

1 NORTH OGDEN CITY COUNCIL MEETING MINUTES

2
3 October 14, 2014

4
5 The North Ogden City Council convened in an open meeting on October 14, 2014 at 6:30 p.m. in
6 the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and
7 agenda of the meeting was delivered to each member of the City Council, posted on the bulletin
8 board at the municipal office and posted to the Utah State Website on October 10, 2014. Notice
9 of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

10
11
12 PRESENT: Brent Taylor Mayor
13 Kent Bailey Council Member
14 Lynn Satterthwaite Council Member
15 Cheryl Stoker Council Member
16 Phillip Swanson Council Member
17 James Urry Council Member

18
19
20 STAFF PRESENT: Bryan Steele Acting City Manager
21 Jon Call City Attorney
22 Kevin Warren Police Chief
23 Brandon Miles City Prosecutor
24 Clark Crowther Lieutenant
25 Gary Kerr Building Official
26 Craig Giles Public Works Director
27 Nicole Smedley Deputy City Recorder

28
29 VISITORS: Brock Mott Kirk Mott
30 Kurt Illum Blake Welling
31 Diane Little Brent Little
32 Sorin Teles Lynnda Wangsgard
33 Rick Scadden Bob Buswell
34 Thomas Brennan Don Mathewson
35 Dan Green Rachel Trotter

36
37 Mayor Taylor welcomed those in attendance.

38
39 Council Member Satterthwaite offered the invocation and led the audience in the Pledge of
40 Allegiance.

41
42 **CONSENT AGENDA**

- 43 1. Consideration to approve the September 16, 2014 City Council Minutes
44 2. Consideration to approve the September 23, 2014 City Council Minutes

45
46 **Council Member Bailey motioned to approve the Consent Agenda. Council Member**
47 **Satterthwaite seconded the motion.**

48 **Voting on the motion:**

49

50 **Council Member Bailey** aye

51 **Council Member Satterthwaite** aye

52 **Council Member Stoker** aye

53 **Council Member Swanson** aye

54 **Council Member Urry** aye

55

56 **The motion passed unanimously.**

57

58 **ACTIVE AGENDA**

59

60 **1. PUBLIC COMMENTS**

61

62 Sorin Teles, 156 E. 2050 N., thanked the Council, Mayor, and staff for their service to the
63 community. He stated he has argued different points in the past regarding his feelings that the
64 City's daytime curfew ordinance is not constitutional and is not necessary. He stated he read the
65 new version of the ordinance located on the City's website and he does not feel it solves the
66 problems that he raised before; the explanation of the ordinance provided by the Police Chief
67 does not fully address the questions asked by and of the City Council. He stated there is a Utah
68 law that already provides a framework for addressing truancy and places responsibility with the
69 local school district; the law also includes more safeguards than included in the ordinance and
70 passing the ordinance would be shifting the responsibility from the school district to the City,
71 which is inappropriate because the City is not as equipped to deal with truancy issues as the
72 school district is. He noted if the school needs help from the City they can request help and at
73 that point the City would have probable cause to approach a student. He stated under the
74 ordinance as it is proposed, the police department can approach any person on a public street at
75 the wrong hour just because they look young; he does not think anyone wants to live in a country
76 where this type of thing is allowed. He stated he and the elected leaders of the City have taken
77 an oath to protect the constitution and the ordinance goes against the constitution the way he
78 understands it by eliminating the freedom of an individual just because they may be young
79 looking; it also teaches the kids the wrong lesson that they are treated as a criminal until proven
80 innocent. He added the ordinance may create additional costs for the City and he does not see
81 truancy being a rampant problem and he does not feel the ordinance is necessary. He reiterated
82 the City should use the laws that are already on the books to address the issue.

83

84 Diane Little, 3463 N. 350 E., addressed beekeeping and chicken pens. She stated she lives in
85 Lakeview Heights and there have been some situations where people have been given permission
86 to keep bees and chickens on their property and those situations have proven to be quite costly
87 for other residents. She stated anything considered a farm animal is illegal in Lakeview Heights
88 according to the covenants, conditions, and restrictions (CCRs) recorded for the subdivision.
89 She asked that the City not give any residents of the subdivision permission to keep bees or
90 chickens on their property.

91

92 Kurt Illum, 805 E. 3300 N., offered his opinion regarding the daytime curfew ordinance; he
93 shares the same opinion as Mr. Teles and he feels the proposed ordinance is an erosion of

94 liberties and it is a slippery slope. He stated the law is not good for the City and the issue is
95 already addressed by State law. He stated that if the goal is to prevent illegal activities during
96 daytime hours, a truancy law is not the way to accomplish that goal. He suggested the police
97 department use other means to address delinquent activities. He stated the ordinance is more
98 strict than State law in that it removes the reference to habitual truant, which is defined as
99 someone that has been truant five or more times; under the City's ordinance a child with one
100 truancy can be cited and referred to court. He reiterated that the State code gives responsibility
101 for addressing truancy issues with the school district and he does not think the City should get
102 involved in that. He added that according to State law, a child that is 16 or older and has a 3.5
103 grade point average or a child under the age of 12 cannot be issued a habitual truant citation; that
104 section of the law is new and is not included in North Ogden's proposed ordinance. He
105 concluded he does not believe the City should adopt the ordinance and truanancies should be dealt
106 with by school counselors rather than the police department.
107
108

109 **2. DISCUSSION AND/OR ACTION TO APPROVE CHANGE ORDERS FOR THE**
110 **NEW PUBLIC WORKS FACILITY; TYPE OF BLOCK; SPECIAL INSPECTIONS;**
111 **GREEN HOUSE; DEMOLITION OF THE HOUSE ON THE SOUTHWEST CORNER**
112 **AND DETENTION BASIN**
113

114 A staff memo from Acting City Manager Steele provided a summary of the proposed change
115 orders for the Public Works Building project:

- 116 1) Special Inspections – Inspections for Soils, Asphalt, Concrete, Masonry/Grout and Structural
117 Steel - \$18,659
118 2) Demolition of the house on the southwest corner of the property - \$2,595
119 3) Changing some of the block on the Shop Building to Split Faced - \$4,668
120 4) Adding conduit for water and power for future Greenhouse - \$15,620
121 5) Upsizing of detention basin – no total estimated amount as of 10/10/14. We hope to have that
122 amount for Tuesday's meeting. However, if we have to mitigate the potential wetlands on the
123 south end of the property, the cost for the wetland analysis and paperwork filing is \$15,000 -
124 \$20,000.
125

126 When the budget for the project was approved it included a five percent City contingency
127 included, which amounted to \$147,952. The total of the change orders above, less the detention
128 basin, is \$41,542.
129

130 Mayor Taylor provided a brief presentation informing the City Council and the public present of
131 the status of the project, noting the project is ahead of schedule and within budget.
132

133 Mr. Steele then reviewed his staff memo regarding the proposed change orders. Various staff
134 members provided a brief justification for each proposed change order.
135

136 There was a brief Council discussion regarding the change order relating to special inspections
137 for the project, with Building Official Kerr noting that it is not possible for him to provide an
138 exact amount for the inspection costs, but he anticipates that the actual cost will be less than the
139 \$18,659 included in the staff report. Council Member Urry stated he would like for the Council

140 to receive a report regarding the actual inspection costs that the City will be charged and
141 information regarding the inspections that the contractor completed. Mayor Taylor stated he will
142 keep the Council apprised of that information.

143
144 The Council continued discussion of the remaining change orders referenced in the staff report.
145 Council Member Bailey stated he thought that item two relating to demolition was included in
146 the bid. Public Works Director Giles stated the cost is not included in the contract. City
147 Attorney Call stated he will compare the contract to the bid documents and determine if an
148 oversight has been made.

149
150 The Council discussed item four relative to conduit to serve a future greenhouse on the site, with
151 Mayor Taylor stating he has toured public works facilities in other cities and found Layton and
152 Bountiful have greenhouses; he liked the idea of building a greenhouse on the City's site in the
153 future and he requested a cost to facilitate that future construction. He reviewed a newspaper
154 article about Layton City's greenhouse regarding the city's ability to raise 50,000 flowers each
155 year to be used for beautification purposes at city property; this saves a significant amount of
156 money that would have otherwise been spent to purchase flowers in the private market. He
157 added volunteers could be used to assist in constructing the facility. He clarified that the cost
158 included in this change order is only for installation of conduit to accommodate future utility
159 infrastructure for a greenhouse; the work needs to be completed prior to the asphalt being laid at
160 the site. Mr. Giles reviewed the site plan for the property and identified the potential location for
161 a future greenhouse and illustrated the manner in which the conduit would be laid on the site.
162 Council Member Bailey stated the amount does not seem reasonable to him and he asked for
163 additional information before approving that portion of the change order request. Council
164 Member Urry agreed and stated he is somewhat concerned about how a greenhouse could further
165 limit the accessibility at the public works facility site. He added he is hesitant to get into
166 business doing something that is provided by the private sector. Mayor Taylor stated he will
167 work with Lundahl to get the additional information requested by the Council.

168
169 The Council discussed item five related to upsizing of the detention basin on the site. Mayor
170 Taylor stated this item is time sensitive, but the City does not have sufficient information
171 regarding wetlands in the area to make a decision regarding the potential basin size. There was a
172 general discussion regarding use of the property in relation to another detention basin on 2600
173 North that was proposed to be used for a dog park, with Council Member Urry stating he wants
174 to prioritize the selection of a location for a dog park since dog owners have been charged a
175 \$5.00 fee on their dog license to fund the park. Mayor Taylor stated it will be possible to
176 determine the appropriate location for a dog park throughout the coming winter months.

177
178 Mr. Call then revisited the portion of the change order for the demolition of the house on the
179 southwest corner of the property for a cost of \$2,595 and indicated that amount was not included
180 in the contract; it may have been included in the base bid provided by Lundahl but the Council
181 may not have selected that portion of the work for inclusion in the contract.

182
183 Mayor Taylor then asked Mr. Steele for a total dollar amount for the three change orders the
184 Council has indicated they are comfortable with proceeding with this evening; he noted the

185 amount will be taken from the contingency fund for the project. Mr. Steele stated the total
186 amount is \$25,922.00.

187

188 **Council Member Satterthwaite motioned to approve change orders for block, special**
189 **inspections, and demolition of the house on the southwest corner all in the amount of**
190 **\$25,922.00. Council Member Swanson seconded the motion.**

191

192 **Voting on the motion:**

193

194 **Council Member Bailey** aye

195 **Council Member Satterthwaite** aye

196 **Council Member Stoker** aye

197 **Council Member Swanson** aye

198 **Council Member Urry** aye

199

200 **The motion passed unanimously.**

201

202 Council Member Satterthwaite noted that in discussions regarding the project there was a focus
203 on the use of top soil that was taken from the project site; he would like to have a discussion with
204 staff regarding the benefit the City will realize due to the storage of the top soil on the east side
205 of the City. Council Member Bailey stated he wants to ensure that the dirt is not used as fill dirt
206 and noted he has received inquiries from residents interested in purchasing top soil. Mayor
207 Taylor stated he has had similar requests.

208

209

210 **3. DISCUSSION REGARDING THE REPURPOSE OF FUNDS TO BUY TRUCK**
211 **EQUIPMENT IN PUBLIC WORKS TO PURCHASE A TRUCK LIFT INSTEAD**

212

213 A staff memo from Public Works Director Giles explained the current budget includes \$45,684
214 for a service bed that was planned to be used to repurpose an existing truck to serve as a mobile
215 mechanic/service truck; the budgeted amount would have covered the installation of the new
216 bed. After a new shop supervisor was hired, staff re-evaluated some of the plans for the
217 Department and felt the expenditure was no longer needed and it would be possible to continue
218 operations and tow all equipment back to the shop for service or repair. There are plans to
219 budget money for a 30,000 pound lift for the new shop to allow mechanics to hoist large trucks
220 into the air in order to work under them without lying on the floor as they do now. The cost for
221 the lift would be \$35,000 and specifications for the lift have been provided to Lundahl so they
222 can pour the footings as part of the new construction. At this time staff is requesting the Council
223 re-appropriate money originally planned for the service bed to be used for the lift so that it can be
224 installed in conjunction with construction of the new public works facility.

225

226 Mr. Steele reviewed the staff memo and there was a brief discussion regarding the accounting of
227 funds to be used for the truck lift due to the fact that the money to be used for the lift was
228 originally included in the City's motor pool fund budget. Mr. Steele stated it would be most
229 appropriate to transfer money from the motor pool fund to the capital projects fund in order to
230 follow appropriate accounting practices.

231
232 Mayor Taylor stated he feels the repurposing of funds is appropriate and in the best interest of
233 the City.
234
235 **Council Member Bailey motioned to approve repurposing of funds to buy a truck lift**
236 **rather than truck equipment for the Public Works Department, subject to a future budget**
237 **amendment to be approved by the City Council. Council Member Stoker seconded the**
238 **motion.**

239
240 **Voting on the motion:**

241
242 **Council Member Bailey** aye
243 **Council Member Satterthwaite** aye
244 **Council Member Stoker** aye
245 **Council Member Swanson** aye
246 **Council Member Urry** aye

247
248 **The motion passed unanimously.**

249
250
251 **4. DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE FOR DAYTIME**
252 **CURFEW**

253
254 A memo from Police Chief Warren explained the document submitted with this staff report
255 contains a change in the draft proposal for a Daytime Curfew Ordinance involving minors who
256 are subject to compulsory education, specifically Sections 6-3D-2 and 6-3D-5, changes
257 highlighted in yellow. This staff report will also address items council members would like to see
258 in the ordinance that were brought up in the September 23, 2014 City Council meeting. Classes
259 for youth and parents to attend- I researched this request and was informed by David Gladwell, a
260 juvenile court prosecuting attorney, and he is not aware of any classes that are available for the
261 child and their parent to attend together upon conviction of daytime curfew. Mr. Gladwell
262 indicates that juvenile court uses a “uniformed sentencing matrix” for daytime curfew violations
263 and that community service hours is the most prevalent sentence used, with the stipulation that
264 the minor be free of absenteeism and tardiness over a designated period of time. We need to
265 make sure home school students are protected- At the beginning of every school year, North
266 Ogden Police will obtain a list of students currently attending in the Weber School District and
267 same will be made available to the officer via MDT so the investigative process is timely. Home
268 schooled/online students will be released immediately once the identification process is verified
269 while investigating Utah State Statue 53A-11-105. More research on parental involvement- All
270 minors cited under the proposed daytime curfew ordinance will be required to appear in Youth
271 Court or Juvenile Court, whichever jurisdiction has authority over the pending citation. Minors
272 opting for Youth Court will need their parent’s written permission to participate. The proposed
273 Daytime Curfew ordinance targets truant minors and allows the option of using the Juvenile
274 Court system, or the Youth Court system once implemented, in an attempt to redirect behavior
275 through community service hour projects, or a monetary fine in Juvenile Court if absenteeism
276 becomes habitual.

277 Chief Warren reviewed his staff memo.

278

279 There was a brief discussion regarding the types of citations and violations that qualify to be
280 heard in youth court, with Chief Warren noting all citations that do not qualify to be heard at
281 youth court will be heard at the juvenile court in Ogden.

282

283 Council Member Bailey inquired as to the other jurisdictions in the area that have passed a
284 similar ordinance. Chief Warren answered Ogden, Roy, Weber County, Farr West, and South
285 Ogden.

286

287 Council Member Satterthwaite stated that he is always concerned about enacting new laws,
288 especially in the event where laws regarding a certain issue already exist. He stated he has talked
289 with Chief Warren about the issue and wondered if a youth court at Weber High could serve its
290 function without a daytime curfew ordinance in place. He stated he is willing to delay taking
291 action on the ordinance to determine if the goals of the City and the local schools can be met
292 solely by re-implementing the youth court. Chief Warren stated that is an option for the City to
293 entertain.

294

295 Council Member Bailey asked how the proposed ordinance differs from the State of Utah
296 truancy statute. Chief Warren stated that local school officials have explained that they typically
297 cannot address truancy issues until a student has been absent up to 10 times; the ordinance would
298 eliminate that gap and allow for the City and the schools to be proactive in addressing truan-
299 cies. There was a general discussion regarding options available to schools for addressing truan-
300 cies, with Council Member Swanson asking if it is correct that the only real difference between the
301 proposed ordinance and the practice that is currently being used to address truan-
302 cies is the application of citations and associated fines. Chief Warren answered yes.

303

304 Council Member Urry expressed his concerns regarding the level of responsibility schools and
305 the City is taking for students; he personally believes truan-
306 cies are the problem of the parents and he is hesitant to continue to take those responsibilities away from the parents and placing them
307 with the school and the City. He stated he would like to get back to the basic principles where
308 parents are responsible for their kids. Council Member Stoker stated she agrees with Council
309 Member Urry's comments to a point; she is worried that the youth are not forced to deal with the
310 consequences of their actions. She added that she is unsure that the City should become
311 involved in this issue, especially if their practices in dealing with the issue will not change. She
312 concluded truan-
313 cies are not the problem of the City. Council Member Swanson stated that his
314 concern is that when a truant student is committing vandalism or other problems in the City, that
315 is the problem of the City and the taxpayers; it may have been possible to change that behavior
316 by way of intervention in the child's life. He agreed that the root of the issue lies with the
317 family, but the problem is also becoming society's problem. He stated the logic that he would
318 apply to this situation is that if the ordinance can change one person's life for the better and keep
319 them out of long-term incarceration, he would be in favor of it. He stated the ordinance and
320 subsequent penalties may get the attention of the parents of truant students and encourage them
321 to be more involved in their child's life. Council Member Urry agreed, but noted that what
322 would be most helpful is to require parent and child counseling as part of the ordinance. The

322 Council further discussed and debated the ordinance with a focus on those things that are under
323 the purview of the City.

324
325 Council Member Bailey stated he would propose tabling the ordinance to allow staff to conduct
326 further research into the issue, but he would like the school and City to proceed with reinstating
327 the youth court. Chief Warren asked for specific information regarding the additional research
328 staff is to conduct. Council Member Bailey stated there was a discussion regarding the option of
329 requiring counseling for the student and parent that are in violation of the ordinance. The City's
330 Prosecutor, Brendan Miles, stated the educational classes or counseling for parents and students
331 can be required under the current state law, but it can take some time for a student to accrue the
332 number of trancies that must occur before action can be taken. He stated the youth court
333 provides an immediate component for addressing trancies, rather than waiting for up to 10
334 trancies to occur before action can be taken. He concluded he feels the proposed ordinance
335 would have a very positive impact on the entire community. He noted that in a comprehensive
336 study from the late 1990's, which surveyed 347 cities, the 72 cities with daytime curfews
337 reported a reduction in daytime trancies, burglaries, and other illegal activities; the cities
338 reported a large positive correlation between addressing truancy early to prevent truant students
339 from being repeat offenders. He stated he feels the goal of the proposed ordinance is to provide
340 early intervention with as light a touch as possible.

341
342 Council Member Urry stated the larger concern for him is that there is a state law allowing
343 schools to take action once a student has five trancies; he asked if the schools are not enforcing
344 that law. Mr. Miles stated the school can make referrals to juvenile court, but many of those
345 cases are non-judicial closures with no proceedings or record. He indicated that schools wait
346 until a student has at least five trancies before referring them to juvenile court. Mayor Taylor
347 noted that some schools wait longer.

348
349 Council Member Satterthwaite stated he would like for staff to research whether a youth court
350 can function without a daytime ordinance in place in the City. Mr. Miles stated without the
351 ability to issue citations for trancies, which is what would be done under the proposed
352 ordinance, there is no need for a youth court. He stated he would need to conduct further
353 research before determining if his understanding of the relationship between the City and a youth
354 court is correct. Discussion regarding the perceived need for a daytime curfew ordinance and a
355 youth court ensued. Council Member Swanson stated he likes the idea of adopting the ordinance
356 and requiring quarterly reports to determine if the ordinance is having the intended effect; if that
357 is not the case, the ordinance can be nullified. He noted there must be some reason that
358 thousands of cities throughout the country have a daytime curfew ordinance in place.

359
360 Mr. Miles provided the Council with a summary of the process that would be followed when
361 referring a youth to juvenile court. He indicated Juvenile Justice Services is very involved in the
362 process and they often place a low priority upon truancy cases because there are so many other
363 serious cases heard by the juvenile court. He noted the proposed ordinance would increase the
364 likelihood that action regarding truancy will be taken.

365
366 Discussion concluded with Chief Warren reviewing the items that he will research as directed by
367 the City Council as follows: determine if a youth court can be reinstated without a daytime

368 curfew ordinance in place; and determine if joint parent/minor counseling can be mandated by
369 the City as part of the ordinance. Council Member Urry asked staff to also try to obtain records
370 regarding the number of truancy cases that are referred to the juvenile court.

371
372 Mayor Taylor shared his thoughts regarding the proposed ordinance, noting he feels it would
373 have a positive impact on the City. He stated as moral values in society declines, society will be
374 looking for solutions to address problems that are occurring. He concluded that “if all men were
375 angels, no government would be necessary”. He noted the ordinance may help children and
376 society in the long run.

377
378 **11. DISCUSSION AND/OR ACTION REGARDING THE DAN GREEN WATER**
379 **BACKUP AND BILLS THAT HAVE ACCRUED**

380
381 Mayor Taylor summarized the agenda item stated this item was discussed at a previous Council
382 meeting and the Council directed staff to conduct research regarding the City’s potential liability
383 for damage and water bills associated with a water leak that occurred in the road in front of Mr.
384 Green’s property.

385
386 City Attorney Call used the aid of a PowerPoint presentation to summarize the research that he
387 conducted relative to Mr. Green’s issue. He noted that it appears there was a breakdown in
388 communication between Mr. Green and City Recorder Spendlove relative to the City’s level of
389 involvement in compensating Mr. Green for the damages to his property. He stated that Mr.
390 Green does not remember promises being made to him regarding said compensation, but there
391 were statements made that implied to Mr. Green that the City had some liability. He added that
392 Mr. Green was not notified that a damage mitigation company would be working on his property
393 until they were already in route to his property at the request of the tenant. Mr. Call then added
394 that he felt the majority of the Council Members were surprised that there is no liability on the
395 part of the City because there was no negligent behavior leading to the damages; he noted that he
396 sympathizes with Mr. Green’s situation, but unless someone made a specific statement declaring
397 that the City is liable for the damage or will pay for repairs it would be hard for one to win a
398 court case regarding the matter. He noted that other entities have humanitarian policies in place
399 to allow the city to assist in repairing damages associated with infrastructure failures and that is a
400 policy decision each city must make; Mr. Green is asking the City to make such a policy
401 decision, though the City does not have a humanitarian policy in place.

402
403 Council Member Bailey stated he reviewed the humanitarian policy used by Layton City and
404 found it to be arbitrary and capricious; he stated administering the policy would be very difficult
405 and his concern would be setting precedent by approving compensation for certain cases and
406 denying compensation for others. Mr. Call stated the safest thing for the Council is to forego
407 taking any action tonight and direct staff to research opportunities for developing a humanitarian
408 policy. He concluded that in speaking with Ms. Spendlove she was very confident that she did
409 not say anything that would have exposed the City to liability. Council Member Bailey stated
410 there have been a number of similar issues in the City in the past and he reiterated his biggest
411 concern is setting precedent by taking action on Mr. Green’s case. He asked Mr. Call directly if
412 the City has liability for Mr. Green’s damages. Mr. Call stated that he feels that if the issue were
413 taken to court the City would not be held liable due to the fact that Mr. Green felt he was made

414 promises by someone that does not have the authority to bind the City; however, he reiterated
415 that the Council has the ability to act upon Mr. Green's request or consider developing a
416 humanitarian policy.

417
418 Council Member Swanson asked if the Council can choose to assist Mr. Green without setting a
419 precedent for the City or without being forced to develop a humanitarian policy. Mr. Call
420 answered yes and stated he feels the best decision would be for the Council to assist Mr. Green
421 and declare that the decision is being made because the Council feels it is the right thing to do
422 rather than to focus on facts in the situation; once facts become part of the consideration, future
423 claimants have the opportunity to use similar facts in their own argument.

424
425 Council Member Bailey stated that he feels it is more sensible for the Council to pass a
426 humanitarian policy that would address situations such as Mr. Green's. He stated he feels such a
427 policy would provide the City more protection. Mr. Call stated that he would feel comfortable
428 recommending a policy that is used and has been successful in Layton City.

429
430 Council Member Satterthwaite stated his largest concern is related to the forfeiture of the City's
431 immunity in future damage claims; he does not want the City to be accused of favoritism towards
432 one resident over another. Council Member Bailey agreed and stated that is why he was
433 concerned about the arbitrary nature of Layton City's humanitarian policy.

434
435 There was a brief discussion regarding infrastructure failures in the past for which the City had
436 liability and paid or denied payment for damages to residents, after which there was a discussion
437 regarding statutes relative to governmental immunity.

438
439 Mayor Taylor acknowledged this is a difficult situation for the City to be in and he summarized
440 the advice the City has received from its insurance provider. He asked if the Council is ready to
441 make a decision regarding Mr. Green's request this evening.

442
443 Council Member Satterthwaite stated he does not feel the City is in a position to pay Mr. Green's
444 damages at this point in time; he would prefer that the Council consider an ordinance or policy
445 that would allow for payment of the claim while not creating precedent. Council Member Bailey
446 agreed.

447
448 **Council Member Bailey motioned that the City Council take no action regarding Mr.**
449 **Green's request. Council Member Satterthwaite seconded the motion.**

450
451 Council Member Satterthwaite stated he sympathizes with Mr. Green's situation and he would
452 like to be able to assist Mr. Green in paying for damages to his property, but reiterated he does
453 not feel the City is in a position to do so at this time. Mr. Green stated he is simply asking the
454 City Council to be fair. Council Member Swanson stated the Council must also be fair to all
455 17,000 residents in the City and that can be a difficult balancing act.

456
457 Mr. Green stated that he feels that the Council was likely surprised to learn that his claim had
458 been denied and they have had their eyes opened and received an education regarding
459 governmental immunity, whereby cities do not have the same responsibility as individuals. He

460 reiterated he is asking the Council to be fair; there has been much talk about setting a precedent
461 and he wondered what is wrong with setting a precedent of fairness. Council Member
462 Satterthwaite reiterated the Council is trying to be fair and must consider how any decision
463 would impact all 17,000 residents of the City. Mr. Green referenced the recent water main break
464 in Salt Lake City and asked if the City Council believes that city is making a mistake by assisting
465 residents impacted by that break. Council Member Stoker stated the City Council cannot speak
466 to that issue, but she noted that Salt Lake City has much more revenue to work with in
467 addressing such issues. Mr. Green stated his claim is much smaller than the claims that are being
468 filed in Salt Lake City. Council Member Satterthwaite stated he has not considered the size of
469 Mr. Green's claim; rather he has been focused on being fair to all residents and setting a
470 precedent by ruling in Mr. Green's favor. Council Member Swanson agreed and stated he does
471 not want to make decisions on such issues without a clear policy providing guiding standards
472 upon which to base a decision.

473

474 Mayor Taylor called for a vote on the motion.

475

476 **Voting on the motion:**

477

478 **Council Member Bailey** aye

479 **Council Member Satterthwaite** aye

480 **Council Member Stoker** aye

481 **Council Member Swanson** aye

482 **Council Member Urry** no

483

484 **The motion passed on a four to one vote.**

485

486 **5. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT WITH VISION**
487 **INTERNET TO DESIGN THE NEW CITY WEBSITE**

488

489 A staff memo from Acting City Manager Steele explained a committee was established to select
490 a vendor to design the City's website. It was an extensive process and the committee selected
491 Vision Internet to complete the project. The Council packet included the proposed contracts and
492 attachments for City Council's approval. The contracts that are to be approved are:

493

1. Website Design contract - The contract is for \$24,910

494

a. Attachment A outlines what is included in the design

495

2. Website hosting agreement - The annual fee is \$6,600/year with a 5% increase per year.

496

497 The memo concluded the timeframe to have a new website completed is anywhere from 15-29
498 weeks.

499

500 Mr. Steele reviewed his staff memo and Council Member Bailey provided the Council with a
501 summary of the selection process and criteria used to select a contractor to design the website.
502 He indicated he was very pleased with the security measures used by Vision Internet as well as
503 the fact that they do similar work for many other municipalities.

504

505 Council Member Urry inquired as to the annual fee for the service provided by Vision Internet,
506 to which Council Member Bailey answered \$6,000. There was a brief discussion relative to a
507 comparison of the annual maintenance fee offered by other contractors, and Council Member
508 Bailey summarized the service the City will receive for the \$6,000 annual fee, noting the biggest
509 factor the committee considered when selecting Vision Internet was their flexibility.
510

511 Council Member Satterthwaite inquired as to what the City will receive for the initial cost of
512 \$24,000. Council Member Bailey stated \$24,000 will pay for the total rewrite of the website
513 with up to 50 pages of content migration as well as initial training for employees in order to
514 update the website.
515

516 Council Member Urry asked if the project was included in the Fiscal Year 2014-2015 budget, to
517 which Council Member Bailey and Mayor Taylor answered yes.
518

519 Council Member Satterthwaite inquired as to what the City will receive for the annual \$6,000
520 cost. Council Member Bailey stated the \$6,000 payment will cover hosting services and
521 software licensing. He noted that Provo City recently opted to use Vision Internet for its website
522 needs even though they have an internal Information Technologies (IT) department.
523

524 Council Member Urry inquired as to the term of the contract. Council Member Bailey stated the
525 initial contract term is four years with a five percent cost increase clause. He added that if at
526 some point the City decides to take control of and host the website internally or with another
527 vendor, that is an option and would be easy to do with the software used by Vision Internet. He
528 stated that was not an option with other vendors that responded to the request for proposals
529 (RFP).
530

531 **Council Member Bailey motioned to approve Agreement A25-2014 for Web Site**
532 **development services. Council Member Swanson seconded the motion.**
533

534 **Voting on the motion:**
535

| | |
|----------------------------------|-----|
| 536 Council Member Bailey | aye |
| 537 Council Member Satterthwaite | aye |
| 538 Council Member Stoker | aye |
| 539 Council Member Swanson | aye |
| 540 Council Member Urry | aye |

541
542 **The motion passed unanimously.**
543

544 **Council Member Bailey motioned to approve Agreement A26-2014 for Web Hosting**
545 **services. Council Member Stoker seconded the motion.**
546

547 **Voting on the motion:**
548

| | |
|----------------------------------|-----|
| 549 Council Member Bailey | aye |
| 550 Council Member Satterthwaite | aye |

551 Council Member Stoker aye
552 Council Member Swanson aye
553 Council Member Urry aye

554
555 **The motion passed unanimously.**

556
557 Mayor Taylor concluded it will take anywhere from 15 to 26 weeks for Vision Internet to
558 redesign the City's website and that timeframe is largely dependent upon the amount of time it
559 takes City staff to provide information to the contractor. Council Member Urry asked if the
560 current website will still be available during that time frame, to which Mayor Taylor answered
561 yes.

562
563

564 **6. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT WITH THINK**
565 **ARCHITECTURE FOR ARCHITECTURAL SERVICES FOR THE NORTH OGDEN**
566 **PLAZA**

567
568 A staff memo from Acting City Manager Steele explained an RFP was sent out for Retail/Public
569 Space Design for the North Ogden Plaza. Seven proposals were received which were evaluated
570 by Better Cities, a small group representing the City, and also a Property Owner of one of the
571 buildings in the North Ogden Plaza. Based on the evaluation, all parties agreed to select Think
572 Architecture to complete the project. Their cost to complete the project is \$20,200 and will be
573 paid from RDA funds. Think Architecture will be at the next Economic Development Committee
574 meeting on October 21 as a kickoff to begin the project.

575
576 Mayor Taylor reviewed the staff memo and summarized the purpose of the agreement with
577 Think Architecture. He reviewed the timeframe for developing a project for North Ogden
578 Plaza, which will culminate with a ground breaking next spring.

579
580 Council Member Urry inquired as to the amount of money currently available in the RDA
581 budget. Mr. Steele stated that at the end of the year there will be \$900,000 available; currently
582 there is \$450,000 available. Council Member Urry stated that it is fine to come up with an idea
583 regarding redevelopment of the plaza, but there are many people that own property there and he
584 is hoping that the architectural firm will be in contact with those property owners. He indicated
585 one of the largest property owners at the plaza is the Cutrubus family and it would be important
586 for the architect to review his design plans with Mark Cutrubus. The City's Economic
587 Development Consultant, Matthew Godfrey, explained all property owners were invited to a
588 meeting to discuss the hiring of an architect; they were also asked to be part of a selection
589 committee and Mr. Cutrubus opted not to be involved in that process. He noted Mr. Cutrubus
590 spoke out and stated that he felt the City should select the architect since he will be compensated
591 with RDA funds. Council Member Urry stated that he is more concerned about the involvement
592 of property owners at the plaza as the architect moves forward in his design. Mr. Godfrey stated
593 there have been plans to include the property owners throughout the entire process and any
594 redevelopment project will not be forced upon them. Mayor Taylor noted that he personally
595 spoke to Homer Cutrubus and he will attend the meeting scheduled for next Tuesday; he is
596 confident everyone will work together to develop a plan and design that works for everyone.

597 Council Member Urry clarified that neither the City nor the RDA will pay for the total
598 redevelopment costs at the plaza. Mayor Taylor stated the RDA may pay for a portion of the
599 costs depending upon the redevelopment design; such decisions will ultimately be made by the
600 RDA board.

601
602 Council Member Bailey stated he assumes there will be a lot of give and take between Better
603 Cities, the property owners, and the architect throughout the process and he would like to give
604 the architect the chance to develop a concept and design for redevelopment of the plaza. Council
605 Member Satterthwaite agreed, but noted he feels the RDA should give some guidance relative to
606 the amount of money the board is comfortable spending on the project. He added that he has a
607 lot of confidence in Mr. Godfrey and his team and feels they have a good feel for appropriate
608 redevelopment projects at the plaza.

609
610 Mayor Taylor noted a good example of a similar redevelopment project is located in South
611 Ogden at approximately 40th Street and Washington Boulevard; the entire façade of the strip mall
612 in that area is being revitalized and redeveloped with assistance from that cities RDA.

613
614 **Council Member Swanson motioned to approve Agreement A27-2014 with Think**
615 **Architecture for services for the North Ogden Plaza. Council Member Stoker seconded the**
616 **motion.**

617
618 Council Member Urry stated he is concerned that it may not be under the Council's purview to
619 approve the contract and it may be more appropriate for this action to be taken by the RDA
620 board. Mr. Call noted that both entities should approve the agreement; the City is allowed to
621 expend funds on the RDA's behalf, but an RDA meeting should be scheduled to allow the board
622 to take a similar action on the proposed agreement.

623
624 **Voting on the motion:**

625
626 **Council Member Bailey** aye
627 **Council Member Satterthwaite** aye
628 **Council Member Stoker** aye
629 **Council Member Swanson** aye
630 **Council Member Urry** aye

631
632 **The motion passed unanimously.**

633
634
635 **7. DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE AMENDING**
636 **TITLE II OF THE NORTH OGDEN CITY ZONING REGULATIONS TO ADD BEE**
637 **KEEPING**

638
639 A staff memo from Acting City Manager Steele included a proposed Bee Keeping ordinance that
640 was brought before the Council on August 26, 2014. At that time the Council concluded to
641 proceed in permitting beekeeping in the R-2 and all Single Family Residential Zones. Staff

642 amended the ordinance to include that revision and now recommended approval by the City
643 Council.

644
645 Mr. Steele reviewed his staff memo.

646
647 Council Member Stoker asked if Ms. Little's comment regarding beekeeping in homeowners
648 association (HOA) governed developments is addressed by the ordinance. Mr. Call noted the
649 City has not authority or responsibility to enforce covenants, conditions, or restrictions (CCRs)
650 enacted for a HOA development, but the HOA association does have that authority and can
651 prohibit beekeeping.

652
653 **Council Member Urry motioned to approve Ordinance 2014-25. Council Member**
654 **Satterthwaite seconded the motion.**

655
656 **Voting on the motion:**

657
658 **Council Member Bailey** aye
659 **Council Member Satterthwaite** aye
660 **Council Member Stoker** aye
661 **Council Member Swanson** aye
662 **Council Member Urry** aye

663
664 **The motion passed unanimously.**

665
666 **8. PUBLIC HEARING TO RECEIVE COMMENTS ON AN ANNEXATION PETITION**
667 **FROM MICHELE C. SCADDEN AND HEIDI SCADDEN FOR 1.10 ACRES**
668 **LOCATED AT APPROXIMATELY 150 EAST LOMOND VIEW DR.**

669
670 A staff memo from Acting City Manager Steele explained Michele C. Scadden and Heidi
671 Scadden submitted and application petitioning for annexation for property located at
672 approximately 150 East Lomond View Dr. It was brought before the City Council for
673 consideration to accept the application to be processed on September 16, 2014 which the City
674 Council did accept. It was certified by the City Recorder on September 23, 2014. It is on the
675 Agenda tonight for a Public Hearing. The meeting has been noticed according to Utah Code. The
676 protest period ends on October 28, 2014, if there are no protests submitted an Ordinance will be
677 placed on the October 28, 2014 City Council Meeting for approval.

678
679 Mr. Steele reviewed his staff memo.

680
681 **Mayor Taylor opened the public hearing at 9:43 p.m.**

682
683 There were no persons appearing to be heard.

684
685 **Council Member Swanson motioned to close the Public Hearing at 9:44 p.m. Council**
686 **Member Stoker seconded.**

687 **Voting on the motion:**

688 **Council Member Bailey** aye
689 **Council Member Satterthwaite** aye
690 **Council Member Stoker** aye
691 **Council Member Swanson** aye
692 **Council Member Urry** aye

693
694 **The motion passed unanimously.**

695
696 **9. DISCUSSION REGARDING THE BETTER CITY CONTRACT**

697
698 Mayor Taylor provided a brief synopsis of the history of the City's contract with Better City and
699 Mr. Godfrey, the City's Economic Development Consultant. He reviewed the City's current
700 contract with Better City and the terms of the contract, focusing on compensation, termination
701 opportunities, and the projects that have been identified for Better City to work on:

702
703 **Scope of Work**

704 **Project 1: Smith's Block Revitalization**

705 This project entails helping to fill the soon-to-be vacated Smith's grocery store with new tenants.
706 This may include recruiting developers as well as tenants to the site. Remaining retail needs to be
707 occupied and beautified. This may include some of the surrounding properties in the
708 commercially zoned area.

709 Midpoint payment: \$12,000 for the delivery of a project plan, market study and proforma to
710 support the plan for Project 1.

711 Final Payment: \$20,000 for the delivery of a signed development agreement to accomplish the
712 project described above.

713
714 **Project 2: Kings Block Revitalization**

715 This project involves crafting a redevelopment strategy to rehabilitate or remove the
716 empty/blighted land and buildings to create a retail and/or mixed-use center that is attractive and
717 tax revenue generating.

718 Midpoint payment: \$15,000 for the delivery of a project plan, market study and proforma to
719 support the plan for Project 2.

720 Final Payment: \$25,000 for the delivery of a signed development agreement to affect what is
721 described as Project 2.

722
723 **Project 3: Barker Property**

724 This area is the vacant land to the north and west of Walgreens. The objective is to recruit
725 retail/commercial tenants or a developer that could recruit tenants that would produce significant
726 tax receipts, economic activity and beautification for the City.

727 Final Payment: \$20,000 for the delivery of a signed development agreement to build out at least
728 70% of the vacant land in retail/commercial purposes described under Project 3.

729
730 **Project 4: Washington Boulevard Redevelopment**

731 The City needs a demonstration project to show how the Washington Boulevard commercial
732 frontage can be redeveloped in an attractive way. This may involve retail, mixed-use, housing or
733 commercial buildings with some re-use of existing building or more likely the construction of

734 new structures that will create a draw to the area. This should also produce significantly more
735 taxes than current uses and have the ability to be replicated along the corridor.
736 Midpoint payment: \$15,000 for the delivery of a project plan, market study and proforma to
737 support the plan for Project 4.

738
739 He concluded he has been very happy with Mr. Godfrey's work for the City and invited Council
740 discussion regarding the contract or the services provided.

741
742 Council Member Urry asked how much North Ogden City has paid Better City this year. Mayor
743 Taylor stated the City has paid the \$1,000 monthly fee for a total of \$10,000 this year to date and
744 the only other payment that has been made is the midpoint payment for project two, the Kings
745 Block Revitalization. Council Member Urry stated he would like to see monthly updates
746 regarding the work being done by Mr. Godfrey; he feels he is in the dark about the work that is
747 being performed, especially before a midpoint payment is made for any project listed in the
748 scope of work. Mayor Taylor stated he will clearly share that information in the future. Council
749 Member Urry stated that he attended an economic development session at the recent Utah
750 League of Cities and Towns (ULCT) conference and he asked a question of the panel regarding
751 the cost to the City to develop or redevelop a parcel. He noted the panel, which was made up of
752 developers, responded that the City would be charged nothing and the businesses seeking to
753 locate at the project would pay for the project. He referenced Mr. Godfrey's contract and noted
754 the City will pay \$25,000 to deliver a developer for the project and he asked for an explanation
755 of that charge. Mr. Godfrey stated economic development is dramatically different from city to
756 city; the challenge in North Ogden is that there are unsuccessful projects and the market is not
757 driving them to completion; the North Ogden Plaza is a great example of that as the larger
758 buildings on that property have been vacant for many years. He stated that project is very
759 challenging due to the fact that there are multiple property owners; there must be a catalyst for
760 redevelopment of the plaza in order to bring a project to bear and a developer will not have any
761 interest in doing that work on their own. He stated developers typically focus on large vacant
762 parcels of land rather than redevelopment projects. He concluded that his role is to protect the
763 City from developers and he summarized the work he did on the Smith's project, which
764 ultimately saved the City \$1.2 million. Council Member Urry stated there may be a disconnect
765 in the information that the Council is provided regarding Mr. Godfrey's work. Mr. Godfrey
766 stated the work he did on the Smith's project was made public to the previously seated Council.
767 He noted the contract is not very profitable for him, but he loves the work he does and has ties to
768 the community. He stated he charges a flat fee for the services he provides to the City rather
769 than charging at an hourly rate. Council Member Urry reiterated he is still confused as to why
770 the City should use Mr. Godfrey to find a developer for a project rather than simply pushing a
771 request for proposal (RFP) for a developer. Mr. Godfrey stated he has published an RFP for a
772 developer for the project and received no responses. He noted the City could do the same thing,
773 but feels they will experience the same result; he noted he is not getting paid to solicit a
774 developer. Council Member Urry stated the contract indicates Mr. Godfrey will get paid for the
775 delivery of a signed development agreement. Mayor Taylor clarified that is much different than
776 publishing an RFP. Mr. Godfrey agreed and noted that he is doing much more work in recruiting
777 a developer than simply publishing an RFP. He noted the work is very technical and
778 complicated, mainly due to the fact that there are several property owners at the North Ogden
779 Plaza.

780 Council Member Bailey stated he does not feel anyone in the City has the skill, interest, or time
781 to gather all property owners at the North Ogden Plaza together to arrive at a potential
782 development plan in order to recruit a developer. He stated he sees great value in the work being
783 provided by Mr. Godfrey; his level of capability and professionalism is very high. Council
784 Member Swanson agreed and stated that Better City provides a certain skill set that the Council
785 and staff do not currently possess. He concluded he feels the service the City is receiving is well
786 worth the amount of money being paid. Council Member Stoker agreed and stated that Mr.
787 Godfrey is very skilled in working with people. Council Member Satterthwaite stated that if the
788 economy were different than it is and there was a stampede of developers eager to build in North
789 Ogden City, Better City's services may not be needed; but the economy is struggling and North
790 Ogden is somewhat isolated and there is value in using Mr. Godfrey to make a financial case to
791 developers that may not have otherwise been interested in North Ogden. Council Member
792 Swanson noted that even when the economy was good there was not a stampede of developers
793 interested in North Ogden. He concluded there is great value in using Mr. Godfrey's services,
794 mainly because of the many contacts he has in the economic development community.
795

796 Mayor Taylor added that in a recent negotiation of the creation of a community development
797 area (CDA) Mr. Godfrey was very instrumental in getting buy-in from all taxing entities that had
798 to approve the project. He noted Mr. Godfrey has a great reputation and great skills in
799 negotiating such issues.
800

801 Council Member Urry stated he still has some questions and reservations about the agreement,
802 but he concluded he feels more communication between Mr. Godfrey and the City Council is
803 needed. Mr. Godfrey stated he would be happy to communicate information to the Council as
804 often as they desire. Council Member Urry stated he would like a presentation from Mr.
805 Godfrey when he has reached the midpoint of a project as specified in the contract's scope of
806 work. Mr. Godfrey stated he will be happy to do that.
807

808 Council Member Swanson asked if it is true that there is no midpoint for project five, the Barker
809 Property. Mr. Godfrey stated there is enough interest in the property that he did not see a need to
810 conduct a market study; if the market is not responding as he anticipated it would, he may
811 request a change to the agreement, but for now he will settle for being paid once there is a final
812 product for the property.
813

814 The Mayor and Council thanked Mr. Godfrey for his information.
815
816

817 **10. DISCUSSION REGARDING LIBRARY RENOVATION**

818

819 Mayor Taylor led a discussion regarding the library renovation project subsequent to the
820 approval of the library bond that was approved during the 2013 election. There have been some
821 discussions regarding potentially expanding the library further to the south to accommodate
822 additional programming and amenities, but that would impact the skate park and it has reached a
823 point where the Council needs to hear and weigh in on ideas for the project.
824

825 Weber County Library Director Linda Wangsgard approached the Council and introduced Tom
826 Brennan with EDA Architects, who represents the library board through the development of the
827 concept of expansion and updating of the North Ogden library branch. She provided a synopsis
828 of the discussions that have taken place between herself and the North Ogden City administration
829 regarding conceptual ideas for the project, with a focus on providing a project that is in keeping
830 with the other library projects in the community while leveraging the money available for the
831 project to the greatest advantage of the community. She used the aid of a PowerPoint
832 presentation to review design illustrations that have been created for the potential expansion
833 project. Mr. Brennan also provided input regarding the discussions that have taken place relative
834 to the project concept, focusing on the usability of the library due to the fact that programming is
835 located on two levels rather than one; the concept closely mirrors the Pleasant Valley and Roy
836 library projects.

837
838 Council Member Satterthwaite asked Mr. Brennan if there is a basement in the current library
839 that could be finished. Mr. Brennan answered yes, but noted his recommendation would be to
840 use the basement for staff and support space rather than programming.

841
842 Council Member Urry stated more senior programming space is needed to enhance the senior
843 program and the basement in the library could also be used for that. Ms. Wangsgard stated those
844 are the types of programming changes she and Mr. Brennan are very interested in
845 accommodating. She continued her review of her PowerPoint presentation to discuss additional
846 amenities that could be included in the building, concluding the facility would be a draw for the
847 community. She concluded she would like to work with the City to proceed in developing a plan
848 and she reviewed the timeline for the project, which will go out to bid approximately one year
849 from now. She added she would like to involve the community as much as possible in the
850 planning phase of the project.

851
852 Mayor Taylor informed the Council of the things that he liked about the Pleasant Valley library
853 that he would like to incorporate into the North Ogden library branch.

854
855 Council Member Satterthwaite inquired as to the square footage of the library. Mr. Brennan
856 stated the current facility is roughly 10,000 square feet and the add-on would be approximately
857 an additional 10,000 square feet, but that could change depending upon funding available for the
858 expansion.

859
860 Council Member Swanson stated he was also very impressed by the Pleasant Valley library and a
861 similar facility would be a great asset to North Ogden.

862
863 Council Member Urry stated the original amount allotted to the project was \$5 million and he
864 asked how much additional funding would be necessary. Ms. Wangsgard stated she cannot
865 answer that question until a vision for the facility is determined. Council Member Urry stated \$5
866 million is a large amount of money for a 10,000 square foot facility. Mr. Brennan stated the
867 facility is 30 years old and much of the infrastructure needs to be upgraded or replaced. He
868 identified other deficiencies in the building

869

870 Council Member Bailey inquired as the number of visits per day at the branch, to which Ms.
871 Wangsgard answered approximately 800 visits. Council Member Urry asked how often the
872 auditorium is used at the library. Ms. Wangsgard stated that it experiences heavy use; nearly all
873 meeting rooms in the County's library system are completely booked, especially during the
874 afternoon and evening hours; the auditorium may not be as heavily used during the day due to
875 the fact that it does not have the technology infrastructure that other facilities have. Council
876 Member Bailey referenced the various amenities that will be available at the north branch and
877 other libraries and wondered if 'library' is an antiquated term and if the facility will be more like
878 a community center. Ms. Wangsgard stated the library is a community gathering place, but it
879 still houses books and other library collections and services that are still available to the public.
880 She noted books are still very popular and nearly 250,000 books were circulated last month in
881 the County's system; however, there are many other ways to learn and those things can be
882 incorporated into the facility if possible.

883

884 Mayor Taylor reviewed the next steps in the process to proceed with project design. He noted
885 the City Engineer has provided the City with an estimate of \$186,000 to move the skate park to a
886 new location, but that estimate may be somewhat high. Staff has considered other suitable
887 locations for the skate park and determined the most appropriate place would be the aquatic
888 center parking lot. He noted that RDA funds could be used to cover the costs associated with the
889 move to that location.

890

891 Council Member Swanson expressed concerns about relocating the skate park to an area where it
892 would be immediately adjacent to residential properties and he would be interested to know the
893 feelings of the residents in that area. Mayor Taylor noted the skate park closes in the evening
894 just like any other City park; there may be some advantages to having the park located closer to
895 other highly used properties to deter problems.

896

897 Council Member Urry suggested the skate park be relocated to the North Ogden Plaza,
898 potentially indoor in the old King's building.

899

900 Ms. Wangsgard summarized fundraising opportunities, noting the library board would be willing
901 to assist in those efforts in order to improve the facility as illustrated in the conceptual design.
902 There was a focus on the opportunities to apply for RAMP grant funding to assist the project.
903 Mayor Taylor acknowledged the financial implications of the increased project scope are
904 daunting, but he feels they can be addressed if the City and library board work together.

905

906 Council Member Stoker stated she was very impressed by the Pleasant Valley library. Council
907 Member Swanson agreed and stated he would not be opposed to relocating the skate park to
908 accommodate a similar facility in North Ogden. He noted he feels the facility would benefit the
909 community for multiple decades. Council Member Satterthwaite stated additional research is
910 needed to determine the feasibility of relocating the skate park.

911

912 Mayor Taylor asked if he should continue to work with the library board on the process of
913 amending the project design as well as continuing to review options for relocating the skate park.
914 The Council discussed the issue and ultimately concluded they were comfortable with
915 considering the relocation of the skate park as well as potential amendments to the library project

916 scope. Mayor Taylor indicated he will provide additional information to the Council at the
917 November 18 meeting.

918

919 **12. COMMITTEE ASSIGNMENTS**

920

921 Mayor Taylor stated he provided information to the Council yesterday regarding his
922 recommendations for appointment to the General Plan Steering Committee; he reviewed the
923 proposed membership for the Committee and noted the purpose of the Committee is to undertake
924 a major update and revision of the City's General Plan with assistance of a consultant and input
925 from two Council Members.

926

927 **Council Member Urry motioned to approve the General Plan Steering Committee**
928 **Assignments. Council Member Swanson seconded the motion.**

929

930 **Voting on the motion:**

931

932 **Council Member Bailey** aye

933 **Council Member Satterthwaite** aye

934 **Council Member Stoker** aye

935 **Council Member Swanson** aye

936 **Council Member Urry** aye

937

938 **The motion passed unanimously.**

939

940 **13. PUBLIC COMMENTS**

941

942 Sorin Teles, 156 E. 2050 N., thanked the Council for discussing the many issues associated with
943 the daytime curfew ordinance.

944

945 Kurt Illum, 805 E. 3300 N., thanked the Council for their work tonight; he noted he still does not
946 feel the City needs a daytime curfew ordinance, but he would be supportive of a youth court that
947 can be created without a daytime curfew. He feels that kids could still be issued citations for
948 sluffing as long as those citations can be referred to the youth court. He encouraged the City to
949 work with local schools to address truancy issues without enacting more laws and ordinances.

950

951 **14. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

952

953 Council Member Bailey stated that in his review of the September 16 meeting minutes he saw a
954 discussion about curb, gutter, and sidewalk for the Scadden property upon annexation, but there
955 was no resolution at the end of the conversation. He asked staff to research that issue and report
956 back to him. Council Member Bailey stated he is hopeful that the item will come before the
957 Council again for further discussion.

958

959

960

961 **15. ADJOURNMENT**

962
963 **Council Member Swanson motioned to adjourn. Council Member Stoker seconded the**
964 **motion.**

965
966 **Voting on the motion:**

967
968 **Council Member Bailey** aye
969 **Council Member Satterthwaite** aye
970 **Council Member Stoker** aye
971 **Council Member Swanson** aye
972 **Council Member Urry** aye

973
974 **The motion passed unanimously.**

975
976
977 **The meeting adjourned at 11:26 p.m.**

978
979
980
981 _____
982 Brent Taylor, Mayor

983
984
985 _____
986 S. Annette Spendlove, MMC
987 City Recorder

988
989 _____
990 Date Approved

NOT APPROVED