

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 September 16, 2014

4
5 The North Ogden City Council convened in an open meeting on September 16, 2014 at 6:34 p.m.
6 in 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 September 11, 2014.
9 Notice of the annual meeting schedule was published in the Standard-Examiner on January 24,
10 2014.

11
12 **PRESENT:** Brent Taylor Mayor
13 Lynn Satterthwaite Council Member
14 Cheryl Stoker Council Member
15 Phillip Swanson Council Member
16 James Urry Council Member
17
18 **EXCUSED:** Kent Bailey Council Member
19
20 **STAFF PRESENT:** Bryan Steele Acting City Manager
21 S. Annette Spendlove City Recorder/H.R. Director
22 Jon Call City Attorney
23 Kevin Warren Chief of Police
24 Brandon Miles City Prosecutor
25 Clark Crowther Lieutenant
26 Gary Kerr Building Official
27
28 **VISITORS:** Joan Brown Lyle Adams
29 Melissa McDonough Kent Swenson
30 Sorin Teles Rick Scadden
31 Jay Johnson Dan Nixon
32

33 Mayor Taylor welcomed those in attendance.

34
35 Council Member Urry offered the invocation and led the audience in the Pledge of Allegiance.

36
37 **CONSENT AGENDA**

38 **1. Consideration to approve the August 12, 2014 City Council Meeting minutes.**

39
40 Council Member Swanson indicated he made the motion to approve a surcharge on dog licenses
41 to fund a dog park; the minutes stated that Council Member Satterthwaite made the motion.

42
43 **Council Member Satterthwaite motioned to amend the August 12, 2014 Council meeting**
44 **minutes and approve the consent agenda. Council Member Stoker seconded the motion.**

45
46 **Voting on the motion:**
47

48 Council Member Satterthwaite aye
49 Council Member Stoker aye
50 Council Member Swanson aye
51 Council Member Urry aye

52

53 The motion passed unanimously.

54

55 **ACTIVE AGENDA**

56

57 **1. PUBLIC COMMENTS**

58

59 Sorin Teles, 156 E. 2050 N., stated he addressed the Council during their last meeting regarding
60 the proposal to implement a daytime curfew. He stated he promised to provide materials
61 supporting his position and he provided those to Mayor Taylor today. He then provided a copy
62 to each Council Member as well. He stated the materials help to more eloquently make his
63 points regarding his opposition to a daytime curfew and he stated he is willing to answer any
64 questions about the issue.

65

66 Mayor Taylor reported the City entered is Cherry Days float in the Brigham City Peach Days
67 parade and it received the “Most Peachy” award; he stated the plaque regarding the award will be
68 hung in City Hall. He read comments submitted by Cherry Days royalty that road on the float
69 during the parade, after which he stated he is excited to see the float in future Cherry Days
70 celebrations.

71

72

73 **2. DISCUSSION AND/OR ACTION TO CONSIDER LYLE ADAMS REQUEST FOR A**
74 **CULINARY WATER CONNECTION**

75

76 A letter from Lyle Adams explained when North Ogden City increased the depth of the well at
77 800 East 2100 North around the year 2000 and subsequently surge tested the well for a period of
78 time. The private wells in the vicinity no longer produced adequate water for a residential home.
79 His home at 672 East 2100 North was one of those homes. In discussions with the then City
80 Manager, John Hendricks, Mr. Adams was informed that if he would purchase from the City a
81 hook up for \$1,000 he could hook up at any time in the future; he subsequently purchased the
82 hook-up. After the City stopped surge testing their well, the aquifer replenished and his well
83 produced adequate water once again. He had no reason to hook up at that time, but his
84 understanding was that he could use the hook-up at any time in the future. Now it is 2014 and he
85 would like to use the previously purchased water hook-up at his residence. He has spoken with
86 several City employees and they have told him the City records do not go back that far. Mayor
87 Brent Taylor told him that he would need to appear before the City Council for the authorization
88 for North Ogden City to honor its commitment for his water hook-up. Mr. Adams’ letter
89 indicated he cannot find his receipt from the City and his financial institution only keeps check
90 records for seven years. He requested that the City Council honor the agreement made between
91 himself and the City to allow him to connect to the City’s water system.

92

93 Mayor Taylor summarized Mr. Adams' letter and asked City Recorder Spendlove to provide a
94 brief summary of the research she has conducted regarding the transaction. Ms. Spendlove
95 stated she has reviewed the City's files for Mr. Adam's property and was unable to find
96 documentation of the agreement or the payment made by Mr. Adams. Mayor Taylor thanked
97 Mr. Adams for his patience in waiting to appear before the City Council. He concluded the
98 current connection fee that would be charged to Mr. Adams is \$3,600.
99

100 Council Member Satterthwaite inquired as to the connection fees charged by the City in the 2000
101 to 2004 time frame. Mayor Taylor stated they were higher than \$1,000. Building Official Kerr
102 stated that when he began working for the City 15 years ago the fee was over \$3,000 and it has
103 not changed in the time he has worked for the City. Mayor Taylor stated that the connection
104 price offered to Mr. Adams at the time was a special rate due to the fact that the City's well
105 depleted the water from Mr. Adams' well.
106

107 Mr. Adams thanked the Council for considering his request. He summarized the interactions he
108 had with Mr. Hendricks during the time that the City was working to increase the depth of its
109 well. He stated Mr. Hendricks referred to his \$1,000 connection fee as an 'insurance policy' if
110 there ever came a day that Mr. Adams desired to hook-up to the City's system.
111

112 Council Member Swanson asked why Mr. Adams now desires to connect to the City's water
113 system. Mr. Adams stated the flow of his well has gradually decreased and it serves two homes;
114 the flow is not what it was when he first moved to the home 45 years ago. He stated he has
115 installed a pump to provide adequate water pressure for the house and due to the current flow of
116 the well the pump is running continuously.
117

118 Council Member Urry stated that just because the City cannot find a record does not mean it
119 does not exist. He then relayed a personal story regarding his sewer connection and indicated
120 North Ogden was not able to locate the records regarding his connection. He added he has
121 known Lyle Adams for over 30 years and he is confident in his integrity and believes that he had
122 an agreement with the City and paid the \$1,000 fee specified by Mr. Hendricks. Council
123 Member Satterthwaite stated that based on that supporting statement he would support allowing
124 Mr. Adams to connect to the City's water system.
125

126 **Council Member Urry moved to allow Mr. Adams to connect to the City's water system for**
127 **the previously paid \$1,000. Council Member Satterthwaite seconded the motion.**
128

129 **Voting on the motion:**
130

131 **Council Member Satterthwaite aye**
132 **Council Member Stoker aye**
133 **Council Member Swanson aye**
134 **Council Member Urry aye**
135

136 **The motion passed unanimously.**
137

138 Council Member Swanson then moved to amend the agenda to move item three to the end
139 of the agenda. Council Member Urry seconded the motion.

140

141 **Voting on the motion:**

142

143 Council Member Satterthwaite aye

144 Council Member Stoker aye

145 Council Member Swanson aye

146 Council Member Urry aye

147

148 **The motion passed unanimously.**

149

150 **4. DISCUSSION AND/OR ACTION TO CONSIDER RENTAL OF CITY EQUIPMENT**

151

152 A memo from Acting City Manager Steele explained the City's Parks and Recreation
153 Department was recently contacted by a resident who wanted to know if the City rents out the
154 train for personal use (block party). They were told that the City does not and they argued that
155 the City should rent it out to residents because it was purchased with taxpayer money. The
156 Mayor asked staff to do some research in whether the City should rent out city equipment. Staff
157 has called the cities surrounding North Ogden and they also do not rent out equipment (trains,
158 cars, machines, tools, sound, etc.). We do have smaller pieces of equipment (footballs,
159 basketballs, cotton candy machines, EZ-up canopies, etc.) that would be more suitable for rental
160 than the larger more expensive pieces of equipment, however there are private companies that
161 are set up to rent out such equipment. If the council decides to move forward with the rental of
162 pieces of equipment, the following would be guidelines the City may want to consider:

163 IDENTIFICATION:

- 164 • North Ogden City requires that all renters show proof of identification to be eligible for
165 equipment rental.

166 SECURITY DEPOSIT:

- 167 • All renters are required to submit a credit card to guarantee replacement cost for the
168 equipment borrowed if it is lost, stolen or broken.
 - 169 ○ Replacement costs vary per item if lost or stolen. North Ogden City can provide a
170 list of replacement costs, upon request.
 - 171 ○ All damaged equipment is charged the replacement value.

172 CLEANING CHARGE:

- 173 • Equipment is sent out clean and is to be returned clean. A cleaning fee of [\$_____ / _____% of rental cost] will be charged the customer if the equipment is returned dirty.

175 RESPONSIBILITY:

- 176 • Responsibility for rental items remains with the customer from check-out to return.
- 177 • All items should be secured and protected from weather, vandalism or theft.
- 178 • Additional charges for replacements are made for missing, damaged or unclean items.

179 PROBLEMS:

- 180 • If you have a problem with any equipment during business hours we will attempt to issue
181 another piece of equivalent equipment if available. If there is not one available, we will
182 refund the first day of the rental fee.

183 PAYMENT/PRICING:

- 184 • Prepayment is required in full on all rentals.
- 185 ○ Payment must be made with a Credit Card.
- 186 • Final Payment (if required) is determined upon equipment return.
- 187 • At the time of return, any additional fees will be applied for:
- 188 ○ Any additional days not already charged
- 189 ○ Damaged or lost tools and/or equipment
- 190 ○ Cleaning fees (if equipment is returned dirty)
- 191 • If the equipment is returned on time, clean and undamaged, there will be no additional
- 192 charge.
- 193 • If the equipment is not returned after 10 days, the rental of the equipment will become a
- 194 sale and you will be charged the rental fee and the cost of the equipment.

195 RENTAL TIME DEFINITIONS:

- 196 • All equipment rentals are rented for increments of one day.
- 197 • Equipment rental begins on the day of check-out and can be returned by the close of
- 198 business on the next business day for the daily rate charge. Daily charges accrue for each
- 199 day thereafter until the equipment is returned.

200
 201 In conclusion, staff’s recommendation is that City equipment should not be rented out to
 202 residents/citizens unless it is purchased for that purpose (i.e. snowshoes). There may be a
 203 slippery slope if we start picking and choosing what equipment is rentable and what is not. If
 204 Council feels differently, staff can prepare a policy for it.

205
 206 Council Member Urry agreed with staff’s recommendation against offering City equipment for
 207 lease, as did Council Members Satterthwaite and Stoker. Mayor Taylor stated there are some
 208 small items that the City currently offers for rent and he would like to draft a City policy
 209 dictating how rentals will be administered. Council Member Stoker stated she would like to see
 210 the list of items available for rent. Council Member Swanson agreed and suggested that the list
 211 be included in the actual policy. Mr. Steele stated he will begin working to craft a policy.

212
 213
 214 **5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
 215 **THE NORTH OGDEN CITY ZONING REGULATIONS 11-10-23; TEMPORARY**
 216 **CARNIVALS, CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, OUTDOOR**
 217 **RETAIL SALES, AND SIMILAR ACTIVITES**
 218

219 A staff memo from Planner Scott explained when the City Council is acting in a legislative
 220 capacity, it has wide discretion. Examples of legislative actions are general plan, zoning map,
 221 and land use text amendments. Legislative actions require that the Planning Commission give a
 222 recommendation to the City Council. Typically the criteria for making a decision, related to a
 223 legislative matter, requires compatibility with the general plan and existing codes. The North
 224 Ogden City Council held a public hearing on August 26, 2014 and a work session on September
 225 2, 2014. The City Council requested that there be some clarifications to several sections. All
 226 three amendments are in 4-1-9, Temporary Businesses:

- 227 b. The C-2 zone is added to allow temporary businesses.
- 228 c. The phrase, if applicable, is added to the end of the first paragraph. Temporary businesses
- 229 where food handling is being done requires that the Weber Morgan Health Department review

230 these applications. By adding the 'if applicable' phrase, only those needing the Health
231 Department review will be processed.
232 d. Site Plan. The standard requiring 70 miles per hour wind force has been deleted and replaced
233 with language adopting the building code standard or giving the building official discretion on an
234 acceptable design. This will give the building official the ability to treat each application
235 appropriately.
236 The memo stated the City Council must consider whether the draft amendments are acceptable.
237 It also noted the Planning Commission is recommending that the City Council adopt the
238 proposed ordinance. If this language is acceptable, staff will revise the ordinance amendment to
239 reflect these changes and bring a final ordinance for approval to the next City Council meeting.
240
241 Mayor Taylor stated the Council has discussed this issue on multiple occasions and the changes
242 suggested during the recent work session meeting have been incorporated into the proposed
243 ordinance.
244

245 **Council Member Swanson motioned to approve Ordinance #2014-23. Council Member**
246 **Stoker seconded the motion.**

247
248 **Voting on the motion:**

249
250 **Council Member Satterthwaite aye**
251 **Council Member Stoker aye**
252 **Council Member Swanson aye**
253 **Council Member Urry aye**
254

255 **The motion passed unanimously.**
256
257

258 **6. DISCUSSION AND/OR ACTION TO ACCEPT THE SCADDEN PETITION TO**
259 **START THE ANNEXATION PROCESS**

260
261 A staff memo from City Recorder Spendlove explained Michele C. Scadden and Heidi Scadden
262 submitted an application petitioning for annexation of 0.83 acres located at approximately 150 E.
263 Lomond View Drive, North Ogden, Utah. The annexation process requires the City Council to
264 accept the petition for annexation so that the City can start the annexation process. The Weber
265 County Surveyor has reviewed the annexation plat map. The property is within the North Ogden
266 City Annexation Declaration Policy. The petitioner is requesting an RE-20 (Residential Zone)
267 designation, which Planning Commission will give a recommendation for at a later date. Staff
268 recommends that the Council accept the petition for further processing.
269

270 Ms. Spendlove summarized her staff memo and added that staff would like the Council to
271 consider whether the developer of the property should be required to install curb, gutter, and
272 sidewalk. She noted there is none in the area, but the applicant has asked that the City enter into
273 a deferral agreement that would require for the improvements to be installed upon the City
274 making the request for the property owner to participate in a future Special Improvement District
275 (SID) for the road improvements.

276
277 Mayor Taylor reviewed a map and identified the location of the subject property. Council
278 Member Satterthwaite inquired as to how much frontage the property has on Lomond View
279 Drive. Mr. Steele stated the frontage is approximately 140 feet and it is directly adjacent to the
280 City limits. There was a brief discussion regarding the potential development of the property.

281
282 **Council Member Urry moved to accept the annexation in order for the City Recorder to**
283 **begin the annexation petition certification process. Council Member Swanson seconded the**
284 **motion.**

285
286 **Voting on the motion:**

287
288 **Council Member Satterthwaite aye**
289 **Council Member Stoker aye**
290 **Council Member Swanson aye**
291 **Council Member Urry aye**

292
293 **The motion passed unanimously.**

294
295
296 **7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AND**
297 **AGREEMENT FOR CODIFICATION SERVICES**

298
299 A memo from City Recorder Spendlove explained City staff desires to implement a new
300 codification service to replace Sterling Codifiers, Inc. The City desires to obtain the services of
301 Municipal Code Online, Inc. to assist in the implementation of the City's municipal code and
302 provide services for the self-administration of the municipal code. Utah State Code Annotated
303 10-3-706 specifies that the City, "by resolution may authorize and direct the mayor to appoint,
304 with the advice and consent of the governing body, one or more persons to prepare and submit to
305 the governing body a compilation, revision, or codification of municipal ordinances. The
306 compensation for the service shall be fixed by resolution of the governing body and paid out of
307 the municipal treasury." The City Council in a work session meeting saw a presentation by
308 Municipal Code Online and a copy of the agreement. The memo summarized proposed pricing
309 as follows: five year agreement would be \$3,500 per year and three year agreement would be
310 \$3,700. Early termination is half of the remainder of the agreement. This includes all training,
311 ongoing support, hosting, and the conversion or importing of the City's Code into the Municipal
312 Code Online framework ahead of time.

313
314 Ms. Spendlove summarized her staff memo.

315
316 Council Member Swanson stated he would prefer that the City enter into the five year agreement.
317 Council Member Urry stated he is supportive of the change and noted he likes what he has seen
318 from the company.
319

320 Mayor Taylor summarized the services offered by Municipal Code Online and explained the
321 service provided by the company will allow residents to search the City's ordinance much easier
322 and very quickly after an ordinance is adopted.

323
324 Council Member Satterthwaite asked what kind of investment is made by the company at the
325 onset of the contract that justifies the requirement to pay half of the remaining contract
326 commitment upon termination. A representative of Municipal Code Online stated the payment
327 upon early termination would allow the company to recoup the costs associated with converting
328 the City's ordinances and code to their framework.

329
330 **Council Member Urry motioned to approve Resolution 14-2014 and Agreement A22-2014**
331 **for five years. Council Member Swanson seconded the motion.**

332
333 **Voting on the motion:**

334
335 **Council Member Satterthwaite aye**
336 **Council Member Stoker aye**
337 **Council Member Swanson aye**
338 **Council Member Urry aye**

339
340 **The motion passed unanimously.**

341
342 ****Mayor Taylor then noted there was a late request from the Daughters of Utah Pioneers that the**
343 **City adopt a proclamation commemorating Constitution Day tomorrow. He stated the Council**
344 **cannot official vote on the proclamation since it was not advertised on the agenda, but he stated**
345 **he is supportive of the action. He asked Ms. Spendlove to read the proclamation for the record,**
346 **which she did. Mayor Taylor then stated there will be a ceremony tomorrow morning for**
347 **Constitution Day and City streets will be lined with the American flag.**

348
349
350 **3. DISCUSSION ON AN ORDINANCE REGARDING A DAYTIME CURFEW**

351
352 A memo from Police Chief Warren explained the document submitted with this staff report
353 contains a draft proposal for a Daytime Curfew Ordinance involving minors who are subject to
354 compulsory education. Said ordinance, if adopted, would make it illegal during school hours for
355 a minor to loiter, idle, wander, or be upon public streets, parks, any dwelling not their residence,
356 or any unsupervised place between the hours of 8:30 a.m. and 2:00 p.m. on any day when school
357 is in session. This ordinance also makes it a violation for any parent to knowingly permit, or by
358 insufficient control allow the minor to be in violation of the Daytime Curfew Ordinance.
359 Defenses to prosecution under this ordinance have also been incorporated into the ordinance, and
360 an officer investigating a daytime curfew violation is obligated to determine whether or not the
361 student meets the criteria for an exception.
362 The purpose of the ordinance has three aims: 1) Keep students in school where they belong, 2)
363 Protect minors from becoming victims of crime, and 3) Protect the public from juvenile
364 offenders. All students up to age 17 are subject to the ordinance. Parents and guardians who
365 violate the ordinance will be warned first, and only cited after repeat offenses.

366 Utah's current truancy statute, 53A-11-105, allows a peace officer or school administrator to take
367 a minor into temporary custody for truancy. Once in custody, the minor is either returned to the
368 school or released to a parent. The local receiving center in Ogden City is a last resort and will
369 accept a truant minor if they are open, and if space is available. The proposed Daytime Curfew
370 ordinance targets truant minors, and allows Juvenile Court to try and redirect behavior through
371 counseling or a monetary fine. The proposed Daytime Ordinance has received support from
372 North Ogden City Civil Attorney Jon Call, Prosecuting Attorney Brandon Miles, and Juvenile
373 Court Prosecuting Attorney David Gladwell. Principals from local schools also share their
374 support.

375
376 Chief Warren summarized his memo. He indicated the concept of a daytime curfew is not new
377 in the Weber County area and nine of the 15 agencies in the County have a daytime curfew
378 ordinance in place; the proposed ordinance has been crafted after those ordinances. He provided
379 some statistics of trancies in the City this year as well as the number of daytime curfew
380 violations in Ogden City and the subsequent crimes committed by the violators. He added he has
381 spoken with the principals of six area schools and they are supportive of the current proposed
382 ordinance. He concluded he would strongly recommend that the City Council adopt the
383 ordinance because it will help to reduce crime and will allow his officers to do a better job in
384 keeping all residents safe.

385
386 Council Member Swanson stated there will be instances where students will not be in school
387 during daytime hours, such as doctors' appointments, illness, or if they are home-schooled and
388 he asked how the City's officers will distinguish between those students and actual violators of
389 the ordinance. Chief Warren stated the officer will question the student to determine if he or she
390 is truant or if they fit into one of the exceptions listed in the ordinance.

391
392 Velden Wardle, Weber High School Principal, stated he has worked in schools located in cities
393 that have daytime curfew ordinances and one of the things the school administration can do is
394 provide a pass for a student that is appropriately excused from school so that if they are stopped
395 by a Police Officer they can produce that pass. He stated that may not work for home-schooling.

396
397 Council Member Satterthwaite stated there were discussions in the last City Council meeting
398 regarding possibly creating a youth court to hear violations of the daytime curfew ordinance,
399 among other things. He asked if the creation of the court is a real possibility. Chief Warren
400 stated he and the principals of local schools are actively working on the creation of a youth court
401 and he briefly reviewed the types of violations that can be referred to a youth court. Mayor
402 Taylor indicated the State of Utah has passed legislation that allows for the creation of a youth
403 court and City staff as well as the local principals will assure the court is created in accordance
404 with that legislation. Mr. Wardle stated a previous youth court was disbanded five years ago, but
405 he is very supportive of the idea of re-creating the court; it will give students that may have an
406 interest in community service or the law an opportunity to become engaged in those things. He
407 added it will also be beneficial to the offenders of the daytime curfew ordinance and other laws
408 because they will be given the opportunity to appear before their peers rather than being referred
409 to juvenile court. He stated there is a teacher at Weber High School that is interested in serving
410 as the advisor for the court.

411

412 Council Member Urry stated that Chief Warren mentioned there are five truanancies per week at
413 Weber High School and that does not sound like a high number to him. Chief Warren clarified
414 those are the truanancies that are caught; there are likely many more truant students that are not
415 caught. Council Member Urry inquired as to the number of students the Police Department
416 catches that are from other schools. Chief Warren stated it varies, but the City does catch
417 students from other schools. Council Member Urry stated it seems to him that there are many
418 problems that come to the City that actually belong to the parents of the children in the
419 community. He stated when people decide to have children, those children are their
420 responsibility and it is not the City's responsibility to make sure children are trained. He stated
421 the daytime curfew ordinance is essentially the City committing to police children for the
422 parents. He stated he does not know how to get parents to change, but he does like the fact that
423 parents could potentially be fined if their children are truant.
424

425 Prosecutor Miles stated the majority of cities have a daytime curfew ordinance and the only
426 cities that do not have such an ordinance are those that are more rural in nature. He stated the
427 ordinance is not designed to take power away from parents, but it gives law enforcement the
428 tools it needs to address problems associated with truancy. He added the purpose of these types
429 of laws is to encourage a responsible and educated citizenry; children will be taught that
430 participation in school is important so they can take ownership of that when they come of age.
431 He then summarized the application process that must be carried out in order to receive approval
432 for the creation of a youth court. He noted youth court is much less punitive than juvenile court
433 would be. He concluded that the exceptions in the ordinance are valid and if an officer suspects
434 that a student falls into any one of the exception categories they are not to take any action.
435

436 Council Member Swanson stated the State of Utah already has a law in place regarding truancy
437 and he wondered why it is necessary to adopt an additional law regarding the same issue. Mr.
438 Miles stated the Utah State Code defines truancy in such a way that it is a class B misdemeanor,
439 but the only remedy is for the violator to be sent to juvenile court. He stated the City's proposed
440 ordinance would fill a gap and allow for violators to go to youth court; it also allows for the early
441 intervention by way of citing the parent of a truant student much earlier than is allowed by State
442 Law.
443

444 Jay Anderson, North Ogden Junior High Principal, summarized the process the local schools
445 follow to address truanancies with parents of students and indicated that he is supportive of the
446 proposed ordinance because it offers more tools to address truanancies and encourage students to
447 attend school. He stated the youth court would be very helpful as well.
448

449 Council Member Stoker stated she likes the idea of the youth court system, but indicated she
450 understands concerns about students that may be home-schooled and she asked Chief Warren
451 how he would put to rest of the fears of parents of home-school students. Chief Warren stated
452 that for residents of North Ogden he could work to find out the location of residents where
453 students are home-schooled so his officers are aware that those students may be outside during
454 the daytime hours. He stated he likes the idea of a pass issued by schools for those that attend
455 public schools.
456

457 Council Member Swanson inquired as to constitutional violations that could be associated with
458 the proposed ordinance and if cities that have adopted a daytime curfew ordinance have been
459 challenged on that basis. Mr. Miles indicated challenges are usually related to selective
460 enforcement of a law based on protected classifications, such as race, religion, and gender. He
461 stated he does not foresee a problem as long as the ordinance is applied fairly. He added the
462 constitutional rights of minors are not fully developed and they do not have the same freedom of
463 locomotion as adults do. He stated as long as a statute is implemented for the health, safety, and
464 welfare of the general public it is constitutional. He reiterated any challenge would likely be
465 based upon selective enforcement. He concluded law enforcement and the community need to
466 find a way to work together and law enforcement must engage in interactions with citizens to
467 determine if a violation of any given law may exist.

468
469 Council Member Urry asked how youth courts would be kept from turning into a bullying
470 scenario. Mr. Miles stated a youth court is designed in a manner to allow positive peer pressure
471 to be used to address illegal actions; the child and parent both must consent to participate in
472 youth court after acknowledging they understand how the youth court operates. He noted there
473 are benefits to appearing in youth court because any judgment is non-judicial and a record will
474 not be created. He relayed his personal experience with assisting youth courts in the past and
475 stated he always found it to be a very positive experience. Council Member Urry inquired as to
476 the involvement of school counselors relative to truant students. Mr. Wardle stated that
477 counselors at his school are very involved and work closely with parents to address trancies.
478 He stated one thing he likes about the daytime curfew ordinance is that there is an immediate
479 consequence associated with violating the ordinance, rather than a delayed consequence.
480 Council Member Urry stated that he likes the idea of requiring the parent to be involved in the
481 youth court program and he would prefer that they be forced to attend some sort of class or
482 meeting regarding the student's trancies rather than assessing a monetary fine. Chief Warren
483 stated he agrees that parental involvement is valuable and that is why he is supportive of the
484 youth court proposal.

485
486 Council Member Swanson inquired as to the efficacy of a daytime curfew ordinance used in
487 other cities throughout the county. Mr. Miles stated that early intervention strategies, such as a
488 daytime curfew ordinance and youth court sessions, have proven to be very effective at getting
489 children to self-correct and make more positive choice. He reiterated the daytime curfew
490 ordinance gives law enforcement the tools to intervene early-on to get a parent's attention and
491 get them involved. Council Member Swanson addressed the school principals and asked if they
492 have seen lives changed by daytime curfew ordinances. Mr. Anderson stated at another school
493 he saw a situation where some students were cited for violation of the daytime curfew ordinance
494 and the parents became very involved. He stated that at the high school students can actually
495 lose credit after being truant so many times, but the same rule is not in force at the junior high
496 level. He stated Police Officers have been good about bringing kids back to school and some
497 have even ultimately been suspended. Mr. Wardle added that at the schools he has worked at
498 where there has been a daytime curfew ordinance in place the students have been more
499 motivated to stay at school because they know there is a chance they can get caught if they are
500 truant. Mr. Miles relayed a situation he is aware of that occurred in Ogden City where a student
501 was caught truant and he was believed to be returning to school to shoot a classmate.
502

503 Council Member Urry stated he would prefer to treat the cause rather than the symptom and try
504 to address why a student does not want to be in school. Mr. Miles stated the proposed ordinance
505 coupled with the creation of a youth court is a way to provide youth with access to positive
506 resources that they may not otherwise experience.

507
508 There was then a general discussion regarding the penalties associated with a violation of the
509 proposed ordinance, with a focus on the difference between a class B and class C misdemeanor.
510 Council Member Swanson then stated he would like to know more about what the City can do to
511 help sponsor the creation of a youth court. Mr. Miles stated he will move forward with the
512 process to get approval for the creation of a youth court and he will work closely with the
513 schools in the area to ensure that students are committed to the program.

514
515 Council Member Stoker stated that she is very supportive of the program because it may be the
516 catalyst for the student to experience positive interaction with classmates or their parents.

517
518 The Council engaged in a discussion regarding whether it would be appropriate to make a
519 motion to support the creation of a youth court.

520
521 **Council Member Satterthwaite made a motion to indicate that the City Council is fully**
522 **supportive of the establishment of a youth court. Council Member Urry seconded the**
523 **motion.**

524
525 **Voting on the motion:**

526
527 **Council Member Satterthwaite aye**
528 **Council Member Stoker aye**
529 **Council Member Swanson aye**
530 **Council Member Urry aye**

531
532 **The motion passed unanimously.**

533
534 Mayor Taylor then led a discussion regarding proceeding with considering a daytime curfew
535 ordinance. The Council provided their feedback regarding recommended changes to the
536 ordinance and Mayor Taylor stated he will work with Chief Warren to amend the ordinance to
537 address the concerns that have been expressed this evening. There was a focus on clearly
538 specifying that home-schooled students are exempt from the ordinance as well as encouraging
539 parental involvement for violators of the ordinance.

540
541 Kyle Hansen, North Ogden Junior High Assistant Principal, stated he feels the proposed
542 ordinance would be a good deterrent for truant students. He then addressed the comments made
543 regarding encouraging parental involvement and asked the Council to keep in mind that the
544 number of non-traditional families continues to increase and many students he deals with on
545 truancies are 'broken' families and divorced parents are not seeing eye-to-eye. He agreed
546 parental involvement is very valuable, but is not always possible. Council Member Urry
547 clarified that he does not want to take rights and responsibilities away from parents; he
548 recognizes there are some instances where parents are not available to children, but the parent

549 should be the first line of defense over the Police Department. Mr. Hansen agreed and stated the
550 school has the same goal.

551
552 Mayor Taylor reiterated he and Chief Warren will continue to work to develop an ordinance that
553 will ultimately be brought back to the Council for final consideration.

554
555 **8. PUBLIC COMMENTS**

556
557 Kent Swenson, 3219 Holiday Drive, stated that he thinks the youth court idea is a great one, but
558 he wondered why it was disbanded five years ago.

559
560 Soren Teles, 156 E. 2050 N., thanked the Council for their remarks and the questions they asked
561 regarding the proposed daytime curfew ordinance. He thanked the principals of area schools for
562 attending as well because it shows that this is an issue that is very important to them as well. He
563 stated the State of Utah already has a law in Section 53A-11-101.7 and it provides the definition
564 of truancy and gives the ability to enforce the law to the school district. He stated the difference
565 between the law and the proposed ordinance is that the law only applies to the public education
566 system. He stated the proposed ordinance would apply to any young looking person that is out
567 during the day on public streets and they may be doing nothing wrong besides looking young in
568 the wrong place and time. He reiterated he feels Utah law gives the City and the schools an
569 opportunity to deal with the problem. He then added it is very easy to put a new law in place,
570 but very hard to get rid of it and it can also be hard to apply every law fairly and non-selectively.
571 He stated that his concerns are more clearly spelled out in the handout that he provided to the
572 Council at the beginning of the meeting, after which he concluded that he understands the
573 truancy problem and that the goal of the ordinance is to address that problem, but the ordinance
574 is too broad and will open the door for abuse.

575
576 **9. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

577
578 Council Member Swanson thanked everyone that has assisted the City in gathering information
579 to make the best decision possible.

580
581 Council Member Satterthwaite echoed Council Member Swanson's comments. He then stated
582 he would like to ask staff to address Mr. Swenson's comments and research why the previous
583 youth court was disbanded; that may help give the City insight to see what should be done to
584 ensure the new youth court is successful. He stated he is sympathetic to the concerns regarding
585 adding more laws, but noted he has a lot of confidence in the Police Department and he does not
586 feel the ordinance will be abused.

587
588 Council Member Stoker also thanked everyone for their input and stated it is great to see there
589 are so many people in the community that truly care about the youth. She then stated she is
590 hopeful that the new codification contract will help the City to avoid situations in the future
591 where staff and the Council do not know the history of an issue.

592
593 Mayor Taylor provided the Council with an update regarding the Public Works Facility project
594 and provided them with a color board that will be used to select the colors of the exterior

595 finishes. He then explained the sewer district is considering a rate increase this year and next
596 year to help them deal with recent mandates from the Environmental Protection Agency (EPA).
597 He then reported the Weber Area Council of Governments (WACOG) awarded grant funding for
598 right-of-way purchase for the Skyline Boulevard and Washington Boulevard extension projects;
599 the total amount the City stands to receive is \$2.2 million. He added new cameras were added to
600 the Police Department this week; the cameras will be worn by Police Officers and will ensure
601 accountability and improved record keeping. Chief Warren explained how the cameras work and
602 how the video will be downloaded and kept on a server. Mayor Taylor then provided the Council
603 with an update regarding the process to hire a new City Manager, stating he is hoping to have the
604 position posted as open next week.

605
606 Mayor Taylor then asked the Council to convene in a closed session to for the purpose of
607 discussing pending or reasonably imminent litigation.
608

609 **Council Member Satterthwaite moved to convene in a closed session for the purpose of**
610 **discussing pending or reasonably imminent litigation. Council Member Stoker seconded**
611 **the motion.**

612
613 **Voting on the motion:**

614
615 **Council Member Satterthwaite aye**
616 **Council Member Stoker aye**
617 **Council Member Swanson aye**
618 **Council Member Urry aye**

619
620 **The motion passed unanimously.**

621
622 The closed session began at 8:50 p.m.

623
624 The regular meeting reconvened at 10:02 p.m.

625
626 **10. ADJOURNMENT**

627
628 **Council Member Stoker motioned to adjourn; Council Member Satterthwaite seconded the**
629 **motion.**

630
631 **Voting on the motion:**

632
633 **Council Member Satterthwaite aye**
634 **Council Member Stoker aye**
635 **Council Member Swanson aye**
636 **Council Member Urry aye**

637
638 **The motion passed unanimously.**

639
640

641 **The meeting adjourned at 10:03 p.m.**

642

643

644

645

646 _____
Brent Taylor, Mayor

647

648

649

650 _____
S. Annette Spendlove, MMC

651 City Recorder

652

653

654 _____
Date Approved

NOT APPROVED