

## NORTH OGDEN CITY COUNCIL MINUTES

January 28, 2014

The North Ogden City Council convened in an open meeting on January 28, 2014 at 6:30 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 January 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	
	Justin Fawson	Council Member	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Ronald F. Chandler	City Manager	
	S. Annette Spendlove	City Recorder/ H.R. Director	
	Kevin Warren	Chief of Police	
	Jon Call	City Attorney	
	Bryan Steele	Finance Director	
	Gary Kerr	Building Official	
	Craig Giles	Public Works Director	
	Clark Crowther	Lieutenant	
	Marc Lee	Fleet Manager	
	Tyrel Stark	Fleet Mechanic	
VISITORS:	Michelle Shreve	Lorilee Beazer	Joyce Hamilton
	Merrill Spendlove	Khayden Spendlove	Cameron Spendlove
	Harrison Spendlove	Parker Spendlove	Tyrel Stark
	Marc Lee	Chris Campbell	Bob Napoli
	Bill Bernard	Pastor Dave Duncan	Brandon Jessop
	Karson Jessop	Spencer Gardner	Phillip Swanson
	Louis Cooper	Brent Chugg	Blake Welling
	Jennifer Watts	Joshua Watts	Sarah Rasmussen
	Carson Jensen	Cobe Rasmussen	Mike Carter
	Peter Waite	Adam Waite	Ethan Sheets
	Stan Kippen	Rachel Trotter	Jody Rasmussen
	Brett Peterson	Darin Izatt	Steve Rasmussen
	Dean Olsen	Katherine Olsen	

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

**CONSENT AGENDA**

**1. Consideration to approve business licenses**

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

**Voting on the motion:**

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

**The motion passed unanimously**

**AGENDA**

**1. PUBLIC COMMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Residents can learn more about the program, find the current air quality conditions and learn how to protect their health by limiting exposure to pollution on the health department’s website [www.webermorganhealth.org](http://www.webermorganhealth.org).

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

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

## **3. PUBLIC HEARING TO RECEIVE COMMENTS ON CDBG PROJECTS**

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

received three CDBG grants; two of which helped to pay for waterline replacements and one helped to pay for sidewalk, curb, and gutter. The City has made available its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the City has identified as being needed in the community. Anyone with questions, comments, or suggestions are asked to identify themselves by name before speaking. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

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

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

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

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

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

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

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

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

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

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

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

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

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

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

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

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

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

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

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

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

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

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

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

- Employment Agencies
- Money Lending businesses
- Messenger Services

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

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

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

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

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

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

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

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

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

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

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>nay</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

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

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

**11. DISCUSSION ON PUBLIC WORKS PROJECT CONTRACTOR SELECTION PROCESS**

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

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

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

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

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

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

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

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

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

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

Mr. Kerr reviewed his staff memo.

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

Mr. Kerr reviewed his staff memo.

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

Mr. Kerr reviewed his staff memo.

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

**Voting on the motion:**

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

**The motion passed unanimously.**

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

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

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

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

**Voting on the motion:**

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

**The motion passed unanimously.**

**17. PUBLIC COMMENTS**

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

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

**18. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

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

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

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

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

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

Mayor Taylor provided a report regarding upcoming Council calendar events.

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

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

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

## **19. ADJOURNMENT**

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

**The meeting adjourned at 9:50 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