

## NORTH OGDEN CITY COUNCIL WORK SESSION MINUTES

February 9, 2016

The North Ogden City Council convened in an open meeting on February 9, 2016 at 6:00 p.m. at the North Ogden City Office 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 February 4, 2016. Notice of the annual meeting schedule was published in the Standard-Examiner on January 2, 2016.

PRESENT:           Brent Taylor           Mayor  
                  Lynn Satterthwaite   Council Member  
                  Cheryl Stoker        Council Member  
                  Phillip Swanson      Council Member  
                  Carl Turner           Council Member  
                  James Urry            Council Member

STAFF PRESENT:   Bryan Steele           City Administrator/Finance Director  
                  Annette Spendlove   City Recorder/HR Director  
                  Jon Call              City Attorney  
                  Rob Scott             City Planning Director  
                  Kent Christensen    City Auditor  
                  Dave Espinoza        Public Works Director

VISITORS:           Bill Bernard           Sherry Bernard        Bob Buswell

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

### **CONSENT AGENDA**

1.   **DISCUSSION AND/OR ACTION TO CONSIDER JANUARY 19, 2016  
CITY COUNCIL MINUTES**
2.   **DISCUSSION AND/OR ACTION TO CONSIDER JANUARY 26, 2016  
CITY COUNCIL MINUTES**

Council Member Turner noted that Council Member Stoker was not present at the January 26, 2016 Council meeting, but her name is included in the voting record for items that were voted upon that evening. He asked that the minutes be corrected to reflect her absence.

**Council Member Satterthwaite motioned to approve the January 19, 2016 and the January 26, 2016 City Council minutes as amended. Council Member Turner seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS**

There were no public comments.

### **2. PRESENTATION OF THE CITY AUDIT FOR FISCAL YEAR 2014-2015**

A staff memo from Finance Director Steele explained State law requires the City's financial statements to be audited yearly. The independent accounting firm of Christensen, Palmer & Ambrose audited the financial statements for the 2015 Fiscal Year.

Mr. Steele reviewed his staff memo and introduced Kent Christensen to provide a report of the audit and to answer any questions the Council may have.

Mr. Christensen thanked the Council for their attention to this matter; he also thanked staff and City Administration for their cooperation throughout the audit. The auditor does not review every transaction of the City, but his purpose is to review the City's financial statements and render an opinion as to whether they follow generally accepted accounting standards and whether they reflect, in all material respects, the operations of the City throughout the past fiscal year (FY). He stated he is happy to report that the City received a clean opinion of its financial statements. He then briefly provided an overview of the report he provided to the City, which was prepared by himself with assistance of Mr. Steele. He briefly reviewed the accounting of governmental activities throughout the audit year, noting the bulk of the City's cash was dedicated to capital fixed assets with the Public Works Facility being responsible for the bulk of that cash dedication. He also reviewed the statement of activities included in the audit report and noted this statement is designed to illustrate the services provided by the City, the cost of those services, and

how the services or activities are funded. The total governmental activities experienced a net increase of \$1.8 million, which was offset this year by a change in the manner in which government entities account for pension liability. He then reviewed the balance sheet for the governmental funds, including assets, liabilities, and fund balances.

Council Member Urry referenced the liability referred to as compensated absences and benefits and he inquired as to the definition of that term. Mr. Christensen stated it is based upon the salary rate for unused vacation and compensatory time for City employees. It represents what would be paid out to employees upon retirement.

Council Member Swanson asked for more information about the change in the rules that requires the City to account for pension liability, which results in a \$1 million expense in the City's governmental activities. Mr. Christensen explained the Governmental Accounting Standards Board (GASB) implemented a new rule known as GASB 68, which records the City's portion of the unfunded pension liability administered by the Utah State Retirement System (URS); this is the first year cities were required to account for the liability on financial statements. For North Ogden, this rule has resulted in a balance that is \$1.2 million higher than at the end of the fiscal year ended June 30, 2014. Mr. Steele emphasized that the City's payout will not change; it is simply a new requirement that the City show pension liability on its financial statements. Council Member Satterthwaite stated it is his understanding the City's financial position was better in 2015 than in 2014, but that is not totally reflected in the audit because accounting for the City's pension liability has reduced the increase in governmental activities by half. Mr. Christensen stated that is correct. He continued his review of the contents of the audit report.

Council Member Urry stated that the audit report includes three recommendations and he asked for additional information regarding those recommendations. Mr. Christensen stated the first recommendation relates to capital assets; the City has a policy indicating the types of transactions that will be considered capital assets. Oftentimes for budget purposes the amount for a capital purchase will be charged to various accounts, but when it comes time to review the financial statements the tracking is more difficult. The City's accounting reports must reconcile and he is suggesting a procedure that will make that reconciliation easier and more efficient. Mr. Steele stated he feels it will be possible to implement the recommendations. Mr. Christensen stated the second recommendation deals with the City's utility billing methods; utility bills are available via mail or electronic means and he is recommending a policy that ensures that every resident does, in fact, receive their monthly billing statement and to track that information so that the auditor can determine that every resident is receiving their statement and given an opportunity to communicate whether their utility balances appear to be correct. He then stated the final recommendation relates to the value thresholds in place to determine whether something is classified as a capital asset. He stated it may be appropriate to increase the threshold so that items that may be better classified as a repair are not required to be accounted for as an asset according to the City's policy. Council Member

Satterthwaite stated he would like to discuss this recommendation in more detail throughout the budget preparation process.

Council Member Urry stated he would like to commission an audit of the City's utility billing system.

Mr. Christensen stated that he appreciates the opportunity to serve as the City's independent auditor and he wanted to emphasize that staff has been great to work with.

**3. DISCUSSION AND/OR ACTION TO CONSIDER REALLOCATION OF CAPITAL PROJECTS MONEY FOR WATERLINE AND WELL REPLACEMENT**

Public Works Director Espinoza provided the Council with an update regarding the Cove 1050 Well Project; the work done so far has indicated that the well will be a great producer and it will likely not be necessary to proceed with the Cove Well project. He asked that the Council reallocate funding previously allocated to the Cove Well project to the 1050 Project to allow for digging to further depths and potentially upsizing to a 12-inch line. Council engaged in a discussion with Mr. Espinoza regarding the likelihood of hitting rock formations in the drilling location, with Mr. Espinoza noting the engineers performing the work are very excited about the status of the project so far and it may be appropriate after further exploration to allocate funding to upsize the line to 12 inches to take advantage of the available capacity at the site. Council Member Swanson stated it is his understanding from past conversations about this issue that a 12 inch line could yield 1,800 to 2,000 gallons per minute, which would be the amount of water the City would need at build-out. Mayor Taylor stated that type of production would nearly meet the City's build-out needs and would be double the production levels of the City's currently best performing well. He stated that Mr. Espinoza is seeking approval to allocate additional funding to cover an eight inch line, but upon further exploration and the receipt of data that should be available by Friday, City Administration may be requesting additional money to fund a 12-inch line. He stated the Council may be asked to take action on that next Tuesday.

Council Member Satterthwaite inquired as to the current project overage. Mr. Espinoza stated the original budget was \$300,000 and he has exceeded that amount by approximately \$800; upsizing to 12-inches and all other work to be completed may cost approximately \$50,000. He stated there are many steps that still need to be taken by the contractor in order to determine the line size, water quality, and other factors. Mayor Taylor stated that in any event, City Administration is recommending against proceeding with drilling the well above The Cove unless this well completely fails. The Council discussed optional actions to be taken this evening, after which Mayor Taylor and Mr. Espinoza reviewed Google mapping to identify the manner in which water can be routed and looped from the well to remedy existing water system problems associated with pumping water uphill. The Council concluded they are comfortable reallocating money

from the Cove Well to the 1050 Well project, but they would like additional information from staff next week in order to take action on increasing the budget for the 1050 Well project to allow for the installation of a 12-inch line.

**Council Member Urry motioned to approve the reallocation of Capital Projects Money from Cove Well to 1050 Well project. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

Mayor Taylor asked Mr. Espinoza to provide a report regarding the road closure resulting from a recent water leak. Mr. Espinoza stated the City has communicated with residents regarding the closure and there have been no objections, besides complaints from people about a young man speeding on the road base road. He stated a Police Officer has been stationed in the area to try to curb that behavior.

A staff memo from Public Works Director Espinoza explained that with regard to the current City budget for the Culinary Water Department Capital Improvement Project to replace the Cast Iron water main and galvanized services in the Coldwater Subdivision in the vicinity of Oak Lawn Park, City Administration is recommending reallocating the funds originally budgeted for the replacement project to a different location. The original proposal was to replace the waterlines in the Coldwater Creek subdivision. The area we would like to move the project to is 950 East at 3100 North to 874 East 3200 North at the entrance to Mountain View Park. We would also extend to all of 3200 North and connect to 1050 East. We will extend north along 900 East to 3300 North, 1000 East from 3300 North extending south back to 3200 North. We will continue from the intersection at 3200 North at 1000 East and extend south to 3050 North along 3050 N to 950 East. If the bids come in favorably we will have the main on 1050 East from 3100 North to 3300 North replaced. This would allow for the Streets Department to do some much needed road surfacing work next fiscal year.

The water main in this area is undersized Cast Iron from the 1960s. Along with that there are galvanized service lines to the homes. The biggest reason we wanted to move the project to this location is the 26 water main repairs we have done in this area. It is never convenient to shut off water for repairs. We have made 4 shutdowns in the last 6 months in this area alone. Also the ground is very rocky in this area and small leaks do not surface until they have leaked long enough to cause major damage. We like to conserve

as much water as we can and replacing this stretch of pipe will help us with water conservation, water quality, customer service and a new street surface in the very near future. (See the attached map of the leaks we have had in the area).

We will plan on replacing the lines in Coldwater Creek subdivision in the next couple of years and will apply for a CDBG grant to help pay for that project.

Mr. Espinoza reviewed his memo.

**Council Member Stoker motioned to reallocate funds for a waterline replacement project. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**4. PUBLIC HEARING TO RECEIVE COMMENTS ON AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2015-16**

A memo from Finance Director Steele explained each year amendments to the current Fiscal Year (FY) budget are necessary to cover expenditures not accounted for in the original budget.

Mr. Steele reviewed his staff memo and provided an explanation of each of the 10 proposed budget amendments as follows:

1. Purchase of equipment needed by City Recorder. There is \$13,255 unexpended funds in the Elections line item that we are suggesting moving to Administration to cover expenses.
2. Because of the amount of snow we have had to do this year, the amount of salt and replacement snow blades has increased significantly. PW has done 11 full pushes this year plus.
3. Per the Legacy IV agreement, the City was responsible to tear down and dispose of some old houses and barns on the property. This was the cost of that project.
4. This was for engineering services done for the Fruitland Drive road connection in the Ward Farms subdivision.
5. Engineering services done for Barker Park.

6. Donation received from Weber High Football for the North Ogden youth football program.
7. Recognizing the grant revenue and corresponding expenditures for engineering, survey, appraisal and property acquisition specialist expenses and also property purchase costs.
8. For the Transportation Impact Fee study and analysis done. This will be paid back by Impact Fees.
9. This is a carry-over item from last year. We didn't receive the last invoice until after the start of the fiscal year. This amount represents the budget not expended last year.
10. A police car was totaled and a replacement vehicle is needed. We will be using the proceeds from the insurance claim to purchase the new vehicle.

Council Member Urry stated he would like to receive additional information about the property acquisitions that have taken place to date for preservation of the Monroe Boulevard right-of-way.

Mayor Taylor then discussed item 10, noting Police Chief Warren has requested approval to replace the totaled car with a Ford Interceptor, which is Ford's newest small sports utility vehicle (SUV); insurance proceeds will be used to purchase the replacement vehicle.

Council Member Turner referenced item two pertaining to snow removal and stated there is still a possibility that the City may get more snow; he asked if the \$30,000 transfer will cover additional snow pushes or if it is simply going to cover what has been spent so far. Mr. Steele stated it will cover what has been spent so far, plus provide an additional \$7,000 for needed snow removal. Public Works Director Espinoza stated he feels that amount will cover additional salt used in the snow removal process.

Council Member Urry asked if the City is moving in the direction of electronic records management, to which City Recorder Spendlove answered yes and noted there will be a budget proposal to do so in the upcoming fiscal year. Council Member Urry also referenced the snow removal item; last year the budget for snow removal was \$40,000 and the City did not even spend \$30,000 of that budget. He suggested that if money is not spent in a certain fiscal year, it be carried over to the next fiscal year so it is not necessary to continue to amend future year budgets. Mr. Steele stated that could be done by way of simply increasing the line item for the next fiscal year when there is an amount to be carried forward. That would have left the same budget line with \$70,000 this year rather than \$40,000. Council Member Urry then referenced the item related to engineering work to be done on Fruitland Drive and he asked if the developer of the property located west of Fruitland Drive is still proceeding with their project that necessitated the engineering work. He stated he has heard the project has been put on hold. City Attorney Call stated that final application for the project has not been presented to the Planning Commission, but he has not heard the project has been put on hold. Council Member Urry then addressed the expenditure to cover the transportation impact fee study and analysis and

stated he is concerned moving forward with that project when transportation fees have not been in place long enough to generated sufficient revenues to cover the project. Mayor Taylor stated he understands that concern, but noted the City cannot legally implement a transportation impact fee without first commissioning a study and analysis. Council Member Urry stated he is concerned about spending money before it has been collected. Mr. Call stated this type of transaction can be classified as an interfund loan; the capital project fund is loaning to the impact fee fund and as the impact fee fund collects money, it will repay that debt. Mayor Taylor reiterated he understands Council Member Urry's concern, but there will be several instances where money is spent before fees are collected to fund it; however, that will all be reconciled at the end of the year. This year the City will be doing more road projects in a single year than has ever been completed before in the City's history.

Council Member Satterthwaite clarified that there are only three items in the budget opening that are new expenses that will alter the budget; all other items are basically pass-through items. Mayor Taylor stated that is correct.

**The hearing opened at 7:50 p.m.**

There were no persons appearing to be heard on this matter.

**Council Member Swanson motioned to close the Public Hearing. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

The hearing closed at 7:50 p.m.

**5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2015-16**

**Council Member Swanson motioned to approve Ordinance 2016-05 to amend the Budget for Fiscal Year 2015-16. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

Mayor Taylor stated it is important to note that the General Fund balance after approval of this budget opening is still \$1.3 million, or 20 percent; the City is in great fiscal shape. Council Member Satterthwaite stated he would like to increase that amount to 25 percent as allowed by State Law.

**6. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION FOR ELECTRONIC DEVICE POLICY**

A staff memo from City Attorney Call explained that after the discussion we had at the last Council work session I have made the revisions to the policy the Council suggested. Instead of trying to show the changes in this document I have attached a redlined version of the policy to show all the changes that were made between the version you had before you at the work session and the final version. The changes the Council suggested are as follows:

- Up the reimbursement from 25% to 50%
- Require the useful life of the device be established by the City Administrator
- Require that passwords be used on all devices, including phones
- Allow for the removal of city software on the devices upon termination or the end of the useful life of the device.

If there are additional changes the Council would suggest, the staff is willing to make those changes prior to passing this resolution. As this is a policy making decision it is legislative in nature and so the Council may make, add or remove any provision depending on what the council believes is in the best interest of the City. I recommend the Council review the changes and either pass the resolution or suggest additional changes.

Mr. Call reviewed his staff memo and the proposed ordinance reflecting the amendments suggested by the Council at the last meeting.

Council Member Turner asked if text messages are subject to the Government Records Access and Management Act (GRAMA). Mr. Call answered yes and stated that every City employee with a City issued phone or any employee that is conducting City business on a personal phone should be aware that those conversations are subject to GRAMA. Council Member Turner wondered if that should be reflected in the policy. Mr. Call stated he believes that issue is already addressed.

The Council then engaged in a high level discussion about the policy in general, with Council Member Satterthwaite asking if it would make sense to include a detailed list of the types of approved devices and what employees will have access to City issued devices in the policy. Mr. Call stated that can be clarified in the policy as the policy is currently not specific enough to indicate which employees are eligible to be issued an electronic device. He added, however, that it may be best to leave some flexibility in the policy so that City Administration is not limited on the type of device that can be purchased for employees of the City. He stated the Council currently uses tablets, but there may be changes in functionality in the future that necessitate the use of different types of devices. Discussion regarding various aspects of the policy continued, after which Council Member Satterthwaite stated he is comfortable with what has been proposed as it addresses the concerns the Council expressed regarding this issue during their last meeting.

**Council Member Urry motioned to approve Resolution 02-2016 for an Electronic Device Policy. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION FOR BEER LICENSE RENEWALS**

A memo from City Attorney Call explained that after the last City Council work session he has provided a new Resolution which provides for the beer license renewal procedure. Here are the items I believe the Council felt were important and were incorporated into

the Resolution. As a legislative item the Council may make any decision it feels is appropriate.

- Criminal Background checks are required for all new licenses.
- Criminal Background checks occur every three years, or after a violation of the liquor law occurs.
- Annual license renewals are required.
- During the Annual renewal the business shall indicate if the owner or managers have changed and then submit those new names to a criminal background check.

Mr. Call's memo conclude he believes this covers all the items the Council felt were important to consider in the review process. This resolution will also require an update to the consolidated fee schedule for the annual beer renewal fee and the criminal background check fee.

Mr. Call reviewed his staff memo.

**Council Member Stoker motioned to approve Resolution 03-2016 for Business License Renewals for 2016. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE UTILITY BILLING APPLICATION FOR SERVICES, PROCEDURES, AND FEES FOR TENANTS AND LANDLORDS**

A staff memo from City Attorney Call explained that after the last City Council work session he worked to provide a new ordinance with the changes we have suggested. There will also be a resolution to adopt a new consolidated fee schedule which will need to be passed as well to account for the new duplicate billing fee as well as some other fees.

Below is a redlined version of the language to be amending in 9-1-2 of our code showing the deletion of the language related to tenant's ability to sign up for utility service. I recommend the Council review the proposed changes and consider adopting the Ordinance.

## 9-1-2: APPLICATION FOR SERVICE

A. Required: No water, sewer, garbage and solid waste disposal, or storm water control services ("the city services") shall be furnished to any house, tenement, apartment, multifamily unit, duplex, fourplex, building, place, premises or lot ("premises"), unless an application for city services shall be made in writing, signed by the owner or the owner's duly authorized agent. An applicant may apply for less than all of the city services provided by the city; provided, that the applicant must apply for all city services if the failure to receive the city services from the city will result in the creation, maintenance or perpetuation of a nuisance. In the application, the owner shall agree to pay for all city services furnished to such premises according to the ordinances, regulations and rules enacted or adopted by the city. A new owner must provide proof of purchase in the form of settlement papers or closing papers from a lender or a deed from the previous owner and picture identification. In the event an authorized agent applies for city services on behalf of an owner, the agent shall also provide written proof of the agency.

B. ~~Owner Application For Multi Family Premises~~ **All Properties:** Applications for city services to ~~multi-family premises~~ **all properties** shall be made only by the owner or the owner's authorized agent. Applications from tenants shall not be accepted. **The application shall be in writing and shall be signed by the owner or the owner's duly authorized agent. In the application, the owner or his authorized agent shall agree that the owner shall pay for all city services furnished to the premises according to the ordinances, regulations and rules enacted or adopted by the city.**

~~C. Tenants Of Single Family Dwellings: In the event that a single family dwelling is to be occupied by tenants, the owner shall apply for city services. The application shall be in writing and shall be signed by the owner or the owner's duly authorized agent. In the application, the owner or his authorized agent shall agree that the owner shall pay for all city services furnished to the premises according to the ordinances, regulations and rules enacted or adopted by the city. If the owner requests that the bill be sent directly to the tenant, the tenant shall sign the application as a condition of granting the owner's request and the tenant shall become secondarily liable for the charges for city services. Regardless of whether the bill is sent to the tenant or whether the tenant has signed the application, however, the owner shall agree to pay for all city services furnished to the tenant or other occupant of the premises in case the tenant or occupant fails to pay for city services according to the ordinances, regulations and rules enacted or adopted by the city.~~

**C. Any utility service which has been discontinued shall only be reinstated upon payment of all associated fees and service charges.**

D. Property Owners may elect to have additional copies of bills sent to multiple addresses provided the fee as set forth in the consolidated fee schedule is paid monthly for each additional address requested.

D.E. Penalty: Any violation of this section shall be deemed a class B misdemeanor and shall be subject to penalty as provided in section 1-4-1 of this code.

Mr. Call reviewed his staff memo as well as the draft ordinance.

**Council Member Swanson motioned to approve Ordinance 2016-06 amending the Utility Billing Application for Services, Procedures, and Fees for Tenants and Landlords. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**9. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE**

A memo from City Attorney Call explained that with all the recent changes to fees for the Roads Impact Fee, Utility Billing, and Beer License Renewals we need to update our consolidated fee schedule. Here are the changes you will need to make to the schedule.

- Transportation Impact Fee of \$482.64 per trip as calculated by the Building Department and City Engineer (This will not go into effect until April 18, 2016).
- Utility Billing
  - \$100.00 deposit required and held until one year after account is opened or most recent delinquent bill paid in full (if bills are missed during the first year of service)
- Beer Licensing
  - Annual Renewal \$25.00
  - Annual Renewal with Background Check \$100.00

These are the items that need to be added to the schedule, provided the Council adopts all the proposed ordinances and resolutions related to each item. At the very least we need to update our Transportation Impact Fee.

Mr. Call reviewed the staff memo and the proposed changes to the consolidated fee schedule. The Council participated in high level discussion with staff regarding the various amendments to the schedule, with a focus on the change to utility billing deposits and the transportation impact fee. Council Member Satterthwaite stated that in looking at the schedule, it is unclear and difficult for residents to determine how much they would pay in transportation impact fees. Mr. Call stated it would be possible to provide more clarity in the transportation impact fee to specify the most common fees for up to five types of development in the City. Council Member Satterthwaite stated he would appreciate that, especially for residential uses. He stated he would like that changed before considering adoption of the changes.

**Council Member Satterthwaite motioned to table consideration of a proposed resolution amending the Consolidated Fee Schedule. Council Member Turner seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**10. DISCUSSION AND/OR ACTION TO CONSIDER THE REPAIRS ON A HOME DUE TO WATER BREAK**

Mayor Taylor reported the City has received an estimate for the costs associated with cleanup and repairs of the home that was damaged due to a water break. The cleanup costs were higher than anticipated, while the repair costs were lower than expected; the total estimate is just over \$10,000 for cleanup and repairs. The cleanup has been completed, but repairs have not yet commenced. He asked Mr. Call to provide the Council with information regarding the City's obligation to participate in repairs of the home. Mr. Call stated the Council can consider some of these types of issues on a case by case basis; some cities have a policy that they always cover these types of costs, while other cities do not. Mayor Taylor stated that he met with the home owner and she was very polite and understanding of the City's position on these types of issues; she is experiencing some personal financial difficulties associated with family illness. If the City Council chooses to perform the repair work, the money will come from the City's water fund since the damage was caused by the water system. He then provided an overview of the required repair work as detailed in the estimate that has been provided to the City; the total cost of the repair work is \$6,700 and the cleanup work cost was \$4,600.

Council Member Satterthwaite suggested that the City solicit additional bids for the repair work. The Council then engaged in a philosophical discussion regarding whether the City should proceed with covering the cleanup costs with a focus on the response the City has given in past situations where homeowners have requested similar assistance from the City. Council Member Turner indicated he is leaning towards paying for the repairs because the damage was a result of no fault of the homeowner. Council Member Urry stated that he simply wants to be consistent. Council Member Swanson stated that there have been similar situations in the past where the City has denied paying for repairs. Discussion continued regarding the actions the City has taken in the past to repair private property as a result of failure of or damage to City infrastructure, with Council Member Satterthwaite stating he would like to have continued discussion about potentially developing a policy regarding how the City should respond to these types of situations in the future. Council Member Turner stated that the fact that the City's insurance denied the homeowners claim should be taken into consideration. He then asked why the resident's private insurance will not pay the claim. City Recorder Spendlove stated that the resident did not have flood insurance and even if she had flood insurance, the insurance would not have paid unless at least three homes were flooded in the same occurrence. Mr. Call added that the City's insurance denied the claim based on the Utah Government Immunity Act; the insurance would only pay such a claim if damage resulted from an act of negligence on the City's part. Philosophical discussion regarding the issue at hand continued, with Mayor Taylor stating he would suggest that if the Council decides to participate in the repair costs, he would recommend that the City solicit additional bids and only pay for a certain percentage and split the total cost with the homeowner. Council Member Stoker stated she would be comfortable with that. Council Member Swanson stated if the Council agrees to participate in this situation, he would like to go back to the person most recently denied assistance from the City, Mr. Green, and say that the City made the wrong decision and offer to reimburse him. Discussion regarding Council Member Swanson's suggestion ensued, with Council Member Urry suggesting that the Council offer financing the repair costs for the homeowner. Council Member Stoker cautioned the Council against doing something now that they are not willing to do in the future; she indicated she is very concerned about setting a dangerous precedent for the City. Mayor Taylor stated he would recommend that the Council consider this case on its individual merits without considering what the City has done in the past and decide to pay a percentage of the repair costs after asking that the homeowner obtain additional bids. Council Member Stoker stated that would be her preference as well. Council Member Urry stated he would be comfortable with that approach as well and would be happy to pay 50 percent of the repair costs. Council Member Stoker agreed. Council Member Swanson stated that the circumstances in this case are too similar to Mr. Green's case and if the City is going to pay 50 percent for this case, Mr. Green should be similarly compensated. Council Member Turner stated that he would prefer to consider each case on its own merits and he does not want to try to make changes to actions the City has taken in the past. Council Member Satterthwaite stated he would support Council Member Swanson's recommendation to correct the past action taken in Mr. Green's case and he is comfortable asking this resident to obtain additional bids and indicating that the City will pay 50 percent of the lowest bid. Council Member

Stoker stated she feels the City should deny the request for assistance based on the fact that similar requests have been denied and the City's insurance company denied the claim.

**Council Member Stoker motioned to deny the request to compensate a resident for home repairs needed as a result of flooding caused by a water line break. Council Member Swanson seconded the motion.**

Council Member Swanson stated he seconded the motion to deny participation because there are too many unintended consequences of participating; he added he also feels the City has set a precedent in the past and he applauded Council Member Stoker for having the courage to take this position. He stated he feels this action is defensible. Discussion regarding the motion continued, after which Mayor Taylor called for a vote.

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>nay</b>

**The motion passed 4-1.**

**11. PUBLIC COMMENTS**

No comments were made

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

Council Member Stoker reported about a sizable pothole that continues to increase in size on Mountain Road. Mr. Espinoza stated he will check on it. Council Member Stoker stated that she appreciates the role that each member of the Council plays and she enjoys working with them.

Council Member Satterthwaite stated that he also appreciates the other Council Members and how they work together. He also asked Mayor Taylor for an update on the library project.

Council Member Urry stated that he also appreciates the other Council Members and he has no hard feelings when the entire Council does not vote unanimously on any given issue. He also appreciates Mayor Taylor and his positive outlook on situations; having him as a Mayor is a breath of fresh air.

Council Member Swanson stated that he also appreciates the Council and Mayor Taylor. He then reported that he has been asked to speak to the Kiwanis Club next Tuesday at 6:30 p.m. and he will ask to be excused from the Council meeting that evening. Mayor Taylor stated the Council will be considering a proclamation recognizing the Kiwanis Club next Tuesday and he asked Council Member Swanson to deliver it to them during their meeting. Council Member Swanson then stated he has a few items that he would like to consider in the budget preparation process for the next fiscal year; he would like to consider hillside water pumping rates. He noted there has been an increase in off-premise signs in the City and it may be necessary to have a discussion about regulations of such signage in the City. He then asked if 1050 North will be overlaid. Mr. Espinoza explained the scope of work to be completed on 1050 North, including chip sealing and fog coating. Council Member Swanson stated that he has had residents ask why the speed limit is different on different portions of the road and it may be wise to consider implementing a uniform speed limit once the road work is completed. He added that someone from the Standard-Examiner has been hanging banner signs on the fence at the Dog Park; he has been cutting them down and bringing them to the City office, but he suggested someone contact the newspaper about the issue.

Council Member Turner stated that he had a resident ask him about ordinances regarding panhandling and he asked if the City has such an ordinance. Mayor Taylor stated that he has looked into the issue in the past and received legal advice that panhandling is protected under freedom of speech so the City did not proceed. Mr. Call stated that Ogden recently adopted an ordinance restricting panhandling in certain areas and it may be possible to consider a similar ordinance in North Ogden. Mayor Taylor stated he would like to proceed in that direction. Council Member Turner then discussed some comments he has made via email and he wanted to assure the Council that his comments were not meant to be combative. He stated he has been very impressed with the way the City Council works together and he wants that to continue. He credited the Mayor and staff for their assistance in maintaining a good working relationship among the Council.

Mayor Taylor stated next week he will be providing the Council with a report regarding some discussions he has recently had with Utah Transit Authority (UTA) about improving bus stops and sidewalks near bus stops in the City. Council Member Urry stated he would like to discuss the possibility of altering the UTA bus routes in the City. Mayor Taylor then discussed the potential dates for the Council's budget retreat; there have been some conflicts with some of the dates previously selected and it may be necessary to change the date or time of the meetings.

### **13. AJOURNMENT**

**Council Member Swanson motioned to adjourn. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 9:58 p.m.**

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Brent R. Taylor, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved