

**NORTH OGDEN CITY COUNCIL MEETING**

May 27, 2014

The North Ogden City Council convened in an open meeting on May 27, 2014 at 6:32 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 March 20, 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  
James Urry Council Member
- EXCUSED:** Cheryl Stoker Council Member  
Phillip Swanson Council Member
- STAFF PRESENT:** Ronald F. Chandler City Manager  
S. Annette Spendlove City Recorder/ H.R. Director  
Jon Call City Attorney
- VISITORS:** Alex Onesto Elizabeth Putnam  
Jason Obray Blake Welling  
David Godfrey Steve Wynn  
Dave Wallace Myron Joyner  
Jaxxon Colledge Adam Pendleton  
Rachel Trotter

Mayor Taylor welcomed those in attendance.

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

**CONSENT AGENDA**

**1. Consideration to approve the minutes of the April 22, 2014 City Council Meeting**

Mayor Taylor stated Council Member Bailey recommended two typographical corrections to the minutes and City Recorder Spendlove briefly summarized the changes.

**Council Member Bailey moved to approve the consent agenda. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

- Council Member Bailey aye**  
**Council Member Satterthwaite aye**  
**Council Member Urry aye**

**The motion passed unanimously.**

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS**

David Godfrey, 458 E. 1800 N., asked if the Council is planning to install improved signs welcoming people to North Ogden City; the signs currently in place are rather old and unattractive and he asked if the Council would consider improving them in the future.

Mayor Taylor reported the Council and Administration is considering plans for beautifying Washington Boulevard, especially at the entrances to the City.

Mayor Taylor then reported items three and four advertised on the agenda will be moved to future Council meeting agendas. He added that item two will be heard when former Council Member Fawson arrives.

### **2. PRESENTATION TO FORMER COUNCIL MEMBER FAWSON**

Mayor Taylor stated former Council Member Fawson was elected to the City Council in 2011 and served for 2.5 years before being selected by voting delegates to fill a vacancy in the House of Representatives District Seven, which covers North Ogden, a portion of Pleasant View, and a portion of Ogden. He is now serving the community in the State Legislature and North Ogden now has a voice on Capitol Hill. Mayor Taylor stated it was a pleasure to work with Mr. Fawson over the past couple of years and he brought a lot of fun and lightheartedness to the body. He then mentioned some contributions Mr. Fawson has made to the City, including: helping to jumpstart the City's economic development program by bringing in former Ogden Mayor Matthew Godfrey's firm as the economic development consultant; helping to increase reserve funding in the City's infrastructure funds that are so important for the long-term health of the City's infrastructure; and helping with the initial push to create an employee compensation committee to review employee salaries. He thanked Mr. Fawson for all he has done for the City and wished him the best in his new capacity.

Council Member Bailey stated he had the opportunity of seeking office at the same time as Mr. Fawson and he has appreciated serving with him; they have not always agreed, but always worked to reach a consensus and he appreciates Mr. Fawson's willingness to deal with hard issues in a congenial manner.

Council Member Satterthwaite stated he watched Mr. Fawson since he was elected in 2011 and he appreciates the things he did as a Council Member. He stated he appreciated Mr. Fawson's role in creating a civil Council. He added Mr. Fawson's family is present this evening and it is important to recognize the fact that his family has sacrificed by supporting him in his position as a Council Member and now as a member of the House of Representatives. He stated he expects great things from Mr. Fawson.

Council Member Urry stated he was grateful for the opportunity to serve briefly with Mr. Fawson; he brought a lot of sensibility and civility to the Council and he appreciated the role that Mr. Fawson had in reducing the cost and budget for the Public Works Facility project.

Mayor Taylor presented Mr. Fawson with his nameplate as well as a plaque and letter expressing the City's appreciation for Mr. Fawson's service.

Mr. Fawson stated that it was so enjoyable to work with the Council and he feels they worked together for the best outcomes; it was a pleasure to serve North Ogden and he looks forward to serving the greater community. Mr. Fawson then received a round of applause from those in attendance.

### **3. VENTURE ACADEMY PRESENTATION**

This item will be heard at the June 10, 2014 Council meeting.

### **4. DISCUSSION AND/OR ACTION TO CONSIDER REQUEST ON MAXIMUM LENGTH OF A CUL-DE-SAC FOR PROPERTY LOCATED AT APPROXIMATELY 100 W. FROM ELBERTA DR. TO 3100 NORTH**

This item will be heard at a future Council meeting.

### **5. DISCUSSION AND/OR ACTION TO CONSIDER A CONTRACT BETWEEN NORTH OGDEN CITY AND LUNDAHL BUILDING FOR THE PURPOSE OF BUILDING A PUBLIC WORKS FACILITY**

Mayor Taylor provided a brief overview of the proposed contract and stated the terms are based upon the Council's desires regarding the construction options for the facility. City Manager Chandler briefly focused on the schedule for substantial completion, which is 365 days from the commencement date; if the contractor fails to complete the project within that timeframe they will be required to pay the City damages in the sum of \$1,000 per day. He stated this is a fairly standard timeframe for this type of project. He then added the contract price is \$2,951,847 and he reviewed the components of the project that make up that price. He stated the project budget is actually slightly higher and includes a five percent contingency (\$147,092) to cover any necessary change orders to the project. He provided a brief explanation of the City representatives that will be authorized to approve or negotiate change orders for the project as well as the four types of changes that can be made to the contract. He briefly reviewed the basic design and layout of the facility. He concluded the contract has been reviewed by and signed by Lundahl and they are awaiting approval of the City Council and execution of the contract by the City.

City Attorney Call stated that the contract is based on a fairly standard form contract, which means it is very even-handed and not written to benefit one party or the other.

Council Member Satterthwaite stated he would like to have a discussion about the substantial completion date of the project because in past discussions it has been communicated to the

Council that it may be possible to have the project completed before winter and he would rather stick to that timeline rather than a 365 day timeline.

Dallin Young, Lundahl project manager, stated he is not very familiar with the contract, but his company usually asks for a timeline that will afford some flexibility to deal with unforeseen circumstances that may arise throughout the project. He stated that if certain components of the project, such as asphalt, are not completed before mid-November, it is necessary to wait until the following spring to complete those components, which would extend the timeline of the project. Council Member Satterthwaite stated he understands it would be necessary to change the substantial completion date for the project if a change order to the contract were approved, but he wants the initial timeline for the project to be consistent with what is believed to be realistic for the project. Mr. Young reiterated the only thing that may push the project to 365 days is failure to complete asphalt work at the site prior to mid-November, but there will be a big push to complete that component of the project this fall. Mayor Taylor asked if asphalt work would need to be completed in order for an occupancy permit to be issued. Mr. Young answered yes. He added that the seven month timeline that has been discussed could be included in the contract now and reviewed again this fall to determine if it is still realistic. Council Member Satterthwaite stated that a couple of meetings ago there was discussion about the potential for delays in approving a budget for the project delaying the project timeline and the Council was told that would not be the case. Mr. Young stated that his company has been waiting for approval of a contract before commencing work on the project; he added that November is six months from now and it could be difficult to get all site work done in that amount of time.

Council Member Bailey stated that he is concerned about the proposed process for approving change orders to the contract; when discussed previously he asked that there be some form of Council oversight for all potential contract change orders. He stated he still feels there should be some Council representation when dealing with change orders or that all change orders should come before the Council for a vote; it has been his experience in the past that contingency funding for projects of this type is always spent and he wants to have some sort of assurance that the Council will have oversight to ensure that does not happen on this project. Council Member Satterthwaite agreed and noted the Council is responsible to approve the budget for the project so they should be made aware when there is consideration to allocating contingency funds to the project. Mayor Taylor stated he would be comfortable providing all change orders to the Council for approval. Mr. Chandler noted that the way the contract is written, the only change orders that the Public Work Director or himself would have the authority to sign are those that have no financial implications. He stated all other change orders would require the Mayor's approval, but he is comfortable changing that section of the contract to provide the Council with more oversight. Mayor Taylor stated he is supportive of full transparency and stated that all change orders will be provided to the Council for approval, unless there is an emergency situation, and in that case he will notify the Council of the need for the change order via email or telephone. Council Member Bailey thanked the Mayor for that gesture. Mr. Call stated that it is not necessary to amend the contract to incorporate the changes to the process for approving change orders. Council Member Bailey asked if it is necessary to take action to formalize the internal process that has been decided upon regarding Council oversight of change orders. Mr. Call stated the Council can adopt a resolution at a future meeting formalizing that process. Council Member Bailey stated he is comfortable with that.

Council Member Satterthwaite reiterated that he would like the timeline for the project amended and noted he would like the project completed before winter. Council Member Urry stated that he spoke to a family member that works with Lundahl on a regular basis and he communicated that there is no finer contractor in the State to work with. Mr. Young stated he feels a six-month timeline is too short, especially with a \$1,000 per day penalty, but he noted he would be willing to discuss the recommendation with his company. Mayor Taylor asked what would happen if the buildings were completed, but the asphalt is not laid before mid-November. Mr. Young stated there would just be a dirt parking lot at the facility. He added that in the past there have been freezing conditions in October and the asphalt plants have shut down, so it is not always possible to lay asphalt until mid-November. Council Member Bailey asked if it is possible to lay the asphalt before the rest of the project is complete. Mr. Young stated he will make every attempt to do that and he has done that in the past, but the end result is that the asphalt as well as curb and gutter at the site are worn by the time the project is completed and turned over to the owner.

Council Member Bailey then stated the contract includes \$5,300 for the upgrade to the air conditioning units on the building, but he does not remember approving that component of the project. Mr. Chandler stated that was actually included in the amount that was approved by the Council at the last meeting. He added there is \$180,000 in the budget for the potential requirement to bring fill dirt to the site, but that money may not actually be spent. He added there is \$30,000 for the connection fees, but that is low so an additional \$70,000 was added to make that number more realistic.

**Council Member Bailey moved to approve Agreement A13-2014 between North Ogden City and Lundahl Building for the purpose of building a Public Works facility. Council Member Satterthwaite seconded the motion.**

Council Member Satterthwaite reiterated his desire that Lundahl try their hardest to complete the project before winter. Mayor Taylor added that the Council will be provided with monthly updates regarding the progress of the project.

**Voting on the motion:**

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

**The motion passed unanimously.**

Council Member Bailey stated he would like an item to be added to a future agenda to allow the Council to formalize the process by which change orders will be considered and approved. Mayor Taylor stated the item will be added to the June 10 agenda. He reported a ground breaking ceremony will be held on June 3 at the site of the future building.

Council Member Bailey stated he understands some exploratory work has been done on the site and he asked if anything was learned through that work. Mr. Young stated he does not know the answer to that question this evening.

## **6. PUBLIC HEARING TO RECEIVE COMMENT ON THE TENTATIVE BUDGET FOR FY 2014-2015**

A staff memo from Finance Director Steele explained State Statute 10-6-114 requires that the City Council “hold a public hearing on the budgets tentatively adopted. All interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item thereof in the tentative budget of any fund.” A few items have changed from the original tentative budget presented a couple of weeks ago. The Council packet included a revised Tentative Budget which shows those changes. The changes are outlined in a page inserted after the cover page.

Mr. Steele reviewed his staff memo as well as provided a brief overview of the changes that were made to that tentative budget as follows:

Two Special Revenue Funds were eliminated – The City Council has decided to hold town hall meetings to receive feedback on these proposed funds before they are implemented.

- A Street Lighting Special Revenue Fund – This fund would have received its revenue from a \$1 charge on resident’s utility bills. The revenue received would have been expended on new street lights throughout the city.
- A Street Construction Special Revenue Fund – This fund would have received its revenue from a \$3 charge on resident’s utility bills. The money would have been set aside for future street construction projects.

Four Capital Projects were eliminated

- \$25,000 for re-asphalting of Oaklawn Park parking lot – Capital Projects Fund
- \$17,086 for a sidewalk on 300 East and Pleasant View Drive – Capital Projects Fund
- \$65,000 for Sleepy Hollow Ditch – Storm Water Fund
- \$56,000 for 2550 North Inlet Piping - Storm Water Fund

Public Works Building

- The City Council decided to proceed with the construction of the Public Works Facility and set a budget of \$3,349,439. \$500,000 of the budget will be transferred in from other funds; \$125,000 each from the General Fund, Water Fund, Sewer Fund and Storm Water Fund. The balance will come from Capital Improvement Fund balance.

Utility Rates

- The City Council decided to increase the following utility rates:
  - \$1.67 water rate increase
  - .75¢ storm water rate increase
- Total rate increase will be \$2.42

A proposed new, temporary part-time position in the Parks Department was eliminated. This position would have focused on park sprinkler maintenance. Currently, the Parks Department fixes broken or malfunctioning sprinklers as they become aware of them. The Council decided they are content with the way the city parks are being maintained currently and eliminated the

position from next year's budget.

Council Member Urry stated there was a discussion regarding the change to the cost for a second garbage can and he asked if that was changed in the budget. Mr. Steele stated that change will be included in the City's consolidated fee schedule, which will be presented at the June 10 meeting.

Mayor Taylor opened the public hearing at 7:28 p.m. There were no visitors present wishing to make public comment.

**Council Member Satterthwaite moved to close the public hearing at 7:28 p.m. 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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

Mayor Taylor stated the Council, Administration, and staff have had extensive discussions regarding this budget and the Council has a good understanding of the items included therein; steps are being taken to ensure there will be funding for future capital needs. He thanked staff for their hard work on the preparation of the budget. Mayor Taylor noted the Council will take final action on the budget at the June 10 meeting.

He stated Administration would like to add one item to the budget for a joint sidewalk project with Harrisville and Pleasant View; the sidewalk would be on 2550 North approaching Majestic Elementary School. He provided a brief history of the need for the project and noted North Ogden's cost for an asphalt path in the area would be \$20,000 and he asked the Council to discuss the issue this evening to determine if the funding should be included in the budget that will be considered on June 10. Mr. Chandler then provided a brief history of the Majestic Elementary sidewalk issue. He also reviewed a map of the area to identify the portion of the path that would be located in North Ogden City.

Council Member Urry inquired as to the proposed width of the path. Mr. Chandler stated the \$20,000 quote would provide for a four foot path, but there have also been discussions regarding constructing a six foot path.

Council Member Bailey asked if there are alternatives to constructing the path along 2550 North or if the route that is being discussed tonight has been determined the best route. Mr. Chandler stated that this is the best route to connect students to the school. Council Member Bailey asked if there will be a requirement to construct curb, gutter, and sidewalk in the area in the future. Mayor Taylor answered yes, but noted that will not occur until the vacant property is developed, which will likely not occur for many years. There was a general discussion regarding the

location of the path and the potential future width of the roadway when vacant parcels are developed and Council Member Satterthwaite asked if it is possible to construct curb, gutter, and sidewalk at this time in the place where it would be located in the future upon development. Mr. Chandler stated the City would need to gain approval from the property owner. Council Member Bailey stated the City would be completing a project with taxpayer dollars that would otherwise be completed by a developer in the future. Mayor Taylor added the owners have been willing to offer an easement for the path to provide safety measures for the students.

Mr. Chandler then provided historical information regarding the City's participation in past school sidewalk projects. There was a brief discussion regarding why the City participated in certain sidewalk projects that could have otherwise been the responsibility of private property owners or businesses that developed their property.

Council Member Urry stated that in the past 2550 North was a main thoroughfare, but that is no longer the case and most motorists use 2700 North. He stated he thinks it is important to look at the traffic count on the road and determine the number of vehicles that are local traffic taking kids to and from school. He stated that it may be better to consider a special improvement district (SID) and if a SID is not approved the path should not be built. He relayed some personal experiences that have occurred in his past relative to school sidewalks and noted that he feels it would be most appropriate to ask parents of students as well as the school's parent/teacher association (PTA) to gather together and figure out a way to complete the project. He stated he understands Pleasant View does not have funding for their portion of the project at this time, so if North Ogden constructs the path there will be no Pleasant View connection. Mayor Taylor stated there are two portions of the path located in Pleasant View and that city is seeking grant funding to assist in completing the project.

Dave Wallace, Principal of Majestic Elementary School, thanked Mr. Chandler for the accurate history relative to the need for the project and noted the safety of at least seventy children is compromised due to the lack of a sidewalk on 2550 North. He concluded that the school has the highest population of any school in the Weber School District.

Council Member Bailey stated if the school has the largest population there is a likelihood that the school boundaries will be redrawn and the students that will be served by this path will be rerouted to North Ogden Elementary, which will render the path useless. Mr. Wallace stated there are currently no discussions regarding redistricting.

Council Member Satterthwaite asked if it was an option in the past to bus the affected children to the school. Mr. Wallace answered yes and noted that was due to the fact that not all buses that served the school were full, but homes have been built and all buses are now full and cannot accommodate the children that live within the defined walking distance for the school.

Council Member Urry stated that it may be an option to use the Utah Transit Authority (UTA) to transport the students to school, which is done in areas of Salt Lake City.

Liz Putnam, PTA President for Majestic Elementary School, stated that when bussing was discontinued for students within walking distance of the school there were many angry parents

because many of the affected students come from single parent families that do not have the ability to drop off or pick up their children due to their employment. She stated she has tried to accommodate carpool groups, but there are still children walking to and from school on 2550 North and it is very dangerous; the project is very important to her and other parents in the neighborhood.

Council Member Urry stated he does not doubt the importance, but he thinks the project needs to be a collaborative effort. Council Member Satterthwaite agreed it is important to consider all options for completing the project and perhaps brainstorm ideas for addressing the problem. Council Member Bailey added there are many neighborhoods in the City where kids walk to school on roads that are less than safe and perhaps the City should be working with the PTA's of all the schools in the City to determine prioritization of sidewalk projects. Mr. Wallace encouraged the Council to walk along 2550 North just once and they will understand it is a very dangerous route due to the higher speed limit on the road, the lack of road shoulders, and the amount of traffic. Ms. Putnam agreed and stated there is much more traffic on the road than just the traffic generated by parents dropping off or picking up their children from the school.

Council Member Urry reiterated he would like for a Council Member to be tasked with working with the school and PTA to identify options for completing the project. Council Member Satterthwaite stated he would like to look at the options in a global manner and determine other areas in the City that need attention. Mayor Taylor stated that the section of road in North Ogden seems to be the most dangerous stretch of the road and even if the other cities do not participate, he thinks the project is important especially since the school and PTA may be willing to participate in fundraising for the project. He stated the project can be considered over the summer months and various funding options can be addressed. There was a brief general discussion about options for transporting children to and from the school as well as funding options for the project. Mr. Wallace stated it is not realistic to expect a group of 70 families to raise the amount of money needed for the project. Council Member Bailey stated it is important to move forward in organizing a meeting between the stakeholders in the project. Council Member Satterthwaite agreed, but reiterated he wants to look at the issue globally. Mayor Taylor stated the Administration will proceed with scheduling meetings and he will inform the Council of those meetings to give them the opportunity to attend. Council Member Satterthwaite asked that staff research grant opportunities that can be discussed during those meetings. Council Member Urry stated he will make contact with UTA to determine if it is possible for them to add a route that would bus the students to the school. Council Member Bailey stated he would like to consider creating a comprehensive plan for safety sidewalks for schools in the City so that not only the 'squeaky wheel' is given priority.

## **7. PUBLIC COMMENTS**

There were no public comments.

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

Council Member Satterthwaite again thanked former Council Member Fawson for his service to the City. He then referenced the approval of the contract for the construction of the Public

Works facility and stated there is much history regarding that project. He is happy with the scope of the project and the fact that it will be completed without incurring debt. He complimented the Council and staff for making that happen.

Council Member Bailey echoed Council Member Satterthwaite's comments.

Mayor Taylor stated the City received a thank you letter from AYSO for allowing them to use the City offices on a Saturday for soccer registration. He added the City also received a letter from an intern from Weber High School expressing how much she enjoyed her time in North Ogden and working with Mr. Chandler and City Recorder Spendlove. He then reported there will be a City hosted blood drive on June 20 from 11:00 a.m. to 4:00 p.m. He concluded he has received annual reports from UTA and Intermountain Health Care (IHC) and he will place copies of the reports in the lobby for viewing by anyone interested. He reminded the Council of the ground breaking ceremony for the Public Works facility next Tuesday, June 3 and added that following that ceremony there will be a work session regarding economic development.

## **9. ADJOURNMENT**

**Council Member Bailey moved to adjourn. 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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 8:30 p.m.**

## **RDA**

### **1. PUBLIC HEARING TO RECEIVE COMMENTS ON THE TENTATIVE BUDGET FOR FY 2014-2015**

Mayor Taylor provided a brief explanation of the purpose of the RDA, with a focus on economic development projects.

Mayor Taylor opened the public hearing at 8:31 p.m. There were no visitors wishing to make public comment.

**Board Member Satterthwaite moved to close the public hearing at 8:31 p.m. Board Member Urry seconded the motion.**

**Voting on the motion:**

**Board Member Bailey**                    **aye**  
**Board Member Satterthwaite**       **aye**  
**Board Member Urry**                    **aye**

**The motion passed unanimously.**

Board Member Bailey explained that property owners within an RDA don't begin paying property taxes at a heightened rate at the expiration of the RDA period. He stated that the increase happens throughout the RDA period as assessed valuations increase. He stated that at the end of the RDA period all taxing entities begin receiving their share of the tax dollars on property that now has a significantly higher assessed value.

**2. ADJOURNMENT**

**Board Member Urry moved to adjourn. Board Member Satterthwaite seconded the motion.**

**Voting on the motion:**

**Board Member Bailey**                    **aye**  
**Board Member Satterthwaite**       **aye**  
**Board Member Urry**                    **aye**

**The motion passed unanimously.**

**The meeting adjourned at 8:35 p.m.**

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

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

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