

1 NORTH OGDEN CITY COUNCIL MEETING MINUTES

2
3 August 25, 2015

4
5 The North Ogden City Council convened in an open meeting on August 25, 2015 at 6:40 p.m. at
6 the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and
7 agenda of the meeting was delivered to each member of the City Council, posted on the bulletin
8 board at the municipal office and posted to the Utah State Website on August 21, 2015. Notice
9 of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

- 10
11
- | | | |
|-------------------|--------------------|-------------------------------------|
| 12 PRESENT: | Brent Taylor | Mayor |
| 13 | Kent Bailey | Council Member |
| 14 | Lynn Satterthwaite | Council Member |
| 15 | Cheryl Stoker | Council Member |
| 16 | Phillip Swanson | Council Member |
| 17 | James Urry | Council Member |
| 18 | | |
| 19 STAFF PRESENT: | Bryan Steele | City Administrator/Finance Director |
| 20 | Jon Call | City Attorney |
| 21 | Gary Kerr | Building Official |
| 22 | Stacie Cain | Deputy City Recorder |
| 23 | Paul Rhoades | Special Functions Supervisor |
| 24 | Matt Hartvigsen | City Engineer |

- | | | | |
|--------------|------------------|--------------|-------------------|
| 26 VISITORS: | Rick Scadden | Paul Rhoades | William Brechbill |
| 27 | Sharon Brechbill | Keri Harris | Laura Hunt |
| 28 | Karen Collman | Todd Marx | Mitch Sanders |
| 29 | Brian Robbins | Peter Waite | Laura Waite |

30
31 Mayor Taylor welcomed those in attendance.

32
33 Council Member Swanson offered the invocation and led the audience in the Pledge of
34 Allegiance.

35
36 Mayor Taylor then referenced items four and five on the agenda – consideration of a variance for
37 the Ward Farms Subdivision. He noted that the City is required to send notification of such a
38 request to the newspaper and to residents living within 300 feet of the subject property; while the
39 notice to the newspaper was handled properly, there was an error in the notice sent to residents
40 and not all residents received it. He recommended that the Council table consideration of the
41 variance until all noticing requirements can be met. Council Member Bailey stated he would
42 also recommend tabling the item as well to ensure all public are given the opportunity to be
43 involved and the item is dealt with as transparently as possible.

44
45 **Council Member Bailey motioned to table items four and five on the agenda – Public**
46 **Hearing to receive comments to consider a variance for Ward Farms Subdivision – until**

47 **the next regularly scheduled City Council meeting to be held two weeks from tonight.**
48 **Council Member Swanson seconded the motion.**

49
50 Council Member Swanson asked if the lack of proper noticing could have impacted a decision
51 were one made tonight by the Council. City Attorney Call stated it could have an impact on the
52 decision; if someone who did not receive notice challenged the decision, the City would be
53 forced to hold the hearing again.

54
55 **Voting on the motion:**

56
57 **Council Member Bailey** **aye**
58 **Council Member Satterthwaite** **aye**
59 **Council Member Stoker** **aye**
60 **Council Member Swanson** **aye**
61 **Council Member Urry** **aye**

62
63 **The motion passed unanimously.**

64
65 Rick Scadden, 118 E. Lomond View Drive, stated he understands that the Council cannot act on
66 the variance this evening, but he addressed the preliminary plat for the development, which was
67 approved by the Planning Commission. He inquired as to the next step in the process if the City
68 Council approves the variance. Mayor Taylor stated that if the City Council approves the
69 variance the plat would stand approved as is; if the variance is denied the plat will need to be
70 adjusted.

71
72
73 **CONSENT AGENDA**

- 74
75 **1. CONSIDERATION TO APPROVE THE JULY 7, 2015 CITY COUNCIL**
76 **MEETING MINUTES**
77
78 **2. CONSIDERATION TO APPROVE THE JULY 14, 2015 CITY COUNCIL**
79 **MEETING MINUTES**

80
81 **Council Member Bailey motioned to approve the items listed on the consent agenda.**
82 **Council Member Stoker seconded the motion.**

83
84 **Voting on the motion:**

85
86 **Council Member Bailey** **aye**
87 **Council Member Satterthwaite** **aye**
88 **Council Member Stoker** **aye**
89 **Council Member Swanson** **aye**
90 **Council Member Urry** **aye**

91
92 **The motion passed unanimously.**

93
94
95
96
97
98
99

AGENDA

1. PUBLIC COMMENTS

100 William Bricknell, 1890 Fruitland Drive, stated he has lived on Fruitland Drive for 30 years. He
101 discussed traffic on the road, indicating the reason for increased traffic levels and higher rates of
102 speed is that it is the only road that one can travel from 2nd Street in Ogden to 2100 North in
103 North Ogden with no stop sign or traffic signal. He stated the corridor from 1700 North to 2100
104 North is very narrow and there are areas with steep slopes on the side of the road and there have
105 been accidents where residents, livestock, and wildlife have been struck by vehicles travelling on
106 the road. He stated that he understands the concern for safe neighborhoods on property near
107 Fruitland Drive, but noted that connectivity to Fruitland Drive will not increase safety on the
108 road unless it is widened. He stated there are geographical challenges along the corridor and he
109 does not believe that it should be considered an emergency access for new developments below
110 it. He reiterated the road is so narrow that emergency vehicles would not be able to pass other
111 vehicles on the road without creating the potential for head-on collisions. He stated that other
112 options should be considered and he is opposed to opening Fruitland Drive to new developments.
113 He stated the standards or concepts that apply to other developments or roads in the City should
114 not apply to Fruitland Drive because it is unique and connection cannot be made without creating
115 unintended consequences.

116
117
118 **2. DISCUSSION ON THE PUBLIC COMMENT PERIOD FOR THE WEBER**
119 **COUNTY MITIGATION PLAN**

120
121 Mayor Taylor invited Paul Rhoades, Special Functions Supervisor for the Police Department, to
122 provide the Council with information regarding the 2015 Weber County Mitigation Plan. Mr.
123 Rhoades approached and explained the Plan must be updated periodically to demonstrate current
124 activities and efforts of local jurisdictions to mitigate or prevent possible disasters. The Plan was
125 last visited in 2009 and in order for the City to qualify for pre or post disaster mitigation funds
126 from the Federal Emergency Management Agency (FEMA) they must prove the existence of a
127 current mitigation plan. He stated currently in the State of Utah, Salt Lake County is the only
128 jurisdiction that has a plan that would aid them in qualifying for FEMA funding. He reported
129 that Weber County Emergency Management and each of the jurisdictions within the County
130 have created a Pre-Disaster Mitigation Plan to identify the potential natural hazards that may
131 impact the County and mitigation strategies to address these hazards. He stated that through
132 discussion of the Plan he developed a list of projects or measures that have been put in place over
133 the past several years that could serve as pre-disaster mitigation; at the top of the list was the
134 construction of a Public Works Facility, which complies with current building codes. He added
135 that efforts have also been made to improve in-ground infrastructure to stabilize them during a
136 ground shift associated with an earthquake. He listed a few additional projects completed
137 throughout the City that prove proactiveness on the City's part, after which he discussed a 'wish
138 list' of projects that could be completed to further improve safety throughout the City. He stated

139 at the top of that list is the renovation of the Public Safety Complex and continuation of
140 improving in-ground infrastructure lines. He stated some of the types of disasters that the City
141 should be preparing for include: earthquakes, flooding, slope failure and landslides, and wildland
142 fires. He then noted the City has been provided with a copy of the plan that is available for public
143 inspection; the plan is also available online at www3.co.weber.ut.us/mitigationplan2015. He
144 stated a public input period is currently underway and at the conclusion of that period, the Plan
145 will be sent to the State Division of Emergency Management for review before the final draft is
146 completed; following an additional public input period, the Plan will be submitted to FEMA for
147 their review and acceptance in order for the City to be eligible to pre or post disaster funding.

148
149 Council Member Bailey asked if the Council is required to take action on the Plan. Mr. Rhoades
150 stated staff is required to officially introduce the Plan to Elected Leaders for review, but no
151 action is required. Council Member Bailey asked if the document that is currently posted is a
152 draft version, to which Mr. Rhoades answered yes.

153
154 Council Member Satterthwaite inquired as to who is funding the development of the Plan, to
155 which Mr. Rhoades answered FEMA. He noted Weber County hired a consultant to compile the
156 data that makes up the Plan.

157
158 The Council thanked Mr. Rhoades for the information provided regarding the process to update
159 the Plan.

160
161
162 **3. DISCUSSION AND/OR ACTION REGARDING A CONTRACT WITH**
163 **GUNNERSON CONSULTING FOR CELL TOWER LEASE CONSULTING**
164 **SERVICES**

165
166 A staff report from Finance Director Steele explained several months ago, Todd Marx from
167 Gunnerson Consulting made a presentation to the City Council concerning cell tower lease
168 consulting services. The council directed staff to look further into the work Gunnerson
169 Consulting provides and to see if it would be of value to the City.

170
171 Staff sent a copy of the City's current leases to Mr. Marx and he and a colleague reviewed them
172 and sent back an analysis of ways their company might be able to save/earn the City money. I
173 have attached the e-mail I received with the results of their analysis.

174
175 The City has received a request from an existing cell tower lease holder, Crown Castle, to extend
176 our lease with them. Currently our lease ends in 2021 and they are requesting an extension for
177 another 20 years (4 5-years terms). I thought this might be an opportunity to use Gunnerson's
178 services and possibly help us with the extension negotiations.

179
180 Staff asked Gunnerson for their pricing structure and contract which I had Jon review. A
181 majority of the money they would get from the City would be tied to any increase in revenue
182 from negotiations. The pricing in the contract is summarized below:

- 183 - \$200/hour in consulting fees
184 - \$50/hour in administrative fees

185 - For any annual increase rental revenue they are able to obtain for the City, they will
186 receive an amount equal to 1 years' worth of the increased amount less any amount of
187 fees already paid to them for consulting fees related to the negotiations

188 - For any one time revenue they are able to obtain for the City, they will receive 20% of
189 the increase less any amount paid to them for consulting fees related to the negotiations
190

191 While the \$200/hr. consulting fees does sound like a lot, they do have relationships with Cell
192 Tower Leasing companies and have experience in this area so it could benefit the City in the
193 long run.

194
195 Mr. Steele reviewed his staff memo.

196
197 Mayor Taylor noted the City contacted some of the references provided by Mr. Marx, but they
198 are all out of State and he asked if there are any local references. Mr. Marx stated he does not
199 have any Utah references as this is a new market for Gunnerson Consulting; the firm has national
200 cell provider contacts and that will aid in meaningful negotiations between the City and service
201 providers. Mayor Taylor expressed his concern about the lack of local experience and local
202 contacts. He then stated it was his understanding that the City would only be charged a fee in the
203 event that work done by the consultant will result in cost savings or increased revenue, but the
204 proposed agreement indicates the City will be charged regardless of the results of the work
205 performed by the consultant. Mr. Marx stated his goal is to increase the City's revenue. He
206 noted it could take up to 10 hours to negotiate agreements and the City would be charged an
207 hourly rate for that time. Discussion then ensued regarding the means by which Gunnerson
208 Consulting will be able to increase the City's revenues through improved contract negotiations.
209

210 Council Member Bailey inquired as to the typical increase in revenue for a renegotiated contract.
211 Mr. Marx stated that contract increases are typically tied to the consumer price index (CPI),
212 which is one percent over the past 10 years. He stated that if the City missed out on \$50 per
213 month over the life of a 30 year contract, that can equate to tens of thousands of dollars and his
214 company will help to ensure that the City is not losing that money. He stated Gunnerson
215 Consulting has a database that includes revenues for tower sites throughout the country and that
216 is the information used to aid in contract negotiations. Council Member Bailey stated his concern
217 is that when Gunnerson made its initial proposal to the City they communicated that they would
218 evaluate the City's agreements at no risk to the City to determine if there was an opportunity for
219 increasing revenues; however, now the proposed agreement would require the City to pay for
220 these services. Council Member Urry stated it is his understanding that the City would only pay
221 if they chose to proceed with the proposal at the conclusion of the evaluation. Mr. Marx stated
222 that is correct. Council Member Bailey stated that the evaluation that has been provided does not
223 give an indication of the amount that could be saved or new revenue that could be generated. He
224 stated he is concerned about moving forward because he is unsure of the potential results of
225 working with Gunnerson Consulting. Council Member Satterthwaite agreed and added that the
226 City's agreement with Crown Castle only has six years left and there may not be a potential for
227 any savings. Mr. Marx stated that is correct and that would be determined through an evaluation.
228 General discussion ensued regarding the various contracts to which the City is a party that
229 Gunnerson would evaluate, with Mr. Marx stating there is no way for him to guarantee a
230 projected revenue increase without proceeding with a thorough evaluation of such contracts.

231
232 Mayor Taylor inquired as to the typical length of a tower lease agreement, to which Mr. Marx
233 answered that varies throughout the country, but in Utah the norm seems to be 30 years. Mayor
234 Taylor asked if that favors the City or the lessee, to which Mr. Marx answered the lessee.
235 Discussion then ensued regarding the terms of the proposed agreement between the City and
236 Gunnerson Consulting, with Mr. Marx explaining that Gunnerson would be eligible for 20
237 percent of any revenue increases associated with improved agreements. Council Member Bailey
238 stated he is willing to spend a couple thousand dollars to save \$10,000 but he is not willing to
239 spend a couple thousand dollars to save \$2,000 and he asked how Gunnerson can assure the City
240 that will not be the case. He stated that he feels the justification for the agreement provided by
241 Gunnerson is very soft. Council Member Urry stated the worst case scenario would be that it
242 could cost the City \$2,500 to determine whether any revenues associated with the agreements
243 can be increased and he is willing to take that risk, especially given that Gunnerson has
244 experience doing this same thing for other entities. Council Member Bailey asked Mr. Marx to
245 indicate what he feels the worst case scenario could be for the Crown Castle agreement, to which
246 the City is a party. Mr. Marx stated it is difficult for him to indicate a certain saving or increased
247 revenue amount; all he can relay is what his firm has done for other entities in the past.
248

249 Council Member Swanson stated Gunnerson is asking the City to make an investment in hopes
250 of getting a future return on that investment, but he feels the language in the packet and in the
251 proposed agreement is too nebulous and risky; he is not comfortable with those types of
252 investments because he feels it is a gamble. Mr. Marx stated he would be willing to provide
253 additional information, specific to Crown Castle, that may address the Council's concerns
254 regarding the proposed agreement. Mayor Taylor stated that would be appreciated. Mr. Marx
255 then provided a brief overview of the professional background of the owner of Gunnerson
256 Consulting stating he is confident that his firm can provide value to the City.
257

258 Mayor Taylor then stated that the termination clause in the proposed agreement was not clear to
259 him; he asked if the contract would be terminated upon a notice of termination being issued or
260 upon the termination of any agreements negotiated. City Attorney Call stated the City could
261 terminate the agreement at any time upon giving 10-days notice to Gunnerson. He then noted
262 there may be an opportunity for the City to negotiate more favorable terms in the agreement,
263 such as waiver of the hourly fee in return for Gunnerson receiving a higher percentage of any
264 increased revenues associated with tower contract amendments. He stated that would result in
265 less risk to the City. Mr. Gunnerson stated that is something he has done for other entities and he
266 is open to be flexible with the City.
267
268

269 **4. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER A VARIANCE**
270 **FOR WARD FARMS SUBDIVISION**
271

272 This item was tabled until the next regularly scheduled Council meeting.
273
274

275 **5. DISCUSSION AND/OR ACTION TO CONSIDER A VARIANCE FOR WARD**
276 **FARMS SUBDIVISION**

277
278 This item was tabled until the next regularly scheduled Council meeting.
279

280
281 **6. DISCUSSION AND/OR ACTION TO CONSIDER THE CITY ATTORNEY**
282 **CONTRACT**
283

284 A memo from Mayor Taylor explained the City's contract with Anderson Call & Wilkinson for
285 City Attorney services has expired. This firm has provided excellent services for the City, and
286 the Mayor has been very satisfied with their work, availability, price value, and knowledge.
287 While the City has been very satisfied with their work, the decision was made to go through a
288 new bid process for City Attorney services, to ensure the City is receiving the best services and
289 value for our residents. Accordingly a bid for City Attorney services was posted last month.
290

291 A Selection Committee comprised of the Mayor, City Council members Swanson and Stoker,
292 City Administrator Bryan Steele, NOPD Chief Kevin Warren, and City Recorder Annette
293 Spendlove interviewed applicants on August 19th. After concluding the interviews, the
294 Committee unanimously agreed to recommend contracting with Anderson Call & Wilkinson for
295 our City Attorney services. They felt this way because of the deep knowledge and experience of
296 municipal and land use law matters in the firm, because this firm is local to our city and able to
297 readily attend all City Council and Planning Commission meetings, and because the firm has
298 provided excellent services to the City in the past.
299

300 Included in the Council packet was a contract for City Attorney services recommended by the
301 Mayor. This contract is for a 2 year period, but may be terminated on 30 days' notice in the event
302 the City is not satisfied with the services provided. There are various price tiers for services
303 provided. In the previous contract, the City had opted to use Tier 1, paying for 22 hours of
304 attorney time per month. The City has been using an average of 31.3 hours per month, however,
305 and Mayor Taylor recommends the City start the new contract at Tier 2. The City has been using
306 more attorney services over the past year because the Mayor has relied heavily on the City
307 Attorney for a number of matters as the City no longer has a City Manager. Additionally, there
308 are a large number of major initiatives going on in the City, which require extensive attorney
309 services. These include development of a Master Planned Community zone and mixed-use
310 projects, creation of a Community Development Area (CDA), etc. The Mayor expects to
311 continue to use roughly 30 hours of attorney services for the foreseeable future, and it makes
312 sense to pay for Tier 2, rather than consistently going over our tier's hours and paying the higher
313 "additional time" rate.
314

315 Mayor Taylor reviewed his memo.
316

317 Council Member Satterthwaite asked if the City is locked into the tier selected for a six-month
318 period, to which City Attorney Call answered yes; however, he noted it may be possible to
319 decrease that period to four months if the City so desires. He stated that setting the time period
320 helps his firm to understand the number of clientele they can serve at any given time.
321

322 Council Member Urry inquired as to the potential cost savings associated with moving to Tier 2
323 in the contract. Mr. Call stated that the City will no longer pay higher rates for “additional time”.
324 He noted he had previously discussed possibly charging different rates depending upon the
325 service he is providing for the City, but that would be too difficult for him and City staff to track
326 so they opted to stick with one hourly rate included in Tier 2. Mayor Taylor noted that the
327 difference between Tier 1 and Tier 2 for 30 hours in a given month is a \$350 per month.

328
329 Council Member Bailey inquired as to the amount of money included in the budget for attorney
330 services. Finance Director Steele stated he cannot recall the exact amount off the top of his head,
331 but he estimated the budget amount to be \$30,000. Council Member Bailey stated he appreciates
332 the City having access to Craig Call for land use training. He stated he is very concerned about
333 some of the recent actions of the City’s Planning Commission, which could create long term
334 problems for the City and land use training would be very helpful in educating them regarding
335 their responsibilities.

336
337 **Council Member Bailey motioned to authorize execution of a service contract with**
338 **Anderson, Call, & Wilkinson for attorney services with Tier 2. Council Member Stoker**
339 **seconded the motion.**

340
341 Upon discussion of the motion, the Council discovered the actual agreement was not included in
342 the packet and they were not comfortable approving without access to the document. Mr. Call
343 stated it would be fine to table the action until the next meeting and he will wait to begin billing
344 under the Tier 2 schedule until that time.

345
346 **Council Member Bailey withdrew his motion.**

347
348
349 **7. DISCUSSION ON A RAIN BARREL PROGRAM**

350
351 Mayor Taylor noted that several residents have expressed interest in a rain barrel program after
352 hearing that many other entities have created similar programs. He noted staff has developed a
353 presentation including information about such a program.

354
355 Finance Director Steele played a short video clip from a local news station providing information
356 regarding rain barrel programs, after which he used the aid of a PowerPoint presentation to relay
357 the information staff has gathered regarding rain barrel programs.

- 358
359
- Utah is one of the highest users of water in the country
 - Idea was created to help conserve water by capturing rain water and re-using it to water plants, gardens etc.
 - The gallons per capital per day of water usage is 295 in the average Utah city, compared to 144 in Los Angeles, 168 in Denver, and 223 in Las Vegas.
- 360
361
362
363
364

365 Council Member Swanson stated that he saw the water usage data in a recent Utah League of
366 Cities and Towns (ULCT) training and the attendees were told that this data is inaccurate; in
367 Utah the population is divided by the amount of water delivered, but in Las Vegas the water used

368 in hotels or tourism driven activities is not counted and all affluent that is treated and dumped
369 back into Lake Mead is subtracted from that amount as well. He stated their water usage is much
370 higher than any Utah city. He stated that he is very supportive of water conservation, but he
371 wants it based on correct numbers. Council Member Bailey agreed and stated he feels there is
372 enough justification for a rain barrel program without relying upon those numbers.
373

374 Mr. Steele continued his review of his PowerPoint presentation, beginning with a slide regarding
375 how a rain barrel program works:

- 376 • Anyone can order a barrel and participate in the program
 - 377 • People order up to 4 50-gallon barrels from the rain barrel program website
 - 378 • They are given a location where they can pick up the barrel(s)
 - 379 • Residents are required to do the installation of the rain barrels (You-Tube video on
380 website or instructions)
 - 381 ○ There is some modification to the downspout to make the barrel fit
 - 382 • Some cities are subsidizing part of the cost of the barrels
- 383

384 He then reviewed the costs associated with a rain barrel program:

- 385 • For residents of non-participating cities the cost is \$74 per barrel
 - 386 • For residents of participating cities the cost to residents is \$40 per barrel (\$34 subsidy by
387 the city)
 - 388 • If the city decides to participate, the minimum quantity to subsidize is 100 (a minimum
389 initial investment of \$3,400)
 - 390 • If the city chooses to participate, the earliest they could have a Pickup event would be in
391 the fall. (This would piggy back onto Ogden's Pickup)
 - 392 • If the City wanted to do a separate event, then we could schedule one next spring (2016)
- 393

394 Council Member Bailey stated he is concerned about the high cost for a barrel, which should be
395 fairly inexpensive. He added that he also does not like that the Utah Rivers Council is
396 determining what the City's subsidy for the program should be and, instead, the City should have
397 the opportunity to negotiate the subsidy amount, if any.
398

399 Mr. Steele then concluded by providing website addresses for entities that provide additional
400 information about the rain barrel program.
401

402 The Council engaged in a discussion about the program with Council Members Swanson and
403 Stoker stating they support the program, but they are not willing to subsidize it. Council Member
404 Swanson stated he would like to provide all relevant information to the citizens and inform them
405 of how they can obtain a barrel and participate in the program. The rest of the Council Members
406 agreed and Mayor Taylor noted the City can provide information via the City newsletter and on
407 the website.
408
409

410 **8. DISCUSSION ON AN OFFER FROM QUESTAR TO PURCHASE CITY**
411 **PROPERTY ON 450 E**
412

413 A staff memo from City Planner Brian Smith explained Questar Gas Company is proposing to
414 purchase property owned by the City located at approximately 400 East 2900 North for the
415 purpose of constructing a public utility station. The property is currently zoned Single Family
416 Residential (R-1-8 AG). The city acquired the property in 2006 for the purpose of drilling a
417 water well; however the well is not functional.
418

419 The applicant is proposing to purchase the property from the city. The applicant, after receiving
420 approval to consider selling the property will proceed with the acquisition process. During this
421 process the applicant will order a title report, appraisal for valuation for the site, and provide a
422 written offer to purchase the property.
423

424 Questar gas will be improving the utility service for the residents and businesses in the area. If
425 the property is purchased, the site will go through a conditional use permit review.
426

427 ORDINANCE COMPLIANCE

428 3-1-9 DISPOSAL OF CITY PROPERTY

- 429 A. Petition: Department heads shall petition the city administrator and mayor to declare
430 property surplus, obsolete or unusable.
- 431 B. Advertise: Any property thus classified with resale value shall be advertised for sale by
432 the city recorder.
- 433 C. No Resale Value: Property not deemed to have any resale value shall be disposed of by
434 the department head in the manner deemed to be in the best interest of the public and
435 approved by the city administrator.
- 436 D. List; Bid Refusal: The department head shall provide the finance director with a list of all
437 such property disposed of so that it may be removed from the list of city assets. The city
438 may refuse any or all bids on items offered for sale.
- 439 E. Alternative Disposition: In accordance with the terms of Utah Code Annotated section
440 10-8-2, the city may make a finding that a use or disposition of certain city property
441 provides for the safety, health, prosperity, moral well-being, peace, order, comfort or
442 convenience of the inhabitants of the city, in which case the city council may authorize
443 the purchase, receipt, holding, selling, leasing, conveying and other disposition of real
444 and personal property for the benefit of the city, whether the property is within or without
445 the city's corporate boundaries and under the terms of such a finding is not obligated to
446 sell such property at bid but may improve, protect, and do any other thing in relation to
447 this property that an individual could do.
448

449 The memo offered the following summary of potential City Council considerations:

- 450 • Does the City Council want to entertain selling this property?
451

452 The memo concluded if the City Council determines that this property should be sold; then staff
453 will process the appropriate advertisement and receive offers for purchase. These offers will be
454 brought back for City Council final approval.
455

456 Finance Director Steele reviewed the staff memo.
457

458 Council Member Bailey inquired as to what Questar plans to build on the property and how it
459 would impact nearby residents. City Attorney Call stated he has seen the site plan for the
460 project, noting Questar would like to build a sub-station on the property and it would be
461 surrounded by a concrete wall. Council Member Urry stated he would like to inform the nearby
462 residents of the possibility of Questar purchasing the property and their plans for its use. After a
463 brief discussion regarding the impact the proposed project would cause to the area and a review
464 of the site plan, Mayor Taylor asked the Council to consider what else the City may like to use
465 the property for. He noted that a portion of the property will be needed to accommodate the
466 future widening of Washington Boulevard and he would like to preserve public access from
467 nearby residents to Washington Boulevard.

468
469 Council Member Bailey stated it is very important that the City understand exactly what the
470 project will look like and the impact it will have on nearby properties. Council Member
471 Satterthwaite agreed.

472
473 Mayor Taylor then asked Mr. Call to summarize the process the City would need to follow if the
474 decision were made to sell the property. Mr. Call noted the Council would need to act to declare
475 the property available for sale after which an advertisement soliciting bids for the purchase of the
476 property would be published. He added there is an opportunity to invoke restrictions on the sale
477 as well. General discussion continued regarding the process for disposing of City property, with
478 Mr. Call noting that anyone purchasing City property with the intent to develop it would need to
479 follow the City's development approval process and comply with all City ordinances. There was
480 also a discussion about some of the property's characteristics as the Council reviewed an aerial
481 photograph of the property and photographs of the type of structure that Quester may be
482 interested in building on the property.

483
484 Mayor Taylor concluded City Administration will work to determine the impact the development
485 of the property would have on adjacent properties and obtain exact photos from Questar of what
486 the structure would look like. He stated he will also find out if they will need to do extensive
487 excavation in the area to complete their project. He noted he will provide information to the
488 Council at a future date.

489
490
491 **9. DISCUSSION AND/OR ACTION TO ADD A PUBLIC UTILITY EASEMENT**
492 **AND AGREEMENT ONTO CITY OWNED PROPERTY, LOCATED AT 3175 N**
493 **FOX LANE**

494
495 A staff memo from City Planner Smith explained CenturyLink is requesting the City Council
496 approve a utility easement to install equipment on city owned property located at approximately
497 3715 North Fox Lane. The property is currently a detention basin owned by the city.

498
499 When this Subdivision was approved, this parcel did not have a public utility easement placed
500 upon it. Century Link is requesting that a public utility easement be established. Century Link
501 has prepared an agreement establishing an easement.

502
503 ZONING ORDINANCE COMPLIANCE

504 12-2-2: Definitions

505 EASEMENT: That portion of a lot or lots reserved for present or future use by a person or
506 agency other than the legal owner or owners of the property or properties. The easement may be
507 for use under, on or above the lot or lots.

508

509 The memo offered the following summary of potential City Council considerations:

- 510 • Does the proposed use meet the requirements of the applicable City Ordinances?
- 511 • Should the easement be granted for all utilities?

512

513 The memo included suggested conditions of approval:

- 514 • Applicant to obtain appropriate building permits

515

516 The memo concluded if the City Council determines that granting the easement to Century Link
517 with the recommended conditions is appropriate; then the agreement can be approved.

518

519 Finance Director Steele reviewed the staff memo.

520

521 Council Member Bailey asked where utility easements are typically located in developments. He
522 stated he has noticed utility boxes in other areas of the City located in residents' yards or in the
523 park strip. He asked why CenturyLink does not use an existing utility easement to install their
524 infrastructure in this situation. Building Official Kerr noted that in this case the utility easement
525 stops at the City's detention basin and picks up on the other side and they cannot get across the
526 property. Mayor Taylor added CenturyLink is asking for a larger public utility easement than
527 normal.

528

529 Council Member Swanson asked if this type of request is any different than a request to install a
530 cell phone tower on City property. Mr. Call answered yes and noted a six foot height limitation
531 would be imposed on CenturyLink for the structure they plan to install. Council Member
532 Swanson stated that his question was from more of a lease perspective; he asked if CenturyLink
533 would be required to lease the ground from the City for their infrastructure. Mr. Call noted that
534 for the type of device CenturyLink is seeking to install the City recoups an amount of money
535 through the franchise fee that residents pay; that is why these types of structures are allowed
536 within a public utility easement.

537

538 The Council reviewed a photograph of the property and had a discussion regarding where the
539 structure would be installed and what it's appearance would be, after which Council Member
540 Satterthwaite stated he would like to delay making a decision on this issue until a representative
541 of CenturyLink is available to provide the Council with more information. Mayor Taylor and the
542 rest of the City Council agreed. Mayor Taylor added that he wants to have a large discussion
543 regarding whether utility infrastructure should be permitted in detention basins of the City.

544 Council Member Bailey stated he would support such a discussion. He asked if there is a way
545 for the City to require that utility companies who install infrastructure in a City road have to
546 repair the road to a certain standard. Mr. Call stated that the Utah Department of Transportation
547 (UDOT) has a policy that enacts a moratorium on road digging for a certain period of time after
548 completion of a road project; the road may only be disturbed in case of emergency and it may be
549 possible for the City to enact a similar policy. Council Member Bailey stated he would like to

550 consider a policy so that new, beautiful roads are not disturbed once they are completed. Mayor
551 Taylor suggested that the City should also enact a fine for utility companies that dig without a
552 permit from the City. Council Members Bailey and Swanson agreed and stated that the impact
553 of cutting and patching roads for utility installation is huge. The Council engaged in a brief
554 discussion regarding various locations throughout the City where roadways are damaged or
555 failing due to a company's failure to repair a road to public works standards. Mayor Taylor
556 instructed Mr. Call to check into statutory limits for fines or fees the City can impose on utility
557 companies or others cutting City roads without a permit. Council Member Swanson also asked
558 Mr. Call to research the option for placing a moratorium on road cuts for a specified amount of
559 time. Mr. Kerr added that the one question he has relates to a new home being constructed on a
560 parcel of property and they must connect to utilities located in the road; he wondered if a
561 moratorium would apply in those situations. Mayor Taylor stated that road boring may be
562 required in those situations. He then concluded CenturyLink will be invited to a future meeting
563 to discuss this issue further.

564
565

566 **10. UPDATE ON COMMUNITY DEVELOPMENT AREA (CDA)**

567

568 A memo from Mayor Taylor explained Utah State Law allows cities to create CDA's in order to
569 foster commercial and residential development or to redevelop older, blighted areas. In many
570 ways the CDA is similar to a Redevelopment Area (RDA), but the CDA format allows for
571 greater flexibility between the city and taxing entities to arrive at a tax increment sharing
572 proposal that works for all parties. The basic idea of a CDA is that a city identifies parcels that
573 would benefit from development or redevelopment, and seeks to identify possible public
574 contributions that could be made to stimulate development (contributions could include
575 infrastructure items such as roads, utilities, etc., or items such as facade improvements, or
576 building demolition in blighted areas). In order to get the funds to stimulate growth, the city asks
577 other taxing entities to grant a certain amount of the future tax increment that will occur once on
578 the CDA parcels to the city. This facilitates the City to make public participation investments
579 into projects within the CDA, and all taxing entities benefit as the economic development occurs
580 and property taxes are increased above what they otherwise would have been, due to the
581 economic stimulus. The City will negotiate an agreement with each taxing entity relative to the
582 terms of the proposed tax increment split, including a length of time and a percentage of the tax
583 increment to be granted to the CDA.

584

585 Enclosed is our draft CDA plan that I will present during the City Council meeting. This plan
586 represents nearly 18 months of work. Zion's Bank Public Finance has been the consultant for the
587 development of this plan, and the plan has been carefully reviewed by the Economic
588 Development Committee, who unanimously recommended adoption of this plan during the
589 August 18th meeting.

590

591 The Plan will be before the City Council for final approval during the Sept. 22nd meeting.
592 During the next month we will be receiving comments and input from residents, property
593 owners, other taxing entities, and any other interested parties. Based on this input and your
594 priorities, we will then prepare a formal proposed plan for the Sept. 22nd meeting.

595

596 Mayor Taylor reviewed his memo and reviewed a map to identify the proposed boundaries and
597 the properties to be included in the proposed CDA. He also offered a summary of the reasons for
598 including various commercial properties in the CDA, focusing on redevelopment opportunities
599 throughout the City. He noted the focus of the CDA project area has been on and around
600 Washington Boulevard and the Taxing Entity Committee (TEC) has expressed no opposition to
601 the plan to date.

602
603 Council Member Urry asked if there is a requirement for the CDA plan area to be contiguous, to
604 which Mayor Taylor answered yes and indicated that is why all of Washington Boulevard is
605 included in the area as it connects all properties to one another. He then identified the properties
606 along Washington Boulevard that are already included in the City's existing Redevelopment
607 Area (RDA), noting that the same properties cannot be included in the CDA as well. He stated
608 the City's RDA has been very successful and facilitated much economic development. He also
609 briefly discussed a redevelopment plan in the works to revitalize the North Ogden (King's) Plaza
610 and stated he is receiving regular updates from the City's Economic Development Consultant
611 regarding the progress of that process. The Council then engaged in general discussion
612 regarding the properties included in the CDA, with some suggestions to include additional
613 properties. Mayor Taylor noted that including additional properties would require the City to go
614 back to the TEC for approval. He then noted the total amount of property in the CDA is
615 approximately 90 acres with a taxable value of \$16.9 million; much of the property is vacant and
616 some of it is tax exempt, which was one selling point to the TEC as they are currently not getting
617 any tax revenue from the properties, but will get tax revenue upon future development due to
618 projections that the area could generate nearly \$12 million in new tax increment. He then
619 provided a breakdown of the contribution each agency in the TEC would make to the CDA,
620 noting in this case the Weber School District will only contribute a 35 percent share though it is
621 common practice for taxing entities to contribute 50 percent of their share; the biggest
622 contributor is North Ogden City contributing 75 percent of new increment to facilitate the
623 completion of CDA projects. He added that the dollar amounts associated with new increment
624 are very conservative as they only include development that could occur on two properties in the
625 project area. He then read the following statement from the draft CDA Project Area Plan:

626
627 "Increment is needed in order to pay for the following infrastructure and improvements or
628 like infrastructure and improvements to the Project Area as determined by the Agency. While
629 flexibility is granted to the Agency in determining expenses in the Project Area, the
630 following is the Agency's best estimate of projects and accompanying expenditures needed in
631 the Project Area. In addition to the projects listed below, the Agency intends to keep four
632 percent of the Agency revenues for administrative costs associated with administering the
633 RDA. The projected administrative cost is approximately \$217,332."

- 634
- 635 • Washington Blvd. Waterline (extraordinary cost of development) \$110,000
- 636 • Relocate 2700 N. Detention Basin to prepare exempt public land for commercial
- 637 development \$1,680,240
- 638 • 2700 N. Detention Basin Fill to prepare exempt public land for commercial development
- 639 \$320,000
- 640 • Bury Power Lines on Washington Blvd. to stimulate higher-end economic activity
- 641 \$1,600,000

- 642 • 2550 N. Road & Sidewalk Improvements to prepare street for additional commercial
643 traffic \$430,000
- 644 • 2700 N. Capping of Water Sources to prepare exempt public land for commercial
645 development \$9,000
- 646 • Widen 2600 N. at Washington Blvd. to accommodate additional commercial traffic
647 \$497,000
- 648 • Beautification of Washington Blvd. to stimulate economic growth \$125,000
- 649 • Widen Sidewalks on Washington Blvd. to facilitate bike/ped access to commerce
650 \$500,000
- 651 • Demolition & Environmental Remediation of old Public Works Site to prep for
652 development \$500,000
- 653 • Create Downtown Trailhead Park at Washington Blvd./1900 North \$300,000
- 654 • Install Pedestrian Bridge over Washington Blvd. to encourage pedestrian commercial
655 activity \$900,000
- 656 • 1700 North Road Construction (extraordinary cost of development) \$1,050,000
- 657 • Old Smith's Building and Adjacent Strip Mall Façade Work Credit to stimulate
658 redevelopment \$300,000
- 659

660 The total project value is estimated at \$8,321,640 and all taxing entities have looked favorably
661 upon the proposal to date. He then stated he would entertain questions from the Council.
662

663 Council Member Satterthwaite stated it appears there are administrative fees associated with the
664 CDA, but there will be a fair amount of work to be done to fund projects through other means.
665 Mayor Taylor stated that is correct, but noted that many of the projects will be grant eligible. He
666 added there is no obligation to complete the projects and spend the amounts listed in the Plan if
667 funding is not available. He discussed various funding options until the CDA is creating a
668 positive cash flow to reinvest in the area.
669

670 Council Member Urry emphasized his feeling that there are additional properties that would be
671 prime for inclusion in the CDA. He stated he suggested the same throughout the process of
672 consideration of creation of a CDA and he is unsure why those properties were not included in
673 the draft Plan area. Mayor Taylor stated there has been much discussion about the project area
674 and there are various reasons why certain properties were not included in the Plan area. He
675 added that the Council adopted a resolution two months ago approving the draft Plan area and it
676 would be very difficult and costly to amend it at this point to include additional properties.
677 Council Member Satterthwaite added that there are some projects in the draft Plan area that are
678 ready and waiting for this action to be completed. Council Member Urry stated he is simply
679 trying to express that suggestions that he made early on in the process were ignored. Mayor
680 Taylor apologized that Council Member Urry feels that way and indicated that was not done
681 intentionally. Council Member Urry stated some have said the same thing about the General
682 Plan update process; many steering committee members have indicated their concerns or
683 suggestions were ignored. Council Member Bailey stated the most appropriate time for Council
684 Member Urry to raise this concern would have been two months ago when the Council adopted
685 the resolution approving the draft Plan area. He stated he feels the process is too far down the
686 road to change the Plan now. He added that he makes suggestions all the time that go nowhere
687 and he recognizes it is his responsibility to continue to raise that concern until it is addressed.

688 Discussion and debate regarding Council Member Urry's concern continued, with Mayor Taylor
689 concluding there will be future opportunities for including additional properties in new CDAs.
690 He then reviewed the timeline for establishing the CDA, which will set in motion the actions for
691 various entities to consider agreements with the City giving their consent and support to the
692 CDA. Council Member Bailey thanked the Mayor and staff for all the work that has gone into
693 the proposal to create a CDA. Mayor Taylor stated that he feels if the RDA and CDA are
694 handled appropriately, they are tools that will change the entire look of Washington Boulevard
695 throughout the City. Council Member Bailey stated his only concern is trying to spread
696 commercial uses too thin along the entire length of Washington Boulevard rather than focusing
697 on a true commercial downtown or City Center. Mayor Taylor agreed and added that is why
698 there is a need to include some residential uses along Washington Boulevard as well.
699

700 The Council engaged in a brief discussion about the potential to eventually acquire a home near
701 Kirt's Drive-In to preserve as a historical site in the City as it was used as the first school house
702 in North Ogden, which was followed by a high level discussion regarding road configuration
703 throughout the CDA Plan Area, specifically around the North Ogden (King's) Plaza. Mayor
704 Taylor provided the Council with information regarding work that has been done by the City's
705 Economic Development Committee pertaining to beautification of the Washington Boulevard
706 corridor, including adding new flower planters, benches, and trash cans with the City's logo to
707 commercial properties. He added there are also plans to use vinyl wraps to cover utility boxes in
708 the downtown area as well; it will improve the look of the area and convey a great message to
709 visitors. He added the Economic Development Committee would also like to do a mural contest
710 on the back of one of the older buildings in the North Ogden Plaza. The Council had a discussion
711 regarding whether a mural would not comply with the City's zoning standards relative to colors
712 allowed on buildings throughout the City. Council Member Bailey stated he would be most
713 comfortable with a nature scene that blends in with the mountains behind the building. Mayor
714 Taylor added there is also a proposal to paint murals on sound walls; the entire Council stated
715 they would be opposed to that concept.
716
717

718 **11. PUBLIC COMMENTS**

719
720 There were no public comments.
721
722

723 **12. COUNCIL/MAYOR/STAFF COMMENTS**

724
725 City Attorney Call noted that he has been reviewing the City Code regarding unpermitted street
726 cuts and found that such an action is a Class B Misdemeanor and a violator can face up to six
727 months in jail and a \$1,000 fine. He stated that if anyone sees that happening again they should
728 refer the situation to the City Police and the prosecutor. He stated there is a provision for
729 emergencies.
730

731 Council Member Satterthwaite stated that he would like to see a copy of the documentation
732 provided by City staff to Jack Barrett, the owner of the property to be developed south of
733 Country Boy Dairy. Mayor Taylor stated that he would get that information to the Council.
734 Council Member Bailey stated the proposal is being reviewed by the Planning Commission at

735 this point and it would be beneficial to provide input before it goes too far. Mayor Taylor agreed
736 it is a project that needs careful review as it is a very far reaching project; if it is not done right it
737 could turn into an eyesore. He stated it may be beneficial to have a discussion about the project
738 during the September work session.

739
740 Council Member Satterthwaite then stated that the discussions about the North Branch Library
741 project in North Ogden have been referred to as 'actively dying'. Mayor Taylor stated he has
742 heard that as well and indicated there is still work to be done by the City, Pleasant View, and
743 Harrisville.

744
745 Council Member Urry stated there is a section of the new 1700 North that is not completely
746 paved and it looks like there is work to be completed. Mayor Taylor stated there is still utility
747 and paving work to be completed on the street and the City will not accept the street until it
748 meets public works standards. Council Member Urry then stated he heard from residents on
749 Fruitland Drive who have been informed that their children will no longer be bussed to school so
750 they may be making a request that the City construct a walking path from the road to Green
751 Acres. He then stated that he approached City Recorder Spendlove a couple of weeks ago to
752 provide her with names of vendors that could offer the City assistance with the sound system in
753 the Council Chambers and he asked if she has followed up on that issue. Mayor Taylor stated he
754 is not sure of the status of that situation. Council Member Urry then stated there is funding in the
755 budget to finish the walking trail and he asked if that project has gone to bid. Mayor Taylor
756 stated the project is nearly ready to bid. Council Member Urry stated he would like to see the
757 project completed before the snow flies. He then stated that it would be nice for the City Council
758 to know the step by step process City staff follows to complete monthly utility billing. Mayor
759 Taylor stated something like that can be created now that the City has a new utility billing clerk.
760 Council Member Urry then addressed items four and five on the agenda that were tabled due to
761 the fact that proper notification was not sent to some residents. He stated he appreciates that the
762 Mayor said he takes the blame for that problem, but it is his opinion that there is a breakdown
763 somewhere in the City and those things need to be addressed. Council Member Satterthwaite
764 stated that he attended a recent Planning Commission meeting because he was made aware by
765 neighbors of a development to the east of him; there were many people in that situation that also
766 did not receive notification so this is not a new problem. Council Member Urry asked that the
767 Mayor find out what happened, why it happened, and how it is going to be fixed. Council
768 Member Stoker added that it may be appropriate for City Attorney Call to pay closer attention to
769 what is happening with Planning staff and the Planning Commission to address this issue. Mr.
770 Call stated this is not a Planning Commission issue; staff is responsible for noticing.

771
772 Council Member Swanson expressed his appreciation for the relationship between the Mayor and
773 all City Council Members; the body works well together and he is grateful for that in light of
774 hearing of difficulties other cities are currently experiencing.

775
776 Mayor Taylor stated he sent an email to the Council regarding operation of the Senior Center and
777 he asked for feedback as soon as possible. Council Member Bailey indicated he supports all of
778 Mayor Taylor's proposals included in the email. There was a brief discussion about
779 management and oversight of the Senior Center, with Mayor Taylor concluding he will continue
780 to work on the issue and schedule an additional meeting with Weber Human Services. He then

781 reported the Youth Court has been approved and will be stationed at Weber High School. He
782 stated he will gather additional information about the Youth Court before asking a member of the
783 Council to commit to be a liaison for the group. He then reported the Barker Park Committee
784 will be taking a fieldtrip to see a park in Springville and he feels it will generate some good ideas
785 for the Committee.

786
787 Council Member Stoker reminded everyone of the upcoming employee pool party to be held at
788 the Aquatic Center this Thursday.

789
790

791 **13. ADJOURNMENT**

792
793 **Council Member Bailey motioned to adjourn. Council Member Swanson seconded the**
794 **motion.**

795

796 **Voting on the motion:**

797

798 **Council Member Bailey** aye

799 **Council Member Satterthwaite** aye

800 **Council Member Stoker** aye

801 **Council Member Swanson** aye

802 **Council Member Urry** aye

803

804 **The motion passed unanimously.**

805

806 **The meeting adjourned at 11:06 p.m.**

807

808

809

810

811 _____
Brent Taylor, Mayor

812

813

814 _____
S. Annette Spendlove, MMC

815 City Recorder

816

817

818 _____
Date Approved

819