

NORTH OGDEN CITY BUDGET RETREAT AND COUNCIL CITY MEETING

April 22, 2014

The North Ogden City Council convened in an open meeting on April 22, 2014 at 12:10 p.m. in 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 April 18, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

PRESENT: Brent Taylor Mayor
 Kent Bailey Council Member
 Justin Fawson Council Member (arrived at 12:26 p.m.)
 Lynn Satterthwaite Council Member
 Cheryl Stoker Council Member

EXCUSED: James Urry Council Member

STAFF PRESENT: Ronald F. Chandler City Manager
 S. Annette Spendlove City Recorder/ H.R. Director
 Bryan Steele Finance Director
 Trent Wilkins Solid Waste / Sanitary Sewer Supervisor
 Gary Kerr Building Official
 Tiffany Staheli Parks & Recreation Director
 Clark Crowther Lieutenant
 Lorrie Frazier Administrative Executive Secretary
 Jon Call City Attorney

VISITORS: Phillip Swanson Mike Carter
 Gyle Hollingsworth Brent Chugg
 Justin Robinson Phil Pack
 Bob Campbell Carol Campbell
 Lynn Millard Brenda Ashdown
 Keith Ashdown Eileen Truscott
 Randy Winn Clark Skeen
 Blake Welling Chris Campbell
 Bob Buswell Rachel Trotter
 Brent Call Gordon Robson

Mayor Taylor welcomed those in attendance. He provided the invocation and led the pledge of allegiance.

BUDGET RETREAT - NOON - 5:30 P.M.

1. INTERVIEWS FOR THE SOLID AND GREEN WASTE CONTRACT

Mayor Taylor, the City Council, and City Manager Chandler conducted interviews of those companies that submitted a proposal to provide solid and green waste removal for North Ogden City. The following companies were interviewed: Waste Management and Republic Services. Each company provided a brief overview of their proposal after which they answered various questions regarding the service they provide and the associated cost.

The Council took a break at 1:55 p.m. The meeting reconvened at 2:02 p.m.

Mayor Taylor led a discussion regarding the garbage and recycling companies and stated he would like to make a decision regarding the selection of a vendor in order for a contract to be approved at the May 13 meeting. Mayor Taylor indicated that if the City were to stay with Waste Management, the costs for the current level of service would increase; if the City opted to contract with Republic Services for the same level of service, the cost would decrease. Those savings could be used to offset the costs associated with implementing new recycling programs. He reviewed a comparison of county-wide utility rates and indicated North Ogden's rates are among the very lowest in the county and it would be helpful to consider that data when considering the appropriate rate to charge residents for garbage collection and other utilities. The Council had a general discussion regarding the options available to the City depending on the vendor chosen. Council Member Fawson stated he would advocate for weekly recycling pick-up and an opt-out green waste program. Mr. Chandler stated that if the City chooses to implement a green waste recycling program, the rates should be structured in a way that residents are incentivized to opt for a green waste recycling can rather than a second garbage can or choosing to take their own green waste to the City's facility.

Council Member Bailey stated he is unclear about the financial impact of adding a green waste recycling program to the City's offerings. Mayor Taylor stated that Waste Management would provide the service for an additional \$2.85 per household per month and Republic Services would provide the service for an additional \$1.91 per household per month. There was a general discussion regarding opt-out and opt-in recycling programs and the frequency by which recycling cans should be collected. Mayor Taylor stated it will be necessary for the City to determine all outside tipping fees for traditional recycling and green waste recycling in order to determine the total cost of each program before making a decision about the vendor and which programs to select. Mr. Chandler added that he will also check with references provided by Republic Services and get additional information from both vendors regarding their fuel surcharges. Council Member Fawson stated Waste Management has done a great job for the City, but he would be supportive of contracting with Republic Services in order to garner savings for City residents. Council Members Bailey and Satterthwaite agreed. Council Member Satterthwaite stated he would like to gain an understanding of what the residents would prefer relative to recycling programs and the frequency with which the cans are emptied. There was a general discussion regarding the costs for second garbage cans compared to costs for recycling cans, with Mayor Taylor reiterating the City needs to structure rates in a way that will incentivize traditional recycling and green waste recycling. He noted the Administration will follow up with Waste Management and Republic Services to get additional information that was not readily available today and those items can be discussed at the next Council meeting.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE ITEMS ON THE FISCAL YEAR BUDGET 2014-2015

A staff report from City Manager Chandler included a message regarding key points in the tentative Fiscal Year (FY) 2014-2015 budget. A City budget is meant to reflect the City's policies and goals. The major changes in this year's budget are a result of policies implemented over the past two years and recent discussions with the City Council.

During the work meeting we will cover the following topics.

1) Garbage Collection – We received two bids for garbage collections. We would like to use you, the City Council, as the evaluation committee for choosing the contractor. Each proposal includes a base bid for the City's current collection program plus alternative bids for weekly recycling and green waste. I will deliver a copy of the proposals to you.

We scheduled interviews with the two applicants for the first part of the meeting.

2) Motor Pool Funding – The motor pool funds act as an auto repair business whose clients are the City departments. During the recession, the City relied on the motor pool fund balances to cover its expenses by not paying the motor pools for their services. In FY2014 the City implemented a three year policy to fully fund the motor pools. This budget is the second year of this plan. Budgetary impact: general fund = \$93,000; water fund = \$18,000; sewer fund = \$11,000; storm drain fund = \$12,000; solid waste fund = \$1,400

3) Special Revenue Funds – You have expressed a desire to separate the aquatic center from the general fund. You have also discussed creating funds for new street light installation and street projects. This budget creates special revenue funds for each of these services.

4) Salaries – This budget proposes modifications to the City's salary ranges and a 3.94% increase in the overall salary expense. Budgetary impact (salary and benefits): general fund = \$100,000; water fund = \$8,000; sewer fund = -\$61,000; solid waste fund = \$22,800;

5) New Employee Positions – This budget includes two new positions – a part-time mechanic and a part-time code enforcer. Budgetary impact (salary and benefits): motor pool fund = \$36,000; general fund = \$26,000.

6) Transfers to the Capital Project Fund – In FY2014 the City adopted a policy to transfer 50% of general fund excess revenue over expenditure to the capital project fund and transfer 50% of projected revenue increase to the capital projects fund. This budget includes these transfers. Budgetary impact: anticipated transfer of increase of revenue over expenses for FY2014 = \$262,000; transfer as a result of increase in revenue for FY2015 = \$166,000.

7) Public Works Facility – This budget includes \$2.7 million for the new public works buildings. Lundahl Construction is creating a new site plan based on recommendations made by the public works subcommittee and we will present an update on Lundahl's progress.

8) Capital projects – We will review the capital project requests for each fund.

9) Other line item request including

- Employee health insurance
- Employee retirement
- Conversion of street lights to LED lights
- Depreciation
- Enterprise fund reserves
- Preventative maintenance for park sprinkler systems

10) Questions/answers and other topics.

Mr. Chandler reviewed his staff memo and also reviewed an attached spreadsheet including actual dollar amounts budgeted for the various funds of the City. There was a brief focus on the budget for the aquatic center and whether the general fund covers depreciation of the facility. Mr. Chandler explained the City does not fund depreciation of any City buildings nor do any other cities that he knows of. The cost to fund depreciation for all City facilities would be staggering. Council Member Bailey stated it is important for the City to understand what the depreciation costs would be and what the City is risking by not funding that depreciation. Mayor Taylor stated some cities fund depreciation via their capital projects funds; he noted it is important to communicate that the City is funding the enterprise funds and growing economic development and it may be necessary to provide increased sales tax revenues to fund depreciation in the future. Mr. Chandler then reviewed the balances of the enterprise and internal service funds. He also reviewed the budget for the project to upgrade the City's street lighting system. This was followed by a discussion regarding funding for the City's motor pool; after the coming FY and the following FY, the City's motor pool fund will be fully funded. Mr. Chandler then reviewed the policy decision made by the Council to use half of extra available general fund balance revenues for capital projects and the other half to increase the general fund balance, which has a limit of 25 percent of the City's total revenues. There was a general discussion regarding funding the capital projects fund of the City and Mr. Chandler stated that if the policy of the Council is maintained there is the potential to make significant cash transfers to the capital projects fund now and in the future.

The Council then received a presentation from Lundahl Building Systems regarding the City's three options for constructing the new Public Works Facility, with a focus on water issues on the property related to the artesian wells on the property and on an adjacent property. There was a discussion regarding the potential of purchasing the artesian well on the adjacent property to utilize as a City water source. There was also a discussion regarding the slope of the ground and how it will impact the design of the project. It will be necessary to eliminate artificial water sources and reroute storm drainage infrastructure on the property to address the wetland issues on the property; the property will be inspected again on May 10 to determine if the project can proceed. Mr. Chandler asked if the water problems on the site can be addressed by the installation of land drains, to which the Lundahl representative answered yes. Mr. Chandler asked if the initial bid included installation of land drains, to which the Lundahl representative answered yes. Mr. Chandler stated the items for the Council to consider this evening include the

site plan and any add-ons for the project. The Lundahl representative reviewed a design option that the City may consider in the event that the wetlands are not sufficiently mitigated. Mr. Chandler noted the base price for the project is \$2,578,031 and the Lundahl representative noted that cost includes construction of the shop building, office building without the basement, and site development. One optional add-on for the project is the construction of an additional storage building that would include bays for materials storage, such as salt, sand, and gravel. There was a discussion about adding a basement to the office building and using that space for additional storage, etc. There was also a discussion regarding the changes to the project scope and cost since the project was originally bid; the majority of the changes are related to water and scope issues on the property. Council Member Satterthwaite stated he is satisfied with the design of the project. The Lundahl representative stated he has worked with Public Works Staff to make the design as functional as possible for the end-users. Mr. Chandler stated that as budget discussions progress the Council will have the opportunity to review all optional fiscal impacts of the project and determine what components should be completed. Mayor Taylor asked the Council to keep in mind that the project includes 13,000 more square feet than was originally referenced in the request for proposals (RFP) and the site will be fully functional with the addition of a fuel station and materials storage shed. There was a discussion regarding the definition of fully functional, with Mayor Taylor explaining he used that term to communicate that it would not be necessary to split Public Works Department operations between two sites or buildings. Council Member Satterthwaite stated it seems more sensible to build the basement under the office building to use it for vehicle storage. Council Member Bailey stated that the original savings estimate associated with site preparation was \$100,000, but that has now decreased to \$50,000 and he inquired as to the reason for the decrease. The Lundahl representative indicated his firm was somewhat over-ambitious when considering the amount of dirt work to be completed. It would be possible to increase the savings associated with dirt work if the orientation of the buildings on the site were shifted, but the facility would not be as functional. There was a general discussion about the optional building orientations respective of needed dirt work and grading of the property and functionality. Mr. Chandler stated the Council simply needs to determine the total budget for the project and the add-ons that should be included in the project scope. He stated many of the design details will be worked out between Lundahl and City Administration. This led to a discussion regarding the potential to include the materials storage shed in the initial project scope. Mayor Taylor stated the Council will continue to discuss the budget for the project in order to make decisions relative to the execution of the contract at the May 13 Council meeting.

The Council took a break at 4:20 p.m. The meeting reconvened at 4:32 p.m.

Mr. Chandler then moved to the point in his presentation relative to capital projects; it is estimated at the end of the current FY there will be \$3,879,000 available to use for capital projects. He reviewed some of the potential projects that could be satisfied with that funding. There was input from each Department Head relative to the projects that would serve their respective Department. Mr. Chandler and Finance Director Steele then reviewed the budgets for the utility accounts of the City. Mr. Chandler and the Council reviewed the project to construct a trail or sidewalk on Pleasant View Drive where sidewalk currently does not exist. This project was requested by a resident and Mr. Chandler asked the Council to determine whether to fund the project. Mayor Taylor stated he is typically supportive of these types of projects when they

provide a safe pedestrian route for kids walking to school or when they connect two portions of a trail; neither factor is present for this project and, therefore, he is not supportive of it at this time. Council Member Bailey concurred and stated there are several other locations throughout the City that do not have sidewalk, but those projects are not being considered because they have not been requested. This led to a general discussion regarding areas in the City that lack sidewalks for various reasons. The Council concurred it is necessary to adopt and follow an ordinance that would require installation of sidewalk based on certain circumstances. Mr. Chandler then refocused the discussion and reviewed the projects programmed in the sewer fund. Council Member Bailey stated he would like for the Council to consider an ordinance to formally adopt the informal policy dealing with the division of annual surplus between the capital improvement fund and the general fund balance. Mayor Taylor stated he would be supportive of that. Mr. Chandler then reviewed the projects programmed in the storm drain utility fund. He then concluded that he and Mr. Steele have programmed \$2.7 million for the public works facility project and none of those funds come from the water, sewer, or storm drain fund though there had been discussions about using utility funds to cover some of the costs associated with the project. Council Member Bailey clarified that some utility funds were used for property acquisition. Mr. Steele stated that is correct. Mr. Chandler stated that tonight he is hopeful that the Council can make a decision regarding the design and budget of the project. Council Member Fawson stated he would be more comfortable making a decision if he understood depreciation costs for the enterprise funds. There was a discussion regarding the available budget surplus this year, after which Mr. Steele reviewed the current state of each utility fund with a focus on the rate changes that would be necessary to fully fund utility depreciation.

The Council took a break at 5:37 p.m. The meeting reconvened at 5:51 p.m.

Mayor Taylor offered his suggestions for utility rate increases to fully fund depreciation in the City's utility funds. He reminded the Council that the City has one of the lowest cumulative utility rates in Weber County and an increase in \$7.00 per month would not change that standing dramatically. Council Member Fawson stated he is very interested in funding depreciation, but he would prefer to seek out budget reductions rather than a fee increase to accomplish that. Council Member Satterthwaite stated he is supportive of a rate increase as long as the revenue generated by that increase is used responsibly. There was a discussion regarding the timing of the plan to fully fund enterprise funds in the City, with Council Member Bailey stating he is supportive of continually moving in the direction of fully funding depreciation, but he is not sure that it is necessary to make a leap to accomplish 100 percent depreciation funding this year. He stated he does not want to implement large utility rate increases; residents will believe the rate increases will fund the public works facility even though that is not the case. Mayor Taylor stated the Administration can work to communicate the reasons for the rate increase to the residents, with an emphasis on the fact that the rate increases will not support the public works facility project. Council Member Bailey stated it is important to help residents understand these types of technical budget issues. Mayor Taylor agreed and noted the message can also communicate that steps, such as rate increases and fully funding depreciation, will help the City to avoid the need to bond for needed infrastructure repairs or capital projects in the future. Council Member Fawson stated that he also wants to focus on the needs of the City compared to wants. There was a general discussion regarding the formula for increasing utility rates with the focus on the percentage of depreciation that should be funded, with Council Member Bailey

indicating he would like to create a program that tracks revenues and how those revenues are spent on the associated infrastructure. He added he would also like the rate increase to sunset at a future date. Mayor Taylor suggested the Council write a budget message letter to explain the reasons for rate increases; the letter could be included in the next newsletter, which would reach all residents just before the final budget adoption is on the Council agenda. He stated that he believes that most residents that receive such information will understand it is necessary and an appropriate step for the City to take. Council Member Satterthwaite agreed and stated it would be good to include information about projects that will be completed with the revenues generated by increased utility rates. This led to a general discussion regarding available funding for various capital projects, including optional grant programs. The discussion refocused on utility rates, with reference to the bids received for garbage collection and optional recycling programs. Mayor Taylor then asked the Council if they are comfortable proceeding with the street lighting replacement program; all Council Members answered yes, with Council Member Bailey stating he would like to have continued discussions regarding the cost of using LED lights because he feels those costs will decrease in the next couple of years when they are more widely used. Mr. Chandler then stated he can assemble three or four good utility rate proposals for the Council to consider prior to the next budget retreat meeting. To conclude the meeting Mayor Taylor again reviewed the various optional add-on components of the Public Works Facility project as well as the associated costs and he stated he is hopeful the Council can reach a consensus during the business meeting regarding which options to include in the contract so that a final contract can be considered at the May 13 Council business meeting. Council Member Satterthwaite stated he is not sure the Council has had enough discussion about some of the optional items to make a decision. Mayor Taylor stated his recommendation would be to construct the basement under the administrative building, the salt and sand storage shed, the fuel station, the crane, and include the efficient air conditioners on the buildings; all this work could be completed for approximately \$2.9 million. Mr. Chandler added that it is also necessary to include a five percent contingency amount in the contract to cover any overages or unforeseen issues. Council Member Satterthwaite reiterated he feels this decision is being rushed and he would like to meet again to discuss the project. Mayor Taylor stated that if the Council is not comfortable making a decision tonight it is possible to schedule another budget meeting. He stated it would be possible to discuss the issue during the May 8 meeting.

Council Member Bailey moved to adjourn the budget retreat meeting at 6:22 p.m. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

COUNCIL MEETING

LDS North Ogden Stake President Clark Skeen provided the invocation and led the audience in the pledge of allegiance.

CONSENT AGENDA

- 1. Consideration to approve the minutes of the March 11, 2014 City Council Meeting**
- 2. Consideration to approve the minutes of the March 25, 2014 City Council Meeting**
- 3. Consideration to approve the minutes of the April 1, 2014 City Council Meeting**

Council Member Bailey moved to approve the minutes as listed on the consent agenda. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Carol Campbell, 3679 Lakeview Drive, stated that she wants to talk to the Council about a dog park in North Ogden; this is something that is near and dear to her as a dog owner and as an avid walker and runner that encounters loose dogs in the community. She stated that as the canine and human population continues to increase it is important to buffer between the two and a dog park is a tool that can facilitate that; dog parks will not just benefit people that own dogs, but it will benefit the entire community because it will accommodate dogs that are running loose in the community and put them in a place where they will not be a nuisance. It is also a great way to socialize dogs. She added she provided the Council with documentation supporting her recommendation that the City build a dog park and stated it is important to consider this recommendation. She spoke to the City's animal control officer about the dog population and those numbers are hard to pinpoint; in the system there are 1,682 active dog licenses, but 408 of those are no longer current and that could be for a variety of reasons. She also used an internet pet population counter that estimated that the City may have approximately 2,000 dogs, which is quite a few and that high population should be addressed. Not all dog owners are good dog owners, but those that are seem to be smart about getting their dogs exercise and socializing them so they can be good neighbors. The dog park may bring good and bad dog owners together and the good dog owners could mentor those that need some assistance in improving their dog's behavior. Dog parks are one tool available to municipal government to help the human and dog population co-exist; they are also an attractive amenity to the City. As Weber County's third largest city, it is time for the City to take the initiative to move forward and build a dog park. She concluded by providing the Council with photos of the dog park in Ogden City.

Mike Carter, 304 W. 1825 N., stated he also wanted to talk about dog parks; he suggested that the old Pioneer Road that travels through Ogden Canyon could be designated as an off-leash dog location. He stated there are several similar amenities like that in Salt Lake City and they are very successful.

Jonathan Call, 1895 N. 300 E., also addressed the dog park issue and stated he feels the addition of such a park in the City would apply to the goal of the City to include green space in future development. He referenced some of the amenities at the Ogden City dog park that make it successful as well as some of the detractors. He then stated he has noticed recent development applications for quarter-acre lot sizes, but he has not seen much included in those plans for trails or other types of open and green space and he would ask the City to include such amenities to connect the existing trail system and parks. Mr. Chandler referred Mr. Call to the City's webpage to see a draft ordinance that would provide incentives to developers to create green space and trail connectivity. He stated the City would welcome public input on those issues.

Hannah Goodrich, 3170 Holiday Drive, stated she would like to reinstate and direct the Miss Cherry Days scholarship pageant; it was an integral part of the Cherry Days celebration until approximately five years ago. It has been missed by the community and bringing it back would make the celebration complete. She provided the audience with information about the program and stated that as a former Miss Cherry Days she can attest to the many things the young women learn in the program that will serve them for the rest of their life. She stated the timeline for planning a pageant for this year is strict and she is seeking help with funding for the pageant. She reviewed some of the options for hosting and planning the pageant and stated she feels the pageant could become self-sufficient in the future, but she needs help getting it off the ground this year. She stated she has a committee assembled that can begin working as soon as she receives approval. She reiterated she would love to have the support of the City and stated she would be willing to answer any questions regarding her request. Mayor Taylor asked if the pageant could be held at the North Ogden Senior Center to save on venue costs. Ms. Goodrich stated it would be difficult to accommodate the pageant at the Senior Center based on space restrictions and the lack of area for wardrobe changes. Mayor Taylor inquired as to the franchise fee that would be paid to the Miss America organization. Ms. Goodrich stated that fee is \$700. Council Member Satterthwaite inquired as to the insurance costs. City Recorder Spendlove stated the Miss Cherry Days pageant was covered under the City's insurance policy in the past because it was a City function. Council Member Fawson stated that he feels the pageant is an important part of the Cherry Days celebration and he would be supportive of reinstating it. Mayor Taylor suggested that the Council have a more detailed discussion about the request at the May 13 meeting.

Blake Welling, 1098 E. 3100 N., stated the City's tentative budget includes a proposal to charge residents \$3.00 per month to save for future road projects; the idea of putting money aside for roads is not a bad one, but charging a flat \$3.00 per household regardless of how much given households may actually use City roads is troubling to him. He stated that a single person with one car makes fewer trips than a family with teenage children that drive. He suggested that the fee be prorated based on the number of people living in a household. He then stated that the Council is considering a contract for garbage and recycling programs; he noted weekly recycling is a good idea, but not everyone needs weekly pick-up. He stated there is cost increase

associated with that program and the number of people living in a household should also be considered in this instance. He then stated he would not use a green waste bin throughout the year and it is important for the Council to consider how these programs would be utilized by smaller households.

Randy Winn, 2512 Barker Parkway, stated that he fills his black garbage can each week, but he fills it with yard clippings and he would be supportive of a green waste recycling program.

Mayor Taylor then noted the City is working to address animal control issues after business hours and on weekends. He then asked the Council if they would like to have continued discussion regarding a dog park and the Miss Cherry Days pageant; all Council Members concurred with adding items to future agendas to discuss these issues.

2. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO THE CURRENT BUDGET FISCAL YEAR 2013 – 2014

Finance Director Steele reviewed a spreadsheet included in the Council packet that identifies the recommended budget amendments in the current fiscal year (FY) budget.

Council Member Satterthwaite inquired as to the reason for the increased water pumping costs. M. Steele stated that due to drought conditions last year it was necessary to pump water from the lower elevations of the City to the higher elevations.

Mayor Taylor opened the public hearing. There were no persons appearing to be heard.

Council Member Fawson moved to close the public hearing. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE CURRENT BUDGET FISCAL YEAR 2013 - 2014

Council Member Bailey moved to adopt ordinance 2014-04 amending the current fiscal year 2013-2014 budget. Council Member Satterthwaite seconded the motion.

Council Member Bailey asked if this action will help the City to avoid any audit findings relative to exceeding general fund revenue limitations. Mr. Steele stated that this action will take the

general fund balance down to approximately 18 or 19 percent, so there should be no audit finding relative to that matter.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER FUNDING AND DESIGN PLANS FOR THE PUBLIC WORKS FACILITY

Mayor Taylor introduced this agenda item and explained the Administration, Council, Public Works Committee, and selected contractor have been working to determine the scope and budget of the public works facility project. He noted the base bid for the project includes the shop building, administration building, and basic site design including roads; he reviewed a map of the area to illustrate the location of the project and the proposed layout. There are potential additional components of the project that the Council can choose to add to the project scope, including additional storage space, a fuel island, a generator pad, and a few additional items that could enhance the facility.

Justin Robinson, Lundahl Building Systems, approached the Council and provided the Council and audience with an overview of the site design. There was a focus on designing the site to provide the highest functionality while dealing with the unique topography and water issues at the site. He stated optional additions to the project include storage space under the administration building; a materials storage building that could house salt, sand, and gravel as well as other materials frequently used by public works. He also reviewed the drainage plan for the site and stated the proposal is to install drainage infrastructure at the north end of the property. Mayor Taylor then added information regarding the reasons that Lundahl was selected as the contractor for the project, including the fact that Lundahl proposed to build more space than was requested in the project request for proposal (RFP) at a lower price than other bidders; they also proposed access to the site from Pleasant View Drive and Lomond View Drive. They were the only contractor that proposed to separate the shop and administration buildings, which is very attractive and functional; the exhaust system used in the shop building is a very attractive component, and the bays in the shop building are divided by firewalls to allow for an additional 3,500 feet of storage space on the mezzanine level of the building.

Council Member Satterthwaite asked Mayor Taylor to illustrate the way traffic will flow through and around the site based on the design recommended by Lundahl, which Mayor Taylor did using the aid of an enlarged copy of the design plan. He then reiterated the optional add-on components of the project and highlighted the areas on the site that those components could potentially be located. He also explained how drainage infrastructure would be constructed and installed at the site to prevent future water problems. He also identified the location of the water

detention basin on the site. He noted the Council has been presented with various budget options for the project: the base price for the project is \$2,540,000; if the basement storage area is added to the administration building the cost would increase to \$2,570,000. The addition of a basement that could be used to store additional vehicles could cost \$83,000; the addition of a salt and sand storage shed would be \$118,000; the covered vehicle storage shed would be \$628,000; the fuel island would be \$28,500; a backup generator would be just under \$13,000; the installation of cranes in the mechanic shop would be \$15,000 to \$28,000. The Council has many various heating and ventilation options to consider, but there is a proposal to install six feet of masonry at the base of the building to protect the building from exterior damage as well as to create efficiency in the heating and cooling of the building. This option would cost an additional \$40,000. He invited the Council to have a general discussion regarding their feelings about the optional project components.

Council Member Fawson asked if the base price includes a contingency amount. Mr. Chandler answered no and stated he would recommend building in a five percent contingency amount. Mr. Robinson stated he has included a small contingency in the base bid as well. Council Member Fawson stated he feels the City has two options: build a building that is completely functional from the beginning or building a building that is functional, but can be added to as the transition is made from the old Public Works facility. He stated he feels it would be appropriate to opt for the base bid plus the addition of the basement to the administration building as well as including a five percent contingency in the contract amount. He added he feels the components needed to make the facility fully functional are the salt and sand shed, the fuel station, furnishings, the backup generator, and upgraded heating and ventilation system. He noted he feels some of the increased costs could be offset by the City landscaping the project in-house. He stated this would translate to a \$2.9 million price tag. He then stated that if the City opts to transition it will not be necessary to build the salt and sand shed or the fuel station immediately and the price tag would be in the range of \$2.7 million. He asked if the crane in the existing facility can be moved over. Mr. Chandler stated the existing facility has an automobile lift, but not an overhead crane. Council Member Fawson asked if a crane is truly needed. Mr. Chandler stated the City could continue to operate without a crane, but it would greatly help the mechanics' operations to have one. Council Member Fawson asked if it may be possible to forego the new snowplow purchase of \$180,000 to dedicate those funds to the Public Works facility. Mayor Taylor stated all budget issues are up for discussion and he offered an explanation as to why the Administration included the purchase of a new plow in the budget.

Council Member Bailey asked what is included in the furnishings package for the project. Mr. Robinson stated it includes desks and chairs for all offices, a conference room table, and furniture in the staff break-room area. Council Member Bailey asked if some of the furniture in use at the existing facility will be reused. Mr. Chandler answered no, but the electronics in the existing facility will be reused. Council Member Bailey asked if it would be possible to bring the existing fuel tanks to the new site once the project is completed. Mr. Chandler answered yes and noted there will be a cost associated with the installation of the tanks at the new site. Council Member Bailey stated that he feels the covered vehicle storage building is out of the question and he agreed with Council Member Fawson's assessment that it is necessary to determine the approach the City wants to take based on the fiscal impact of the project components chosen. Council Member Fawson stated that it is also important for the Council to

remember that the property that currently houses the public works facility will be very valuable commercial property and it can be sold to generate additional income for the City.

Council Member Satterthwaite stated a lot of people have put much time and effort into the project to this point and he does not want to make a hasty decision tonight that may draw a line and limit the City in the future. He agreed that the basement should be constructed under the administration building to accommodate some vehicle storage. He recommended that this discussion be expanded during the May 8 budget meeting to consider all options in depth. He stated he is also supportive of a salt and sand shed as well as a fuel station. He stated it has been highly recommended that a radiant heating system be used in the mechanics bays and he would be supportive of that as well as upgrading the rooftop units. He reiterated he would like to have deeper discussion about all potential additional components of the project before making a decision. Council Member Fawson stated that he does not think it will be possible to make a decision this evening.

Mayor Taylor asked if the Council is leaning more towards building a facility that is fully functional from the onset or if they would rather build a facility that will provide for transition from the existing facility. He stated he feels the difference between those two options is comparatively small because he only feels the facility needs the salt and sand shed and the fuel station to be fully functional. He stated he feels the cost associated with that scope can be fully funded at this time. There was a general discussion among the Council regarding funding sources for the project.

Council Member Stoker stated that she is not comfortable spending the amount of money necessary to provide a fully functional facility. She stated that she feels the storage area under the administrative building is a necessity, but she feels it is fine to allow a transition period between the old facility and the new facility. She stated she is comfortable with the \$2.7 million price tag, but not the \$2.9 million price tag.

Council Member Bailey moved to table this discussion until May 8 to allow continued discussion and input from Council Member Urry and Public Works Director Giles. Council Member Satterthwaite seconded the motion.

Mayor Taylor asked Mr. Robinson how soon his company will be able to start the project after a contract is executed. Mr. Robinson stated the design phase will take 60 days and it will then be necessary to go through the City's building permitting process. He stated that he would urge the Council to authorize work to commence relative to the water infrastructure on the project site. Mr. Chandler stated that component is in the overall contract and if it were removed from that contract and considered an independent expense it would be necessary to solicit competitive bids for the work. There was a discussion regarding the bidding process for that type of work and Mayor Taylor asked if it would be possible to complete the project by the fall of 2014 if the total contract were executed on May 13. Mr. Robinson stated that would be a strict timeline, but it may be possible. Council Member Satterthwaite suggested that proper notification be given to allow the Council to consider the agreement at the May 8 meeting.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

There was then a discussion regarding the agenda for the May 8 Council meeting, after which Mayor Taylor recognized the members of the Public Works Committee present this evening.

5. DISCUSSION AND/OR ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH WEBER COUNTY REGARDING A RECYCLING INCENTIVE

A memo from Mayor Taylor explained that as discussed previously, Weber County is offering an incentive to cities for recycled waste. Enclosed is the proposed interlocal agreement. The Agreement offers North Ogden an estimated \$10 per ton for recycled waste collected in the city. Currently we do not receive any financial compensation for recycled waste, so this is a significant improvement. I see no downsides to this Agreement and encourage you to approve it. There are a few points of clarification we have asked for on the Agreement, including what constitutes "contamination" and further clarification for how the recycling incentive is calculated. We should have a response on these items prior to the meeting.

Mayor Taylor reviewed his staff memo and provided a brief overview of the interlocal agreement.

Council Member Fawson moved to approve agreement A10-2014 with Weber County regarding a recycling incentive. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

6. PUBLIC HEARING TO RECEIVE COMMENTS ON AN APPLICATION TO REZONE PROPERTY LOCATED AT 312 E. 2000 N. FROM PLANNED MANUFACTURING ZONE (MP-1) TO COMMERCIAL ZONE (C-2)

A memo from City Planner Scott explained when the City Council is acting in a legislative capacity as the land use authority the City Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require

that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The applicant is requesting that the property located at 312 East 2000 North be rezoned from MP-1 to C-2. The property is located in the C. Christiansen subdivision, lot 1. The frontage is on the north side of 2000 North on an 8,900 square foot lot. The property is currently being used as a cabinet shop. Mr. Campbell is interesting in retaining the cabinet shop and adding a photography studio. The MP-1 zone allows cabinet shop as a permitted use but does not allow photography studio as a use. The C-2 zone allows photography studio as a permitted use and the cabinet shop as a conditional use. The Planning Commission conducted a public hearing on this application on April 2, 2014. The existing property owner and applicant were the only ones in attendance. They both support the requested rezoning. The North Ogden General Plan map calls for the property along 2000 North to transition from light industrial to commercial along Washington Boulevard. The existing zoning and the proposal can be considered consistent with the General Plan. The small size of this parcel limits its ability to be any type of large manufacturing use. The property abuts commercial zoning on its east boundary. This proposal would extend the transition of commercial zoning west for approximately 100 feet. The General Plan calls for "All development in the community should be built on land suitable for the intended use." Additionally, "New commercial and other business development will enhance the community when meeting the objective of the General Plan." The Zoning and Land-Use Policy includes guidelines for how zoning changes should be considered:

General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use.

Staff comment: The proposed use provides an appropriate edge between surrounding properties.

2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition.

Staff comment: The proposal will allow the existing use to continue and allow the additional photography studio use.

3. Where possible, properties which face each other, across a local street, and should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff comment: There is a sufficient buffer along 2000 North to warrant different zones.

Commercial Guidelines:

11. Commercial zones should be located on collector and arterial streets, avoiding local streets which serve residential zones. Access to commercial and manufacturing zones should avoid local streets within residential zone.

Staff comment: The proposal is located on a collector street.

12. Existing businesses on collectors and arterials should be allowed to expand while providing an adequate buffer with adjacent residential zones.

Staff comment: The property to the west is in an unincorporated island within Weber County and zoned A-1. The home is located on the western edge of the parcel and there is a sufficient buffer from the applicant's property.

The memo provided the following summary of City Council considerations.

- Is the proposal consistent with the General Plan?

- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Does the proposal meet the North Ogden Zoning ordinance standards?

The Planning Commission found that the application is consistent with the North Ogden General Plan and is recommending approval of the rezone request for property at 312 East 2000 North from Planned Manufacturing Zone (MP-1) to Commercial Zone (C-2).

Mr. Chandler reviewed Mr. Scott’s memo and reviewed the land use map to identify the location of the subject property.

Mayor Taylor opened the public hearing. There were no persons appearing to be heard.

Council Member Fawson moved to close the public hearing. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REZONING PROPERTY LOCATED AT 312 E 2000 N FROM PLANNED MANUFACTURING ZONE (MP-1) TO COMMERCIAL ZONE (C-2)

Council Member moved to approve Ordinance 2014-05 rezoning the property located at 312 E. 2000 N. from Planned Manufacturing Zone (MP01) to Commercial Zone (C-2). Council Member Stoker seconded the motion.

Council Member Bailey asked Mr. Chandler to identify the zoning of the properties surrounding the subject property, which he did using the aid of the land use map.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

8. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO NORTH OGDEN CITY CODE 11.2.1. DEFINITIONS OF WORDS AND TERMS, BUILDING HEIGHT OF AND TO 12.3.6. TO CLARIFY HOW BUILDING HEIGHTS ARE MEASURED

A memo from City Planner Scott explained when the City Council is acting in a legislative capacity as the land use authority the City Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. On February 5, 2014 the North Ogden Planning Commission (NOPC) held a hearing to discuss how building heights are measured. The NOPC had previously held several discussions on this topic. The main concern was establishing a standard that is clear and objective to builders and city staff. Having a clear and objective building height standard is challenging for hillside lots. The attached ordinance has a standard for flat lots, downhill lots, and uphill lots. The current standard allows a maximum building height of 35 feet. (See Exhibit A). The proposed amendment changes height measurements from the finished grade of the lot rather than the current natural grade. This provides builders additional flexibility in modifying lots to accommodate home designs. Flat lots are defined as any lots with a minimal elevation difference (4 feet) from the highest elevation of the back of curb to either the highest or lowest elevation point of the rear lot line. Modifications to the lot elevation can't be more than four feet. Flat lots are required to be identified on the final plat. Uphill lots are measured from finished grade and have a maximum building height of 35 feet from the foundation to the top of the roof. Buildings can be placed on the lot measured from the top back of curb at the center of the lot to the highest point of the roof are allowed to be 40 feet. Downhill lots are measured from finished grade and have a maximum building height of 35 feet from the lowest foundation to the front of the house while the rear elevation can go to 55 feet. The interpretation of the ordinance is to be made by the chief building official. Any appeals go to the administrative hearing officer.

The suggested ordinance conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards.

The memo provided the following summary of City Council considerations.

- Is the proposed amendment consistent with the North Ogden City General Plan?
- Does the proposed use meet the requirements of the applicable City Ordinances?
- Is the proposed amendment a reasonable solution to address the issue of height restrictions within the city?

The Planning Commission recommends that the attached ordinance revising the definition of building height be approved.

Mr. Chandler reviewed Mr. Scott's memo.

Mayor Taylor opened the public hearing. There were no persons appearing to be heard.

Council Member Fawson moved to close the public hearing. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN CITY CODE 11.2.1. DEFINITIONS OF WORDS AND TERMS, BUILDING, HEIGHT OF AND TO 12.3.6 TO CLARIFY HOW BUILDING HEIGHTS ARE MEASURED

Council Member moved to adopt Ordinance 2014-06 amending the North Ogden City Code 11.2.1 definitions of words and terms, building, height of and to 12.3.6 to clarify how building heights are measured. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

10. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO NORTH OGDEN CITY CODE 11.10.6 ADDITIONAL HEIGHT REGULATIONS TO ALLOW EXCEPTIONS TO CERTAIN BUILDING FEATURES TO EXCEED THE BUILDING HEIGHT STANDARDS

A memo from City Planner Scott explained when the City Council is acting in a legislative capacity as the land use authority the City Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. On February 5, 2014 the North Ogden Planning Commission (NOPC) held a hearing to discuss allowing exceptions to the city building height standards. The NOPC had previously identified chimneys, false mansards, parapet walls, belfries, spires, church steeples (the term church steeples includes both belfries and spires), radio and microwave towers, and flagpoles as needing some type of exception, however, all of the listed exceptions are addressed in the zoning ordinance except for parapets and false mansards. Subsequently the NOPC held an

additional discussion regarding adding standards for parapets and false mansards. Staff recommended that two new subsections be added under 11-10-6 (B) Additional Height Regulations:

6. False mansards in any residential zone may extend 5 feet above the maximum zone building height.

7. Parapets in any commercial or manufacturing zone may extend above the maximum zone building height.

The NOPC discussed the options to the height exception standards. They determined that a 5 foot exception standard is reasonable for false mansards. The NOPC discussed the need for a standard for parapets. The sign ordinance does not allow signs on parapets and therefore there is no incentive to have an excessively high parapet in commercial and manufacturing zones. The height of the parapets is something that can be handled as part of the site plan review.

11-10-6: ADDITIONAL HEIGHT REGULATIONS:

A. Generally: No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.

B. Exceptions: Height regulations established elsewhere in this title shall not apply:

1. In any district, to church spires, monuments and water towers; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.

2. In any nonresidential district, to noncommercial radio or television antennas.

3. In the MP-1 zoning district, to conveyors or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.

4. Chimneys in residential zoning districts may be two feet (2') above the roofline of the residential structure, even if the roofline is at the maximum building height. However, there shall be no height exception allowed for a chimney if there is a two foot (2') or greater vertical clearance within a ten foot (10') radius of the chimney.

5. Wireless communications towers and antennas as approved in accordance with the requirements and provisions stated in chapter 21 of this title. Exception: Maximum height of twenty five feet (25') if set back twenty feet (20') from the property line and sixty feet (60') from a neighboring dwelling.

6. False mansards in any residential zone may extend 5 feet above the maximum zone building height.

7. Parapets in any commercial or manufacturing zone may extend above the maximum zone building height.

The suggested ordinance conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards.

The memo provided the following summary of City Council considerations.

- Is the proposed amendment consistent with the North Ogden City General Plan?
- Does the proposed use meet the requirements of the applicable City Ordinances?

- Is the proposed amendment a reasonable solution to address the issue of height restrictions within the city?

The Planning Commission recommends that two new subsections be added to 11-10-6:

Additional Height Regulations:

6. False mansards in any residential zone may extend 5 feet above the maximum zone building height.

7. Parapets in any commercial or manufacturing zone may extend above the maximum zone building height.

Mr. Chandler reviewed Mr. Scott's memo.

Mayor Taylor opened the public hearing. There were no persons appearing to be heard.

Council Member Fawson moved to close the public hearing. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN CITY CODE 11.10.6 ADDITIONAL HEIGHT REGULATIONS TO ALLOW EXCEPTIONS TO CERTAIN BUILDING FEATURES TO EXCEED THE BUILDING HEIGHT STANDARDS

Council Member Bailey stated he is concerned about the lack of a maximum height for parapet walls; he understands signage is not permitted on parapet walls, but he is concerned about how the Planning staff and Planning Commission will determine if a parapet wall is acceptable to the City if no maximum height is provided. Mr. Chandler stated there are so many configurations and measurement practices that can be used to measure parapet walls and the Planning Commission felt imposing a maximum height would be problematic. He stated parapet heights will be addressed at the site plan review step in the development process. Council Member Bailey asked how it will be addressed if there are no criteria in the Code for the staff to adhere to. Building Official Kerr stated that architecture will determine appropriate parapet wall heights; most parapets are not architecturally reinforced and if a parapet wall were proposed to be very tall it would be necessary to spend money to architecturally reinforce them. Council Member Bailey stated he is simply concerned that there is a hole in the ordinance due to the lack of a maximum height for parapet walls. Mr. Chandler stated staff can amend the ordinance and bring it back to the Council at a future date if necessary. Mr. Kerr suggested the Council add a maximum parapet wall height to the ordinance of six to eight feet. Council Member Bailey suggested that the maximum parapet height be a percentage of the total building height. He

stated that if the maximum building height allowed is 35 feet, the parapet height would be in addition to that.

Council Member Bailey moved to adopt Ordinance 2014-07 amending North Ogden City Code 11.10.6 additional height regulations to allow exceptions to certain building features to exceed building height standards, with the additional stipulation that the a parapet wall be no taller than six feet over the maximum building height. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION TO CONSIDER DEFERRING INSTALLATION OF SIDEWALK FOR LOTS 1 AND 2 OF THE STOREY FARM SUBDIVISION LOCATED AT 750 E. 2850 N.

A memo from City Planner Scott explained when the City Council is acting as a land use authority; it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant is requesting that the City Council grant a deferral from installing sidewalk improvements for lots 1 and 2 of the Storey Farm subdivision. (See Exhibit A) The North Ogden Planning Commission granted preliminary approval on December 18, 2013. The adjoining properties do not have sidewalk. The Planning Commission referred Mr. Storey to the City Council to make a deferral request and determine whether or not an escrow would be required. (See Exhibit B). The subdivision ordinance allows the City Council to make variances from the subdivision regulations (See 12-1-12). This request is a policy decision for the City Council.

The memo provided the following summary of City Council considerations.

- Is there sufficient justification to grant a sidewalk deferral for lots 1 and 2 of the Storey Farm subdivision?
- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning Ordinances?
- Does the City Council want to require an escrow for the sidewalk installation?

The proposed subdivision meets the requirements of applicable North Ogden city ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as single family residential.

This is a policy issue for the City Council. There are two issues before the City Council, first should a sidewalk improvement deferral be granted and second should an escrow be required for the improvements. The Planning Commission has referred Mr. Storey to the City Council for a determination.

Mr. Kerr reviewed Mr. Scott's staff memo.

Council Member Fawson asked if money is placed in escrow to cover the future costs of the sidewalk installation. Mr. Kerr stated it is his understanding that no money will be put in escrow, but documentation will be recorded against the property to indicate that when the City deems it necessary to install the sidewalk the owner will be required to comply.

There was a general discussion regarding the City's ability to require a property owner to install sidewalk at a future date, with City Attorney Call indicating both parties will enter into an agreement that will be recorded against the property. There was an additional discussion regarding the most effective mechanism to require the future installation of a sidewalk comparing the improvement agreement to escrow accounts. Mr. Chandler noted the difficulty with an escrow account is that it expires; if the Council opts for escrow, the City will need to work out a tracking mechanism to avoid expiration and loss of the escrow funds.

Council Member Satterthwaite inquired as to the history of the City eventually requiring sidewalk installation after a sidewalk had been deferred. Mr. Kerr stated that he is not aware of the City ever making a property owner install sidewalk after the work had initially been deferred. Mayor Taylor stated he can understand why homeowners ask for a sidewalk deferral because the work can be very expensive and it may make more sense to defer the sidewalk until adjoining properties develop. Mr. Kerr stated that his biggest concern is the installation of driveways after a sidewalk is deferred. This was followed by a general discussion regarding the requirements to install sidewalks after a subdivision is approved.

Council Member Bailey inquired as to why other property owners have not been required to install sidewalk while Mr. Storey has been told he must install sidewalk, which has led to his request for a deferral. Mr. Kerr stated he was simply following the City's ordinance and the only way an exception to the ordinance can be allowed is through a vote of the Council.

Council Member Fawson asked if curb and gutter infrastructure has been installed at the subject property. Mr. Kerr stated there is curb and gutter further up the street.

Mayor Taylor summarized the issue at hand and advised the Council as to the possible actions they can take this evening. Council Member Satterthwaite stated he feels the Council should consider policy that is more forward-thinking and would facilitate the installation of sidewalks upon development of a building lot. Council Member Fawson stated he feels that is the intent of the City's current building or subdivision ordinance.

Council Member Bailey moved to set aside the rules to allow Mr. Storey to address the Council regarding his deferral petition. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

Mr. Storey stated there is no sidewalk on his side of the street and constructing a sidewalk would require major excavation; at this time all he is trying to do is sell a couple of building lots and he is not a big subdivider. He stated he and his sister live in existing homes in the area and neither of them have been required to construct a sidewalk. He added that he would sell the lots and make the buyers aware that they will be obligated to construct sidewalks at some time in the future. Council Member Bailey asked if there is a requirement for Mr. Storey to construct sidewalk on his property at some time in the future. Mr. Storey stated he is not aware of such a requirement; he built his home in 1975 and he has since installed curb and gutter there.

Council Member Fawson moved to deny the sidewalk deferral petition and require sidewalk construction on lots one and two of the Storey Subdivision.

Mr. Storey stated that means only two lots of the nine in the subdivision will have sidewalks. Council Member Fawson stated he understands that and he understands Mr. Storey will be financially impacted by the requirement, but he feels it is appropriate for the City Council to follow the ordinance and require sidewalks.

Council Member Stoker seconded the motion.

There was a general discussion regarding the mechanism the City can use to require sidewalks on other properties for which deferrals have been granted. Mayor Taylor stated that may ultimately be a decision of the City Council. He stated it may be an option to create a special improvement district to facilitate the installation of sidewalk. Council Member Satterthwaite stated he is supportive of the deferral in order to be fair to Mr. Storey based on deferrals that have been granted in the past. Council Member Bailey agreed and noted the City has granted deferrals for two properties on the same street within the last two years. He stated the City is at fault for granting deferrals for other property owners in the past, but it is important to be fair. He suggested the Council stiffen the ordinance and also determine a mechanism to require sidewalk installation at homes that have been granted a deferral. Council Member Fawson stated the Council needs to start imposing the ordinance at some point. There was a general discussion regarding the best way to proceed with City Attorney Call indicating the Council could amend the subdivision ordinance by eliminating the section that provides the Council with the authority to grant an exception to the provisions of the ordinance.

Council Member Satterthwaite moved to amend the motion; he recommended the sidewalk deferral request be granted. Council Member Bailey seconded the motion.

Council Member Satterthwaite stated he makes his motion because the Council, over the years, has not been consistent and that is not fair to the residents of the City. He suggested the Council further investigate a way to tighten its ordinances relative to sidewalk deferrals. Council Member Fawson argued that the Council has the responsibility to uphold the law.

Voting on the amended motion to grant the sidewalk deferral:

Council Member Bailey	aye
Council Member Fawson	nay
Council Member Satterthwaite	aye
Council Member Stoker	nay
Mayor Taylor	nay

The motion passed failed on a two to three vote.

Voting on the original motion to deny the sidewalk deferral:

Council Member Bailey	nay
Council Member Fawson	aye
Council Member Satterthwaite	nay
Council Member Stoker	aye
Mayor Taylor	aye

The motion passed three to two vote.

Mayor Taylor stated the Administration will work to make a recommendation regarding the tightening of the ordinance relative to sidewalk installation.

13. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN CITY CODE CHAPTER 8.5.1 PROTECTIVE GROUND COVERING

A staff memo from City Attorney Call explained the Building Department has realized the need to identify what qualifies as protective ground cover. This ordinance revision is proposed to add a definition of Protective Ground Cover which allows the Building Department to be flexible as landscaping design changes. We have specifically prohibited any noxious weeds from qualifying as protective ground cover, as well as allowed natural landscaping, provided that it is a conscious effort instead of simply relying on nature to take its course. It is hard to exactly regulate which plants are allowed, and which ones are not, without requiring an extensive study. This should give the Building Department enough tools to enforce the installation/cultivation of Protective Ground Cover.

Mr. Call reviewed his memo.

Council Member Stoker asked if the ordinance allows an entire yard to be xeriscaped or if some green materials will be required. Mr. Chandler stated a property owner would not be required to plant any grass and could, instead, xeriscape their entire property.

Council Member Satterthwaite asked if a property owner would be required to provide a landscaping plan if they desire to use xeriscaping. Mr. Call stated language could be added to the ordinance to specify that the landscaping techniques allowed in the City shall utilize the variation of plants, grass, shrubs, trees, and mulch and that would imply that variation is required and someone would not be allowed to cover their entire yard in gravel. Council Member Fawson suggested that language be added to allow the City to require a landscaping plan if deemed necessary. Mr. Chandler provided the Council with an explanation regarding the reason this ordinance has been developed and noted that the only time an instance like this will come to the City's attention is if a property has failed to install landscaping within 18 months of occupying their residence or if they have covered their entire yard in rocks; at that time the City will inform the owner that they must make a conscious effort to install landscaping allowed by the City's ordinance. Council Member Fawson stated he would still like to provide the mechanism for staff to require a landscaping plan if deemed necessary.

Council Member moved to adopt Ordinance 2014-08 amending North Ogden City Code Chapter 8.5.1 pertaining to protective ground covering, with the addition of language that specifies a landscaping technique utilizing a variation of plants, grass, shrubs, trees, and mulch. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

14. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH NORTH OGDEN CITY AND INTERMOUNTAIN HEALTH CARE FOR CONSTRUCTION AND MAINTENANCE OF A PRIVATE TRAIL AND STORM WATER DETENTION BASIN LOCATED AT APPROXIMATELY 2300 N. WASHINGTON BOULEVARD

A staff memo from City Attorney Call explained that after reviewing the IHC agreement and spending some time discussing the various options with their attorney we have reached a point where the administration and I feel that we can move forward with the agreement. All the issues related to the detention pond appear to have been resolved in a way which is agreeable to both parties. Here are some of the highlights on the Detention Pond Agreement

- The City receives an easement for the right to install a storm drain facility on the IHC property and continue to receive storm water in this location for as long as the City would like.

- The property continues to be owned and maintained by IHC (Landscaping), but all storm drain improvements will be maintained by the City.
- The City is legally liable for injuries related to the Detention Basin Improvements
- IHC is able to utilize the detention pond for open space requirements as well as discharge up to 46% of the total pond capacity from the property they own to the east of their existing building.
- The City is able to comply with their agreement with Smith's regarding handling the storm water runoff.

There is one outstanding issue we would like the Council to weigh in on. This issue is how the City would like to approach the trail agreement. There are two options.

- First, the City agrees to a public trail easement
 - The easement continues as long as the city wants it.
 - The trail is maintained by IHC.
 - The City is legally potentially liable for any injury occurring on the trail and,
 - IHC costs for defending a lawsuit against IHC.
 - IHC cannot close, or exclude anyone from using the trail.
- The second option is that the City installs the trail as a private trail.
 - There is no public easement on the trail.
 - The trail is maintained by IHC.
 - The trail may, or may not be closed by IHC at any time.
 - The City is not liable for injuries on the trail, unless they are the result of improper installation of the gravel surface.

The main concern which has been expressed is the liability associated with this portion of the trail. If the City opts for the public trail easement we could have to pay out a substantial settlement in the future if somebody was severely injured or even killed on the trail. If the council would like to assume that risk there are also some great benefits including the fact that the trail is guaranteed to remain open for public use. If the City decides to do the private trail option, the initial indications by IHC's attorneys is that public use will be allowed to occur, but signs will be posted that the trail is used by individuals at their own risk. In addition, there is nothing which the City could do to force IHC to keep the trail open should they change their minds in the future.

As a council you must decide whether the benefits of a public trail offset the risks associated with the liability associated with the trail. As the city attorney it is my job to ask questions like this, and bring attention to areas of my concern so that the Council can have the opportunity to discuss and assess the issues surrounding these types of agreements and make an informed decision. My only concern has been the sweeping language of our indemnification of IHC under the public trail option. The City has entered into other similar agreements in the past, which in my opinion were not as strongly worded, including the recent Smith's Trail Agreement. IHC's attorneys have indicated that the indemnification language is what is acceptable to them in order to maintain a public trail across their property. Trying to negotiate further the indemnification is unlikely to succeed. IHC has not taken a "take it or leave it" stance on these agreements, but as a City our timeline to complete the Detention Basin improvements is pressing hard against the

other improvements on the Smith's property. I would recommend the Council take action on one of these options at the April 22, 2014 City Council meeting.

Mr. Call summarized his staff memo. He also reviewed a plan of the project to identify the alignment of the trail. Mr. Chandler clarified the City currently has a trail easement on the property and has accepted the liability associated with the property as well as other properties that lie along the canal; he asked Mr. Call to specify the difference between that liability and the liability that Smith's is asking the City to assume. Mr. Call stated Smith's has asked that the City indemnify them against any and all claims arising from the City's use of the easement, but IHC has asked for indemnification from any act of the City, its agents, representatives, or employees, or any use, occupation, or enjoyment of the trail improvements and related landscaping by or under the City. He stated that indemnification clause is more intense because it covers any use of the trail rather than just the City's use of the trail. He stated someone could argue that if they are robbed on the trail, the City could ultimately assume liability for those damages.

Council Member Bailey inquired as to the importance of the portion of trail to the City's trail system. Mr. Chandler stated it is not too significant and there are other options for providing permanent trail in the area in the future. He provided the Council the history of the negotiation of the construction of the public trail. Council Member Bailey suggested that the trail be accepted as a private trail to eliminate the City's liability for the trail.

Council Member moved to approve agreement A11-2014 with Intermountain Health Care for construction and maintenance of a private trail and storm water detention basin located at approximately 2300 N. Washington Boulevard, using the option that the trail remain a private trail rather than a public trail; the motion also included the authorizing for the Mayor to execute the agreement and attached easement agreements. Council Member Stoker seconded the motion.

There was general discussion regarding the fact that the City will pay for the construction of the trail, but it will not be a public trail. Mayor Taylor stated the trail will be open to use at the user's own risk and will only be closed or eliminated in the event that the property is developed in the future.

Voting on the motion:

Council Member Bailey	aye
Council Member Fawson	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye

The motion passed unanimously.

Mr. Chandler stated the City has enjoyed a great working relationship with the IHC representatives assigned to this project.

15. PUBLIC COMMENTS

Phil Swanson, 1066 E. 3300 N., addressed the agenda item regarding the sidewalk deferral and stated that what he did not hear the Council talk about was the fact that when sidewalks are deferred the responsibility to install those sidewalks at a later date ultimately falls on the other 5,500 households of the City because of the claim of poverty by the property owner. He stated he is not supportive of all residents paying for a sidewalk constructed in front of someone else's house.

Randy Winn, 2412 Barker Parkway, stated that as he listened to the discussion regarding the public works facility it occurred to him that it would be wise to create a free-standing, fully functional facility, which would allow the quick disposal of the property where the facility currently exists; the money generated by the sale of that property would offset part of the extra costs to construct the fully functional facility.

Council Member Bailey stated one problem is that the commercial real estate market in North Ogden is currently expressed and the Public Works committee has felt that it would be more advantageous to the City to retain the property until a time that the market rebounds and the value of the property increases.

Brent Call, 227 W. 3450 N., Pleasant View, addressed the public works facility and stated he felt the Council could have approved a contract this evening to allow the contractor to begin working on the design of the base components of the project. Additional improvements could have been discussed at a later date. Mr. Chandler stated the City did not receive a copy of the agreement until this afternoon and staff has not had sufficient time to review the agreement. Mr. Call then stated that he appreciates the Council's decision regarding the sidewalk deferral request. He also addressed the discussion regarding trails and open space and noted he owns property in the City that he eventually plans to build a home upon and he has expressed concerns about the lack of trails and open space in that area. He is hopeful the Council will carefully consider setting aside space for trails, parks, and other recreational uses.

Council Member Stoker encouraged Mr. Call to volunteer to participate on the City's parks and trails committee. Mayor Taylor added Mr. Call is also welcome to participate in the City's process to update the General Plan.

Ron Buswell, 962 E. 3025 N., stated there are two hospitals at the south end of Weber County and he has heard the rumor that a new hospital will be constructed in the north end of the County behind the IHC facility that was discussed this evening. He stated that the trail constructed there may be eliminated by that project. Mayor Taylor stated he believes that was planned at one point, but it is his understanding that IHC has purchased the property east of Toad's in Marriot-Slaterville for the construction of a new hospital. He added, however, that the IHC project will expand at some point in time.

Randy Will, 2412 Barker Parkway, referenced the earlier comments regarding dog parks and he stated he feels the City should outlaw pit-bull dogs. He relayed a personal experience one of his neighbors had had with pit-bulls in North Ogden. Council Member Bailey stated this issue was

discussed by the State Legislature this year and they passed a law eliminating the City's ability to adopt a breed-specific ordinance in the City.

Jeff Newman, 2980 N. 450 E., referenced the sidewalk issue tonight and stated that sidewalks provide protection for kids and other pedestrians and the sidewalk in his neighborhood is installed only halfway on the west side of the street, but the entire length of the east side of the street.

16. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Satterthwaite stated he is happy with the Council's decision to defer decisions regarding the public works facility; he understands that time is of the essence on the project, but he wants to take the time to think the contract through.

Council Member Fawson stated he submitted his resignation from the City Council today; he is thrilled to be a representative at the State level, but he is saddened and will miss the growth and opportunity that being a Council Member has provided. He stated it has been an honor and privilege to work with the Mayor, Council, and staff to serve the residents of North Ogden; their careful consideration of issues has consistently resulted in the best outcomes for the City. He concluded that he has learned a lot and made many friends; his commitment to the City will be the same at the State level.

Council Member Satterthwaite thanked Council Member Fawson for his service and stated he feels he has worked very hard for the City.

Council Member Stoker stated she has known Council Member Fawson for some time and she has learned a lot from him and his example and she will miss working with him; the current City Council works well together and she enjoys serving the City.

Council Member Bailey also thanked Council Member Fawson for his service and the conscientious way he has approached his work as a Council Member. He then stated he is very much in favor of requiring sidewalks in the City, but his concern tonight was that the City be fair. He then addressed the earlier discussion regarding green waste recycling and asked Mr. Chandler to investigate a mechanism that would allow residents to dump grass clippings without being required to pay or do so when the green waste facility is open for business; he suggested a dump station at the top of the hill that is accessible at any time of day.

City Attorney Call acknowledged the great working relationship he has enjoyed with IHC throughout the development of the contracts associated with their project.

Mr. Chandler stated he has enjoyed working with Council Member Fawson and he appreciates his friendship.

Mayor Taylor reported he will attend a meeting with parents of lacrosse parents regarding options for providing a facility for the sport. He reminded the Council of the next budget meeting scheduled for May 8. He concluded by thanking Council Member Fawson for his

service and for the relationship he has enjoyed with him as they have served together. He wished Council Member Fawson much success and provided an explanation of the process the City must follow to select Council Member Fawson's replacement.

17. ADJOURNMENT

Council Member Satterthwaite moved to adjourn the meeting. Council Member Fawson seconded the motion.

The meeting adjourned at 10:30 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved