

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 28, 2014

The North Ogden City Council convened in an open meeting on October 28, 2014 at 6:35 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 October 24, 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
	Annette Spendlove	City Recorder/HR Director
	Jon Call	City Attorney
	Gary Kerr	Building Official
VISITORS:	Kasen Mock	Parker Kay
	Keagan Anderson	David Aardema
	Mark Bunker	Christian George
	Heidi Scadden	Rachel Trotter

Mayor Taylor welcomed those in attendance.

Council Member Stoker offered the invocation and led the audience in the Pledge of Allegiance.

### **CONSENT AGENDA**

1. Consideration to approve the October 7, 2014 City Council Minutes

Mayor Taylor noted the City Council has requested some changes to the October 7 work session meeting minutes, therefore, he pulled the item from the agenda and noted the minutes will be considered at a future date.

### **ACTIVE AGENDA**

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

Jake Sawyer, 1660 11<sup>th</sup> Street, stated he is planning to move to North Ogden soon and wants to propose a service that he provides to Ogden City residents. He owns a company that cleans garbage cans in several different cities and one benefit of his company is that it could potentially

increase revenue for the cities that he operates in. He also reviewed the health benefits of the service he provides, including odor elimination. He noted the service he provides is very convenient and he cleans cans on the same day they are emptied by the respective city's hauler and the cans look great after they have been cleaned and sanitized. He noted his service can be billed through the City's billing system, though it is not a mandatory service and there is a probationary period for his service during which residents can determine if they want to continue with service before deciding whether to remain on the list or be removed. The service cost is \$5 per can per month, for a total of \$60 per year and cans are cleaned four times each year.

Mayor Taylor suggested that Mr. Sawyer email the City's Public Works Director to determine if this is a service he would like to pursue.

Keagan Anderson stated he moved to North Ogden two years ago and he is the Senior Patrol Leader from Boy Scout Troop 235. He reported he is working on his communications merit badge this evening.

## **2. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT TO DEFER THE INSTALLATION OF SIDEWALK, CURB AND GUTTER LOCATED AT APPROXIMATELY 150 EAST LOMOND VIEW DRIVE**

A staff memo from City Recorder Spendlove explained Michele C. Scadden and Heidi Scadden submitted an application petitioning for annexation for property located at approximately 150 East Lomond View Drive. It was brought before the City Council for consideration to accept the application to be processed on September 16, 2014. The City Council held a Public Hearing on October 14, 2014. The protest period ends October 28, 2014. The Planning Commission recommended the property be zoned Residential Zone (RE-20). The petitioner is building a single family home. Lomond View Drive does not have curb, gutter, or sidewalk in this area. The City Council will need to determine if a deferral agreement to install these improvements would be acceptable. The deferral agreement should contain stipulations that curb, gutter, and sidewalk improvements will be done at the City's request at the owner's expense or participation in a special improvement district. The petitioner has applied for annexation into the North View Fire District and will be de-annexed from the Weber County Fire District.

Ms. Spendlove reviewed her staff memo.

Council Member Bailey stated the City Council has had previous discussions regarding a request to defer the installation of sidewalk, curb, and gutter and decided it would be a matter of Council policy to not defer such installation under any circumstances. Council member Urry agreed and stated he is not in favor of deferring the installation of the needed infrastructure.

**Council Member Bailey motioned to deny Agreement #A28-2014. Council Member Satterthwaite seconded the motion.**

Building Official Kerr stated that in most cases of residential development it is easy to determine where curb, gutter, and sidewalk should be installed, but in this case staff has no idea where the

infrastructure should be installed and any such improvement will most certainly be removed in the future when further street improvement projects occur. He stated that in this case he would not recommend the installation of curb, gutter, and sidewalk and he concluded this situation is much different than most.

Council Member Bailey asked how the City will go about making sure that the installation takes place when necessary. He stated he is aware of several similar arguments dating back to the 1970s and in many of those cases there is still no curb, gutter, or sidewalk. Mr. Kerr stated that he knows of many cases where the infrastructure was deferred, but could have been installed and he agreed with the City Council that those deferrals should not have been granted; however, a deferral should be recorded against the property with language specifying that when the City wants the infrastructure installed, the property owner must comply at their own expense. Council Member Bailey asked how the City keeps track of all the properties in the City for which deferrals have been granted. Mr. Kerr stated staff would need to research City Council minutes to find all the times that deferrals have been granted. He then stated that in this case, if the Council requires the installation of curb, gutter, and sidewalk at this time, it will be installed 30 feet away from the edge of the asphalt of the existing road and, therefore, it will not provide any service whatsoever.

Council Member Swanson stated that a deferral can be granted, but he wondered what would happen if the homeowner does not have the means to install the infrastructure when the City deems such installation necessary. He asked if it is possible to establish an escrow account to hold the funding for the improvements until a future date. City Attorney Call noted that mechanism may work in theory, but he would not recommend the Council use the mechanism due to the fact that escrow accounts are most practical when they have a defined expiration date. He noted that the City Council could decide, at a future date, to create a special improvement district on Lomond View Drive for the installation of curb, gutter, and sidewalk and the owner of the subject property would be required to participate. There was a general discussion regarding the process for creating a special improvement district, with Mr. Call noting that if language could be recorded on the plat for this property requiring the owner to participate in any such district if one is created in the future. Council member Bailey noted other property owners could vote against creating a special improvement district. Council Member Urry suggested the City could create a special improvement district just for the subject property in order to require the infrastructure installation. Mr. Call stated that could happen and reiterated that language can be recorded on the plat requiring that the property owner comply with the City's request for the installation of curb, gutter, and sidewalk at their own expense when the City deems the infrastructure is needed.

Mr. Kerr noted when property along Lomond View Drive is developed, the developer will be required to install curb, gutter, and sidewalk and the City could require that the owner of the subject property install the infrastructure at that time. Council Member Bailey stated he is most concerned about tracking deferrals for future reference. Mr. Kerr stated that from this point forward he can create a tracking page for all deferrals. He added a member of City staff could research past deferrals as well.

Ms. Spendlove noted that she has researched the issue and the City Council has approved deferrals in the past, but not by way of agreement. She noted she asked Mr. Call to draft a deferral agreement that can be recorded against the property and can be kept on file at the City for easier tracking purposes. Discussion regarding tracking mechanisms ensued, with Mr. Call noting he is confident that the agreement is sufficient to place the City in a position to require the owner of the subject property to install curb, gutter, and sidewalk at a future date.

Mr. Scadden asked who will be responsible to manage and maintain the 30 foot strip of undeveloped property between his property and Lomond View Drive in the event that he is required to install curb, gutter, and sidewalk at this time. Council Member Bailey asked for more information about the 30 foot right-of-way. Mr. Scadden stated that he is confused about the purpose of the right-of-way as well, but installing curb, gutter, and sidewalk at this point in time would be very problematic because there are differing opinions from the surveyors that have visited the property regarding where the actual property lines are. Mr. Kerr noted it is his understanding that the City will own the right-of-way and it will be used for the future improvement of Lomond View Drive. Mr. Scadden stated he may not be inclined to maintain the 30 foot right-of-way in the event that the City requires him to install curb, gutter, and sidewalk at this time.

Council Member Bailey withdrew his initial motion to deny Agreement A28-2014.

**Council Member Bailey motioned to approve Agreement #A28-2014. Council Member Stoker seconded the motion.**

Council Member Satterthwaite stated the agreement is between the property owner and the City and he asked what will happen if the current owner sells the property to someone before curb, gutter, and sidewalk is installed. Mr. Call stated paragraph five states the agreement shall run with the land and will be binding upon successors of the Developer. Council Member Bailey asked if the agreement will be recorded with the plat, to which Mr. Call answered yes.

Council Member Urry addressed Mr. Scadden and stated that in the event that Mr. Scadden installs landscaping in the 30 foot right-of-way, it could be removed upon widening of Lomond View Drive. Mr. Scadden stated he understands.

Mr. Call cited a typographical error in paragraph two of the agreement and stated it will be corrected before the agreement is executed.

**Council Member Bailey motioned to approve Agreement #A28-2014 as corrected. 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>

**Council Member Stoker**                    **aye**  
**Council Member Swanson**                **aye**  
**Council Member Urry**                    **aye**

**The motion passed unanimously.**

Mayor Taylor asked the Council if they like the format of the agreement for future use, with the Council answering yes. Council Member Bailey asked if the City has ever deferred other infrastructure improvements. Mr. Kerr stated no other types of deferrals have been approved to his knowledge. There was a general discussion regarding utility connections that have been deferred, with Mayor Taylor noting such deferrals have been approved by agreement. Council Member Urry stated that on the converse, any person requesting connection to the City's utility infrastructure should be required to annex into North Ogden. Council Member Bailey agreed.

**3. DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE ANNEXING 0.83 ACRES LOCATED AT APPROXIMATELY 150 EAST LOMOND VIEW DRIVE**

A staff memo from City Recorder Spendlove explained Michele C. Scadden and Heidi Scadden submitted an application petitioning for annexation for property located at approximately 150 East Lomond View Drive. It was brought before the City Council for consideration to accept the application to be processed on September 16, 2014. The City Council held a Public Hearing on October 14, 2014. The protest period ends October 28, 2014. The Planning Commission recommended the property be zoned Residential Zone (RE-20). The petitioner is building a single family home. Lomond View Drive does not have curb, gutter, or sidewalk in this area. The City Council will need to determine if a deferral agreement to install these improvements would be acceptable. The deferral agreement should contain stipulations that curb, gutter, and sidewalk improvements will be done at the City's request at the owner's expense or participation in a special improvement district. The petitioner has applied for annexation into the North View Fire District and will be de-annexed from the Weber County Fire District.

Ms. Spendlove reviewed her staff memo.

**Council Member Stoker motioned to approve Ordinance 2014-26 annexing 0.83 acres located at approximately 150 East Lomond View Drive. Council Member Swanson seconded the motion.**

**Voting on the motion:**

**Council Member Bailey**                    **aye**  
**Council Member Satterthwaite**            **aye**  
**Council Member Stoker**                    **aye**  
**Council Member Swanson**                **aye**  
**Council Member Urry**                    **aye**

**The motion passed unanimously.**

Council Member Bailey asked if it was an issue to approve the agreement prior to approving the annexation. Mr. Call answered no and stated the agreement has not yet been executed.

Council Member Satterthwaite thanked Mr. Kerr and Mr. Scadden for the meaningful information they provided to facilitate the discussion regarding the deferral agreement.

#### **4. DISCUSSION REGARDING THE WEBER PATHWAYS TRAIL PROPOSAL ACTION**

A memo from Parks and Recreation Director Staheli explained Weber Pathways has begun the construction on the Bonneville Shoreline Trail (BST) above the Gravel Pit and Equestrian Park. Machines and crews began construction on Monday, October 6 and have completed about 14 mile on the south side of North Ogden Canyon. Construction will continue through the fall of 2014 and is scheduled for completion in late spring of 2015. Once this trail section is complete there will be 26 miles of continuous BST from Pole Patch to Beus Canyon connecting four communities (Pleasant View, North Ogden, Ogden, and South Ogden). These 26 miles of continuous trail will be the longest section of the BST in the State. This project was the result of collaboration between Weber Pathways, the US Forest Service, and a grant awarded from RAMP. Almost the entire length of this five mile sections will be on Forest Service property. As with other sections of the BST this section is purposely built for multi-use for hikers, bikers, and equestrians. Weber Pathways has also proposed creating a connection to the Bonneville Shoreline Trail across North Ogden City property to the east side of 2750 N. (see attached map). They are willing to fund the trail construction and establishment. This will be a great benefit to North Ogden City. Currently there are multiple unestablished trails that run throughout the property. These would be closed, and the new single trail will create an established pathway for hikers, bikers and equestrian use and add to the trail systems of North Ogden.

Ms. Staheli reviewed her staff memo and concluded that she recommends approval of the Weber Pathways trail proposal. She noted there will be no added cost to the City if the Council chooses to approve the proposal.

Mayor Taylor reviewed a map and identified the site of the proposed path to connect the City's trail to the BST.

There was a general discussion regarding established and unestablished trail connections in the area, with Mark Bunker of Weber Pathways using the same map to identify the dirt road that many people use to access the North Ogden Divide road. He also noted that the proposed pathway will alleviate the need to gain permission to access private property. Council Member Bailey asked if the expectation is that people will use the new pathway and BST to access the canyon. Mr. Bunker stated the trail is designed for pedestrians, horseback riders, and mountain bikes; it is not open to motorized vehicles

Council Member Swanson asked Mr. Bunker if he is 100 percent certain that the trail way does not cross private property; he noted he has been stopped by an individual several times who claims that the trail is on his property. Mr. Call and Mr. Bunker both assured the Council that

the trail is not on private property. The Council and Mr. Bunker continued to review the map and had miscellaneous discussion regarding various properties in the area.

Mayor Taylor noted that it is his understanding that Weber Pathways has already selected a company to perform the trail construction and all work will be funded by Weber Pathways. Mr. Bunker stated that is correct. He added Weber Pathways will also be responsible for maintenance of the trail.

**Council Member Swanson moved to approve the request from Weber Pathways as stated in a letter from Weber Pathways to North Ogden City. Council Member Stoker seconded the motion**

Council Member Bailey asked how Weber Pathways will go about blocking unestablished trails in the area. Mr. Bunker stated the best way to accomplish that is by using signage or obstructions.

**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>

**5. DISCUSSION REGARDING RAMP GRANTS**

A memo from Parks and Recreation Director Staheli explained each year North Ogden City can submit to receive funding from R.A.M.P. (Recreation, Arts, Museums and Parks) for projects in Parks and Recreation through matched grants. To date, the City has received \$778,556.00 in funds and has been able to complete many great projects in the past, including park benches, scoreboards for ball fields, park restrooms, basketball courts, and ball field renovation. This past year we received \$94,390.00 towards a new restroom at Oaklawn Park. For this coming year, the Parks and Recreation department has 3 project application proposals for council consideration. These projects would require a minimum 50% match from North Ogden City to receive the grant funding for the project.

Project 1 – Trail construction from Bicentennial Park to Pleasant View City connection.



- Completion of this portion of trail, along with Pleasant View City’s proposed completion of the West end of the trail would connect the Pleasant View Drive walking trail from the Highway 89 “trailhead” parking lot to the commercial center of North Ogden City at Bicentennial Park.
- There is convenient access to the trail from surrounding communities and from the greater Weber Pathway trails. Walking trails serve a broad demographic, including the elderly, runners and joggers, walkers, bikers and more. For those who frequent the Pleasant View trail heading into North Ogden, the proposed trail would increase the safety of those walkers, runners and bikers who are currently traveling along the edge of Pleasant View Drive where there is not a continuous stretch of sidewalk available.
- After the East end of the Pleasant View walking trail was completed a couple of years ago, North Ogden City has had multiple requests for the remaining portion to be completed to provide safer, more convenient travel access to the North Ogden Shopping district and improved recreational opportunities.
- Trail approximately 0.3 miles, 6 foot wide, surface - asphalt

Project 2 – Property acquisition and trailhead/trail construction from 1900 N. to Mystery Meadows Subdivision.

- Trail approximately 0.3 miles, 6 foot wide, surface – asphalt
- Property acquisition for trailhead at the corner of 400 E. and 1900 N.
- Pedestrian bridges would be required along the trail to connect over the canal/stream
- This connection would help complete a loop of trail system in conjunction with new development along 1700 N., west of Washington Blvd.



Project 3 – Replace restroom facilities at Orton/Green Acres Park and Lomond View Park



- Orton, and Lomond View parks have old restrooms that are in poor shape, do not provide enough capacity for park usage, and do not comply with current ADA codes. These three parks are some of the most used parks in the city and their facilities cannot meet the demand.
- Orton Park sees most of its sports usage April - October for soccer programs. The track around Orton is popular with individual athletes as well as the students from Green Acres Elementary. This park is also the most popular for reservations for weddings and family reunions.
- Lomond View Park accommodates soccer practices for much of the year as well as softball in the summer (2,500) and football in the fall (4,300). It is also one of the most popular sledding hills in the area during the winter months. Lomond View Park has the biggest pavilion and so it is always in high demand for diverse community, service-oriented and church groups.
- Last year we applied for three restrooms through R.A.M.P. grant funding and were awarded one (Oaklawn Park). I believe we have a good opportunity to receive funding for the other two restrooms this coming year.

Ms. Staheli reviewed her staff memo and noted she is presenting this information to the Council for consideration and guidance on which RAMP Grants they would like her to pursue. She stated she feels the two restroom projects are most important, with Orton Park being the highest Priority; second is the Lomond View Park restroom; third is the Pleasant View trail connection; and fourth is the river walk.

Council Member Urry inquired as to the grant application deadline, to which Ms. Staheli answered January 19, 2015. Mayor Taylor stated that is the RAMP deadline, but there are other funding sources for the trail project for which the City must provide a letter of intent by October 30 with an actual application to follow in January 2015.

Council Member Bailey asked what would happen if the City received and rejected a grant award. Ms. Staheli stated that would look bad for the City. Council Member Bailey noted each project calls for matching funds and it is difficult to commit to provide such matching funds in

the middle of the budget year. Ms. Staheli agreed. Mayor Taylor noted the City receives a certain amount of park impact fee revenues each year and there may be an opportunity to use some of that funding for matching funds.

Council Member Urry asked if it is possible to charge a non-resident fee for all recreation activities and then use that fee to pay for things like park maintenance. Ms. Staheli stated that she already charges a non-resident fee and the revenues are deposited into the general fund. Council Member Urry then asked if the City has surveillance systems in City parks to detect vandals. Ms. Staheli answered no.

Council Member Swanson stated that the total matching amount for all four projects is \$450,000 and he would like to know more about the other funding options that could help with those matching requirements. Ms. Staheli stated that she has received assurances that the City will likely be awarded Community Development Block Grant (CDBG) funds to cover the City's 50 percent requirement for the restroom projects.

Mr. Kerr then noted that the City's building market is good right now and there may be park impact fee revenue available for park projects. Acting City Manager Steele stated he would need to conduct research to determine how much money is available in the park impact fee account. There was a general discussion regarding the intent of impact fee funds.

Ms. Staheli noted that the bids for the restroom projects came in substantially higher than the engineer's estimate for the projects. Council Member Bailey noted RAMP grant are based upon engineer estimates and he asked how the City will make up the difference. Ms. Staheli stated that she plans to put the projects out to bid again and she has heard from one contractor that is willing to make a sizable donation for the project. Council Member Urry stated he is concerned because it feels that the contractor offering a donation is 'buying' the project. The Council debated the issue and Mr. Steele noted that he advised staff that the project must be re-bid and the Council will have the opportunity to consider all bids submitted. Mayor Taylor agreed and stated the City has done something similar in the past when all bids after an initial bid process were much higher than a budget for a project. Council Member Swanson stated that as long as the City is willing to declare no favoritism will be given to contractors that offer donations to the City, it is acceptable to consider such a bid.

Mayor Taylor then provided the Council with information regarding additional funding sources that the City could potentially apply for, all of which are administered by the Wasatch Front Regional Council (WFRC): surface transportation program funding; congestion mitigation air-quality funding; transportation alternatives program (TAP); community development block grant funding; and local planning resource program funding. He concluded he would like to pursue TAP funding for the Pleasant View Drive trail. He then moved to agenda item six to discuss additional projects and funding options that may be suitable for them.

## **6. DISCUSSION REGARDING ROAD/TRAIL GRANTS TO APPLY FOR**

Mayor Taylor used the aid of a PowerPoint presentation to provide the Council with information regarding road projects to possibly be completed in the City. He noted that some projects are already included in the Utah Unified Transportation Phasing Plan, which gives them a higher funding priority:

- 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 identified the location of each project on a map. He then noted there are additional road construction funds available through Weber County, which the City has never applied for in the past. He reviewed different grants and funding mechanisms the City has received in the past for right-of-way acquisition. He concluded it is important for the Council to have a discussion to prioritize the road projects in order for City Administration to determine what funding options will be most viable.

Council Member Urry asked if the City can use the \$2.3 million allocated for the Monroe Boulevard project. Mayor Taylor answered no and indicated that money will be used to purchase the full right-of-way width to 3100 North for the Monroe Boulevard extension.

Mayor Taylor reviewed a chart in his PowerPoint presentation identifying the anticipated construction costs for various projects included in the Utah Unified Transportation Plan and noted that for any source of funding the City would need to provide matching funds of at least 6.77 percent. He noted it may be a good idea to consider implementing a transportation utility fee to generate revenues to serve as the project matching funds. Council Member Urry stated that in past discussions regarding a possible transportation utility fee the Council indicated they would like to poll the citizenry to gauge their comfort level regarding such a fee. Mayor Taylor stated now is the time to conduct that survey and indicated it could be done in conjunction with the General Plan update project. The Council then discussed and debated the prioritization of road projects included on Mayor Taylor's project list, with Council Member Satterthwaite stating he does not feel the Council can have a meaningful discussion about the prioritization of such projects without first having a budget discussion to identify the source of matching funds. Council Member Bailey agreed and noted that it would be wise for the City to have a long term capital facilities plan identifying road projects for up to 25 years into the future; the plan could be updated annually as needed. Mayor Taylor acknowledged the list of road projects and their associated price tags is daunting, but he asked that the Council at least consider the trail projects that have been discussed tonight in order for staff to have clear direction regarding grant funding applications. He stated he would like to submit a letter of intent to apply for TAP funding for the Pleasant View Drive trail project; he would also like to apply for a CDBG funding for the

restroom projects; he concluded he would also like to identify the highest priority road project in the City and apply for surface transportation program funding for that project in future years. Council Member Urry asked Mayor Taylor to provide the Council with a spreadsheet identifying the projects he would like to complete in the City, the projected cost of the project, the City's potential matching requirement, and the potential year of completion for the project. He stated that would help the Council have a more meaningful discussion.

Council Member Stoker asked if the TAP letter of intent is binding for the City whatsoever. Mayor Taylor answered no. Council Member Stoker stated she agrees the Council needs the additional information requested by Council Member Urry, but she is comfortable with the City submitting a letter of intent for any of the grant programs as long as that letter is not legally binding. Mayor Taylor stated the letters of intent for all programs are due by October 30, with subsequent grant application due mid-January. He stated the Council could meet in a work session meeting to discuss the road project prioritization in more depth. Council Member Swanson asked if the City must identify the project in the letter of intent. Mayor Taylor answered yes and noted the estimated cost must also be included in the letter of intent. He noted the City already has all of that information. He stated that he would like to submit a letter of intent for the Local Resource Planning Program for funding assistance for the City's General Plan update project. He reiterated he would like to apply for STP funding and he recommended the Council choose one regionally significant project for which funding could be applied. He stated the most likely project to receive funding is a phase one priority project; these include the Washington Boulevard widening project or construction of the western portion of Skyline Boulevard. He noted if either of the projects were funded the City would have seven years to raise matching funds. The Council determined they are in favor of the Washington Boulevard widening project being referenced in the STP letter of intent. They also concluded they would like the Pleasant View Drive trail project to be referenced in the TAP letter of intent. They also concluded they are supportive of applying for CDBG funding for the park restroom projects.

Council Member Bailey asked if the parks and trails projects are considered and prioritized by the Trails and Open Lands Committee. Council Member Stoker answered yes. Council Member Bailey asked if there is a plan to pave more of the Cherry Way trail in the future. Ms. Staheli answered yes and noted the next portion of the Cherry Way trail to be paved is the section that connects to the equestrian park. Council Member Bailey suggested the City could apply for Congestion Mitigation Air Quality funds for that project. Mayor Taylor stated the project would apply for such funding.

The Council then concluded to schedule a work session on December 4 to discuss this item in further detail. Council Member Bailey then noted that the Utah League of Cities and Towns (ULCT) is promoting a quarter-cent sales tax increase, with revenues from the increase to be used for transportation needs throughout the state. They have asked cities across the state to adopt a resolution to support the increase and it may be good to discuss that issue during the work session as well.

Mayor Taylor then asked the Council if they would like staff to submit RAMP grant applications for all projects referenced by Ms. Staheli. Council Member Bailey stated he would like to apply for funding for the top three projects at a minimum; he noted the restroom projects are

desperately needed. Mayor Taylor stated staff can start working on applications for the first three projects and will bring detailed information back to the Council before final applications are submitted.

**7. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT WITH MERIDIAN ENGINEERING INC. FOR SURVEY SERVICES ON THE MONROE BOULEVARD EXTENSION PROJECT**

A staff memo from Acting City Manager Steele explained a committee interviewed 3 engineering firms to complete the survey work for the Monroe Boulevard project. Meridian Engineering was selected to do the work based on their survey experience. Staff will be presenting the Land Acquisition Agent at a later meeting.

Mr. Steele reviewed his staff memo and indicated Mr. Darrin Williams is present from Meridian Engineering to answer any questions the Council may have.

Council Member Urry asked how survey work is done on private property. Mr. Williams stated he asks for permission from the private property owner to conduct survey work. Council Member Urry asked if some private property owners deny access to their property, to which Mr. Williams answered yes. He then noted that some survey work can be completed using aerial photographs of certain properties. Mayor Taylor noted that all private property owners will be invited to participate in the entire project process.

Council Member Swanson asked for clarification of the road width, asking for assurances that the width is not 360 feet. Mr. Williams stated the road is planned to be 90 feet in width.

Council Member Bailey asked if there are options for road realignment in the event that some property owners refuse to sell their property. Mr. Williams stated there are some opportunities for rerouting, but that will be determined by the land acquisition agent and City Administration. Mayor Taylor then reviewed the phasing plan for the project and noted that each purchase agreement for the project will come before the Council for approval. He assured the Council that eminent domain will not be used to take ownership of property to be used for the road right-of-way.

**Council Member Swanson motioned to approve Agreement #A29-2014 with Meridian Engineering Inc. for survey services on the Monroe Boulevard Extension Project. Council Member Bailey 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.**

Mr. Williams reviewed his schedule for completing his portion of the project.

Council Member Bailey asked when the City will hold a meeting with landowners that may be approached to sell their property for the roadway. Mayor Taylor stated the meeting will be held in January once some surveying work is completed.

**8. DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION AMENDING THE FLEXIBLE BENEFITS PLAN**

A staff memo from City Recorder Spendlove explained that in May of 2014 the city asked National Benefits Services to amend our Flexible Spending Plan (FSA). National Benefits Services is the Company that writes this plan for us (required by IRS). The maximum amount that may be allocated to the Health Flexible Spending Account by a Participant in any Plan Year is \$2500. Our old grace period provisions allowed participants to continue to expense services in their plan 75 days past the end of our fiscal year and turn in reimbursements for those services up to 90 days past the end of the fiscal year. If participants didn't use their money or file reimbursement by the end of the 90 days they lost the right to any money left in their FSA for that fiscal year. We changed the plan that lets participants expense and file reimbursement for their money in the fiscal year they declared the money. They would then be able to carryover up to \$500 in their current account to the next years account, helping them to have a better understanding of what they will use each year. It is required by law that the City Council approve a Resolution accepting this amendment in the North Ogden City Cafeteria Plan.

Ms. Spendlove reviewed her staff memo.

Council Member Swanson asked if employees would be required to incur and expend eligible expenses within the fiscal year. Ms. Spendlove answered yes. Council Member Swanson asked if employees will be allowed to roll-over \$500 each year, to which Ms. Spendlove answered yes. Council Member Swanson asked if that will increase an employee's maximum contribution to \$3,000, to which Ms. Spendlove answered no and indicated the maximum contribution will still be \$2,500.

Council Member Urry asked why employees lose money that they don't use. Ms. Spendlove stated that is required by Federal law.

**Council Member Satterthwaite motioned to approve Resolution 19-2014. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>

**Council Member Stoker**                    **aye**  
**Council Member Swanson**                **aye**  
**Council Member Urry**                    **aye**

**The motion passed unanimously.**

## **9. PUBLIC COMMENTS**

There were no public comments.

## **10. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

Council Member Bailey provided a report of recent discussions at the Utah League of Cities and Towns (ULCT) Legislative Policy Committee (LPC) meeting relative to potential legislation to be considered in the upcoming legislative session. He concluded the next LPC meeting will be held November 17. He then asked for an update regarding the website rewrite project. Mr. Steele stated the City is waiting for the contractor to finalize execution of the agreement.

Mayor Taylor then reminded the Council of the work session meeting scheduled for next Tuesday, November 4 and indicated the main topic of discussion will be employee compensation.

## **11. ADJOURNMENT**

**Council Member Swanson motioned to adjourn and move into the RDA meeting. Council Member Urry seconded the motion.**

### **Voting on the motion:**

**Council Member Bailey**                    **aye**  
**Council Member Satterthwaite**        **aye**  
**Council Member Stoker**                **aye**  
**Council Member Swanson**               **aye**  
**Council Member Urry**                    **aye**

**The motion passed unanimously.**

**The meeting adjourned at 9:20 p.m.**

## **RDA AGENDA**

### **1. DISCUSSION REGARDING THE NORTH OGDEN PLAZA REDEVELOPMENT**

Mayor Taylor used the aid of a PowerPoint presentation to provide the Board with an update regarding the North Ogden Plaza redevelopment project. He identified the multiple redevelopment concepts created by Think Architecture with input from property owners at the Plaza. He noted updating the facades of the buildings at the Plaza could range in cost from \$15.43 to \$20.98 per square foot and it will be necessary to determine how the costs of the project will be divided among property owners and whether the RDA will participate financially in that aspect of the project. He asked the Board to start giving some thought to appropriate financial participation in the project in order to facilitate a more meaningful discussion at a future meeting.

Board Member Satterthwaite inquired as to RDA monies currently available as well as the amount anticipated to be contributed to the RDA by the Smith's Marketplace project. Mr. Steele stated the RDA's fund balance is approximately \$400,000 and at the year it should be nearly \$1 million. He noted the Smith's Marketplace project is projected to generate \$250,000 in tax increment annually; the conservative projection for the RDA fund balance for the life of the area is nearly \$3 million. Mayor Taylor noted no bond payment is required by the RDA in this fiscal year.

Board Member Bailey asked how the fund balance will increase from \$400,000 to nearly \$1 million by the end of the year. Mr. Steele noted the RDA earns over \$500,000 per year in tax increment. Board Member Bailey stated that he feels the details of the project are still up in the air and it is difficult for the Board to determine what type of expenditure it is comfortable with. He noted he would prefer to allow the project to continue to move forward and have a discussion about funding after a redevelopment plan has been selected. Mayor Taylor stated he is in favor of that as well, but he would like feedback from the Board regarding the RDA's potential level of involvement in the project.

Board Member Satterthwaite stated that the City's economic development consultant has indicated that the most viable redevelopment plan for the Plaza could come from a big box store and if marketing packages are sent to big box stores there should be some level of commitment from the City that it is prepared to back the redevelopment concept that is chosen. He noted it is important to have buy-in from the property owners at the Plaza. Board Member Bailey added that Mr. Godfrey has indicated that the marketing packages could be sent to big box developers within four to six weeks. Mayor Taylor agreed and stated that it is important to him that the entire RDA Board is updated relative to discussions regarding the project and he plans to provide another update during the November 18 meeting as well. He noted the Economic Development Committee will meet again on November 12.

## **2. ADJOURNMENT**

**Board Member Swanson motioned to adjourn the RDA meeting and reconvene into the City Council meeting. Board Member Satterthwaite seconded the motion.**

**Voting on the motion:**

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

**The motion passed unanimously.**

**The meeting adjourned at 9:40 p.m.**

**Council Member Bailey motioned to move into a closed session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Satterthwaite 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 Closed Session began at 9:50 p.m.

The City Council reconvened in its open meeting at 10:43 p.m.

**Council Member Satterthwaite motioned to adjourn. 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 meeting adjourned at 10:44 p.m.**

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Brent Taylor, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved