

1 NORTH OGDEN CITY COUNCIL MINUTES

2  
3 February 26, 2013

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5 The North Ogden City Council convened in an open meeting on February 26, 2013 at 6:30 pm in the  
6 North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the  
7 meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal  
8 office and posted to the Utah State Website on February 22, 2013. Notice of the annual meeting schedule  
9 was published in the Standard-Examiner on December 30, 2012.

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

17  
18 STAFF PRESENT: Ron Chandler City Manager  
19 Annette Spendlove City Recorder/HR Director  
20 Bryan Steele Finance Director  
21 Jon Call City Attorney  
22  
23  
24

25 VISITORS: Phillip Swanson Dan Nixon  
26 Blake Welling Steven Olney (Troop 235)  
27 Brett Dier Brian Russell  
28 Brianne Bashford Jeremy Vincent  
29  
30

31 Mayor Harris welcomed those in attendance.

32  
33 Brent Taylor offered the invocation and led the audience in the Pledge of Allegiance.  
34  
35

36 CONSENT AGENDA

- 37  
38 1. Consideration to approve the minutes of the January 8, 2013 City Council meeting.  
39 2. Consideration to approve the minutes of the January 22, 2013 City Council meeting.  
40 3. Consideration to approve the business licenses.  
41  
42

43 Council Member Bigler asked that the January 22, 2013 minutes be pulled from the consent agenda in as  
44 much as the Council just received them last night for review.  
45

46 Council Member Bigler moved to approve items 1 and 3 of the Consent Agenda. Council Member  
47 Fawson seconded the motion.  
48

49 Voting on the motion:

50 Council Member Bailey aye  
51

52 Council Member Fawson aye  
53 Council Member Stoker aye  
54 Council Member Taylor aye  
55 Council Member Bigler aye

56  
57 The motion passed unanimously.  
58

59  
60 Council Member Bigler moved to table consideration of item 2 of the consent agenda until the next  
61 Council meeting. Council Member Fawson seconded the motion.  
62

63 Voting on the motion:  
64

65 Council Member Bailey aye  
66 Council Member Fawson aye  
67 Council Member Stoker aye  
68 Council Member Taylor aye  
69 Council Member Bigler aye

70  
71 The motion passed unanimously.  
72

73  
74 **ACTIVE AGENDA**  
75

76 **1. PUBLIC COMMENTS:**  
77

78 Dan Nixon, 933 E. 3450 N., stated he is a volunteer member of the Public Works Project Committee to  
79 get the Public Works project built. He stated he appreciates Council Member Taylor calling and asking  
80 him to attend tonight's meeting to provide some comments relative to agenda item six, which is the  
81 funding for the Public Works project. He stated that he agrees with Council Member Taylor's feelings  
82 that he should provide some input. He stated that he his speaking only on behalf of himself as one  
83 committee member and he is not speaking on behalf of the Committee. He stated that he wants the  
84 Council to know that he did send an email to the committee a few weeks ago after they discussed funding  
85 of the project and how they would finance the project. He stated there has been some great work done on  
86 how to do that. He stated that the Committee is making great progress and there is site plan work being  
87 done by the City Engineer and they should have some good preliminary drawings ready for the  
88 Committee meeting by March 6, 2013 to review. He stated he is very encouraged by what they have  
89 available to show the committee at that meeting. He stated he has also been in touch with the land owner  
90 and they have come to an agreement on the land split and the way the land will lay out and that will be  
91 coordinated with the site plan proposal that the Committee will see on March 6th. He stated that  
92 regarding funding he has emailed the Committee and let them know that he thinks they should ask the  
93 City Council for an amount to build the project; it is still a shot in the dark because they do not have a  
94 building designed, a complete site plan, a soils analysis, and a lot of many other things, but in order to  
95 stay on task and schedule it is important to try to get some funding numbers out to everyone, including  
96 the public, to help them understand where the project is at. He stated he has asked the Council to consider  
97 a \$4 million budget request for the project. He stated he is a building contractor and a land developer and  
98 he has built a lot of buildings and he does not know how he has come up with the \$4 million number  
99 other than that he has a gut feeling that is where the project budget will land. He stated that is based on  
100 information he has received as he has met and talked with the Public Works staff, who are really the  
101 architects of this project in his opinion. He stated they are the ones telling the Committee what they need  
102 in the new facility and based on what they are telling the Committee they can get by with at the very

103 minimum at this time – not for any future construction or projects – this is a number he feels comfortable  
104 coming to the Council and asking for. He stated there has been some discussion in some meetings that  
105 maybe they should try to build the building on a tighter budget that will not require the City to go into  
106 debt and he strongly disagrees with that approach and the major consideration should be that they meet  
107 the needs of the Public Works Department and get the project built the way they should, whether it is  
108 necessary to borrow money or not. He stated he thinks they have come up with a lot of opportunities for  
109 how the City can borrow money that are far different than bonding for \$7 million like they were  
110 proposing a year ago. He stated that is no longer being considered and it is very likely that only 50  
111 percent of the \$4 million budget will need to be borrowed and the rest can come from funds in place with  
112 the City. He stated he thinks there are some short term loan options the City can take that do not require  
113 long term funding where the loans can be paid off early with no penalty so that when the City does have  
114 excess assets they can apply that to any debt incurred for the new facility. He stated it is not a long term  
115 debt process that includes fees and interest that will be paid over a long period of time. He reiterated  
116 there are short term loans, or what is referred to as a mezzanine loan, that can be paid as soon as funds  
117 become available to the City. He stated he simply wanted to provide the Council with his thoughts and  
118 stated he would be willing to answer any questions.

119  
120 Mayor Harris thanked Mr. Nixon for his comments and stated that he failed to recognize Mr. Nixon and  
121 Phil Swanson who are both members of the Public Works Facility Committee. He stated he appreciates  
122 their work and the help they have given to the City.

123  
124 Phil Swanson, 1066 E. 300 N., stated he wanted to make a short comment regarding the deliberation the  
125 Council will have tonight regarding funding the Public Works project. He stated he is not a developer  
126 and has never built a building so he does not have a gut feeling for how much things will cost. He stated,  
127 however, that what he has come to understand and feel after being on the Committee for the last several  
128 months is that he has a good sense that the project is in good hands, and those are the hands of the  
129 Council. He stated his only hope would be that they would look at the strengths that come from doing the  
130 project in whole, even if that requires a little bit of bonding or short term loans. He stated that as a citizen  
131 he is at a point that he feels comfortable that the process is secure enough and in good enough hands that  
132 the City will not bond for more than what is needed and they will not short change the City by not  
133 building the entire project. He stated he thinks there have been enough compromises made on all sides so  
134 that it will be possible to build a great project and meet all of the needs of the citizens in borrowing as  
135 little as possible and also meet the needs of the Public Works Department in building a facility that will  
136 provide them with everything they need. He stated he has sincerely appreciated the opportunity to get to  
137 know each of the Council Members on the Committee and understand better where each of them stand.  
138 He stated it has been a joy to serve with all of them.

139  
140  
141 **2. CONSIDERATION AND/OR ACTION TO APPROVE THE NICHOLS PROPERTY**  
142 **AGREEMENT.**  
143

144 A staff memo from City Manager Chandler provided a summary of the attached agreement. Mr. Nichols  
145 called Mr. Chandler after the last meeting and stated that he is prepared to sign this agreement. The  
146 agreement includes the following provisions:

- 147 • The Nichols will correct the overhang and pay the associated cost.
- 148 • The City agrees and affirms that a) the structure complies with North Ogden City building  
149 codes and regulations, b) there are no outstanding issues regarding this structure and c) the  
150 specific issue addressed is closed.
- 151 • Completion date – July 1, 2013

153 Mr. Chandler reviewed his staff memo for the record. He stated he and City Attorney Jon Call met with  
154 the Nichols to finalize the agreement.

155  
156 Council Member Taylor stated he wanted to thank the staff and the Nichols; it sounds like the issue was  
157 resolved in a way that is the best for the residents and the City and he wanted to voice his appreciation for  
158 the way it was worked out.

159  
160 **Council Member Bailey moved to approve agreement 2013-2, the Nichols Property Agreement.**  
161 **Council Member Taylor seconded the motion.**

162  
163 **Voting on the motion:**

164  
165 **Council Member Bailey            aye**  
166 **Council Member Bigler           aye**  
167 **Council Member Fawson         aye**  
168 **Council Member Stoker         aye**  
169 **Council Member Taylor         aye**

170  
171 **The motion passed unanimously.**

172  
173  
174 **3.        CONSIDERATION AND/OR ACTION TO APPOINT A CITIZEN TO SERVE ON THE**  
175 **NORTH OGDEN CITY PLANNING COMMISSION.**

176  
177 Mayor Harris stated a vacancy on the Planning Commission was created when a former member did not  
178 want to be reappointed to the Commission after his term expired. He stated the City advertised the  
179 vacancy and went through the interview process to select a citizen that he felt would serve very well on  
180 the Commission. He stated he sent the Council an email recently explaining the citizen called him this  
181 afternoon and informed him that his business schedule will not allow him to meet the time commitment  
182 required of a Planning Commissioner. He stated the citizen ultimately withdrew his name for  
183 consideration, so the process to appoint a new member will be started again. He told the Council to  
184 encourage residents that they feel would be a good Planning Commissioner to fill out an application for  
185 the position. He stated he will start the process again immediately to try to get the position filled as  
186 quickly as possible.

187  
188 Council Member Bigler asked if the announcement of the vacancy will be made again. Mayor Harris  
189 stated it will be in the next newsletter. He added he would like for the Standard-Examiner to run an  
190 article in their paper. He stated word of mouth would help as well and he asked for the Council to help in  
191 that effort.

192  
193  
194 **4.        CONSIDERATION AND/OR ACTION TO APPROVE A RESOLUTION SETTING THE**  
195 **MEANING OF “DEVELOPMENT ACTIVITY” FOR CHARGING IMPACT FEES.**

196  
197 A memo from City Manager Chandler stated that based on the tenor of the discussion during the last  
198 Council meeting, he prepared the attached resolution. Under this resolution the resident on 2100 North  
199 will be required to pay the impact fee, unless adjusted by the Council, to connect to the City’s water  
200 system because he creates an additional demand on that system.

201 Section 11-36a-402(c) of the State code requires a local political subdivision to contain the following in  
202 the ordinance that enacts the impact fees.

203            11-36a-402(1)

- 204 (c) a provision authorizing the local political subdivision or private entity, as the case may be, to  
205 adjust the standard impact fee at the time the fee is charged to:  
206 (i) respond to:  
207 (A) unusual circumstances in specific cases; or  
208 (B) a request for a prompt and individualized impact fee review for the development activity of  
209 the state, a school district, or a charter school and an offset or credit for a public facility for which  
210 an impact fee has been or will be collected; and  
211 (ii) ensure that the impact fees are imposed fairly.

212 North Ogden City Ordinance No. 6-97 includes the following provision.

213 16.24.070 Adjustments

214 The City may, upon a property showing, adjust the standard impact fee at the time the fee is  
215 charged to:

- 216 A. Respond to unusual circumstances in specific cases; and  
217 B. Insure that the impact fees are imposed fairly; and  
218 C. Adjust the amount of the fee based upon studies and data submitted by the developer which are  
219 approved by the City after review of the same; and  
220 D. Allow credits as approved by the City for dedication of land for improvement to, or new  
221 construction of, public facilities providing services to the community at large, provided such  
222 facilities are identified in the capital facilities plan and are required by the City as a condition of  
223 approving the development activity. No credit shall be given for project improvements as defined  
224 in the Act.

225 The attached resolution more clearly defines when the City imposes impact fees and puts it in line with  
226 the State Code. Ordinance 6-97 allows you to adjust the impact fee if the circumstances permit it. In a  
227 recent discussion with a Company that prepares impact fee and capital facilities reports, the City Manager  
228 was told that a City Council should identify the funds that will be used to replace impact fees that have  
229 been adjusted or waived. This argument is based on the equity principle of impact fees. Impact fees are  
230 established to maintain a certain level of service for existing and future residents. Impact fees are used to  
231 upgrade or build new infrastructure and the upgraded or new infrastructure provides new and existing  
232 residents with the same level of service the existing residents received before the new development  
233 activity. If the City waives the impact fee for new development activity, it will, in theory, either reduce  
234 the level of service for existing residents or require the existing residents to pay for the improvements  
235 necessitated by the development activity. Another example of the equity principle wherein a City can  
236 adjust or waive an impact fee occurs when a developer or individual installs the infrastructure that is  
237 necessary to provide existing and new residents with a certain level of service.

238  
239 Mr. Chandler reviewed his staff memo for the record. He stated over the last few days he has sent some  
240 very lengthy emails to the Council about this issue; he will not go into detail on those emails unless the  
241 Council has questions. He stated this issue was raised by a request to waive impact fees made by a  
242 resident living on 2100 North who would like to discontinue use of a well and instead connect to the  
243 City's culinary water system. He stated that in 1997 the waterline on that road was reconstructed and  
244 there were 10 homeowners who were given the opportunity to connect to the City's system with no  
245 impact fees. He stated three homeowners took advantage of that opportunity since 1997, the latest one  
246 doing so in 2007. He stated that based on all of the information he sent to the Council in his email, his  
247 recommendation would be to continue that practice for those remaining homes in order to be consistent.  
248 He stated the fee waiver was done administratively. He stated that when he originally talked to Council  
249 Member Bigler about the issue his thoughts were that it was something the Council needed to take action  
250 on, but he has since found that the issue has been handled administratively. He stated, however, that if  
251 the Council wants to formalize the issue they are more than welcome to do so. He stated the other issue is  
252 a long term one; both the City's ordinance and the State Code provide the Council with the ability to  
253 adjust impact fees under certain conditions; the 1997 ordinance defines those conditions along the same  
254 lines as the State Code, but since 1997 there have been a couple of occasions where the City has changed

255 or expanded that definition and that has caused some difficulty and questions about when fees can be  
256 adjusted and when they should not be adjusted. He stated before the Council has a resolution that gives a  
257 definition for development activity as “any construction or expansion of a building, structure, or use, any  
258 change in use of a building or structure, or any changes in the use of land that creates additional demand  
259 and need for public facilities”. He stated this resolution will bring the City in line with what the original  
260 definition was in 1997 and the definition of development activity in the current version of State Code. He  
261 stated it is important to point out that according to this definition any person that connects to the City’s  
262 system – whether it is an existing house that does not have water service, or whether it is a new house or  
263 business – they would be charged the impact fee unless it is adjusted by the City. He stated the definition  
264 in the Code states ‘City’ and that can be refined further to say ‘City Council’. He stated that he has talked  
265 to the City Attorney and they have agreed that since the issue would be dealing with money and revenue  
266 to the City, any request regarding waivers of impact fees would come to the City Council.  
267

268 Council Member Fawson inquired as to some of the exceptions the Council would need to consider  
269 moving forward if they leave it open to being waived by the City Council. He asked if it could be like the  
270 scenarios that have occurred in the past where Bona Vista Water is making up the difference of if the  
271 street is already open. Mr. Chandler stated that the exact language the State uses is that “a local political  
272 subdivision or private entity shall ensure that an impact fee enactment contains a provision authorizing  
273 the political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to  
274 respond to: a) unusual circumstances and specific cases... or to ensure the impact fees are imposed fairly”.  
275 He stated those will be the most likely scenarios the City will face. He provided an example explaining in  
276 the current impact fee document there are 27 water projects totaling about \$14 million so when an impact  
277 fee is applied it is used on one of those projects. He stated that if a developer or individual is coming into  
278 the City and some of the work they are doing would be associated with those projects that creates an  
279 unusual circumstance, which could warrant an adjustment of the impact fees. He stated that those he has  
280 dealt with and is most familiar with are when a large developer comes in and are putting in a lot of off-  
281 site infrastructure that goes far beyond just what is needed on their site. He stated that often the impact  
282 fees associated with those types of projects are adjusted or they get paid back to the developer.  
283

284 Council Member Bailey stated he is somewhat ‘fuzzy’ as to what the Council is being asked to do with  
285 this proposal. He stated they have the ordinance 6-97 and he asked if the new ordinance is overriding that  
286 existing ordinance or if it is being left in place. He stated that he has some concerns about the ordinance  
287 because it does not exactly mirror State Code. Mr. Chandler stated the Council is being asked to adopt a  
288 resolution tonight, not an ordinance. He stated that ordinances trump resolutions and what has happened  
289 in the past is City Councils have adopted resolutions that establish the fee and expand definitions. He  
290 stated that tonight he is not proposing to change the ordinance at all; all the resolution does is redirect to  
291 the ordinance. Council Member Bailey asked if the resolution ‘sweeps away’ other resolutions that have  
292 been issued in the past. Mr. Chandler answered yes. Council Member Bailey stated that as he looks at  
293 ordinance 6-97 and compares it with the wording in State Code, which says “respond to unusual  
294 circumstances in specific cases; or. . .”. He stated that in the City’s ordinance all the scenarios are  
295 connected by ‘ands’ rather than ‘ors’. He stated that the only time ‘and’ is used in the State Code is when  
296 it says “and ensure any impact fees are fairly imposed”. He stated he wondered if the City should look at  
297 the way ordinance 6-97 is worded to ensure it is parallel with State Code. Mr. Chandler stated one option  
298 available to the Council would be to table the resolution tonight and ask the staff to bring back a new  
299 ordinance that updates ordinance 6-97. He stated another option is to adopt the resolution. He stated the  
300 last impact fee study was done prior to some changes in the State Law and the City Attorney has  
301 recommended conducting a new impact fee study and he has asked Finance Director Steele to raise that  
302 issue during the next budget meeting. He stated this resolution could end up being a stop gap measure  
303 until sometime the Council approves a new impact fee study. He stated that if the Council wants to make  
304 some changes to ensure the ordinance exactly mirrors State Law, tonight’s action can be tabled and staff  
305 can provide a new ordinance for consideration. Council Member Bailey asked if not passing the

306 resolution has any impact on the situation the City is currently faced with relative to the individual homes  
307 on 2100 North. He stated he likes the suggestion regarding how to address the current request; it seems it  
308 would be fair to offer the other homeowners in the area the same offer if they do the work now. He asked  
309 if the Council needs to do something in order to formalize the offer being made to the resident. Mr.  
310 Chandler answered yes and stated that needs to be done especially if the Council is saying the offer is  
311 only good now. He stated a motion to extend the offer would be appropriate. He stated that if the  
312 Council does nothing and gives no instruction to the staff, staff will continue on the path of not charging  
313 the impact fee when the next person living in that area comes to the City with a request that they not be  
314 charged. Council Member Bailey stated perhaps that is something the Council should discuss.  
315

316 Council Member Fawson stated he agrees with Council Member Bailey that the time to do the work is  
317 now; the residents have been offered the option of connecting at no charge in the past and they have  
318 declined that option and based on the recent information provided by staff he thinks it would be fair to  
319 offer the same option to the remaining homeowners for a short-term period. He stated he does not want  
320 the residents to be able to come to the City 15 years from now and request waiver of the fee.  
321

322 Council Member Bigler stated he also agrees and noted some of the homeowners may be different than  
323 those that lived there when the offer was originally made and he thinks this is a good middle ground. He  
324 stated at the last meeting he was asking for consistency and he thinks it would be good to add a couple of  
325 things to the resolution. He stated that the document includes wording in the State Law to include  
326 existing homes, but it references adding to a structure and he would rather add the simple words “any new  
327 or existing home” so that a resident looking at the document will not have a problem interpreting it. He  
328 stated he would rather it be clear. He stated that the City knows what the definition means according to  
329 the law, but for residents he would like to include one sentence that spells out the intent. He stated that if  
330 the language “new or existing homes” were added to the document there would be no question in the  
331 future about whether the document applies to existing homes. He stated he does not want to take away  
332 any wording in the document, but he wants to add that language. Mayor Harris stated that can be added at  
333 the time the Council adopts the resolution if that is what they choose to do. Council Member Bigler  
334 stated he also thinks it would provide further consistency and flexibility to add “by vote of the City  
335 Council” rather than having that implied. He stated that in the past the Council thought the resolution was  
336 done through Council vote, but as research was done it was found that is not what happened. He stated  
337 that if there are any unusual circumstances the staff will be provided with some safety by the language  
338 being added to the resolution. Mr. Chandler stated that his suggestion would be that if the Council wants  
339 to add language requiring a vote of the City Council the Council should change the ordinance rather than  
340 adopt a resolution. He stated he makes this recommendation because the language Council Member  
341 Bigler is referring to is actually in the ordinance 6-97. He stated that means the Council will not pass the  
342 resolution tonight and the staff can bring an ordinance to the Council at the next meeting for further  
343 consideration because an ordinance carries more weight than a resolution. Council Member Bigler stated  
344 that would be great and he added that if the Council is part of the action and a resident comes forward  
345 with a concern, the Council will understand what the concern is rather than an administrator in his office  
346 waiving fees that the Council might not be aware of. He stated he thinks that would be a wise thing for  
347 the future.  
348

349 Council Member Taylor stated that he agrees with what Council Member Bigler said about bringing the  
350 issue to the Council for a vote. He stated that when the City is doing something like waiving a fee that  
351 goes into an enterprise fund, that is something the Council should be considering. He stated he has a little  
352 different perspective than some of the other Council Members. He stated that as he looks at the issue he  
353 thinks the City must be fundamentally fair to everyone in the system by requiring anyone new connecting  
354 to the system to pay the impact fee. He stated that in 1997 the 10 homes were offered waiver of the fee  
355 administratively. He stated that two of the homes initially took advantage of the offer in 1997 and one  
356 home took advantage at a later date in 2007. He stated he does not think the City should have allowed

357 that in 2007 and he does not think that should obligate the City to continue that practice. He inquired as  
358 to the impact fee amount. Mr. Chandler stated it is approximately \$3,200. Council Member Taylor stated  
359 that seven more houses will be eligible to take advantage of the offer, which means there is potentially  
360 \$22,000 of impact fee revenues that are not going into the City's system. He stated that means that  
361 money is coming out of the pocket of the rest of the residents who probably did pay an impact fee when  
362 their home was built or connected to the system. He stated he does not think that the fact that the practice  
363 was allowed in 1997 or 2007 should obligate the City to continue doing something that really is not fair to  
364 all the residents paying the fees and paying into the system. He stated a lot of things have been done in  
365 the past that were decisions that probably were not the best decisions back in the day and he does not  
366 think that should be an obligation for the Council to give up on \$22,000 that should be collected when the  
367 houses connect to the water system; they will essentially be paid out of the pockets of the other residents.  
368 He stated that is his point of view. He stated he thinks that the issue definitely needs to be clarified and  
369 the practice of allowing administrative approval of impact fee waivers needs to be stopped. He stated the  
370 enterprise funds are not tax dollars; they are collected for a public service that is provided and the  
371 accounts need to be run as a quasi-business function. He stated that he would not support continuing to  
372 waive the fees; the homeowners were offered a waiver in 1997 and if they did not take advantage of it  
373 then, they should have to pay the same fee that anyone else joining the system would pay at this time.  
374

375 Council Member Bigler stated that he sent an email about that issue and he does not know if Council  
376 Member Taylor read it. He stated he mentioned that the person that has made the request, since the City  
377 never charged for existing homes before, and for that person the answer should be yes. He stated that  
378 once the ordinance is changed, perhaps the other homeowners on 2100 North, since they have not asked  
379 for a waiver, may not receive a waiver. He stated the idea of offering the waiver now has been brought to  
380 the table tonight and he is comfortable with either option. He reiterated one homeowner has already  
381 asked and if the ordinance is amended it would not be right to apply that retroactively and apply it to  
382 someone that has already asked. He stated that the new ordinance would apply to those that have not  
383 asked, but he is comfortable allowing them the option at this time and for a limited time.  
384

385 Council Member Bailey stated that he does not feel particularly strongly about the issue, but it seems like  
386 an issue of fairness. He stated there is some infrastructure that has been put in place and the lines have  
387 been stubbed in and for whatever reason the homeowners were offered the option in 1997. He stated  
388 some of those things may still be relevant and it will not be necessary to cut into the street to make the  
389 connections. He stated it is appropriate to 'shut the barn door now'.  
390

391 Council Member Bigler asked if there is any way staff can research. He stated Mr. Chandler mentioned  
392 he thought someone had mentioned the lines were stubbed from the street and onto the property so it will  
393 not be necessary to cut into the street. He stated it seems to him there has got to be something to make  
394 sure that is the case. Mr. Chandler stated that the City has the construction drawings, but he has not been  
395 able to find as-built drawings that would show what was actually done. He stated due to the case in 2007  
396 staff was able to find that a meter box and lateral line had been installed. He stated to verify that is the  
397 case for all properties would take some work. He stated there may be some as-built drawings, but those  
398 have not been found. He stated staff would need to go to each home and check for the infrastructure. He  
399 stated that the meter box on the property that connected in 2007 had about six inches of gravel on it.  
400 Council Member Bigler stated that if there is no record of it, it will be possible to find out if that is the  
401 case for the one homeowner that has requested the connection. He stated that common sense would say  
402 that if it was done for one homeowner it was probably done for the others, but the converse would be true  
403 as well. Mr. Chandler stated that the homeowner's driveway is a gravel driveway so it will not be  
404 necessary to dig up any permanent surface to do some exploration with the homeowner's permission.  
405

406 Council Member Taylor stated that if indeed this has been done and some of the infrastructure was  
407 already put in by the City, these residents have already received a benefit that will save them a lot of



408 money compared to someone else that would be required to dig into the road and pay the fees associated  
409 with that. He stated that may be the limit to the benefit the City can offer; the work was done and that  
410 will save the resident a lot of money. He stated it would be good for the Council to know that  
411 information and his feeling is that if the work has been done, any obligation the City may have had is  
412 fulfilled and the impact fees need to be paid.

413  
414 Council Member Fawson stated that he is impartial about those homeowners that have not requested  
415 waiver of the fees to connect. He stated that he does agree with Council Member Bailey that the City  
416 'shut the barn door' and offer just the one resident the opportunity to connect. He stated that he does  
417 think that if someone does something wrong and the City makes up a new law, that person cannot be  
418 charged after the fact and he thinks that is what the City would be doing if this one resident were require  
419 to pay. He stated he thinks this resident's request should be granted. He stated there is another  
420 clarification that came up during the last meeting and that was regarding someone that lived in the County  
421 and he wondered if it would be necessary to clarify in the new ordinance that it does not matter whether  
422 the residents trying to connect to the system live in the County or the City and that they will still pay the  
423 impact fee associated with that connection. He stated the non-City residents would still have the  
424 opportunity to connect. Mayor Harris stated the County resident will be charged the impact fee and  
425 double the utility rates charged to residents to make up for the fact that they do not pay taxes to the City.  
426 He stated that the ordinance can include language to state that anyone that connects to the system will pay  
427 an impact fee and that will address the issue.

428  
429 **Council Member Bailey moved to table this item to give staff the opportunity to bring the Council a**  
430 **proposed ordinance that is in line with State Law and some of the recommendations that have been**  
431 **made by Council tonight. Council Member Fawson seconded the motion.**  
432

433 City Attorney Call stated there is one technicality; this ordinance is contained in the City's land use  
434 ordinance, which means it would need to be considered by the Planning Commission before the Council  
435 can approve it. He stated the process will be somewhat longer than for a normal ordinance. Council  
436 Member Bigler asked if that is the case even though the ordinance is regarding a fee. Mr. Call stated that  
437 if it were a resolution regarding the fee it would not be necessary to take the issue to the Planning  
438 Commission, but amending the actual ordinance requires consideration by the Planning Commission.  
439 Council Member Bailey stated he does not think this is an emergency and he is comfortable waiting.

440  
441 Mayor Harris clarified that rewriting the ordinance and following the process identified by Mr. Call  
442 eliminates the need for the resolution.

443  
444 **Voting on the motion:**

445  
446 **Council Member Bailey            aye**  
447 **Council Member Bigler           aye**  
448 **Council Member Fawson          aye**  
449 **Council Member Stoker          aye**  
450 **Council Member Taylor          aye**

451  
452 **The motion passed unanimously.**

453  
454  
455  
456  
457

458 5. CONSIDERATION AND/OR ACTION TO APPROVE FUNDING FOR THE PUBLIC  
459 WORKS FACILITY.  
460

461 A memo from City Manager Chandler explained Brent Chugg has asked that the Council discuss a budget  
462 and price for the public works facility. This will help the public works facility committee determine the  
463 components and level of construction for the facility. Finance Director Steele is prepared to discuss the  
464 monies that are available in each fund for capital improvements.  
465

466 Mr. Chandler reviewed his memo for the record. He invited Mr. Steele to talk to the Council about the  
467 funds that are available for capital projects and his methodology for calculating that information.  
468

469 Mr. Steele stated that he wanted to provide clarification of the numbers that he provided the Council  
470 during the budget retreat relative to funds available for capital facilities. He stated that he was asked how  
471 the totals in various funds have built up to that amount so he went back through the City's audited  
472 financial statements for the past 20 years and determined the water, sewer, and storm drain funds have a  
473 positive balance because the City partially funded depreciation. He stated that in the solid waste fund,  
474 which is where the majority of the funds are coming from, the City has had an operating income that fully  
475 funded depreciation and provided some extra monies.  
476

477 Council Member Bailey stated that Mr. Steele noted that depreciation has been only partially funded in  
478 three accounts and he asked if depreciation is being fully funded now. Mr. Steele answered no.  
479

480 Council Member Bigler stated that there was discussion in the budget retreat about determining what it  
481 would cost to fully fund that. Mr. Steele stated that he recommended implementing a small fee increase  
482 each year in order to keep up with depreciation and also to adjust for any inflation.  
483

484 Council Member Taylor asked what percent of depreciation is being funded. Mr. Steele stated  
485 approximately two-thirds of the depreciation costs are being funded. Council Member Taylor asked if  
486 that is the case across all four funds. Mr. Steele reiterated the depreciation associated with the solid waste  
487 fund is fully funded, and in the other funds about one-half to two-thirds of the depreciation is being  
488 funded.  
489

490 Council Member Fawson inquired as to the percentage of depreciation is being funded in the solid waste  
491 fund. He stated he understands it is over 100 percent, but inquired as to the figure. Mr. Steele stated that  
492 he cannot provide an accurate answer to that question right now, but he would be willing to follow-up and  
493 report that amount.  
494

495 Mr. Steele then stated that he arrived at the amount available for the public works facility by taking the  
496 current cash funds currently available and subtracting any project amounts in the five-year capital plan as  
497 well as the amount for reserve, which is 50 percent of the operating expenditures. He stated that  
498 calculation helped him determine the amount available. He stated that in the solid waste fund there are no  
499 pending capital projects, though there are some necessary capital equipment purchases, such as garbage  
500 cans. He stated that is why there is so much money in the solid waste fund. He stated he looked five  
501 years out on projects because five years will give the City time to build up funds again. He stated that he  
502 also mentioned during the budget retreat that he anticipates having \$1.3 million available in the capital  
503 projects fund at the end of the current fiscal year; those funds will be heavily competed for especially  
504 considering damage the winter weather has caused on the roads. He stated that there are other future  
505 capital facilities projects that the staff and Council has talked about in conjunction with discussion of the  
506 creation of a long term plan that could project 10 to 30 years into the future. He stated it will be  
507 necessary to provide some funding or earmarking of funding for those types of projects. He stated that  
508 there are many other issues the City needs to fund. He noted the general fund balance is also a source of

509 funding. He stated the City currently has a fund balance of 18 percent of the total budget and in the past  
510 the City has had a goal of having a 10 percent balance of general fund revenues. He stated if the reserve  
511 were reduced to 10 percent, that would provide an extra \$350,000 to use for the project. He stated that  
512 there are also a lot of things competing for those monies. He stated an additional note is that the funds he  
513 is talking about are funds over and above the money that will be available for the land purchase.  
514

515 Council Member Bailey asked Mr. Steele to provide some specific information; he knows Mr. Steele  
516 provided numbers during the budget retreat, but he does not have those in front of him right now. He  
517 asked Mr. Steele if he looked at each of the enterprise funds separately or did he take the enterprise funds  
518 as a total and then determined the amount available once the five year capital improvement projects were  
519 subtracted. Mr. Steele stated he reviewed each fund individually. Council Member Bailey asked Mr.  
520 Steele to provide the number for each enterprise fund. He stated he would like to have Mr. Steele show  
521 the Council how he calculated the amount of money available for each different account. He stated that  
522 will help him understand what the City is giving up in order re-allocate the funds for the public works  
523 facility. Mr. Steele stated he does not have that detail with him this evening. He asked if the Council  
524 wanted him to go get the information now or if they wanted to discuss at a future meeting. Council  
525 Member Bailey stated he thinks it is important for the Council to be able to establish a budget for the  
526 project.  
527

528 Council Member Bigler asked Mr. Steele if the figures he is talking about tonight are different than what  
529 was presented in the budget retreat. Mr. Steele answered no. Council Member Taylor stated that he also  
530 has them electronically in a document he saved from the budget retreat and he could email them to all the  
531 Council Members for review. Council Member Bailey stated he is looking for more detail than what was  
532 provided in the budget retreat. Mr. Steele stated he has the information, but he does not have it with him  
533 tonight.  
534

535 Council Member Bailey suggested recessing the meeting to allow Mr. Steele time to gather the  
536 information.  
537

538 Council Member Bigler suggested the Council move on to the next agenda item while Mr. Steele gathers  
539 the information.  
540

541  
542 **6. CONSIDERATION AND/OR ACTION TO APPORVE A “FINANCIAL READY”**  
543 **RESOLUTION.**  
544

545 A memo from Mayor Harris explained that at a recent Utah League of Cities and Towns Legislative  
546 Policy Committee meeting, the enclosed resolution was presented for consideration by individual cities.  
547 The resolution encourages the Utah State Legislature and, to the extent possible and applicable, counties  
548 and cities to be prepared for “financial emergencies” that may be caused by possible losses of federal  
549 revenue to the State. It is given in much the same vein as “Be Ready Utah” in which it encourages us to  
550 be prepared for possible environmental emergencies such as earthquakes or floods. I am, in turn, asking  
551 North Ogden’s City Council to consider passage of the “Financial Ready” resolution.  
552

553 Mayor Harris explained that a couple of weeks ago he attended a Utah League of Cities and Towns  
554 (ULCT) legislative policy committee meeting with Council Member Bailey, Mr. Chandler, and City  
555 Recorder Spendlove. He stated the committee is there to monitor what is happening during the legislative  
556 session and they give the ULCT direction on lobbying efforts with the legislators. He stated that at the  
557 meeting Senator Henderson and several other legislators presented this resolution and asked that each city  
558 in Utah consider passing it. He stated it encourages the Utah State Legislature and, to the extent possible  
559 and applicable, counties and cities to be prepared for “financial emergencies” that may be caused by

560 possible losses of federal revenue to the State. He stated those are looming right now with the potential  
561 sequestration and other issues. He stated this process is similar to the “Be Ready Utah” program that was  
562 presented recently. He reiterated each city has been asked to consider the resolution and he has provided  
563 the Council with the detailed resolution. He asked the Council if they would like to consider passing it.  
564

565 Council Member Bigler stated he agrees with everything the resolution says about the federal  
566 government, but in the actual resolution section it says that “the City of North Ogden wholeheartedly  
567 supports Financial Ready Utah initiative of fostering within our state an enterprise risk management  
568 process to assess the immediacy. . .” He stated if the Council were to adopt this, his question is if it will  
569 cost the City money to support an enterprise risk management process. He stated he agrees with the  
570 concept, but he does not know what that entails. Mayor Harris stated he would welcome Council  
571 Member Bailey’s comments, but he does not believe there is any financial obligation on the part of the  
572 City if the Council adopts the resolution.  
573

574 Council Member Bailey stated his understanding is that this is a message type of resolution that will go  
575 from the ULCT to the State and ultimately the federal government to encourage them to get their act  
576 together. Council Member Bigler stated that is how he read the resolution; he just had a question about  
577 that one statement. Council Member Bailey stated that his thought would be that in order to authorize any  
578 expenditure of funds, it would be necessary to adopt an actual ordinance. Mayor Harris agreed that if the  
579 document were obligating the City to offer any kind of financial support that would need to be in the  
580 document.  
581

582 Council Member Taylor stated there is three days until the sequester could take effect. Mayor Harris  
583 stated this is meant to be a long term resolution and is meant as encouragement. He added the State of  
584 Utah has done an excellent job of balancing its budget and being prepared for just about anything that  
585 comes along. He agreed with Council Member Bailey that this is sending a message that there could be  
586 trouble associated with depending on federal funds, so it is a good idea to work to a point where that  
587 dependency is not necessary.  
588

589 Council Member Fawson inquired as to the resolution number. Ms. Spendlove stated it is 2-2013.  
590

591 **Council Member moved to approve 2-2013. Council Member Stoker seconded the motion.**  
592

593 **Voting on the motion:**  
594

595 **Council Member Bailey            aye**  
596 **Council Member Bigler            aye**  
597 **Council Member Fawson           aye**  
598 **Council Member Stoker           aye**  
599 **Council Member Taylor           aye**  
600

601 **The motion passed unanimously.**  
602

603 Mayor Harris stated he is not sure how many other entities in the State will adopt a similar resolution, but  
604 he thinks many will.  
605

606 Council Member Bigler stated that he wanted to provide some information for the benefit of those  
607 present. He stated the resolution says that \$.40 of every dollar the State of Utah spends comes from the  
608 federal government and the federal government borrows and or prints more than \$.40 of every dollar it  
609 sends to Utah. He stated the premise is that at some point the State will be in trouble if problems with the  
610 federal government keep going as they have. He stated the legislature is trying to get enough cities to

611 support this statement so it can be forwarded on to the federal government and encourage more  
612 responsibility. Mayor Harris stated the purpose of the resolution is twofold; the first is as Council  
613 Member Bigler has explained and the second is to send the message to be prepared, just as the Be Ready  
614 Utah program encourages preparedness.

615  
616 Council Member Bailey stated there are several whereas clauses in the resolution that are along the same  
617 line. He stated one says the national debt has now surpassed \$16.4 trillion, which represents more than  
618 \$136,000 per household; annual deficits have exceeded \$1 trillion for each of the last four years; and  
619 unfunded obligations for social programs now exceed \$85 trillion in debt. He stated it only took 286 days  
620 to accumulate the most recent trillion. He stated those are some pretty scary statistics.

621  
622 The Council took a short 10 minute recess at 7:30 pm while waiting for Mr. Steele to return with  
623 information relative to item five. The meeting reconvened at 7:40 pm.

624  
625

626 **5. CONTINUATION OF CONSIDERATION AND/OR ACTION TO APPROVE FUNDING**  
627 **FOR THE PUBLIC WORKS FACILITY.**

628  
629 Mr. Steele stated he is not sure if he made it clear enough that capital projects listed on the handout are  
630 projects that will be funded. He then reviewed the process he followed to get to the amount available for  
631 the project. He stated he went back five years and looked at the cash in each enterprise fund. He stated  
632 he took an average of those five years and noted the average for the water fund is \$149,298. He stated he  
633 looked at the cash available at the beginning of the current fiscal year and added what will be added from  
634 operations this year, as well as any impact fees the City may have, to arrive at the cash added during the  
635 year before capital projects. He stated he reduced that amount by the budget amount for capital projects.  
636 He stated total capital projects were subtracted from cash available to arrive at the ending cash for the  
637 year, which carries over to the next year.

638  
639 Mr. Chandler stated the projects are based on the five year capital projects plan. Mr. Steele stated that is  
640 correct.

641  
642 Council Member Bailey asked if there have been any changes to the five year capital plan. He stated he  
643 does not remember the Council looking at the plan this year in the budget retreat, though it was reviewed  
644 last year. Mr. Steele stated it was distributed to the Council this year for review, but it was not discussed  
645 during the retreat. He stated there will be another budget meeting and staff will be present to review the  
646 plan with the Council.

647  
648 Mr. Steele stated after he went through the steps he identified he came up with an ending cash balance.  
649 He stated that he looked at the historical operating expenses for the past five years and increased those for  
650 inflation for the next five years to see what the City's reserve should be. He stated the City's reserve is  
651 based on operating expenses and it is good to have at least 50 percent of the operating expenses on hand.  
652 He noted the projected operating expenses in 2018 and stated he took 50 percent of that and subtracted  
653 that from the ending cash balance and the amount left is how much money is available for the public  
654 works facility. Mr. Chandler asked for further information about the 50 percent reserve. Mr. Steele  
655 stated it is money that the City likes to have on hand. Council Member Fawson stated he thought the City  
656 is required to have that. Mr. Steele stated it is more of a management decision than it is required by law.

657  
658 Mayor Harris asked Mr. Steele to provide the specific amounts in each fund that are available for the  
659 project. Mr. Steele stated in water there is \$43,000 extra; sewer has \$182,000 extra; and solid waste has  
660 \$1 million extra. He stated that those numbers combined equal \$1.2 million extra.

661

662 Council Member Bailey asked Mr. Steele if he is saying the bulk of the money available in solid waste  
663 relates to funding depreciation. He asked what is being depreciated. Mr. Steele stated depreciation in that  
664 fund covers garbage cans, trucks, and snow plowing equipment. Mayor Harris stated that the solid waste  
665 staff takes care of the green waste pit so there are equipment needs associated with that.

666  
667 Mr. Steele asked if the Council wanted to look at the capital projects associated with each fund. Council  
668 Member Bailey answered yes. Mr. Steele stated that he has included an amount for capital projects as  
669 well as capital equipment for each fund. He stated that there are other staff that may be better suited to  
670 answer questions about what the actual projects entail.

671  
672 Council Member Fawson asked if the capital equipment budget amounts were based on historical  
673 expenditures. Mr. Steele answered yes and added that he can email this same information to each Council  
674 Member if they desire.

675  
676 Council Member Bailey asked what is on the horizon; is there anything on the horizon that is not in the  
677 five year plan that will be pushed off if the money in these funds is spent. He stated that there are projects  
678 that need to be done that are outside the five year window. He stated he does not want to 'rob Peter to  
679 pay Paul'. Mr. Chandler asked Council Member Bailey if he wants to look at capital projects beyond the  
680 five year plan. Council Member Bailey stated that it might be good to look at those projects. He asked if  
681 there are things that the City knows needs to be taken care of that will not be taken care of if the money is  
682 taken from these funds. Mayor Harris stated that is hard to answer, but there will always be water and  
683 sewer lines to replace. Council Member Bailey stated those types of projects fit nicely into Mr. Steele's  
684 model, but he is wondering if there are other projects on the horizon. Mr. Chandler stated the projects  
685 that the staff would have information about are those associated with impact fees. He stated the impact  
686 fee analysis documents look at the City to build-out. He stated he mentioned earlier there are 27 water  
687 projects identified in the impact fee analysis that are associated with growth. He stated most of the  
688 projects Mr. Steele is reviewing are not associated with growth; in looking past the five year plan, most  
689 projects will be associated with growth. He stated the amount associated with the 27 water projects he  
690 referenced is approximately \$14 million. He stated there will be similar project lists for each impact fee  
691 analysis, but impact fee revenues are tied to those projects. He stated the impact fee documents are the  
692 most comprehensive, long-term documents.

693  
694 Council Member Fawson stated that he thinks that has been the issue and that is why the City is in this  
695 current situation relative to the public works facility. He stated the City needs to look at things in more of  
696 a long-term perspective and he appreciates the fact the City is starting to do that. He stated that it is not  
697 possible to fix the past, but he feels much more confident in the future and the position future City  
698 Councils will be in, knowing this type of work should have been done 20 years ago and the City would  
699 have known that it would be necessary to replace the public works facility at some point. He stated if the  
700 City does not get the long term plan in place and starts planning and saving, future Council's will be  
701 forced to bond just like this Council was looking at having to do.

702  
703 Council Member Bailey stated he would like a copy of Mr. Steele's work emailed to him. He stated Mr.  
704 Chandler has provided the Council with the five year capital improvement plan and he assumes it is  
705 available in some sort of electronic format as well. He then referred to the summary of the document and  
706 asked Mr. Steele to review the numbers that were used in the formula that Mr. Steele used to arrive at his  
707 final amount available. Mr. Steele stated that after factoring in the five year capital improvement plan as  
708 well as the amount of money the City needs to have on reserve at the end of five years, he was able to  
709 identify the amount of cash left over. He reiterated that water has \$43,000; sewer is \$182,000 extra; and  
710 \$1 million in solid waste. Council Member Bailey asked if there is something being done wrong, in terms  
711 of accounting, in the solid waste account. Mr. Steele stated the City may be charging too much. Council  
712 Member Bailey stated it appears that the depreciation is much higher than the actual expenses.

713  
714 Council Member Bigler stated that if that is the case, while there are some concerns about not charging  
715 enough for water rates; it may be possible to continue to charge residents the same amount, but apply  
716 some of those charges to water instead of solid waste. He stated there was a discussion about needing to  
717 raise rates in order to replenish the fund, but rather than just raising the fee the staff needs to consider if  
718 too much is being charged for solid waste.

719  
720 Council Member Fawson stated he likes that concept, but it is necessary to look at the long term plan  
721 before making those adjustments. He stated that if it is possible to reallocate the income, that is great, but  
722 if the Council is not planning for needed infrastructure in 15 years they are doing the residents a  
723 disservice.

724  
725 Council Member Bailey added the Council needs to look at which projects would be covered by  
726 enterprise funds versus general funds. He stated he thinks an analysis is a good idea.

727  
728 Council Member Bigler stated that it was discussed in the budget retreat, but reducing the general fund  
729 balance from 18 percent to 10 percent will provide \$350,000. He asked how much money is available in  
730 the other funds. He stated he thought the bottom line was around \$2.5 million. Mr. Steele stated there is  
731 \$1.2 from enterprise funds and \$1.3 from the capital projects funds. Council Member Bailey stated that  
732 the Council has not looked at the detail for that yet. Mr. Steele stated that is just the amount of money  
733 that is available. Council Member Bailey stated that if the entire \$1.3 million is used for the public works  
734 project there will be other projects that are necessary, but that will be unfunded. He asked if the Council  
735 needs to get together and make decisions about that. Council Member Fawson stated he thought staff was  
736 going to factor in the major capital improvement project requests. Mr. Chandler stated that staff has not  
737 done that and adding the total of the entire capital improvement project requests, including ‘wish list’  
738 items, that totals just under \$1.3 million. He stated that if the Council were to use the full capital  
739 improvement projects amount for the public works facility, all other capital improvement projects will be  
740 put off. He stated that some of that \$1.3 million came from transfers Mr. Steele made to keep the City at  
741 the 18 percent reserve amount, but the biggest chunk of the amount - \$711,000 – came from the  
742 redevelopment agency (RDA). He explained the RDA has owed that amount to the general fund for  
743 several years and the RDA was in a cash position to pay that back and clear the debt.

744  
745 Council Member Bailey asked if there is other funding available for the capital improvement projects.  
746 Mr. Chandler stated there are two ways of getting capital; one is through operating expenses and that  
747 usually takes care of most of the small items that do not get capitalized and depreciated over time. He  
748 stated the larger purchases are going to come through capital projects funds and capital project money  
749 will either come through impact fees or a transfer from other funds, like the general fund. He stated that  
750 the way most communities build up their capital funds is to end up with higher than projected revenues  
751 and lower than projected expenditures; the difference is sent to the capital projects fund to fund many  
752 projects. He stated this is built up over time.

753  
754 Council Member Bailey asked what if the City did not have the \$711,000 from the RDA. Mr. Chandler  
755 stated there would only be about \$500,000 available. Council Member Bailey asked if that the staff  
756 would be proposing to spend that amount on capital improvement projects this year. Mr. Chandler  
757 answered no and stated that all the staff is saying is how much money there is available to spend. He  
758 stated whenever he starts the budget process he asks the department heads to identify their needs if money  
759 was not an issue. He stated those needs are then prioritized and the needs usually come out higher than  
760 the money that is available and this is the first time that did not happen for him. He stated that projects  
761 are whittled down to where the City Council wants them to be.

762

763 Council Member Bailey asked how much was allowed for capital improvement projects last fiscal year  
764 excluding enterprise funds. He asked how the \$1.3 million available this year compares to what was  
765 budgeted or spent last year.

766  
767 Council Member Bigler stated he would also like to know how long it has taken to build the account up to  
768 \$1.3 million and how much money has been put in the account each year. He stated it was not long ago  
769 that the City had a 10 percent general fund reserve, but now the staff is saying the difference between 10  
770 percent and 18 percent is \$350,000, but it has not been that long for that money to build up.

771  
772 Council Member Bailey stated there are two different questions; what has the City been budgeting for in  
773 capital improvement projects. He stated that reducing the reserve amount is a separate issue and source of  
774 funding. Council Member Bigler stated he would also like to know how long it is going to take to  
775 replenish those accounts. Mayor Harris stated that for the past several years the City has not spent much  
776 on capital improvement projects out of the general fund. He stated there have been some park  
777 improvements and three or four years ago the City built the community services building and paid cash  
778 for that project using an accumulation of funds similar to the concept Mr. Chandler just talked about. He  
779 stated that a lot of what has been spent over the last three or four years has been RAMP grant funds.

780  
781 Council Member Bigler asked if there are any grant funds available to apply for to be used for projects  
782 such as this. Mayor Harris answered no. Council Member Bigler stated it is interesting that there are  
783 funds available for so many thing, but not for a necessity like this. Mayor Harris stated all grants are for  
784 specific types of projects and public works facility do not fit into those categories.

785  
786 Mr. Chandler stated that during the budget discussion there was discussion about a couple of trends that  
787 have helped the City's budget and has created some budget surpluses. He stated the first and biggest  
788 trend is that the City did not fund the motor pool fund, which took a tremendous burden off the operating  
789 expenditures. He stated that is a very short term fix and cannot continue in the long term. He stated the  
790 second thing the City did...in the past they have traditionally used almost all or all of the Class C road  
791 funds to do capital projects. He stated more of the operating expenses have been shifted to Class C road  
792 funds, thereby taking off some of the pressures on those funds. He stated that the City has truly funded  
793 the downturn in the economy on the backs of the streets and capital projects. He stated the end result of  
794 that is that there are some projects that need to get done, but also because Class C road funds are reserved  
795 for certain things, it has been possible to keep other expenses lower and unreserved. He reiterated the  
796 biggest chunk of money available in the capital project fund is from the RDA.

797  
798 Council Member Fawson asked how much money the City had in savings for the public works project.  
799 Mr. Steele stated that number is about \$500,000.

800  
801 Council Member Bigler asked how long it takes, for what is being taken from residents each month, to get  
802 a certain amount of money that is deemed 'extra'. He stated the City has been fixing broken water lines  
803 and other problems, but for a longer term building he would rather put the available cash towards the  
804 building if it meant the case between bonding or not. He asked if it would be possible to look back one  
805 year and compare the amount that was in the funds a year ago to what is in the funds now. He stated that  
806 will give the Council an idea of how the funds are growing even when certain projects are being taken  
807 care of. Mr. Chandler stated that if the Council is talking about saving for the project, they have two  
808 ways to do it. He stated the uncertain way to do that is to hope that the budget will come out better than  
809 expected. He stated that any gap between budgeted expenditures and revenues could be put into the fund  
810 balance. He stated that is a very 'iffy' way to do it. He stated a second downturn in the economy could  
811 impact the sales tax revenue the City receives and sales tax makes up over thirty percent of the City's  
812 revenues. He stated one major street project could easily gobble up any kind of savings like those. He  
813 stated the other way to save for the project is to plan for it and say that a certain amount of revenue every



814 year will be dedicated to those savings and a revenue will be increased to do that or an expense will be  
815 cut. He stated that the determination would need to be made to put aside a certain amount each year.  
816 Council Member Bigler stated he was thinking along the lines of the second option, but the Council does  
817 not know how long it will take to save the money. He stated if the Council is trying to figure out how  
818 much money to take for the facility and still be wise and safe, the Council needs to know how long it  
819 takes to build a savings of \$100,000. He stated that will help him determine how much can be used for  
820 the project.

821  
822 Council Member Bailey stated there is \$1.3 million in the general fund and he asked if that is if the City  
823 has a general fund reserve of 18 percent. Mr. Steele stated that is correct. Council Member Bailey asked  
824 if all of that money were allocated to the public works facility it will not be possible to do any other  
825 capital improvement projects. Mr. Steele stated that is also correct. Council Member Bailey asked if staff  
826 is making any kind of recommendation as to what needs to be done so that the entire treasury is not  
827 raided. Mr. Chandler stated that when the staff and Council meet at the next budget meeting all capital  
828 projects will be prioritized. He stated from that point the Council will be able to decide how much money  
829 should be dedicated to the public works facility. Council Member Bailey stated that he can accept the  
830 staff's philosophy relative to the enterprise funds, but he is having a difficult time with the general fund  
831 and capital project side of things. He stated that it is difficult to know what the City will be faced with  
832 that they cannot do without. Mr. Chandler stated that looking at the long term for general fund type of  
833 expenses there are two dedicated revenue sources; one is impact fees and those revenues must be used for  
834 the purpose for which they were charged. He stated the other is Class C road funds, which the City, up  
835 until the last two years, has chosen to use for capital street projects, but other than that there is not a  
836 dedicated revenue source for capital projects. Council Member Bailey asked if the City is just using the  
837 difference between actual revenues and expenses to fund capital projects. Mr. Chandler answered yes and  
838 stated some years there is more money available than others.

839  
840 Council Member Bailey asked if it would be unreasonable to take what has come from the RDA and  
841 allocate that to the public works facility as a starting point. He stated that is not something the City would  
842 have been planning on. He stated he thinks that the Council needs to see a proposal from staff. Mr.  
843 Chandler stated that if the Council were to give staff direction based on that recommendation and say that  
844 of the \$1.3 million available, the amount dedicated by the RDA will be allocated to the public works  
845 facility, the staff will come back with a recommendation for how to spend the remaining money on capital  
846 projects. He stated that will be based on discussions between the Mayor and administration to prioritize  
847 projects from the various departments. He stated he thinks that is a fairly decent starting point. He stated  
848 that it also brings the discussion to Council Member Fawson's earlier comment; if the City is really  
849 looking into the future and what will need to be replaced, it would be appropriate to have a discussion  
850 about how to fund those needs. He asked if providing money in the capital projects fund should be done  
851 by using the difference between savings and expenditures each year or if the Council wants to start trying  
852 to identify an amount that will be put away each year and discuss how that will affect expenses and  
853 revenues. Council Member Bailey stated he thinks the Council needs to start that process, but start it with  
854 the understanding that they are starting it in a great big hole. He stated there is a massive project that  
855 needs funding somehow and it would be silly to start tucking away other funds for other projects when  
856 there is a great big project that needs everything the City can come up with.

857  
858 Council Member Bigler agreed with Council Member Bailey and stated that he hates to pay interest for a  
859 project when the City has cash to dedicate to it.

860  
861 Council Member Taylor stated he agrees with a lot of what has been said so far. He stated he thinks this  
862 is a 'whack a mole' situation. He stated for every dollar available, there are several places it could be  
863 spent to benefit the City, so this project could be taking a dollar from a future project. He stated the  
864 Council needs to balance what is the right amount to take now. He stated he thinks the questions about

865 funding that have been raised by Council Members Bailey and Fawson are very good points. He stated  
866 that at the same time he would like to say his preference would not be to stretch the City to the breaking  
867 point in terms of using existing funds. He stated he thinks the City should take conservative amounts  
868 such as those that have been presented by Mr. Steele, because there are funds that will be needed for other  
869 projects in the future. He stated using a lot of the available resources on one single project will leave the  
870 City in the hole for future projects. He stated he has an updated version of the slide that was presented in  
871 the most recent public works committee meeting and he wanted to show that to the Council. He stated at  
872 some point it is necessary to get to hard numbers and the sooner that can be done the better. He stated he  
873 would suggest, for discussion, using \$1.25 million from the enterprise funds, \$500,000 from the capital  
874 project and general fund reserve in a combination, \$500,000 from the existing savings. He stated that  
875 totals \$2.25 million in cash. He stated that is a conservative approach that does not stretch the City to the  
876 breaking point and he thinks the Council could discuss a reasonable amount to finance. He stated the  
877 Council could determine the maximum finance amount is 40 percent of the project amount. He stated that  
878 would mean 60 percent of the project amount would be cash or down payment; that would yield \$1.5  
879 million to be financed for a total project budget of \$3.75 million. He stated that is an example or proposal  
880 and he thinks it has some advantages. He stated he knows there are a lot of strong feelings about debt, but  
881 there are other options besides just bonding such as short term financing. He stated if in a year or two the  
882 funds continue to be healthy it will be possible to make additional payments to retire the debt sooner. He  
883 stated if there is more money in the RDA that can also be used to retire the debt sooner. He stated he  
884 thinks using a conservative amount up front and then seeing how that works for a year or two, it may be  
885 possible to retire more debt after that analysis. He stated another idea would be to earmark the money  
886 from the existing site to be used for debt retirement. He stated that there could potentially be several  
887 ways to retire the debt in a timely manner to the point where it may not be necessary to bond for the  
888 project. He continued reviewing his slides and stated that there may be options to complete outstanding  
889 projects in the future. He stated that it would be possible to finish a good project now get the whole site  
890 moved to prepare the other site for sale when the economy improves.

891  
892 Council Member Fawson stated he likes a lot of what Council Member Taylor has outlined, but he has  
893 come up with slightly different numbers. He stated he would recommend using \$1.2 from the enterprise  
894 funds, \$300,000 from the general fund reserve, and \$500,000 in savings. He stated it is obviously more  
895 conservative in the general fund balance side. He stated that he agreed with Council Member Bailey's  
896 point that the City does not know what types of projects may be absolutely necessary in the future. He  
897 stated his proposal totals \$2 million in cash funding for the project. He added he is not opposed to  
898 looking at financing, including bonding, but he likes the idea of short term financing especially where no  
899 pre-payment would be associated with the financing. He stated the total project ceiling would be \$3  
900 million.

901  
902 Council Member Stoker stated she agrees with some of the things that have been said, but she is opposed  
903 to bonding because, as Mr. Chandler pointed out a few meetings ago, the vote for a bond is never  
904 successful. She stated she thinks other financing options are available. She added there are also some  
905 other bigger projects that will be coming down the road and it may be necessary to bond for those types of  
906 projects, but she does not think it is necessary to bond for the public works facility. Council Member  
907 Fawson clarified that Council Member Stoker is not opposed to short term financing. Council Member  
908 Stoker stated that is correct and reiterated she is only opposed to bonding.

909  
910 Council Member Bailey inquired as to the downside of short term financing. He stated he thought the  
911 interest rates are higher, but he asked if that is the only downside. Mr. Steele stated that is his  
912 understanding. Council Member Bailey asked what the City pledges as security for a loan like that. Mr.  
913 Chandler answered the public works facility itself.

914

915 Council Member Taylor asked if the interest rate for short term financing is generally a fixed rate. Mr.  
916 Steele answered yes.

917  
918 Council Member Bigler stated that during the budget meeting Mr. Chandler and Mr. Steele stated there  
919 was \$2 million available for the project and he interpretation of those figures is that it is save to be  
920 somewhere in the \$2 million range. He stated that in the total cost of the project, one of the unknown  
921 factors at this point is land preparation, but there are professionals on the committee and elsewhere in the  
922 City that have built facilities like this. He stated one example is a building in the State of Utah that was  
923 built for \$55 to \$58 per square foot fully furnished with all needed equipment. He stated the committee  
924 chairman Brent Chugg said that he even built a facility for less than that. He stated that the experts that  
925 build facilities like this for a living are saying that the cost to construct should be between \$55 and \$60  
926 per square foot. He stated the committee asked the Public Works Director to provide a presentation  
927 regarding everything he needed in the facility. He stated that the presentation was for a 20,000 square  
928 foot and at \$60 per square foot the cost is \$1.2 million. He stated the property is under \$600,000, so  
929 including the property the cost is \$1.8 million. He stated he would like to do the project right and do  
930 everything at once, including building a large storage building to store equipment. He stated that Brent  
931 Chugg said it is possible to build a storage building for \$30 per square foot because there is nothing to it.  
932 He stated that a 10,000 square foot storage facility would cost \$300,000. He stated that taking the \$1.2  
933 million plus the \$600,000 and \$300,000, that total is \$2.1 million. He stated there would be land prep and  
934 other expenses, but he thinks the project will be somewhere in the \$2 million and that is for the facility  
935 that Public Works Director Blanchard asked for. He stated he was thinking a maximum of \$2.9 million,  
936 but two of the committee members think the entire project, including a storage building, could be built for  
937 no more than \$2.5 million. He stated that just because the discussion is to build in the \$2 million range  
938 rather than \$4 million, that does not mean the City is cutting corners. He stated this is information from  
939 people that have done these types of projects and done them recently. He stated there are some  
940 companies that have said they would help with the land prep work free of charge in order to help the  
941 community and public works employees will also be used to do the prep work they are capable of doing.  
942 He reiterated that the project cost, including the storage building, is just over \$2 million. He stated a  
943 cushion would allow for other aspects of the project and that is why the committee members have said  
944 that the project can be completed for \$2.5 million. He stated that the State of Utah facility that he  
945 mentioned earlier included a heated roof and heated floors and it is a nice facility. He reiterated the main  
946 building would be \$1.2 million, the land would be \$600,000, and a storage facility of approximately  
947 10,000 square feet would be \$300,000. He stated those numbers total \$2.1 million. He stated he thinks a  
948 cushion is necessary. He stated he has looked at project costs for other facilities in other cities and with  
949 recent things that have been done he does not see the need to go outside of the \$2 million range. He  
950 stated the City can get everything it needs for that. He stated that if the City were close to being able to  
951 do the project without any debt, which would be ideal. He stated he has said all along that a short term  
952 loan or a bond is fine, but only if it is necessary. He stated he thinks the committee has enough  
953 information now to know that the project will be in the \$2 million range and he would like to see a  
954 proposal from staff regarding how much cash can be used for the project will still keeping the City safe so  
955 that it is possible to do necessary projects, like fixing water lines.

956  
957 Council Member Bailey stated that if the difference is getting a loan or not getting a loan, it may be better  
958 to allocate the money from internal sources and then only get a loan if necessary to fund a project that  
959 must be done. Council Member Bigler stated that is an option. He stated his preference is to build the  
960 entire project, but if it came down to a question of getting a loan or not getting a loan, there are current  
961 facilities on the current site, such as a storage shed and salt and sand sheds and if those structures needed  
962 to be saved for the time being and rebuilt on the new site a few years down the road, he would be  
963 comfortable with that as well. He stated he would prefer to do it all right now, but if it made the  
964 difference between going into debt and paying interest on that debt...the City will have more cash quicker  
965 to build the buildings if it is not paying interest on debt. He stated there are some options, but he would

966 like to know where the project is at. He stated he would like to see what the staff feels can safely and  
967 wisely be used for the project. He stated he would like the staff's professional recommendation.  
968

969 Council Member Fawson stated he is interested in hearing the Council's 'not to exceed' number. He  
970 stated that in fairness to the public works committee, that is the number that needs to be decided upon  
971 tonight. He stated his 'not to exceed' number is \$3 million. He stated he is comfortable finding a funding  
972 source for a portion of that amount.  
973

974 Council Member Taylor stated that he agrees with Council Member Fawson. He stated at this point the  
975 Council can make all kinds of estimates and he will be very happy if the facility comes in at the prices  
976 that have been discussed. He stated he does not think anyone wants to spend more money than necessary.  
977 He stated he called a member of the public works committee that is intimately familiar with the site and  
978 the potential project and his estimate based on many years of experience is an amount not to exceed \$4  
979 million. He stated that he is not an expert and he is not saying that is 100 percent accurate, but he thinks  
980 there should be a little bit of a buffer because he thinks there are more things that will be necessary as the  
981 project is finalized than may be visible at a glance. He stated based on that information his 'not to  
982 exceed' amount would be somewhere around \$3.5 million. He stated that would be the absolute  
983 maximum.  
984

985 Mr. Chandler stated that he wanted to talk about the agenda for the next committee meeting, which is  
986 scheduled for March 6. He stated Matt Hartvigsen, the City Engineer, will be in attendance to discuss the  
987 site plan for one of the properties that is being considered. Council Member Bigler asked if that is for the  
988 property the City has entered into a contract for. Mr. Chandler answered yes. He then stated that Mr.  
989 Hartvigsen will talk not only about the site plan, but also an RFP and the team that he will use to create  
990 the RFP. He stated the City is in a little bit of a waiting mode; it is not possible to predict what it will cost  
991 until the soil studies are available. He stated there is a little bit of time and he does not know that the  
992 Council needs to make the decision tonight. He stated he would suggest that the discussion continue at  
993 the next Council meeting and he and Mr. Steele will come back with more information based upon the  
994 direction from the Council regarding where the funding will come from and the possible debt sources that  
995 may be available. He stated he thinks that will help the Council get a better picture of the project in  
996 relation to every other project that is demanding attention.  
997

998 Council Member Bigler stated he has a legal question. He stated that relative to possible purchase of  
999 property it is allowed to discuss some aspects of that in a closed meeting so as not to hinder negotiations.  
1000 He stated the committee has voted to use the design-build method and the best way to do that, according  
1001 to some on the committee, is to not give a dollar amount to prospective bidders. He stated he is  
1002 wondering if it will hurt the City's negotiations to publicly announce that the City is willing to spend \$3.5  
1003 million. He stated that companies that may be bidding on the project will see that number. He asked if it  
1004 is possible to keep that number with the committee and not release it to the public. He stated the RFP  
1005 could just communicate what the City wants and ask for the contractors to provide the best plan and price.  
1006 Mr. Chandler stated many of the bids he has seen include an engineer's estimate of the cost. He stated he  
1007 does not know if that is a requirement and the question of what information can be kept confidential is for  
1008 the Attorney to answer. Mr. Call stated his understanding is that the City is allowed to keep prices for a  
1009 piece of land confidential. He stated he can do some more research, but his basic understanding is that  
1010 the City could not keep the information about the potential cost of the project confidential because it is a  
1011 budget and financial decision made by the City. Council Member Bigler asked if it would be allowed to  
1012 make the budget decision after bids have been solicited. He asked if purchase of property is also a budget  
1013 decision. Mr. Call answered yes, but stated the bid process is put in place to drive the price of a project  
1014 down because people that want the job will submit lower bids. Council Member Bigler stated he thought  
1015 the same thing, but since the last committee meeting two of the committee members have called him on  
1016 the phone about the design-build process and told him that when they do projects that way they do not

1017 provide a price. Council Member Bigler asked what would happen if the bids come in higher than what  
1018 someone is hoping to pay. He stated one of the committee members told him it would be foolish to give  
1019 bidders a price because they will add little things to their bid to get it up to their maximum. He stated he  
1020 is simply passing on information from two experts. He stated design-build is a little different than just  
1021 getting bids on different designs and these experts have followed that process. He stated that is why he  
1022 brought it up. Mr. Chandler stated staff can follow up to be certain of what the City can and cannot do.  
1023

1024 Council Member Bailey asked if a motion is necessary. Mayor Harris stated that if the Council is not  
1025 going to take official action tonight, it is appropriate to move on according to Mr. Chandler's suggestion.  
1026

1027 Council Member Fawson stated he agrees with Council Member Taylor about earmarking the money  
1028 made by the future sale of the current public works facility site to pay down any debt associated with the  
1029 new project. Council Member Bailey stated he also agreed wholeheartedly. Council Member Bigler  
1030 stated that same practice has been used in the past.  
1031

1032 Mayor Harris asked staff to find out more about the design-build process. He stated the Council has been  
1033 discussing potential project costs tonight in this open meeting, so it will not be a very big secret what is  
1034 actually available for the project. He stated what will happen is the designers will either add or subtract  
1035 design features based on what the City tells them.  
1036

1037 Mr. Call stated that one additional note is that when the Council held the closed meeting to discuss the  
1038 purchase of the land, they later came out of that meeting and publicly talked about how much money the  
1039 City was authorized to spend. He stated the location of the property was not disclosed. He stated he  
1040 thinks that is the right way to do it, but he will follow up and make sure whether it is allowed to keep the  
1041 budget amount secret. Mayor Harris stated he thinks the City would have a tough time doing that; in the  
1042 projects he has worked on he has seen an engineer's estimate and the estimate, or range, is provided to  
1043 bidders.  
1044

1045  
1046 **7. PUBLIC COMMENTS.**  
1047

1048 Brian Russell, 1151 E. 4300 N., stated this was a good discussion and it was interesting to hear the  
1049 different deliberations and the thoughts of each Council Member. He stated that one thing the Council  
1050 might consider relative to the advanced capital plan, 10 years into the future, the original project had  
1051 everything to handle growth over the next 50 years. He stated that since that has been pared back to only  
1052 handle the present needs, it may be a good idea to consider what could be added to the facility in the next  
1053 10 years and add that to the long range capital plan.  
1054

1055  
1056 **8. CITY COUNCIL, MAYOR, AND STAFF COMMENTS.**  
1057

1058 Council Member Taylor stated he had nothing new to report.  
1059

1060 Council Member Stoker stated that she wanted to follow up on an email from a resident regarding  
1061 garbage cans. She stated that she regards the event as the snow plow bowling for cans. She stated that  
1062 the biggest thing to her is the importance of Council Members responding to emails they receive. She  
1063 stated the resident said that he got responses from some and no responses from other. She added that he  
1064 found the most interesting response was the one from the solid waste people themselves. He stated they  
1065 came to his property during the last snow storm to make sure the cans were out of the way so the plows  
1066 could maneuver the area and they even helped the resident plow his driveway. She then reported on the  
1067 most recent parks and trails committee meeting; they are thinking of some interesting things and she

1068 raised some ideas with Mr. Chandler regarding the Cherry Days celebration. She stated the committee  
1069 talked about doing geocaching and Frisbee golf to add to Cherry Days and make it a little more  
1070 interesting. Mr. Chandler stated there will be a Cherry Days meeting tomorrow and those ideas will be  
1071 discussed then. Council Member Stoker then stated the committee has some grants they are working on  
1072 to get some benches on a couple of the trails and the parks. She added that at Lomond View Park they  
1073 would like to include a dog park. She added they would like to put signs on trails. She then asked when  
1074 the fire hydrant on her street will be repaired; it was taken out last Friday. Mayor Harris stated Mr.  
1075 Chandler can follow up on that. Mr. Chandler asked if it was a car accident. Council Member Stoker  
1076 answered yes, a truck hit it during a snow storm.

1077  
1078 Mayor Harris stated that with respect to the parks and trails committee, the City is working on the  
1079 conservation easement for Barker Park and it is time to get that finalized and into the committee's hands.  
1080

1081 Council Member Bigler asked if the Cherry Days meeting tomorrow is a staff meeting or a committee  
1082 meeting. Mr. Chandler stated it is a staff meeting. He stated that the City is making a shift to a citizens  
1083 committee and the two co-chairs of that committee have been attending staff meetings; those are the only  
1084 meetings currently set up. Council Member Bigler asked if there are any Council Members on the  
1085 committee. He stated he has been on the committee, but he has not heard of any meetings. Mr. Chandler  
1086 stated he will make sure Council Member Bigler is notified, but they have started to shift that to a citizens  
1087 committee. Mayor Harris stated the citizens do not anticipate City Council Members being on the  
1088 committee. Council Member Bigler stated that is great, but he was told that the entire shift to a citizens  
1089 committee would not be done in just one year. Mr. Chandler stated staff is still doing the bulk of the  
1090 work. Council Member Bigler stated that staff is still on the committee, but no Council Members. Mr.  
1091 Chandler stated that the staff has simply neglected to inform Council Member Bigler of the meetings.  
1092 Council Member Bigler stated that it will be great for the citizens committee to take control of the event,  
1093 but it will take some time to get there. He stated that sitting in on those discussion helps with residents  
1094 because Cherry Days is something the residents ask a lot of questions about. He stated the Council would  
1095 not be left in the dark if they are allowed to attend the meetings. Mr. Chandler stated the meetings are all  
1096 on Wednesdays at 2:00 p.m. in order to accommodate the schedules of the co-chairs. Council Member  
1097 Bigler asked how many residents are on the committee. Mr. Chandler stated right now there are only the  
1098 two co-chairs and they will be working on getting other committee members involved. Council Member  
1099 Bigler asked if they are meeting with staff now and with their committee at another time. Mr. Chandler  
1100 stated that they are working with staff and giving input regarding the potential changes. He stated if they  
1101 are not interested in some of the changes they will not be implemented this year. He stated mostly they  
1102 are just getting an understanding of what is involved in Cherry Days, but the staff is doing the bulk of the  
1103 work. Council Member Bigler asked if more people will be invited to the committee. Mr. Chandler  
1104 stated once the co-chairs set up the committee they will be doing their own thing. He stated there will  
1105 always be a staff member or two on the committee to help with coordination, but when they feel  
1106 comfortable running it, the City will step back on the management of Cherry Days and just be there to  
1107 help.

1108  
1109 Council Member Fawson stated that similar to the parks and trails meetings it would be nice to be  
1110 informed of when the meetings take place. Mr. Chandler stated it was just an oversight on his part.  
1111

1112 Council Member Bigler asked if they can hold the meetings later, inasmuch as it is a public meeting. Mr.  
1113 Chandler stated that it is not at the same level as a City Council meeting; it does not need to be advertised  
1114 as a public committee meeting and once the event is totally turned over to them, they will not be bound by  
1115 the laws for public meetings. He reiterated the meetings are held Wednesdays at 2:00 p.m. to  
1116 accommodate the schedules of the two co-chairs.  
1117

1118 Council Member Bailey asked who the two co-chairs of the committee are. Mayor Harris answered  
1119 Marilyn Harris and Jennie Taylor. Council Member Bigler stated that the Council was not told that. Mr.  
1120 Chandler stated they will be selecting committee members to work with them; it may take more than a  
1121 year, but ultimately the event will be turned over to them with some coordination from the staff. Council  
1122 Member Bigler asked if the Council will be notified of who will be on the committee. Mr. Chandler  
1123 answered no and stated that the City is stepping out of the process. Council Member Bigler stated that the  
1124 City is not stepping out this year and it may even take two years to get to that point. Mr. Chandler stated  
1125 this is a hard thing for the City; by turning the event over, the City loses control of how the event will run.  
1126 He stated that the reason the committee is not appointed by the Council is because there are too many  
1127 considerations; the two co-chairs need to be able to choose the people they know they can work with and  
1128 depend upon. He stated that is hard to do with all the considerations the Council needs to go through with  
1129 choosing a committee. He stated it is not something that will require any approval from the Council.  
1130 Mayor Harris stated that it is no different than the parks, trails, and open lands committee; they are  
1131 completely independent of the City. Council Member Bigler stated that the Council actually voted to  
1132 appoint the chair of that committee. Mayor Harris stated that is not correct; the committee chose their  
1133 chair. He stated they are independent and they have no ties to the City except for they asked for a  
1134 representative from the City Council. Council Member Stoker stated that she does not have any say with  
1135 the committee. Mayor Harris stated that she is a member of the board and she is the liaison of the City.  
1136 Council Member Bigler stated the Council voted for Council Member Stoker to be on the committee.

1137  
1138 Council Member Bigler stated that he loves the idea of turning the Cherry Days event over so it is a  
1139 community event rather than just a City event, but in the meantime he is wondering if chairs to a  
1140 committee like that. . .because there is actually a lot of City funding for the event. Mr. Chandler stated  
1141 the Council has committed \$20,000 for the event and everything else is being fundraised. He stated that  
1142 \$29,000 has been raised for the event so far. Mayor Harris stated that does not cover City employee  
1143 salaries. Council Member Bailey pointed out that the event uses City facilities as well. Mayor Harris  
1144 stated that will always be the case. Council Member Bigler stated he thinks it might be wise in the future  
1145 to run the chair positions through the elected officials as long as the City is involved and there is money  
1146 from the City.

1147  
1148 Council Member Fawson stated he wanted to clarify something he mentioned at the last meeting about the  
1149 park fence precedent. He stated he did live next to a park and he mentioned that in the last meeting, but  
1150 there were questions about which park and whether the park was in North Ogden. He stated it was in  
1151 North Ogden and his family did foot half of the bill for the fence between their park and the park  
1152 property. Council Member Bailey asked how long ago that was. Council Member Fawson stated it was  
1153 probably five or six years ago. Council Member Bailey stated the precedent that the City builds the  
1154 fences around the park is not a very old precedent. He stated he thinks that issue needs to be revisited at  
1155 some point in the future and decide the City's policy. Council Member Fawson agreed and stated that  
1156 needs to be done before other residents come to the City asking for a fence in their back yard. Mr.  
1157 Chandler stated the time frame for doing that is mid-June because it will be discussed along with the  
1158 budget. Council Member Fawson then referenced the Digis agreement that the Council talked about a  
1159 few months ago and he asked if there has been resolution on that agreement. Mr. Chandler stated Digis  
1160 has been working to secure an easement, but there is a price tag associated with that easement and  
1161 negotiations regarding that are not yet complete. Council Member Fawson asked if that means the  
1162 agreement has not been signed. Mr. Chandler answered yes and noted Digis is aware the exclusivity  
1163 clause will be removed from the agreement and that is fine. Council Member Fawson then referenced  
1164 Council Member Stoker's comments about the emails from the resident regarding the garbage can issue  
1165 and he noted he did not get any follow up emails about the issue. Council Member Stoker stated that she  
1166 talked to him personally and he told her what had happened. Mr. Chandler stated he thought that he had  
1167 sent the hauler's email to the Council. Council Member Fawson stated that it would be nice to have  
1168 closure on that issue.

1169  
1170 Mayor Harris asked if the resident expected an answer from each member of the Council. Council  
1171 Member Stoker stated he did not clarify that, but he made the comment that it was interesting to see who  
1172 had responded and he appreciated those responses. Mayor Harris stated that if all six of the Council  
1173 Members are going to get an email, a response from just one member would be sufficient. He stated the  
1174 Council needs to agree that is the way they will operate. He stated to that end, in the past the Mayor or  
1175 the City Manager have responded on behalf of the Council. He stated he does not think it is necessary for  
1176 all members to respond. Council Member Bigler stated he would not want to limit that. Mayor Harris  
1177 stated that the Council is free to do what they want to do, but he does not think a citizen should be critical  
1178 of the Council if they get an official response from a City official, but still expect a response from  
1179 everyone. Council Member Fawson agreed and stated he thinks the Council has done a good job over the  
1180 past year on following up on issues that they receive emails about. Council Member Stoker stated that it  
1181 is not so much the fact that everyone should be respond, but who is doing the responding. She stated that  
1182 the resident wants a person in authority to do the responding. She used a church example to make her  
1183 point and it would be good for the Mayor to respond. Mayor Harris stated he thinks things are running  
1184 ok; he was just taken aback by the comment about not everyone responding. Council Member Stoker  
1185 stated the resident was not being critical and he was pleased with the way it played out. Mayor Harris  
1186 stated that being the case, the Council can continue with their current practice. Council Member Bigler  
1187 stated that perhaps the greatest way to respond is not just via email, but he got a response through action.  
1188 Mayor Harris agreed that is the important thing.

1189  
1190 Council Member Fawson stated he wanted to follow up on a point that Council Member Bailey made  
1191 earlier about understanding the hole the City is in relative to funding the public works facility. He stated  
1192 he is looking forward to understanding what kind of hole the City is in and what can be saved to take care  
1193 of future needs. Council Member Bailey stated he thinks it will scare the Council to death. Council  
1194 Member Fawson agreed, but stated he would rather know than not know. He stated he appreciates the  
1195 work staff has done and will continue to do on that front.

1196  
1197 Council Member Bailey stated he had nothing to report.

1198  
1199 Mayor Harris stated that the Youth Council was taken to Salt Lake as part of the local official's day at the  
1200 legislature and they represented the City in the best possible way; they were well dressed and their  
1201 manners were impeccable. He stated they participated in a mock legislative committee meeting and they  
1202 debated a bill that was on the floor. He stated Cameron Diehl from the ULCT took their input and gave it  
1203 to the sponsor of the bill; it was a very positive experience. He stated the Youth City Council is a great  
1204 ambassador of the City and he appreciates the Council's support of them.

1205  
1206 **9. ADJOURNMENT.**

1207  
1208 **Council Member Stoker moved to adjourn the meeting. Council Member Taylor seconded the**  
1209 **motion.**

1210  
1211 **Voting on the motion:**

1212 **Council Member Bailey            aye**  
1213 **Council Member Bigler           aye**  
1214 **Council Member Fawson          aye**  
1215 **Council Member Stoker           aye**  
1216 **Council Member Taylor           aye**

1217  
1218 **The motion passed unanimously.**  
1219



1220 **The meeting adjourned at 9:00pm.**

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1223

1224 \_\_\_\_\_  
Richard G. Harris, Mayor

1225

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1227

1228 \_\_\_\_\_  
S. Annette Spendlove, MMC

1229 City Recorder

1230

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1232 \_\_\_\_\_  
Date Approved