

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

December 2, 2014

The North Ogden City Council convened in an open meeting on December 2, 2014 at 4:05 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on November 26, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

PRESENT:            Brent Taylor            Mayor  
                      Kent Bailey            Council Member  
                      Lynn Satterthwaite    Council Member  
                      Cheryl Stoker         Council Member  
                      Phillip Swanson       Council Member  
                      James Urry             Council Member

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

VISITORS:           Rachel Trotter

Mayor Taylor welcomed those in attendance.

Annette Spendlove offered the invocation and led the audience in the Pledge of Allegiance.

### **ACTIVE AGENDA**

#### **1. PUBLIC COMMENTS**

There were no public comments.

#### **2. DISCUSSION AND/OR ACTION TO CONSIDER ROAD GRANTS**

A staff memo from Mayor Taylor explained the Wasatch Front Regional Council is responsible for administering six different programs that provide resources for local governments. These are briefly described below, with additional detail for each in the attachment on timelines, eligibility, etc. In order to increase awareness of these programs and to encourage collaboration among applicants, the Regional Council is inviting entities to submit a letter of intent for any or all of the first four programs. Also note that there is a minimum local match requirement of 6.77%. These four programs have the same general application milestones: letter of Intent due October 30, 2014; and applications due January 15, 2015. Entities are also invited to learn about the last two programs and participate in them as deemed appropriate.

- The Surface Transportation Program (STP) provides funding that may be used for projects on any Federal-aid highway, bridge projects on any public road, transit capital improvements and projects.
- Congestion Mitigation Air Quality (CMAQ) funds are intended to fund transportation projects that improve air quality, except they are not eligible for through travel lanes.
- The Transportation Alternatives Program (TAP) funds construction and planning of bicycle and pedestrian facilities.
- The local Planning Resource Program was recently established by WFRC to assist local communities in efforts to integrate land use and transportation plans, including use of the Wasatch Choice for 2040 Toolbox. Salt Lake County is a joint sponsor of this program for projects within the county boundaries.
- The Community Development Block Grant Program provides funding for a variety of infrastructure improvements and community/economic development activities in Morgan, Tooele, and Weber
- Counties and cities within (excluding entitlement cities) that principally benefit low to moderate income persons.
- The Wasatch Front Economic Development District administered by WFRC assists cities in working with the federal Economic Development Administration and in coordination of other economic development activities.

The memo also included potential road projects to be completed in North Ogden City as follows:

- 2850 N/Elberta Dr./450 E (no regional priority)
- Monroe Blvd. construction (Phase III priority, 2031-2040)
- Western portion of Skyline Drive construction (Phase I priority, 2011-2020)
- Eastern portion of Skyline Drive construction (Phase II priority, 2020-2030)
- 400/450 E extension to Skyline Dr. (\*no priority, request made to prioritize)
- 400/450 E widening (Phase I priority, 2011-2020)
- 2100 North round-about (No regional priority)
- Reconstruction of 3100 North (no regional priority)

Mayor Taylor summarized his memo and noted the City has submitted a letter of intent to seek \$8 million of STP funding for the 450 East/400 East widening project. He also summarized the list of other projects that the WFRC has received letters of intent for, after which he facilitated a discussion regarding the prioritization of the projects listed in the staff memo as well as the funding sources the Council was interested in applying for. There was a focus on the fact that the ability of an entity to provide matching funds for a grant award makes the grant application more attractive, with Mayor Taylor noting the STP funding is not available until 2018 so the City would have until that time to come up with matching funds.

Council Member Urry asked where any matching funds offered by the City would come from. He stated he has asked Acting City Manager Steele to create a spreadsheet including information about all grants the City has applied for and indicate if those grants require any match from the City. He stated he needs to understand where any matching funds would come from because it would be too easy to spend the City into bankruptcy without having that information. Council Member Satterthwaite echoed Council Member Urry's question and noted five percent of \$8 million is \$400,000. He stated he wants to move ahead with pursuing funding sources for the

City's roads, but he wants to see some information illustrating where any matching funds would be coming from. Mayor Taylor stated he has the same concern about matching funds, but was simply indicating that if the City can offer a match, any grant application submitted would be more attractive. Council Member Bailey echoed the same concern regarding the funding source for the City's matching portion of any grant. He stated he would like to have more detailed discussion regarding any road or trail grant application the City may be submitting before such applications are submitted.

Mayor Taylor reported the City is only seeking funding for one road project at this time. He noted the City has been awarded grants for Skyline Drive and Washington Boulevard projects, but he has asked the County if all funds can be rerouted to the Washington Boulevard project in order to complete the project that makes the most sense for the City at this time. There was a general discussion regarding the scope of the Skyline Drive project for which the City received a grant award, with Mayor Taylor noting the City's match for the project is 10 percent of \$2.4 million, which equates to approximately \$180,000. He then noted he would like to have a focused discussion regarding funding for road construction; he would like to have a dedicated funding source for grant matching funds such as a portion of the City's utility fees or a sales tax specific to roads, which is currently being promoted by the Utah League of Cities and Towns (ULCT). This led to a discussion regarding the legislation being promoted by the ULCT relative to a sales tax dedicated to road projects, after which Mayor Taylor stated he would like for the Council to consider a funding mechanism in the event that the State Legislature does not pass a sales tax to be dedicated to road projects.

Council Member Urry then stated he does not feel comfortable voting to support the current grant applications until he understands the amount of money the City needs to offer as matching funds and where that funding will come from. Council Member Satterthwaite stated this is an opportunity for the Council to ask questions of staff regarding the grant applications and those questions can be answered to facilitate further discussion at the next work session meeting.

Mayor Taylor then continued his review of the grant programs managed by the WFRC and the grant applications the City would like to submit for additional grant funding. He noted the City submitted a letter of intent in August for TAP funding for the Pleasant View Trail Connection project. He noted the estimate for the project is \$85,000 and the City has indicated it has the ability to provide 50 percent matching funds, which could be satisfied by a successful RAMP grant award. He noted Pleasant View City has offered support for the project and he believes the chances that the City will receive the grant are fairly good.

Council Member Urry asked when funding will be made available in the event the City is awarded the grant. Mayor Taylor stated the funds would be available in 2016. Council Member Urry asked if that means the City would need to come up with the matching funds in the current fiscal year or the next fiscal year. Mayor Taylor noted grant years typically span multiple fiscal years and the City would likely have the option to split the matching funds between two years. Council Member Urry wondered if the estimated project amount could increase by the time the City is ready to proceed with the project. Mayor Taylor stated there is a chance that the project cost could increase due to inflation. Council Member Satterthwaite asked if the City commits to a dollar amount or percentage amount for matching funds, to which Mayor Taylor answered a

percentage amount. Parks and Recreation Director Staheli noted that if the City is successful in securing the TAP and RAMP grants, the project can be completed in the next fiscal year.

The Council had a general discussion regarding the various granting programs managed by the WFRC, with a focus on the competitiveness of the application process.

### **3. DISCUSSION AND/OR ACTION TO CONSIDER PARK GRANTS**

A staff memo from Acting City Manager Steele explained in this year's initial budget, Parks and Recreation Director Staheli has proposed completion of three park restroom renovations: Oaklawn, Orton, and Lomond View. She applied for RAMP Grants to help for the renovation funding. We were only awarded a grant for one of the restroom renovations and Tiffany had prioritized the restrooms with Oaklawn being the one we ended up budgeting for.

The renovation of the Oaklawn park restroom was bid out but the lowest bid came back at \$100,000 more than what we had budgeted; the original budget was \$226,000. The main reasons for the bids coming in higher were:

- Site work needs to be done on the parking lot and area where the restroom will sit. This includes bringing in fill and a lot of curb and gutter work.
- The sewer line connection from the restroom to the nearest sewer main was more than expected
- There are more stalls in the new restroom. The current restroom has one stall per side and this park is used heavily from spring to fall mainly due to youth sport leagues holding games at the park
- Construction prices are more than what they were when the cost was estimated.

A few weeks ago Ms. Staheli presented a list of projects she would like to apply for RAMP Grants for next fiscal year. Based on the discussion Council had that night, the direction she was given was to pursue RAMP grant funds for were: 1) Completing the trail from Bi-Centennial Park to the North Ogden/Pleasant View border and; 2) Restroom renovations at two parks. Ms. Staheli had originally presented Orton and Lomond View park restrooms to be renovated with next year's RAMP grant funds, but since the bids for Oaklawn came in higher than expected we decided to do Orton Park this year instead of returning the RAMP grant funds and then put Oaklawn on next year's schedule. In the meantime, Building Official Kerr found out that there are CDBG funds available for next year and that the City could apply for CDBG funding to help with the restroom renovations. The renovations fall under CDBG funding eligibility because of ADA requirements. The only part of the restrooms that wouldn't qualify for CDBG funding would be the storage portion of the restroom, which can be up to \$75,000. However we can use RAMP Grant money for that amount. With the CDBG grant we can apply for the total amount of the restroom renovation (less the storage portion), but Mr. Kerr said that the likelihood of us receiving the grant increases the more the city contributes to the project. Staff is asking council to approve the go ahead for application for RAMP and CDBG grants for the remaining two restroom renovations. We have \$147,000 on our Capital Improvement Plan for next year for these projects so our recommendation would be to seek grant funding for the remainder of the costs of the projects. We are in a unique position, where there is a possibility we could build a majority of the two park restrooms with grant funding. The Fund Balance of the Capital Projects

fund is estimated to be around \$466,000 at the end of this fiscal year which is where the funding would come from.

Mr. Steele reviewed his staff memo.

Council Member Urry stated that in previous discussions regarding the Oaklawn project, the Council was informed there is a \$75,000 portion of the project that could not be covered by grant funding. Mr. Steele stated that is the storage portion of the project and it cannot be covered by CDBG funds, but could be covered by RAMP funds. After a short discussion regarding funding guidelines for the CDBG program, Council Member Bailey concluded the City would be responsible for half of the storage portion of the project, or approximately \$38,000. He inquired as to what types of items the City stores in the storage facility. Ms. Staheli stated that various recreation equipment items are stored at the facility and she indicated there are storage facilities at other City parks. She then led a discussion regarding the breakdown of the grant funding opportunities for the project, reiterating that if both the RAMP and CDBG grants are awarded, the City will be responsible for \$37,000 for the project.

Council Member Urry noted it is hard for him to believe the total cost of a restroom project is \$250,000. Council Member Bailey asked if the City has sought other bids for the project; he asked if Lundahl (contractor for the Public Works Facility) has provided the City with a bid for the project. Ms. Staheli indicated the City did receive other bids for the project and Lundahl actually bid approximately \$350,000. There was then a discussion regarding the potential or re-engineering and re-designing the project with the goal of reducing the overall cost.

Mayor Taylor encouraged the Council to continue to consider the proposed grant applications, keeping in mind that the application deadline is mid-January. He noted discussion regarding the issue can continue during the January 6, 2015 work session meeting. He reiterated his previous comments regarding his feeling that the City needs to consider providing a dedicated funding source for grant matches. He stated he would like to discuss that issue in more detail during the January 6, 2015 work session meeting as well.

#### **4. DISCUSSION AND/OR ACTION TO CONSIDER A PLANNING RESOURCE GRANT**

A staff memo from City Planner Scott explained the Wasatch Front Regional Council has opened a second round of Local Planning Resource Grants; form based code development is an eligible activity. North Ogden City has submitted a letter of intent which was accepted. The next step is to submit a formal application that is due January 15, 2015. The General Plan Update project is going to give directions regarding North Ogden's future. In order to implement the amended General Plan the next step will be to amend and update city zoning ordinances, e.g., to write a form based code. Staff has researched the cost of developing a form based code. It is recommended the city hire a consultant to develop the code with an approximate cost of \$55,000. A match is required for this application; a minimum of 10% is required and a minimum of 25% is suggested. In a previous application the City committed a 50% match or \$27,500. The memo offered the following summary of potential City Council considerations.

- Does the City Council want to pursue a Local Planning Resource Program grant to write a form based code?
- What percentage of match does the City Council want to include in the grant proposal?

The memo concludes staff recommends submitting a final Local Resource Planning Grant application to develop a form based code and to include a percentage match that the City Council is comfortable with.

Mr. Steele reviewed Mr. Scott's memo and Mayor Taylor provided a brief description of the meaning of the term "form based code", with a focus on the fact that the City's code would basically mirror or seek to implement the City's General Plan. Council Member Satterthwaite stated that he would like to have a detailed discussion regarding the process to transition to a form based code. Mayor Taylor stated that would be an important discussion topic.

Council Member Swanson stated that he appreciates the recommendation from Mr. Scott, but noted he would like to see the spreadsheet requested earlier by Council Member Urry detailing the grants the City would like to apply for and the amount of matching funds the City would need to come up with. He stated it is very important to know where those matching funds would come from. He concluded he cannot vote to support any of the grant applications at this time for fear of overcommitting the City. Council Member Bailey supported Council Member Swanson's request and added that it would also be valuable to look at the matching fund requests in conjunction with the City's Capital Improvement Plan. Council Member Satterthwaite suggested that grant match request actually be considered with totality of the entire City budget in mind.

#### **5. DISCUSSION AND/OR ACTION ON THE MIDPOINT PAYMENT TO BETTER CITIES FOR THE SMITH'S BLOCK REVITALIZATION**

Mayor Taylor asked that this item be moved to the December 9, 2014 meeting agenda as a representative of Better Cities is not present this evening to answer questions. He noted that he will not be present for the discussion, but indicated he will provide his recommendation regarding the proposed action and is available to answer any questions regarding the issue via email prior to the meeting.

#### **6. DISCUSSION AND/OR ACTION TO A RESOLUTION APPOINTING BRYAN STEELE AS THE CITY ADMINISTRATOR**

Mayor Taylor reported he would like to appoint Bryan Steele as the City Administrator, which would be accompanied by a temporary pay increase of \$10,000 per year while Mr. Steele is acting in the position. He provided a brief summary of the additional duties Mr. Steele will be performing while serving as the City Administrator.

Council Member Bailey asked if it will be as simple to reverse the appointment of Mr. Steele as the City Administrator in the event that becomes necessary. Mayor Taylor noted City Attorney

Call is not present to address the legality of that issue. Discussion regarding the proposed action ensued, with a focus on the appointment process for a City Administrator or Manager as defined by State Code.

**Council Member Swanson moved to adopt Resolution 21-2014 appointing Bryan Steele as the City Administrator. Council Member Urry seconded the motion.**

Mayor Taylor asked the Council if they wanted to clarify in the motion that the appointment is temporary in nature. Council Member Bailey reiterated he is concerned that it may be more difficult to reverse the appointment; he suggested that the Council table the action until the next meeting when the City Attorney is available to respond to questions about the action.

**Council Member Swanson withdrew his motion. Council Member Urry concurred with the withdrawal of the motion.**

**Council Member Bailey moved to table this item until the December 9, 2014 meeting. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

Council Member Urry inquired as to the duties of the Mayor Pro Tem in the Mayor's absence. Mayor Taylor noted the City Administration cannot enter into contracts for the City and the Mayor Pro Tem would assume that responsibility in the Mayor's absence. Council Member Bailey noted the action to appoint a City Administrator does not impact the duties of the Mayor or Mayor Pro Tem.

## **7. DISCUSSION AND/OR ACTION TO CONSIDER A CHANGE ORDER FOR THE UPSIZING OF THE DETENTION POND AT THE NEW PUBLIC WORKS SITE**

Mayor Taylor noted there is insufficient time to address this item and he indicated it will be added to the agenda for the December 9, 2014 Council meeting.

## **8. PUBLIC COMMENTS**

There were no public comments.

**9. COUNCIL/MAYOR/STAFF COMMENTS**

Mayor Taylor stated that he would like to discuss the City’s winter parking ordinance with the Council, with a focus on offering flexibility to Police Officers in enforcing the parking rule. Council Member Bailey suggested it be on the next work session agenda. Council Member Swanson stated that he would like to discuss parking in general including parking in a side yard.

Mayor Taylor reported that during the last City Council meeting Council Member Urry discussed the need for a street light near the Smith’s Marketplace development and noted that Mr. Kerr has visited with Smith’s and they have indicated they have ordered the part needed to make the light operable once again. He added the City is also working with the Utah Department of Transportation (UDOT) to determine if a street light can be added at the intersection of 2600 North and Washington Boulevard.

The Council had a brief discussion regarding the format of the Christmas Lighting Ceremony scheduled for December 6, 2014 at 5:00 p.m.

**10. ADJOURNMENT**

**Council Member Satterthwaite motioned to adjourn. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 5:26 p.m.**

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

\_\_\_\_\_  
S. Annette Spendlove, MMC  
City Recorder

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