

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

June 12, 2018

The North Ogden City Council convened in an open meeting on June 12, 2018 at 6:08 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 June 7, 2018. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

PRESENT:	M. Brent Chugg	Mayor	
	Ryan Barker	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	
EXCUSED	Blake Cevering	Council Member	
STAFF PRESENT:	Jon Call	City Administrator/Attorney	
	Annette Spendlove	City Recorder/HR Director	
	Evan Nelson	Finance Director	
	Rob Scott	Planning Director	
	Dave Espinoza	Public Works Director	
VISITORS:	Kim Christensen	Julie Anderson	Melissa Armstrong
	Brett Hamblin	Aaron Christensen	Sean Casey
	Stef Casey	Leonard Looney	Bob Buswell
	Robert Ball	Thomas Ball	Dale Anderson
	Jim Urry		

Mayor Chugg called the meeting to order; he also offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

- 1. DISCUSSION AND/OR ACTION TO CONSIDER APRIL 10, 2018 CITY COUNCIL MEETING MINUTES**
- 2. DISCUSSION AND/OR ACTION TO CONSIDER APRIL 17, 2018 CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve April 10, 2018 and April 17, 2018 City Council Meeting minutes as presented. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously

3. PUBLIC COMMENTS

Dale Anderson, 940 E. 2600 N., stated that he has some thoughts and feelings about the recent court proceedings relative to the Barker Park Amphitheater project. He stated that Brent Taylor communicated from Afghanistan and said that the City did as much as possible to be as transparent as possible about the project, yet when he came home he received a mailing from the City containing a water report; this report was very detailed and something similar should have been sent to the residents regarding the project. He stated that relative to the community pond project, additional work is needed to ensure that all details of the project are clearly understood by the City and available to the public. He suggested that the City utility bill be used in the future to communicate information about big projects with residents.

Jim Urry, 1615 N. Mountain Road, stated that when he got the notice about the community pond open house to be held from 4:00 to 6:00 p.m., he was concerned that attendance would be limited because many people are not available that time of day. He suggested that future open houses be held later in the evening. He then stated the second thing that concerns him relates to recycling and trash fees; some people are placing their grass clippings in garbage cans, which increases tipping fees that are passed on to all users, and he suggested that the City furnish a green waste can and charge \$12 per month for that service so that regular trash customers are not subsidizing that activity.

Sean Casey, 2444 Barker Parkway, stated that there was a great show by the Flaming Lips last week at the Ogden Amphitheater; other shows are scheduled for the next four weeks and he suggested that the City Council members attend. He also suggested they download an SPL reader for their phone to get a good enough measurement of sound generated at the facility. He stated that he understands the amphitheater will be built and he is now concerned about freedom of speech issues at the facility; he is hopeful that the City will not place government speech limitations on the facility. He then addressed the community pond project and stated he agrees that the time of the open house was odd and difficult for many to attend; however, he is appreciative of the attempt to hold a public meeting and he also appreciates the fact that representatives of Jones and Associates were present to discuss the project with those in attendance. He stated that he has worked in

the ski lake industry and would like to provide the City with some contacts for professionals that could help with the project. First is Mark Parker, who has managed the Mantua pond and 21st Street pond in Ogden. Dave Goode has visited most man-made lakes in the United States and is aware of problems that could be encountered in the construction of a pond or lake. He stated that a \$2 million budget will buy the City a beach that people will visit because they can for free. He stated that the beach at Mantua is very busy, but has a large amount of trash left by out of towners. He also suggested that the City consider the history of the Herriman City lake project; people visiting the pond have been a disturbance to the nearby residential areas. He stated that the pond would be cool and would be used, but how it is used is important and the City needs to study that matter. He would like to hear from someone who has managed a lake and he would like for the City to schedule an additional open house that is publicized outside of the City's magazine. He stated that magazine is just a collection of advertisements that he referred to as 'ugly' and 'trash' that he would like to see eliminated.

Julie Anderson, 940 E. 2600 N., stated she is concerned about the concessions being considered for the developers of the Double Ott Ranch project; the project will be impactful to the rest of the City and the Council needs to be careful when considering how impact fees generated by the project will be spent. She is concerned about the amount of traffic the project will add to 2550 North, which is already very busy and has been recently increased due to the Maverik project. She added there are natural springs in the area and she has concerns about the environmental impact of the project. She then addressed the community pond project and stated that similar ponds attract rats and mosquitos as well as stray dogs and that is concerning to her. She is also concerned about the potential for young kids to drown at the pond. She added that the project is being based upon the hope that elimination of the existing detention pond will result in economic development, but there is no guarantee of that and maybe it would be more appropriate for the City to consider the current needs of the City before new projects. In conclusion, she referenced the request from Visionary Homes to allow the use of stucco at the Village at Prominence Point project; the representative of Visionary Homes was actually in attendance during the meetings where the development agreement for the project were discussed and he understood he would be required to use hardie board rather than stucco. She suggested that the City uphold the development agreement and not allow stucco based upon the promises that have been made to City residents. It is not the City's job to make developers rich and the Council needs to take the time to listen to residents and accept what they say even if everyone is not in agreement. She added that future open house meetings need to be scheduled for a later time of day and that the City should present three project concepts for those in attendance to consider.

Kim Christensen, 2428 Barker Parkway, stated that the proposed budget includes \$700,000 for the amphitheater and she asked what that money will be used for. City Attorney/Administrator Call stated that is the funding for phase two of the project; the specifics of that project will be presented to the Council during a future meeting at the time the City is preparing to apply for Recreation, Arts, Museum, Parks (RAMP) grant

funding for the project. The general concept for phase two is lighting, speakers, landscaping, and some interior building work. Ms. Christensen asked if citizens will be allowed to give input on that project. Mayor Chugg stated that the scope of the project is dependent upon the availability of grant funding and has not yet been determined. Ms. Christensen stated that she is unsure how the City determined that \$700,000 is needed if the scope of the project has not been set. Mr. Call stated that the details of the project will be determined as the City moves in the direction of writing the RAMP grant application. Ms. Christensen then referenced the community pond project and noted she thinks it was a smart move to sell the retention basin on 2700 North and relocate the basin to another area, but she has concerns about the recreational aspect of the basin. She asked if grant funds will be available for the project without the recreational component. Mayor Chugg answered yes. Ms. Christensen stated that she feels that the upkeep of the beach area will be very difficult, especially given that the pond will be fed with Pineview water; the ongoing maintenance will be the City's responsibility and those costs need to be determined and considered. There are already several projects that are a financial burden on the City and the Council needs to consider when it is appropriate to stop and hesitate to increase taxes; even projects funded by grant funds are supported by taxes paid by residents and continual increases are impactful to many residents.

Stefanie Casey, 2444 Barker Parkway, stated that there have been discussions about the potential to receive \$300,000 in RAMP grant funding to match the approximately \$700,000 included in the proposed budget for the next fiscal year and she cautioned the City to be very careful about how that information is being communicated to the residents. The last community magazine included an article, which was also posted on the Facebook page, that stated that a RAMP grant will cover \$300,000 in park impact fees. She stated that she has spoken to many people who believe that the total project cost is being covered by grants and that is not the case; the City needs to be honest and clear in its communications and specifically state that the grant will not even be applied for until January.

Robert Ball, 867 E. 1900 N., stated it is his understanding that AYSO Soccer has an agreement with the City for use of Orton Park and that there is another organization that uses the field every Sunday. He stated there is a trash problem at the park and he is curious about whether either of the entities are paying for use of the park or if their agreement requires that they remove their own trash from the park. Mayor Chugg stated the entities do pay the City for use of the fields and Parks and Recreation staff removes the trash throughout the week.

Mr. Call then stated that the City has received a request from a citizen, Brent Taylor, to have a public comment made by video message and he would like for the Council to discuss this request and decide whether to allow it. This is typically something that has not been allowed in the past and emails have not been read into the record, either. He stated that a variance from that practice should be consistent so that staff is able to administer any set policy. He then addressed the comments raised about the public open

house and stated that it was an event scheduled and hosted by NCRS, but they did not get their public notice sent to the newspaper in time. The City is committed to hold another open house in the future and it will be held later in the evening.

Council Member Swanson stated that before allowing a public comment by video message or email, the Council should have a discussion about that matter and it should be advertised on a future meeting agenda. He is interested in Mr. Taylor's comments, but he does not believe his video message should be played during the meeting tonight. Council Members Turner, Stoker, and Barker agreed. Mr. Call stated that he will include an item on a future agenda to allow for the Council to discuss a policy regarding this issue.

4. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH DOUBLE OTT RANCH

A staff memo from City Attorney/Administrator Call explained this is the purchase agreement for the property associated with the new detention basin property and the possible irrigation storage and community pond. This agreement does a few things for the City as well as provides some assurances for the developer.

For the City it gives us ownership of roughly 6.6 acres, so we can pipe the water from our current detention basin which is under contract to sell next year. It doesn't require any upfront cash from the City, but considers this a dedication in lieu of impact fees. The City is committing by this agreement to put a public park on the property, but not a specific type of park so there is some flexibility for what the council would want to put there. It would cost at least \$500,000 to install grass, sprinklers, and other basic park amenities on the 6.6 acres.

For the landowner it gives them impact fee credits as they develop the property. It guarantees the developer a certain amount of density which complies with the MPC zone discussed at the joint Council/Commission meeting. It also requires the developer to use rock, brick, or cementitious siding (no stucco, metal, wood, or vinyl).

There are also several utilities which will be installed as part of this agreement by the City, specifically storm water lines to take pond overflows, a sewer line, and a water line. These utilities have to be installed to put restrooms on the acquired property.

In addition to these utilities the City is agreeing to take storm water from North Hampton Phase 7 & 8 (2650 N 1350 E) and put it into either the Oaklawn Park Basin or Barker Park Basin at the City's option after the developer pipes it down to 2600 N. Additionally, in the early 2000s the City had committed to bring a storm water line to some property on 2100 N. and 1200 E. but never actually installed the piping. The landowner would like to reaffirm that agreement with the stipulation that it isn't required until he develops his property for residential uses.

Staff recommends approving this agreement so that the City can relocate its detention basin in a timely fashion and look at the options of providing other amenities in this area of the City.

Mr. Call reviewed his staff memo and facilitated a review of the purchase agreement, emphasizing that the other party to the agreement is not pushing for approval tonight and if the Council has additional questions or suggested edits to the document, they have the option of tabling it. He then reviewed an aerial photograph to identify the location of the subject property; he discussed development plans for the area surrounding the detention basin property and provided a concept plan including possible street alignments and the layout of the recreation area.

Council Member Swanson stated it is his understanding that if the Department of Agriculture grant is not awarded as anticipated and Pineview Water no longer wishes to participate in the project, the City would pursue building a detention basin and some sort of park amenity, similar to Wadman Park. Mr. Call stated that is correct. The park could be used for sports fields and it would be a good idea to provide facilities that would support that use. He stated there are many options available to the City and those options will be explored further at the next open house event regarding this project.

Council Member Turner asked if the agreement provides the City with the ability to terminate the agreement or if the purchase of the subject property is contingent on the City's ability to sell the existing detention basin. Mr. Call stated this agreement is not contingent upon the sale of the other basin, but it is necessary for the City to acquire property to replace that basin so that it can be sold. Regardless, there is no termination clause in the agreement and – if approved – the City is committed to purchase the property. Council Member Turner asked if the 6.6 acres of property is just the pond area, to which Mr. Call answered yes. Council Member Turner stated his interpretation of the agreement is that if the City does not develop the 6.6 acres or put a pond on the property, the developer can develop a portion of the property. Mr. Call stated the City will retain ownership of the 6.6 acres and the developer will not have access to it; however, 10 percent of the property, or .66 acres, can be counted towards the open space the developer is required to provide in their development. Council Member Turner asked if one of the requirements of the MPC zone is for a portion of the property to be commercial land use. Mr. Call stated that the zoning ordinance does call for a commercial component in MPC developments, but it also gives the City Council the ability to waive that requirement via a development agreement. However, the developer does anticipate including a small amount of commercial land use in their development given its proximity to the City's town center. Council Member Turner then asked if the pipe to be ran to the property is part of this agreement. Mr. Call stated the agreement identifies the existence of the easement, which was purchased from the Montessori school, and indicates the pipe will be installed in that easement on the east side of the subject property.

Council Member Swanson asked if it is true that if the developer is not granted the MPC zone in the future, the property would revert to R4 zoning, which would allow up to 20 units per acre. Mr. Call stated that is the way the agreement is written. He discussed other R4 zoned developments in the City for reference. Council Member Swanson asked when the application for MPC zoning will be considered by the City. Mr. Call reported the application has been filed and the Planning Commission will consider it at a meeting in July; they will forward a recommendation to the Council. He added that City Administration will use the Village at Prominence Point development agreement as a template for the development agreement for this project.

Council Member Swanson stated that given there is no rush to approve the agreement, he would like an additional week to review and consider it. Council Member Turner agreed. Mayor Chugg declared the item tabled.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ADOPTING THE NORTH OGDEN BUDGET FOR FISCAL YEAR 2018-2019**

Finance Director Nelson reported the City Council held a public hearing during their June 5, 2018 meeting to receive public input regarding the proposed budget for Fiscal Year (FY) 2018-2019. Since that time, the City has received the final recommended certified tax rate of 0.001156 from Weber County and the revenues to be generated by that rate are approximately \$2,500 lower than anticipated. It was necessary to make an adjustment to the property tax revenue to reflect the County's data. Additionally, sales tax estimates were adjusted to compensate for that shortfall. He then provided additional information regarding employee benefits, highlighting all expenses covered by the City's expense for employee benefits. During the public hearing, a resident asked about employee benefits cost for the Police Department, which appear to be higher than for other Departments and he noted that is because Police Officer contributions can be much higher than for other employees given differences in their retirement system when compared to regular employees. City Recorder/HR Director Spendlove added that the employee benefit line item for the Police Department also accounts for costs that the City could incur associated with the high number of potential retirees in the coming FY. She also explained that public employees sometimes receive high quality benefits to compensate for wages that are much lower than what are paid in the private sector. The City can offer a richer benefit program than most private sector companies given that the City is not taxed by the federal government for many of the benefits provided.

Mr. Nelson then discussed the budget for the Barker Park Amphitheater project, which is \$695,780 and is intended to be used for the next phase of the project; the City anticipates receiving \$300,000 in RAMP grant funding, with the remainder of the project costs to be funded using park impact fee revenues. He stated it is true that the City is uncertain whether the grant will be awarded to the City, but the City is required to adopt an annual budget and that sometimes requires looking forward for an entire year and making

estimates regarding various project costs. This is true for many line items in the budget; many project budgets are estimates and those estimates will not be updated to actual costs until the project timeframe comes closer.

Council Member Barker asked if it is possible to not include the \$300,000 RAMP grant funding in the budget and consider a budget amendment if and when the grant is received. Mr. Nelson stated that is absolutely possible; the grant could even be recognized in the next FY budget. Council Member Barker stated that would be his preference. This led to discussion of the recommendation as well as the timeline for adopting the final FY 2018-2019 budget. There was also a discussion about refraining from including the other \$395,780 in the budget, with Mr. Nelson stating that if the Council chooses to wait to budget any amount for the Amphitheater project, they should change the amounts in budget line items 40-41-16, 40-30-220, and 40-30-110 to zero. This would change the two revenue lines (park impact fees and RAMP grant) and one expenditure line. Mr. Nelson stated his only concern would be whether the City's RAMP grant application would be weakened if the City has not budgeted matching funds for the amount requests. Mr. Call stated that may be the case, but the City could be made aware of that well in advance of the application timeframe and a budget amendment could be considered if it is determined that may be the case.

Council Member Barker motioned to approve Ordinance 2018-08 adopting the North Ogden City budget for Fiscal Year 2018-2019, with removal of line item 40-41-16, 40-30-220, and 40-30-110. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION FOR PUBLIC TREASURER'S INVESTMENT FUND (PTIF) ACCOUNT MANAGEMENT

A staff memo from Finance Director Nelson explained North Ogden City currently participates in the Public Treasurer's Investment Fund (PTIF) that is held with the Utah Office of the State Treasurer.

The Utah Office of the State Treasurer will be rolling out a new online PTIF account management platform, and now requires all PTIF pool participants to adopt a resolution authorizing at least two individuals from your organization to make changes to PTIF accounts, such as:

- Add or delete users to access and/or transact with PTIF accounts;
- Add, delete, or make changes to bank accounts tied to PTIF accounts;
- Open or close PTIF accounts; and
- Complete any necessary forms in connection with such changes.

The attached resolution must be adopted by the City Council for banking and investments of North Ogden City, signed, and returned to the State Treasurer's Office by June 30, 2018.

Mr. Nelson reviewed his staff memo.

Council Member Swanson motioned to approve Resolution 04-2018 for Public Treasurer's Investment Fund (PTIF) Account Management. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Council Member Swanson motioned to recess the regular Council meeting and convene in the RDA meeting. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting recessed at 7:31 pm

RDA AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ADOPTING THE RDA BUDGET FOR FISCAL YEAR 2018-2019

Mr. Nelson reported a public hearing was held June 5, 2018 regarding the proposed RDA budget; the budget document was also reviewed during that meeting and City Administration is now seeking approval of the budget.

Board Member Stoker motioned to approve Ordinance RDA 2018-08 adopting the RDA budget for Fiscal Year 2018-2019. Board Member Barker seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Stoker	aye
Board Member Swanson	aye
Board Member Turner	aye

The motion passed unanimously.

Board Member Swanson motioned to reconvene in the regular Council meeting. Board Member Turner seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Stoker	aye
Board Member Swanson	aye
Board Member Turner	aye

The motion passed unanimously.

Reconvened in regular scheduled meeting at 7:33 pm

7. **PUBLIC COMMENTS**

Jim Urry, 1615 N. Mountain Road, stated that Council Member Barker seems to have filled his position on the City Council; he thanked him for listening to the comments made by residents, which led to his recommendation to amend the budget relative to the Barker Park amphitheater project. He also congratulated the City on its continuation of increasing the deficit associated with the RDA and CDA accounts. He then stated he was not able to attend the budget public hearing last week and he would like to know how the street lighting budget will be spent this year. Public Works Director Espinoza stated that the funding will allow the City to extend street lighting improvements on Washington Boulevard to 1700 North. Mr. Urry stated that when he was a member of the City Council, he expressed some opposition to using decorative light poles and hanging flower baskets from one side of the poles. At the time, he asked who would water the flowers and he was told the City would enlist volunteer support, but he has since learned that the City has budgeted \$35,000 to pay for watering the flowers. That money could be used in many other areas of the City.

Aaron Christensen, 2428 Barker Parkway, thanked Mr. Urry for his comments and also for his past service to the City; as he researched City minutes and listened to meeting audio, he was grateful for the checks and balances he offered to the City. He noted he is grateful that the Council chose to delay action on the purchase agreement with Double Ott Ranch for an additional week as it appears to him that the agreement may grant zoning without a hearing. The property valuation is also troubling, and it could be concerning that the City would be paying property taxes on a portion of property that could be used by the developer to count towards his open space. He stated it seems that the City is creating a lot of amenities that may be thought of as nice and desirable, but it is not necessary to provide everything everyone wants at the expense of tax payers. It is more important to decide the appropriate function of government and pursue providing those things.

Mr. Urry re-approached and discussed the Amphitheater project and noted that when he asked about the ongoing management of the facility he was told that would also be handled by a volunteer, just like the flower watering. He stated that he is aware that Sandy City pays \$200,000 to manage their amphitheater and he asked that the City not consider hiring a \$200,000 volunteer for that same service in North Ogden.

Dale Anderson, 940 E. 2600 N., stated that he reviewed the total estimated costs for the community pond project and the City has no expenses until the recreation component is added to the project. He asked that the Council strongly consider that matter and be as frugal as possible when proceeding with the project.

8. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Turner reported on the recent Mosquito Abatement Board meeting; it has become necessary for the Board to increase the budget for chemicals to spray the increased amount of open water out west, but call requests have reduced as a result.

Council Member Barker asked that the starting time for next week's meeting be pushed back to 6:30 p.m.; he is needed at the Fire District meeting, during which they will hold a public hearing regarding their annual budget. Council Member Swanson stated he would also like to attend that meeting. Council Member Turner indicated he will be absent from next week's meeting.

Council Member Barker moved to change the start time of the June 19, 2018 meeting to 6:30 p.m. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Council Member Swanson stated that he would like to discuss in a future meeting the option of offering a green waste recycling program during the growing season for grass clippings only. He would like to understand the feasibility of such a program and asked Mr. Espinoza to reach out to him so that they can discuss the idea further.

Mr. Call provided a clarification on earlier data regarding the sale price of the City's detention basin on 2550 North; the land was sold for \$250,000 per acre. He added that the City has paid for some improvements associated with the relocation of the basin, such as piping costs to get water into and out of the basin. This equates to approximately \$627,000. Even if the basin is not used as a recreation facility, it is necessary to landscape the area somewhat, including the placement of grass and rock. He then reported the City's skate park is fully opened again, but there are significant issues with the paint because it was difficult to keep users off the facility until it was fully cured. Regardless, the park is being well-used by local residents and visitors from other communities. He then noted the City barbeque will be held this Thursday and he invited Council Members to attend between the hours of 11:00 a.m. and 1:00 p.m. He concluded that City Administration is working on a purchasing policy and some personnel policy amendments that will be submitted to the Council soon.

9. ADJOURNMENT

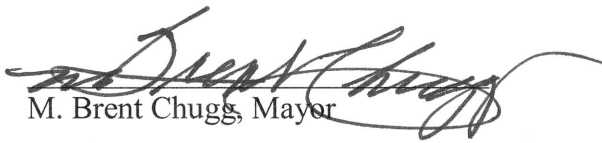
Council Member Swanson motioned to adjourn the meeting. Council Member Barker seconded the motion.


Voting on the motion:

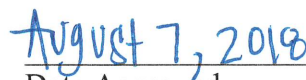
Council Member Barker	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting adjourned at 7:54 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved