

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 June 7, 2011

4
5 The North Ogden City Council convened in regular session on June 7, 2011 at 5:30 p.m. in the North Ogden City Council
6 Chambers, 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City
7 Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on June 2, 2011. Notice of
8 the annual meeting schedule was published in the Standard-Examiner on January 1, 2011.
9

10 **PRESENT:** Richard G. Harris Mayor
11 Wade Bigler Council Member
12 Ron Flamm Council Member
13 Martha Harris Council Member
14 Carl Turner Council Member
15

16 **STAFF PRESENT:** Edward O. Dickie III City Manager
17 Dave Carlson City Attorney
18 Debbie Cardenas Finance Director/Acting City Manager
19 Dave Nordquist Community Services Director
20 Julia LaSeure Deputy City Recorder
21

22 **EXCUSED:** Annette Spendlove City Recorder/HR Director
23 Brent Taylor Council Member
24

25 **VISITORS:** Cody Deeter Brett Hamblin
26 John Zunbuchen Bob Napoli
27 Dave Hulme Sheryl Ward
28 Donna Hall Linda Stoddard
29 Bruce Hall Rich Kotter
30 Lewis Barker Ann Schmitt
31 Rod Barker Melanie Barker
32 Kim Christensen Aaron Christensen
33

34 **WELCOME**

35
36 Mayor Harris welcomed everyone in attendance. He then offered the invocation and led the audience in the Pledge of
37 Allegiance.
38

39 **CONSENT AGENDA**

- 40 1. Consideration to approve business licenses.
41 2. Consideration to set June 14, 2011 as a date to hold a public hearing to receive comments on
42 an Entertainment Overlay Zone.
43 3. Consideration to set June 14, 2011 as a date to hold a public hearing to receive comments on
44 the final budget for fiscal year 2011-2012.
45

46 **Council Member Harris moved to approve Consent Agenda items 1 through 3. Council Member Flamm seconded the**
47 **motion.**
48

49 **Voting on the motion:**

50 **Council Member Flamm** yes
51 **Council Member Bigler** yes
52 **Council Member Turner** yes
53 **Council Member Harris** yes
54

55 **Voting was unanimous. The motion passed.**
56

57 **PUBLIC COMMENTS.**
58

59 Richard Kotter, 536 E 2750 N, said he lives across from the McCormick property. He mentioned at the last meeting the City
60 Council voted on the sale of the property but it was a close vote and he thought there could be a chance that someone will
61 change their mind. He has lived there for over 30 years. That property is available for purchase at a reasonable price and this
62 is an opportunity that comes up very seldom. He said he thinks it is important to the park's expansion. Cherry Days is held
63 there and it gets very crowded. This additional land would provide more elbow room. The City is growing and increasing in
64 population. If you don't buy it the McCormick's still have some options of what to do. They could rent it out or sell it to
65 someone else. They also have a corral there and horses that are grandfathered in so there could continue to be 17 horses on
66 that ¾ acre. He is concerned with the weeds and seeds blowing around. The budget is tight but there is a way to deal with it
67 and it sounds logical and reasonable. He said he is not opposed to opening the house to rent to a nice family for a few years
68 but the museum has put a foot in the door. It's a once in a lifetime opportunity and he said the City should go for it.
69

70 Lewis Barker, 2720 N 850 E, said he owns some property adjacent to the property to be discussed in item 10. North Ogden
71 purchased that property from his father years ago and he is here to ask some questions. Mayor Harris said since there aren't
72 too many people here we could take a few questions. Mr. Barker said there are two acres in question, are both parcels being
73 considered? Mayor Harris said to his knowledge it is only the 7.2 acre parcel. Mr. Barker asked if there is access to
74 Mountain Rd. Mayor Harris said yes, it will front on Mountain Rd.; there is access through there by the canal and through
75 Heritage Grove. Mayor Harris said there will be access to that parcel. The City needs to maintain access there as well. Mr.
76 Barker asked if it could be legally subdivided if a developer purchased this property. Mayor Harris said to his thinking yes.
77 Mr. Barker asked if the City will guarantee access. Mayor Harris said there would have to be access. Mr. Barker asked if
78 there is secondary water. Mayor Harris said there would have to be. Mr. Barker said Pineview has access and asked whether
79 that would have to be honored? Mayor Harris replied yes. Mr. Barker has an easement there also which will have to be
80 honored. Mayor Harris said yes. Mr. Barker asked if the new owner will be left to deal with the encroachment issues on that
81 property. Mayor Harris said it will be surveyed and those boundaries will be honored. Mr. Barker asked if the City will deal
82 with it. Mayor Harris said he doubts it but the land will be surveyed.
83

84 Bruce Hall, 2548 N 150 E, said his property line will be on the boundary of this property for sale. There is currently a road
85 that has been cut toward Lewis Barker's property. Mayor Harris said that road will stay in City ownership. Mr. Hall asked
86 whether that road would be widened. Mayor Harris said he doesn't know; it depends on the subdivision or the City's needs.
87 He thinks right now no but it would probably allow horse and foot traffic. Mayor Harris said if it becomes a subdivision that
88 could happen.
89

90 **PRESENTATION TO NORTH OGDEN.**
91

92 Mayor Harris acknowledged several members of the North Ogden Civic League who are here tonight. They are Sheryl Ward,
93 Donna Hall and Linda Stoddard.
94

95 Sheryl Ward said she is the past president and explained that the Civic League is donating \$11,400 this year to the City. She
96 said the Chairman of the Projects Committee, Linda Stoddard, has worked with the City to come up with a list of what we
97 really need to do which is attached as attachment A. This has come from projects like the arts festival, afghans and
98 cookbook. The aim of the Civic League is to beautify North Ogden and these are all things that help with that objective.
99

100 Mayor Harris thanked the Civic League for all they do and added that the City has a wonderful partnership with the League.
101

102 **RED CROSS RECOGNITION OF MICHAEL CEVERING, NORTH OGDEN AQUATIC CENTER**
103 **LIFEGUARD.**
104

105 Mayor Harris stated this item is being postponed because Michael Cevering is out of town.
106

107 **DISCUSSION AND INFORMATION REGARDING UTILITY RATES.**
108

109 Debbie Cardenas, Finance Director, explained that approximately two years ago staff came to Council stating that nothing
110 could be found relating to the way the utility rates were set. The enterprise funds were losing money and the City needed to
111 establish a rate scale which required a study of the utility fees. We hired Lewis, Young, Robertson and Burningham (LYRB)
112 to complete the study. That study has since been updated twice. It was presented at the budget retreat in 2010 and 2011 and

113 we want to move forward. The Enterprise Funds are still losing money and we are considering building a new public works
114 facility. She introduced Marc Edminster and Cody Deeter of LYRB.
115
116 Cody Deeter said he has been with LYRB for over six years and he does a lot of work like this. He was brought in on this
117 project because the firm has made an effort to increase their ability to be efficient. He apologized for the study taking so long
118 to get done and said he will be presenting several scenarios that are attached as attachment B. He explained that the fund
119 balance, fund depreciation and coverage are things that affect bond interest and are the targets that LYRB looked at in doing
120 the rate study.
121
122 Council Member Turner asked if the sewer increase from Central Weber Sewer District (CWSD) is included also. Mr.
123 Deeter replied yes.
124
125 Mayor Harris explained to the audience that we have a pass through fee from CWSD that we have to pay. He said he just
126 wants the public to know that we do have that pass through fee.
127
128 Council Member Bigler asked why, if we have the money to borrow from that fund, we would need to increase the rates. Mr.
129 Deeter said the reason for the increase is the level of coverage that they are recommending. If you are satisfied saying this
130 recommendation is the gold standard and maybe we can ratchet that down, that is up to the City Council. Mayor Harris said
131 we are not increasing rates to make up the difference that we are borrowing.
132
133 Council Member Bigler said the 'difference without' column is showing this without the bond or the loan. Mr. Deeter said it
134 is without the bond but the loan is included in that amount.
135
136 Ms. Cardenas said that only affects it in the early years because we are going to pay it back. We still needed the rate
137 increase. Council Member Bigler stated we need the rate increase if we do the bond. Ms. Cardenas said we need the rate
138 increase anyway. Council Member Bigler asked how we can borrow a quarter million dollars out of that fund and then tell
139 the residents they need to pay more. Ms. Cardenas said the increase is the same at the end we are just collecting more in the
140 early years.
141
142 Mr. Deeter referred the Council to the 11" x 17" pages which are part of attachment B. He said these recommendations will
143 get the City the highest credit rating and the lowest borrowing costs.
144
145 Council Member Harris asked when a resident gets their utility bill is that \$22,000 payback cost going to be part of that
146 utility bill. Mr. Deeter replied yes, a little bit but we were still recommending a 25% rate increase in that fund. He said part
147 of the problem is that the residents don't see the pipes in the ground. He understands that it is hard to see it from the citizens'
148 perspective too.
149
150 Council Member Bigler said the '% increase' column shows an increase from the 2012 proposed budget. He asked what the
151 increase is from what people are paying now. Mr. Deeter said there is not a rate increase built into the proposed 2012 budget.
152 Ms. Cardenas said there are no proposed rate increases in our 2011-2012 budget. Council Member Bigler asked whether the
153 25% increase is over and above these numbers. Mr. Deeter said that is correct. Council Member Bigler said he would like to
154 know what that increase is going to be. Mayor Harris wants that reviewed so that we are all on the same page, he suggested
155 adding a column for 2011.
156
157 Council Member Flamm said this is about \$60 a year if the City is using the utility increase to bond. He asked, if we did a
158 general obligation bond what would that mean to the rates?
159
160 Marc Edminster said the feasibility for a general obligation bond is tricky because there are some timing issues. You
161 wouldn't even be able to hold a bond election until November. If you hold an election in November the best case scenario is
162 to issue bonds early February of next year. It has the lowest cost financing available generally but a utility revenue bond is
163 attractive to the bond agencies because the City has control. He thinks they are sufficiently similar that he would not
164 recommend a general obligation bond and added it is a perfectly legal way though.
165
166 Council Member Flamm asked if it is \$60 for a utility bond are we talking a large difference. Mr. Edminster said if you
167 assume they would be issued at the same time he doesn't think it would be a huge difference. Council Member Flamm said it
168 is pretty similar. Mr. Edminster replied yes. Mr. Deeter said they do that calculation but he would guess it will be very

169 similar. Mr. Edminster said under State Law there is a maximum you can bond for so if you use your limit you would be
170 very restricted.

171
172 Council Member Turner asked about Scenario 4; 'no bond'. He said we were \$800,000 short on funds and had to borrow
173 from the General Fund, will this affect that. Ms. Cardenas said no, that is the General Fund and these are Enterprise Funds.
174 She said on scenario 4 if we don't issue bonds the sewer rate is still going up 3%. If we do the bond it is a 22% increase
175 because that 3% is already there.

176
177 Council Member Bigler asked what dollar number staff used for the average resident's bill. Mr. Deeter said there isn't an
178 average bill; it is based on equivalent residential connections.

179
180 Council Member Harris said the only thing that slides on usage is water. Everything else is the same every month. She
181 looked at her bill and might expect it to go up roughly \$6 but it could be less. Mr. Deeter replied yes. Council Member
182 Harris said for the amount of money her household pays on these fees it is an enormous value. She thinks she is getting a lot
183 for that.

184
185

186 **DISCUSSION AND/OR ACTION TO APPROVE THE FINAL ACCEPTANCE OF STONERIDGE**
187 **SUBDIVISION PHASE I.**

188
189 Dave Carlson, City Attorney, referred to the staff report recommending final acceptance of Stoneridge Subdivision which is
190 right on the border with Pleasant View. He said when a subdivision is approved there is a list of infrastructure that the City
191 requires. This is kind of a checklist. The Public Works Inspector has gone out and checked those things. In this case there
192 are two items which will continue. The City will retain 10% of the escrow because the sidewalks are brand new. Assuming
193 there are no problems after a year that 10% will be returned to the developer. The other issue is the requirement of a road
194 between this subdivision and a subdivision in Pleasant View. The City's agreement with the developer is that the road could
195 wait until there were 30 homes constructed in that subdivision. The City will retain money in escrow to complete the road.
196 The two accesses are a fire issue but the Fire Marshal has looked at it and is comfortable waiting.

197
198 Council Member Flamm asked what would happen if the developer sold the other property and to complete the road that
199 property would need to be purchased, that could increase the amount so that the escrow might not cover it. Mr. Carlson said
200 that is a great question that needs an answer. He recommended that this be pulled until the next meeting.

201
202 **Council Member Harris moved to table this item until the June 14, 2011 meeting. Council Member Flamm seconded**
203 **the motion.**

204

205 **Voting on the motion:**

206 **Council Member Flamm** **yes**
207 **Council Member Bigler** **yes**
208 **Council Member Turner** **yes**
209 **Council Member Harris** **yes**

210

211 **Voting was unanimous. The motion passed.**

212

213

214 **DISCUSSION AND/OR ACTION TO APPROVE THE FINAL ACCEPTANCE OF BROWNS FARM**
215 **SUBDIVISION.**

216

217 Dave Carlson said this was originally an RDA project that sits back behind Taco Time off Washington Blvd. It has taken
218 some time to get this to final acceptance. There were some issues in getting everything complete. There were items that were
219 never completed and the City had money in escrow and then that bank went solvent. Mr. Carlson said the Building Official,
220 Gary Kerr, has done a great job on this. He has been very persistent and did a great job staying with the developer and
221 getting him to complete those items. Staff recommends granting final acceptance.

222

223 **Council Member Harris moved to approve final acceptance of Browns Farm Subdivision. Council Member Turner**
224 **seconded the motion.**

225 **Voting on the motion:**
226 **Council Member Flamm** **yes**
227 **Council Member Bigler** **yes**
228 **Council Member Turner** **yes**
229 **Council Member Harris** **yes**

230
231 **Voting was unanimous. The motion passed.**
232

233 **DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION DECLARING REAL PROPERTY**
234 **SURPLUS LOCATED AT APPROXIMATELY 2625 NORTH MOUNTAIN ROAD AND**
235 **AUTHORIZING THE MAYOR TO SELL IT BY ANY COMMERCIALY REASONABLE MEANS.**
236

237 Dave Carlson referred to the last City Council meeting when direction was given for the City to sell this property to pay for
238 the purchase of the McCormick property. In order to sell it the City has to declare it surplus. This property is not planned for
239 any specific use on the General Plan. Once you declare it surplus there are a number of options for the sale of this property.
240 The only restriction is that it be sold by 'commercially reasonable means'. Mayor Harris asked that we consider some
241 additional language on this resolution. Mr. Carlson said he distributed it earlier. One change was to make sure the City
242 preserves an easement to Coldwater Canyon and that the terms of the final sale are subject to the approval of the City
243 Council. It was brought up that is that selling the property right now might not be the best time to sell this property. There is
244 no harm to the City in waiting to sell the property but if the City waits for the real estate climate to get better it would benefit
245 the City. We need to have an understanding that Administration could wait until they feel it is a more opportune time.
246 Council Member Flamm asked if we know how much we paid for this property. Mr. Carlson replied no not right now.
247 Edward O. Dickie III, City Manager, said we usually purchase property for fair market value.
248

249 Council Member Flamm stated he feels this is not a great time to sell and he would hate to put it out there until we have a
250 sure vision of where we are going. He said that would be a nice area for a park. Mr. Carlson said the Council could adopt the
251 resolution tonight or just table this item to a certain date in the future to look at it at that time.
252

253 Council Member Harris asked if this resolution passed tonight declaring it surplus and we just sat on and nothing happened,
254 is there any damage to having it determined surplus? Can you un-surplus it? Mr. Carlson answered yes. Council Member
255 Harris said this is just the first step. Mr. Carlson replied yes.
256

257 Council Member Bigler said the market is tough right now but at a minimum he would like to get some of Mr. Barker's
258 questions answered for him. Why is it going to affect the neighborhood to the south? Where is the road? Council Member
259 Bigler said we are not sure and he wants the boundary lines shown. Mr. Carlson said we know what the parcel looks like and
260 we have a map. Mayor Harris said we haven't had it surveyed yet. Council Member Bigler said he would rather wait until
261 we know for sure.
262

263 Council Member Turner said we are making this more complicated than it is; we are just trying to declare it surplus. We can
264 see on the General Plan where the property is. If it is surplus we can deem it so with this resolution. It still requires City
265 Council approval. He suggested we declare it surplus and added that we don't have to sell it right now; we could sit on it for
266 ten years.
267

268 **Council Member Flamm moved to table this item until the meeting on June 28, 2011. Council Member Bigler**
269 **seconded the motion.**
270

271 **Voting on the motion:**
272 **Council Member Flamm** **yes**
273 **Council Member Bigler** **yes**
274 **Council Member Turner** **yes**
275 **Council Member Harris** **yes**

276
277 **Voting was unanimous. The motion passed.**
278

279 Council Member Bigler said he appreciates us doing that. He said there are others who may have more information and he
280 just wants to see it.

281 **DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE**
282 **A PURCHASE AND SALE AGREEMENT AND TO PURCHASE THE PROPERTY LOCATED AT 545 E. 2750 N.,**
283 **NORTH OGDEN, UTAH.**
284

285 Dave Carlson said the funding mechanism for this was approved at the last Council meeting for the purchase of this property.
286 The Resolution before the Council tonight gives the Mayor the authority to complete the purchase of the property.
287

288 **Council Member Harris moved to approve Resolution 06-2011 authorizing the Mayor to execute a purchase and sale**
289 **agreement and to purchase the property located at 545 E. 2750 N., North Ogden, Utah. Council Member Turner**
290 **seconded the motion.**
291

292 Council Member Bigler said he mentioned this the other night and he is still uncertain how we are going to pay for this. All
293 the projections we saw earlier are based on us paying this all back. Mayor Harris said we have scenarios of how to do that;
294 the plan right now is to pay it back at \$22,000 a year for ten years. He said if we have a bad year we will delay it a year.
295

296 Council Member Harris said she heard about cities being remiss in paying these things back and have gotten in trouble. We
297 have used this method in the past and have paid it back very resolutely. She feels it is important to the integrity of the
298 residents.
299

300 Council Member Bigler asked what the sewer fund is for; what is the purpose of that money. Mayor Harris replied capital
301 improvements in the future and emergencies that may arise. Council Member Bigler asked, if we do this, will we have
302 enough if there is an emergency. Mayor Harris said we may not and that is the risk. Council Member Bigler said if we sold
303 the other property he wants it noted that money will go toward paying this off. He would rather do that than leave it open-
304 ended. He would be more comfortable. Mayor Harris said the intent is to do that very thing.
305

306 Council Member Flamm said he moved here in 1958 and the McCormicks were here at that time and Mrs. McCormick was a
307 Shaw. He said all the homes east of the park were owned by the Shaw family so this could be property that was originally
308 owned by settlers of North Ogden.
309

310 **Voting on the motion:**
311 **Council Member Flamm** **yes**
312 **Council Member Bigler** **abstain**
313 **Council Member Turner** **yes**
314 **Council Member Harris** **yes**
315

316 **Voting was 3 to 1. The motion passed.**
317

318 **PUBLIC/COUNCIL COMMENTS**
319

320 Lewis Barker said he would like to see the City maximize their sale of the property adjacent to his so it could be put to a good
321 use. Right now there is a pit there where gravel was mined and at one time the City did put quite a bit of fill there. He
322 wondered how it will affect a future developer. He asked if it takes the City a while to fill, is there a possibility to put clean
323 fill in there and make it a more attractive piece of property.
324

325 Council Member Turner stated the Parks and Trails Committee will meet tomorrow at 5:30pm.
326

327 Council Member Bigler said on May 9, 2011 we received an email from Mr. Kirk Heneffer regarding water usage. Council
328 Member Bigler said he emailed Mr. Heneffer back saying that is a legitimate argument and recommended that we look at that
329 at a future Council meeting. Mayor Harris said that was resolved with the owner. Dave Carlson explained that is an unusual
330 pocket of land and is outside the service area of Pineview. The City's policy is that the landowners can use the culinary
331 water for irrigation. We sent him a letter stating that he could use the culinary water until the secondary water system goes in
332 over there and then he has to connect to secondary.
333

334 Bruce Hall, 2548 N 1550 E, said Council Member Flamm mentioned the property by the gravel pit has in the past been
335 evaluated as a park. There has been precedence stating that it has been looked at as a park. He asked, if the citizens petition
336 the City to develop that area as a park for public use, would the Council allow the citizens to present something to them?

337 Edward O. Dickie III asked if he is talking about the residents developing and maintaining it. Mr. Hall said the residents
338 have discussed this and wonder whether they can bring forth a plan and a purpose for this property. There are a lot of people
339 who use that property. He suggested it be left in its natural terrain instead of building more homes. He asked the City to
340 consider that. Mayor Harris said we are obligated to listen to the citizens but there is a need for it as a funding source. Mr.
341 Hall asked that the City evaluate and downsize the Public Works complex.
342

343 Council Member Flamm said on June 13, 2011 the Clear the Air Challenge begins. They ask us to reduce the miles we drive
344 by using alternate transportation, trip chaining, etc. They are asking us to make a commitment to reduce the carbon
345 emissions. He referred the audience to www.cleartheairchallenge.org or www.travelwise.utah.gov for more information.
346

347 Council Member Harris said she attended the Museum's open house and it is amazing what that Committee has done. She
348 thought she knew things about North Ogden even though she has only been here since 1985. It was an excellent opportunity
349 to learn things about our community. If they are able to move into the McCormick house it would be a great thing for more
350 residents to see.
351

352 Edward O. Dickie III said he will be meeting with the Museum Committee to discuss the scenario of them renting out the
353 McCormick house.
354

355 **ADJOURNMENT.**
356

357 Mayor Harris proposed recessing the City Council and convening in the MBA and RDA then reconvening in the City
358 Council.
359

360 Council Member Bigler left at 7:43pm.
361

362 Council Member Bigler returned at 8:00pm.
363

364 The City Council reconvened at 8:58pm. No action was taken.
365

366 **Council Member Flamm moved to adjourn. Council Member Bigler seconded the motion.**
367

368 **Voting on the motion:**

369 Council Member Flamm	yes
370 Council Member Bigler	yes
371 Council Member Turner	yes
372 Council Member Harris	yes

373

374 **Voting was unanimous. The motion passed.**
375

376 The meeting adjourned at 9:00pm.
377
378

379 _____
380 Mayor Richard G. Harris
381

382 _____
383 S. Annette Spendlove, MMC
384 City Recorder
385

386 _____
387 Date approved
388
389