

1 NORTH OGDEN CITY COUNCIL MINUTES

2
3 January 28, 2014

4
5 The North Ogden City Council convened in an open meeting on January 28, 2014 at 6:30 p.m. in
6 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 January 24, 2014. Notice
9 of the annual meeting schedule was published in the Standard-Examiner on January 23, 2014.

10
11
12 PRESENT: Brent Taylor Mayor
13 Kent Bailey Council Member
14 Justin Fawson Council Member
15 Lynn Satterthwaite Council Member
16 Cheryl Stoker Council Member
17 James Urry Council Member

18
19 STAFF PRESENT: Ronald F. Chandler City Manager
20 S. Annette Spendlove City Recorder/ H.R. Director
21 Kevin Warren Chief of Police
22 Jon Call City Attorney
23 Bryan Steele Finance Director
24 Gary Kerr Building Official
25 Craig Giles Public Works Director
26 Clark Crowther Lieutenant
27 Marc Lee Fleet Manager
28 Tyrel Stark Fleet Mechanic

29
30 VISITORS: Michelle Shreve Lorilee Beazer Joyce Hamilton
31 Merrill Spendlove Khayden Spendlove Cameron Spendlove
32 Harrison Spendlove Parker Spendlove Tyrel Stark
33 Marc Lee Chris Campbell Bob Napoli
34 Bill Bernard Pastor Dave Duncan Brandon Jessop
35 Karson Jessop Spencer Gardner Phillip Swanson
36 Louis Cooper Brent Chugg Blake Welling
37 Jennifer Watts Joshua Watts Sarah Rasmussen
38 Carson Jensen Cobe Rasmussen Mike Carter
39 Peter Waite Adam Waite Ethan Sheets
40 Stan Kippen Rachel Trotter Jody Rasmussen
41 Brett Peterson Darin Izatt Steve Rasmussen
42 Dean Olsen Katherine Olsen

43
44 Mayor Taylor welcomed those in attendance and introduced Pastor Dave Duncan from Valley View
45 Baptist Church, who was present to offer the invocation for the meeting and lead the audience in the
46 Pledge of Allegiance.

48 **CONSENT AGENDA**

49

50 **1. Consideration to approve business licenses**

51

52 **Council Member Bailey moved to approve the consent agenda. Council Member Stoker**
53 **seconded the motion.**

54

55 **Voting on the motion:**

56

57 **Council Member Bailey** **aye**

58 **Council Member Fawson** **aye**

59 **Council Member Satterthwaite** **aye**

60 **Council Member Stoker** **aye**

61 **Council Member Urry** **aye**

62

63 **The motion passed unanimously**

64

65 **AGENDA**

66

67 **1. PUBLIC COMMENTS**

68

69 Lorilee Beazer, 2625 N. 325 W., Sunset, Utah stated she is representing the Daughters of the
70 American Revolution, Golden Spike Chapter; the group has three main goals: education,
71 patriotism, and historic preservation. She is present this evening to respond to comments made
72 by a North Ogden Junior High School 7th grade class during the last meeting regarding
73 inaccuracies on a historical monument located in North Ogden City. She stated she is thrilled
74 that the class has done research regarding the monument and she agrees that there may be a
75 problem with the information included on it. She provided a brief history of the monument and
76 the organization of the local Chapter of the Daughters of the American Revolution and noted that
77 she has had some difficulty in locating official records related to the monument itself. She stated
78 she will work with City Attorney Call to determine ownership of the monument and she will
79 continue to research the accuracy of the information included on the monument. She stated she
80 will report back to the City at a future date.

81

82 Council Member Bailey thanked Ms. Beazer for following up on the issue.

83

84 Steve Rasmussen, 1092 E. 3250 N., stated that in order to access his house he must use the
85 intersection of 1050 E. and 3100 N. and he has noticed that people frequently run the stop sign at
86 that intersection. His son and daughter have both been involved in separate vehicle accidents at
87 the intersection as a result of the other driver running the stop sign. He believes it is in the City's
88 best interest to protect the public and do something to draw attention to the stop sign at the
89 intersection. He is very concerned about the issue and does not want to see anyone else involved
90 in an accident at the intersection.

91

92 Mayor Taylor stated this concern has been raised by several residents and he and Mr. Chandler
93 personally visited the intersection last week to discuss options for addressing the issue. He noted
94 the long term transportation plan for the City calls for a traffic signal at the intersection, but that

95 likely will not happen for years into the future. He stated he will continue to follow up on the
96 issue and a report will be provided to the Council at a future date. Mr. Rasmussen stated that
97 during the winter months the issue is compounded by vehicles coming down 1050 North and
98 being unable to stop due to snow and ice.

99
100 Brett Peterson, 1343 W. 12th Street, Ogden, stated there is a piece of property owned by the City
101 located at 2600 North Mountain Road and at one time it was offered for sale. He stated he is
102 interested in purchasing the parcel and he wanted to know if it is still available.

103
104 Mayor Taylor asked Mr. Chandler to address that issue with Mr. Peterson following tonight's
105 meeting. Mr. Chandler stated that before selling a parcel of property the City Council must
106 declare the parcel as surplus; it is his understanding that has already been done for the parcel
107 being referenced by Mr. Peterson. He stated he will discuss the issue with Mr. Peterson and
108 noted that it will be necessary to obtain an appraisal for the property. He added that he has
109 encouraged Mr. Peterson to seek the Council's input regarding their willingness to sell the
110 property and that is why Mr. Peterson is present this evening. Mayor Taylor stated the Council
111 cannot take an official action on Mr. Peterson's request this evening, but they are welcome to
112 offer their personal thoughts regarding his request.

113
114 Council Member Fawson stated his only personal concern is that residents in the area have been
115 told that the property would be used for a park. There was then a brief discussion regarding the
116 process to obtain an official appraisal for the property. Council Member Fawson inquired about
117 Mr. Peterson's plans for development of the property. Mr. Peterson stated there are several
118 development options, but he works with a company that specializes in residential development.

119
120 Chris Campbell, 2546 N. 1600 E., stated his request is similar to Mr. Peterson's; he provided the
121 Council with a handout regarding his desire to purchase surplus property owned by the City. He
122 identified the property he is interested in and stated he is seeking Council input regarding his
123 desire.

124
125 Mr. Chandler stated one additional step would need to be taken regarding Mr. Campbell's
126 request in that he desires to purchase a portion of a surplus parcel, so it would be necessary to
127 divide that parcel before the transaction could take place.

128
129 Council Member Fawson stated when the property was initially declared surplus the Council had
130 a conversation regarding the fact that Mr. Campbell would be a likely purchaser of the property
131 given that he owns the property adjacent to it. He stated he feels the City should give Mr.
132 Campbell the opportunity to purchase the property he is interested in.

133
134 There was a brief discussion regarding the previous use of the property and its location in
135 proximity to the parcel of property that was set aside for potential construction of the Public
136 Works facility.

137
138
139
140

141 **2. PRESENTATION FROM WEBER MORGAN HEALTH DEPARTMENT FOR THE “BE AIR**
142 **AWARE” CAMPAIGN**
143

144 Louis Cooper the Director of Environmental Health at the Weber-Morgan Health Department stated that
145 he would like the area residents that there are things each individual can do to help ward off that gloomy
146 haze of pollution that builds along the Wasatch Front.
147

148 The majority of the pollution is generated by automobiles, and each time you turn the key, you contribute
149 a little bit to that smog through the burning fuels and kicking up dust as you travel on the road.
150

151 With that in mind, the health department is conducting a “Be Air Aware” campaign to educate residents
152 on steps they can take to curb air pollution in our community. The campaign features billboards and signs
153 posted throughout Weber County. Since 1991, Weber-Morgan Health Department has operated a
154 federally-mandated Mobile Source (I/M) Air Quality Program in an effort to meet EPA guidelines for
155 healthy air in our community. This program focuses on helping drivers understand their role in our local
156 air quality. WMHD works to educate local auto repair shop owners and technicians to monitor vehicles
157 located within Weber County to reduce the impact of auto emissions on the particulate counts and gasses
158 emitted into the air. Please join us. Drive less by walking, biking or taking public transportation. Reduce
159 idling, by shutting off your vehicle if you know you are going to be sitting for longer than a minute
160 Maintain your vehicle, by keeping up with your vehicle’s emission tests and keeping your car in good
161 repair.
162

163 Residents can learn more about the program, find the current air quality conditions and learn how to
164 protect their health by limiting exposure to pollution on the health department’s website
165 www.webermorganhealth.org.
166

167 Mr. Cooper, reviewed the press release and stated he is working to gain support from local municipalities
168 to clean the air and try to encourage residents to decrease their vehicle idling. He provided Mr. Chandler
169 with signs that can be erected at strategic areas throughout the City to encourage people to decrease their
170 vehicle idling.
171

172 Mayor Taylor thanked Mr. Cooper for the information and the reminder regarding the deteriorating air
173 quality in the area as well as the things residents can do to improve air quality. Mayor Taylor added that
174 Council Member Stoker has done her part to try to improve air quality by committing to ride her bike or
175 run to every Council meeting she attends.
176
177

178 **3.PUBLIC HEARING TO RECEIVE COMMENTS ON CDBG PROJECTS**
179

180 Mr. Chandler stated the public hearing has been scheduled to consider potential projects for which
181 funding may be applied under the 2014 Community Development Block Grant (CDBG) program. He
182 explained CDBG monies must be spent on projects benefiting primarily low and moderate income
183 persons. The Wasatch Front Regional Council (WFRC), of which North Ogden City is a member, is
184 expecting to receive approximately \$900,000 in funding in the upcoming program year; all eligible
185 activities that can be accomplished through the program are identified in the CDBG application policies
186 and procedures manual and interested parties can review it at any time. Several of the eligible activities
187 listed include construction of public works facilities, i.e. water and sewer lines; fire stations; acquisition
188 of real property; provisions of public services such as food banks or homeless shelters; and economic
189 development work to create jobs for low to moderate income persons. Also eligible are loan programs for
190 private businesses which would then hire low or moderate income persons. The program can also pay for
191 housing rehabilitation or down payment assistance for low income homeowners. In the past North Ogden

192 City has received three CDBG grants; two helped to pay for waterline replacements and one helped to pay
193 for sidewalks, curb, and gutter. The City has made available its capital investment plan as part of the
194 regional consolidated plan; this list shows which projects the City has identified as being needed in the
195 community. Anyone with questions, comments, or suggestions are asked to identify themselves by name
196 before speaking; any questions asked during the hearing may be responded to by Council Members or
197 staff.

198
199 Mayor Taylor opened the public hearing at 7:12 p.m.
200

201 Stanley Kippin asked if the City has already received CDBG funding or if they are contemplating
202 applying for funding. Mayor Taylor stated the City, as well as other entities, have the ability to apply for
203 CDBG funding at this time; the City must hold a public hearing before making application. Mr. Kippin
204 asked if the City can use funding to help a resident with their home. Mayor Taylor answered no and
205 stated the purpose of the hearing is to allow residents to make suggestions for the use of the funds for a
206 project that may benefit the entire community. Mr. Kippin stated the community garden program is
207 working very well for the City and it would be nice to expand that to include more residents. He added he
208 would also like for the City to open some bike trails to increase safety for those that ride their bikes
209 throughout the community. He added the money could be used to improve the trail system and connect
210 the City's parks.

211
212 Bob Napoli, 816 E. 2750 N., stated that in looking at the beautification of North Ogden he is very
213 concerned about Washington Boulevard. He stated he understands there are parameters for the income of
214 property owners surrounding certain project areas, but he wondered if it would be possible to consider
215 purchasing or improving the parcel of property located north of the Big-O Tire Store on Washington
216 Boulevard; the property cannot be developed because it contains a stream owned by the North Ogden
217 Canal Company, but it is included in the trail plan for construction of the City's trail system to the west.
218 He stated the parcel could be considered as a gateway to the City and he suggested constructing a fountain
219 or other raised rock feature that is landscaped and includes a permanent North Ogden sign. He stated
220 there could also be a few parking spaces to allow people to access the trail. He stated the property should
221 be inexpensive to purchase because it cannot be used for any other type of development.

222
223 Mike Carter, 304 W. 1825 N., stated that he wanted to comment about the same area referenced by Mr.
224 Napoli and he suggested a fishing pond in the area would be nice for the City to have.

225
226 Joshua Watts, 1171 E. 2950 N., referenced the canal road east of 1050 East and stated it would be nice for
227 the road to be paved and include a nice bike path.

228
229 Mayor Taylor thanked everyone for their comments and stated many comments have been relative parks
230 and he reminded those in attendance of the existence of the City's Parks, Trails, and Open Land
231 Committee and he asked Council Member Stoker to provide the audience with some information
232 regarding the meeting schedule for that committee. Council Member Stoker stated the committee meets
233 the second Wednesday of each month at 5:30 p.m. in the Parks and Recreation facility; the committee is
234 looking for new members. Mayor Taylor encouraged interested persons to attend those meetings.

235
236 There were no persons appearing to be heard Mayor Taylor called for a motion to close the public
237 hearing.

238
239
240
241

242 **Council Member Bailey moved to close the public hearing. Council Member**
243 **Fawson seconded the motion.**

244
245 **Voting on the motion:**

246
247 **Council Member Bailey** aye
248 **Council Member Fawson** aye
249 **Council Member Satterthwaite** aye
250 **Council Member Stoker** aye
251 **Council Member Urry** aye

252
253 **The motion passed unanimously.**

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255
256 **4.DISCUSSION AND/OR ACTION TO ACCEPT THE NORTH OGDEN CITY AUDIT FOR**
257 **FISCAL YEAR 2012-2013**

258
259 A staff memo from Finance Director Steele explained it is required by state law for the City's financial
260 statements to be audited yearly. The independent accounting firm of Christensen, Palmer & Ambrose
261 audited the financial statements for the 2013 Fiscal Year.

262
263 Auditor Kent Christensen provided the Council and audience with a report of the audit.

264
265 Council Member Bailey referenced page eight of the report, which discussed the difference between
266 governmental activities and business activities, and he noted the total revenues from governmental
267 activities increased by 5.58%; a large part of that increase was due to sales tax revenue increases. He
268 stated the other item that is attributed to that increase is revenues associated with charges for services and
269 he inquired as to what charges for services are being referred to in governmental activities. Mr.
270 Christensen directed the Council to page 44 of the financial statement and stated it highlights the charges
271 for services, including fees charged at the aquatic center, for recreation programs, development fees,
272 zoning and subdivision fees, credit card fees, etc.

273
274 Mr. Christensen continued his review of the audit report. At the conclusion of his review he welcomed
275 questions from the Mayor and Council.

276
277 Council Member Bailey referenced the findings section of the audit report and focused on the finding
278 relative to financial reports detailing receipts and disbursements for all funds and departments and the fact
279 that those reports are not reviewed by the City Council on the minimum of a quarterly basis. He asked if
280 that is a new requirement or if it was an existing requirement that the State Auditor's Office is now
281 paying more attention to. Mr. Christensen stated the State is paying more attention to the requirement.
282 He noted that in smaller entities Council oversight plays a role in financial control process and the State
283 has said that in order for that to happen the Council must be reviewing financial statements. Council
284 Member Bailey stated he assumes that staff will be providing financial statements to the Council on a
285 regular basis as a result of this finding. Mr. Chandler stated that is correct. Council Member Bailey
286 inquired as to the format of the financial information that will be provided to the Council. Mr.
287 Christensen stated he would suggest that the information be included in a financial statement similar to
288 the statement included in the audit report. Council Member Bailey then referenced the finding regarding
289 the animal control fund in the General Fund that was over budget by \$306.00; he stated he was surprised
290 that it was necessary to report that as a finding. Mr. Christensen stated that when considering compliance
291 there is no materiality; he added that the problem was a result of an accrual entry that caused the budget

292 excess. He stated he would not be too concerned about that finding. Council Member Bailey then
293 referenced the finding dealing with the fact that the City's utility funds are not charging other City funds
294 or departments for services provided nor is this practice being disclosed to other users and he asked for an
295 explanation of that finding. Mr. Christensen stated that the General Fund, which includes parks and
296 recreation, is not paying for water, sewer, and other utility services that are being provided and the State
297 says that is equivalent to a transfer, which must be approved by the Council. He stated the suggestion
298 would be to charge other departments for services or disclose the transfer as part of the budget approval
299 process. He stated this is a new requirement and several other entities received a similar finding. Council
300 Member Bailey then addressed Mr. Steele and stated that as the Council and Administration begins the
301 budget preparation process for 2014 he would like a recommendation regarding pros and cons to
302 considering the aquatic center to be an enterprise fund for accounting purposes. He stated there may be
303 some value in considering that option.

304
305 Mr. Christensen thanked the City for the opportunity to serve as its auditing firm and he also recognized
306 the significant amount of help he received from City staff throughout the audit process.

307
308 Mayor Taylor thanked Mr. Christensen for his report and he also recognized those that have had a large
309 role in the wise discharge of public funds in the City, which includes the City Council and several
310 members of City staff; the City does have a gain in assets of \$592,000 as a result of lower than budgeted
311 expenses and higher than budgeted revenues. He stated that is a good sign that the economy continues to
312 improve and noted that half of the surplus available in the City's budget will be dedicated to the General
313 Fund to assist with projects and needs in the next Fiscal Year; the other half will go to the capital projects
314 fund to assist with long term needs for the City. He then addressed the motor pool fund and the fact that
315 it has been operating at a loss for the past several years due to the downturn in the economy. He noted the
316 Council and Administration has a plan to get the motor pool back on track for full funding within the next
317 three years.

318
319 **Council Member Bailey moved to accept the North Ogden City audit report for the Fiscal**
320 **Year 2012/2013. Council Member Satterthwaite seconded the motion.**

321
322 **Voting on the motion:**

323
324 **Council Member Bailey** **aye**
325 **Council Member Fawson** **aye**
326 **Council Member Satterthwaite** **aye**
327 **Council Member Stoker** **aye**
328 **Council Member Urry** **aye**

329
330 **The motion passed unanimously.**

331
332 Council Member Bailey stated he would appreciate receiving a paper copy of the audit report next year in
333 addition to the electronic copy.

334
335
336 **5.DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT**
337 **BETWEEN NORTH OGDEN CITY AND WEBER COUNTY SCHOOL DISTRICT FOR A**
338 **NORTH OGDEN POLICE OFFICER AT NORTH OGDEN JR. HIGH**

339
340 Police Chief Warren explained the North Ogden Police Department has allocated a part-time School
341 Resource Officer (SRO) to North Ogden Junior High School (NOJH) for the past 15 years without a

342 memorandum of understanding. The attached Interlocal Agreement will provide a positive interaction
343 between law enforcement, students, and staff to strengthen the partnership between the Weber School
344 District and the North Ogden Police Department. The desire of this partnership is to afford the students
345 and faculty of NOJH with a safe and secure environment. Said agreement defines the SRO's time
346 allocation, and includes a favorable list of SRO duties during school hours and designated school events.
347 The agreement will last four years from the effective date with the option of a four year extension
348 including re-adjusted rates. In past years, the Weber School District has compensated North Ogden Police
349 \$15,000 annually for 25 hours of law enforcement services weekly. The current proposal will provide a
350 gradual increase for law enforcement services beginning in 2013/14, and will end in 2016/17. It should be
351 noted that the entities participating in this interlocal agreement can terminate the contract by giving a 180
352 day written notice.

353
354 Council Member Bailey inquired as to how much time Officer Childs spends at NOJH. Chief Warren
355 explained Officer Childs spends half of his shift at the junior high; he works 10-hour shifts and he spends
356 half of each shift – or five hours – at NOJH. He stated the school is in session 181 days per year so
357 Officer Childs provides just over 900 hours of service as the SRO.
358

359 **Council Member Fawson moved to approve interlocal agreement A3-2014 between North**
360 **Ogden City and Weber County School District for a North Ogden Police Officer at North**
361 **Ogden Jr. High. Council Member Stoker seconded the motion.**

362
363 **Voting on the motion:**

364
365 **Council Member Bailey** aye
366 **Council Member Fawson** aye
367 **Council Member Satterthwaite** aye
368 **Council Member Stoker** aye
369 **Council Member Urry** aye

370
371 **The motion passed unanimously.**

372
373 Mayor Taylor read a statement from a counselor at NOJH commending Officer Childs for the work he
374 does at the school and the relationships he has developed with the students.

375
376
377 **6. DISCUSSION AND/OR ACTION TO CONSIDER CHANGING THE MECHANIC II**
378 **POSITION INTO A FULL-TIME POSITION AND CHANGING THE MECHANIC I**
379 **POSITION INTO A PART-TIME POSITION**

380
381 City Manager Chandler explained during last year's budget meetings the staff requested changing the
382 Mechanic II position from part-time to full-time. This would have created three full-time positions,
383 (Mechanic Supervisor, Mechanic II and Mechanic I) instead of the 2.5 positions we had at the time
384 (Mechanic Supervisor – full-time, Mechanic II – part-time and Mechanic I – full-time). This
385 recommendation was based on the assumption that the City could not find a part-time person who had the
386 skills necessary to perform the Mechanic II duties. At that time there was a discussion regarding
387 promoting an employee into the Mechanic II position thereby making it fulltime and turning the
388 Mechanic I position into a part-time position. This was based on the assumption that the City can more
389 easily find a part-time Mechanic I employee; the City did not have an employee with the skills necessary
390 to perform the Mechanic II duties. The funding for the Mechanic II position was eliminated when the

391 budget was adopted. When Craig Giles, Public Works Director, was hired he was asked him to evaluate
392 these assumptions and compare the City's costs with private mechanics. He found that the City's costs are
393 competitive, it is easier to hire a part-time Mechanic I employee and the current Mechanic I employee
394 does indeed have the skills necessary to perform the Mechanic II duties. Staff is asking that the Council
395 approve changing the Mechanic II position into a full-time position and changing the Mechanic I position
396 into a part-time position. Staff does not plan to fill the part-time Mechanic I position until next fiscal year.
397 This request will not increase the motor pool budget. He reiterated City Administration is not asking for
398 an increase in the budget to fund this request.

399
400 Council Member Urry asked for additional information regarding the efforts to compare the City's cost
401 for making vehicle repairs with the cost of outsourcing for those services. Public Works Director Giles
402 explained he could provide the Council with a copy of a spreadsheet that details that comparison and he
403 briefly reviewed the data contained therein.

404
405 Council Member Satterthwaite stated there was mention of a line item in the City's budget that had not
406 been used for some time and he inquired as to the title of that budget line. Mr. Giles stated it is called
407 'vehicle maintenance'. Council Member Satterthwaite asked why that line item was not used. Fleet
408 Manager Marc Lee stated the practices for funding the motor pool have changed in the City over the last
409 several years and the focus shifted to maintenance routines to ensure mechanical problems are caught
410 when they are small to prevent them from growing and requiring larger expenditures. He stated with that
411 shift in focus it was possible to trim the expenses in the vehicle maintenance budget line. There was a
412 short discussion regarding potential budget amendments relative to the vehicle maintenance budget line.

413
414 Council Member Fawson inquired as to the potential impact of fully funding the motor pool and if it
415 would have an impact on the requested positions and the vehicle maintenance budget line item. Mr.
416 Giles stated the overall impact of changing the position titles is approximately \$13,000 and that will be
417 taken from the vehicle maintenance line item so no budget adjustment is necessary. He noted the
418 additional part time position would have an associated \$9,500 increase, so the total potential impact is
419 \$19,500. Mr. Chandler provided the Council with information regarding the historical funding trends of
420 the City's motor pool fund and noted that after discussions had by the Council during last years budget
421 process, the decision was made to make strides to fully fund the motor pool fund after the next few years.
422 Council Member Fawson stated he feels that fully funding the motor pool would naturally result in a
423 decrease of fleet maintenance costs because the vehicles in the fleet will be newer. Mayor Taylor stated
424 that may be correct and will be discussed in more depth during upcoming future budget discussions.
425 There was a short discussion about the number of mechanics that will be needed in the fleet division once
426 the motor pool is fully funded and old vehicles are replaced.

427
428 Council Member Satterthwaite stated that he does not know why the City would opt to hire a Mechanic II
429 if the Mechanic I can complete the required work in the fleet division. Mr. Lee stated the basic job
430 functions of the Mechanic I position is to complete lube and oil work on vehicles and nothing more. He
431 noted the job description for Mechanic II is much more involved; the current Mechanic I is performing
432 the work in the Mechanic II job description without appropriate pay. Mayor Taylor stated the current
433 Mechanic I has done a great job for the City and has shown a lot of initiative and this is an opportunity to
434 thank him for those things without an overall budget impact; the position reclassification will give him
435 more opportunity for advancement.

436
437
438
439

440 Council Member Satterthwaite moved to approve the request to change the Mechanic II
441 position into a full-time position and changing the Mechanic I position into a part-time
442 position. Council Member Bailey seconded the motion.

443

444 **Voting on the motion:**

445

446 Council Member Bailey aye

447 Council Member Fawson aye

448 Council Member Satterthwaite aye

449 Council Member Stoker aye

450 Council Member Urry aye

451

452 **The motion passed unanimously.**

453

454

455 **7.DISCUSSION AND/OR ACTION TO APPOINT ANNETTE SPENDLOVE AS THE NORTH**
456 **OGDEN CITY RECORDER**

457

458 Mayor Taylor explained that following each municipal election the Mayor, with advice and
459 consent of the Council, is required to appoint a City Recorder and City Treasurer. He noted
460 items seven and eight have been added to the agenda to meet that requirement. He provided the
461 Council and audience with information regarding the current City Recorder's qualifications and
462 the reasons why he is suggesting she be reappointed.

463

464 Council Member Stoker moved to appoint Annette Spendlove as the North Ogden City
465 Recorder. Council Member Satterthwaite seconded the motion.

466

467 **Voting on the motion:**

468

469 Council Member Bailey aye

470 Council Member Fawson aye

471 Council Member Satterthwaite aye

472 Council Member Stoker aye

473 Council Member Urry aye

474

475 **The motion passed unanimously.**

476

477

478 **8.DISCUSSION AND/OR ACTION TO APPOINT JAMI JONES AS THE NORTH OGDEN CITY**
479 **TREASURER**

480

481 Council Member Fawson moved to appoint Jami Jones as the North Ogden City Treasurer.
482 Council Member Bailey seconded the motion.

483

484

485

486

487 **Voting on the motion:**

488

489 **Council Member Bailey** aye

490 **Council Member Fawson** aye

491 **Council Member Satterthwaite** aye

492 **Council Member Stoker** aye

493 **Council Member Urry** aye

494

495 **The motion passed unanimously.**

496

497

498 **9. DISCUSSION AND/OR ACTION TO CONSIDER AN RESOLUTION SETTING A BOND**
499 **AMOUNT FOR A TITLE LOAN BUSINESS**

500

501 City Attorney Call explained the North Ogden City Code has historically required that certain types of
502 businesses provide a bond to the City when they obtain a business license. However, the City has never
503 established a specific bond amount for some of these businesses. The business types are listed in our code
504 as follows:

- 505 • Employment Agencies
- 506 • Money Lending businesses
- 507 • Messenger Services

508 Each type of business has a specific list of type of conditions that the bond is specifically attempting to
509 protect the City against. It is time for the City to establish a bond payment in the fee schedule.

510 It is helpful to better understand the purpose behind each of the bonds as outlined in our code. The bond
511 for Employment Agencies pay a bond to protect any person from all damages caused by fraud,
512 misstatements, deceit, etc. The bond for Money Lending Businesses is to protect the City from the
513 individual failing to adhere to City and State ordinances regarding the types of businesses. Messenger
514 services are paying the bond to protect the City from violations of ordinances, as well as from acts of any
515 negligence by the messenger service. I would recommend that the City Council adopt a bond amount of
516 \$2,000 for all of these types of businesses. This allows some protection to our residents, as well as our
517 city when enforcing ordinances. Additionally with respect to Money Lending Businesses (non-banks) the
518 state requires additional bonding amounts which provide additional protection to the patrons of these
519 institutions from violations of state laws regarding their business practices.

520

521 Council Member Urry asked how the City would go about calling the bond. Mr. Call explained there are
522 two different types of bonds: a cash bond and a surety bond. In this case the City would require a surety
523 bond, which is essentially a letter of credit ensuring the business is 'good for' the \$2,000 requirement if it
524 is ever called. Council Member Urry asked how the City would determine if it is necessary to call the
525 bond. Mr. Call stated the issue would be decided in a court of law. He stated he has never seen a case
526 where this type of bond has been called for a financial lending institution.

527

528 Council Member Bailey asked why the City requires a bond for these particular types of businesses and
529 not for others. Mr. Call stated some communities have felt it important to require a bond for these types
530 of businesses and North Ogden City began requiring bonds in 1987, but no bond limit was set. The
531 question is being raised because this type of business has never tried to locate in the City in the past.
532 Council Member Bailey stated the amount seems trivial to him given the potential damages that could be
533 caused by such a business. He asked if staff has researched the bond amount set in other cities. Mr.
534 Chandler stated staff has discussed the issue at length and he noted there is a pending application for one
535 of the business types listed in Mr. Call's memo; therefore, the issue of the bond amount needs to be
536 addressed.

537 Council Member Fawson stated he assumes the opportunity to require a bond was included in the City
538 Code due to the problematic nature of some of the businesses listed by Mr. Call. He stated he does not
539 want to see this type of institution in the North Ogden City and he would prefer that the bond be set at an
540 amount that would be considered prohibitive.

541
542 Council Member Satterthwaite stated the State of Utah requires up to a \$50,000 bond for these types of
543 businesses and if the City's bond amount is \$2,000 the City would be very low on the list of debtors owed
544 by the business. Mr. Call stated anyone that has a legitimate claim against a certain business will go after
545 the State bond before going after the City's bond.

546
547 There was a short discussion regarding the types of offenses that would need to occur in order for an
548 aggrieved person to seek restitution. Mr. Call added the applicant's attorney is present this evening and
549 can address the Council regarding some of their concerns.

550
551 Bruce Baird stated the Council has asked some good questions and he provided the Council with some
552 history regarding the code changes requiring bonds for these types of businesses. He noted local bonds
553 serve no practicable purpose especially when the State has a much larger bond. He added he has never
554 heard of any city bond being called and it is not worth spending the time and effort to require and track a
555 bond. He addressed Council Member Fawson and stated that the City does not have the ability to set a
556 bond to prohibit a lawful business; a bond must serve a purpose. He stated his client is happy to pay for a
557 \$2,000 bond, but it does not make any sense to require it. There was then a short discussion regarding the
558 purpose of corporate surety bonds versus cash bonds with Mr. Baird noting that the only reason this is
559 being discussed is that his client submitted a business license application and one of the requirements
560 listed on the application was for a bond, though the defined amount of that bond has not been set since the
561 City adopted the requirement over 25 years ago.

562
563 Mr. Chandler stated the City Code is very vague in its definition of this type of institution and it may be a
564 good idea for the Council to ask the Planning Commission to spend some time considering updating and
565 fine-tuning the ordinance to provide better clarity to the staff that must administer it.

566
567 **Council Member Bailey moved to adopt Resolution 2-2014 setting a bond amount of \$2,000**
568 **for a title loan business. Council Member Urry seconded the motion.**

569
570 Mayor Taylor stated that he would like the Planning Commission and Council to do additional
571 work to determine whether payday lending institutions are a suitable business type for the
572 community.

573
574 **Voting on the motion:**

575
576 **Council Member Bailey** **aye**
577 **Council Member Fawson** **nay**
578 **Council Member Satterthwaite** **aye**
579 **Council Member Stoker** **aye**
580 **Council Member Urry** **aye**

581
582 **The motion passed unanimously.**

583
584

585 **10.DISCUSSION AND/OR ACTION TO CONSIDER THE APPOINTMENT OF A PLANNING**
586 **COMMISSION MEMBER**

587
588 Mayor Taylor explained the City advertised to fill two vacant Planning Commission seats and only
589 received one application. Mayor Taylor reviewed Phil Swanson's application and interviewed him and
590 believes he will be an excellent Commissioner. Mr. Swanson has served admirably as a member of the
591 Public Works Committee and has a near perfect attendance record. Mayor Taylor noted he believes his
592 careful approach to planning and zoning will be a benefit to North Ogden in the years ahead. Mayor
593 Taylor concluded that he nominates Phil Swanson to fill one of the vacant seats on the Planning
594 Commission and that he has asked Mr. Swanson to be available to answer questions from the Council
595 during the meeting. Mayor Taylor provided the Council with some information regarding Mr. Swanson's
596 background and qualifications.

597
598 Council Member Fawson stated he has had the pleasure of serving on the Public Works Committee with
599 Mr. Swanson and he has found him to be reasonable and calculating. Council Member Satterthwaite
600 stated he has had the same experience and he feels Mr. Swanson will do a good job.

601
602 **Council Member Bailey moved to appoint Phil Swanson to the North Ogden City Planning**
603 **Commission. Council Member Stoker seconded the motion.**

604
605 **Voting on the motion:**

606
607 **Council Member Bailey** aye
608 **Council Member Fawson** aye
609 **Council Member Satterthwaite** aye
610 **Council Member Stoker** aye
611 **Council Member Urry** aye

612
613 **The motion passed unanimously.**

614
615
616 **11.DISCUSSION ON PUBLIC WORKS PROJECT CONTRACTOR SELECTION PROCESS**

617
618 Mayor Taylor explained the City has received a number of bids for the Public Works project and is in the
619 process of reviewing these bids. A Selection Committee has been formed to review the bids, and is
620 expected to make a recommendation to the City Council during the February 11th Council Meeting. As per
621 instructions from the RFP, all of the bids include various "optional" features, such as the Salt and Sand
622 Shed, or a Vehicle Storage Shed. The identity of bidding contractors and the number of bids will be kept
623 confidential at this point to protect the integrity of the selection process. However, we would like to
624 present some of the potential options and proposed costs in general terms. This will allow
625 Council to provide guidance about which additional projects--if any--may be pursued. This item is for
626 general discussion and guidance from the Council; you will not be asked to make any formal decision
627 during this meeting.

628
629 Mayor Taylor used the aid of a PowerPoint presentation to review the calendar and process for selection
630 of the contractor for the project.

631
632 Mr. Chandler and Mr. Steele provided the Council with information regarding the budgetary implications
633 of the project based on the bids that have been received to date for the project. There was a focus on the
634 Council actions that would be necessary should the Public Works Committee select a contractor whose

635 bid is higher than the budgeted amount for the project. There was also a focus on additional utility
636 account funds that may be available for use on the project. Mr. Steele offered information regarding the
637 potential impact to future capital projects if more money is needed for the Public Works project. Mayor
638 Taylor concluded that if the selected bid is over \$2.2 million the Council would have the option to remove
639 certain aspects of the project or increase the budget to cover the additional amount. He noted that if a
640 decision is made to construct the salt and sand shed in conjunction with the construction of the Public
641 Works facility, the increase to the budget could be marginal or significant. Mr. Steele stated there is \$2.6
642 million in available funding, but using that entire amount would cause the deferral of future capital
643 projects. Mayor Taylor stated he places a high priority on the salt and sand shed. He asked the Council
644 to consider the issues that have been discussed tonight in anticipation of making a decision regarding the
645 contractor during the February 11 meeting.
646

647 Council Member Urry asked if the actual figures that have been presented tonight were pulled directly
648 from bids submitted by contractors, to which Mayor Taylor answered yes. Council Member Bailey stated
649 the various contractors may not have submitted bids according to the same specifications and more work
650 will be done to ensure that an “apple to apple” comparison is completed relative to the bids. Council
651 Member Urry stated that he was surprised the City only received three bids. Mr. Chandler stated over 20
652 contractors were invited to bid on the project and the request for proposals was also published in a local
653 newspaper and on various professional websites. He added that eight firms participated in site visits and
654 pre-bid meetings. He stated that one of the concerns expressed by some firms was the City’s selection of
655 the design-build process rather than hiring an architect and contractor. Mayor Taylor stated he heard
656 some of the same concerns and added that contractors are very aware that the City will have tight control
657 of the project budget. He concluded that even though only three contractors bid on the project, he is
658 confident that the City will find a great contractor that will do a good job for the City.
659

660 Council Member Satterthwaite agreed that the design-build concept is what deterred other contracts from
661 bidding. Council Member Bailey agreed and added that the three bids that were submitted came from
662 very qualified contractors.
663
664

665 **12. DISCUSSION AND/OR ACTION TO CONSIDER AN APPOINTMENT TO THE NORTH**
666 **VIEW SENIOR CENTER BOARD**
667

668 Mayor Taylor explained that he previously reported that North Ogden had two board member positions
669 on the NVSC Board and nominated myself and Councilman Urry. Apparently this changed in December
670 2013 when the Board was restructured and North Ogden now has only one position for the Mayor or
671 other elected official. I learned about this change during the Jan 21 NVSC Board Meeting when I told the
672 Board that Councilman Urry and myself would be serving as North Ogden's representatives to the Board.
673 During the same meeting it was mentioned that the Board needs three additional members from North
674 Ogden, and I proposed that Councilman Urry be appointed to one of those vacant positions, as both he
675 and I intended on serving on the Board. This was accepted and will be on the next NVSC meeting for
676 official approval. Therefore, I propose that I serve as the city's representative to the NVSC Board, with
677 Councilman Urry filling one of the community board member seats. As the NVSC needs board members,
678 this seemed like a win-win situation as both Councilman Urry and myself were planning on serving.
679

680 Council Member Bailey stated that the fact that the pay associated with a position on the NVSC Board
681 changed at the end of last year is troubling to him. Mayor Taylor agreed and stated that he thinks it
682 should be addressed. He noted North Ogden provides the highest contribution to the NVSC. There was
683 then a brief discussion regarding the makeup of the NVSC Board with a focus on the number of
684 representatives the City has on the Board.
685

686 Council Member Satterthwaite then stated that he would prefer that elected officials be appointed to the
687 Board positions as they are charged with representing the electorate while a citizen does not have that
688 same responsibility.
689

690 **Council Member Bailey moved to appoint Mayor Taylor to the North View Senior Center**
691 **Board. Council Member Satterthwaite seconded the motion.**
692

693 Council Member Stoker asked that Mayor Taylor further research the makeup of the Board to
694 determine why North Ogden does not have more representatives on the Board.
695

696 **Voting on the motion:**
697

698 Council Member Bailey	aye
699 Council Member Fawson	aye
700 Council Member Satterthwaite	aye
701 Council Member Stoker	aye
702 Council Member Urry	aye

703
704 **The motion passed unanimously.**
705
706

707 **13. DISCUSSION AND/OR ACTION TO CONSIDER A BEER LICENSE FOR SMITH'S FOOD**
708 **AND DRUG CENTER**
709

710 Mr. Kerr reviewed his staff memo.
711

712 Council Member Bailey asked if any of the three beer license applicants have had any violations of their
713 beer license in the past. Mr. Kerr answered no.
714

715 Council Member Bailey asked if any of the three beer license applicants have had any violations of their
716 beer license in the past. Mr. Kerr answered no.
717

718 **Council Member Fawson moved to approve a beer license for Smith's Food and Drug**
719 **Center. Council Member Bailey seconded the motion.**
720

721 **Voting on the motion:**
722

723 Council Member Bailey	aye
724 Council Member Fawson	aye
725 Council Member Satterthwaite	aye
726 Council Member Stoker	aye
727 Council Member Urry	aye

728
729 **The motion passed unanimously.**
730
731
732
733

734 **14. DISCUSSION AND/OR ACTION TO CONSIDER A BEER LICENSE FOR WALGREEN'S**

735

736 Mr. Kerr reviewed his staff memo.

737

738 **Council Member Fawson moved to approve a beer license for Walgreen's Center. Council**
739 **Member Stoker seconded the motion.**

740

741 **Voting on the motion:**

742

743 **Council Member Bailey aye**

744 **Council Member Fawson aye**

745 **Council Member Satterthwaite aye**

746 **Council Member Stoker aye**

747 **Council Member Urry aye**

748

749 **The motion passed unanimously.**

750

751

752 **15. DISCUSSION AND/OR ACTION TO CONSIDER A BEER LICENSE FOR LEE'S MARKET**
753 **PLACE**

754

755 Mr. Kerr reviewed his staff memo.

756

757 **Council Member Fawson moved to approve a beer license for Lee's Market. Council**
758 **Member Satterthwaite seconded the motion.**

759

760 **Voting on the motion:**

761

762 **Council Member Bailey aye**

763 **Council Member Fawson aye**

764 **Council Member Satterthwaite aye**

765 **Council Member Stoker aye**

766 **Council Member Urry aye**

767

768 **The motion passed unanimously.**

769

770

771 **16. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR AN**
772 **ADMINISTRATIVE HEARING OFFICER**

773

774 City Manager Chandler explained that in accordance with North Ogden City Code, section 1-8-5(A), the
775 City Council approved Ms. Megan Ryan as the Administrative Hearing Officer at the last City Council
776 meeting, January 14, 2014. The next item on the agenda was accidentally overlooked. The City Council
777 packet included an employment contract for Ms. Ryan. The term of the agreement and the termination
778 clauses comply with the requirements of the aforementioned section of North Ogden's code.

779

780

781 **Council Member Fawson moved to approve agreement A2-2014 for an Administrative**
782 **Hearing Officer. Council Member Bailey seconded the motion.**

783
784 Council Member Urry asked if staff has reviewed the fee schedule to determine if the fee for a
785 variance hearing can be adjusted to cover the costs associated with this agreement. Mr. Chandler
786 answered no and stated that he planned to conduct that research in conjunction with the
787 preparation of the upcoming fiscal year budget.

788
789 **Voting on the motion:**

790
791 **Council Member Bailey** aye
792 **Council Member Fawson** aye
793 **Council Member Satterthwaite** aye
794 **Council Member Stoker** aye
795 **Council Member Urry** aye

796
797 **The motion passed unanimously.**

798
799
800 **17. PUBLIC COMMENTS**

801
802 Stanley Kippin, 629 E. 2600 N., stated he feels the City could increase its revenue by implementing a cold
803 beer tax. Mayor Taylor stated the City is limited in the types of taxes it can impose. Mr. Kippin stated
804 that if beer were sold warm people would not drink it in their vehicles and that would decrease drinking
805 and driving violations. He then stated he addressed the Council a couple of weeks ago regarding allowing
806 signage for home based businesses. He added his wife is having difficulty advertising her home based
807 salon business and he reiterated that people are allowed to add signs to their cars, but home owners are
808 not allowed to erect a sign in their yard advertising their business. He urged the Council to consider
809 changing the signage regulations. Mr. Chandler stated this issue will be discussed at the next Planning
810 Commission meeting on February 5. He noted the process to change signage regulations can be
811 somewhat lengthy.

812
813 Phillip Swanson addressed Mr. Kippin and stated the City currently does not have an ordinance
814 prohibiting magnetic signs on vehicles. He stated there is a business in North Ogden that can make a
815 magnetic sign for \$65 and Mr. Kippin could put the sign on the side of his car and park it in his driveway.

816
817
818
819
820 **18. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

821
822 Council Member Urry stated he has received some calls from concerned citizens that have received letter
823 in the mail regarding business licensing; one of them lives in Weber County and not in the City and he
824 has a condominium for rent in Bear Lake and he only lists his phone number for people to call him to rent
825 his condominium. He inquired as to how the City determines who they send their business licensing
826 notices to. Mr. Chandler stated the City's Economic Development consultant approached him regarding a
827 business license audit whereby the City could identify businesses operating in the City that do not have a
828 business license. He stated he is not sure how the consultant has determined who he sends letters to, but
829 he has also received quite a few calls from people concerned about the letter they received regarding

830 business licensing. He stated he will get more information regarding the outcome of the audit once it is
831 finished. Council Member Urry then stated there are a number of businesses that do business in the City
832 and he asked if they are required to obtain a business license before doing work here. Mr. Chandler stated
833 only businesses physically located in the City must obtain a business license. Council Member Fawson
834 addressed the business license audit and asked that the letter include the criteria that a business must meet
835 before they are required to obtain a business license. Council Member Bailey stated the criteria are
836 included in the letter.

837
838 Council Member Urry then expressed concerns regarding a heating contractor that has done work in the
839 City and has told homeowners that they have cracked heat exchanges on their furnaces and that they
840 could not turn their furnace back on. He stated he became personally involved in two of the instances and
841 found there were no cracked heat exchanges. He stated the repairs the contractor was suggesting were
842 very costly and he feels the issue needs to be addressed. There was a discussion regarding any recourse
843 options the City or homeowners may have against the contractor.

844
845 Council Member Satterthwaite asked if there are any aspects of the Public Works facility project that
846 would qualify for CDBG funding. Mr. Chandler stated that CDBG qualifications are based on a
847 widespread moderate income need and the City's per capita income is too high to meet the qualifications
848 for large City-wide projects. There was a brief discussion regarding the projects for which the City has
849 received CDBG funding in the past.

850
851 Council Member Satterthwaite stated he would like to consider the auditor's recommendation to set up
852 the aquatic center as an enterprise fund. He concluded by addressing Mr. Kippen's comments regarding
853 signage and stated staff has been very busy addressing other issues; he has a real appreciation for the
854 things staff works on.

855
856 Mayor Taylor provided a report regarding upcoming Council calendar events.

857
858 Mr. Steele stated the first budget retreat meeting is scheduled for Thursday, February 20 at 8:00 a.m. He
859 then provided a brief follow-up to the budget numbers included in the PowerPoint presentation regarding
860 the Public Works facility project. There was a brief discussion regarding the discrepancy in the budget
861 numbers.

862
863 Mr. Kerr reported the new Smith's Marketplace will be constructed by Wadman Corporation, who has
864 already made application for the building permit.

865
866 Mr. Call referenced Mr. Swanson's earlier comments regarding magnetic signs on vehicles and stated
867 City ordinance does actually prohibit off-premise signs and magnetic signs on vehicles fall within that
868 classification.

869
870

871 **19.ADJOURNMENT**

872
873 **Council Member Fawson moved to adjourn the meeting. Council Member Stoker**
874 **seconded the motion.**

875
876 **The meeting adjourned at 9:50 p.m.**

877
878
879

880 _____
881 Brent Taylor, Mayor
882
883
884 _____
885 S. Annette Spendlove, MMC
886 City Recorder
887
888 _____
889 Date Approved

NOT APPROVED