proceed with his development.

230

231 Council Member Swanson stated he is concerned that the decision that is left to be made by  
232 Pineview is arbitrary and not based upon a policy requiring certain pressure or flows. Mr.  
233 Hartvigsen stated he does not feel the decision to be made by Pineview is arbitrary and they will  
234 be required to prove that what they are asking for is reasonable. He reiterated that the decision  
235 can be made at their sole discretion. Mayor Pro Tem Bailey stated he feels the next step is to try  
236 to work with Pineview to encourage them to act on the issue. He stated he feels the Council is  
237 not supportive of considering a modification to the ordinance or to grant use of culinary water for  
238 irrigation purposes. Council Member Swanson stated that is correct and he added he is not sure  
239 the use of culinary water for irrigation would be a temporary situation.

240  
241 Mayor Pro Tem Bailey asked staff to work to contact Pineview to discuss the situation and report  
242 back to the Council at the next Council meeting. Council Member Swanson added he would like  
243 the efforts between the City and Pineview to be regular and consistent. Ms. Taylor and Mr.  
244 Schmehl thanked the Council for their assistance.

245  
246

247 **4. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**  
248 **OUR WATER CONSERVATION POLICY**

249  
250  
251

Acting City Manager Steele explained a staff memo

252 City Engineer Hartvigsen reviewed the staff memo and briefly reviewed the statutory  
253 requirements relative to a water conservation policy. He also reviewed the process he followed  
254 to draft a water conservation policy, a draft of which was provided as an exhibit to the proposed  
255 ordinance included in the Council packet. He noted that in pursuit of solutions to the water  
256 conservation problems identified previously, and in light of the variety of conservation measures  
257 available to solve these problems, the following goals have been identified and included in the  
258 draft plan in order of priority:

- 259 ○ GOAL #1 –Education. Continue to provide information and education regularly in  
260 newsletters. Participate in educational programs provided through school district.
- 261 ○ GOAL #2 – Add Meters to Unmetered Connections. The city has added a meter to  
262 Green Acres Park this last spring. The city will continue to plan for and install meters  
263 at the Oaklawn Park and the shop building connections.
- 264 ○ GOAL #3 – Meter Reading System Update. The city is in the process of updating the  
265 radio read meter system to a fixed base monitoring system over the next few years.  
266 This will correct the zero usage errors currently plaguing the system. Additionally the  
267 fixed base monitoring system will allow for instantaneous meter reading and data  
268 collection. Currently meter usage data is collected monthly. The new system will  
269 make it possible to see up to the minute usage. It will also give the city the ability to  
270 detect continuous flow 10 meters which are indicative of leaks. These can even be  
271 reported to city personnel by notification/alarm so the city can follow up with  
272 residents to detect leaks earlier and conserve water.
- 273 ○ GOAL #4 – Weekly Meter Reading Audit. Perform weekly read audits to compare  
274 water use and check for leaks. This will be possible once the fixed base monitoring  
275 system is installed.

276

277 Council Member Urry stated he has had two negative experiences with remote meter reading  
278 systems with his electrical and internet providers. He stated he was told the reading problem was  
279 his and he later found out it was the problem of the providers and he is not convinced remote  
280 read systems are reliable and accurate. Mr. Hartvigsen stated that he has not worked with a  
281 remote system and admitted that nothing electronic is foolproof. Mayor Pro Tem Bailey  
282 suggested those issues can be addressed during review of the capital improvement project list  
283 that would contain a project relative to remote read meters.  
284

285 Mayor Pro Tem Bailey stated there are some things in the report that are concerning to him, such  
286 as the leakage data. Mr. Hartvigsen stated that is the data he has received, but he does not  
287 completely trust it at this point; the City has several meters that are failing or not reporting. City  
288 Recorder Spendlove added that when the majority of the City's meters were installed their life  
289 span was five years and they have exceeded that life span; they were all installed at the same  
290 time and now they are all failing at the same time. She noted the Public Works Department had  
291 originally suggested replacing one third of the City's meters at a time, but the meters are failing  
292 at a quicker rate and that replacement plan may not be sufficient. General discussion of the  
293 replacement plan continued, with Mr. Hartvigsen noting that the important aspect of the  
294 proposed ordinance and water conservation plan is that its adoption is meeting the statutory  
295 requirements and it will serve to educate the public on water usage. Mayor Pro Tem Bailey  
296 stated he was encouraged by the fact that the City's usage is lower than the state and national  
297 average. Council Member Urry questioned how the usage data is determined. Mr. Hartvigsen  
298 stated it comes from the City's utility billing system, but he reiterated that there is a portion of  
299 the City's meters that are not accurately reporting. Council Member Urry stated that when he  
300 receives his utility bill it does not indicate that his meter has been read each month. Ms.  
301 Spendlove explained the City's utility billing system and how the City's utility bills read and are  
302 formatted. Mr. Hartvigsen explained the City charges a rate for a flat usage amount and it is an  
303 option to reduce the overage amount charges to encourage reduced water usage.  
304

305 **Council Member Urry moved to adopt Ordinance 2014-28 amending the North Ogden City**  
306 **Water Conservation Plan. Council Member Swanson seconded the motion.**  
307

308 **Voting on the motion:**  
309

310 **Council Member Bailey**                    **aye**  
311 **Council Member Stoker**                **aye**  
312 **Council Member Swanson**              **aye**  
313 **Council Member Urry**                   **aye**  
314

315 **The motion passed unanimously.**  
316  
317

318 **5. DISCUSSION AND/OR ACTION TO CONSIDER A CHANGE ORDER FOR THE**  
319 **UPSIZING OF THE DETENTION POND AT THE NEW PUBLIC WORKS SITE**  
320

321 A staff memo from Acting City Manager Bryan Steele explained staff has been looking at the  
322 option of increasing the capacity of the storm drain detention basin at the new Public Works site.

323 The main reason for doing this is in anticipation of selling the detention basin along 2600 North  
324 at some point in the future for commercial development. The additional capacity gained at this  
325 site would help in replacing some of the capacity lost when that property is sold. The net price to  
326 increase the size/capacity of the storm drain detention basin is \$69,935. (The gross price is  
327 \$88,934 and the credit is being applied which was built into Lundahl's bid is \$25,358). The  
328 capacity of the detention basin will now be 2.7 acre feet which is an increase of 2.31 acre feet.  
329

330 Mr. Steele reviewed his staff memo.  
331

332 Council Member Urry asked if there is any opportunity for the cost to be more than \$69,935.  
333 Mr. Steele stated there may be increased costs associated with wetland mitigation. Council  
334 Member Urry stated he would like to understand the full potential amount for the change order.  
335 Mayor Pro Tem Bailey stated that the wetlands engineer that the City has been working with has  
336 met with the City and with Lundahl and has made a recommendation regarding active steps that  
337 can be taken to eliminate the disturbance of the wetlands and remove artificial water from the  
338 site. He stated it may take up to a year to determine if those steps are successful and if additional  
339 wetland mitigation is necessary. He stated that the issue of raising the height and expanding the  
340 size of the detention pond is independent of the potential wetland mitigation and he feels the  
341 change order is appropriate at this time.  
342

343 There was a brief general discussion regarding the flow and direction of water to the detention  
344 basin, with Mr. Hartvigsen providing a brief description of the layout of the lines that feed water  
345 to the basin and how those lines will be rerouted to the new Public Works site. Mayor Pro Tem  
346 Bailey stated the City needs to be cognizant of overspending the contingency amount in the  
347 budget for the project and he indicated it may be more appropriate to use storm water or  
348 community development area (CDA) funds to pay for the increased cost.  
349

350 **Council Member Swanson made a motion to approve a change order for the upsizing of the**  
351 **detention pond at the new Public Works site. Council Member Bailey seconded the motion.**  
352

353 **Voting on the motion:**  
354

355 <b>Council Member Bailey</b>	<b>aye</b>
356 <b>Council Member Stoker</b>	<b>aye</b>
357 <b>Council Member Swanson</b>	<b>aye</b>
358 <b>Council Member Urry</b>	<b>aye</b>

359

360 **The motion passed unanimously.**  
361  
362

## 363 **6. DISCUSSION AND OR/ACTION TO APPOINT BRANDON MASON AS A** 364 **PLANNING COMMISSION MEMBER** 365

366 A staff memo from Mayor Pro Tem Bailey explained Mayor Taylor has interviewed Brandon  
367 Mason and believes he will be an excellent addition to the Planning Commission because he will



368 be focused on enforcing ordinances as they are written. Mayor Taylor has proposed the City  
369 Council confirm Mr. Mason's appointment to the Planning Commission effective immediately.

370  
371 Mayor Pro Tem Bailey summarized the staff memo and noted that Mr. Mason was not able to  
372 attend the meeting tonight to answer any questions the City Council may have.

373  
374 Council Member Stoker stated she spoke with Mr. Mason earlier in the week and she feels he is  
375 very level headed and his appointment is appropriate. She likes that he has no outside interests in  
376 real estate and she feels that balance is needed on the Planning Commission.

377  
378 Council Member Swanson stated he has had lengthy discussions with Mr. Mason and he has  
379 always appreciated his willingness to speak his mind and the fact that he is not easily swayed by  
380 popular opinion. He thinks things through reasonably and that is needed on the Planning  
381 Commission.

382  
383 **Council Member Stoker moved to appoint Brandon Mason to the Planning Commission.**  
384 **Council Member Swanson seconded the motion.**

385  
386 **Voting on the motion:**

387  
388 **Council Member Bailey**                    **aye**  
389 **Council Member Stoker**                **aye**  
390 **Council Member Swanson**            **aye**  
391 **Council Member Urry**                    **aye**

392  
393 **The motion passed unanimously.**

394  
395  
396 **7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION, AGREEMENT,**  
397 **AND DONATION TO THE UTAH TRANSPORTATION COALITION**

398  
399 A staff report from Mayor Pro Tem Bailey explained the Utah League of Cities and Towns has  
400 become a partner in the Utah Transportation Coalition to support a funding mechanism to boost  
401 transportation funding for local governments. The state's gasoline tax is fixed at 24.5 cents per  
402 gallon and has not been changed since 1997, significantly eroding its purchasing power at a time  
403 when vehicles have become increasingly fuel-efficient, leading to a reduction in the overall tax  
404 collected. As a result, the state is facing a projected \$11 billion deficit in the unified  
405 transportation plan through 2040. Cities and towns face a combined \$150 million shortfall each  
406 year for local-road maintenance. This has forced cities to divert money from other pressing needs  
407 to fix and maintain roads.

408 The League is asking member cities to:

- 409     • Pass a resolution in support of the Utah Transportation Coalitions efforts at the Utah State  
410       Legislature. A key part of this request is a .0025 local option sales tax for transportation.  
411       Another part is a broadening of the types of projects for which state transportation  
412       funding may be used.  
413       ○ Refer to the attached model resolution

- 414 ○ We may tailor this to the specific needs of North Ogden
- 415 ○ A copy of the signed resolution should be sent to the Governor and the legislators
- 416 who represent North Ogden
- 417 • Materially join in the lobbying and public relations effort by giving financial support of
- 418 \$500 to help pay for it and to enter into a service agreement with the Salt Lake Chamber
- 419 of Commerce to manage this effort.
- 420 ○ Refer to the attached from the Utah Transportation Coalition
- 421 ○ Refer to the attached Professional Services Agreement
- 422 • Use the media kit in city communications (website, utility bills, newsletters, etc.)

423

424 Mayor Pro Tem Bailey reviewed his memo.

425

426 Council Member Urry noted that the use of fuel efficient vehicles has been encouraged and that  
427 has impacted the revenues realized through gasoline taxes; now the State is complaining about  
428 that reduced revenue, but is also encouraging people to walk or use public transit. Mayor Pro  
429 Tem Bailey clarified that the recommendations are simply being sent to the Utah State  
430 Legislature to consider during their upcoming legislative session and if the tax increase is  
431 approved the City stands to realize \$475,000 in additional annual funding, which is very close to  
432 the amount the City receives in B&C Road funding each year. The money could serve as needed  
433 matching funds for various transportation projects needed in the City.

434

435 Council Member Urry stated he sees the needs for more funding for road projects, but he will  
436 have a hard time voting for the resolution as written based on the fact that the money will be  
437 used to encourage residents to walk or seek alternate modes of transportation. Council Member  
438 Swanson stated he interprets the resolution differently and noted he believes it is simply  
439 indicating the various projects that funding can be used for. Council Member Stoker stated she  
440 feels there is some irony in the resolution, but she agrees with encouraging people to live a  
441 healthier life by reducing pollution caused by vehicles. Mayor Pro Tem stated it is important to  
442 not overlook the whereas clause of the resolution that expresses that a safe and efficient  
443 transportation system creates the foundation for economic growth and improved quality of life.  
444 He reviewed the additional whereas clauses in the resolution and concluded that the resolution is  
445 a broad approach to what has traditionally been a very narrow focus on the usage of  
446 transportation funding.

447

448 Council Member Urry added that he has a problem with the City encouraging the State of Utah  
449 to enact legislation while allowing the chamber of commerce in Salt Lake City to be the  
450 governing board over the tax. Mayor Pro Tem Bailey noted the chamber is only managing the  
451 public relations aspect of the proposed action. The Council engaged in a general discussion  
452 regarding the history of transportation funding, with a brief focus on surveys where residents  
453 have indicated where they feel the state funding should be dedicated.

454

455 **Council Member Swanson made a motion to adopt Resolution 21-2014 encouraging the**  
456 **State of Utah to address comprehensive transportation funding. Council Member Bailey**  
457 **seconded the motion.**

458

459 **Voting on the motion:**

460  
461 Council Member Bailey aye  
462 Council Member Stoker aye  
463 Council Member Swanson aye  
464 Council Member Urry nay

465  
466 The motion passed unanimously.

467  
468 Council Member Swanson moved to approve Agreement A30-2014 for public relations  
469 professional services with the Salt Lake Chamber of Commerce. Council Member Bailey  
470 seconded the motion.

471  
472 Voting on the motion:

473  
474 Council Member Bailey aye  
475 Council Member Stoker aye  
476 Council Member Swanson aye  
477 Council Member Urry aye

478  
479

480 **8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPOINTING**  
481 **BRYAN STEELE AS THE CITY ADMINISTRATOR**

482  
483 Mayor Pro Tem Bailey explained this item was discussed during the last City Council meeting,  
484 but the City Attorney was not present to answer questions regarding the ability of the Council to  
485 vote to reverse the appointment of Mr. Steele as the City Administrator. He asked Mr. Call to  
486 address that issue and noted Mr. Call has supplied a draft resolution that includes an additional  
487 provision that reads as follows:

488 In accordance with relevant Utah and North Ogden City code provisions the City Council may  
489 at any time remove the title of City Administrator and \$10,000 compensation from Bryan Steel  
490 while allowing him to continue as the Finance Director of the City.

491  
492 Council Member Stoker moved to adopt Resolution 22-2014 appointing Bryan Steele as the  
493 City Administrator. Council Member Swanson seconded the motion.

494  
495 Voting on the motion:

496  
497 Council Member Bailey aye  
498 Council Member Stoker aye  
499 Council Member Swanson aye  
500 Council Member Urry aye

501  
502 The motion passed unanimously.

503  
504

505 **9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE SETTING THE**  
506 **DATE AND TIME FOR CITY COUNCIL AND PLANNING COMMISSION**  
507 **MEETINGS FOR 2015**  
508

509 A staff memo from City Recorder Spendlove explained the City Council of each municipality  
510 shall by ordinance prescribe the time and place for holding its regular meetings § 10-3-502. The  
511 current schedule is the second and fourth Tuesdays of each month at 6:30pm unless otherwise  
512 noted and the first Tuesday at 6:30pm as needed. As part of the Ordinance we have included the  
513 Planning Commission aka (Land Use Authority) current schedule which is the first and third  
514 Wednesday of each month at 6:30pm and the second Wednesday as needed.  
515

516 Ms. Spendlove reviewed her memo.  
517

518 **Council Member Swanson moved to adopt Ordinance 2014-29 setting the date and time for**  
519 **City Council and Planning Commission meetings for 2015. Council Member Stoker**  
520 **seconded the motion.**  
521

522 **Voting on the motion:**  
523

524 **Council Member Bailey** aye  
525 **Council Member Stoker** aye  
526 **Council Member Swanson** aye  
527 **Council Member Urry** aye  
528

529 **The motion passed unanimously.**  
530  
531

532 **10. PUBLIC COMMENTS**  
533

534 Blake Welling, 1098 E. 3100 N., addressed the agenda item relative to transportation funding  
535 and noted that he does not see the conflict between encouraging alternate modes of transportation  
536 while increasing the gas tax. He stated he bikes to work and his bike causes a lot less damage to  
537 the roads than vehicles; therefore, he would be reducing the cost of road maintenance. Council  
538 Member Urry noted Mr. Welling is not paying an annual tax for his bike like residents are  
539 required to pay for their vehicles. Mr. Welling stated he still owns a vehicle and pays the annual  
540 tax for it, but he chooses to park it in his garage and use his bike.  
541  
542

543 **11. COUNCIL/MAYOR/STAFF COMMENTS**  
544

545 Council Member Swanson addressed the water conservation report and wondered if there is a  
546 creative way for the City to incentivize residents to fix any water leaks they may have on their  
547 property. Ms. Spendlove noted that when usage increases and the City determines it is likely due  
548 to a leak, a letter is sent to the resident explaining that if they fix their leak right away the City  
549 will split the usage cost for the overage likely caused by the leak. If the leak is not fixed right  
550 away the resident is responsible for the entire amount. Council Member Swanson stated that is

551 what he was thinking of and thanked Ms. Spendlove for the information. He stated he would  
552 like the City to do whatever possible to encourage water conservation.

553  
554 Council Member Urry noted Standard-Examiner reporter Rachel Trotter reported on the City  
555 denying a resident the ability to run their storm drain into the ditch in their back yard. He stated  
556 after the article he was visited by a resident, Val Berrett, who took him for a ride to the detention  
557 basin near the medical clinic and he told him that the water dumps into an 18 inch pipe that  
558 ultimately leads to a ditch that runs through Harrisville. He stated Mr. Berrett also took him to  
559 another location where water was being routed in the same manner and explained to him that the  
560 same thing the City had denied a resident the ability to do was being done by the City in its  
561 detention basins. Council Member Urry asked if the City's water is supposed to be piped.  
562 Building Official Kerr stated there are many locations where the same situation is occurring and  
563 from this point forward the City is trying to set a policy requiring storm drainage to be piped. He  
564 stated the City will ultimately be required to follow the same policy. Council Member Urry then  
565 stated that there has been much mention in North Ogden lately of the creation of a CDA and the  
566 use of CDA monies for development purposes. He noted Kaysville recently had an audit finding  
567 related to excess spending of RDA funds and he stated this is another reason for the Council to  
568 have a spreadsheet detailing the accounting for such funding. He then added that he noticed  
569 South Weber City has questioned their sewer fees because they are based on a resident's  
570 property valuation; they feel that everyone should pay the same sewer fees and he tends to agree  
571 with them and would like to study the same issue. He then noted that the Council has received  
572 email correspondence from a resident referencing pods and he asked where the pods are. Mr.  
573 Steele stated they are located on Pleasant View Drive and they are storage trailers parked on the  
574 back of a residential property. He stated City Planner Scott is working on an ordinance to  
575 address the issue.

576  
577 Council Member Stoker asked if staff has visited with the property owners that visited with the  
578 Council earlier regarding their dispute with Pineview over the secondary water pressure in the  
579 area of their development. Ms. Spendlove noted previous City Managers have met with the  
580 owner of the subject property as well as the owner of the property that has refused to grant the  
581 easement. Council Member Stoker suggested that additional visits could not hurt the situation.

582  
583  
584 **2. DISCUSSION AND/OR ACTION ON THE MIDPOINT PAYMENT TO BETTER**  
585 **CITIES FOR THE SMITH'S BLOCK REVITALIZATION ECONOMIC**  
586 **DEVELOPMENT PROJECT**

587  
588 A staff memo from Mayor Taylor explained he is proposing that the City release the midpoint  
589 payment of \$12,000 to Better Cities for the Smith's Block Revitalization. Better Cities has been  
590 working very hard to revitalize this area and to attract quality tenants to the old Smith's building.  
591 Better Cities has successfully assisted Smith's in finding a high quality developer to enter into a  
592 contract to purchase the old building and has also be heavily involved in recruiting excellent  
593 tenants for that space. Additionally, they have been carrying out the City's vision for a  
594 revitalization of that entire development, including a potential expansion to the north and east.  
595 Please see a detailed market feasibility study from Better Cities relative to this project and the

596 direction we are proposing to head. Better Cities has done excellent work on this project and  
597 Mayor Taylor recommends that the City Council approve the midpoint payment for this project.

598  
599 Matthew Godfrey, Better Cities, reviewed progress that has been made on the Smith's Block  
600 Revitalization as well as the redevelopment of the old Public Works site.

601  
602 Mayor Pro Tem Bailey stated some of the information being provided by Mr. Godfrey regarding  
603 the Public Works site is not jiving with the information he has heard throughout the construction  
604 meetings for the new Public Works facility and he suggested that Mr. Godfrey get clarification of  
605 some of the plans for relocating all services at the current site to the new site. Mr. Godfrey  
606 stated that he will do that work and he will continue to analyze the market data for the property.  
607 He added the property is not large enough to develop commercially on its own and it may require  
608 joint development with the adjacent western property in order to get the best value out of the  
609 City property. He then continued his report regarding the Smith's Block revitalization, noting  
610 that much information regarding the redevelopment is private because purchase negotiations are  
611 ongoing. He suggested the Council meet in a closed session to discuss those issues.

612  
613 Council Member Stoker asked Mr. Godfrey if he believes redevelopment of the Smith's block  
614 will potentially help the businesses on the north side of 2600 North. Mr. Godfrey stated certain  
615 types of redevelopment could really benefit the retail development to the north.

616  
617  
618 **Council Member Swanson moved to convene in a closed meeting for the purpose of**  
619 **discussing the exchange, lease, or purchase of real property. Council Member Stoker**  
620 **seconded the motion.**

621  
622 **Voting on the motion:**

623  
624 **Council Member Bailey** aye  
625 **Council Member Stoker** aye  
626 **Council Member Swanson** aye  
627 **Council Member Urry** aye

628  
629 **The motion passed unanimously.**

630  
631 The closed session began at 9:05 p.m.

632  
633 The regular meeting reconvened at 9:32 p.m.

634  
635 **Council Member Bailey moved to approve the midpoint payment to Better Cities for the**  
636 **Smith's Block revitalization economic development project. Council Member Swanson**  
637 **seconded the motion.**

638  
639 Council Member Urry stated he has brought up the issue before and he is still not sure what  
640 criteria must be met in order to approve a midpoint payment. Mr. Steele stated the issue was  
641 discussed in July when the contract was renewed; the contract now includes criteria that must be

642 met in order for Better Cities to qualify for the payment. Council Member Urry inquired as to  
643 the midpoint criteria for the Smith's project. Mr. Steele stated midpoint payment can be made  
644 upon delivery of a project land market study and the proforma to support the plan for project #1.  
645 He noted final payment would be due when there is an actual signed development agreement  
646 between a developer and the City. Council Member Urry asked that the Council be reminded of  
647 the criteria that must be met in order to approve a midpoint payment. Council Member Swanson  
648 agreed and noted it would be helpful to contain that information in any staff report for such  
649 future items.

650

651 **Voting on the motion:**

652

653 <b>Council Member Bailey</b>	<b>aye</b>
654 <b>Council Member Stoker</b>	<b>aye</b>
655 <b>Council Member Swanson</b>	<b>aye</b>
656 <b>Council Member Urry</b>	<b>aye</b>

657

658 **The motion passed unanimously.**

659

660

661 **12. DISCUSSION AND/OR ACTION REGARDING THE SALE OR PURCHASE OF**  
662 **PROPERTY.**

663

664 Mayor Pro Tem Bailey stated that he would like to convene in a special meeting to review the  
665 terms of the agreement before it is executed.

666

667 Council Member Urry stated this item has not been listed on the Council's agenda for this  
668 meeting. Mr. Call stated the Council agenda has a disclaimer that allows for the addition of  
669 items during a meeting. He added that the action directly hinges on agenda item two listed on  
670 the agenda. After a brief discussion, clarification was made that the property to be purchased is  
671 directly tied to the Smith's block and the agenda notification regarding the item was sufficient.

672

673 **Council Member Stoker moved to grant authorization for the sale and acquisition of**  
674 **property related to an RDA real estate transaction. Council Member Swanson seconded**  
675 **the motion.**

676

677 **Voting on the motion:**

678

679 <b>Council Member Bailey</b>	<b>aye</b>
680 <b>Council Member Stoker</b>	<b>aye</b>
681 <b>Council Member Swanson</b>	<b>aye</b>
682 <b>Council Member Urry</b>	<b>aye</b>

683

684 **The motion passed unanimously.**

685

686

687 **11. COUNCIL/MAYOR/STAFF COMMENTS (continued)**

688  
689 Mr. Steele reported that the City has purchased some new water meter equipment based upon a  
690 previous budget authorization and there will be future discussions regarding continued  
691 replacement of failing water meters as well as remote read transmitters.

692  
693 Mr. Call then provided the Council with clarification regarding the purpose of retention basins; if  
694 the water is flowing directly from a basin into a stream or ditch, it may not be restricted enough.  
695 Council Member Urry agreed and stated there may be a design flaw that needs to be addressed.  
696 Mayor Pro Tem Bailey agreed.

697  
698

699 **13. ADJOURNMENT**

700

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

703

704 **Voting on the motion:**

705

706 **Council Member Bailey** aye

707 **Council Member Stoker** aye

708 **Council Member Swanson** aye

709 **Council Member Urry** aye

710

711 **The motion passed unanimously.**

712

713

714 **The meeting adjourned at 9:50 p.m.**

715

716

717

718

719 \_\_\_\_\_  
Brent Taylor, Mayor

720

721

722

723 \_\_\_\_\_  
S. Annette Spendlove, MMC

724 City Recorder

725

726

727 \_\_\_\_\_  
Date Approved