

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

June 26, 2018

The North Ogden City Council convened in an open meeting on June 26, 2018 at 6:05 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 22, 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: Annette Spendlove City Recorder/HR Director
 Evan Nelson Finance Director
 Dave Espinoza Public Works Director
 Tiffany Staheli Parks & Recreation Director

VISITORS: Sean Casey Stefanie Casey Kim Christensen
 Loren McDonald Charlene Sneider Jack Ballstaedt
 Cail Chandler Susan Clements Aaron Christensen
 Melanie Barker Gary Blacker Mack McDonald
 Bryan Lund

Mayor Chugg called the meeting to order. Annette Spendlove offered the invocation and Cail Chandler led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER MAY 15, 2018 CITY COUNCIL MEETING MINUTES

Council Member Turner motioned to approve May 15, 2018 City Council Meeting Minutes. 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.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Gary Blacker, 388 E. 3250 N., stated he has lived in North Ogden for 47 years and the last three have been unbearable; his neighbors at 389 E. 3250 N. have so much garbage and squander. The garbage cans are never taken in, there is a yard sale every day with items on the driveway all the time being blown throughout the yard and into other yards. The lawn has only been mowed one time and sprinklers are not used. He stated he essentially lives across the street from a garbage pit, but it seems to be 'out of sight, out of mind' for the City. He asked if the City's Code Enforcement Officer can help him, though he has failed to respond to date; he asked what the Council suggests he and his neighbors should do at this point. He asked the Council Members to drive by the property and see it for themselves; he has provided photos to City Recorder Spendlove and if the City does not respond he will be asking for the matter to be publicized by the local newspaper.

Mack McDonald, 380 E. 3250 N., stated that he lives next door to Mr. Blacker; he bought his home 12 years ago for the beauty surrounding it and for the neighbors. He stated that one of his neighbors used to have the ability to talk to the owners of 389 E. 3250 N. and they would clean the property somewhat, but that neighbor has since passed away and there does not seem to be anyone else in the neighborhood that can effectively communicate with them. He stated the property is bothering him terribly and he asked what can be done by the City to address it and ensure that it does not continue. It is one house and it is sending the message that the City does not require residents to take care of their properties. He stated that it may be a police matter at this point as the property seems to be abandoned and the home is in disrepair. He stated at least four different families have called the City to complain about the property and there has been no response; he asked what can be done at this point.

Mayor Chugg stated that he has been told that the City's Code Enforcement Officer is so busy with the building permit component of his job that he has been unable to focus on code enforcement. Therefore, he discussed the property with the Police Department this morning and they will be responding. He added that the City has the ability to issue citations and even abate the nuisances at the property. He stated he has driven by the property himself and he understands the concern that has been expressed. Council Member Swanson indicated he has also driven by the property.

Bryan Lund, 394 E. 3250 N., echoed the comments made by Mr. Blacker and Mr. McDonald; the condition of the property continues to deteriorate, and the neighbors need help from the City.

Melanie Barker, 2524 Barker Parkway, stated that the City addressed a sound ordinance last week for the Barker Park Amphitheater and she wanted to make the Council aware that she was in the back of her yard, which is near the bridge in the park, and she could clearly hear the performers who were practicing at the facility singing. She stated this is with no amplification and given that the sound ordinance allows for amplification and a measurement of 90 dBC at the property line, the residents will be blasted out of their homes. She stated it will be necessary to consider amendments to the ordinance.

Kim Christensen, 2428 Barker Parkway, added to Ms. Barker's comments about the noise; she was working in her yard today and she could hear people talking, machinery beeping, and constant drilling. She stated she is concerned that she can hear someone talking at the amphitheater with no amplification. She stated she was not able to attend the meeting last week, but as she read through the ordinance that would place restrictions on neighbors and require them to coordinate their events with events being held at the amphitheater, she was very concerned. If such restrictions are being placed on residents of the Barker Park Subdivision, the same restrictions should be placed on all residents. She stated the property owners in that area need to have the freedom to use their property as they please.

3. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR PURCHASING POLICY**

A staff report from Finance Director Nelson explained that at the conclusion of the Fiscal Year 2017 Audit, the auditors recommended that we revise our Purchasing Policy to clarify purchasing processes and purchase order requirements. Staff has reviewed the policy and proposed changes to be discussed at the Council meeting on June 26th . The intent of these changes is to increase efficiency in City operations, maintain adequate oversight of City purchases, ensure compliance with policies and codes, and clarify the processes and responsibilities. The Syracuse City Purchasing Policy has been used as a reference in developing the proposal. Staff recommends approval of the changes using the attached ordinance.

Proposed Changes

Many of the proposed changes are insignificant, addressing issues such as grammar, capitalization, etc. Several portions are proposed to be eliminated from the code as they are determined to be unnecessary or redundant. Doing this will simplify the code and make it easier to understand and implement. Other items are of greater significance. I will discuss those here. A marked-up version of the policy is provided to show the changes being proposed.

Purchase Order Required – One of the most significant changes is the elimination of the requirement for purchase orders for purchases less than \$5,000. In the past the threshold was \$200. We found this to be cumbersome and impractical. \$5,000 is the threshold used in the Syracuse City code. Purchases under \$5,000 would be made with the Department Manager’s approval, based on approved budgets.

Purchase Order Approval – Purchase order approval thresholds have also been adjusted to reflect the change discussed above. Here is a summary:

- \$5,000-\$25,000: City Administrator/Manager and Finance Director or City Treasurer.
- Greater than \$25,000: City Administrator/Manager, Mayor or Mayor Pro Tempore, and Finance Director or City Treasurer.

Public Advertising – Competitive bids are required on purchases exceeding \$25,000. Public advertising is required to be posted on the State Public Notice Website and the City website. In the past, newspaper advertising has also been required. It is proposed that the requirement for newspaper advertising be eliminated.

Purchases Between \$5,000 and \$25,000 – Making purchases in this category will require three written bids.

Choosing By Advantages – A provision is included to allow for the selection of a bid or contract that is not the lowest bid if documentation is provided that demonstrates why it is in the City’s interest. The Mayor is authorized to approve such purchases or contracts.

Purchases Exempt from the Bidding Requirement – Several items have been added the list of purchases that are exempt from the bidding requirements. These include:

- Professional Services less than \$15,000 in the fiscal year.
- Legal Services on a per-case or short-term basis.
- Subscriptions, magazines, software, etc.
- Elections expenses.
- Memberships and trainings.
- Drug testing, physicals, etc.
- Realtors, appraisers, title work.
- Performers.
- Contracts not suited to bidding due to proximity or other relevant factors, as approved by the City Administrator/Manager and Finance Director.
- When the City Council enters into a contract for goods or services and identifies why it is in the best interest of the City.

Disposition of Real Property – Wording is added to define “significant parcel”, noting that utility easements do not constitute a significant parcel, and allowing for the disposition of real property.

Record of Fixed Assets – Clarification on asset recording and the related responsibilities have been added.

Acquisition of Real Property – Requirements for real property acquisitions have been added.

Mr. Nelson reviewed his staff memo.

Council Member Swanson referenced the section relating to ‘choosing by advantages’ and asked if some language could be added to indicate that the Mayor should consult with the Council when considering awarding a contract to a bidder that may not have submitted the lowest bid. He stated that the Council is responsible for fiscal management of the City and they should be informed and consulted of these types of actions. Mr. Nelson stated he is comfortable with that recommended change. City Recorder Spendlove suggested the following language change: “the Mayor is authorized to approve purchases and award bids for contracts after consulting the City Council as to why a certain vendor was selected and demonstrating why the selection is in the City’s interest.” Council Member Swanson stated he is comfortable with that change and clarified that the suggested change has nothing to do with any type of mistrust of Department Directors or City Administration. There was brief high-level discussion among the Council and staff regarding instances where a contractor who may not have submitted the lowest bid would be awarded a contract.

Council Member Stoker motioned to approve Ordinance 2018-12 for Purchasing Policy, with the change to the “choosing by advantages” clause as stated above. 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.

4. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AMENDMENTS TO THE FISCAL YEAR 2017-2018 BUDGET

A staff memo from Finance Director Nelson explained staff would like to propose several amendments to the City Budget for Fiscal Year 2018. This report provides a summary of the proposed changes. The attached spreadsheet outlines the specific changes by general

ledger account. The amendments may be approved using the attached ordinance, following the public hearing.

Building Inspector from Part-time to Full-time:

The original budget included the addition of a new part-time building inspector. As the new fiscal year commenced, building activity continued to increase. The City Council approved the staff recommendation to change the new position from part-time to full-time. An increase in the amount of \$57,239 is proposed to the salary and benefit accounts. The increased expense is to be offset by an increase in the building permit revenue estimate.

Lifeguard Wages:

One of the February 2018 budget amendments increased the budget for lifeguard wages. One of the account numbers for that amendment was the wrong account. Amendments are proposed to correct this error and align the budget with the increase previously approved.

Transportation Impact Fee Fund:

The original budget for Transportation Impact Fee revenue was mistakenly placed in the account for interest revenue. An amendment is proposed to move this budget to the appropriate revenue account.

Senior Center:

An amendment is proposed to approve funding for the retaining wall and fence at the Senior Center as agreed upon by the City Council, in the amount of \$6,249. The revenue source is fund balance.

Skate Park:

An amendment is proposed to approve final Skate Park expenditures. At the end of the previous fiscal year, \$137,210.87 was remaining in this project budget. The proposal is to roll that budgeted amount into the current fiscal year, plus approve an additional expenditure in the amount of \$5,776.13, for a total budget of \$142,987 in the current fiscal year. The revenue source is fund balance.

Public Works Building Remodel:

An amendment is proposed to approve final expenditures on the Public Works building remodel. At the end of the previous fiscal year, \$6,327.94 was remaining in this project budget. The proposal is to roll that budgeted amount into the current fiscal year, plus approve an additional \$424, for a total budget of \$6,752 in the current fiscal year. The revenue source is fund balance.

Property Line Adjustment:

As a result of the settlement on the lawsuit regarding property lines at the Public Works facility, the City incurred surveying expenses in the amount of \$1,558. An amendment is proposed to cover this expense. The revenue source is fund balance.

400/450 East Improvement Fund:

Last fiscal year was the first year for the 400/450 East Improvement Fund. \$17,000 was transferred into the fund to cover expenses until revenues became sufficient. An amendment is proposed in the current year budget to transfer \$17,000 from the 400/450 East Improvement Fund back into the Capital Projects Fund. Rental property revenue is the revenue source.

Additionally, expenses in this fund were significantly underestimated in the original budget. The costs of preparing the homes for rental and the ongoing maintenance and management costs were much higher than anticipated. Also, staff did not anticipate that the home owners would be willing to sell so quickly. An amendment is proposed to approve expenditures up to \$60,000. The revenue generated by the rental homes is more than sufficient to cover the expense.

Mr. Nelson reviewed his staff memo and reported the Council has the ability to adjust the budget up until its closing date, which is June 30, 2018.

Mayor Chugg opened the public hearing at 6:57 p.m. There were no 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 Barker	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The public hearing was closed at 6:58 p.m.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET

Council Member Barker motioned to approve Ordinance 2018-13 amending the Fiscal Year 2017-2018 Budget. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. **CONVENE IN THE RDA**

Council Member Swanson motioned to recess the regular meeting and enter into an 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 7:00 pm

RDA AGENDA

1. **PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AMENDMENTS TO THE RDA BUDGET FOR FISCAL YEAR 2017-2018**

A staff memo from Finance Director Nelson explained staff would like to propose an amendment to the RDA Budget for Fiscal Year 2018. This report provides a summary of the proposed changes.

Community Development Area Fund (CDA):

An amendment is proposed to roll forward the prior year-budgeted CDA contribution to the Ace Hardware development project in the amount of \$200,000.

Mr. Nelson reviewed his staff memo.

Mayor Chugg opened the public hearing at 7:00 p.m. There were no persons appearing to be heard.

Board Member Swanson motioned to close the Public Hearing. 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.

The public hearing was closed at 7:01 p.m.

2. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE RDA BUDGET FOR FISCAL YEAR 2017-2018**

Board Member Barker motioned to approve Ordinance RDA 2018-13 amending the RDA Budget for Fiscal Year 2017-2018. 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.

3. **ADJOURN AND RECONVENE IN REGULAR MEETING**

Board Member Turner motioned to adjourn the meeting. Board Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 7:03 p.m.

M. Brent Chugg, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

Reconvened in regular scheduled meeting at 7:03 pm

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

A staff memo from Finance Director Nelson explained staff recommends approval of the attached resolution, amending the Consolidated Fee Schedule. The proposed changes are summarized below:

Green Waste Pit Card Fee – Change from “one-day” to “one-entry”. This change clarifies that each card allows only one entry rather than a full day of unlimited entries.

New Home Deposit for Off-site Improvements – Increase from \$500 to \$1,000. This deposit is to ensure contractors restore sidewalks to satisfactory condition after construction of new homes.

Home Occupation License – Fees for home occupation licenses are only to be charged to high impact home occupations according to State law.

Barker Park Amphitheater rental – Fees removed from the schedule until fees can be developed for the new facility.

Storm Water – Churches/Schools category expanded to “Institutional”, which includes church, school, and government facilities.

Utility Rates – Proposed utility rate increases, as presented in budget meetings, are shown in the table below. Proposed increases are applied to all categories of each rate (resident, nonresident, non-residential). Please note that in previous versions of the Fee Schedule, the Central Weber and City Sewer Rates have been combined. The proposed version separates these into two categories. Doing so is consistent with the way the fees appear on utility bills.

FY 2019 Proposed Utility Rate Increases	
	Total Increase
Water	\$1.62
Central Weber	\$0.76
Sewer	\$0.75
Storm	\$2.25
Trash	\$0.49
TOTAL	\$5.87
2 nd Recycling	\$2.35

Tiered Water Rates – A new proposal included in the water rates is a modified rate for zones in the City that require use of a pumping station. Zone 7 is proposed to pay an additional \$0.19 per thousand gallons and Zones 8-10 are proposed to pay an additional \$0.27 per thousand gallons. These amounts are based on an engineer’s analysis of electricity costs to operate the pumping stations. These amounts are not intended to cover the costs of asset maintenance, repair, and replacement. The engineer’s analysis and a map have been included with this staff report.

Mr. Nelson reviewed his staff report.

Council Member Swanson asked if the changes to the Green Waste Pit Card Fee will only apply to the single-day cards. Public Works Director Espinoza indicated that the single-day cards have been eliminated because there were instances where commercial entities were entering the site multiple times in a single day, but only being charged the same amount as someone entering the facility once in a day. Council Member Swanson stated that he was making sure the changes applied to the single day cards and not the punch cards. Mr. Espinoza indicated that is the case.

Mr. Nelson and Mr. Espinoza then facilitated a discussion among the Council regarding the proposal relating to tiered water rates; Mr. Espinoza provided a map illustrating the manner in which he has divided the City into 10 zones, for which a different utility rate tier will be applied. These rates are based upon pumping costs, but will not cover the total costs of maintenance, repair, and replacement of utility infrastructure. He added it may be necessary to consider additional zones in the future as development continues to extend further up the mountainside.

Council Member Turner asked if the tiered rates will be added upon the base rates for utility customers depending on the zone in which they are located, to which Mr. Espinoza answered yes.

Council Member Swanson stated the Council has asked for the matter of pumping water to hillside areas to be addressed for several years and he thanked staff for their work on this proposal.

Council Member Swanson motioned to approve Resolution 05-2018 amending the Consolidated Fee Schedule. 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.

8. PUBLIC COMMENTS

Susan Clements, 668 E. 3125 N., stated that the City has not talked about the urban deer problem recently and she asked for an update on the issue and whether a deer count was conducted. Council Member Swanson stated there was an attempt to perform a deer count, but it is difficult to record a reliable count; the most effective manner of performing a count would be to use a helicopter at night time with infrared cameras, but that would be very expensive. A local resident who has volunteered to help with the matter is working with the City and the Department of Wildlife Resources (DWR) to move forward, but there is a struggle to determine whether numbers are reliable. Ms. Clements stated she has two neighbors who consistently have deer on their property and one who sees new fawns born in her area each year. Council Member Swanson stated the City will continue to work to address the issue.

Sean Casey, 2444 Barker Parkway, stated that he appreciates the development of the consolidated fee schedule as all fees are located in one place. He also likes the improvements to the website and he would like for everyone involved in management of the website to consider how to include all pertinent information in one place for ease of communication with residents. Also, he would encourage the Council to attend the Ogden Amphitheater concert this week; it starts at 7:00 p.m.

9. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Turner asked if there will be a Council meeting next Tuesday. Mayor Chugg reported the meeting scheduled for July 3 has been cancelled.

Council Member Barker asked if the parking lot at the Barker Park Amphitheater will be restriped in advance of the upcoming annual theatrical production. Mr. Espinoza stated it will be restriped before next Wednesday.

Council Member Stoker provided the Council with information about the upcoming Cherry Days events and noted the Council will be riding in side-by-side utility vehicles in the parade. She added that the Youth Council could use volunteers to help gather debris following the fireworks show.

City Recorder Spendlove also provided information about Cherry Days events for which Council involvement has been requested. There was a brief discussion about the logistics for the Miss North Ogden pageant.

Council Member Stoker motioned to recess the regular meeting and convene in a closed meeting regarding the character, professional competence, or physical or mental health of an individual. 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.

The meeting recessed at 7:26 p.m. and reconvened at 7:43 p.m.

10. ADJOURNMENT

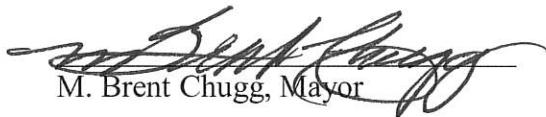
Council Member Swanson motioned to adjourn the meeting. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 7:45 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder

14 August 2014
Date Approved