

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

April 10, 2018

The North Ogden City Council convened in an open meeting on April 10, 2018 at 6:01 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on April 5, 2018. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

PRESENT:	M. Brent Chugg	Mayor	
	Blake Cevering	Council Member	excused
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	

STAFF PRESENT:	Jon Call	City Administrator/Attorney
	Annette Spendlove	City Recorder/HR Director
	Evan Nelson	Finance Director
	Jami Jones	City Treasurer
	Dave Espinoza	Public Works Director

VISITORS:	Ashly Smith	David Shupe	Lowell Murdock
	Kyler Murdock	Alicia Willoughby	Blake Welling
	Kim Welling	Ryan Godfrey	C.J. Godfrey
	Rebecca Michel	Paul Michel	Franklin Monson
	Scott Barker	Susan Clements	Mr. Wilson
	Bob Napoli	Peggy Barker	Susan Adams
	Bob Buswell	K. Scott Barker	

Mayor Chugg called the meeting to order, Annette Spendlove, City Recorder/HR Director, offered the invocation and Kyler Murdock led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER FEBRUARY 20, 2018 AND MARCH 6, 2018 CITY COUNCIL MEETING MINUTES.

Council Member Swanson motioned to approve February 20, 2018 and March 6, 2018 City Council Meeting Minutes. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. AYSO REPORT

A staff memo from Parks and Recreation Director Staheli explained that on March 14, 2017 the City Council approved the addition of a City youth soccer program to the existing recreation programs because of the lack of volunteers and pending dissolution of the AYSO soccer program in this area.

A special meeting was held March 28, 2017 during which AYSO presented to the City Council and reassured them that the AYSO program would be available to the youth in the area. The council voted to suspend the city soccer program for one year to allow AYSO to show that they are able to sustain a quality program in the area.

Since that time, Ashly Smith has volunteered to be the Regional Commissioner and has put together a board of directors that meets monthly. Ms. Staheli has been invited to, and has attended, some of these monthly meetings and has been able to provide input and answer questions for the board. Ms. Smith has been in contact with the Parks and Recreation Department and had good communication with staff to schedule field use for games, and bowery rentals for special AYSO events and activities.

Over the past year, AYSO has implemented a volunteer board, been open with communications with the Parks and Recreation Department, improved their website and ability to be contacted for registration questions, and implemented proper training and certification requirements for coaches.

The memo concluded Ms. Staheli is confident in AYSO's ability to continue to improve upon the program they have established over the past year and she sees no need for the City to reinstate a recreational soccer program for the youth as their needs for soccer are being met in this area.

Ms. Smith, AYSO Regional Commissioner, approached the Council and provided them with information about the status of the AYSO program; registration for the next AYSO season is open now until April 21 and she plans to continue to work with the City to utilize City parks and facilities for the program. She stated that enrollment in the program is slightly lower than last year's participation numbers and she reported that AYSO has paid to the City the amount due per player in the program. She briefly reviewed the names of the members of the AYSO Region 287 Board, after which she summarized the Region's budget, which includes a total estimated revenue of \$95,655 and a total estimated expenditure of \$94,020. The Board's estimated balance of June 30, 2018 is \$38,055.59. She then reported on the successes and challenges the Board has encountered over the past year. One major success is the certification of all coaches and officials that participate in the program. One challenge, however, is securing a sufficient number of volunteers to make the programs successful or to coach teams. She asked for the City's help in this endeavor by supporting a campaign to recruit quality volunteers that can help to ensure a world class youth soccer program. Additionally, she feels that the expectations placed on the AYSO program are higher than for other affiliate programs and she requested that other programs that utilize City facilities be held to the same standards as AYSO. Other soccer programs, such as UYSA, have been 'piggy backing' off the contract that AYSO has with the City and they are utilizing City facilities undetected. She asked that the City look into this issue and hold UYSA accountable for their field use and damage to the facilities. She also requested that fields paid for by AYSO be maintained as soccer fields for the duration of the season; other programs are using the fields being paid for by AYSO and they have painted over lines that are used for the AYSO program and this caused difficulty. She then concluded by asking for the City's continued support of the AYSO program; the program could not continue to function without the quality partnership with the City's Parks and Recreation Department.

Discussion between Ms. Smith and the Council centered on the standards that AYSO is held to relative to field use and the standards that AYSO would like to see imposed on other users. Ms. Smith stated the biggest difference between AYSO and other programs is that the other programs have not been required to submit proof of liability insurance, yet they are utilizing the fields at least four days per week. Council Member Swanson stated that it may be difficult for the City to police use of City parks to ensure that other

programs are being held to the same standards as AYSO. He asked Ms. Smith if she has suggestions for how the City can make that happen. Ms. Smith stated that her suggestion would be that the City maintain open communication with representatives of other programs. She stated that she has had to work directly with Ms. Staheli to formalize AYSO's lease of City facilities and she suggested that other program representatives be required to follow the same process. Council Member Swanson stated that if AYSO is leaving their equipment on a field after they are done using the field, it will be difficult for the City to keep other people or programs from utilizing that equipment. Ms. Smith stated she understands the difficulty the City is facing, but noted that other programs are damaging City fields and AYSO equipment, yet they are not being required to pay fees to the City for the use of the facilities nor have they been required to submit a certificate of liability insurance. Council Member Swanson stated that a City park should not be closed to the public just because one program has rented or reserved it. Ms. Smith stated that the City has a field usage fee and other programs should be required to pay the same fee if they are doing the same thing as AYSO. High level discussion centered on the City's ability to police the use of City facilities by other sporting organizations and concluded with the Council advising Ms. Smith to continue to work with Ms. Staheli relative to securing City facilities and potentially holding other soccer groups to the same standards as AYSO.

Mayor Chugg thanked Ms. Smith for her report.

3. **DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO DEFERRAL AGREEMENT #A7-2018 FOR OAK FOREST SUBDIVISION**

City Administrator/City Attorney Call reported that this agreement was approved by the Council last week, but a slight change is needed to specify that the party to the agreement, Paul and Rebecca Miles, are required to install a four-foot wide sidewalk in the area identified in the agreement no later than October 1, 2021.

Mr. Miles stated that he is comfortable with the amendments to the agreement and thanked the Council for their consideration of this item.

Council Member Stoker motioned to approve amended Deferral Agreement #A7-2018A for Oak Forest Subdivision. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

4. **PUBLIC HEARING TO RECEIVE COMMENTS ON AN ACTION TO CONSIDER SURPLUS PROPERTY AT APPROXIMATELY 385 WEST PLEASANT VIEW DRIVE.**

City Administrator/City Attorney Call noted the Council has discussed this matter previously; the owners of the Coldwater Animal Hospital have expressed an interest in purchasing or leasing City Owned property at approximately 385 West Pleasant View Drive to allow for additional parking as well as City access to the nearby cell tower. He noted that in order to proceed with the sale or lease of the property, the City must hold a public hearing to consider disposal of surplus property. City Administration has felt that it would be appropriate to declare the entire parcel of property as surplus rather than just the portion that the Animal Hospital would like to utilize. Mr. Call reported that Council Member Cevering completed a market analysis for the property and deemed the value to range between \$1.2 and 1.5 million; however, the actual sales price of the property will be market driven.

Mayor Chugg opened the public hearing at 6:42 p.m.

Dave Shupe, 2671 N. Washington Boulevard, stated he is one of the owners of the Animal Hospital and he noted that he believes the address of the property is incorrect and should be changed to 385 East Pleasant View Drive. Mr. Call stated that correction can be made. Mr. Shupe then stated he would like to know if the Council is open to selling just a portion of the parcel rather than the entire parcel. He stated that he needs a small portion of the parcel, just enough to accommodate increased parking area for the Animal Hospital. Council Member Swanson stated he believes the City would be open to selling a portion of the parcel. Mr. Shupe asked if the City has determined the approximate value for the portion of property he is interested in purchasing. Mr. Call indicated that calculation has not been completed.

There were no additional persons appearing to be heard.

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

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The Public Hearing was closed at 6:45 p.m.

5. **DISCUSSION AND/OR ACTION TO CONSIDER SURPLUS PROPERTY AT APPROXIMATELY 385 EAST PLEASANT VIEW DRIVE.**

Council Member Turner motioned to declare as surplus property the real property located at approximately 385 East Pleasant View Drive. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

Mr. Call stated that he and Mayor Chugg will work with the owners of the Animal Hospital to determine the value of the portion of property they would like to acquire. He stated that the City will likely commission a formal property appraisal to aid in that process. A final real estate purchase contract will be presented to the Council for consideration if the two parties are able to reach an agreement regarding a fair purchase price.

6. **DISCUSSION ON FISCAL YEAR 2019 BUDGET**

A staff report from Finance Director Nelson explained staff has been discussing garbage and recycling rates in light of the Council's discussion of the matter during their April 3 budget retreat meeting. The Council asked that staff analyze the possibility of eliminating the recycling program due to the rising costs of providing this service. There are many variables that play into this issue, some of which are not easy to determine, and staff felt it appropriate to present to the Council their basic analysis of the issue.

The table below shows the City's current rates compared to proposed increases for the Fiscal Year 2019 Budget. One option reduces the rate of the 2nd trash can, while the other leaves this rate as it currently is. Both propose an increase to the 2nd recycle can. These scenarios assume that the City will continue to provide the recycling services currently offered.

	Current	Budget proposal – reduce 2 nd trash can, increase 2 nd recycle can.	Budget proposal – increase 2 nd recycle can.
1 st Trash & 1 st Recycle	\$11.84	\$13.75	\$12.30
2 nd Trash	\$19.27	\$10.00	\$19.27
2 nd Recycle	\$2.65	\$5.00	\$5.00

If the City elects to discontinue the recycling program, we have assumed that recycle cans would automatically become 2nd trash cans. If residents wish to decline the 2nd can, they could request this change and their bill would be reduced accordingly. In order to calculate rates, City staff must estimate the number of accounts that would keep a 2nd trash can. This is a difficult number to determine due to a lack of historical data. The table below shows proposed rates with the assumption that an additional 2,000 or an additional 3,000 recycle cans would become 2nd trash cans (out of approximately 5,300). Staff have attempted to calculate these rates based on what it costs the City to provide each service.

Now, because eliminating the recycling service is a significant change to the contract with our hauler, it is likely that the contract would have to be renegotiated or we would have to go out to bid. The numbers below are based on current contract amounts, but are not guaranteed.

	No Recycling & 2,000 2 nd cans	No Recycling & 3,000 2 nd cans
1 st Trash	\$9.88	\$9.24
2 nd Trash	\$7.47	\$6.84
	\$17.35	\$16.08

Staff is not currently making a formal recommendation and would like Council feedback regarding the recycling program and the best way forward.

Mr. Nelson reviewed his staff memo and he and Public Works Director Espinoza facilitated discussion among the Council regarding the options available to them relative to the City's recycling program. Discussion centered on the potential for the City's waste hauler, Republic Services, to increase costs for trash hauling if the Council were to decide to eliminate the recycling program. The Council ultimately concluded to solicit a proforma from Republic Services to determine the potential changes to garbage rates before making a formal decision on the recycling program. They also concluded that it would be appropriate to accept public input regarding the recycling program before making a final decision.

Mr. Nelson then briefly reviewed budget documents that were not reviewed during the April 3 budget retreat meeting due to lack of time to do so. He covered the City's transportation utility fund, the transportation impact fee fund, the transportation sales tax

fund, the sewer impact fee fund, the storm impact fee fund, the 400/450 East improvement fund, the redevelopment agency (RDA) fund, and the community development area (CDA) fund.

7. **DISCUSSION ON THE BARKER PARK CONSERVATION DEED**

City Administrator/City Attorney Call explained the Council discussed this matter approximately one month ago and determined to proceed with executing a deed to provide a restriction for property at Barker Park. He stated that the Municipal Building Authority (MBA) was created around the year 2000 and is still the owner of the property; the City Council Members constitute the membership of the MBA Board and that Board would convene in a special meeting to execute the deed. The Board could authorize the transfer of the property from the MBA to the City and the property would then be titled in the City's name. The two restrictions he has included in the proposed deed document are as follows:

- No residential buildings shall be constructed; and
- No new above ground public utility facilities shall be constructed.

Mr. Call stated that it may be necessary to define above ground utility facilities to clarify that the restriction will not prevent the installation of any underground utility lines. Nothing in the restriction is intended to limit what can be done on the property relative to park facilities. He stated this is important because in discussions regarding the future of the park, there has been consideration given to adding other amenities, such as a splash pad. He noted a splash pad would require utility infrastructure and even a structure that would be used to chlorinate the water; he does not want the language to be too restrictive so that someone could argue that such a structure is disallowed at the park. To that end, he has included the following language in the proposed document: "This deed restriction shall not be read to limit any buildings which are related to the parks and recreation department." He stated there will be attempts to camouflage any such building so that it blends with the park; for example, there have been discussions about relocating the Campbell Barn to the park and housing a splash pad pump house within that structure. He stated the Council should consider what deed restrictions they are willing to accept.

Council Member Swanson stated that he likes the language proposed as he feels it accomplishes what the Council has talked about in the past.

Council Member Turner stated that he sent an email to Mr. Call and asked for a clearer definition of the term "above ground public utility facilities". He stated that he did not want the restriction to disallow restroom facilities, boweries, or other common park structures that will likely be included in Barker Park at its build out. He stated it may be that the language read by Mr. Call to clarify that buildings related to the Parks and Recreation Department may be sufficient to address his concerns. Mr. Call stated that it may be possible that the City could try to argue in the future that a storage shed to be

used for Parks and Recreation vehicles should be allowed at the Park, but he feels that would be contrary to the intent of the deed restrictions. He stated it may be more appropriate to more specifically define the types of structures allowed at the Park. Council Member Swanson wondered if language tying any buildings or improvements to the completion of Barker Park would be sufficient. Mr. Call stated that he does not want to be too restrictive as some flexibility may be needed to allow facilities that may truly be needed at the Park. He stated that the Park will be the largest City Park when it is completed, and it may be necessary to build an office facility for a City employee meant to take care of the Park; he does not want the language to be too restrictive to prevent that type of activity. He added that if the Council wants to be as restrictive as possible, the City could hire a professional design firm to design structures to be built at the Park and then make that design an exhibit to the deed with restriction language. He stated the current plan identified restrooms, but it may be good to be as specific and detailed as possible in order to avoid problems like the one that occurred in 2011 when the City was considering constructing the Public Works Facility at the Park or this year when the Amphitheater project was started.

Council Member Swanson stated that he can see how it would be useful to construct a small building to house equipment that may be used in the maintenance of the Park facilities and he wondered if it would be possible to add language to the deed restrictions to allow for that type of facility, but to disallow general maintenance equipment for the City's entire park system. Mr. Call stated that the deed could reference a small facility used for the incidental storage of equipment directly used in the maintenance of the total acreage of the park. This would limit the building to be used for storage of equipment only used at Barker Park.

Council Member Turner stated that Liberty Park in Salt Lake has a building that is used for storage of maintenance equipment and restroom facilities and it is a true amenity for the park. He stated he can see how this type of building may eventually be needed at Barker Park and he does not want to enact a deed that is too restrictive.

Mr. Call then reviewed a rendering illustrating plans for future expansion of the Park and amenities to be included at the site; this includes the Campbell Barn and restroom and bowery facilities. He then stated he will get feedback from City staff and other groups interested in this subject matter before submitting it to the MBA for consideration.

Council Member Swanson stated that the deed references Ray and Fern Barker, but it should also reference Carl and Lorna Barker given that they shared ownership of the property before it was acquired by the City. Mr. Call stated that the new parcel outline crosses the hollow and includes both sides of the hollow. In a real estate transaction, it is appropriate to reference the individual whose death is referenced as the indicator for when a deed would terminate. He stated that it is appropriate to identify a person who is alive at the time the deed is signed, and that is why he included Ryan Barker's name, but he can also add Carl and Lorna Barker's names to the document as well. He stated that

usage of Ryan Barker's name would cause the City to consider the living descendants of Mr. Barker and this will allow the deed to continue up to at least 150 years into the future.

8. PUBLIC COMMENTS

Peggy Barker, 2553 N. Fruitland Drive, noted that at the entrance of Barker Park from Fruitland Drive, there is a small building planned and it would be used for storage of lawn maintenance equipment. Mr. Call stated that is correct and noted it is referred to as a park storage building on the plan.

Scott Barker, 2592 N. Barker Parkway, stated that he likes the wording included in the deed restrictions crafted by Mr. Call.

Susan Clements, 668 E. 3125 N., stated she planned to suggest that the deed restriction document include language specifically prohibiting a park storage building, but given that Barker Park will be the City's largest park, it may eventually be appropriate to locate the Parks Department offices to the Park. She then referenced the previous discussion regarding recycling and wondered if it may be possible to use large community recycling bins rather than individual curb-side recycling containers, though she does not want to eliminate the recycling program. She asked if Republic Services charges for recycling according to weight or volume. Mr. Nelson stated they charge per can. Ms. Clements stated that is interesting and noted that cans may not necessarily be full each time they are collected. She stated she likes the idea of the City holding an open house to allow the residents to provide input regarding the program and to get information about the types of materials that can be recycled in the City's cans.

Mr. Call then noted the City's website indicates the City's largest park is North Ogden Park, which is 24 acres in size; Oaklawn is the second largest at 20 acres and Barker Park will definitely be the largest park at 43 acres once it is built out.

Trey Ferguson, 4050 Madison Avenue, stated he met with Parks and Recreation Director Staheli last week about starting a skate camp in the City and she suggested that he discuss his ideas with the Council. He stated that he would like to use the City's new skate park and he provided some information about his background and experience with skating; he participates in the activity every day and wants to give others in the community the same enjoyment by hosting a camp that would take place in the morning, possibly from 9:00 a.m. to noon. He stated he wants the space to be a place where parents would feel good about taking their children. He stated that Ms. Staheli had indicated there are two options for running this type of program: the City could organize the program and collect payment from participants. The City's insurance would also be used to cover participants; or, Mr. Ferguson could be considered a private contractor and he would pay the City a fee to use the park for the camp. He stated he and others have the expertise to manage the camp and he is also certified in first aid and CPR.

Council Member Swanson asked if the intent of the camp would be to teach participants new skills. Mr. Ferguson stated that the main goal would be to offer support to kids that are interested in the sport of skating; they need a place where they feel safe and comfortable and that they are not being judged for participating in the sport of skateboarding. He stated he would like to discuss things like goal setting, social anxiety, creating healthy bonds, and other life matters that would encourage positive thinking for participants. He stated the charge would be very inexpensive; he has considered charging \$8 per week.

Council Member Turner asked if the City would be liable for any injury that may occur at the park during the camp hours. Mr. Call stated if Mr. Ferguson were considered a private contractor, his insurance would cover that liability. However, the City could be responsible for a known hazard that is left uncorrected. Council Member Turner stated he likes the idea, but wants to be sure that any arrangement between Mr. Ferguson and the City protects the City from liability. Council Member Swanson agreed and asked that Mr. Ferguson work with Mr. Call and Ms. Staheli to craft an agreement to provide for the camp.

9. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson referenced the previous discussion regarding recycling and stated that his only concern about continuing the program is that costs may become too exorbitant and people no longer want to recycle. He stated that he wants to have all information available to the Council before a decision regarding the program is made.

Mr. Call stated that he has reached out to the publisher of the City magazine regarding publishing an article regarding the recycling program and issues the Council is considering. He will make sure any article written is also shared on the City's website and social media accounts.

Council Member Stoker referenced the earlier discussion regarding the AYSO program. She stated it is her understanding there have been issues with the referees and coaches in the program and, more specifically, who is allowed on the field with children. She noted complaints were made that some volunteers are registered sex offenders, so staff has ensured that background checks are very thorough, and that issue has been addressed.

10. **DISCUSSION AND/OR ACTION TO ENTER INTO A CLOSED MEETING FOR REASONS RELATED TO UTAH STATE CODE §52-4-205(1)(e) REGARDING SALE OF REAL PROPERTY**

Council Member Swanson motioned to recess the regular meeting and convene in a closed meeting regarding sale of real property and pending or reasonably imminent litigation. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting recessed at 8:01 p.m. and reconvened at 8:43 p.m.

11. ADJOURNMENT

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

Voting on the motion:

Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting adjourned at 8:45 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder

06/12/2018
Date Approved