

1 **NORTH OGDEN CITY COUNCIL MINUTES**

2  
3 January 8, 2013

4  
5 The North Ogden City Council convened in an open meeting on January 8, 2013 at 6:30 pm in the North  
6 Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting  
7 was delivered to each member of the City Council, posted on the bulletin board at the municipal office  
8 and posted to the Utah State Website on January 4, 2013. Notice of the annual meeting schedule was  
9 published in the Standard-Examiner on January 30, 2013.

10  
11 **PRESENT:** Richard G. Harris Mayor  
12 Kent Bailey Council Member  
13 Wade Bigler Council Member  
14 Justin Fawson Council Member  
15 Cheryl Stoker Council Member  
16 Brent Taylor Council Member

17  
18 **STAFF PRESENT:** Ron Chandler City Manager  
19 Annette Spendlove HR Director/City Recorder  
20 Bryan Steele Finance Director  
21 Jon Call City Attorney  
22 Craig Barker Community Development Director  
23 Mel Blanchard Public Works Director  
24 Bill Bernard City Treasure

25  
26 **VISITORS:** Lyle Adams Spencer Reynolds  
27 Kent Christensen Terry Reynolds  
28 Derrick Hadley BJ Johnson  
29 Kenneth Hubbard Brent Chugg  
30 Joshua Mackley Phillip Swanson  
31 Orion Walters Kenny Ross  
32 Blake Welling Brian Russell  
33 Rachel Trotter Dan Nixon

34  
35  
36 Mayor Harris welcomed those in attendance.

37  
38 Mayor Harris offered the invocation and Derrick Hadley led the audience in the Pledge of  
39 Allegiance.

40  
41  
42 **CONSENT AGENDA**

- 43  
44 **1. Consideration to approve the minutes of the September 18, 2012 City Council meeting.**  
45 **2. Consideration to approve the minutes of October 2, 2012 City Council meeting.**  
46 **3. Consideration to approve the minutes of December 11, 2012 City Council meeting.**  
47 **4. Consideration to approve the business licenses.**  
48  
49  
50

51 Council Member Bailey moved to approve the Consent Agenda. Council Member Stoker  
52 seconded the motion.

53  
54 Voting on the motion:

55  
56 Council Member Bailey aye  
57 Council Member Bigler aye  
58 Council Member Fawson aye  
59 Council Member Stoker aye  
60 Council Member Taylor aye

61  
62 The motion passed unanimously.

63  
64 **ACTIVE AGENDA**

65  
66 1. **PUBLIC COMMENTS:**

67  
68 There were no public comments.

69  
70 2. **DISCUSSION AND/OR ACTION TO ACCEPT THE NORTH OGDEN CITY AUDIT.**

71  
72 | Kent Christiansen, Christensen, City Auditor, reviewed the North Ogden City Audit. He  
73 explained page one and two of the report represents their opinion on the financial statements. He  
74 said they were able to issue the City a clean opinion. He said the Management Discussion and  
75 Analysis (MD & A) on pages three to 16 are prepared and presented by City staff. He said they  
76 do not audit the financial statements, but they do render an opinion on the remainder of the  
77 financial statements. He stated page 17 is the government wide financial statements, which list a  
78 full accrual concept. He said it shows you have a combined unrestricted fund balance of almost  
79 11 million dollars. He said 3.5 million dollars of that is in the government funds and 7.2 million  
80 dollars is in the enterprise funds. He said page 18 is designed to show what City activities cost  
81 and how they are funded. He said it breaks the activities and functions into government type  
82 activities and business type activities. It shows the net cost of those activities and how they are  
83 financed. He went over those figures in the City Audit (included in the packet).

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84  
85 | Kent Christiansen, Christensen, said the RDA has enough funds so it could pay back the loans.  
86 He pointed out the general fund balance is under the 18% requirement. He said each of the  
87 enterprise funds has a substantial cash balance, which gives operating assets for the future. He  
88 said from a net operating perspective the water fund had a loss of about \$200,000, sewer utility  
89 had a loss of about \$100,000, storm water fund had a loss of about \$158,000, and solid waste had  
90 a net increase of about \$100,000. Kent Bailey asked where those numbers are. Kent

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91 | Christiansen, Christensen replied on page 24.

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92  
93 | Kent Christiansen, Christensen, said although the numbers were showing operating losses, the  
94 water utility, storm water utility, and solid waste utility fund each had an increase of cash during  
95 the year. It is primarily due to depreciation not being a cash consuming resource; it is a cost  
96 allocation entry that is made into the books. He said although it shows some operating cost  
97 deficiencies you still have some growth in your cash balances.

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98

99 | Kent ~~Christiansen~~ Christensen, said the note disclosures are designed to provide additional  
100 | information concerning the financial statements. It tells you about depth, fixed assets, and those  
101 | types of things. He said the remainder of the report is the budget to actual comparisons. He said  
102 | even though it shows a net decrease it exceeded your budget by an addition \$450,000.  
103

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104 | Kent ~~Christiansen~~ Christensen said page 49 is a report on internal controls on financial reporting  
105 | and he found no significant control weaknesses. He said page 50, 51, and 52 deals with State  
106 | compliance issues. There was one finding this year, which was a couple of departments in the  
107 | General Fund and in the RDA that exceeded spending that was budgeted.  
108

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109 | Mayor Harris asked for a general statement for how things are going. Kent ~~Christiansen~~  
110 | Christensen said the City's finances are in A shape. He said there are a couple of areas with  
111 | operating losses, but there is no significant concern. The City is in good financial state. He  
112 | stated again their opinion is an unqualified opinion.  
113

114 | **Council Member Fawson moved to accept the North Ogden City Audit. Council Member Bailey**  
115 | **seconded the motion.**  
116

117 | **Voting on the motion:**  
118

119 | **Council Member Bailey**            aye  
120 | **Council Member Bigler**        aye  
121 | **Council Member Fawson**        aye  
122 | **Council Member Stoker**        aye  
123 | **Council Member Taylor**        aye  
124

125 | **The motion passed unanimously.**  
126  
127

128 | **3.        CONSIDERATION AND/OR ACTION TO CONSIDER AN ORDINANCE TO AMEND**  
129 | **THE ACCESSORY BUILDING SETBACKS IN THE RE-20 ZONE.**  
130

131 | Craig Barker reviewed the staff report. He explained that agriculture is allowed in the RE-20  
132 | zone. He said there has been some concern with the use of accessory buildings in a lot of the  
133 | other zones. He said the minimum lot size for an RE-20 zone is twice as big as any other zone in  
134 | the City except for the HP-3 zone. Craig Barker reviewed the proposed ordinance. He said the  
135 | second page has been left off the ordinance. It states if the accessory building was going to be up  
136 | to 25 feet high it would need to have the same set back as a home, which is 10 feet. He said that  
137 | second part needs to be put in the ordinance before you pass it.  
138

139 | Craig Barker said there were two citizens who spoke at the Planning Commission's public  
140 | hearing. He said Mr. Stowers will be able to build his accessory building.  
141

142 | Council Member Bailey asked if it is possible for a building, for a lot in an RE-20 zone to have  
143 | an adjacent lot where we would have a building set three feet from the property line which could  
144 | be causing line of sight issues or view issues from the adjacent property. Craig Barker replied it  
145 | certainly is. He said they have never taken into account site issues. He said when the Planning  
146 | Commission first started looking at this the City had people putting buildings close to the

147 property lines. He said the City didn't have complaints so much about the bulk of the buildings,  
148 it was mainly the height. He said that is why the Planning Commission said if homeowners want  
149 to go up in height at least have it setback the same as a house. He said many cities do regulate  
150 height because of site issues, but North Ogden City never chose to do so.

151  
152 Council Member Bailey commented that he appreciates the work the Planning Commission has  
153 done on this. He said he is a little frustrated by zoning issues of this type because it is so difficult  
154 to foresee every possible situation. He said it would be nice as they are passing something that  
155 they do not create a new problem. He said if they create a new problem they will deal with it.

156  
157 Craig Barker said he expects they will have some requests for changes in the smaller zones. He  
158 said the smaller zones are harder to deal with.

159  
160 Council Member Bigler said if he understands it correctly the ordinance, in past allowed  
161 accessory buildings -to be 3 feet from the property line unless they were higher than 15 feet. He  
162 said this takes care of the problem the way the ordinance was written from 2011. Craig Barker  
163 said this amendment clarifies the ordinance. Council Member Bigler said the ordinance is not  
164 changing from what it has been other than if the building is taller it will need to be away from the  
165 property line. He said they are helping the neighbors out more.

166  
167 Craig Barker said most people who want the bigger accessory buildings seem to understand that  
168 if you go up in height the accessory building needs to be farther away from the property line.

169  
170 Council Member Bailey clarified that this amendment only applies to the RE-20 zone. Craig  
171 Barker replied that is correct and said they did not want to amend all the other zones again. He  
172 said if people have issues they can make a request.

173  
174 Council Member Bailey clarified that there is part of the ordinance that is not here. Craig Barker  
175 replied the part of the ordinance is missing that requires accessory buildings over 15 feet to have  
176 the same setbacks as a dwelling.

177  
178 Ron Chandler asked if that part of the ordinance that has blanks spaces. Craig Barker said this  
179 ordinance needs to be revised and thinks staff has the wrong ordinance in the packet. Ron  
180 Chandler asked if there is a number they should include in that blank. Craig Barker replied no  
181 and said that the Planning Commission decided not to do that. Ron Chandler asked how that  
182 should be amended. Craig Barker replied they will need to bring back the correct ordinance at  
183 the next City Council meeting.

184  
185 Council Member Bigler stated the large accessory building ordinance not only pertains to the  
186 RE-20. Craig Barker stated it pertains to all the zones. Council Member Bigler said if this  
187 amendment only pertains to RE-20 they need to correct how that ordinance is written and how it  
188 reads with the other ordinances. He said when it was written the ordinance stated if the  
189 accessory building was taller than 15 feet then you would need to move it away from the  
190 property line. He said this pertained to the 15 feet building height regardless of its square  
191 footage, Council Member Bigler said Craig Barker has stated there has been no changes.  
192 Council Member Bigler said when the ordinance came back this year you are now saying it is the

193 square footage. The ordinance contradicts itself. He said his understanding is he thought they  
194 were doing it across the board, if not it needs to be changed. Craig Barker said there was an  
195 immediate issue with Mr. Stowers. He said they will clean the other ordinances up. He said in  
196 this ordinance they want to make clear the set back is three feet for any building that is less than  
197 15 feet high. He said buildings over 15 feet high have the same setbacks as a dwelling.

198  
199 Council Member Bailey said it is possible for two accessory buildings to be six feet apart on  
200 adjacent lots. Craig Barker said the Building Codes requires at least six feet away from  
201 buildings.

202  
203 **Council Member Bailey moved to table this item until staff returns with a complete amendment to**  
204 **the ordinance. Council Member Bigler seconded the motion.**

205  
206 **Voting on the motion:**

207  
208 **Council Member Bailey**            **aye**  
209 **Council Member Bigler**           **aye**  
210 **Council Member Fawson**         **aye**  
211 **Council Member Stoker**         **aye**  
212 **Council Member Taylor**         **aye**

213  
214 **The motion passed unanimously.**

215  
216  
217 **4. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH DIGIS.**

218  
219 Bryan Steele stated there was one addition made to the contract which is page three of the  
220 agreement. It was discovered the City has an easement to access the water tanks that goes  
221 through different properties. He said Digis would like to put the power for the tower along that  
222 easement. It will also be how they would access their tower on City property. He said the City  
223 has added an addition clause requiring Digis to work out an easement with the affected property  
224 owners before they can proceed with the construction of the tower.

225  
226 Ron Chandler stated the easement they have is very specific to the water line that comes down to  
227 the water tank and it gives the City the ability to access the property and maintain the water line.  
228 He said it does not give us the ability to grant that easement to others. He said a property owner  
229 contacted him recently and they are interesting in developing the property. He said they spoke  
230 with the people from Digis and had the City Attorney add some language to the contract that  
231 would allow City Council to pass this agreement if desired. He said it also provides the City  
232 with some protection and it also allows Digis to obtain the easement they need to move forward  
233 with their project.

234  
235 Kent Bailey asked where this is located. Bryan Steele replied it is by the Rice Creek water tanks.  
236 Ron Chandler added it is above the Mason Cove subdivision.

237  
238 Council Member Bigler clarified they are only approving their easement and Digis will still need  
239 to negotiate with the residents. Ron Chandler confirmed that Digis will need to come to a  
240 resolution with the property owners. He said he had met with the property owners and they are

241 pretty agreeable with things. He thinks they will be good working partners, but the City cannot  
242 overstep its boundaries on this.

243  
244 Council Member Bailey said they have other leases on towers in the area and asked if this lease  
245 is on a comparable basis with those. Bryan Steel replied yes, it is \$500 a month and increases  
246 3.5% yearly.

247  
248 Council Member Taylor commented that he appreciates the change in the contract. It is the best  
249 way to put it in the lessee's court to work out an agreement for the easement and not have the  
250 City overstep their boundaries. He complimented the staff on a good job for catching that and  
251 doing it in a way that respects the property rights of those owners.

252  
253 Council Member Bigler said he wanted to make sure they were not forcing the hand of the  
254 property owners. Ron Chandler replied no, it will be up to Digis. It is also meant to protect the  
255 City so that we don't get into hot water. Mayor Harris added this is also so the City does not  
256 have to pay the easements.

257  
258 Ron Chandler said there is a typo on the handout that was provided. On 6.3 it states "cause" and  
259 should state "caused". Mayor Harris noted that and said it will be changed.

260  
261 **Council Member Fawson moved to approve agreement A-2013-1 with the changes made to section**  
262 **VI. Council Member Bailey seconded the motion.**

263  
264 **Voting on the motion:**

265  
266 **Council Member Bailey**            **aye**  
267 **Council Member Bigler**           **aye**  
268 **Council Member Fawson**         **aye**  
269 **Council Member Stoker**          **aye**  
270 **Council Member Taylor**         **aye**

271  
272 **The motion passed unanimously.**

273  
274  
275 **5. DISCUSSION AND/OR ACTION TO CONSIDER A TIMELINE FOR THE PUBLIC**  
276 **WORKS PROJECT.**

277  
278 Council Member Taylor said he wanted to bring this item to the City Council regarding the  
279 Public Works project as currently being worked on. He said he has attending the Public Works  
280 Committee meeting and a financing question has come up and it will be the City Council's  
281 responsibility to make some decisions. He said tonight he would like to share a few points on  
282 this and see if there is any discussion. He said he hopes to discuss a time line, funding options,  
283 and bonding. He said he hopes they can develop some items for staff to research and bring back  
284 additional information. He said he is hoping they can give staff some guidance on what things to  
285 research and to provide more options.

286  
287 Council Member Taylor said there are two items in the memo included in the City Council  
288 Packet. He referred to page 4. He said this is a basic draft on the time line. He said if they have

289 a time line for the project that shows the date they are hoping to accomplish different tasks it can  
290 guide what the City Council and the Public Works Committee are doing. He said his suggestion  
291 is for City Council to come up with a general time line and forward it to the Public Works  
292 Committee to refine it. He said it needs to be a collaborative project with the City Council  
293 looking at the financial aspects and the Public Works Committee looking at the site, building  
294 issues, etc. He said another reason he put this together is it is good to learn from past  
295 experiences and mistakes. He said one of the things he felt last year is toward the end of the  
296 process things were compressed and hurried. He said as a member of the Public Works  
297 Committee last year things felt very rushed, which led to how the project was received. He said  
298 he hopes that by having a timeline earlier in the year they will be able to start the project this  
299 year. A timeline will allow them to think of the things they need to be doing ahead of time. He  
300 said he included a draft showing where some of the tasks may fall, such as the Committee  
301 pursuing real estate, identifying the top properties, and sending that to the City Council. He said  
302 meanwhile the City Council would be discussing potential bonding options or financial  
303 solutions. Council Member Taylor continued going through the time line.  
304

305 Council Member Taylor brought up that there is a timeline to file for a bond election. He said  
306 they would need to file by a certain date and he would like staff to research that date so it can be  
307 included on the timeline. If there is going to be a public vote there is an option for a special  
308 election in June.  
309

310 Council Member Bigler said he thinks for sure they need a timeline. Any project you have of  
311 any considerable size would have that. He said he would prefer to take the idea of the timeline  
312 and include the entire Public Works Committee. He said the bonding issues are strictly the  
313 Council's issues. He said the timeline will directly affect the Public Works Committee. He said  
314 those helping to develop the timeline should be those that have been asked to complete the  
315 project. He said he wouldn't want to go back to them with a timeline. They should involve the  
316 Public Works Committee in developing it.  
317

318 Council Member Bailey said he agrees with Council Member Bigler. He commented that they  
319 have an excellent Public Works Committee and there have been some really nice things that have  
320 happened there already. He said he doesn't feel a great urgency. He said he knows they need to  
321 get a Public Works project underway. He said he thinks it is important for us to develop a  
322 timeline, but it is really important for the Public Works Committee to have input. He said there  
323 are some areas in which the City Council and the Public Works Committee may have some  
324 parallel tasks. He said it would be incumbent on the City Council to identify what those are so  
325 that they can be dealing with those.  
326

327 Council Member Bailey said bonding is a completely different discussion and he proposes that  
328 staff provide them with funding options including bonding. He said he would much preferring  
329 doing this process without borrowing, if they could do that. He said it may be with some  
330 creativity that they can. He said he knows in the past the City has been able to take on some  
331 tasks by borrowing from the enterprise funds. He said the discussion as to how they are going to  
332 pay for the project needs to come with the Council better informed on what all the options are.  
333 He said he proposes that staff prepare the options and alternatives and educate the City Council  
334 as to what the pros and cons of each of those are in a future meeting. He said as far as the

335 timeline he supports Council Member Bigler's suggestion that they give this to the Public Works  
336 Committee to help establish a timeline that is doable within the resources they have and they will  
337 factor in those parallel activities in the process.

338  
339 Mayor Harris said this timeline is general enough he would think the City Council can adopt it  
340 and leave room for the Public Works Committee to look it over and see if there are any concerns  
341 and it can be amended.

342  
343 Council Member Bigler said he would prefer the Public Works Committee look at it first so they  
344 are included in it. He said he thinks the Council needs to be careful and doesn't want any of the  
345 Public Works Committee Members to feel they are just there as window dressing because they  
346 are very valuable and they have great expertise in these areas. He said he agrees with the things  
347 in the timeline, but he would prefer the Public Works Committee take a look at it and make the  
348 decision before Council adopts it. He said chances are many may remain quiet if it is already  
349 done.

350  
351 Council Member Fawson said he agrees with Council Member Bigler and Council Member  
352 Bailey. He said whether the Public Works Committee wants to use this as a timeline or develop  
353 something on their own depends on the Committee but he would rather the recommendation be  
354 given by the Committee which has been put together for that purpose. He echoed the things that  
355 have been said before. He is not opposed to anything that will help him to be better educated and  
356 well informed; anything that staff can put together to help them make a decision is great.

357  
358 Council Member Stoker also agreed with allowing the Public Works Committee the chance to  
359 look at the timeline objectively and not have so much City Council input. She said she also  
360 would like to be educated on all the ways to pay for this. She said she is hoping there is a way to  
361 do some funding that will not cost the City and residents a lot of money and they will not have to  
362 do bonding on this.

363  
364 Council Member Taylor suggested the City Council begin creating a timeline in the next few  
365 meetings and the Public Works Committee create a timeline of their own for the project side.  
366 Once they are both completed they can create an overall larger timeline.

367  
368 Mayor Harris said the notion that they will have parallel activities taking place is well founded.  
369 He said he appreciates Council Member Taylor bringing this up so they are taking care of these  
370 kinds of things instead of realizing later on they have missed a step.

371  
372 Council Member Fawson commented they are all eager to see it (Public Works Facility) move  
373 forward and doesn't think any of us want to see this delayed for any reason.

374  
375 Council Member Bigler asked if they could put on their next agenda to discuss different  
376 financing options. He said last year the administration chose the utility bond. He said he would  
377 like to discuss with current Council as to why that was deemed best and what the pros and cons  
378 are.

379

380 Ron Chandler said there are several different types of debt instruments such as the general  
381 obligation bonds, utility rates, and sales tax revenue bonds. He said there are experts that go  
382 beyond his expertise and they have talked about inviting them to come to a City Council  
383 meeting. These experts can talk about the mechanics of each option and discuss the advantages,  
384 disadvantages, and timelines associated with them. He said there are things as far as how you  
385 are going to do this whether it will be done through a competitive bid or a private bond  
386 placement. Ron Chandler said they have already talked about a couple of people they think can  
387 give them some outstanding education without the feeling they are being pushed into a sale of a  
388 certain type. Council Member Bailey said that would be his concern; that they need to make sure  
389 it is someone who is objective. Ron Chandler said there is one firm in particular and they have  
390 even identified who in that firm would be a good person because they are very low key and they  
391 will not be high pressure on a sales type of thing.

392  
393 Ron Chandler said the other thing Bryan Steele can work on is a general discussion of where  
394 they are financially. He said there was much that came out of the audit report that was not  
395 touched on that needs to be discussed, not only with this project but with other capital projects.  
396 | He said for example Kent Christiansen Christensen mentioned the ability they have to pay the  
397 amount that was borrowed from the City's other funds for the RDA. He said the RDA borrowed  
398 money from all the funds, but mostly the general fund. He said they have not been paying on  
399 that for the last three or four years, but they have been able to accumulate enough cash to cover  
400 the RDA expenses, which is the debt service on the pool plus the ability to use the cash to pay  
401 back those loans. He said there is a lot of discussion Bryan Steele can lead us in as far as where  
402 the City is financially.

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403  
404 Council Member Bailey said he felt the discussion on where the City is financially is irrelevant  
405 | to Kent Christiansen's Christensen's discussion of the audit. He said he felt they would be able  
406 to take care of those issues as they meet in the budget retreat.

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407  
408 Council Member Fawson said from his perspective, the public perception of the utility bond  
409 option was that the utility bond was being used because there was no public involvement, there  
410 was no bond election. He said they need to be careful when they are sending this message out to  
411 the public. They need to be very clear on why they are choosing that bonding option. The  
412 equalization of how the expense hits North Ogden residents as well as the people in the County  
413 area that live within the City limits is one thing they have to consider. He said not only do they  
414 need to be educated; they need to clearly convey that message to the public.

415  
416 Council Member Bigler agreed and said he thinks discussing the different types of bonds should  
417 be done in a City Council meeting rather than a budget retreat.

418  
419 Council Member Taylor said what Council Member Bigler said makes a lot of sense. He asked  
420 if it would be possible to have the bonding discussion in two weeks. He asked if that is  
421 adequate time to prepare. Ron Chandler said he thinks so and will follow up and make sure they  
422 can get someone here. He said they can get into the details of the budget retreat in the following  
423 week, but that still enables them to create a draft timeline by the end of January for the financial  
424 side. He said they can ask Brent Chugg when the Public Works Committee will have the project

425 timeline ready. He said the financial side has impact on things that would have to be done  
426 depending on the type of financing that would be use.

427  
428 Mayor Harris said he thinks the Council needs to understand the original proposal was on a fast  
429 track. He said it was felt that interest rates were low and construction costs were low and it was  
430 an optimal time to build a much needed new facility. He said they had no idea there would be a  
431 recession or the interest rates, bonding rates, construction rates would stay as low as they were  
432 for as long as they have. He said they had a professional financial advisor and he was the one to  
433 go with utility bonds. He said they always knew they did not have to have an election to do that  
434 and that was intended because they were on a fast tract. He said there was never any intention to  
435 keep information from the public or to avoid public involvement. He said they made a huge  
436 effort in his mind to involve the public and what he has heard from a lot of folks talking are  
437 things they tried to do. He said it is easy to talk about public involvement it is a lot harder to get  
438 it accomplished. He said he thinks they need to go forward, they need to be positive and  
439 understand why some things happened in the past and they did not work for various reasons. He  
440 said the underlying cause of this whole thing was the fact that they wanted to take advantage of  
441 low interest rates and low construction costs. He said it was felt that it was urgent they do that at  
442 the time.

443  
444 Council Member Bigler said the Public Works Committee is moving forward and it is going very  
445 well. He said there are great Committee members and they are brainstorming and coming up  
446 with some great things. He said it is moving and taking shape regardless of the issues last year.  
447 He said they are moving forward and it will be done for the best possible price.

448  
449 Council Member Taylor mentioned on page 3 of the timeline he put what the options were. He  
450 said after today's discussion there is a fourth option they could add. He said last year in one of  
451 the Public Works Facility Committee meeting he had asked if they could use some of the excess  
452 funds from the enterprise funds as a loan to the Public Works Facility to reduce the amount of  
453 the bond or potentially eliminate the need for a bond entirely. They would have to raise the  
454 utility rates to rebuild the fund status but it would be for a shorter time period than paying back a  
455 bond and there would be no interest. He asked staff to research the options of a general  
456 obligation bond, a utility revenue bond, a savings program, and using funds in the utility funds as  
457 a loan and raising utility rates to pay it back. He said borrowing from the utility funds would be  
458 paid off a lot sooner and with a lot less interest than a bond.

459  
460 Council Member Bailey said it seems Ron Chandler has some other options in mind and  
461 suggested they listen to those as well.

462  
463 Council Member Bigler said they want to look at every possible option. He suggested anything  
464 they discuss as far as financing this project they discuss it in a public City Council meeting rather  
465 than in the budget retreat. Council Member Bailey and Council Member Fawson agreed.

466  
467 Mayor Harris said they need to have this timeline on the next Public Works Committee meeting  
468 agenda and they will discuss various financial tools they can use in their next City Council  
469 meeting.

470

471 Council Member Bigler said as far as the financial tools, it is great when they can get it, but he  
472 realizes that Bryan Steele and Ron Chandler are busy with tasks for the budget retreat. He said  
473 he would be fine if they discussed the financial options at the City Council meeting after the  
474 retreat. He said they have so much to do he would hate to add more unless they feel they can do  
475 it. Ron Chandler said as far as the types of debt instruments they will be fine inviting someone  
476 to come to the City Council meeting. He said the other items will come up during the budget  
477 retreat.

478  
479 6. **DISCUSSION AND/OR ACTION REGARDING HOLDING A BOND ELECTION FOR**  
480 **THE PUBLIC WORKS PROJECT.**

481  
482 Mayor Harris stated this agenda item was covered with agenda item 5.

483  
484  
485 7. **CONSIDERATION TO ENTER INTO A CLOSED MEETING TO DISCUSS THE**  
486 **PURCHASE OF REAL PROPERTY, AND THE CHARACTER AND PROFESSIONAL**  
487 **COMPETENCE OF AN INDIVIDUAL. §UTAH CODE 52-4-205.**

488  
489  
490 Council Member Bailey moved to enter into a closed meeting to discuss the purchase of real  
491 property and the character and professional competence of an individual § Utah Code 52-4-205.  
492 Council Member Bigler seconded the motion.

493  
494 Voting on the motion:

495  
496 Council Member Bailey aye  
497 Council Member Bigler aye  
498 Council Member Fawson no  
499 Council Member Stoker aye  
500 Council Member Taylor aye

501  
502 The motion passed 4 to 1.

503  
504 | The City Council recessed at 7:41pm and convened in a closed session.

505  
506 The City Council reconvened in an open session at 8:37pm.

507  
508  
509 8. **DISCUSSION AND/OR ACTION TO CONSIDER EXPENDITURES RELATING TO**  
510 **THE PROPOSED PUBLIC WORKS FACILITY.**

511  
512  
513 | Council Member Bailey moved to approve \$4000 to be used for earnest money and up to \$25,000  
514 for due diligence on properties they would be making offers on and to authorize the Mayor to  
515 negotiate up to \$556,000 on behalf of the City. Council Member Bigler seconded the motion.

516  
517 Council Member Taylor asked if they can give an explanation for the motion to let the public know what  
518 they are doing and there are safeguards in place.

519

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520 Council Member Bigler agreed and said he would ask Dan Nixon to do the same so it is not misconstrued  
521 that they are obligated in buying property because they are not.

522  
523 Dan Nixon said they are attempting to buy two properties with due diligence for periods that allow us to  
524 exclude one of the properties after a period of time. He said the way they are structuring it is so they can  
525 due diligence on two properties instead of one to better find the best property. He said they will be able to  
526 take care of due diligence at that time.

527  
528 Council Member Bigler added the due diligence includes the prep work for the property itself to see if  
529 there are any problems that would cost the City more. He clarified that they are not purchasing any  
530 property at this time. Dan Nixon confirmed and stated that he represents the Public Works Committee.  
531 He said he is a licensed realtor and his brokerage is representing the City on a volunteer basis. He said  
532 legally he wanted to declare that and divulge. He said having two properties under contract instead of one  
533 is an advantage to the City in having an opportunity to look at them and have a hard number and a good  
534 comparison. He said both sites are in his opinion feasible and will be functional in building this building.  
535

536 Cheryl Stoker asked if once a decision has been made on a property, they will lose any of that money.  
537 Dan Nixon replied no, not up through the first due diligence period. He said both property owners know  
538 that and they know the City can withdraw their offer and have the City's money refunded during that first  
539 period of time no matter what the reason. He said that keeps it so the City can have the property tied up  
540 to prevent it from being sold out from under the City.

541  
542 Council Member Bigler clarified the City will be putting \$2000 on each of the properties just so they  
543 don't sell them and it will allow the City to take 60 days to look at them and evaluate the land and so  
544 forth. If they decide not to purchase it they will get the entire \$2000 back. Dan Nixon confirmed and  
545 added it is similar to an option agreement. Council Member Bigler clarified the City Council will need to  
546 vote on any expenditures in a public meeting. Dan Nixon confirmed and added that he would like the  
547 City Council to know the Public Works Committee is not finished looking at other properties. He said  
548 they will continue to due diligence on other properties besides the two they would like to go into contract  
549 with.

550  
551 Council Member Taylor thanked Dan Nixon and said it is important to have this discussion to note they  
552 are being careful in how they look at property. He said in the way this is put together the City will be able  
553 to do that work to see what the other costs may be while still having the option to get that property. He  
554 said this is a wise approach and thanks to Dan Nixon, Council Member Bigler for working on this  
555 property piece.

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557 **Voting on the motion:**

558  
559 **Council Member Bailey** aye  
560 **Council Member Bigler** aye  
561 **Council Member Fawson** aye  
562 **Council Member Stoker** aye  
563 **Council Member Taylor** aye

564  
565 **The motion passed unanimously.**

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571 **9. PUBLIC COMMENTS.**

572  
573 There were no public comments.

574  
575 **10. CITY COUNCIL, MAYOR, AND STAFF COMMENTS.**

576  
577 Council Member Bailey said he would like to thank Dan Nixon for his service on the Public Works  
578 Committee and for volunteering his professional services and expertise on behalf of the City. He said he  
579 spoke with Brett Chugg and he had spoken with a number of others who have volunteered their time and  
580 professional services to help the City.

581  
582 Council Member Fawson said he thinks Dan Nixon and Council Member Bigler have done some  
583 awesome work. He said he is really excited about the options the City has and thinks residents will be  
584 also. He mentioned that he had been talking to Tiffany Staheli about the option of having a ski program  
585 for the youth that is part of their recreation program. He said she has reached out to some of the local  
586 resorts. He said many of their neighboring cities and some of the cities along the Wasatch front partner  
587 with resorts to offer this type of ski or snowboard education to their youth. He said they typically do it on  
588 a short school day and bus them to resorts to give them lessons. He said obviously they negotiate pricing  
589 with the resort to offer a reduced rate to the kids. He said Tiffany Staheli has done some research on that  
590 and he would like to present that to the City Council at a future date.

591  
592 Council Member Bigler thanked Dan Nixon and everyone. He said in different steps along the way there  
593 will be different expertise that will be shown. He said he appreciates working with Dan Nixon on this.  
594 He said they are not prepared at this time to talk about everything that is in the works but it is exciting and  
595 moving along. He said there are some in the community they have talked to that are willing to use their  
596 expertise to help the City with various parts of the project, which will save the City money in various  
597 areas as well; it is exciting and it is moving along and he said he appreciates the cooperation of everyone  
598 in doing that. He said he wanted to mention that both his 7<sup>th</sup> grade and his 9<sup>th</sup> grade daughters have said  
599 their new principal is awesome, he is young and he understands them. He said about a week later they  
600 told him that their new principal is Mayor Harris's son. He said he thought that was pretty cool and  
601 wanted to pass that along and congratulate Mayor Harris and his wife for raising a good boy. Mayor  
602 Harris thanked him and said he thinks that is one reason he is where he is because he can get along with  
603 kids. He said he is a good kid and thanked Council Member Bigler.

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605 Council Member Stoker said she thinks they had a good discussion tonight and things are moving forward  
606 with the Public Works Committee. She said it is exciting and they are moving forward. She thanked Dan  
607 Nixon and Council Member Bigler.

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609 Council Member Taylor commented on the audit and said they have it done once a year by an outside  
610 auditing firm. He said it is good to know they have an outside professional looking at their procedures  
611 and accounts. He said North Ogden City is in good financial shape and given the economic conditions he  
612 would say the City is in excellent financial shape. He said that is attributed to staff, Mayor, City Council,  
613 and many years of staff and Council who have gotten North Ogden City to this point. He said it is  
614 important they have that audit and it shows the City is in good financial shape, which is great to know  
615 because it leaves a lot of options open for their future.

616  
617 Mayor Harris echoed the thanks that have already been stated.

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622 **11. ADJOURNMENT.**

623  
624 **Council Member Fawson moved to adjourn the meeting. Council Member Stoker seconded the**  
625 **motion.**

626  
627  
628 **Voting on the motion:**

629 **Council Member Bailey      aye**  
630 **Council Member Bigler     aye**  
631 **Council Member Fawson    aye**  
632 **Council Member Stoker    aye**  
633 **Council Member Taylor    aye**

634  
635 **The motion passed unanimously.**

636  
637 **The meeting adjourned at 8:50 pm.**

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641 Richard G. Harris, Mayor

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645 S. Annette Spendlove, MMC  
646 City Recorder

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649 Date Approved

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NOT APPROVED