

NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

October 20, 2015

The North Ogden City Council convened in an open meeting on October 20, 2015 at 6:00 p.m. at the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on October 19, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor	
	Kent Bailey	Council Member	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director	
	Stacie Cain	Utility Billing Clerk	
	Jon Call	City Attorney	
	Matt Hartvigsen	City Engineer	
	Jason Reney	Culinary Water Superintendent	
VISITORS:	Blake Knight	Peggy Barker	Mike Barrow
	Carl Turner	Steve Rasmussen	Mark Brown

Mayor Taylor welcomed those in attendance. Council Member Bailey offered an invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

Mayor Taylor made a presentation to former Planning Commissioner Blake Knight. Mr. Knight served as a Planning Commissioner for four years during a time when there was a lot of development; he thanked Mr. Knight for his public service and indicated he deeply appreciates all he did to ensure quality development for the City. He presented Mr. Knight with a plaque recognizing his service.

Council Member Swanson then motioned to switch items #2 and #3 on the agenda. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE 501(C)(3) STATUS OF THE NORTH OGDEN PARKS, TRAILS, AND OPEN LAND COMMITTEE

A staff memo from Mayor Taylor explained there has been some ongoing discussion about whether or not to have the North Ogden Parks Trail and Open Land (NOPTOL) Committee remain a 501(c)(3) organization or not. From Chairman Carl Turner:

NOPTOL met last night and we are all in agreement with re-applying for our 501c(3) status. Mike Barrow will contact the IRS and see what was incorrect with our application that was rejected. The IRS sent us the check back and said we had dates wrong so they rejected the entire application. Not sure of all the particulars.

If I am elected then NOPTOL will have to restructure the committee positions. If I remember correctly a city council member can't be the committee chairman.

I am attaching the Articles of Incorporation, By Laws, and Organizational Structure. I would like to update this information and if we could have someone review this for us to make sure it is still in line with what North Ogden is wanting and/or expecting from NOPTOL.

Please review and let me know what you think our next step should be.

The memo indicated Parks and Recreation Director Tiffany Staheli recommends keeping the tax-exempt status:

I would recommend that NOPTOL remain a 501c(3) organization for the purpose of obtaining RAMP grants. As a non-profit, they are able to apply for EZ grants (even without a match) to benefit the City. RAMP has put out new guidelines in the past couple of years that if the City applies for a large RAMP grant, that they are less likely to get the smaller EZ grants. NOPTOL has successfully received over \$6000 in years past for benches and park improvements through RAMP grants.

The memo concluded Mayor Taylor would like the City Council to discuss this organization and how to move it forward. This is a good opportunity to re-examine the mission and purpose of

the NOPTOL Committee and see if there is new information we would like to include in the Articles of Organization, Bylaws, etc.

Mayor Taylor and Mr. Turner summarized the staff memo; Mr. Turner provided a history of the NOPTOL Committee and noted that the 501(c)3 status of the body has lapsed. The Committee is requesting that the City Council authorize the renewal of the 501(c)3 status. He stated he feels the Committee has good support and representation from the City and the group will continue to work with City staff in applying for and spending any grant revenue in the City.

Council Member Bailey asked Mr. Turner to explain what he sees are the responsibilities of the NOPTOL Committee and what occurs as the body's meetings. Mr. Turner stated that the body is an advisory body for City staff and ultimately the Council; they have assisted in the facilitation or completion of many projects in the City, such as improvement of park and trail spaces. The members of the Committee use the parks and trails on a very regular basis and they have been instrumental in drafting ordinance language that ensures developers contribute financially to the City to ensure improvement or addition of park and trail space. Council Member Bailey asked if there is a parks and trails master plan that is being maintained by the Committee or City staff. Mr. Turner stated that there is a parks and trails plan included in the City's General Plan and there are ordinances that call for a certain amount of park and trail space as well as connectivity.

Another member of the NOPTOL Committee indicated that the group sponsors a booth at the Cherry Days celebration each year to solicit citizen input regarding their ideas for parks improvement or new park space. Mr. Turner agreed and added that the Committee assisted in bringing the idea of a dog park to fruition in the City. Mayor Taylor added that Ms. Staheli has indicated that she uses the Committee as an advisory board and it is a great value for them to have a 501(c)3 designation so that they can apply for and receive many different types of grants.

Mr. Turner concluded there may be a need to amend the bylaws for the Committee as well as Committee membership and he will work with staff and the Mayor to that end.

Council Member Urry motioned to support an application for renewal of the NOPTOL Committee's 501(c)3 status. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER DRILLING (2) NEW WELLS FOR CULINARY WATER.

A memo from Mayor Taylor explained the water department and our office have continued to work together to ensure that the City's water supply is sufficient for our needs. At this time we are able to meet the highest daily demands with our current water sources. However, with growth we will need additional water sources to ensure that we do not run out of water.

State guidelines for water usage project an increase of 5.48 million gallons a day to cover our expected growth. However, a few years ago we ran a detailed analysis of water usage and found that the City uses much less water than the state's guidelines. That analysis indicated that an additional 1.98 million gallons a day may cover our expected growth. For now we should probably plan on meeting the state guidelines. Additional water sources will provide back-up in case a source needs to be taken offline for maintenance or repair. Also, additional water may be needed if growth projections exceed our estimates or if high water-use facilities such as food processing locate within the city.

The following is a summary of our recent efforts to develop a new water source.

- In 1997 the city completed a capital facilities plan. The plan recommended the development of 5.10 million gallons a day to meet future growth (see report by Management Services Institute).
- In 2005 the City conducted a well location study to identify suitable sites to drill new wells (see Hansen, Allen & Luce report).
- In 2007 an exploratory well was drilled at approximately 2900 North and 450 East. No water was encountered and the well was abandoned a few years later.
- In 2011 the City updated the well location study and looked at additional sites (see Hansen, Allen & Luce report).
- In 2012 an exploratory well was drilled in North Canyon near the existing reservoir. Water was encountered. We wanted to continue to drill, but the well driller's equipment was not able to drill deeper. Based on the pump tests it is expected that the well will produce a minimum of 0.22 million gallons a day.
- In 2013 the City requested proposals for a production well at the North Ogden Canyon site. The bid prices ranged from \$483,900 to \$866,880. The budget for the well was \$400,000. All proposals were rejected and a production well was never completed.
- This year we are in the process of reinstating the Lakeview Heights Well. This well should provide about 0.30 million gallons a day. For comparison, our best well can produce about 1.3 million gallons a day.

We are now ready to explore for water at two other locations previously approved by the state engineer. The first location is near the future intersection of 1050 East and Mountain Road. An agreement has been made with the property owner allowing us to access the site for drilling. They have agreed to sell this ground to the city if we find water and decide to construct a permanent well at this location. Drilling is expected to extend 700 feet down.

The second location is on City-owned property near the Cove Reservoir site. Water is expected to be much deeper at this location. A drilling depth of 1500 feet is expected.

The drilling methods will be different for each location. These well drilling projects are currently out for bid. Proposals will be received on September 30. Each well will only take about 3-4 weeks to drill, however, the contract allows the well driller to complete the wells as late as March of next year.

Our thinking now is to compare the two new sites after drilling with the North Ogden Canyon site to see which one will produce the most water efficiently. The best well could then be equipped with a pump and well house. Other sites are being considered but would require approval by the state engineer.

Mayor Taylor reviewed the staff memo. He invited City Engineer Hartvigsen to provide the City Council with information regarding how the two test sites were chosen; the two wells will be very different, with one resulting in providing a big enough pipe to pump water immediately and the other being a true test well with a smaller pipe that would need to be replaced at some date in the future when water is needed from it. He clarified the City is not in a state of emergency relative to water, but it is important to put measures in place to provide for future growth in the City. Mr. Hartvigsen briefly discussed the well in North Ogden Canyon; it is not a production well, but it is a test well and an approved point of diversion. It has a pumping capacity of 150 gallons per minute without the well drying up. The additional wells are needed to increase the water supply for future growth and to comply with standards imposed by the Division of Water Quality for the State of Utah. He then reviewed the data he provided in Mayor Taylor's memo regarding how the two sites for the two new wells were chosen. Discussion then ensued regarding competing water rights and the importance of choosing sites that will not impact water rights owned by other agencies. Mayor Taylor noted that the current well drilling proposal is more expensive than similar proposals made in the past, but that it is because it is more comprehensive and offers more protection against risk for the City.

Council Member Urry asked why a well was not drilled at the Public Works Facility site where water is present. Mr. Hartvigsen indicated there are different types of water; the type of water the City is seeking must be at least 100 feet below ground level so that the aquifer is protected from surface contamination. He stated he feels the current proposal is appropriate because it will allow the City to explore for water and find good locations for wells that will meet the City's needs at buildout. He added he will be submitting an application to the State Engineer for approval of different points of diversion for well digging rights.

Council Member Urry asked why the money is not being used to develop a well. Mr. Hartvigsen stated that is an option; there is \$600,000 currently available and it would take nearly \$900,000 to develop a well.

Council Member Bailey inquired as to the amount that is being proposed for test well drilling. Mr. Hartvigsen stated that each well would be approximately \$300,000; he provided the Council with a detailed breakdown of the cost for each well. Mayor Taylor noted that the \$300,000 dollar amount is the worst case scenario for both wells; if water were discovered at 400 feet rather than 700 feet, the cost would be less. Mr. Hartvigsen then reviewed bidding history for the projects, noting that costs will only continue to increase and it would not be wise to delay the project any further.

Council Member Satterthwaite inquired as to the status of the City's participation in digging a well close to the public works property. Mayor Taylor noted that no water was found. Mr. Hartvigsen stated that he spoke to the driller of that site; he was expecting to find an artesian source, but that did not happen. He is unsure whether he was able to get any additional water from the well. Mayor Taylor and Mr. Hartvigsen then reviewed a map and identified the locations of the two proposed test wells. Mr. Hartvigsen stated there is no way to guarantee that water will be found in either of the two well sites, but he has done a significant amount of research and he has a certain comfort level that water will be found. He added he has enlisted another engineering firm as well as a hydrogeologist to offer their opinions and they also felt the locations were good. He then discussed the drilling methods that he is proposing be used at the sites; for the first well the hole that will be dug at the site initially will be larger than has been created in the past so that if water is found the site can immediately be turned into a production well. He added that the increased cost is closely tied to mobilization costs for the bigger rigs needed for digging larger holes. He revisited the bid tabulations for the project and noted that he has had problems with the low bidder in the past; their equipment broke down and it took them months to drill something that should have taken a few weeks. He stated that he would not recommend that the City enter into a contract with the low bidder.

Mayor Taylor then reiterated that the wells are planned to serve as future production wells to meet the needs of additional development in the City; there is not adequate infrastructure in the vicinity of the wells to deliver the water to reservoirs and ultimately into the culinary water system and that infrastructure will not be installed until additional development occurs in the vicinity of the wells. He stated he feels it makes sense to drill the wells now before prices escalate; the City can then rest assured that the well is available for future use when it is needed. Mr. Hartvigsen agreed and noted the City will need three or four additional wells before buildout. He added that the hole drilled for the second well will be smaller than in the first well in order to reduce costs for this project; if water is found, the project can be retooled to develop a full well.

Mayor Taylor recapped the discussion about the two well drilling projects, with a focus on the bids for both projects. He acknowledged there are risks associated with the project, but drilling at the top of the hill provides a less expensive method of water provision in the future because the system will be gravity fed. Mr. Hartvigsen agreed and noted that reducing the water pumping needs will save the City approximately \$1,000 per month in energy costs. Mayor Taylor stated that it is his recommendation to move forward with the project, but if the Council needs additional time to discuss, a decision could be delayed until next Tuesday.

Council Member Bailey asked if the \$600,000 included in the budget will cover the entire project cost. Mayor Taylor stated it will cover the digging costs, but it may not cover pump test costs according to the bids and considering Mr. Hartvigsen's recommendation that the low bidder not be used for the project. Council Member Bailey stated that he recalls from previous discussions that the City is far better off to develop its own water sources than purchase water from other sources. Mr. Hartvigsen stated that is accurate and prices to purchase water from other sources will only increase. Council Member Bailey stated he feels it is appropriate to move forward with the project at this time.

Council Member Bailey motioned to move forward with drilling two (2) new wells for culinary water according to Mr. Hartvigsen’s recommendation. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

Council Member Bailey asked that Mayor Taylor and Mr. Hartvigsen provide the Council with updates regarding the progress of the drilling projects; in the past the information provided to the Council decreased as it became apparent that water would not be found at the sites and he does not want that to be the case this time.

4. DISCUSSION ON THE PUBLIC WORKS VEHICLE STORAGE BUILDING HEATERS

A staff memo from Finance Director Steele explained the original plan to heat the vehicle storage building was to use the two (2) oil burners we currently have, but that was assuming there would be one open area where the heat could reach all areas. In reviewing the plans for the building, the Building Official determined in order to meet fire and building codes there needed to be two fire walls, creating three separate rooms for the vehicles. One of the two current oil burners we own is in need of replacement and the cost of a new oil burner is \$4,000 to \$6,000. We would have to purchase two additional oil burners to heat the three rooms properly. The Public Works Director looked into the idea of installing gas heaters to heat the three rooms at an initial cost of \$2,700 each or \$8,100 total. For funding this purchase, Mr. Steele’s recommendation would be to split the cost between the Public Works Divisions: Streets, Water, Sewer, Storm Water and Solid Waste.

Mayor Taylor and Finance Director Steele reviewed the staff memo.

Council Member Bailey stated that the Council has had lengthy discussions about this issue in the past and the biggest question in his mind is still why it is necessary to heat the vehicle storage building. Multiple times the decision has been made not to heat the building and he wondered why the question continues to be raised; he has not seen a legitimate justification for heating the building. Council Member Satterthwaite stated he recalls a staff member communicating that the current design of the electrical system will heat the engines, but it will not heat the hydraulics. Council Member Bailey asked if there are ways to heat those things without heating the entire space. He stated he is concerned with utility costs associated with maintaining a certain

temperature in the building. Council Member Swanson asked if the gas heaters are forced air units, to which Mayor Taylor answered yes.

Council Member Satterthwaite asked if a contract has already been executed to create the three rooms recommended by the Building Official. Mayor Taylor answered yes and indicated that the contractor for the project completed that work at no additional cost because they realized it was their error not creating the division in the first place. Council Member Bailey asked why the building inspector did not tell the contractor that the building would need dividing walls before the building was actually built. Council Member Swanson stated he had the same question; he wondered how the project got this far without knowing that it needed three separate rooms. Council Member Satterthwaite added that similar things have occurred in the past. Mayor Taylor stated he is not sure the inspector saw the plans before they were approved. Council Member Bailey stated that it may be necessary to have a separate discussion about the City's process for reviewing projects such as this. Council Member Urry agreed. Discussion then centered on the issue at hand relative to heating the building, with Council Member Swanson indicating that the Council needs an understanding of what will be gained by proceeding with the heating project. Council Member Bailey agreed and stated it may be possible to delay the project for up to one year once it has been determined that the heaters are actually needed. The Council concluded to delay the project until more information is available to justify the project. Council Member Bailey added he would like to understand the ongoing costs associated with installing the heaters.

Council Member Bailey motioned to table consideration of a project to install heaters in the Public Works Vehicle Storage Building. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

5. PUBLIC COMMENTS

Carl Turner, 2673 N. 950 E., noted that the fire code changed in 2013 and the changes began to be enforced in 2014; that may be one reason for the discrepancies with the Public Works Facility project. He then stated he wanted to thank the Council for the work they do; he feels they are doing a great job. He stated he has thrown his hat in the ring to run for City Council; it would be great to work with the current Council as he thinks they work well together and he is very happy with how the City is run. He also thanked the Mayor for his leadership and for involving the citizenry through channels such as Facebook.

Steve Rasmussen, 1092 E. 3250 N., referenced the previous discussion regarding drilling culinary water wells in the City. He stated that when he first moved to the home he currently lives in, the reservoir was located just to the east of him and was at a reasonable level; however, his water pressure was bad. He stated that when he noticed the little blue light on the pump house turning, it was a signal to him that within a few hours he would have no water at all; there was no backup system or any opportunity for rerouting water sources. He stated that changes have been made to the reservoir and associated infrastructure, but there is still a need to provide additional water options to provide back-up for residents.

6. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Bailey asked for an update on code enforcement action against some properties located on 1050 East. Mayor Taylor stated he does not know the status of those cases, but he is aware that the Code Enforcement Officer did enlist the services of a contractor who abated weeds and junk at a few properties in the City; staff is now working to create an itemized statement of costs in order to lien the properties for the City to recover the money. Council Member Urry asked if the properties that were abated are bank-owned properties. Mr. Call stated one of the three properties were bank owned. Council Member Urry wondered if it does any good to lien a bank-owned property. Council Member Swanson stated the lien will be paid when the property is sold. Mayor Taylor stated that there are no plans to do several abatements because staff wants to wait and see if any money spent for the work is recouped. He added he will also investigate the status of the code enforcement action for properties on 1050 East.

Council Member Stoker asked if the Code Enforcement Officer is working on a problematic property on the east side of Mountain Road at approximately 2500 North. Mayor Taylor stated he will look into that issue. Council Member Stoker asked him to check on the home on the corner of 2600 North and Mountain Road as well. She then stated she received a question from a resident about the connection between the City's trail system and Pleasant View's trail system; they wanted to know if the City plans to locate benches along the trail or if a resident or business wished to donate a bench if they would be given permission to include the name of the person who made the donation. Mayor Taylor stated there is no current funding in the budget for benches along the trail, but it may be possible to secure a RAMP grant for such a project. He stated that the Economic Development Committee has designed a bench that will be used throughout the commercial district of the City and it has a place for a 12 inch by 12 inch plaque; someone could purchase one of those benches and a plaque could recognize them. He stated the cost for each bench is between \$600 and \$700 and the first one should be finished next month. Council Member Stoker then stated that the Sheriff's Department has moved into a City building and she wondered if the costs associated with that tenancy have been decided upon. Mayor Taylor stated that the City is working on an agreement with the County Attorney and it will be brought to the Council next week. Council Member Stoker referenced an email the Council received with a request for an opportunity to complete a service project in the City. She stated she forwarded it to Parks and Recreation Director Staheli.

Council Member Satterthwaite asked for an update on the negotiations between the City and Ms. Sinone. City Attorney Call stated there is no update and it is something that will be discussed at a

future Council meeting. Council Member Satterthwaite then stated he received an email from a resident concerned about parking at their property located within a Planned Residential Unit Development (PRUD); the Police cannot enforce parking rules because the development is private. Mayor Taylor stated there is a lot of conflict in the PRUD in question and the Police Chief is determining whether it would be appropriate for the City to intervene. He stated he will also ask the City Planner to provide information regarding the Planning Commission's action regarding an additional application for rezoning within the PRUD. Mr. Call added that the City does not have the responsibility to enforce covenants, conditions, and restrictions (CCRs) for private developments and if the Homeowners Association (HOA) for such a development is not strong, the residents are left to manage themselves. Council Member Satterthwaite then inquired as to the cost for the asphalt being laid to provide a trail along Pleasant View Drive near Lee's. Mayor Taylor stated the cost is \$5,800, which is well under the estimate for the project, but it does not include an amount for landscaping or benches. Council Member Satterthwaite inquired as to the length of the trail, to which Mr. Steele responded 1,500 to 2,500 feet. Council Member Satterthwaite asked Mr. Steele to provide the exact length.

Council Member Urry stated that someone needs to take responsibility for the weeds along Mountain Road; they are creating a safety hazard and it is necessary for the City or the County to address it. Mayor Taylor noted the City's new code enforcement ordinance addresses that issue and indicates the property owner is responsible to maintain all property they own even if they do not have a park strip or curb and gutter in front of their property. Council Member Urry then reported there is a semi-trailer parked in front of a home on 1700 North; it was used when someone was moving into a home, but it has been parked there for three weeks now and he does not think that is allowed. Mr. Call stated staff can review the ordinances to determine if what is occurring is a violation. This led to a discussion about on-street parking ordinances for all types of vehicles.

Council Member Swanson stated that he would like for the Council to consider a tiered water rate structure that contemplates pumping fees for residents living higher on the hill. He then referenced another property for the City's Code Enforcement Officer to investigate; it is located south of 3100 North on 750 East. The home has tall weeds and some inoperable vehicles and boats.

Mayor Taylor then briefly reviewed the calendar of events in the City; he referenced the grand opening for the new indoor soccer facility in the old Macy's building, which will be held next Monday from 5:30 to 8:00 p.m. There will also be a brief grand opening ceremony for the Bonneville Shoreline Trail on October 29 at 9:30 a.m. He added Weber Human Services is creating a health coalition to address drug use and teen suicide in the community; it is for community leaders, parents, and educators and their next meeting will be held October 28 at 6:30 p.m. at Pleasant View City Hall. He briefly reviewed the items that will be included on the next City Council meeting agenda. He then stated the City uses a computer program, Trillo, to track projects and other issues in the City and he would like for the City Council to start using it as well. He provided the Council with information about how the program works. He noted anything put in the program will be a public document so he cautioned the Council against discussing confidential information. Mayor Taylor then provided the Council with information regarding the recent meeting regarding the senior citizen committee and center; he answered

questions for about two hours and many concerns were expressed relative to the users' resistance to the City's use of the building. He feels the meeting ended well, though there are a few people that are still upset.

Council Member Bailey suggested that an item be added to the next City Council meeting agenda to allow for more discussion regarding sidewalk regulations in the City. Mayor Taylor stated he will add that item so long as pertinent information is available from the City Planner.

7. ADJOURNMENT

Council Member Stoker motioned to adjourn. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 8:41 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved