

**NORTH OGDEN CITY COUNCIL MEETING MINUTES**  
December 22, 2009

The North Ogden City Council convened in regular session on December 22, 2009 at 5:30 p.m. at the City Offices. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on December 18, 2009. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2008.

PRESENT:	Ronald Flamm	Council Member
	Martha Harris	Council Member
	Richard Harris	Council Member
	Jed Musgrave	Council Member
	Carl Turner	Council Member
EXCUSED:	Gary A. Harrop	Mayor
STAFF PRESENT:	Edward O. Dickie	City Manager
	Annette Spendlove	City Recorder
	Sue Richey	Deputy City Recorder
	David Nordquist	Community Services Director
	Gary Kerr	City Building Official
VISITORS:	Taylor Spendlove	Jim Harris
	Brett Hamblin	Joel Grasmeyer
	Myrl Slater	Rob Beishline
	Brent Taylor	Rachel Trotter
	Wade Bigler	

**WELCOME**

Mayor Harrop welcomed those in attendance. Council Member Turner gave the invocation and led the audience in the Pledge of Allegiance.

**CONSENT AGENDA**

1. Action to approve the minutes of the November 24, 2009 City Council meeting.
2. Action to approve business licenses: Home Occupation – B.A.S.S. and Dearden Aviation Maintenance; Commercial – Executive Title Insurance Agency, Inc., 2<sup>nd</sup> Avenue Salon and Smith’s Food and Drug Fuel Center.

**Council Member Rich Harris moved to accept the Consent Agenda as presented. Council Member Turner seconded the motion.**

**Voting on the motion:**

**All Council Members voted aye.**

**Motion passed.**

**AGENDA**

**3. Public comments.**

There were no public comments.

**4. Discussion on Parks/Trails 5 year Master Plan, Cherry Days fees and 2010 RAMP.**

Dave Nordquist, Community Services Director, reviewed the handout provided for the Council. Mr. Nordquist indicated he was asking for guidance from the City Council on possible projects for RAMP funding. He then reviewed some of the projects completed this past year using RAMP Grant funds. These included building new restrooms for North Ogden Park, improving the City's baseball diamonds, installing a walkway in Oaklawn Park, installing six security lights in Wadman Park, and adding tables to the Barker and Wadman boweries. Mr. Nordquist pointed out that items listed in green on the spreadsheet are potential projects for RAMP grant money for this next fiscal year. Mr. Nordquist explained the projects include: the construction of a volleyball court or a basketball court, walkways in North Ogden Park, overlay in the bottom part of Oaklawn Park around the picnic tables and also the road in that area, and resurfacing for walking trails in McGriff and Green Acres Parks. Mr. Nordquist said he was working with Mel Blanchard, Public Works Director, to get costs on these projects. These are potential projects that could hopefully be done without tapping into City resources.

Council Member Turner asked about Barker Park. Mr. Nordquist said the City had applied for two grants for Barker Park improvements this past year. One is for a fence around the amphitheater and the other for the road that goes up behind it. The RAMP committee turned down both of these applications. Mr. Nordquist said at this point the City is kind of at a standstill. Before a bowery can be put in with parking in the top section of Barker Park, a road will need to be put in and RAMP funding isn't available for these projects.

Mr. Nordquist said Ed Dickie, City Manager, had asked him to give the Council a brief review of statistics for the North Shore Aquatic Center. Mr. Nordquist said there will be a swimming pool meeting in January and he will give a formal presentation for the facility at that time. On the revenue side when seasons are compared - 2008 to 2009, there was an increase in pool rentals (almost a total sellout) and this helped overcome a very wet June in 2009. The overall revenue for 2009 increased by \$14,000 over the 2008 season. Mr. Nordquist said they have been working to control expenses and the budget is in good shape for this coming year. Mr. Nordquist said they are hoping for a good summer in 2010. He reported that the Battle of Bands was very successful and the RAMP (Recreation, Art, Museum and Parks) Night was also a great success this past

summer paid for by the RAMP group. Mr. Nordquist said the pool has become the place to hang out for the young people in the community and attendance has been increasing when the weather cooperates.

Council Member Flamm asked about the drains that will be required for installation at the pool. Mr. Dickie said this will be addressed when the budget sessions begin in a few months. Mr. Nordquist said he felt the North Shore employees are some of the best along the Wasatch front. He is very pleased with them. Santa in the park was very successful as was the letters from Santa program. Mr. Nordquist said his department is gearing up for park rentals in January. He also reported that all the domestic ducks in Bi-Centennial Park have been adopted. There is a waiting list of about 20 people wanting ducks.

5. Discussion and/or action to approve the Ground Site Lease Agreement with Clearwire Wireless.

This item was pulled from the agenda.

6. Discussion and/or action to approve a Hold Harmless Agreement with Homeowners in the Deer Meadows Subdivision.

Ed Dickie, City Manager, presented this item to the Council. He reported that each affected homeowner would receive a copy of this agreement. They will be asked to sign and return it to the City. Council Members have been given a copy and will have to indicate their approval of the wording in the agreement before it is distributed to the affected homeowners. Mr. Dickie also reported that the work has been completed on the land drain in the affected area of the Deer Meadows Subdivision.

**Council Member Musgrave moved to approve the Hold Harmless Agreement with the homeowners in the Deer Meadows Subdivision. Council Member Flamm seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris -yes**

**Council Member Rich Harris - yes**

**Council Member Jed Musgrave –yes**

**Council Member Ron Flamm –yes**

**Council Member Carl Turner –yes**

**Motion passed.**

7. Discussion and/or action to approve an increase in the Employee Flex Medical Spending Account from \$3,000 to \$5,000.

Annette Spendlove, City Recorder/Human Resource Director, explained that the current policy allows employees to contribute up to \$3,000 in a flex medical spending account.

Staff is recommending that this limit increase to \$5,000. Mrs. Spendlove said as of July 1, 2009 the total out-of-pocket expenses for a family under the City's health insurance policy increased to \$4,000 so it was felt the flex-med limit should also increase. She explained that the deductions for this account are divided over 24 pay periods and are deducted from the employee's paycheck. Mrs. Spendlove said the employees submit receipts for items approved under the plan. She explained to the Council this will not cost the City any money and at the end of the year any money left in these accounts remains in the City's General Account. The employees are very careful and haven't in the past left balances in their flex-med accounts.

Council Member Flamm asked if the employer puts the money up front. Has anyone left before paying for all the deductions? Mrs. Spendlove said there was an employee who left. However, if an employee leaves with outstanding obligations to their flex-med account, the money would come out of their last pay check. Mr. Dickie said there is a final meeting with a departing employee and they would understand if there was such a deficit that amount would be paid before they received their final compensation.

**Council Member Musgrave moved to approve an increase in the Employee Flex Medical Spending Account from \$3,000 to \$5,000. Council Member Turner seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris - yes**

**Council Member Rich Harris - yes**

**Council Member Jed Musgrave – yes**

**Council Member Ron Flamm – yes**

**Council Member Carl Turner – yes**

**Motion passed.**

8. Discussion and/or action to approve changes in the Personnel Policy.

Mrs. Spendlove said it was noticed there were some problems in the Personnel Policy dealing with the cash out option offered to the employees. There is a proposed change that would make new employees eligible to take advantage of this option after completing one year of service. They could cash out their leave during the next fiscal year after the one year anniversary of their hire date. Another change was made in the conditions for participating in the Sick Leave Bank. New employees are eligible to participate in the bank or cash out sick leave on their one year anniversary date. Mrs. Spendlove explained that if an employee is hired in June and they wanted to cash out some sick leave in December they would only have been working for six months. The change requires all employees to have at least one year of service with the City before using the cash conversion option for annual and sick leave.

**Council Member Rich Harris moved to approve the proposed changes to the Personnel Policy. Council Member Musgrave seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris -yes  
Council Member Rich Harris - yes  
Council Member Jed Musgrave –yes  
Council Member Ron Flamm –yes  
Council Member Carl Turner –yes**

**Motion passed.**

Council Member Martha Harris asked to have an annual review of the City's Personnel Policy.

9. Discussion and/or action to approve the Conditional Acceptance of the Legacy North II Subdivision, Phase 6.

Gary Kerr, Chief Building Official, reported that the required improvements have been completed. The conditional acceptance of the Legacy North II Subdivision, Phase 6 will begin the one year warranty period. The money will be held in escrow until the Council's approval of final acceptance. The completion of the sidewalk has been deferred until more homes are built in the development and escrow money will be held for an additional year after their completion. Mr. Kerr said he was recommending approval of the conditional acceptance of the Legacy North II Subdivision, Phase 6.

**Council Member Musgrave moved to approve the Conditional Acceptance of the Legacy North II Subdivision, Phase 6. Council Member Rich Harris seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris - yes  
Council Member Rich Harris - yes  
Council Member Jed Musgrave –yes  
Council Member Ron Flamm –yes  
Council Member Carl Turner –yes**

**Motion passed.**

10. Discussion and/or action on Ordinance #2009-16, an Ordinance proposing amendments to the Appeals Board.

Annette Spendlove, City Recorder, explained that the original ordinance had contained a reference to the Fire Agency, which has now become its own district. Ordinance #2009-16 removes this reference.

**Council Member Musgrave moved to approve Ordinance #2009-16, an Ordinance proposing amendments to the Appeals Board. Council Member Flamm seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris - yes  
Council Member Rich Harris - yes  
Council Member Jed Musgrave –yes  
Council Member Ron Flamm – yes  
Council Member Carl Turner –yes**

**Motion passed.**

**11. Discussion and/or action on the Wholesale Wastewater Treating Contract between North Ogden City and Central Weber Sewer Improvement District.**

Annette Spendlove, City Recorder, reported to the Council the original contract with the Central Weber Sewer Improvement District had been signed a number of months ago. In response to several requests made by other cities, the Improvement District had added a hold harmless clause, which states “Should North Ogden City terminate or refuse sewer service to any retail customer of North Ogden City at the request of the District as provided in this agreement, the District shall defend, indemnify and hold North Ogden City and its elected officials and employees free and harmless from and against any liability to the affected retail customer or any resident or occupant of the retail customer’s property arising as a result of the termination or refusal of service at the District’s request and for the District’s benefit”.

**Council Member Rich Harris moved to approve the Wholesale Wastewater Treating Contract between North Ogden City and Central Weber Sewer Improvement District. Council Member Turner seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris -yes  
Council Member Rich Harris - yes  
Council Member Jed Musgrave –yes  
Council Member Ron Flamm –yes  
Council Member Carl Turner –yes**

**Motion passed.**

## 12. Presentation of the Public Works Programming Study.

Mayor Pro-Temp Martha Harris asked Council Member Rich Harris to list the members on the committee who had worked with Blalock and Partners on the Public Works Programming Study. Council Member Rich Harris said he had worked on the committee with Dave Hulme, North Ogden City resident, Craig Barker, Community Development Director, Annette Spendlove, City Recorder, members of the City's public works staff and Ed Dickie, the City Manager. The committee was very pleased with the results and Mr. Rob Beishline, Blalock and Partners (an architectural firm based in Salt Lake City), was here to present the results of this study to the Council. He presented the information in a PowerPoint presentation.

Mr. Beishline reviewed the scope and outline of the project and explained that as part of the scope and review of the Public Works Department they were asked to create a Public Works Complex Master Plan. This identifies all the components that would go on the Public Works site and the approximate size in relationship to adjacent properties. Mr. Beishline said they were also asked to put together a Public Works Building Program. The main building on site would be the administration building with some maintenance bays where city vehicles would be maintained. Blalock & Partners was asked to look at various properties and make a recommendation on which ones would be a suitable location. Mr. Beishline said they have been asked to put together cost estimates for the project. He said these estimates include growth estimates extending out about five years. There is capacity on the proposed site to handle build out in the City.

Mr. Beishline showed the existing Public Works facility, pointing out the administration offices with the storm water shed behind. He pointed out other buildings and equipment being used at the current site. Mr. Beishline then pointed out some of the shortfalls and challenges of the current facilities. There is no security for equipment and personnel, no ADA access and productivity is compromised because of inadequate space. The current outside parking for City vehicles creates longer response times. Extra staff time is also expended in getting vehicles ready for use because of their location. Fire protection and separation of welding activities, inadequate ventilation and inadequate seismic reinforcement for the buildings are problems with the current facilities. There is also a potential for hazardous materials leaching off site and employee exposure to toxic fumes.

Mr. Beishline said they also studied other facilities currently in use by other cities in the area. Cities studied were Logan, North Salt Lake and South Jordan City. He reviewed the program components listed in the presentation on the public works site. The top six items needing to be addressed with the site are: Buildings – administration building, maintenance shops, truck and vehicle shed and salt/sand/road base shed. Within the administration building space is needed for private offices for the director and supervisors, with dedicated space for staff members and with an emergency operations center/conference room to assemble employees during times of large projects or emergencies. Mr. Beishline explained that for minimum expense a center where emergency responders can work and direct efforts could be added. Vehicles present a very unique challenge for this study. The Public Works Department has upwards of a

hundred different vehicles on the site. The study had to identify each vehicle, understand its use, how often it is used, how big it is, where it is stored and make sure there was a place for each of them. The purpose of this study is to organize this department and to improve its efficiency.

Mr. Beishline said the study also examined and created the ideal site configuration independent of any real piece of land. He pointed out the location of all the buildings on the site. The property size would be four and half acres, which would accommodate up to five years of growth. The Council was shown the proposed building configuration. Mr. Beishline said they were working with City staff to refine the building plan. A budget has been developed for this project based on the ideal site and building configurations. The budget is itemized into site costs, administration building costs, furnishings, the enclosed storage building, the vehicle storage building and the salt/sand shed. The project soft costs and contingencies have also been included. Blalock and Partners has been asked to keep the exact project cost confidential. Mr. Beishline said the committee has gone through a site selection exercise with the committee. Six sites were eventually selected from a long list of 34 potential sites based on minimum size and other minimum criteria. Choosing by Advantage was then used to pick a specific location.

### 13. Public/Council comments.

Council Member Rich Harris reported on the December activities of the Youth City Council. Youth Council Members assisted the North Ogden Civic League with the City's Lighting Ceremony held in Bi-Centennial Park. They have also been helping with the Santa visits, sponsored by the City's Community Services Department. Council Member Rich Harris said he really appreciates the great Youth Council Members and their hard work. He also thanked the Council for their continued support of the youth.

Annette Spendlove, City Recorder, reminded the Council that their next meeting on January 12, 2010 would be a short one with a reception being held from 6 pm to 7 pm to thank Mayor Harrop and City Council Member Musgrave for their years of service to the City.

### 14. Closed meeting to discuss the purchase, exchange or lease of real property to be held in accordance with the provisions of Utah Code 52-4-204-5.

**Council Member Rich Harris moved to recess the regular meeting and reconvene in the closed meeting. Council Member Musgrave seconded the motion.**

**All Council Members voted aye.**

**Regular meeting recess at 6:23 pm**

### 15. Adjournment.

**Council Member Flamm moved to adjourn the regular meeting. Council Member Turner seconded the motion.**

**Voting on the motion:**

**All Council Members voted aye.**

**Motion passed.**

**The meeting adjourned at 7:26 pm.**

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Martha Harris, Mayor Pro-Temp

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S. Annette Spendlove, CMC  
City Recorder

Date minutes approved. \_\_\_\_\_