

NORTH OGDEN CITY COUNCIL MINUTES

September 24, 2013

The North Ogden City Council convened in an open meeting on September 24, 2013 at 6:30 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on September 19, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

PRESENT:	Richard Harris	Mayor
	Kent Bailey	Council Member
	Wade Bigler	Council Member
	Justin Fawson	Council Member
	Cheryl Stoker	Council Member
	Brent Taylor	Council Member
STAFF PRESENT:	Jon Call	City Attorney
	Bryan Steele	Finance Director
	Sue Richey	Administrative Assistant
	Kevin Warren	Chief of Police
	Paul Rhoades	Detective
	Bruce Higley	Public Works Inspector
	Anthony Bersamin	Animal Control Officer
EXCUSED:	Ronald F. Chandler	City Manager
	S. Annette Spendlove	City Recorder/ H.R. Director
VISITORS:	Jim Urry	Charles Crippen
	Sandy Heiner	Bill Norris
	Marcia Norris	Bob Buswell
	Cal Heiner	Jim Shupe
	Mrs. Shupe	Gary Borgman
	Carl Jeerings	Gary Harrop
	Arlene Borgman	Anthony Bersamin
	Dylan Brown	Bruce Higley
	Joan Brown	Don Brown
	DaLone Turner	Gordon North
	Steve Brown	Mrs. Brown
	Reese Barker	Paul Rhoades
	Shelly Rhoades	Tiffany Turner
	Scott Russell	Alek Burden
	Angie Burden	Loma Prince
	Myrl Slater	Kay Slater

Craig Giles	Brad Randall
David Espinoza	Michael Dufrene
Brian Russell	Blake Welling
Marc Lee	Gary Rands
Molly Rands	Richard Kotter
Phillip Swanson	Steve Tobias
Ryan Jones	Cydnee Jones
Elizabeth Putnam	Mr. Powell
Rachel Trotter	Heidi Gross
Ryan Gross	Mike Gross
Corry Kincanon	Mike Kincanon
Adam Burden	Dale Anderson
Sharon Weeks	Naomi Foulger
Michelle Meyer	Loretta Shupe
Jolie Anderson	Tom Baguley
Brooke Call	McKenzie Call
Melanie Call	

Mayor Harris welcomed those in attendance.

Council Member Bigler offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

- 1. Consideration to approve the minutes of the August 13, 2013 City Council Meeting**
- 2. Consideration to approve the minutes of the August 20, 2013 Special City Council Meeting**
- 3. Consideration to approve the minutes of the August 27, 2013 City Council Meeting**
- 4. Consideration to approve business licenses**

Council Member Bailey motioned to approve the consent agenda. Council Member Taylor seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Bigler	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Loma Prince, 425 E. 3550 N., stated she would like to bark for her entire three minutes; there is an ordinance that states nuisance barking should be taken care of. Her mother had a stroke five years ago and she came to live with her and they have a neighbor whose dog barks all the time and it was dreadful for her mother while she was ill. The person that owns the dog leaves home at 7:00 a.m. and returns home between 7:00 and 10:00 p.m.; they are also mostly gone on the weekends. Ms. Prince has called the dog pound and nothing has happened. One day the animal control officer visited and made tick marks for every time the dog barked and it was over 300 in the short time he had been there. She stated she lives in Lakeview Heights and she was told by a police officer that the Police Department would assist her and that she would not be required to provide her name to make a complaint, but that has not worked because she has not been supported. She stated she would like help from the City to enforce the nuisance barking ordinance better. She added she is also present to support her neighbor, who is present to talk about item three on the agenda.

Elizabeth Putnam, 302 E. 2350 N., stated the City may be aware of the bus situation at Majestic Elementary. She stated she understands there is not enough funding in the City budget to install a sidewalk on 2550 North; her children will be okay, but there are many kids that will be walking on the road and she is fearful that someone will get hurt. She stated it may be possible to ask a police officer to park on the street to enforce the speed limit or to install additional signage to inform people school children are walking on the road. She also asked if it would be possible to add a walking path without curb and gutter on just one side of the street. She stated something needs to be done.

Mayor Harris stated the City was made aware of the situation about one week ago and the City Manager has been working to address it since that time. He is working with Weber County and the Weber School District. Ms. Putnam stated she appreciates that and added that Melinda Brimhall from Pleasant View City has also been very responsive and they have performed some weed removal as well as graded the side of the road. She stated she has sent an email to City Manager Chandler and has not received a response from him yet. Mayor Harris stated Mr. Chandler is not currently available, but he is very good at responding to emails.

Michael Dufrene, 587 E. 3600 N., stated that he has prepared a written statement for a couple of reasons; one is to keep him on track and to eliminate the possibility for debate. He has provided a statement to the City Recorder and he has also provided a copy of all the emails that have been exchanged between himself, the City Council, and Mayor, and anything else he says will be a matter of record in the City minutes or in the Council packet for the May 28, 2013 meeting. He added he will also refer to some comments that were made in the newspaper by Mr. Bigler. Mr. Dufrene then read his prepared statement as follows:

Contrary to comments reported on 23 September in a local newspaper, this issue is not about Tom Baguley and his auto repair business. A decision was made on that issue and I have lived by that decision and moved on. I have in fact, encouraged other neighbors to move on as well. To the best of my knowledge, things are getting better in our neighborhood; Tom is following the six rules governing him, and in doing so, started the healing process that he spoke about in several meetings.

During the North Ogden City Council meeting on 28 May 2013, Councilman Wade Bigler stated, "Mr. Dufrene's letter states the opposite in asking that the issue not be opened up for everyone to speak on."

Councilman Bigler's statement is false and to date he has failed to produce MY letter.

On 21 August, I emailed Councilman Bigler, the remaining Council, and the Mayor. In that mail, I stated I would attend the next Council meeting to set the record straight and to have the meeting minutes reflect Mr. Bigler's accusation was false. Mr. Bigler did not respond to that email.

On 27 August, I attended the Council meeting, where I spoke to Mr. Bigler concerning his false statement. He stated "the letter is in the packet." The comment was in reference to a packet of documents provided by Mr. Chandler, North Ogden City Manager, for the 28 May Council meeting. Mr. Bigler's statement was again false, as there is no letter from me in the packet.

During the same meeting, Mr. Bigler also stated "I will email it." To date, I have not received any emails from Mr. Bigler and this is therefore, another false statement.

In a 28 August email, I once again expressed my concern that Mr. Bigler's comment on 28 May led me and others to believe I had contradicted myself and lied. I also stated in the email that I was anxiously awaiting word from Mr. Bigler on my letter. I did not receive a response from Mr. Bigler in regard to that email.

On 4 September, I sent Mr. Bigler another email and copied Mayor Harris on the email. This email stated "Mr. Bigler – I am anxiously awaiting word from you on this letter." Again, I did not receive a response from Mr. Bigler.

My intent for being here this evening is for the City Council meeting minutes to reflect that on 28 May 2013, Councilman Wade Bigler made a false statement while serving in his official capacity as a City Councilman, and has since failed to respond to multiple emails, and a personal appearance I made before the Council, in regard to that statement. In addition, during my appearance at the 27 August Council meeting, he made two other statements that are false, those being his comment about my letter being in the packet and his comment that he would email the letter to me.

On 17 September, I received an email from Mayor Harris concerning questions I had asked about the 27 August meeting and Mayor Harris stated in his response that he had spoken to Mr. Bigler the Friday before and that it will be up to him as to how or if he will respond. As I noted earlier, a 23 September article was published in a local paper and comments were made that I was disgruntled and angry about the outcome of a controversy in the City; I am only disgruntled and angry because a Councilman was addressing me on 28 May when he said "Mr. Dufrene's letter." There was no mention at that time of an appellant letter and for that to come to light now is yet another attempt to deflect the conversation away from the truth. I have asked repeatedly for this letter and none has been brought forward, appellant or otherwise.

Also, during the 27 August meeting, Mr. Bigler made another statement that has not yet been resolved. He stated he would apologize if he were wrong. I would like the record to reflect that to date I have not received a letter or a public apology from Mr. Bigler. I would like to refer back to the newspaper article one last time and an email referenced in the article that came from Mr. Bigler; it was reported that Mr. Bigler stated the letter was sent by one of the appellants. He also stated he addressed the appellants as one and there were three. Again, I remind you his comment to me on 28 May was "Mr. Dufrene's letter stated." I would also like to point out there were six appellants that signed document 31 in the packet, not three.

Mr. Dufrene then stated that in researching the packet for comments in regard to a public hearing, he would like to refer to documents of which there are 74 in the packet – not 100 as has been pointed out. In those documents one will find comments, emails, and letters from Mr. Chandler concerning whether a

public hearing should be held. On document 63, Mr. Dufrene highlighted one sentence from Council Member Bigler to the Mayor and the Council as well as Mr. Chandler; he stated the Council did not need to hold a public hearing for an appeals board meeting and he went on at length describing his feelings about why a public hearing is not necessary. Mr. Dufrene stated it was obvious to him that evening and it is still obvious to him that Council Member Bigler was opposed to a public hearing for whatever reason. He stated the last thing he wanted to bring up was in document 74; it is the last document in the packet and it came from Mr. Chuck Crippen on Friday, 24 May at 2:40 p.m. It states "Dear Mayor Harris and Mr. Chandler: in a follow up with our discussion earlier today, I have spoken with the other five appellants and we all agree and request a public hearing regarding the appeal we filed." Mr. Dufrene stated he is finished and the only thing missing now, as far as he is concerned, is an apology.

Mayor Chandler asked Mr. Dufrene if he has provided all documentation to the City Recorder. Mr. Dufrene answered yes and reiterated it includes all emails that have been sent back and forth between himself, the Mayor, City Council Members, and Mr. Chandler; the only emails that did not go to the entire Council are those that he sent to Mayor Harris and copied Council Member Bigler or sent to Council Member Bigler and copied Mayor Harris. He added he requested read receipts for all emails he sent to show that Council Member Bigler did, in fact, read the emails.

Council Member Bigler stated the appeals board is a legal entity and it follows legal procedures and the appellants appealed a decision made by the Planning Commission; the appeals board voted that the Planning Commission did their job. The appellants legally are one entity, not six; he did not say there were three, but that there were perhaps three. He stated he knew there were at least three, but the newspaper does not always report exact wording. He added that the first line of an email that he sent the Standard-Examiner read "listen to the audio recording of the May 28, 2013 Council meeting and you will clearly hear I was speaking of the appellants. These comments are plural." He invited Mr. Dufrene to listen to the audio for the meeting.

Mr. Dufrene stated that he has a copy of the minutes and he has highlighted the exact wording in the City minutes and they are minutes Council Member Bigler voted to approve and there is no reference to appellants in that email and everything else Council Member Bigler said prior to that has nothing to do with Council Member Bigler saying to him on 28 May that his letter states something.

Council Member Taylor called for a point of order and asked that a back and forth discussion between Mr. Dufrene and Council Member Bigler be stopped.

Council Member Bigler stated it is always the case that the written minutes are not typed exactly like the audio and he will not throw City Administration under the bus because the words are not exact. He stated that Mr. Dufrene or anyone else can listen to the audio and Council Member Bigler did not use Mr. Dufrene's name. He stated it is in the printed minutes, but it is not in the audio. He stated he does not expect the minutes to be word for word, but he did not say Mr. Dufrene's name one time during his comments. He reiterated that during the legal proceeding all appellants are considered one entity and on the other side of the appeal, Mr. Baguley's wife was not allowed to speak because she was not part of the legal proceeding. All of the other appellants that wanted to speak were allowed to do so because they were one entity. He stated that is what he was referring to and his comments were definitely plural. He stated he even went back and listened to the audio himself and he invites Mr. Dufrene to do that; he also invited the newspaper to do that, but they chose to write a report without checking the audio. He reiterated he did not use Mr. Dufrene's name. He closed his comments by stating he means Mr. Dufrene no ill will and he has no ill feelings towards him. He stated he hopes Mr. Dufrene can move on and he would be happy to provide Mr. Dufrene with the audio. Mr. Dufrene stated he has been down that road before; Council Member Bigler has committed to provide him with something in the past and it took him four months to respond.

Mayor Harris stated it is time to move forward with the meeting.

Mr. Dufrene stated he is not privy to the audio of the meeting unless he retrieves it from the City; instead he went off the official record on the City website and his suggestion is that if the minutes are incorrect, Council Member Bigler should spend a little more time reading them before he approves them as a member of the Council. He stated he can only go with the public record that he reads on the website.

Council Member Bigler stated some Council meetings last between two and three hours and it would not be fair to expect the Administration to provide verbatim minutes. He stated sometimes the Council will delay approval of minutes if it is necessary to make major changes to them, but if the minutes were required to be verbatim, the Council would never approve them. Mr. Dufrene charged Council Member Bigler to read the minutes before he approves them. Council Member Bigler stated he does read them. Mr. Dufrene stated Council Member Bigler approved them as they were written. Council Member Bigler stated he did vote to approve them and his point is that the Council will not nitpick every word; the minutes are not verbatim. Mr. Dufrene stated when someone is called a liar that is not nitpicking. Council Member Bigler stated the audio of the meeting does not lie.

Mayor Harris stated Mr. Dufrene's statement is on the public record and he asked him to refrain from making additional public comments.

Julie Brown, 933 E. 3100 N., stated she is present tonight because she understands the announcement of the new Public Works Director will be made tonight and she is here to appeal to the Council to delay the announcement and the reason she is asking for a delay is because the Administration of the City will change shortly and the new Administration should be able to be part of the decision making process. As she has researched the process, she looked up the responsibilities of the Public Works Director and the position is the heart and soul of the City; the new Administration will be working with the new Director and they should be able to help weigh in on that decision. She stated she understands a decision was made not to hire Scott Felter and perhaps a new Administration should have the opportunity to review his qualifications and be aware of everything he has done for the City. She stated she has worked with Mr. Felter and former Public Works Director Blanchard for 15 or 16 years; she was very involved with Cherry Days and she worked on the float for the parade for 16 years. She also helped with the pageant for two of those years as well. She worked very closely with Mr. Felter and Mr. Blanchard and she has come to respect them for the type of individuals they are and for the knowledge they have of this City. Mr. Felter's signature is on every corner of the City. She reiterated she would ask that the announcement be delayed and that the new Administration be allowed to participate in the decision. She added she started a petition 24 hours ago and has gathered 76 citizen signatures and they are also asking for reconsideration. She stated she knows she needs 100 and if she had another 24 hours she could produce a petition with that many signatures.

Wright Shupe, 958 E. 3100 N., stated he has lived in his home for the past 60 years and he would like to second Ms. Brown's comments. He stated he understands the Public Works Director position was advertised at \$63,000 per year and somewhere along the line it was increased to \$70,000 per year, but that is a rumor as far as he is concerned because he has nothing in writing or no real good knowledge of that. However, if that is true and the Council confirms the appointment of the man from Summit County, instead of raising the salary from \$63,000 to \$70,000 he has a suggestion that he thinks might work better and that would be to contract with him and if he performs well then he would receive the raises. That is how things were when he worked – pay was based on performance. He concluded by stating if he has said things that are not true.

Carl Jeerings, 1074 E. 3200 N., stated he is here to speak against the proposed ATV ordinance; he has read Police Chief Warren's report and he has done an excellent job summarizing it and there are some things that trouble him a little bit. Someone that previously addressed the Council regarding this issue communicated that there are a lot of cities outside of North Ogden that have similar ordinances and that seems to be contrary to what Chief Warren notes because he has said the cities of South Ogden, Ogden, Roy, North Ogden, and West Haven do not have an ordinance allowing street legal ATVs on City streets. He stated he is opposed to the ordinance because this is a City, not a park or BLM property. All of those are accessible and there is no reason City streets should be open to vehicles. He stated putting ATVs in the mix on some very busy City streets will cause real problems. He stated he realizes the ordinance is based on Utah Code, which states someone must make their ATV street legal before it can be driven on City streets and that will be somewhat restrictive because not many people will spend money to convert their vehicles. He reiterated he is opposed to the ordinance because allowing ATVs on congested roads in the City is a bad move. Human nature being what it is, there is a tendency for children to get on the vehicles and run with them and if they know the vehicle is street legal there is nothing to stop them from climbing on them except for their parents, but parents are not always supervising their children. Just last week a 15 year old rolled an ATV and his 16 year old passenger was hospitalized. It is easy to roll an ATV when driving at 35 miles an hour and making a sharp turn. He added his assumption is that one of the reasons for the request of the ordinance is the fact that someone could drive 3100 North and 1050 East to get to the North Ogden Divide on their ATV and he is interested to know how the City will handle that issue because he is not sure the road on the divide is part of the City's road system. Mayor Harris stated it is not a City road. Mr. Jeerings stated it is also not listed as a State road, so it is not legal to drive an ATV on that road, but if ATVs are allowed on 3100 North and 1050 East, people will drive them onto the divide as well. He stated he feels there are a lot of issues that have not been fully thought out and he would like the Council to take a little more time to determine how to deal with certain issues. He noted there were three different proposed ordinances and two of them were attached to Chief Warren's memo, but he would like to see a number of specific collector and arterial roads restricted and that would include 3100 North, 2600 North, and 1050 East as well as additional roads where the traffic is very heavy.

Gary Harrop, 3238 Mount Lomond Drive, stated he would also like to suggest that the Council delay the discussion regarding the appointment of a Public Works Director; he has been approached by numerous people in the City and he does not feel comfortable with this situation until it is fully publicly discussed and all of the pros and cons are discussed. He stated Ms. Brown and Mr. Shupe have made great suggestions and they should be followed. He then stated that he does not know too much about the ATV ordinance, but as a person that has been in Panama for one and one half years, there are many ATVs there and they are all dangerous. He stated he would offer that the ordinance should be given a lot of consideration because ATVs are dangerous and will impact kids and grandkids living in the City. He then stated he appreciated the opportunity he had to say a few words.

Cal Heiner, 1012 E. 3100 N., stated he has been asked by Senator Christensen's wife to make an announcement about a meet the candidates event; the event has been set for October 15 and since many people will be mailing in their ballots before that, another event has been added. The second date will be October 2 and he provided a flier advertising the event to be distributed to those in attendance this evening.

Council Member Bigler asked if the event has been advertised on the website and stated that if it has not it is important to add it. Mayor Harris agreed and asked Finance Director Steele to follow up on Council Member Bigler's request.

Ryan Jones, 3618 N. 575 E., stated he did not intend to speak this evening, but after listening to Mr. Dufrene he felt compelled to stand and say a few things; he first wanted to state he has a tremendous amount of respect for Mr. Dufrene, though he was on the opposing side regarding the issue that occurred

in his neighborhood. He stated that during that time Mr. Dufrene called him and they had a 20 minute conversation and they agreed to disagree, be civil, and treat each other with respect. He stated he does think Mr. Dufrene is a sound man with good intentions, but he wanted to point out that there was a purpose to Council Member Bigler's and the rest of the Council's decision to not hold a public hearing regarding the appeal. The issue was very nasty and caused a lot of contention in the neighborhood and he believes Council Member Bigler and the rest of the Council had his neighborhoods best interest at heart; there were many people, including some ecclesiastical leaders that were begging the Council to not hold a public hearing and he wanted to make that part of the record. He stated that regardless of the verbiage recorded at the Council meeting, at the end of the day Council Member Bigler and the rest of the Council had the neighborhood's best interest at heart in their decision to not hold a public hearing. He reiterated Mr. Dufrene is a great person. He then stated that when the pledge of allegiance was recited tonight and he spoke the word 'indivisible' he got choked up because there is a big division going on in the great City right now and he hopes he and Mr. Dufrene can be a great example of two people that are on opposing sides of an issue, but they can respect each other at the end of the day. He stated that during the mayor campaign it should be possible to oppose each other, but also respect each other.

Mayor Harris stated the Council ended up hearing from the public even though the decision was made to not hold a public hearing; during the public comment portion of that particular meeting everyone was able to stand and have their say. He stated it may not have been a formal public hearing, but it is the Council's intent to hear people and what they have to say, while also working to take care of business in the City. He thanked Mr. Jones for his comments.

2. DISCUSSION AND/OR ACTION TO APPOINT A PUBLIC WORKS DIRECTOR

Mayor Harris stated that he first wanted to recognize former Public Works Director Blanchard's service; he appreciates the many years Mr. Blanchard put in serving everyone in the City. He stated he wanted to have a formal recognition of Mr. Blanchard, including an open house and presentation from the City Council and Mr. Blanchard adamantly said he would not participate in those types of events because it would cause him to break down and cry. Mayor Harris stated, however, that he did want to publicly recognize Mr. Blanchard's great service; he talked with him for quite a while yesterday and reminisced on their work together at the City and he is one of the finest men he knows and he is sure that many will agree on that. He thanked Mr. Blanchard for his service, even though he is not present this evening. He added he has received a number of letters from residents expressing their praise of Mr. Blanchard, but he has also received some critical letters especially in respect to snow removal. Snow removal is a real chore and for Mr. Blanchard to be able to do that year after year is a feather in his cap. He noted he has a letter from Bob and Linda Bruington; it is the last letter he has received regarding Mr. Blanchard and it was provided to him yesterday. He stated it is typical to the types of letters he receives; it mentions many of the things the Bruingtons have been concerned about, but then stated that Mr. Blanchard has taken care of those concerns for them. He read an excerpt from the letter as follows:

Once again, we feel a part of North Ogden and very thankful a City employee was looking out for our safety and well being. Mel has been an asset to us many times since we have lived in North Ogden. We wish to have the Mayor of North Ogden personally thank him for going the extra mile.

Mayor Harris stated he has personally thanked Mr. Blanchard and he is sure the rest of the Council Members have done or will do the same. Mr. Blanchard's last day of employment with the City will be tomorrow and the City will move forward from there.

Mayor Harris then stated there has been a lot of rumor and false information going around about the process to select a new Public Works Director. Out of necessity, personnel matters are confidential and the records generated through that process are protected and are not available for anyone to look at except for certain people authorized to do so. It is hard for Mayor Harris to try to justify some of the actions that have been taken because there is some protected information he cannot share; some of the information that has been circulating in the City, however, is untrue or not exactly correct and some of it should have never been disclosed. He then stated he wanted to explain the process that was used; first the position was advertised after Mr. Blanchard announced his retirement and 18 applicants responded. The applicants were screened to ensure they met the qualifying criteria that was specified in the announcement and the remaining applications were carefully analyzed using the 'choosing by advantages' decision making system. The factors that were used were education – including degrees and advanced degree; work experience – including total experience, qualifying municipal experience, and related supervisory experience; the size and complexity of the cities applicants had worked for in the past; public works certifications; any awards and honors that had been earned by the applicants; and extra credit was given if the candidate was resident of North Ogden. The importance of the advantages in each factor for each applicant were then compared one against another using the same scale and this comparison produced a short list of six candidates that had the highest total importance of advantages among all 18 candidates. The six candidates were interviewed by a panel consisting of himself, Council Member Bailey, Council Member Taylor, City Manager Ron Chandler, Public Works Director Blanchard, and Human Resources Director Annette Spendlove. During the interviews a series of questions were asked to each candidate and they were each given ample time and opportunity to fully express their qualifications, capabilities, vision, and understanding of what would be required of them in the position. Each candidate was also given the opportunity to ask the panel questions so there was no misunderstanding of what had transpired during an interview. The panel carefully reviewed all interviews and again compared the candidates one against another using a sound scoring system and they finally chose the candidate that scores the highest. Mayor Harris stated he cannot speak for the rest of the panel members, but he can speak for himself. It was mentioned that this decision should be postponed until a new administration takes over and his response to that is that he is still the Mayor and he will be the Mayor for another three months and two weeks. He added he is a graduate civil engineer and throughout his professional engineer he had a professional engineer's license and a professional land surveyor license and he worked his entire career in public works organizations that do work comparable to the work done in North Ogden. He has personally been the director of several of these organizations and he has also worked as an appointed or elected official in North Ogden for almost 24 years and he has been very interested in working with the Public Works Department because of his engineering background. He added he is fully qualified – as qualified as anyone could be now or in the future – to help make the decision regarding who to hire as the new Public Works Director. Certainly no candidate should feel demeaned or undervalued; all six have strengths that would have made them an excellent choice. Nevertheless, a choice had to be made and he is confident North Ogden's best interests will be served by the candidate he is going to recommend now and in the future. He stated he would like to present the name of Craig Giles to the City Council for appointment as the new Public Works Director and he asked for a motion to that affect.

Council Member Bailey moved to appoint Craig Giles as the North Ogden City Public Works Director. Council Member Stoker seconded the motion.

Council Member Taylor stated this is a difficult decision and he wanted to provide a brief explanation regarding why he supports the selection of Mr. Giles. In North Ogden City ordinances the Department Heads are nominated or appointed by the Mayor with the advice and consent of the City Council and he had the opportunity to provide his advice throughout the interview and selection process. Ultimately a decision was reached through a very fair process conducted by the Mayor; even though this is not necessarily the choice he would have made, he is supporting the appointment because it is the Mayor's appointment as the Chief Executive Officer of North Ogden City.

Council Member Stoker stated that this was not an easy decision because the entire Council knows one of the applicants that applied and he is very well thought of and has done a great job for the City. She stated he has been on her street working in instances such as the flooding of 1983. She added, however, that she too respects the members that participated on the selection committee and she has no reason to second guess their decision in making this appointment.

Council Member Bigler stated he would like to explain his concerns and why he will be voting no; it has nothing to do with the person that has been recommended. The selection process has a panel and he has been involved on some of those panels on the past while there have been times that he has not been involved. To date he has never questioned the panel's decisions regarding these types of issues, however, he got an email regarding this appointment and he was quite shocked. He stated this is different than in the past because an employee that has worked for the City for 30 years was an applicant and that means a lot to him. If throughout the hiring process the current employee closely matched up with the person that was ultimately selected, his 30 years of commitment to the City should hold a lot of weight. If the two are not close he would agree the Council has an obligation to hire the best employee for the City even if that may hurt the current employee. At this time he would like to request that this issue be delayed until at least the next Council meeting to give the three Council Members that were not part of the panel an opportunity to review the application materials for those that applied. He stated he wants to see the data that supports the decision and receive an explanation as to why Mr. Giles was chosen over a 30 year employee. He stated he has spoken to Mayor Harris and Mr. Chandler and explained he is very uncomfortable voting against a 30 year employee without being able to look residents in the eye and say that he is making the right decision. He reiterated his no vote has nothing to do with Mr. Giles, but he has not been involved in the process and it matters to him that a 30 year employee applied and was not chosen. He stated his request to view the materials has been denied and he is not comfortable voting to appoint Mr. Giles tonight without seeing the information he has requested.

Council Member Fawson stated that he appreciates Mayor Harris' experience and expertise in his field and he fully supports the selection committee in their choice and he thinks the experience and expertise they brought to the table was important as well. He noted he has been a part of selection committees in the past and he does not always agree with the outcome, but all information is collected and analyzed to ensure the best possible candidate is chosen for the City.

Council Member Bailey stated that he has the opportunity to participate on the committee and he reiterated State Law notes the Mayor shall appoint department heads in the City. Mayor Harris has chosen to de-politicize the process by using a committee and an objective and criteria based scoring system to make this type of selection so that the decision is not second-guessed. He stated there have been six of these types of appointments during his term as a Council Member and he has had the opportunity of serving on five of the six of those committees; in each case the process has been run fairly and objectively and there are only two Council Members participating on selection committees by design because once a third Council Member is added that would be a violation of the open and public meetings act. State Law protects the proceedings of such committee meetings so they are not available to any other parties without a court order and it is not simple to obtain a court order. The State works hard to maintain the integrity of such a process and to ensure it is not a political issue and to allow it to be as objective as possible. He noted he can verify to everyone in the room this evening and to all Council Members that was done in this case; the process was fair, complete, and objective and it was carried out in the same way as when the City selected a City Manager, City Attorney, Finance Director, Police Chief, and Community Relations Director. He reiterated the process was fair and objective and scoring supported the person that has been selected for appointment by the Mayor.

Council Member Taylor asked what would happen if this decision was delayed until the next meeting as Council Member Bigler has requested in order to allow the other Council Members an opportunity to see the information regarding the process. Mayor Harris stated the information is protected at this point in time. He added there is a motion on the table and the voting on the motion will determine if the process must be continued.

Voting on the motion:

Council Member Bailey	aye
Council Member Bigler	nay
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

The motion passed unanimously.

Mr. Giles approached and introduced himself, his wife, and his son and thanked the Council for voting to appoint him.

Mayor Harris concluded by thanking everyone that applied for the position and stated he feels the right decision has been made.

3. DISCUSSION REGARDING ANIMAL FECES

A memo from Animal Control Officer Bersamin provided a brief history of his interaction with Arlene Borgman, the resident that requested this agenda item. The memo reads as follows: I have been to the Borgman residence twice regarding the fecal smell Arlene is claiming coming from her neighbor to the east of her home. Both visits I have not seen a reasonable smell or mess coming from their neighbor. The second time responding to the Borgman residence, I made contact with the neighbor that Arlene stated where the smell was coming from. When making contact with the neighbor, they allowed me to go into the backyard and see for myself if there is a problem. I noticed that the yard was immaculate and clean. The homeowners have two dogs and when the dogs defecate they use a scooper to pick the fecal matter up. They put it into a bucket that has a bag and a lid and it is placed on the east side of their property, which is located on the furthest side on their home, away from the Borgman property. In my investigation I have not found any evidence that there is a problem with fecal matter including odor at the residence that Arlene states is a problem.

City ordinance 6-1-7 A 4,5,6

4. The owner of an animal that causes unreasonable fouling of the air by odors shall be guilty of an infraction

5. The owner of an animal that causes unsanitary conditions in enclosures or surroundings shall be guilty of an infraction.

6. The owner of an animal that defecates on any public sidewalk park, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, or having care, charge, control or custody of such animal shall remove any such defecation to proper trash receptacle shall be guilty of any infraction.

Arlen Borgman, 2079 E. 3550 N., stated she thinks there is a problem with animal feces and sometimes she has to close her windows because of the strong smell. She believes owners of dogs should be required to pick up their dogs feces after they defecate. A lot of people have told her that they notice the

same problem, but they just do not complain about it because they do not have time. There have been times that she could not even open her windows. She asked who is to say what is too strong a smell for another person. She has lived at her address for 17 years and has had no problems, but she is having a problem now. In Colorado there are laws requiring people to clean up after their animals and animal owners there are considerate people. She noted she has called Animal Control and they have said the feces can be left in someone's yard as long as the smell is not too strong, but to her the smell is too strong. She feels the law should be changed because this seems like a problem. Her sister also noticed the strong smell at her home. She cannot use her deck in her backyard because of the smell and she is unhappy and believes the law should be changed requiring people to clean up their animal feces. Her neighbor collects the animal feces in a bucket that is left open and Animal Control came to their house and the officer did not feel there was a problem. The Lakeview Heights HOA president has also gone by the property and smelled the odor; it seems to build up over the week and it is strongest smelling at the end of the week. Her windows are closed and she can hardly breathe. She added she used to have bunnies and she cleaned up after them every day; some people are more sensitive than other people.

Mayor Harris asked Ms. Borgman to leave her notes with the City Recorder.

Ms. Borgman noted her neighbor on her other side also has a dog and she doesn't notice the smell from that dog because the owner cleans up after it. She reiterated she feels the laws should be changed to require people to clean up after their animals.

Mayor Harris invited Animal Control Officer Bersamin to address the Council regarding the issue. Mr. Bersamin stated the City's ordinance regarding animal keeping states:

City ordinance 6-1-7 A 4,5,6

4. The owner of an animal that causes unreasonable fouling of the air by odors shall be guilty of an infraction
5. The owner of an animal that causes unsanitary conditions in enclosures or surroundings shall be guilty of an infraction.
6. The owner of an animal that defecates on any public sidewalk park, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, or having care, charge, control or custody of such animal shall remove any such defecation to proper trash receptacle shall be guilty of any infraction.

Mr. Bersamin noted he responds to these types of complaints by reviewing the complainants issue and then visits the property to try to determine if he can smell or see a problem. He then visits the residence where the problem is coming from and in this case he has done that and was not able to smell the problem Ms. Borgman has complained about. He agreed with Ms. Borgman that everyone's sense of smell is different, but in his findings he has not found anything to concern him; the residence where the smell is coming from is maintained in an efficient manner. The owners of the residence do pick up after their dogs and he has even made unexpected visits to the property and he has found no problems; they use a 'pooper scooper' and place the feces into a bucket that has a bag in it and a lid on top. The bucket is located in the southeast corner of the property and it is not near the property line between their house and Ms. Borgman's house. He added another officer has responded to the complaint and his investigation did not lead him to have any concerns about the property. He then provided the Mayor and Council with photos of the property.

Mayor Harris stated it is up to the Council to discuss this issue and determine if a change to the ordinance is necessary. He stated he is not sure what else the City can do at this point in time given the current language of the ordinance.

Mr. Bersamin stated he has researched ordinances from surrounding areas; he has reviewed the ordinances used in Pleasant View and Weber County and, in his opinion, North Ogden's ordinance is very similar to those used in other entities.

Ms. Borgman stated that the owners moved the feces collection bucket after the officer visited their property, but they have since relocated it closer to her property. She stated that she does not understand why Mr. Bersamin cannot smell it though others, including the president of the Lakeview Heights HOA, can smell it all around the property. She stated when the wind blows it is a very strong smell and she cannot tolerate it. She stated there was another officer that visited the property on the weekend and he told her that the owners can leave the feces in their yard in the summer to dry out. She stated the owners told her that is what they are doing.

Mayor Harris asked Mr. Bersamin to follow up on the issue and ask Ms. Borgman's neighbors to keep the animal feces cleaned up. He stated all the City can do is check periodically on the issue. Ms. Borgman stated the Lakeview Heights HOA president will also stay on top of the situation. She stated it would be nice for people to take care of their responsibilities and clean up after their animals.

4. PUBLIC HEARING REGARDING THE BOWN ANNEXATION

A memo from City Recorder Spendlove explained Anthony & Shawna Bown submitted an application petitioning for annexation for property located approximately 2197 North Washington Blvd., North Ogden, Utah. It was brought before the City Council for consideration to accept the application to be processed on July 23, 2013 which the City Council did accept. It was certified by me the City Recorder on August 26, 2013. The Public Hearing is scheduled for the September 24, 2013 meeting and has been noticed according to Utah Code. The protest period expires on September 30, 2013 and if there are no protests submitted an Ordinance to consider this annexation will be placed on the October 8, 2013 City Council meeting agenda.

City Attorney Call summarized the memo and explained the annexation process outlined by State Law.

Mayor Harris opened the public hearing at 7:40pm.

Steve Tobias, 1238 W. Jordan River Drive, South Jordan, stated he is representing the people that would like to develop the property they are seeking to annex into the City. The annexation request was made due to the increased demand for the self storage facility located on the adjoining property; this additional property will allow the owners to provide recreational vehicle (RV) parking on-site for current customers. The first phase of the project is at 95 percent occupancy and improvements have been occurring in the second phase. This annexation will provide the owner an opportunity to continue with a nice project and provide a needed service to the community.

Council Member Bigler asked that a map of the area be displayed for residents to view in order to understand the location of the subject property. Mayor Harris identified the location of the subject property on the map provided.

There being no additional persons appearing to be heard, Mayor Harris asked for a motion to close the public hearing.

Council Member Bailey moved to close the Public Hearing Public Hearing. Council Member Fawson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Bigler	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

**The motion passed unanimously.
The Public Hearing closed 7:50pm**

5. DISCUSSION ON AN ATV ORDINANCE

A memo from Police Chief Warren explained the documents submitted with this staff report include a corrected version of the Street-Legal ATV report I presented to you earlier, and a draft of a potential street-legal ATV ordinance prepared by Jonathan Call for discussion in council meeting. Mr. Call prepared the street legal ordinance at Ron Chandler's request for city council member's to review. Please note that the corrected portion of the Street-Legal ATV report I sent out earlier can be found on page two of said document with a line through the sentence involving Reed Richards. Mr. Richards is going to approach state legislators in January and suggest they clean up some flaws in the current statue involving street-legal ATV's. He's providing a model street-legal ATV ordinance to jurisdictions who are considering adopting an ordinance, which you've already received and is information only.

Chief Warren summarized his staff memo and, using the aid of a PowerPoint presentation, briefly reviewed the materials that were included in the Council packet regarding a street legal ATV ordinance. He reviewed a map that highlighted roads in the City upon which a street legal ATV can already be operated in the City according to State Law. He also provided a list of cities in the area that currently have ordinances in place allowing street legal ATVs to be operated on their roads. He noted that according to the Utah Department of Transportation (UDOT) there were 215 crashes on roadways within the State of Utah involving vehicles that were coded as off road vehicles; there were four crashes involving vehicles that were coded as street legal ATVs.

Council Member Bigler asked if those vehicles were driving on road illegally when they were involved in a crash. Chief Warren answered no and stated it simply means the vehicles were on a public road when they are involved in an accident. Council Member Bigler inquired as to the difference between an off road vehicle and a street legal ATV. Chief Warren explained off road vehicles are not required to be inspected, registered, or insured. Council Member Bigler asked if it was illegal for those off road vehicles to be on the road. Chief Warren stated that information is not necessarily known.

Chief Warren continued reviewing his PowerPoint presentation and noted since 2008 North Ogden has investigated a total of nine cases involving ATVs and all were initiated by a citizen complaint. There are a wide range of violations and out of the nine complaints that were investigated, four citations were issued. He then noted there is a significant cost to an owner to convert their machine in order for it to be street legal; the average cost would be \$700. In addition, insurance for a street legal ATV is approximately \$350 and registration fees for a street legal ATV are almost double the amount for a non-street legal ATV. Tires on street legal ATVs wear more rapidly due to driving on paved surfaces.

Council Member Bailey stated Chief Warren's packet materials noted that Reed Richards plans to approach the State Legislature with a proposal to clean-up some flaws in the current statute and he wondered if it would be wise for the City to wait for that action to be completed prior to considering an ordinance. Chief Warren stated that he cannot find any data to support or oppose the adoption of a street legal ATV ordinance and it would make sense to him to wait until the Legislature takes action regarding the law before proceeding. He added ATV vehicles are not tested to meet federal standards as automobiles are. He stated if the Council chooses to adopt a street legal ATV ordinance, his suggestion would be to add an expiration date to that ordinance to allow staff time to collect data and information that would be helpful in studying problems and issues that may arise; if there are no problems associated with ATVs being driven on streets, the ordinance could be made permanent.

Council Member Bailey stated that a resident initially requested the Council consider this issue, but he has not seen a groundswell of support behind that request. He noted the only emails he has received regarding this issue have been in opposition to adoption of the ordinance. Chief Warren stated his stance on the issue is neutral, but his main concern is safety and he reiterated ATVs are not required to follow the same federal guidelines that automobiles must follow.

Council Member Taylor asked Chief Warren if he conducted analysis to determine what roads he would recommend be open to ATVs if the Council were to adopt an ordinance. Chief Warren stated that he would restrict Washington Boulevard and 2600 North as well as other roads that are very busy during work time commutes, but according to State Law, Washington Boulevard is already open to ATV use and, therefore, he would not recommend any restrictions. Council Member Taylor asked if the City could prohibit ATV usage on Washington Boulevard. Chief Warren answered no.

Council Member Bailey asked if North Ogden Divide is open to street legal ATVs. Chief Warren answered yes.

Council Member Fawson stated it seems most issues that have occurred in the past related to ATV or off road vehicles usage in the City are things that would fall outside of what a street legal ATV ordinance would control. The vast majority of accidents have occurred when a vehicle is being operated by an underage driver and that would not be permitted by the proposed ordinance. It seems there is not much of an issue, historically, with street legal ATVs, but it is also true that ATVs have not been permitted on City roads in North Ogden, so those statistics could be skewed. Chief Warren agreed and added he does not anticipate that many residents would pay the money to make their ATVs street legal. Council Member Fawson then addressed trailers and asked if there is anything that would restrict a driver from pulling a trailer behind a street legal ATV. Chief Warren stated he does not know the answer to that question, but he could conduct some research and report back.

Steve Davies, 2675 N. 850 E., stated he is a farmer and he has a lot of equipment, including a 4-wheeler that has a trailer hitch on it; when he drives to the green waste dump he pulls a small trailer behind his 4-wheeler. He also uses his tractor to plow snow for his neighbors or pick up their green waste to be delivered to the dump and he asked if his actions have been illegal. Chief Warren stated there are exception to some laws for agricultural, or husbandry, uses.

Council Member Taylor stated he has heard from a fair number of residents that have expressed they would like to be allowed to drive their street legal ATVs on City streets. There is a wide range of interest in the proposed ordinance, but it sounds like there may be some changes to State Law in February. He stated he is supportive of further considering the proposal and maybe the best time to do that would be early next spring after the State Legislature has acted. Mayor Harris stated that is one option, but a draft ordinance has been included in the Council packet for Council consideration. He noted Chief Warren's recommendation was to consider that ordinance with an expiration date attached.

Council Member Fawson asked Chief Warren if he is recommending the Council adopt the proposed ordinance now or wait until after the upcoming Legislative session. Chief Warren stated he would recommend the Council wait to see how the State Law is changed by the Legislature in the upcoming session.

Council Member Bigler stated he would hate to adopt the ordinance now, which may result in people paying upwards of \$1,000 to make their ATVs street legal, and then revoke the ordinance and prohibit ATVs on City streets; it would be wiser to wait.

Council Member Taylor asked if there is any sense of how likely it is the Legislature will actually consider changes to the State Law. Chief Warren stated he there is no indication of the likelihood of the Legislature considering Mr. Richards' recommendation.

Council Member Bailey inquired as to Reed Richards' interest in the issue. Chief Warren stated Mr. Richards is a civil attorney in Weber County and he has done a lot of work for smaller jurisdictions that have considered the adoption of street legal ATV ordinances. He noted one of the model ordinances in the Council packet was provided by him.

Council Member Fawson stated his recommendation would be to follow Chief Warren's recommendation to wait to consider this issue until after the upcoming Legislative session. Council Member Bailey agreed.

Council Member Taylor inquired as to how long it would take for Chief Warren to make recommendations regarding the roads in the City that should be open to ATVs. Chief Warren stated it would not take him much time to do that. Council Member Taylor asked for staff to have that information available so the Council can consider adopting an ordinance as soon after the Legislative session as possible.

Council Member Bailey asked if State Law allows the City to select which roads should or should not be open to street legal ATVs. Chief Warren answered yes.

After a short discussion Mayor Harris directed Chief Warren to prepare the information requested by Council Member Taylor for future consideration following the upcoming Legislative session.

6. DISCUSSION AND/OR ACTION TO CONSIDER A CONDITIONAL FINAL ACCEPTANCE FOR LEWIS PEAK PRUD PHASE I

A memo from Building Official Gary Kerr explained Lyman Barker has completed all subdivision improvement for Lewis Peak PRUD phase I. Bruce Higley our Public Works Inspector, has inspected this subdivision and has found all subdivision improvement items completed and in good condition. Matthew Hartvigsen our City Engineer has also signed it off. It is my recommendation we give final Subdivision approval for the above reference subdivision. Final Acceptance will release all escrow funds to the developer and give the City the responsibility to maintain street improvements with the exception of \$2,000.00 that will remain in escrow for the unfinished landscaping.

Public Works Inspector Bruce Higley summarized Mr. Kerr's memo. He provided a brief description of the landscaping work that has been done in the subdivision to this point.

Council Member Bailey moved to approve the final acceptance for Lewis Peak PRUD Phase One. Council Member Taylor seconded the motion.

Council Member Bigler stated he heard of some differing opinions and concerns of Planning Commission members and he asked Mr. Higley if he was aware of that discussion. Mr. Higley stated it is his understanding the items the Planning Commission was concerned about have been addressed and Community Development Director Barker has visited the area to inspect the landscaping work that has been completed. Mayor Harris stated the City Engineer and Mr. Kerr have visited the property to complete their inspection and he is not sure the Planning Commission has anything to do with this issue at this point. Council Member Bigler asked if the item was reviewed by the Planning Commission. Mayor Harris stated it did not require Planning Commission review, but he understands some Planning Commissioners may have been wondering why the installation of the landscaping was taking so long because there are time restrictions associated with that type of work. Council Member Bigler stated he has heard other things in the past about concerns of the Planning Commissioners and he wanted to make sure those were addressed.

Voting on the motion:

Council Member Bailey	aye
Council Member Bigler	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO APPOINT A MAYOR PRO TEMPORE

A memo from Mayor Harris explained there have been occasions in the past where a Mayor Pro Tempore was needed to act for the Mayor in his absence. The Mayor may appoint or ask the City Council to elect a Mayor Pro Tempore on a case-by-case basis, as has been done for the past two years. In each case, as I recall, the Council has elected Council Member Kent Bailey to that position. Alternately the Mayor may appoint a permanent Mayor Pro Tempore, subject to the Council's consent. I propose to appoint Council Member Kent Bailey as permanent Mayor Pro Tempore for the remainder of my term and ask for the Council's consent to this action

Mayor Harris summarized his memo.

Council Member Bigler moved to appoint Council Member Bailey as the Mayor Pro Tempore for the remainder of Mayor Harris' term of office. Council Member Fawson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Bigler	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION APPROVING POLL WORKERS AND THEIR COMPENSATION

A memo from City Recorder Spendlove explained Utah Municipal Election Code 20A-5-602 requires the governing body to appoint poll workers and alternates; Utah Municipal Election Code 20A-5-602 4(a) requires the municipality to compensate the poll workers for their services. As the Election Official for North Ogden City, I selected the Poll Managers from those whom had previously worked in this position. I asked Weber County to contact the Poll Managers and have the Poll Managers select Poll Workers for their polling locations. The Poll Managers know who will work well as a team and who understands and is trained to make the election process smooth for the voters. The General Municipal Election will be held on November 5, 2013 and for Early Voting which will begin October 22nd through November 1, 2013. Before Council is a resolution to consider the poll workers and their compensation.

Mayor Harris summarized the staff memo and provided a brief explanation of the relationship between North Ogden City and Weber County whereby Weber County is overseeing the conduction of municipal elections in North Ogden this year. He noted the Poll Managers were selected by Ms. Spendlove and those Managers then recommended to the County the people they wanted to serve as Poll Workers at their polling locations. The amount of compensation can be no less than the amount paid by Weber County.

Council Member Fawson stated Stephanie Peterson is listed as a Poll Manager and Poll Worker. Mayor Harris stated that can be corrected via a motion to adopt the proposed resolution.

A resident, no name or address given, inquired as to the amount of compensation. Mayor Harris stated Poll Workers will be paid \$145 for Election Day and Poll Managers will be paid \$200 for Election Day. Alternate Poll Workers are paid \$25 for training and \$25 for their on-call service. Early voting Poll Workers and Poll Managers are compensated \$10 per hour and \$12 per hour respectively and they will receive \$25 to attend training. Training is mandatory and is including in the compensation sum for all Poll Workers except for those conducting early voting.

Council Member Fawson moved to approve Resolution 8-2013 approving poll workers and their compensation. Council Member Taylor seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Bigler	aye
Council Member Fawson	aye
Council Member Stoker	aye
Council Member Taylor	aye

The motion passed unanimously.

9. PUBLIC COMMENTS

Joan Brown, 2010 N. 775 E., thanked Council Member Bigler for his questions and comments regarding the Lewis Peak PRUD. It took six weeks beyond the time frame approved for the developer to complete the subdivision and the Planning Commission did work hard on that issue for several months to force the developer to complete what was proposed several years ago. A HOA was formed as a result and the final results are just now coming to fruition. The action is something more than a small action that occurred tonight.

Bruce Higley, 3825 W. 2600 N., Plain City, stated he wanted to tell the Mayor and Council that he has worked with Mr. Blanchard for 25 years and he is a wonderful guy that has taught him a lot. He stated he wanted to voice his opinion that Mr. Blanchard has done North Ogden City proud and he is a wonderful guy.

Dale Anderson, 940 E. 2600 N., stated he wanted to comment on the issue regarding the animal feces issues. He stated he has many animals on his property and he would have expected someone to come to this meeting with some research, but it appears as though the existing ordinances and laws are being followed and there does not appear to be a violation. He stated after reading the comments from the animal control officer it sounds like he has gone to the property unannounced to follow up on the complaints. He stated odors can be a subjective thing so he did some research regarding the issue and he does not think that offensive odors that are within reason fall within public health guidelines for restriction. He found it curious that Ms. Borgman noted there were dogs living at the properties on either side of her house and he wondered how she was able to determine from which direction the odors were coming from. He added it sounds like her neighbors have been more than reasonable in addressing her concerns. Most people work away from their home during the day and animals must go to the bathroom while their owners are away. He stated he is hopeful the City will leave the issue alone and he noted one thing that is regularly considered when discussing new laws are unintended consequences. He stated it is not possible to always attend to animal feces immediately. He stated he hopes the Council is interested in legislating what is good for the community as a whole and not just a few residents or exceptions. He stated the odor may be a real problem for Ms. Borgman, but he would propose that the law be left as it is and expect residents to use common sense. Animal feces may be unpleasant smelling, but they are not unhealthy.

Julie Anderson, 940 E. 2600 N., stated she wanted to pay homage to Mr. Blanchard; she has worked with him for several years in the Junior Posse and he has been a wonderful asset to the City. She has been honored to work with him and he goes out of his way to help everyone. She stated Mr. Giles has a very big set of shoes to fill.

Carl Jeerings, 1074 E. 3200 N., stated that he has a dog and can understand the problems Ms. Borgman is having. He stated that it is not possible to tell people what to do, but if they are picking up the feces and putting it in a barrel or pail they could use pet deodorant that can suppress the smells. If the smell is coming from fresh feces, there is not much that can be done about it. He added he would also like to express his appreciation for the Council's decision to delay consideration of the ATV ordinance until they have an opportunity to see what the State will do. There was some discussion about restricting ATVs to certain roads and streets in the City, but if the State has approved use of Washington Boulevard between 2100 North and 2600 North, there is not much that can be done about that. In 2010 the City worked on a draft of a similar proposal and it did spell out specific roads that would be open to ATV use and the Council may want to refer to that. He stated he has provided a copy to Chief Warren.

Bob Buswell, 962 E. 3025 N., stated he wanted to thank Mr. Blanchard for all he has done. He has not only done a great job at Public Works, but he is also a very good friend.

10. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Fawson echoed the comments made about Mr. Blanchard; he is a fantastic individual that has done a great job for North Ogden City for a very long time. Like so many directors that have worked for the City, they leave their Departments well trained and he knows Mr. Blanchard has done the same to create a great work ethic and environment that currently exists in the Public Works Department. He stated he called the City about an issue a few weeks ago and Public Works employees responded to his house within four minutes. He added snow removal is a much bigger issue than most realize and he wanted to thank Mr. Blanchard and his crew.

Council Member Bigler echoed the comments about Mr. Blanchard and stated he feels he deserves public praise for all the years he has dedicated to North Ogden City. He also thanked the rest of the City employees and stated the Council as well as the residents appreciate the work they do for the City.

Council Member Stoker also thanked Mr. Blanchard and stated he has been a great asset to the City. The residents have appreciated him because he regularly goes out of his way to serve them. His employees are also great and respond very quickly to issues throughout the City. Mr. Blanchard will be missed and he is a very fine man.

Council Member Taylor also echoed the comments made by the residents and the rest of the City Council regarding Mr. Blanchard. When he was first elected to office Mr. Blanchard stood out to him and his Department stands out as well. He has done a lot for the City and he should be thanked for that.

Council Member Bailey stated he would also echo all the comments that have been said about Mr. Blanchard.

Mayor Harris thanked Sue Richey for her assistance in filling in for Ms. Spendlove this evening. He then stated that there is still a vacancy on the Planning Commission and he has only received one application for the position. He stated it may be necessary to reopen the position and he encouraged the Council to give some thought to the issue. He added he reviewed the minutes from the August 13 meeting and there was a group of young people that were in attendance at the meeting and recommended that the skate park be renamed the Kit Collins skate park. He stated he feels it is time to take action on that request if the Council is in favor of doing so.

Council Member Fawson stated it is his impression the location of the skate park may change as a result of the expansion of the library and that issue may be postponed until a new location is chosen. After a short discussion the consensus was to address the issue at a future meeting and Mayor Harris asked Mr. Steele to follow-up on the issue with Mr. Chandler.

11. ADJOURNMENT

Council Member Fawson moved to adjourn the meeting. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey aye
Council Member Bigler aye
Council Member Fawson aye

Council Member Stoker aye
Council Member Taylor aye

The motion passed unanimously.

The meeting adjourned at 8:32 p.m.

Richard Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved