

48 Mayor Taylor, the City Council, and City Manager Chandler conducted interviews of those
49 companies that submitted a proposal to provide solid and green waste removal for North Ogden
50 City. The following companies were interviewed: Waste Management and Republic Services.
51 Each company provided a brief overview of their proposal after which they answered various
52 questions regarding the service they provide and the associated cost.
53

54 The Council took a break at 1:55 p.m. The meeting reconvened at 2:02 p.m.
55

56 Mayor Taylor led a discussion regarding the garbage and recycling companies and stated he
57 would like to make a decision regarding the selection of a vendor in order for a contract to be
58 approved at the May 13 meeting. Mayor Taylor indicated that if the City were to stay with
59 Waste Management, the costs for the current level of service would increase; if the City opted to
60 contract with Republic Services for the same level of service, the cost would decrease. Those
61 savings could be used to offset the costs associated with implementing new recycling programs.
62 He reviewed a comparison of county-wide utility rates and indicated North Ogden's rates are
63 among the very lowest in the county and it would be helpful to consider that data when
64 considering the appropriate rate to charge residents for garbage collection and other utilities.
65 The Council had a general discussion regarding the options available to the City depending on
66 the vendor chosen. Council Member Fawson stated he would advocate for weekly recycling
67 pick-up and an opt-out green waste program. Mr. Chandler stated that if the City chooses to
68 implement a green waste recycling program, the rates should be structured in a way that residents
69 are incentivized to opt for a green waste recycling can rather than a second garbage can or
70 choosing to take their own green waste to the City's facility.
71

72 Council Member Bailey stated he is unclear about the financial impact of adding a green waste
73 recycling program to the City's offerings. Mayor Taylor stated that Waste Management would
74 provide the service for an additional \$2.85 per household per month and Republic Services
75 would provide the service for an additional \$1.91 per household per month. There was a general
76 discussion regarding opt-out and opt-in recycling programs and the frequency by which
77 recycling cans should be collected. Mayor Taylor stated it will be necessary for the City to
78 determine all outside tipping fees for traditional recycling and green waste recycling in order to
79 determine the total cost of each program before making a decision about the vendor and which
80 programs to select. Mr. Chandler added that he will also check with references provided by
81 Republic Services and get additional information from both vendors regarding their fuel
82 surcharges. Council Member Fawson stated Waste Management has done a great job for the
83 City, but he would be supportive of contracting with Republic Services in order to garner savings
84 for City residents. Council Members Bailey and Satterthwaite agreed. Council Member
85 Satterthwaite stated he would like to gain an understanding of what the residents would prefer
86 relative to recycling programs and the frequency with which the cans are emptied. There was a
87 general discussion regarding the costs for second garbage cans compared to costs for recycling
88 cans, with Mayor Taylor reiterating the City needs to structure rates in a way that will incentivize
89 traditional recycling and green waste recycling. He noted the Administration will follow up with
90 Waste Management and Republic Services to get additional information that was not readily
91 available today and those items can be discussed at the next Council meeting.
92

93 **2. DISCUSSION AND/OR ACTION TO CONSIDER THE ITEMS ON THE FISCAL**
94 **YEAR BUDGET 2014-2015**
95

96 A staff report from City Manager Chandler included a message regarding key points in the
97 tentative Fiscal Year (FY) 2014-2015 budget. A City budget is meant to reflect the City's
98 policies and goals. The major changes in this year's budget are a result of policies implemented
99 over the past two years and recent discussions with the City Council.

100
101 During the work meeting we will cover the following topics.
102

103 1) Garbage Collection – We received two bids for garbage collections. We would like to use you,
104 the City Council, as the evaluation committee for choosing the contractor. Each proposal
105 includes a base bid for the City's current collection program plus alternative bids for weekly
106 recycling and green waste. I will deliver a copy of the proposals to you.
107

108 We scheduled interviews with the two applicants for the first part of the meeting.
109

110 2) Motor Pool Funding – The motor pool funds act as an auto repair business whose clients are
111 the City departments. During the recession, the City relied on the motor pool fund balances to
112 cover its expenses by not paying the motor pools for their services. In FY2014 the City
113 implemented a three year policy to fully fund the motor pools. This budget is the second year of
114 this plan. Budgetary impact: general fund = \$93,000; water fund = \$18,000; sewer fund =
115 \$11,000; storm drain fund = \$12,000; solid waste fund = \$1,400
116

117 3) Special Revenue Funds – You have expressed a desire to separate the aquatic center from the
118 general fund. You have also discussed creating funds for new street light installation and street
119 projects. This budget creates special revenue funds for each of these services.
120

121 4) Salaries – This budget proposes modifications to the City's salary ranges and a 3.94% increase
122 in the overall salary expense. Budgetary impact (salary and benefits): general fund = \$100,000;
123 water fund = \$8,000; sewer fund = -\$61,000; solid waste fund = \$22,800;
124

125 5) New Employee Positions – This budget includes two new positions – a part-time mechanic
126 and a part-time code enforcer. Budgetary impact (salary and benefits): motor pool fund =
127 \$36,000; general fund = \$26,000.
128

129 6) Transfers to the Capital Project Fund – In FY2014 the City adopted a policy to transfer 50%
130 of general fund excess revenue over expenditure to the capital project fund and transfer 50% of
131 projected revenue increase to the capital projects fund. This budget includes these transfers.
132 Budgetary impact: anticipated transfer of increase of revenue over expenses for FY2014 =
133 \$262,000; transfer as a result of increase in revenue for FY2015 = \$166,000.
134

135 7) Public Works Facility – This budget includes \$2.7 million for the new public works buildings.
136 Lundahl Construction is creating a new site plan based on recommendations made by the public
137 works subcommittee and we will present an update on Lundahl's progress.
138

139 8) Capital projects – We will review the capital project requests for each fund.

140

141 9) Other line item request including

142

- 143 • Employee health insurance
- 144 • Employee retirement
- 145 • Conversion of street lights to LED lights
- 146 • Depreciation
- 147 • Enterprise fund reserves
- 148 • Preventative maintenance for park sprinkler systems

149

150 10) Questions/answers and other topics.

151

152 Mr. Chandler reviewed his staff memo and also reviewed an attached spreadsheet including
153 actual dollar amounts budgeted for the various funds of the City. There was a brief focus on the
154 budget for the aquatic center and whether the general fund covers depreciation of the facility.
155 Mr. Chandler explained the City does not fund depreciation of any City buildings nor do any
156 other cities that he knows of. The cost to fund depreciation for all City facilities would be
157 staggering. Council Member Bailey stated it is important for the City to understand what the
158 depreciation costs would be and what the City is risking by not funding that depreciation. Mayor
159 Taylor stated some cities fund depreciation via their capital projects funds; he noted it is
160 important to communicate that the City is funding the enterprise funds and growing economic
161 development and it may be necessary to provide increased sales tax revenues to fund
162 depreciation in the future. Mr. Chandler then reviewed the balances of the enterprise and
163 internal service funds. He also reviewed the budget for the project to upgrade the City's street
164 lighting system. This was followed by a discussion regarding funding for the City's motor pool;
165 after the coming FY and the following FY, the City's motor pool fund will be fully funded. Mr.
166 Chandler then reviewed the policy decision made by the Council to use half of extra available
167 general fund balance revenues for capital projects and the other half to increase the general fund
168 balance, which has a limit of 25 percent of the City's total revenues. There was a general
169 discussion regarding funding the capital projects fund of the City and Mr. Chandler stated that if
170 the policy of the Council is maintained there is the potential to make significant cash transfers to
171 the capital projects fund now and in the future.

172

173 The Council then received a presentation from Lundahl Building Systems regarding the City's
174 three options for constructing the new Public Works Facility, with a focus on water issues on the
175 property related to the artesian wells on the property and on an adjacent property. There was a
176 discussion regarding the potential of purchasing the artesian well on the adjacent property to
177 utilize as a City water source. There was also a discussion regarding the slope of the ground and
178 how it will impact the design of the project. It will be necessary to eliminate artificial water
179 sources and reroute storm drainage infrastructure on the property to address the wetland issues
180 on the property; the property will be inspected again on May 10 to determine if the project can
181 proceed. Mr. Chandler asked if the water problems on the site can be addressed by the
182 installation of land drains, to which the Lundahl representative answered yes. Mr. Chandler
183 asked if the initial bid included installation of land drains, to which the Lundahl representative
184 answered yes. Mr. Chandler stated the items for the Council to consider this evening include the

185 site plan and any add-ons for the project. The Lundahl representative reviewed a design option
186 that the City may consider in the event that the wetlands are not sufficiently mitigated. Mr.
187 Chandler noted the base price for the project is \$2,578,031 and the Lundahl representative noted
188 that cost includes construction of the shop building, office building without the basement, and
189 site development. One optional add-on for the project is the construction of an additional storage
190 building that would include bays for materials storage, such as salt, sand, and gravel. There was
191 a discussion about adding a basement to the office building and using that space for additional
192 storage, etc. There was also a discussion regarding the changes to the project scope and cost
193 since the project was originally bid; the majority of the changes are related to water and scope
194 issues on the property. Council Member Satterthwaite stated he is satisfied with the design of
195 the project. The Lundahl representative stated he has worked with Public Works Staff to make
196 the design as functional as possible for the end-users. Mr. Chandler stated that as budget
197 discussions progress the Council will have the opportunity to review all optional fiscal impacts
198 of the project and determine what components should be completed. Mayor Taylor asked the
199 Council to keep in mind that the project includes 13,000 more square feet than was originally
200 referenced in the request for proposals (RFP) and the site will be fully functional with the
201 addition of a fuel station and materials storage shed. There was a discussion regarding the
202 definition of fully functional, with Mayor Taylor explaining he used that term to communicate
203 that it would not be necessary to split Public Works Department operations between two sites or
204 buildings. Council Member Satterthwaite stated it seems more sensible to build the basement
205 under the office building to use it for vehicle storage. Council Member Bailey stated that the
206 original savings estimate associated with site preparation was \$100,000, but that has now
207 decreased to \$50,000 and he inquired as to the reason for the decrease. The Lundahl
208 representative indicated his firm was somewhat over-ambitious when considering the amount of
209 dirt work to be completed. It would be possible to increase the savings associated with dirt work
210 if the orientation of the buildings on the site were shifted, but the facility would not be as
211 functional. There was a general discussion about the optional building orientations respective of
212 needed dirt work and grading of the property and functionality. Mr. Chandler stated the Council
213 simply needs to determine the total budget for the project and the add-ons that should be
214 included in the project scope. He stated many of the design details will be worked out between
215 Lundahl and City Administration. This led to a discussion regarding the potential to include the
216 materials storage shed in the initial project scope. Mayor Taylor stated the Council will continue
217 to discuss the budget for the project in order to make decisions relative to the execution of the
218 contract at the May 13 Council meeting.

219
220 The Council took a break at 4:20 p.m. The meeting reconvened at 4:32 p.m.

221
222 Mr. Chandler then moved to the point in his presentation relative to capital projects; it is
223 estimated at the end of the current FY there will be \$3,879,000 available to use for capital
224 projects. He reviewed some of the potential projects that could be satisfied with that funding.
225 There was input from each Department Head relative to the projects that would serve their
226 respective Department. Mr. Chandler and Finance Director Steele then reviewed the budgets for
227 the utility accounts of the City. Mr. Chandler and the Council reviewed the project to construct a
228 trail or sidewalk on Pleasant View Drive where sidewalk currently does not exist. This project
229 was requested by a resident and Mr. Chandler asked the Council to determine whether to fund
230 the project. Mayor Taylor stated he is typically supportive of these types of projects when they

231 provide a safe pedestrian route for kids walking to school or when they connect two portions of a
232 trail; neither factor is present for this project and, therefore, he is not supportive of it at this time.
233 Council Member Bailey concurred and stated there are several other locations throughout the
234 City that do not have sidewalk, but those projects are not being considered because they have not
235 been requested. This led to a general discussion regarding areas in the City that lack sidewalks
236 for various reasons. The Council concurred it is necessary to adopt and follow an ordinance that
237 would require installation of sidewalk based on certain circumstances. Mr. Chandler then
238 refocused the discussion and reviewed the projects programmed in the sewer fund. Council
239 Member Bailey stated he would like for the Council to consider an ordinance to formally adopt
240 the informal policy dealing with the division of annual surplus between the capital improvement
241 fund and the general fund balance. Mayor Taylor stated he would be supportive of that. Mr.
242 Chandler then reviewed the projects programmed in the storm drain utility fund. He then
243 concluded that he and Mr. Steele have programmed \$2.7 million for the public works facility
244 project and none of those funds come from the water, sewer, or storm drain fund though there
245 had been discussions about using utility funds to cover some of the costs associated with the
246 project. Council Member Bailey clarified that some utility funds were used for property
247 acquisition. Mr. Steele stated that is correct. Mr. Chandler stated that tonight he is hopeful that
248 the Council can make a decision regarding the design and budget of the project. Council
249 Member Fawson stated he would be more comfortable making a decision if he understood
250 depreciation costs for the enterprise funds. There was a discussion regarding the available budget
251 surplus this year, after which Mr. Steele reviewed the current state of each utility fund with a
252 focus on the rate changes that would be necessary to fully fund utility depreciation.

253

254 The Council took a break at 5:37 p.m. The meeting reconvened at 5:51 p.m.

255

256 Mayor Taylor offered his suggestions for utility rate increases to fully fund depreciation in the
257 City's utility funds. He reminded the Council that the City has one of the lowest cumulative
258 utility rates in Weber County and an increase in \$7.00 per month would not change that standing
259 dramatically. Council Member Fawson stated he is very interested in funding depreciation, but
260 he would prefer to seek out budget reductions rather than a fee increase to accomplish that.
261 Council Member Satterthwaite stated he is supportive of a rate increase as long as the revenue
262 generated by that increase is used responsibly. There was a discussion regarding the timing of
263 the plan to fully fund enterprise funds in the City, with Council Member Bailey stating he is
264 supportive of continually moving in the direction of fully funding depreciation, but he is not sure
265 that it is necessary to make a leap to accomplish 100 percent depreciation funding this year. He
266 stated he does not want to implement large utility rate increases; residents will believe the rate
267 increases will fund the public works facility even though that is not the case. Mayor Taylor
268 stated the Administration can work to communicate the reasons for the rate increase to the
269 residents, with an emphasis on the fact that the rate increases will not support the public works
270 facility project. Council Member Bailey stated it is important to help residents understand these
271 types of technical budget issues. Mayor Taylor agreed and noted the message can also
272 communicate that steps, such as rate increases and fully funding depreciation, will help the City
273 to avoid the need to bond for needed infrastructure repairs or capital projects in the future.
274 Council Member Fawson stated that he also wants to focus on the needs of the City compared to
275 wants. There was a general discussion regarding the formula for increasing utility rates with the
276 focus on the percentage of depreciation that should be funded, with Council Member Bailey

323 LDS North Ogden Stake President Clark Skeen provided the invocation and led the audience in
324 the pledge of allegiance.

325

326 **CONSENT AGENDA**

327 **1. Consideration to approve the minutes of the March 11, 2014 City Council Meeting**

328 **2. Consideration to approve the minutes of the March 25, 2014 City Council Meeting**

329 **3. Consideration to approve the minutes of the April 1, 2014 City Council Meeting**

330

331 **Council Member Bailey moved to approve the minutes as listed on the consent agenda.**

332 **Council Member Stoker seconded the motion.**

333

334 **Voting on the motion:**

335

336 **Council Member Bailey** **aye**

337 **Council Member Fawson** **aye**

338 **Council Member Satterthwaite** **aye**

339 **Council Member Stoker** **aye**

340

341 **The motion passed unanimously.**

342

343 **ACTIVE AGENDA**

344 **1. PUBLIC COMMENTS**

345

346 Carol Campbell, 3679 Lakeview Drive, stated that she wants to talk to the Council about a dog
347 park in North Ogden; this is something that is near and dear to her as a dog owner and as an avid
348 walker and runner that encounters loose dogs in the community. She stated that as the canine
349 and human population continues to increase it is important to buffer between the two and a dog
350 park is a tool that can facilitate that; dog parks will not just benefit people that own dogs, but it
351 will benefit the entire community because it will accommodate dogs that are running loose in the
352 community and put them in a place where they will not be a nuisance. It is also a great way to
353 socialize dogs. She added she provided the Council with documentation supporting her
354 recommendation that the City build a dog park and stated it is important to consider this
355 recommendation. She spoke to the City's animal control officer about the dog population and
356 those numbers are hard to pinpoint; in the system there are 1,682 active dog licenses, but 408 of
357 those are no longer current and that could be for a variety of reasons. She also used an internet
358 pet population counter that estimated that the City may have approximately 2,000 dogs, which is
359 quite a few and that high population should be addressed. Not all dog owners are good dog
360 owners, but those that are seem to be smart about getting their dogs exercise and socializing
361 them so they can be good neighbors. The dog park may bring good and bad dog owners together
362 and the good dog owners could mentor those that need some assistance in improving their dog's
363 behavior. Dog parks are one tool available to municipal government to help the human and dog
364 population co-exist; they are also an attractive amenity to the City. As Weber County's third
365 largest city, it is time for the City to take the initiative to move forward and build a dog park.
366 She concluded by providing the Council with photos of the dog park in Ogden City.

367

368 Mike Carter, 304 W. 1825 N., stated he also wanted to talk about dog parks; he suggested that
369 the old Pioneer Road that travels through Ogden Canyon could be designated as an off-leash dog
370 location. He stated there are several similar amenities like that in Salt Lake City and they are
371 very successful.

372
373 Jonathan Call, 1895 N. 300 E., also addressed the dog park issue and stated he feels the addition
374 of such a park in the City would apply to the goal of the City to include green space in future
375 development. He referenced some of the amenities at the Ogden City dog park that make it
376 successful as well as some of the detractors. He then stated he has noticed recent development
377 applications for quarter-acre lot sizes, but he has not seen much included in those plans for trails
378 or other types of open and green space and he would ask the City to include such amenities to
379 connect the existing trail system and parks. Mr. Chandler referred Mr. Call to the City's
380 webpage to see a draft ordinance that would provide incentives to developers to create green
381 space and trail connectivity. He stated the City would welcome public input on those issues.
382

383 Hannah Goodrich, 3170 Holiday Drive, stated she would like to reinstate and direct the Miss
384 Cherry Days scholarship pageant; it was an integral part of the Cherry Days celebration until
385 approximately five years ago. It has been missed by the community and bringing it back would
386 make the celebration complete. She provided the audience with information about the program
387 and stated that as a former Miss Cherry Days she can attest to the many things the young women
388 learn in the program that will serve them for the rest of their life. She stated the timeline for
389 planning a pageant for this year is strict and she is seeking help with funding for the pageant.
390 She reviewed some of the options for hosting and planning the pageant and stated she feels the
391 pageant could become self-sufficient in the future, but she needs help getting it off the ground
392 this year. She stated she has a committee assembled that can begin working as soon as she
393 receives approval. She reiterated she would love to have the support of the City and stated she
394 would be willing to answer any questions regarding her request. Mayor Taylor asked if the
395 pageant could be held at the North Ogden Senior Center to save on venue costs. Ms. Goodrich
396 stated it would be difficult to accommodate the pageant at the Senior Center based on space
397 restrictions and the lack of area for wardrobe changes. Mayor Taylor inquired as to the franchise
398 fee that would be paid to the Miss America organization. Ms. Goodrich stated that fee is \$700.
399 Council Member Satterthwaite inquired as to the insurance costs. City Recorder Spendlove
400 stated the Miss Cherry Days pageant was covered under the City's insurance policy in the past
401 because it was a City function. Council Member Fawson stated that he feels the pageant is an
402 important part of the Cherry Days celebration and he would be supportive of reinstating it.
403 Mayor Taylor suggested that the Council have a more detailed discussion about the request at the
404 May 13 meeting.

405
406 Blake Welling, 1098 E. 3100 N., stated the City's tentative budget includes a proposal to charge
407 residents \$3.00 per month to save for future road projects; the idea of putting money aside for
408 roads is not a bad one, but charging a flat \$3.00 per household regardless of how much given
409 households may actually use City roads is troubling to him. He stated that a single person with
410 one car makes fewer trips than a family with teenage children that drive. He suggested that the
411 fee be prorated based on the number of people living in a household. He then stated that the
412 Council is considering a contract for garbage and recycling programs; he noted weekly recycling
413 is a good idea, but not everyone needs weekly pick-up. He stated there is cost increase

414 associated with that program and the number of people living in a household should also be
415 considered in this instance. He then stated he would not use a green waste bin throughout the
416 year and it is important for the Council to consider how these programs would be utilized by
417 smaller households.

418
419 Randy Winn, 2512 Barker Parkway, stated that he fills his black garbage can each week, but he
420 fills it with yard clippings and he would be supportive of a green waste recycling program.
421

422 Mayor Taylor then noted the City is working to address animal control issues after business
423 hours and on weekends. He then asked the Council if they would like to have continued
424 discussion regarding a dog park and the Miss Cherry Days pageant; all Council Members
425 concurred with adding items to future agendas to discuss these issues.
426

427 **2. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO THE**
428 **CURRENT BUDGET FISCAL YEAR 2013 – 2014**

429
430 Finance Director Steele reviewed a spreadsheet included in the Council packet that identifies the
431 recommended budget amendments in the current fiscal year (FY) budget.
432

433 Council Member Satterthwaite inquired as to the reason for the increased water pumping costs.
434 M. Steele stated that due to drought conditions last year it was necessary to pump water from the
435 lower elevations of the City to the higher elevations.
436

437 Mayor Taylor opened the public hearing. There were no persons appearing to be heard.
438

439 **Council Member Fawson moved to close the public hearing. Council Member Bailey**
440 **seconded the motion.**

441
442 **Voting on the motion:**
443

444 **Council Member Bailey** **aye**
445 **Council Member Fawson** **aye**
446 **Council Member Satterthwaite** **aye**
447 **Council Member Stoker** **aye**
448

449 **The motion passed unanimously.**
450

451 **3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
452 **THE CURRENT BUDGET FISCAL YEAR 2013 - 2014**

453
454 **Council Member Bailey moved to adopt ordinance 2014-04 amending the current fiscal**
455 **year 2013-2014 budget. Council Member Satterthwaite seconded the motion.**
456

457 Council Member Bailey asked if this action will help the City to avoid any audit findings relative
458 to exceeding general fund revenue limitations. Mr. Steele stated that this action will take the

459 general fund balance down to approximately 18 or 19 percent, so there should be no audit
460 finding relative to that matter.

461

462 **Voting on the motion:**

463

464 **Council Member Bailey** aye

465 **Council Member Fawson** aye

466 **Council Member Satterthwaite** aye

467 **Council Member Stoker** aye

468

469 **The motion passed unanimously.**

470

471 **4. DISCUSSION AND/OR ACTION TO CONSIDER FUNDING AND DESIGN PLANS**
472 **FOR THE PUBLIC WORKS FACILITY**

473

474 Mayor Taylor introduced this agenda item and explained the Administration, Council, Public
475 Works Committee, and selected contractor have been working to determine the scope and budget
476 of the public works facility project. He noted the base bid for the project includes the shop
477 building, administration building, and basic site design including roads; he reviewed a map of the
478 area to illustrate the location of the project and the proposed layout. There are potential
479 additional components of the project that the Council can choose to add to the project scope,
480 including additional storage space, a fuel island, a generator pad, and a few additional items that
481 could enhance the facility.

482

483 Justin Robinson, Lundahl Building Systems, approached the Council and provided the Council
484 and audience with an overview of the site design. There was a focus on designing the site to
485 provide the highest functionality while dealing with the unique topography and water issues at
486 the site. He stated optional additions to the project include storage space under the
487 administration building; a materials storage building that could house salt, sand, and gravel as
488 well as other materials frequently used by public works. He also reviewed the drainage plan for
489 the site and stated the proposal is to install drainage infrastructure at the north end of the
490 property. Mayor Taylor then added information regarding the reasons that Lundahl was selected
491 as the contractor for the project, including the fact that Lundahl proposed to build more space
492 than was requested in the project request for proposal (RFP) at a lower price than other bidders;
493 they also proposed access to the site from Pleasant View Drive and Lomond View Drive. They
494 were the only contractor that proposed to separate the shop and administration buildings, which
495 is very attractive and functional; the exhaust system used in the shop building is a very attractive
496 component, and the bays in the shop building are divided by firewalls to allow for an additional
497 3,500 feet of storage space on the mezzanine level of the building.

498

499 Council Member Satterthwaite asked Mayor Taylor to illustrate the way traffic will flow through
500 and around the site based on the design recommended by Lundahl, which Mayor Taylor did
501 using the aid of an enlarged copy of the design plan. He then reiterated the optional add-on
502 components of the project and highlighted the areas on the site that those components could
503 potentially be located. He also explained how drainage infrastructure would be constructed and
504 installed at the site to prevent future water problems. He also identified the location of the water

505 detention basin on the site. He noted the Council has been presented with various budget options
506 for the project: the base price for the project is \$2,540,000; if the basement storage area is added
507 to the administration building the cost would increase to \$2,570,000. The addition of a basement
508 that could be used to store additional vehicles could cost \$83,000; the addition of a salt and sand
509 storage shed would be \$118,000; the covered vehicle storage shed would be \$628,000; the fuel
510 island would be \$28,500; a backup generator would be just under \$13,000; the installation of
511 cranes in the mechanic shop would be \$15,000 to \$28,000. The Council has many various
512 heating and ventilation options to consider, but there is a proposal to install six feet of masonry at
513 the base of the building to protect the building from exterior damage as well as to create
514 efficiency in the heating and cooling of the building. This option would cost an additional
515 \$40,000. He invited the Council to have a general discussion regarding their feelings about the
516 optional project components.

517
518 Council Member Fawson asked if the base price includes a contingency amount. Mr. Chandler
519 answered no and stated he would recommend building in a five percent contingency amount.
520 Mr. Robinson stated he has included a small contingency in the base bid as well. Council
521 Member Fawson stated he feels the City has two options: build a building that is completely
522 functional from the beginning or building a building that is functional, but can be added to as the
523 transition is made from the old Public Works facility. He stated he feels it would be appropriate
524 to opt for the base bid plus the addition of the basement to the administration building as well as
525 including a five percent contingency in the contract amount. He added he feels the components
526 needed to make the facility fully functional are the salt and sand shed, the fuel station,
527 furnishings, the backup generator, and upgraded heating and ventilation system. He noted he
528 feels some of the increased costs could be offset by the City landscaping the project in-house.
529 He stated this would translate to a \$2.9 million price tag. He then stated that if the City opts to
530 transition it will not be necessary to build the salt and sand shed or the fuel station immediately
531 and the price tag would be in the range of \$2.7 million. He asked if the crane in the existing
532 facility can be moved over. Mr. Chandler stated the existing facility has an automobile lift, but
533 not an overhead crane. Council Member Fawson asked if a crane is truly needed. Mr. Chandler
534 stated the City could continue to operate without a crane, but it would greatly help the
535 mechanics' operations to have one. Council Member Fawson asked if it may be possible to
536 forego the new snowplow purchase of \$180,000 to dedicate those funds to the Public Works
537 facility. Mayor Taylor stated all budget issues are up for discussion and he offered an
538 explanation as to why the Administration included the purchase of a new plow in the budget.
539

540 Council Member Bailey asked what is included in the furnishings package for the project. Mr.
541 Robinson stated it includes desks and chairs for all offices, a conference room table, and
542 furniture in the staff break-room area. Council Member Bailey asked if some of the furniture in
543 use at the existing facility will be reused. Mr. Chandler answered no, but the electronic in the
544 existing facility will be reused. Council Member Bailey asked if it would be possible to bring
545 the existing fuel tanks to the new site once the project is completed. Mr. Chandler answered yes
546 and noted there will be a cost associated with the installation of the tanks at the new site.
547 Council Member Bailey stated that he feels the covered vehicle storage building is out of the
548 question and he agreed with Council Member Fawson's assessment that it is necessary to
549 determine the approach the City wants to take based on the fiscal impact of the project
550 components chosen. Council Member Fawson stated that it is also important for the Council to

551 remember that the property that currently houses the public works facility will be very valuable
552 commercial property and it can be sold to generate additional income for the City.

553
554 Council Member Satterthwaite stated a lot of people have put much time and effort into the
555 project to this point and he does not want to make a hasty decision tonight that may draw a line
556 and limit the City in the future. He agreed that the basement should be constructed under the
557 administration building to accommodate some vehicle storage. He recommended that this
558 discussion be expanded during the May 8 budget meeting to consider all options in depth. He
559 stated he is also supportive of a salt and sand shed as well as a fuel station. He stated it has been
560 highly recommended that a radiant heating system be used in the mechanics bays and he would
561 be supportive of that as well as upgrading the rooftop units. He reiterated he would like to have
562 deeper discussion about all potential additional components of the project before making a
563 decision. Council Member Fawson stated that he does not think it will be possible to make a
564 decision this evening.

565
566 Mayor Taylor asked if the Council is leaning more towards building a facility that is fully
567 functional from the onset or if they would rather build a facility that will provide for transition
568 from the existing facility. He stated he feels the difference between those two options is
569 comparatively small because he only feels the facility needs the salt and sand shed and the fuel
570 station to be fully functional. He stated he feels the cost associated with that scope can be fully
571 funded at this time. There was a general discussion among the Council regarding funding
572 sources for the project.

573
574 Council Member Stoker stated that she is not comfortable spending the amount of money
575 necessary to provide a fully functional facility. She stated that she feels the storage area under
576 the administrative building is a necessity, but she feels it is fine to allow a transition period
577 between the old facility and the new facility. She stated she is comfortable with the \$2.7 million
578 price tag, but not the \$2.9 million price tag.

579
580 **Council Member Bailey moved to table this discussion until May 8 to allow continued**
581 **discussion and input from Council Member Urry and Public Works Director Giles.**
582 **Council Member Satterthwaite seconded the motion.**

583
584 Mayor Taylor asked Mr. Robinson how soon his company will be able to start the project after a
585 contract is executed. Mr. Robinson stated the design phase will take 60 days and it will then be
586 necessary to go through the City's building permitting process. He stated that he would urge the
587 Council to authorize work to commence relative to the water infrastructure on the project site.
588 Mr. Chandler stated that component is in the overall contract and if it were removed from that
589 contract and considered an independent expense it would be necessary to solicit competitive bids
590 for the work. There was a discussion regarding the bidding process for that type of work and
591 Mayor Taylor asked if it would be possible to complete the project by the fall of 2014 if the total
592 contract were executed on May 13. Mr. Robinson stated that would be a strict timeline, but it
593 may be possible. Council Member Satterthwaite suggested that proper notification be given to
594 allow the Council to consider the agreement at the May 8 meeting.

595
596 **Voting on the motion:**

597
598 **Council Member Bailey** aye
599 **Council Member Fawson** aye
600 **Council Member Satterthwaite** aye
601 **Council Member Stoker** aye

602
603 **The motion passed unanimously.**

604
605 There was then a discussion regarding the agenda for the May 8 Council meeting, after which
606 Mayor Taylor recognized the members of the Public Works Committee present this evening.

607
608 **5. DISCUSSION AND/OR ACTION TO APPROVE AN INTERLOCAL AGREEMENT**
609 **WITH WEBER COUNTY REGARDING A RECYCLING INCENTIVE**

610
611 A memo from Mayor Taylor explained that as discussed previously, Weber County is offering an
612 incentive to cities for recycled waste. Enclosed is the proposed interlocal agreement. The
613 Agreement offers North Ogden an estimated \$10 per ton for recycled waste collected in the city.
614 Currently we do not receive any financial compensation for recycled waste, so this is a
615 significant improvement. I see no downsides to this Agreement and encourage you to approve it.
616 There are a few points of clarification we have asked for on the Agreement, including what
617 constitutes "contamination" and further clarification for how the recycling incentive is
618 calculated. We should have a response on these items prior to the meeting.

619
620 Mayor Taylor reviewed his staff memo and provided a brief overview of the interlocal
621 agreement.

622
623 **Council Member Fawson moved to approve agreement A10-2014 with Weber County**
624 **regarding a recycling incentive. Council Member Stoker seconded the motion.**

625
626 **Voting on the motion:**

627
628 **Council Member Bailey** aye
629 **Council Member Fawson** aye
630 **Council Member Satterthwaite** aye
631 **Council Member Stoker** aye

632
633 **The motion passed unanimously.**

634
635 **6. PUBLIC HEARING TO RECEIVE COMMENTS ON AN APPLICATION TO**
636 **REZONE PROPERTY LOCATED AT 312 E. 2000 N. FROM PLANNED**
637 **MANUFACTURING ZONE (MP-1) TO COMMERCIAL ZONE (C-2)**

638
639 A memo from City Planner Scott explained when the City Council is acting in a legislative
640 capacity as the land use authority the City Council has wide discretion. Examples of legislative
641 actions are general plan, zoning map, and land use text amendments. Legislative actions require
642 that the Planning Commission give a recommendation to the City Council. Typically the criteria

643 for making a decision, related to a legislative matter, require compatibility with the general plan
644 and existing codes. The applicant is requesting that the property located at 312 East 2000 North
645 be rezoned from MP-1 to C-2. The property is located in the C. Christiansen subdivision, lot 1.
646 The frontage is on the north side of 2000 North on an 8,900 square foot lot. The property is
647 currently being used as a cabinet shop. Mr. Campbell is interesting in retaining the cabinet shop
648 and adding a photography studio. The MP-1 zone allows cabinet shop as a permitted use but
649 does not allow photography studio as a use. The C-2 zone allows photography studio as a
650 permitted use and the cabinet shop as a conditional use. The Planning Commission conducted a
651 public hearing on this application on April 2, 2014. The existing property owner and applicant
652 were the only ones in attendance. They both support the requested rezoning. The North Ogden
653 General Plan map calls for the property along 2000 North to transition from light industrial to
654 commercial along Washington Boulevard. The existing zoning and the proposal can be
655 considered consistent with the General Plan. The small size of this parcel limits its ability to be
656 any type of large manufacturing use. The property abuts commercial zoning on its east boundary.
657 This proposal would extend the transition of commercial zoning west for approximately 100 feet.
658 The General Plan calls for "All development in the community should be built on land suitable
659 for the intended use." Additionally, "New commercial and other business development will
660 enhance the community when meeting the objective of the General Plan." The Zoning and
661 Land-Use Policy includes guidelines for how zoning changes should be considered:

662
663 General Guidelines

664 1. A definite edge should be established between types of uses to protect the integrity of each
665 use.

666 Staff comment: The proposed use provides an appropriate edge between surrounding properties.

667 2. Zoning should reflect the existing use of property to the largest extent possible, unless the area
668 is in transition.

669 Staff comment: The proposal will allow the existing use to continue and allow the additional
670 photography studio use.

671 3. Where possible, properties which face each other, across a local street, and should be the same
672 or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

673 Staff comment: There is a sufficient buffer along 2000 North to warrant different zones.

674
675 Commercial Guidelines:

676 11. Commercial zones should be located on collector and arterial streets, avoiding local streets
677 which serve residential zones. Access to commercial and manufacturing zones should avoid local
678 streets within residential zone.

679 Staff comment: The proposal is located on a collector street.

680 12. Existing businesses on collectors and arterials should be allowed to expand while providing
681 an adequate buffer with adjacent residential zones.

682 Staff comment: The property to the west is in an unincorporated island within Weber County and
683 zoned A-1. The home is located on the western edge of the parcel and there is a sufficient buffer
684 from the applicant's property.

685
686 The memo provided the following summary of City Council considerations.

- 687
- Is the proposal consistent with the General Plan?

- 688 • How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning
689 requests?
690 • Does the proposal meet the North Ogden Zoning ordinance standards?
691

692 The Planning Commission found that the application is consistent with the North Ogden General
693 Plan and is recommending approval of the rezone request for property at 312 East 2000 North
694 from Planned Manufacturing Zone (MP-1) to Commercial Zone (C-2).
695

696 Mr. Chandler reviewed Mr. Scott's memo and reviewed the land use map to identify the location
697 of the subject property.
698

699 Mayor Taylor opened the public hearing. There were no persons appearing to be heard.
700

701 **Council Member Fawson moved to close the public hearing. Council Member**
702 **Satterthwaite seconded the motion.**
703

704 **Voting on the motion:**
705

706 Council Member Bailey	aye
707 Council Member Fawson	aye
708 Council Member Satterthwaite	aye
709 Council Member Stoker	aye

710

711 **The motion passed unanimously.**
712

713 **7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REZONING**
714 **PROPERTY LOCATED AT 312 E 2000 N FROM PLANNED MANUFACTURING**
715 **ZONE (MP-1) TO COMMERCIAL ZONE (C-2)**
716

717 **Council Member moved to approve Ordinance 2014-05 rezoning the property located at**
718 **312 E. 2000 N. from Planned Manufacturing Zone (MP01) to Commercial Zone (C-2).**
719 **Council Member Stoker seconded the motion.**
720

721 Council Member Bailey asked Mr. Chandler to identify the zoning of the properties surrounding
722 the subject property, which he did using the aid of the land use map.
723

724 **Voting on the motion:**
725

726 Council Member Bailey	aye
727 Council Member Fawson	aye
728 Council Member Satterthwaite	aye
729 Council Member Stoker	aye

730

731 **The motion passed unanimously.**
732
733

734 **8. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO NORTH**
735 **OGDEN CITY CODE 11.2.1. DEFINITIONS OF WORDS AND TERMS, BUILDING,**
736 **HEIGHT OF AND TO 12.3.6. TO CLARIFY HOW BUILDING HEIGHTS ARE**
737 **MEASURED**
738

739 A memo from City Planner Scott explained when the City Council is acting in a legislative
740 capacity as the land use authority the City Council has wide discretion. Examples of legislative
741 actions are general plan, zoning map, and land use text amendments. Legislative actions require
742 that the Planning Commission give a recommendation to the City Council. Typically the criteria
743 for making a decision, related to a legislative matter, require compatibility with the general plan
744 and existing codes. On February 5, 2014 the North Ogden Planning Commission (NOPC) held a
745 hearing to discuss how building heights are measured. The NOPC had previously held several
746 discussions on this topic. The main concern was establishing a standard that is clear and
747 objective to builders and city staff. Having a clear and objective building height standard is
748 challenging for hillside lots. The attached ordinance has a standard for flat lots, downhill lots,
749 and uphill lots. The current standard allows a maximum building height of 35 feet. (See Exhibit
750 A). The proposed amendment changes height measurements from the finished grade of the lot
751 rather than the current natural grade. This provides builders additional flexibility in modifying
752 lots to accommodate home designs. Flat lots are defined as any lots with a minimal elevation
753 difference (4 feet) from the highest elevation of the back of curb to either the highest or lowest
754 elevation point of the rear lot line. Modifications to the lot elevation can't be more than four feet.
755 Flat lots are required to be identified on the final plat. Uphill lots are measured from finished
756 grade and have a maximum building height of 35 feet from the foundation to the top of the roof.
757 Buildings can be placed on the lot measured from the top back of curb at the center of the lot to
758 the highest point of the roof are allowed to be 40 feet. Downhill lots are measured from finished
759 grade and have a maximum building height of 35 feet from the lowest foundation to the front of
760 the house while the rear elevation can go to 55 feet. The interpretation of the ordinance is to be
761 made by the chief building official. Any appeals go to the administrative hearing officer.
762

763 The suggested ordinance conforms to the North Ogden City General Plan due to its being
764 compliant with city ordinances and the following Plan goal: All existing and new development
765 should be required to fairly and uniformly provide improvements according to city standards.
766

767 The memo provided the following summary of City Council considerations.

- 768 • Is the proposed amendment consistent with the North Ogden City General Plan?
- 769 • Does the proposed use meet the requirements of the applicable City Ordinances?
- 770 • Is the proposed amendment a reasonable solution to address the issue of height
771 restrictions within the city?

772
773 The Planning Commission recommends that the attached ordinance revising the definition of
774 building height be approved.
775

776 Mr. Chandler reviewed Mr. Scott's memo.
777

778 Mayor Taylor opened the public hearing. There were no persons appearing to be heard.
779

780 Council Member Fawson moved to close the public hearing. Council Member
781 Satterthwaite seconded the motion.

782
783 Voting on the motion:

784
785 Council Member Bailey aye
786 Council Member Fawson aye
787 Council Member Satterthwaite aye
788 Council Member Stoker aye

789
790 The motion passed unanimously.

791
792 **9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
793 **NORTH OGDEN CITY CODE 11.2.1. DEFINITIONS OF WORDS AND TERMS,**
794 **BUILDING, HEIGHT OF AND TO 12.3.6 TO CLARIFY HOW BUILDING HEIGHTS**
795 **ARE MEASURED**

796
797 Council Member moved to adopt Ordinance 2014-06 amending the North Ogden City Code
798 11.2.1 definitions of words and terms, building, height of and to 12.3.6 to clarify how
799 building heights are measured. Council Member Stoker seconded the motion.

800
801 Voting on the motion:

802
803 Council Member Bailey aye
804 Council Member Fawson aye
805 Council Member Satterthwaite aye
806 Council Member Stoker aye

807
808 The motion passed unanimously.

809
810 **10. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO NORTH**
811 **OGDEN CITY CODE 11.10.6 ADDITIONAL HEIGHT REGULATIONS TO ALLOW**
812 **EXCEPTIONS TO CERTAIN BUILDING FEATURES TO EXCEED THE**
813 **BUILDING HEIGHT STANDARDS**

814
815 A memo from City Planner Scott explained when the City Council is acting in a legislative
816 capacity as the land use authority the City Council has wide discretion. Examples of legislative
817 actions are general plan, zoning map, and land use text amendments. Legislative actions require
818 that the Planning Commission give a recommendation to the City Council. Typically the criteria
819 for making a decision, related to a legislative matter, require compatibility with the general plan
820 and existing codes. On February 5, 2014 the North Ogden Planning Commission (NOPC) held a
821 hearing to discuss allowing exceptions to the city building height standards. The NOPC had
822 previously identified chimneys, false mansards, parapet walls, belfries, spires, church steeples
823 (the term church steeples includes both belfries and spires), radio and microwave towers, and
824 flagpoles as needing some type of exception, however, all of the listed exceptions are addressed
825 in the zoning ordinance except for parapets and false mansards. Subsequently the NOPC held an

826 additional discussion regarding adding standards for parapets and false mansards. Staff
827 recommended that two new subsections be added under 11-10-6 (B) Additional Height
828 Regulations:

829 6. False mansards in any residential zone may extend 5 feet above the maximum zone building
830 height.

831 7. Parapets in any commercial or manufacturing zone may extend above the maximum zone
832 building height.

833 The NOPC discussed the options to the height exception standards. They determined that a 5 foot
834 exception standard is reasonable for false mansards. The NOPC discussed the need for a standard
835 for parapets. The sign ordinance does not allow signs on parapets and therefore there is no
836 incentive to have an excessively high parapet in commercial and manufacturing zones. The
837 height of the parapets is something that can be handled as part of the site plan review.
838

839 11-10-6: ADDITIONAL HEIGHT REGULATIONS:

840 A. Generally: No building shall be erected, reconstructed or structurally altered to exceed in
841 height the limit hereinafter designated for the zone in which such building is located, except as
842 otherwise specifically provided.

843 B. Exceptions: Height regulations established elsewhere in this title shall not apply:

844 1. In any district, to church spires, monuments and water towers; provided, that such structure
845 shall be so located and constructed that if it should collapse, its reclining length would still be
846 contained on the property on which it was constructed.

847 2. In any nonresidential district, to noncommercial radio or television antennas.

848 3. In the MP-1 zoning district, to conveyors or similar structures wherein the industrial process
849 involved customarily requires a height greater than otherwise permitted; provided, that such
850 structure shall be so located and constructed that if it should collapse, its reclining length would
851 still be contained on the property on which it was constructed.

852 4. Chimneys in residential zoning districts may be two feet (2') above the roofline of the
853 residential structure, even if the roofline is at the maximum building height. However, there shall
854 be no height exception allowed for a chimney if there is a two foot (2') or greater vertical
855 clearance within a ten foot (10') radius of the chimney.

856 5. Wireless communications towers and antennas as approved in accordance with the
857 requirements and provisions stated in chapter 21 of this title. Exception: Maximum height of
858 twenty five feet (25') if set back twenty feet (20') from the property line and sixty feet (60') from
859 a neighboring dwelling.

860 6. False mansards in any residential zone may extend 5 feet above the maximum zone building
861 height.

862 7. Parapets in any commercial or manufacturing zone may extend above the maximum zone
863 building height.
864

865 The suggested ordinance conforms to the North Ogden City General Plan due to its being
866 compliant with city ordinances and the following Plan goal: All existing and new development
867 should be required to fairly and uniformly provide improvements according to city standards.
868

869 The memo provided the following summary of City Council considerations.

- 870 • Is the proposed amendment consistent with the North Ogden City General Plan?
871 • Does the proposed use meet the requirements of the applicable City Ordinances?

- 872 • Is the proposed amendment a reasonable solution to address the issue of height
873 restrictions within the city?
874

875 The Planning Commission recommends that two new subsections be added to 11-10-6:
876 Additional Height Regulations:

877 6. False mansards in any residential zone may extend 5 feet above the maximum zone building
878 height.

879 7. Parapets in any commercial or manufacturing zone may extend above the maximum zone
880 building height.

881
882 Mr. Chandler reviewed Mr. Scott's memo.

883
884 Mayor Taylor opened the public hearing. There were no persons appearing to be heard.
885

886 **Council Member Fawson moved to close the public hearing. Council Member**
887 **Satterthwaite seconded the motion.**

888
889 **Voting on the motion:**

890
891 **Council Member Bailey aye**

892 **Council Member Fawson aye**

893 **Council Member Satterthwaite aye**

894 **Council Member Stoker aye**

895
896 **The motion passed unanimously.**

897
898 **11. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
899 **NORTH OGDEN CITY CODE 11.10.6 ADDITIONAL HEIGHT REGULATIONS TO**
900 **ALLOW EXCEPTIONS TO CERTAIN BUILDING FEATURES TO EXCEED THE**
901 **BUILDING HEIGHT STANDARDS**

902
903 Council Member Bailey stated he is concerned about the lack of a maximum height for parapet
904 walls; he understands signage is not permitted on parapet walls, but he is concerned about how
905 the Planning staff and Planning Commission will determine if a parapet wall is acceptable to the
906 City if no maximum height is provided. Mr. Chandler stated there are so many configurations
907 and measurement practices that can be used to measure parapet walls and the Planning
908 Commission felt imposing a maximum height would be problematic. He stated parapet heights
909 will be addressed at the site plan review step in the development process. Council Member
910 Bailey asked how it will be addressed if there are no criteria in the Code for the staff to adhere
911 to. Building Official Kerr stated that architecture will determine appropriate parapet wall
912 heights; most parapets are not architecturally reinforced and if a parapet wall were proposed to
913 be very tall it would be necessary to spend money to architecturally reinforce them. Council
914 Member Bailey stated he is simply concerned that there is a hole in the ordinance due to the lack
915 of a maximum height for parapet walls. Mr. Chandler stated staff can amend the ordinance and
916 bring it back to the Council at a future date if necessary. Mr. Kerr suggested the Council add a
917 maximum parapet wall height to the ordinance of six to eight feet. Council Member Bailey
918 suggested that the maximum parapet height be a percentage of the total building height. He

919 stated that if the maximum building height allowed is 35 feet, the parapet height would be in
920 addition to that.

921
922 **Council Member Bailey moved to adopt Ordinance 2014-07 amending North Ogden City**
923 **Code 11.10.6 additional height regulations to allow exceptions to certain building features**
924 **to exceed building height standards, with the additional stipulation that the a parapet wall**
925 **be no taller than six feet over the maximum building height. Council Member**
926 **Satterthwaite seconded the motion.**

927
928 **Voting on the motion:**

929
930 **Council Member Bailey** aye
931 **Council Member Fawson** aye
932 **Council Member Satterthwaite** aye
933 **Council Member Stoker** aye

934
935 **The motion passed unanimously.**

936
937 **12. DISCUSSION AND/OR ACTION TO CONSIDER DEFERRING INSTALLATION**
938 **OF SIDEWALK FOR LOTS 1 AND 2 OF THE STOREY FARM SUBDIVISION**
939 **LOCATED AT 750 E. 2850 N.**
940

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

946
947 The applicant is requesting that the City Council grant a deferral from installing sidewalk
948 improvements for lots 1 and 2 of the Storey Farm subdivision. (See Exhibit A) The North Ogden
949 Planning Commission granted preliminary approval on December 18, 2013. The adjoining
950 properties do not have sidewalk. The Planning Commission referred Mr. Storey to the City
951 Council to make a deferral request and determine whether or not an escrow would be required.
952 (See Exhibit B). The subdivision ordinance allows the City Council to make variances from the
953 subdivision regulations (See 12-1-12). This request is a policy decision for the City Council.

954
955 The memo provided the following summary of City Council considerations.

- 956
 - 957 • Is there sufficient justification to grant a sidewalk deferral for lots 1 and 2 of the Storey
958 Farm subdivision?
 - 959 • Does the proposed subdivision meet the requirements of the applicable City subdivision
960 and zoning Ordinances?
 - 961 • Does the City Council want to require an escrow for the sidewalk installation?

962 The proposed subdivision meets the requirements of applicable North Ogden city ordinances and
963 conforms to the North Ogden City General Plan. The General Plan map calls for this property to
964 be developed as single family residential.

965
966 This is a policy issue for the City Council. There are two issues before the City Council, first
967 should a sidewalk improvement deferral be granted and second should an escrow be required for
968 the improvements. The Planning Commission has referred Mr. Storey to the City Council for a
969 determination.

970
971 Mr. Kerr reviewed Mr. Scott's staff memo.

972
973 Council Member Fawson asked if money is placed in escrow to cover the future costs of the
974 sidewalk installation. Mr. Kerr stated it is his understanding that no money will be put in
975 escrow, but documentation will be recorded against the property to indicate that when the City
976 deems it necessary to install the sidewalk the owner will be required to comply.

977
978 There was a general discussion regarding the City's ability to require a property owner to install
979 sidewalk at a future date, with City Attorney Call indicating both parties will enter into an
980 agreement that will be recorded against the property. There was an additional discussion
981 regarding the most effective mechanism to require the future installation of a sidewalk
982 comparing the improvement agreement to escrow accounts. Mr. Chandler noted the difficulty
983 with an escrow account is that it expires; if the Council opts for escrow, the City will need to
984 work out a tracking mechanism to avoid expiration and loss of the escrow funds.

985
986 Council Member Satterthwaite inquired as to the history of the City eventually requiring
987 sidewalk installation after a sidewalk had been deferred. Mr. Kerr stated that he is not aware of
988 the City ever making a property owner install sidewalk after the work had initially been deferred.
989 Mayor Taylor stated he can understand why homeowners ask for a sidewalk deferral because the
990 work can be very expensive and it may make more sense to defer the sidewalk until adjoining
991 properties develop. Mr. Kerr stated that his biggest concern is the installation of driveways after
992 a sidewalk is deferred. This was followed by a general discussion regarding the requirements to
993 install sidewalks after a subdivision is approved.

994
995 Council Member Bailey inquired as to why other property owners have not been required to
996 install sidewalk while Mr. Storey has been told he must install sidewalk, which has led to his
997 request for a deferral. Mr. Kerr stated he was simply following the City's ordinance and the only
998 way an exception to the ordinance can be allowed is through a vote of the Council.

999
1000 Council Member Fawson asked if curb and gutter infrastructure has been installed at the subject
1001 property. Mr. Kerr stated there is curb and gutter further up the street.

1002
1003 Mayor Taylor summarized the issue at hand and advised the Council as to the possible actions
1004 they can take this evening. Council Member Satterthwaite stated he feels the Council should
1005 consider policy that is more forward-thinking and would facilitate the installation of sidewalks
1006 upon development of a building lot. Council Member Fawson stated he feels that is the intent of
1007 the City's current building or subdivision ordinance.

1008

1009 **Council Member Bailey moved to set aside the rules to allow Mr. Storey to address the**
1010 **Council regarding his deferral petition. Council Member Satterthwaite seconded the**
1011 **motion.**

1012
1013 **Voting on the motion:**

1014
1015 **Council Member Bailey** aye
1016 **Council Member Fawson** aye
1017 **Council Member Satterthwaite** aye
1018 **Council Member Stoker** aye

1019
1020 **The motion passed unanimously.**

1021
1022 Mr. Storey stated there is no sidewalk on his side of the street and constructing a sidewalk would
1023 require major excavation; at this time all he is trying to do is sell a couple of building lots and he
1024 is not a big subdivider. He stated he and his sister live in existing homes in the area and neither
1025 of them have been required to construct a sidewalk. He added that he would sell the lots and
1026 make the buyers aware that they will be obligated to construct sidewalks at some time in the
1027 future. Council Member Bailey asked if there is a requirement for Mr. Storey to construct
1028 sidewalk on his property at some time in the future. Mr. Storey stated he is not aware of such a
1029 requirement; he built his home in 1975 and he has since installed curb and gutter there.

1030
1031 **Council Member Fawson moved to deny the sidewalk deferral petition and require**
1032 **sidewalk construction on lots one and two of the Storey Subdivision.**

1033
1034 Mr. Storey stated that means only two lots of the nine in the subdivision will have sidewalks.
1035 Council Member Fawson stated he understands that and he understands Mr. Storey will be
1036 financially impacted by the requirement, but he feels it is appropriate for the City Council to
1037 follow the ordinance and require sidewalks.

1038
1039 **Council Member Stoker seconded the motion.**

1040
1041 There was a general discussion regarding the mechanism the City can use to require sidewalks
1042 on other properties for which deferrals have been granted. Mayor Taylor stated that may
1043 ultimately be a decision of the City Council. He stated it may be an option to create a special
1044 improvement district to facilitate the installation of sidewalk. Council Member Satterthwaite
1045 stated he is supportive of the deferral in order to be fair to Mr. Storey based on deferrals that
1046 have been granted in the past. Council Member Bailey agreed and noted the City has granted
1047 deferrals for two properties on the same street within the last two years. He stated the City is at
1048 fault for granting deferrals for other property owners in the past, but it is important to be fair. He
1049 suggested the Council stiffen the ordinance and also determine a mechanism to require sidewalk
1050 installation at homes that have been granted a deferral. Council Member Fawson stated the
1051 Council needs to start imposing the ordinance at some point. There was a general discussion
1052 regarding the best way to proceed with City Attorney Call indicating the Council could amend
1053 the subdivision ordinance by eliminating the section that provides the Council with the authority
1054 to grant an exception to the provisions of the ordinance.

1055
1056 **Council Member Satterthwaite moved to amend the motion; he recommended the sidewalk**
1057 **deferral request be granted. Council Member Bailey seconded the motion.**
1058

1059 Council Member Satterthwaite stated he makes his motion because the Council, over the years,
1060 has not been consistent and that is not fair to the residents of the City. He suggested the Council
1061 further investigate a way to tighten its ordinances relative to sidewalk deferrals. Council
1062 Member Fawson argued that the Council has the responsibility to uphold the law.
1063

1064 **Voting on the amended motion to grant the sidewalk deferral:**
1065

1066	Council Member Bailey	aye
1067	Council Member Fawson	nay
1068	Council Member Satterthwaite	aye
1069	Council Member Stoker	nay
1070	Mayor Taylor	nay

1071
1072 **The motion passed failed on a two to three vote.**
1073

1074 **Voting on the original motion to deny the sidewalk deferral:**
1075

1076	Council Member Bailey	nay
1077	Council Member Fawson	aye
1078	Council Member Satterthwaite	nay
1079	Council Member Stoker	aye
1080	Mayor Taylor	aye

1081
1082 **The motion passed three to two vote.**
1083

1084 Mayor Taylor stated the Administration will work to make a recommendation regarding the
1085 tightening of the ordinance relative to sidewalk installation.
1086

1087 **13. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
1088 **NORTH OGDEN CITY CODE CHAPTER 8.5.1 PROTECTIVE GROUND**
1089 **COVERING**
1090

1091 A staff memo from City Attorney Call explained the Building Department has realized the need
1092 to identify what qualifies as protective ground cover. This ordinance revision is proposed to add
1093 a definition of Protective Ground Cover which allows the Building Department to be flexible as
1094 landscaping design changes. We have specifically prohibited any noxious weeds from qualifying
1095 as protective ground cover, as well as allowed natural landscaping, provided that it is a conscious
1096 effort instead of simply relying on nature to take its course. It is hard to exactly regulate which
1097 plants are allowed, and which ones are not, without requiring an extensive study. This should
1098 give the Building Department enough tools to enforce the installation/cultivation of Protective
1099 Ground Cover.
1100

1101 Mr. Call reviewed his memo.

1102

1103 Council Member Stoker asked if the ordinance allows an entire yard to be xeriscaped or if some
1104 green materials will be required. Mr. Chandler stated a property owner would not be required to
1105 plant any grass and could, instead, xeriscape their entire property.

1106

1107 Council Member Satterthwaite asked if a property owner would be required to provide a
1108 landscaping plan if they desire to use xeriscaping. Mr. Call stated language could be added to
1109 the ordinance to specify that the landscaping techniques allowed in the City shall utilize the
1110 variation of plants, grass, shrubs, trees, and mulch and that would imply that variation is required
1111 and someone would not be allowed to cover their entire yard in gravel. Council Member Fawson
1112 suggested that language be added to allow the City to require a landscaping plan if deemed
1113 necessary. Mr. Chandler provided the Council with an explanation regarding the reason this
1114 ordinance has been developed and noted that the only time an instance like this will come to the
1115 City's attention is if a property has failed to install landscaping within 18 months of occupying
1116 their residence or if they have covered their entire yard in rocks; at that time the City will inform
1117 the owner that they must make a conscious effort to install landscaping allowed by the City's
1118 ordinance. Council Member Fawson stated he would still like to provide the mechanism for staff
1119 to require a landscaping plan if deemed necessary.

1120

1121 **Council Member moved to adopt Ordinance 2014-08 amending North Ogden City Code**
1122 **Chapter 8.5.1 pertaining to protective ground covering, with the addition of language that**
1123 **specifies a landscaping technique utilizing a variation of plants, grass, shrubs, trees, and**
1124 **mulch. Council Member Bailey seconded the motion.**

1125

1126 **Voting on the motion:**

1127

1128 **Council Member Bailey aye**

1129 **Council Member Fawson aye**

1130 **Council Member Satterthwaite aye**

1131 **Council Member Stoker aye**

1132

1133 **The motion passed unanimously.**

1134

1135 **14. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH**
1136 **NORTH OGDEN CITY AND INTERMOUNTAIN HEALTH CARE FOR**
1137 **CONSTRUCTION AND MAINTENANCE OF A PRIVATE TRAIL AND STORM**
1138 **WATER DETENTION BASIN LOCATED AT APPROXIMATELY 2300 N.**
1139 **WASHINGTON BOULEVARD**

1140

1141 A staff memo from City Attorney Call explained that after reviewing the IHC agreement and
1142 spending some time discussing the various options with their attorney we have reached a point
1143 where the administration and I feel that we can move forward with the agreement. All the issues
1144 related to the detention pond appear to have been resolved in a way which is agreeable to both
1145 parties. Here are some of the highlights on the Detention Pond Agreement

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- 1147
- 1148
- 1149
- 1150
- 1151
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- 1153
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- 1155
- 1156
- 1157
- The City receives an easement for the right to install a storm drain facility on the IHC property and continue to receive storm water in this location for as long as the City would like.
 - The property continues to be owned and maintained by IHC (Landscaping), but all storm drain improvements will be maintained by the City.
 - The City is legally liable for injuries related to the Detention Basin Improvements
 - IHC is able to utilize the detention pond for open space requirements as well as discharge up to 46% of the total pond capacity from the property they own to the east of their existing building.
 - The City is able to comply with their agreement with Smith's regarding handling the storm water runoff.

1158 There is one outstanding issue we would like the Council to weigh in on. This issue is how the
1159 City would like to approach the trail agreement. There are two options.

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- First, the City agrees to a public trail easement
 - The easement continues as long as the city wants it.
 - The trail is maintained by IHC.
 - The City is legally potentially liable for any injury occurring on the trail and,
 - IHC costs for defending a lawsuit against IHC.
 - IHC cannot close, or exclude anyone from using the trail.
 - The second option is that the City installs the trail as a private trail.
 - There is no public easement on the trail.
 - The trail is maintained by IHC.
 - The trail may, or may not be closed by IHC at any time.
 - The City is not liable for injuries on the trail, unless they are the result of improper installation of the gravel surface.

1173 The main concern which has been expressed is the liability associated with this portion of the
1174 trail. If the City opts for the public trail easement we could have to pay out a substantial
1175 settlement in the future if somebody was severely injured or even killed on the trail. If the
1176 council would like to assume that risk there are also some great benefits including the fact that
1177 the trail is guaranteed to remain open for public use. If the City decides to do the private trail
1178 option, the initial indications by IHC's attorneys is that public use will be allowed to occur, but
1179 signs will be posted that the trail is used by individuals at their own risk. In addition, there is
1180 nothing which the City could do to force IHC to keep the trail open should they change their
1181 minds in the future.

1182

1183 As a council you must decide whether the benefits of a public trail offset the risks associated
1184 with the liability associated with the trail. As the city attorney it is my job to ask questions like
1185 this, and bring attention to areas of my concern so that the Council can have the opportunity to
1186 discuss and assess the issues surrounding these types of agreements and make an informed
1187 decision. My only concern has been the sweeping language of our indemnification of IHC under
1188 the public trail option. The City has entered into other similar agreements in the past, which in
1189 my opinion were not as strongly worded, including the recent Smith's Trail Agreement. IHC's
1190 attorneys have indicated that the indemnification language is what is acceptable to them in order
1191 to maintain a public trail across their property. Trying to negotiate further the indemnification is

1192 unlikely to succeed. IHC has not taken a “take it or leave it” stance on these agreements, but as a
1193 City our timeline to complete the Detention Basin improvements is pressing hard against the
1194 other improvements on the Smith’s property. I would recommend the Council take action on one
1195 of these options at the April 22, 2014 City Council meeting.
1196

1197 Mr. Call summarized his staff memo. He also reviewed a plan of the project to identify the
1198 alignment of the trail. Mr. Chandler clarified the City currently has a trail easement on the
1199 property and has accepted the liability associated with the property as well as other properties
1200 that lie along the canal; he asked Mr. Call to specify the difference between that liability and the
1201 liability that Smith’s is asking the City to assume. Mr. Call stated Smith’s has asked that the
1202 City indemnify them against any and all claims arising from the City’s use of the easement, but
1203 IHC has asked for indemnification from any act of the City, its agents, representatives, or
1204 employees, or any use, occupation, or enjoyment of the trail improvements and related
1205 landscaping by or under the City. He stated that indemnification clause is more intense because
1206 it covers any use of the trail rather than just the City’s use of the trail. He stated someone could
1207 argue that if they are robbed on the trail, the City could ultimately assume liability for those
1208 damages.
1209

1210 Council Member Bailey inquired as to the importance of the portion of trail to the City’s trail
1211 system. Mr. Chandler stated it is not too significant and there are other options for providing
1212 permanent trail in the area in the future. He provided the Council the history of the negotiation
1213 of the construction of the public trail. Council Member Bailey suggested that the trail be
1214 accepted as a private trail to eliminate the City’s liability for the trail.
1215

1216 **Council Member moved to approve agreement A11-2014 with Intermountain Health Care**
1217 **for construction and maintenance of a private trail and storm water detention basin**
1218 **located at approximately 2300 N. Washington Boulevard, using the option that the trail**
1219 **remain a private trail rather than a public trail; the motion also included the authorizing**
1220 **for the Mayor to execute the agreement and attached easement agreements. Council**
1221 **Member Stoker seconded the motion.**
1222

1223 There was general discussion regarding the fact that the City will pay for the construction of the
1224 trail, but it will not be a public trail. Mayor Taylor stated the trail will be open to use at the
1225 user’s own risk and will only be closed or eliminated in the event that the property is developed
1226 in the future.
1227

1228 **Voting on the motion:**
1229

1230	Council Member Bailey	aye
1231	Council Member Fawson	aye
1232	Council Member Satterthwaite	aye
1233	Council Member Stoker	aye

1234
1235 **The motion passed unanimously.**
1236

1237 Mr. Chandler stated the City has enjoyed a great working relationship with the IHC
1238 representatives assigned to this project.

1239
1240 **15. PUBLIC COMMENTS**

1241
1242 Phil Swanson, 1066 E. 3300 N., addressed the agenda item regarding the sidewalk deferral and
1243 stated that what he did not hear the Council talk about was the fact that when sidewalks are
1244 deferred the responsibility to install those sidewalks at a later date ultimately falls on the other
1245 5,500 households of the City because of the claim of poverty by the property owner. He stated
1246 he is not supportive of all residents paying for a sidewalk constructed in front of someone else's
1247 house.

1248
1249 Randy Winn, 2412 Barker Parkway, stated that as he listened to the discussion regarding the
1250 public works facility it occurred to him that it would be wise to create a free-standing, fully
1251 functional facility, which would allow the quick disposal of the property where the facility
1252 currently exists; the money generated by the sale of that property would offset part of the extra
1253 costs to construct the fully functional facility.

1254
1255 Council Member Bailey stated one problem is that the commercial real estate market in North
1256 Ogden is currently expressed and the Public Works committee has felt that it would be more
1257 advantageous to the City to retain the property until a time that the market rebounds and the
1258 value of the property increases.

1259
1260 Brent Call, 227 W. 3450 N., Pleasant View, addressed the public works facility and stated he felt
1261 the Council could have approved a contract this evening to allow the contractor to begin working
1262 on the design of the base components of the project. Additional improvements could have been
1263 discussed at a later date. Mr. Chandler stated the City did not receive a copy of the agreement
1264 until this afternoon and staff has not had sufficient time to review the agreement. Mr. Call then
1265 stated that he appreciates the Council's decision regarding the sidewalk deferral request. He also
1266 addressed the discussion regarding trails and open space and noted he owns property in the City
1267 that he eventually plans to build a home upon and he has expressed concerns about the lack of
1268 trails and open space in that area. He is hopeful the Council will carefully consider setting aside
1269 space for trails, parks, and other recreational uses.

1270
1271 Council Member Stoker encouraged Mr. Call to volunteer to participate on the City's parks and
1272 trails committee. Mayor Taylor added Mr. Call is also welcome to participate in the City's
1273 process to update the General Plan.

1274
1275 Ron Buswell, 962 E. 3025 N., stated there are two hospitals at the south end of Weber County
1276 and he has heard the rumor that a new hospital will be constructed in the north end of the County
1277 behind the IHC facility that was discussed this evening. He stated that the trail constructed there
1278 may be eliminated by that project. Mayor Taylor stated he believes that was planned at one
1279 point, but it is his understanding that IHC has purchased the property east of Toad's in Marriot-
1280 Slaterville for the construction of a new hospital. He added, however, that the IHC project will
1281 expand at some point in time.

1282

1283 Randy Will, 2412 Barker Parkway, referenced the earlier comments regarding dog parks and he
1284 stated he feels the City should outlaw pit-bull dogs. He relayed a personal experience one of his
1285 neighbors had had with pit-bulls in North Ogden. Council Member Bailey stated this issue was
1286 discussed by the State Legislature this year and they passed a law eliminating the City's ability to
1287 adopt a breed-specific ordinance in the City.
1288

1289 Jeff Newman, 2980 N. 450 E., referenced the sidewalk issue tonight and stated that sidewalks
1290 provide protection for kids and other pedestrians and the sidewalk in his neighborhood is
1291 installed only halfway on the west side of the street, but the entire length of the east side of the
1292 street.
1293

1294 **16. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

1295
1296 Council Member Satterthwaite stated he is happy with the Council's decision to defer decisions
1297 regarding the public works facility; he understands that time is of the essence on the project, but
1298 he wants to take the time to think the contract through.
1299

1300 Council Member Fawson stated he submitted his resignation from the City Council today; he is
1301 thrilled to be a representative at the State level, but he is saddened and will miss the growth and
1302 opportunity that being a Council Member has provided. He stated it has been an honor and
1303 privilege to work with the Mayor, Council, and staff to serve the residents of North Ogden; their
1304 careful consideration of issues has consistently resulted in the best outcomes for the City. He
1305 concluded that he has learned a lot and made many friends; his commitment to the City will be
1306 the same at the State level.
1307

1308 Council Member Satterthwaite thanked Council Member Fawson for his service and stated he
1309 feels he has worked very hard for the City.
1310

1311 Council Member Stoker stated she has known Council Member Fawson for some time and she
1312 has learned a lot from him and his example and she will miss working with him; the current City
1313 Council works well together and she enjoys serving the City.
1314

1315 Council Member Bailey also thanked Council Member Fawson for his service and the
1316 conscientious way he has approached his work as a Council Member. He then stated he is very
1317 much in favor of requiring sidewalks in the City, but his concern tonight was that the City be
1318 fair. He then addressed the earlier discussion regarding green waste recycling and asked Mr.
1319 Chandler to investigate a mechanism that would allow residents to dump grass clippings without
1320 being required to pay or do so when the green waste facility is open for business; he suggested a
1321 dump station at the top of the hill that is accessible at any time of day.
1322

1323 City Attorney Call acknowledged the great working relationship he has enjoyed with IHC
1324 throughout the development of the contracts associated with their project.
1325

1326 Mr. Chandler stated he has enjoyed working with Council Member Fawson and he appreciates
1327 his friendship.
1328

1329 Mayor Taylor reported he will attend a meeting with parents of lacrosse parents regarding
1330 options for providing a facility for the sport. He reminded the Council of the next budget
1331 meeting scheduled for May 8. He concluded by thanking Council Member Fawson for his
1332 service and for the relationship he has enjoyed with him as they have served together. He wished
1333 Council Member Fawson much success and provided an explanation of the process the City must
1334 follow to select Council Member Fawson's replacement.

1335

1336 **17. ADJOURNMENT**

1337

1338 **Council Member Satterthwaite moved to adjourn the meeting. Council Member Fawson**
1339 **seconded the motion.**

1340

1341 **The meeting adjourned at 10:30 p.m.**

1342

1343

1344

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1346

Brent Taylor, Mayor

1347

1348

1349

1350

S. Annette Spendlove, MMC

1351

City Recorder

1352

1353

1354

Date Approved