



48 she has seen a presentation regarding the program and is very impressed with its offerings;  
49 turnaround of codifying adopted City ordinances would be much quicker for approximately the  
50 same cost the City is paying.

51  
52 Mr. Morris stated that he worked as a City Manager for Marriott-Slaterville and saw the need for  
53 a program that would allow cities the ability to handle codification in-house. He worked with  
54 Mr. Mayhew, a computer programmer, to develop the program and the Utah League of Cities  
55 and Towns (ULCT) has endorsed it. He used the aid of a PowerPoint presentation to provide the  
56 Mayor and Council with an overview of the offerings of his program. The Council asked general  
57 questions throughout the presentation, which were addressed by Mr. Morris and Mr. Mayhew.  
58

59 Council Member Urry inquired as to the cost of the program. Mr. Mayhew stated the City would  
60 pay an annual subscription cost based on population; the City's annual cost would be  
61 approximately \$3,500. Ms. Spendlove noted she budgets \$5,000 annually for the current  
62 codification contract. There was a brief general discussion focusing on a comparison between  
63 the City's current codifier and Municipal Code Online, Inc., after which Mr. Mayhew offered a  
64 demo of the search capabilities of the program.  
65

66 Council Member Satterthwaite asked if it is an option to purchase the software without paying an  
67 annual subscription fee for updates. Mr. Mayhew stated that he updates the software nearly on a  
68 weekly basis rather than performing only one annual update; as the company continues to grow  
69 the updates may become more significant. He added he is working on developing a mobile  
70 application for the program that would give residents the ability to search all City documents  
71 from a tablet or smart phone. He added that the City would be required to enter into a three to  
72 five year contract at the onset because it is very time consuming to convert all of the City's  
73 ordinances and other documents to the format used by his program.  
74

75 Council Member Swanson stated it seems that what Municipal Code Online, Inc. is selling is  
76 ease of transparency for residents. Mr. Mayhew agreed and stated the program should also make  
77 it much easier for staff to search City documents as well. Ms. Spendlove added that the City's  
78 current codifier, Sterling Codification, is approximately six months behind in publishing the  
79 City's adopted ordinances. She noted one benefit of Municipal Code Online, Inc. is that staff  
80 could update the City Code immediately after an ordinance is adopted, which would provide the  
81 public better access.  
82

83 Council Member Bailey asked if the documents hosted by Municipal Code Online would also  
84 include legislative history for the various titles of the City Code. Mr. Mayhew stated his  
85 program will provide legislative history to give citizens the ability to understand when a section  
86 of the City Code was amended by an ordinance adopted by the Council. Council Member Bailey  
87 stated that is very important to him.  
88

89 Council Member Bailey asked if the program has the ability to include hyperlinks to the Utah  
90 State Code in sections of the City Code that refer to the State Code. Mr. Mayhew answered yes  
91 and offered an example of how such a hyperlink would work and noted hyperlinks can link to  
92 several different documents besides the State Code, such as City Council minutes.  
93

94 Mayor Taylor inquired as to the termination clause in the City's contract with Sterling Codifiers.  
95 Ms. Spendlove noted the City is required to provide 30-days' notice of termination of the  
96 contract. Mayor Taylor thanked Mr. Morris and Ms. Mayhew for their time and the information  
97 provided regarding their program. He then asked the City Council to review the formal proposal  
98 from Municipal Code Online, Inc. and forward any questions they have to Ms. Spendlove; an  
99 item will be included on the next City Council business meeting agenda regarding codification.

100  
101 **3. DISCUSSION AND/OR ACTION TO SELF-PERFORM CRACK SEALING**

102  
103 Mayor Taylor reported that at the last City Council meeting the Council asked for information  
104 regarding the actual costs associated with purchasing the equipment and using existing  
105 employees to perform crack sealing work in-house. He noted he visited with the Pleasant View  
106 Mayor since the last meeting and they have purchased a used crack seal machine for in-house  
107 work, but there is a company that is listed on the State contract that offers for sale new  
108 machinery. He noted Pleasant View's machine was \$35,000 and a new machine would be  
109 \$38,000; the life span of a new machine is approximately 10 years.

110  
111 Public Works Director Giles then provided the Council with a brief presentation comparing the  
112 costs of performing crack sealing largely in-house with contracting with an outside vendor for  
113 the service. He stated that due to his Department being short-staffed at the moment, it may be  
114 necessary to utilize temporary employees or some services of an outside vendor to complete the  
115 work in-house. He noted crack seal work is traditionally done through the fall and winter  
116 months. He concluded he has determined it would cost \$.25 per square yard to complete crack  
117 sealing with an outside contractor and \$.13 per square yard to complete the work in-house; he  
118 briefly explained how he arrived at that price.

119  
120 Council Member Bailey asked if it is appealing to Mr. Giles to have the capability to complete  
121 crack sealing in-house. Mr. Giles stated it is appealing to him because he will have more control  
122 over the service, but there are many financial implications associated with the concept of  
123 completing the work in-house, such as the purchase of materials. He stated that he is concerned  
124 about the timing of the proposal as well as the potential of overburdening his staff by adding the  
125 work to his existing crew, which will soon include several new employees. He stated many  
126 cities complete crack sealing in-house and have been successful. He stated Weber County has  
127 offered the City the use of its crack sealing machine for a week as a test period.

128  
129 The Council and Mr. Giles engaged in a brief discussion regarding the true feasibility of  
130 performing crack sealing in-house, after which the Council concluded to proceed with the  
131 proposal to investigate the purchase of a crack sealing machine and perform the work in-house.

132  
133 **Council Member Swanson made a motion to authorize City Administration to proceed with**  
134 **the proposal to purchase used (if available) equipment to self-perform crack sealing work**  
135 **and hire skilled temps to assist with the work. Council Member Urry seconded the motion.**

136  
137 **Council Member Bailey**                      **aye**  
138 **Council Member Satterthwaite**          **aye**

139 Council Member Stoker aye  
140 Council Member Swanson aye  
141 Council Member Urry aye

142  
143 The motion passed unanimously.

144  
145 **4. DISCUSSION AND/OR ACTION TO SELL AND PURCHASE OF PUBLIC WORKS**  
146 **EQUIPMENT**

147  
148 Mayor Taylor noted Mr. Giles has previously reviewed with the Council a proposal to sell old  
149 Public Works equipment and purchase new pieces of machinery. Mr. Giles stated the proposal  
150 was to stop using the Department's grader for snow removal and purchase two new trucks to  
151 replace it. He noted he planned to sell the grader at an auction, but the City has since been  
152 approached by an equipment company seeking to purchase the grader, front loader, and backhoe  
153 due to demand for used equipment on the market; the company has offered \$40,000 for the  
154 backhoe, \$75,000 for the front loader, and \$55,000 for the grader for a total of \$170,000. He  
155 stated he would like to lease a new backhoe and purchase a new front loader to replace the  
156 equipment that will be sold; the \$170,000 will be adequate to cover the purchase cost of the new  
157 front loader as well as several years of lease payments for a backhoe. He indicated his proposal  
158 will not change the adopted equipment budget for his Department. There was a general  
159 discussion regarding the fact that the City will no longer own a grader, with Mr. Giles noting he  
160 has used the piece of equipment once in the last six months and if it becomes necessary to utilize  
161 a grader for future City projects he will be able to rent the equipment for a very reasonable rate.  
162 Mayor Taylor stated that there is no change to the budget associated with this proposal, but he  
163 asked for a motion from the Council to formalize approval of what Mr. Giles is recommending.

164  
165 Council Member Bailey made a motion to authorize City Administration to proceed with  
166 the proposal to sell and lease or purchase Public Works equipment. Council Member  
167 Satterthwaite seconded the motion.

168  
169 Council Member Bailey aye  
170 Council Member Satterthwaite aye  
171 Council Member Stoker aye  
172 Council Member Swanson aye  
173 Council Member Urry aye

174  
175 The motion passed unanimously.

176  
177 **5. DISCUSSION REGARDING COMMITTEE ASSIGNMENTS**

178  
179 Mayor Taylor pulled this item from the agenda and stated he will discuss the issue with the  
180 Council at a future meeting. He then asked that items six and seven be swapped to allow Officer  
181 Heinz to provide the Council with information regarding the proposal to implement a daytime  
182 curfew.

183  
184 **7. DISCUSSION REGARDING DAYTIME CURFEW ORDINANCE**

185  
186 A memo from Police Chief Warren explained the document submitted with this staff report  
187 contains a draft proposal for a Daytime Curfew Ordinance involving minors who are subject to  
188 compulsory education. Said ordinance, if adopted, would make it illegal during school hours for  
189 a minor to loiter, idle, wander, or be upon public streets, parks, any dwelling not their residence,  
190 or any unsupervised place between the hours of 8:30 a.m. and 2:00 p.m. on any day when school  
191 is in session. This ordinance also makes it a violation for any parent to knowingly permit, or by  
192 insufficient control allow the minor to be in violation of the Daytime Curfew Ordinance.  
193 Defenses to prosecution under this ordinance have also been incorporated into the ordinance, and  
194 an officer investigating a daytime curfew violation is obligated to determine whether or not the  
195 student meets the criteria for an exception.  
196 The purpose of the ordinance has three aims: 1) Keep students in school where they belong, 2)  
197 Protect minors from becoming victims of crime, and 3) Protect the public from juvenile  
198 offenders. All students up to age 17 are subject to the ordinance. Parents and guardians who  
199 violate the ordinance will be warned first, and only cited after repeat offenses.  
200 Utah's current truancy statute, 53A-11-105, allows a peace officer or school administrator to take  
201 a minor into temporary custody for truancy. Once in custody, the minor is either returned to the  
202 school or released to a parent. The local receiving center in Ogden City is a last resort and will  
203 accept a truant minor if they are open, and if space is available. The proposed Daytime Curfew  
204 ordinance targets truant minors, and allows Juvenile Court to try and redirect behavior through  
205 counseling or a monetary fine. The proposed Daytime Ordinance has received support from  
206 North Ogden City Civil Attorney Jon Call, Prosecuting Attorney Brandon Miles, and Juvenile  
207 Court Prosecuting Attorney David Gladwell. Principals from local schools also share their  
208 support.  
209  
210 Officer Heinz summarized Chief Warren's staff memo. There was a general discussion  
211 regarding the proposed ordinance with a focus on the \$50 fine associated with violating the  
212 ordinance by breaking the daytime curfew. Officer Heinz stated that the Police Department  
213 would also like to reinstate a North Ogden City Youth Court that would handle the violations and  
214 fines.  
215  
216 Council Member Urry inquired as to the number of students that are currently truant from school  
217 classes during the day. Officer Heinz stated school just started again so the problem isn't too bad  
218 right now, but during a shift that he worked last week he encountered seven truant students in  
219 one day. He provided the Council with a brief summary of the process an officer follows when  
220 picking up a truant student, noting that if the daytime curfew ordinance were adopted the Police  
221 Department would have better enforcement tools with stiffer penalties. City Attorney Call  
222 agreed and noted violations of the ordinance could ultimately escalate to a class C misdemeanor  
223 charge against the parent of the violator. There was a general discussion regarding the locations  
224 in the City where truant students are typically found, with Mayor Taylor noting the local school  
225 principals support the idea of a daytime curfew. He added that if the City Council is supportive  
226 of the proposed ordinance it will be added to a future business agenda for formal action. The  
227 Council indicated they were supportive of the ordinance, with Council Member Bailey stated he  
228 is comfortable with the fact that the ordinance is modeled after ordinances used in other cities.  
229

230 **6. DISCUSSION REGARDING CHANGES TO THE TEMPORARY BUSINESS**  
231 **ORDINANCE**

232  
233 A staff memo from Planner Scott explained when the City Council is acting in a legislative  
234 capacity, it has wide discretion. Examples of legislative actions are general plan, zoning map,  
235 and land use text amendments. Legislative actions require that the Planning Commission give a  
236 recommendation to the City Council. Typically the criteria for making a decision, related to a  
237 legislative matter, requires compatibility with the general plan and existing codes. The North  
238 Ogden City Council held a public hearing on August 26, 2014 and a work session on September  
239 2, 2014. The City Council requested that there be some clarifications to several sections. All  
240 three amendments are in 4-1-9, Temporary Businesses:

241 b. The C-2 zone is added to allow temporary businesses.

242 c. The phrase, if applicable, is added to the end of the first paragraph. Temporary businesses  
243 where food handling is being done requires that the Weber Morgan Health Department review  
244 these applications. By adding the 'if applicable' phrase, only those needing the Health  
245 Department review will be processed.

246 d. Site Plan. The standard requiring 70 miles per hour wind force has been deleted and replaced  
247 with language adopting the building code standard or giving the building official discretion on an  
248 acceptable design. This will give the building official the ability to treat each application  
249 appropriately.

250 The memo stated the City Council must consider whether the draft amendments are acceptable.  
251 It also noted the Planning Commission is recommending that the City Council adopt the  
252 proposed ordinance. If this language is acceptable, staff will revise the ordinance amendment to  
253 reflect these changes and bring a final ordinance for approval to the next City Council meeting.

254  
255 Mayor Taylor summarized the memo and noted Building Official Kerr is present to answer any  
256 questions regarding this issue.

257  
258 Council Member Urry stated that he heard of a city that was requiring business licenses for a  
259 child's lemonade stand and he asked if North Ogden City employs that same practice. Mr. Kerr  
260 answered no; he added that businesses that are handling food that will be directly consumed by a  
261 patron must have a food handler's permit. There was a brief discussion regarding the process  
262 used to determine whether a business must have a food handler's permit.

263  
264 Council Member Bailey inquired as to the number of temporary businesses in the City. Mr. Kerr  
265 stated that in 2013 there were four temporary businesses; in 2014 there have been three  
266 temporary businesses: a fireworks stand, a shaved ice stand, and a produce stand. Council  
267 Member Swanson asked if the business is required to provide proof of insurance. Mr. Kerr  
268 answered no and stated the business is only required to provide proof of permission to locate  
269 their temporary business on another property owner's property. He then provided a brief  
270 explanation of how certain sections of the ordinance will be enforced, with a focus on the  
271 requirement that a temporary business structure be able to withstand forceful winds.

272  
273 Mayor Taylor then asked if the Council is comfortable with adding the proposed ordinance to a  
274 business meeting agenda for consideration. Council Member Bailey stated he was initially

275 concerned about extending the period of time for temporary businesses to 180 days, but after  
276 further thought he cannot think of a reason to reduce that length of time. Mayor Taylor agreed.  
277

278 Council Member Swanson stated he would like to have future discussions regarding possible  
279 limitations upon temporary business requiring them to locate a certain distance from brick and  
280 mortar businesses. Mr. Call stated that it may be possible to specify the difference between  
281 temporary and permanent business structures and require them to be a certain distance from one  
282 another. Council Member Bailey noted there have been discussions regarding possibly creating  
283 a City farmer's market and he wondered if such an event would compete with established  
284 businesses in the City, such as Sacco's. Council Member Swanson stated that would depend  
285 upon where the farmer's market event is held. The Council engaged in a brief discussion  
286 regarding free market competition.  
287

## 288 **8. DISCUSSION OF ORGANIZATIONAL CLIMATE**

289  
290 Mayor Taylor stated the City Manager resigned last week and he would like to appoint Finance  
291 Director Steele as the interim Finance Manager until a new City Manager can be selected.  
292

293 **Council Member Bailey moved to appoint Brian Steele as the interim City Manager.**  
294 **Council Member Satterthwaite seconded the motion.**  
295

### 296 **Voting on the motion:**

297  
298 **Council Member Bailey**                    **aye**  
299 **Council Member Satterthwaite**       **aye**  
300 **Council Member Stoker**               **aye**  
301 **Council Member Swanson**           **aye**  
302 **Council Member Urry**                 **aye**  
303

304 **The motion passed unanimously.**  
305

306 The Mayor and Council had a brief discussion regarding the process that will be followed to  
307 recruit a new City Manager, with a focus on the length of the term of the contract. Council  
308 Member Bailey indicated that he would prefer that the entire Council be part of the interview and  
309 hiring panel for the new City Manager. Council Member Urry agreed and wondered if there may  
310 be value added by asking for participation from some Department Heads. Mayor Taylor stated  
311 Department Heads could offer a great perspective. Discussion continued regarding the type of  
312 City Manager the Council and Mayor are looking for. Council Member Stoker stated it is  
313 important to her to check references and with former employers of applicants. City Recorder  
314 Spendlove provided a synopsis of the vetting process that is typically followed when hiring a  
315 City Manager and City Department Heads, but noted that the vetting process was not completely  
316 carried out when former City Manager Chandler was hired. Council Member Bailey stated he  
317 does not want that to reflect poorly on Mr. Chandler. Mayor Taylor agreed and stated that did  
318 not factor into Mr. Chandler's resignation whatsoever.  
319  
320

321 **9. PUBLIC COMMENTS**

322  
323 Sorin Teles, 156 E. 2050 N., stated he is a home-schooling parent and he is concerned about the  
324 proposal to impose a daytime curfew. He stated he is glad he heard the conversation tonight, but  
325 he wanted to make known his concerns; the ordinance has the potential to seriously impact  
326 constitutional rights of minors, specifically the 14<sup>th</sup> amendment, which guarantees the freedom of  
327 movement of any person on public streets without government restriction. He added the  
328 constitution also guarantees due process and the requirement to prove probable; the 5<sup>th</sup>  
329 amendment gives any person the right to be free from unreasonable search and seizure. He noted  
330 the State of Utah recognizes his parental right to choose the curriculum and the schedule under  
331 which his children are to be educated to the best of his ability; in other words he is not restrained  
332 to choose the hours or program he will follow to educate his kids and he will not follow the same  
333 schedule as public schools. He noted this means his children have the potential to be on public  
334 streets or in public parks during the daytime hours and their rights would be violated by an  
335 officer interfering with their freedom of movement. He stated the daytime curfew usually  
336 addresses two issues, which are already addressed in Utah law. He stated there are studies that  
337 have shown that juvenile crime is not decreased by a daytime curfew in individual cities. He  
338 added that a daytime curfew also teaches children that all violators of the ordinance are  
339 considered criminals even if they have done nothing wrong. He stated he feels his concerns are  
340 valid and important. He added there was discussion regarding a daytime curfew being used in  
341 other cities and he noted he is aware Salt Lake has a daytime curfew, as does Provo. He  
342 referenced cases in those cities where students had the right to be in public places during the  
343 daytime hours, but they were still detained. He indicated other States have enacted laws that  
344 prevent individual cities from enacting their own daytime curfew ordinances because of their  
345 tendency to be abused. He stated he would be happy to provide further information or  
346 documentation of the studies he referenced.

347  
348 Mayor Taylor thanked Mr. Teles for his comments and stated he would be happy to visit with  
349 him to get further information. He encouraged Mr. Teles to also visit with Chief Warren in order  
350 for the Chief to explain that the daytime curfew ordinance would not target homeschooled  
351 children. Mr. Teles agreed to further discussions, but ultimately concluded that his biggest  
352 concern is that daytime curfew ordinances have a tendency to be abused.

353  
354  
355 **10. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

356  
357 The Council had a brief discussion regarding the value of work session meetings as well as future work  
358 session agenda items.

359  
360 Ms. Spendlove briefly reviewed the schedule of Utah League of Cities and Towns (ULCT) Conference  
361 that will be held next week, September 10 through 12.

362  
363 Mayor Taylor provided the Council with information regarding a community Constitution Day event that  
364 will be held September 17 at 7:00 a.m. He stated he will provide more detailed information regarding the  
365 event to the Council via email once it becomes available. Council Member Urry suggested that in the

366 future the City host a Constitution Day event at a City facility where citizens could come and hear factual  
367 information regarding the constitution.

368  
369 Mayor Taylor then asked the Council to convene in a closed session for the purpose of discussing pending  
370 or reasonably imminent litigation as well as the character and professional competence of an individual.

371  
372 **Council Member Satterthwaite moved to convene in a closed session for the purpose of discussing**  
373 **pending or reasonably imminent litigation and the character and professional competence of an**  
374 **individual. Council Member Stoker seconded the motion.**

375  
376 **Voting on the motion:**

377  
378 **Council Member Bailey aye**  
379 **Council Member Satterthwaite aye**  
380 **Council Member Stoker aye**  
381 **Council Member Swanson aye**  
382 **Council Member Urry aye**

383  
384 **The motion passed unanimously.**

385  
386 The closed session began at 9:26 p.m.

387  
388 The regular meeting reconvened at 11:05 p.m.

389  
390  
391 **11. ADJOURNMENT**

392  
393 **Council Member Satterthwaite motioned to adjourn. Council Member Stoker seconded the**  
394 **motion.**

395  
396 **Voting on the motion:**

397  
398 **Council Member Bailey aye**  
399 **Council Member Satterthwaite aye**  
400 **Council Member Stoker aye**  
401 **Council Member Swanson aye**  
402 **Council Member Urry aye**

403  
404 **The motion passed unanimously.**

405  
406  
407 **The meeting adjourned at 11:06 p.m.**

408  
409  
410  
411 \_\_\_\_\_  
412 Brent Taylor, Mayor

413  
414  
415 \_\_\_\_\_  
416 S. Annette Spendlove, MMC  
417 City Recorder  
418  
419 \_\_\_\_\_  
420 Date Approved

NOT APPROVED