

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

November 18, 2014

The North Ogden City Council convened in an open meeting on November 18, 2014 at 6:35 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 November 17, 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
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	James Urry	Council Member
STAFF PRESENT:	Bryan Steele	Acting City Manager
	S. Annette Spendlove	City Recorder/H.R. Director
	Jon Call	City Attorney
	Kevin Warren	Police Chief
	Gary Kerr	Building Official
	Craig Giles	Public Works Director
	David Espinoza	Culinary Water Superintendent
	Clark Crowther	Lieutenant
	Paul Rhoads	Police Special Functions Supervisor
	Justin Shinsel	Culinary Water Maintenance Worker I
	Dylan Hill	Culinary Water Maintenance Worker I
VISITORS:	Shelly Rhoades	Toby Mileski
	Sean Stan	Cecil Satterthwaite
	Steve Rasmussen	Lynda Pipkin
	Walt Nielson	Jaylene Nielson
	Paul Nanney	Donna Nanney
	David Evertsen	Randy Winn
	Rachel Trotter	

Mayor Taylor welcomed those in attendance.

Bryan Steele offered the invocation and led the audience in the Pledge of Allegiance.

### **CONSENT AGENDA**

1. Discussion and/or action to approve the October 7, 2014 City Council meeting minutes
2. Discussion and/or action to approve the October 14, 2014 City Council meeting minutes
3. Discussion and/or action to approve the October 28, 2014 City Council meeting minutes

4. Discussion and/or action to approve the November 4, 2014 City Council meeting minutes

**Council Member Bailey motioned to approve the Consent Agenda. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS**

Randy Winn, 2412 Barker Parkway, offered his support for two items currently under Council consideration: first is the proposal to realign the salaries for the City's Police Department. He stated he feels that is a wise move and his only criticism is that it was not done sooner. He stated that he also supports agenda item four and feels the City should take advantage of the Mayor's generous offer to serve full time while the City is without a City Manager.

David Evertsen, 875 S. Estrella Parkway, Phoenix, AZ, stated that he has served the U.S. Government overseas building local government and he wanted to talk to the Council about good government. He indicated he is in Utah currently to recruit 20 interns for his company, which does compensation and classification studies throughout the United States and internationally; the issue of good governance is constantly raised throughout his studies and what constitutes good governance. He offered a personal experience regarding a time that he was working as a consultant for a municipality on their personnel and policies manual and the municipality did not take his advice relative to some policy issues, but later regretted it and subsequently adopted a policy that he recommended. He stated that the reason he tells that story is because of item four on tonight's agenda; the opportunity to have a Mayor or any elected official serve in a professional capacity is a great opportunity, but it also has a lot of challenges that are seen and unforeseen. He stated that he wants the Council to think about the consequences of the action they are being asked to take tonight beyond the financial implications. He also asked that they take into consideration public perception regarding the proposed action. He stated there are many capable officials that applied for the position and it has been reported that they are not qualified; he disagreed with that assessment and stated that he simply wants to stress the importance of good governance. He stressed the importance of professional leadership and stated there are many risks associated with relying upon someone that may not have that expertise. He concluded it is also very important to maintain and strengthen trust in government and giving tax payers the greatest value possible. He wished the Council the best in their decision this evening.

## **2. CDBG – 1<sup>ST</sup> PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS AND APPLICATION**

A staff memo from Building Official Kerr explained this public hearing is for the city to discuss the CDBG program and to consider potential projects for which funding may be applied under the 2015 Community Development Block Grant Program. The grant money must be spent on projects benefiting primarily low and moderate-income persons. The Wasatch Front Regional Council, in which North Ogden City is a member, is expecting to receive approximately \$1,000,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Eligible activities could include construction of public works and facilities such as water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners. In the past North Ogden City has received CDBG funding for:

1. Low interest loans for North Ogden City citizens to remodel their homes.
2. The North View Senior Center.
3. Waterline replacement in the Green Acres area.
4. Street improvements in the Green Acres area.

The next item on our agenda will be to update our Capital Improvement Projects Plan. This is part of the regional "Consolidated Plan" which shows which projects the city has identified as being needed in the community that are identified as CDBG projects.

Mr. Kerr read his staff memo for the public record of the meeting.

Council Member Urry asked if the applications are for 2015 grant monies, to which Mr. Kerr answered yes. Council Member Urry asked when the City will receive the money if any grant funding is awarded. Mr. Kerr stated the money will not be available until close to July of 2015.

Council Member Satterthwaite asked when the City will know if any of its applications were successful. Mr. Kerr stated the application is due in January and the City will not receive a response until March.

Mayor Taylor opened the public hearing for the CDBG program at 6:50p.m. and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2015 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Wasatch Front Regional Council, in which North Ogden City is a member, is expecting to receive approximately \$1,000,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Mayor Taylor read several of the eligible activities listed including: construction of public works and facilities, i.e.: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation or

down payment assistance for low income homeowners. Mayor Taylor indicated that in the past North Ogden City has received four grants. The City has handed out its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the City has identified as being needed in the community. Mayor Taylor asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include the names of those that spoke in the minutes and the City would like to specifically respond to any questions asked or suggestions made during the hearing.

Randy Winn, 2412 Barker Parkway, stated that not long ago the City Council discussed the lack of sidewalks in certain residential areas of the City and he suggested the City seek funding to assist in providing those needed sidewalks. Mayor Taylor responded to the suggestion by stating Harrisville is seeking CDBG funding to aid in providing connectivity to North Ogden's trail system near 2550 North. He added CDBG funding can be used for sidewalks in areas that meet the grant requirements.

Joan Brown, Planning Commissioner, noted that Barker Park is not ADA accessible and she suggested that the City seek funding to make improvements to provide ADA accessibility.

Seeing no additional persons appearing to be heard, Mayor Taylor asked for a motion to close the public hearing.

**Council Member Bailey motioned to close the public hearing. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

The public hearing was closed at 6:55p.m.

Mayor Taylor reported the City will take the suggestions made during the public hearing under advisement and determine if they fit within the requirements of the CDBG grant program. He stated the City has developed a few ideas of its own.

### **3. DISCUSSION AND/OR ACTION TO CONSIDER CAPITAL PROJECTS**

Mayor Taylor asked Mr. Kerr to provide the list of projects for which the City will seek funding. Mr. Kerr referenced two projects:

1. Oaklawn Park, replace existing restroom, \$252,000
2. Lomond View Park, replace existing restroom, \$205,000

Mr. Kerr noted the initial CDBG grant application list will need to be amended as it previously included an additional project for the replacement of restrooms at Orton Park, but the City is seeking RAMP grant funding for that project and it is not necessary to seek CDBG funding at this time.

Council Member Bailey wondered if it would be best to still seek CDBG funding for the project because RAMP funding will only cover 50 percent of the project cost if the City is awarded funding. Mr. Kerr noted the City could request enough CDBG funding to cover an entire project cost, but applications are ranked higher if the City offers to provide some matching funds. He noted City Administration is proposing that RAMP grant funding be used for the City's matching funds, but that the City make available \$75,000 for each project to cover any gap not covered by RAMP funds. He noted the CDBG funds will pay for the restroom facilities, but not for the attached storage sheds. Council Member Bailey asked if use of RAMP funds for the Orton Park project will require Council approval. Mayor Taylor stated the Council will be asked to approve the agreement for use of RAMP funding. Council Member Bailey stated he is concerned that the timelines for the two grant applications are not lining up and the outcome may be that the City will not receive the anticipated grant award and the Orton Park Project will not be completed. Mr. Kerr stated the City will seek grant funding in the next program year if that occurs. There was a general discussion regarding the CDBG application process with Mr. Kerr noting he has been working with a liaison from the WFRC that is a specialist for the grant program and she has assured him that the manner in which he has prepared the CDBG application is sufficient.

Council Member Urry referenced the Oaklawn Park project and stated it is his understanding that the bid for the project was well above \$250,000 and he asked why the City is still listing the project cost as \$250,000. Mr. Kerr stated it is his understanding that the \$250,000 cost is revised to reflect the bid amounts. Council Member Bailey stated it is his recollection that the engineer's estimate for the project was approximately \$150,000 and the bids were closer to \$250,000. Council Member Urry stated the low bid for the project was \$286,000. Mr. Kerr then noted the City has budgeted an additional \$75,000 for the storage shed attached to the restroom facility. Council Member Urry asked what is stored in the storage units. Mayor Taylor stated it houses supplies needed at the park. Council Member Urry stated a large storage facility can be built for \$75,000 and he would like detailed information regarding the purpose of the storage facility. Council Member Stoker interjected that one reason the cost for the Oaklawn Park project is higher than the projects at the other parks is that the current restroom facility is connected to a concession stand and rebuilding the concession stand was very costly; City Administration made the decision to separate the restroom facility from the concession stand for bidding purposes. She added that there is much more than restroom supplies stored in the storage facility; it houses equipment and gear needed to facilitate the use of the recreation facilities at the Park throughout the year. Council Member Urry added that he spoke to the company that submitted the low bid and they indicated another reason for the high bid amount were the sewer connectivity issues at the Park. Council Member Stoker stated that is accurate. General discussion regarding the cost of the project continued with Mayor Taylor noting it is his understanding that the bid amount for the restroom, concession facility, and sewer connection was near \$350,000, but City Administration felt they could get the project cost closer to \$250,000 by changing the scope of work at the site for the purposes of securing CDBG grant funding. Council Member Urry wondered if the City should be applying for more than \$250,000 for the project. Mr. Kerr noted that the City Engineer assured him that the \$250,000 cost is the revised project estimate.

Council Member Bailey stated the only decision the Council should be considering this evening is whether to add the projects to the capital improvement plan; he noted the scope of the projects and the associated costs can be discussed in more detail at a future date. Council Member Urry stated his only concern is whether the City is applying for a sufficient amount of money for the project. Mayor Taylor stated that the cost of the project will fluctuate, but staff feels the \$250,000 grant funding request is appropriate at this time. The Council then had a discussion regarding the process for adding a project to the capital improvement plan and funding those projects. Mayor Taylor concluded the projects and grant applications can be discussed in further detail during the December work session meeting.

**Council Member Bailey made a motion to add the three park restroom projects at Oaklawn, Orton, and Lomond View Parks to the City’s Capital Improvement Plan with the caveat that no application be made for grant funding for the three projects until the Council has granted final approval. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**4. DISCUSSION AND/OR ACTION TO CONSIDER TEMPORARILY CHANGING THE MAYOR’S POSITION FROM PART-TIME TO FULL-TIME AND TO ADJUST HIS STIPEND ACCORDINGLY**

A memo from Council Member Bailey explained North Ogden City’s City Manager recently resigned. The City has posted the opening and solicited applications for this position. At present we are in a unique, temporary position where we have an elected mayor who has the education, training, experience, willingness, and time to assume the administrative responsibilities of North Ogden City full time. Mayor Taylor is willing to quit his full-time job to assume the position of full-time mayor. The Council has expressed interest in and has begun researching the possibility of having the Mayor serve in a full-time capacity, eliminating the need for a full-time City Manager. Jon Call, the City Attorney, has suggested that the Council has three alternative ways of facilitating this change:

- Switch to a Mayor-Council form of government
  - Requires a public vote probably in the November 2016 elections.
  - Means that we would have a full-time mayor forever unless changed by another public vote
- Increase the Mayoral stipend and eliminate the responsibilities of the City Manager (City Administrator) from all City Code.
  - Would need to be done if we do not appoint another employee to serve as the City Administrator.

- The City Council could increase the mayor's annual stipend commensurate with his duties subject to public noticing and hearing requirements.
- The changes in City statutes would need to be undone if/when we want to return to a part-time Mayor and full-time City Administrator.
- Increase the Mayoral stipend and designate another employee to perform the statutory roles of City Administrator.
  - This could be done at any Council meeting with the appropriate notice to modify the budget.
  - This would specifically not require any amendments to code that I am aware of as all of the administrative power is currently vested in the Mayor anyways with a few exceptions of tasks to be completed by the City Administrator.
  - This would require that a City Administrator be identified for the relatively few tasks that our code requires a City Administrator for. (They deal mostly with financial considerations.)
  - This could also include an increase in the stipend for the Mayor's Position and review it as often as the Council would like. (Potentially annually during budget discussions.)
  - This option would allow the Council to hire another City Administrator without making any code changes to give power back to the position.

The memo reviewed the advantages to the City, noting Mayor Taylor has a Master of Public Administration degree and formal training in municipal government; has extensive public sector and private sector management experience; is committed to North Ogden. He was duly elected by the residents of North Ogden and he lives in North Ogden; he understands the needs of our City; knows the employees of North Ogden and has a good working relationship with them; has demonstrated a genuine willingness to work with the City Council and to not overstep his statutory responsibilities as mayor; and he understands the City Council's expectations.

The memo concluded additional benefits are that the City can delay hiring and training a new City Manager; can move forward on current initiatives without losing time training a new City Manager. There is a considerable financial savings to the City as Mayor Taylor is willing to work for an additional \$60,000 added to his current \$10,000 stipend. He will not receive any employee benefits such as health insurance and retirement. When the \$10,000 pay increase is added to the department head who will serve as part time City Administrator the net expense to the City is about \$80,000. (It will be slightly more because of mandatory FICA taxes on the mayor's stipend and FICA and benefit expenses for the City Administrator.) The City Manager's job currently pays between \$87,948 and \$129,284. When benefits are added in the range is \$131,922 and \$193,926. At the low end the City will save \$51,922 per year and at the high end it will save \$113,926 per year. This is a temporary arrangement as the City is currently in a unique situation where the Mayor has the expertise to perform the functions of Mayor and City Administrator. It appears it will be possible to return to the part-time Mayor/full-time City Manager approach at any time by a simple majority vote of the Council.

The memo summarized the potential considerations of the City Council:

- Can we easily return to the current situation with a simple majority vote? State law requires that the Mayor's vote be included whenever his powers are changed.

- How do we increase the part-time city administrator's pay without causing a significant increase in required withholding?
- When we decide to change back to a part-time mayor, full-time City Administrator what will be the effect on the department head, who has been serving as part-time City Administrator, who now loses \$10,000 in pay?

Council Member Bailey reviewed his memo.

City Attorney Call noted he feels the consideration before the Council tonight is not an expansion of the Mayor's power; in the future if the Mayor's stipend is ever reduced, the sitting Mayor would not be able to argue that the reduction in the stipend equates to a reduction in power, which would require a vote of the Mayor.

Council Member Swanson suggested that a sunset clause be considered for the action and that the sunset clause mirror the Mayor's term of office so that any future Mayor does not expect to be full-time and be paid the stipend that has been recommended by Council Member Bailey. Council Member Satterthwaite stated a sunset clause is a great idea and he would recommend that the situation be reviewed much earlier than the end of Mayor Taylor's term of office. Council Member Swanson agreed. Council Member Swanson stated he supports the proposed action and feels it would generate positive results for the City, but he acknowledged that the Council must have options for transitioning back to a situation where the City has a full time City Administrator and part time Mayor.

Council Member Stoker agreed the Mayor does a great job for the City and can be trusted to serve in the capacity that is being recommended. She also agreed that a sunset clause for the action would be appropriate and she would like to review the situation on a regular basis.

Council Member Urry asked if the Mayor would be assigned the new title of Mayor/City Manager. Mr. Call answered no. Council Member Urry stated it is his understanding that removing any duty from the Mayor would require a unanimous vote of the Council. Mr. Call stated that is correct. Council Member Urry stated that the only concern he has is asking a staff member to perform various City Administration duties; he feels some of those duties could be delegated to various Council Members. Mr. Call stated there are some statutory requirements that must be handled by a City Administration, but those duties could be reassigned to the Mayor or others. Council Member Urry reiterated his suggestion that some of those duties be assigned to Council Members.

Discussion regarding an appropriate motion for the Council to consider in order to formalize the recommendation ensued. Mr. Call noted the change in stipend is a budgetary issue and should take place during the budget hearing listed as the next item on the agenda.

Mayor Taylor noted he is very comfortable with a review period or sunset clause. He added he has not pressured the Council to appoint him as a full time Mayor or change his stipend; he simply offered the idea as a solution to the City's current situation relative to the vacant City Manager position.



**Council Member Satterthwaite made a motion to increase the stipend for the position of Mayor by \$60,000 to total \$70,000, with no benefits. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

The Council then had a discussion regarding the appropriate way to reassign duties currently assigned to the City Manager or City Administrator. Council Member Bailey asked if the duties to be assigned to a current employee are truly commensurate with the \$10,000 in additional pay that has been proposed for the employee. Mayor Taylor stated he feels the duties are commensurate with the proposed \$10,000 increase. He noted the employee chosen to perform the duties will continue to carry out the duties assigned to their position as well as serve as the point of contact for the Mayor and City Council, which includes facilitating agenda items for the Council to consider. Mr. Call noted Mr. Steele is currently serving as the interim City Administration and in order for him to receive the \$10,000 in pay the Council needs to consider formally appointing him as the acting City Administrator. Council Member Bailey noted he would like to amend the City Code to eliminate inconsistencies between the City Manager and City Administrator title. Mr. Call agreed that would be appropriate.

Council Member Urry stated he feels that according to State Law the Council must take formal action on appointing an acting City Administrator. Mr. Call stated he feels that action would be appropriate and it would be best to include the potential action on the next Council business meeting agenda.

Mayor Taylor thanked the Council for this vote of confidence and he enjoys working with the entire Council and feels they make a great team working together for the City.

## **5. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON AMENDMENTS TO THE 2014-2015 FISCAL YEAR BUDGET**

A staff memo from Finance Director Steele explained each year amendments to the current fiscal year budget are necessary to cover expenditures not accounted for in the original budget. The memo explained the Council packet includes a file explaining the expenses which require the Council's approval and the source of revenues from which the expenses will be paid.

Mr. Steele reviewed his staff memo and summarized the proposed budget amendments, noting the budget amendments total \$182,200.

The Council had a brief discussion regarding item three, an increase of \$77,700 for employee salary and benefit increases, after which Council Member Bailey concluded at a future date he would like additional information regarding how the budget amendments will impact the City's fund balance.

Mayor Taylor opened the public hearing at 7:55p.m. There were no persons appearing to be heard.

**Council Member Satterthwaite motioned to close the public hearing. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

The public hearing was closed at 7:56p.m.

## **6. DISCUSSION AND/OR ACTION TO AN ORDINANCE AMENDING THE 2014-2015 FISCAL YEAR BUDGET**

**Council Member Swanson motioned to adopt Ordinance 2014-27 amending the 2014-2015 fiscal year budget. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

## **7. DISCUSSION AND/OR ACTION TO CONSIDER A DEVELOPER'S REQUEST ON THE 3775 NORTH WATERLINE LOOP**

A memo from Mayor Taylor explained that after Council discussion of the proposed 3775 North subdivision waterline loop on Nov 4, 2014, he received an updated figure for the engineering

costs from Mr. Paul Nanney. The figure he used in the discussion of Nov 4, 2014 of “\$7,500” in engineering costs was an estimate he received from Mr. Nanney. The actual cost of the engineering work done for the proposed waterline loop and subdivision was \$9,375.25. Mr. Nanney is asking the Council for consideration of the actual amount of the engineering costs if the Council moves forward with the idea of reimbursing the property owners for 50% of the costs incurred under the assumption and belief that the city was going to participate in the waterline loop.

Mayor Taylor summarized his memo and noted Mr. Nanney is in attendance to answer any questions the Council may have regarding this issue.

Council Member Urry noted that one of the bills provided by Mr. Nanney indicates that a portion of the \$9,375.25 is delinquent and has been unpaid and he does not feel the City should pay any portion of that delinquent amount.

Paul Nanney, 1329 N. 1675 E., Layton, addressed Council Member Urry’s comment and noted that the reason there is a delinquent amount is due to a miscommunication between himself and the engineering firm that worked on the project; the engineering firm offered an initial bid of \$7,200 and he has been disputing the additional \$2,000. He noted the engineering firm has indicated the charges will stand because they have revised the engineering drawings multiple times. He stated the bill will be paid as it is owed to engineer, but he reiterated he has been disputing it.

Council Member Urry reiterated he does not feel the City should reimburse for any amounts that have not yet been paid.

Council Member Bailey asked Mr. Nanney if he would have fought harder against the increased costs if the City had not agreed to reimburse him for half of the engineering costs. Mr. Nanney stated he fought very hard against the increased costs and he lost that fight.

Mayor Taylor noted he has met with the property owners that have worked on this project and it is his opinion that they were misled by the City and he feels the City should reimburse them for half of the full engineering costs.

**Council Member Bailey moved to reimburse Mr. Nanney and the other property owners for half of the full amount of engineering costs paid for the water line looping project. Council Member Swanson seconded the motion.**

Council Member Satterthwaite stated he will vote in support of the motion because he feels the City did make some mistakes relative to this project; however, he feels the property owners will realize some future benefit from the engineering work.

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>

**Council Member Stoker**                    **nay**  
**Council Member Swanson**                **aye**  
**Council Member Urry**                    **nay**

**The motion passed unanimously.**

**8. DISCUSSION AND/OR ACTION TO CONSIDER A CHANGE ORDER FOR A VAULT ON THE PUBLIC WORKS SITE**

A staff memo from Acting City Manager Steele explained Lundahl is going to be paving at the Public Works Building within the next few weeks. Because of extenuating circumstances we have to put the east well in a vault at this point. The attached change order shows the cost of putting the well in a vault and it is being presented to the Council for approval at this time.

Mayor Taylor summarized the memo and added that since the publication of the City Council packet for this meeting he has learned that it will be necessary to delay the time frame for completion of the Public Works project and delivery of the facility due to weather conditions that are making it impossible to lay asphalt at the site. He then provided the Council and residents in attendance with an update regarding the overall Public Works Facility project.

Public Works Director Giles provided the Council with a report regarding his transition plan for moving from one building to another. Council Member Bailey asked if the asphalt work will be the final aspect of the project completed. Mr. Giles answered yes. Council Member Bailey asked if conduit was installed at the site to facilitate construction of future buildings on the property. Mr. Giles answered yes and noted that work was done in house at a much lower cost than previously reported.

**9. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ADOPTING AN OFFICIAL POLICY FOR SNOW PLOWING DAMAGE PROCEDURES**

A staff memo from Acting City Manager Bryan Steele explained we have been contemplating the best course of action to handle damage to resident's mailboxes located in the city right of way when it comes to snow plowing. Every snow plowing season there are mailboxes that are damaged and staff doesn't have a policy in place to proceed from. Public Works sent out a request for information from many cities along the Wasatch Front and had numerous responses.

This information was sent to the City Attorney to help prepare a resolution that would identify how snow plowing damage could be addressed. This is our first attempt to address this problem and staff would appreciate Council comments

Resolution to address the problem:

- The City will repair or replace any mailbox or mailbox structure which comes into direct contact with a city snow plow or any other portion of a city owned vehicle.
- Mailbox repair or replacement shall not exceed one hundred (\$100) dollars for any single event.

- Property owners with more expensive mailbox structures are responsible for any costs above one hundred dollars (\$100) as the construction of such structures in the City right-of-way is done at the property owners' risk.
- Damage caused by snow being pushed from a City snow plow does not qualify unless the City vehicle directly contacts the mailbox structure.

Mr. Steele reviewed his staff memo and summarized the proposed policy.

Council Member Bailey inquired as to the average number of mail boxes damaged by the City in a given year, to which City Recorder Spendlove responded 25.

Council Member Swanson asked how the differentiation is made between snow damage and equipment damage. Mr. Giles reported his snow plow drivers know when they have run over a mailbox rather than pushed snow into one causing damage. The majority of the mailbox damage incidents are reported by snow plow drivers.

Council Member Bailey asked how the City has been handling mailbox damages in the past. Mr. Giles noted the City has simply been taking care of repairs without a policy in place.

Council Member Urry asked if the policy could open the City to liability or lawsuits. Mr. Call stated that a clearly defined policy should eliminate lawsuits that the City could be more susceptible to by having an unwritten policy.

Council Member Satterthwaite asked if there was a monetary limitation on past repairs of mailboxes. Mr. Giles answered no and stated the City was basically spending the amount of money the resident asked for to repair or replace their mailbox.

Ms. Spendlove stated she is very happy that the Council is considering a policy because she deals with most calls regarding mailbox damages. Mr. Call added he researched policies used in other cities when drafting the proposed policy.

Council Member Urry inquired as to where the funding for mailbox replacement will come from. Mr. Giles indicated it will come from his snow plowing budget.

Council Member Bailey stated he feels the policy is a good starting point. Council Member Satterthwaite agreed and noted the policy can be revisited if it is not working.

**Council Member Bailey moved to adopt Resolution 20-2014 adopting an official policy for snow plowing damage procedures. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>

**Council Member Stoker**                    **aye**  
**Council Member Swanson**               **aye**  
**Council Member Urry**                    **aye**

**The motion passed unanimously.**

## **10. PUBLIC COMMENTS**

Dylan Hill, 320 W. 4675 S., Washington Terrace, thanked the Council for the budget amendment to provide pay increases for City employees. He noted he enjoys working for North Ogden City.

Justin Shinsel, 3901 W. 6000 S., Roy, thanked the Council for amending the budget and stated morale has improved over the past weeks and months due to the work of the Mayor and Council Members as well as the Department Heads of the City.

Clark Crowther, 252 W. 1600 N., thanked the Council for the work they do to make things better for the employees of the City.

Kevin Warren, 2595 W. 2325 N., Farr West, stated he appreciated the vote the Council took to support Mayor Taylor as a full time Mayor of the City; it has been a pleasure working with him over the past months and he has a unique ability of rallying the troops and bringing everyone together to work towards a common goal. He also thanked the Council for approving employee raises and indicated he feels improved pay will go a long way in attracting and retaining quality employees as well as slow the turn-over rate of the City.

Paul Rhodes, 611 E. 1750 N., thanked the Council for the vote of support for City employees. He also voiced his support for Mayor Taylor and stated this will be an excellent opportunity for him to do even more for the City.

Randy Winn, 2412 Barker Parkway, stated that he became very involved in the last election held in North Ogden because he was so disappointed by what he was reading in the newspaper about the City. He stated he wanted to take the opportunity tonight to express how proud he is of the City, especially because of the actions taken tonight and the way the Mayor and Council work together so well. He stated the group has taken a bad situation and improved the City and improved the morale of the employees. He stated tonight he is proud of his City.

## **11. COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Swanson thanked the City employees for the work they do. He also thanked the Police Department for increased enforcement of rolling stops at the intersection of 3100 North and 1050 East. He concluded he feels privileged to be part of the current City Council and to work with the Mayor.

Council Member Urry expressed a concern regarding the lighting of the entrance into the new Smith's Marketplace; it creates a dangerous condition for pedestrians that may be walking through the intersection after dark. He stated the same condition exists near McDonalds at the intersection of Washington Boulevard and 2600 North. Mr. Kerr stated he will follow up on those concerns and determine who is responsible for the lights referenced by Council Member Urry. Council Member Urry then echoed the positive comments made regarding the employees of North Ogden City.

Council Member Satterthwaite also echoed the positive comments made about City employees and indicated he feels it is the intent of the Council to provide City Administration with the tools they need to nurture employees and make them the best they can be. He then acknowledged that the City's current situation relative to the vacant City Manager position and the willingness of Mayor Taylor to serve as a full time Mayor is a unique one and he supports Mayor Taylor in the capacity of full time Mayor and thanked him for what he has done for the City to this point.

Council Member Stoker thanked the employees for expressing their feelings regarding the action taken tonight to provide for pay increases; it is nice to hear positive feedback. She stated she has always advocated very strongly for Police Officers and she thanked them for their service and protection of North Ogden City. She stated the Public Works employees are also wonderful and very responsive to the needs of residents. She addressed Mayor Taylor and thanked him for his service to this point; she has been pleasantly surprised with his ability to lead the City. She concluded she was happy to see the walking path on 2550 North installed and she looks forward to riding her bike on it.

Council Member Bailey echoed the things that have been said about City employees and stated he feels this is just one step in the right direction. He stated the City employees are very professional in the way they handle themselves and the citizens appreciate that. He then reported the Council had an opportunity to tour the new Smith's Marketplace store and it will be a great asset to the community. He then asked if there are County roads running through North Ogden City. There was a general discussion regarding roads that are maintained by the County as opposed to the City, with a focus on snow removal, traffic law enforcement, etc. with Council Member Bailey stating his questions have arisen due to a recent newspaper article regarding Weber County islands in the City. He stated he would like to discuss the issues at a future work session meeting.

Mr. Call referenced an earlier discussion during the agenda item dealing with the Mayor's part time or full time status and noted that he believes the reference to statutory employees actually deals with appointed officers, which include the City Recorder, City Treasurer, and City Manager. He stated due to this he feels the salary of the acting City Manager should be addressed via an ordinance.

Ms. Spendlove reported that her Deputy City Recorder resigned and her last day will be November 26. The position was advertised in house for three days according to City policy and a qualified applicant applied and was offered the job. Stacie Cain will assume the position of Deputy City Recorder.

Mayor Taylor stated he is also happy to see the completion of the 2550 North walkway and stated it will be a positive improvement in the neighborhood. He added Smith's Marketplace made the large donation to the City for the project tonight and he will provide information about the status of the fundraising to the project to the Council and press at a later date. He then asked the Council to convene in a closed session for the purpose of discussing pending or imminent litigation as well as the purchase or sale of real estate.

**Council Member Swanson motioned to move into a closed session to pending or reasonably imminent litigation and the purchase, lease, or exchange of real property. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

The Closed Session began at 8:46 p.m.

The City Council reconvened in its open meeting at 9:44 p.m.

## **12. ADJOURNMENT**

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

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<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 Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 9:46 p.m.**

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Brent Taylor, Mayor



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S. Annette Spendlove, MMC  
City Recorder

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Date Approved