

1 **NORTH OGDEN CITY COUNCIL MINUTES**

2  
3 September 24, 2013

4  
5 The North Ogden City Council convened in an open meeting on September 24, 2013 at 6:30 p.m.  
6 in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and  
7 agenda of the meeting was delivered to each member of the City Council, posted on the bulletin  
8 board at the municipal office and posted to the Utah State Website on September 19, 2013.  
9 Notice of the annual meeting schedule was published in the Standard-Examiner on January 30,  
10 2013.

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12  
13 **PRESENT:** Richard Harris Mayor  
14 Kent Bailey Council Member  
15 Wade Bigler Council Member  
16 Justin Fawson Council Member  
17 Cheryl Stoker Council Member  
18 Brent Taylor Council Member

19  
20 **STAFF PRESENT:** Jon Call City Attorney  
21 Bryan Steele Finance Director  
22 Sue Richey Administrative Assistant  
23 Kevin Warren Chief of Police  
24 Paul Rhoades Detective  
25 Bruce Higley Public Works Inspector  
26 Anthony Bersamin Animal Control Officer

27  
28 **EXCUSED:** Ronald F. Chandler City Manager  
29 S. Annette Spendlove City Recorder/ H.R. Director

30  
31  
32 **VISITORS:** Jim Urry Charles Crippen  
33 Sandy Heiner Bill Norris  
34 Marcia Norris Bob Buswell  
35 Cal Heiner Jim Shupe  
36 Mrs. Shupe Gary Borgman  
37 Carl Jeerings Gary Harrop  
38 Arlene Borgman Anthony Bersamin  
39 Dylan Brown Bruce Higley  
40 Joan Brown Don Brown  
41 DaLone Turner Gordon North  
42 Steve Brown Mrs. Brown  
43 Reese Barker Paul Rhoades  
44 Shelly Rhoades Tiffany Turner  
45 Scott Russell Alek Burden  
46 Angie Burden Loma Prince  
47 Myrl Slater Kay Slater

48 Craig Giles Brad Randall  
49 David Espinoza Michael Dufrene  
50 Brian Russell Blake Welling  
51 Marc Lee Gary Rands  
52 Molly Rands Richard Kotter  
53 Phillip Swanson Steve Tobias  
54 Ryan Jones Cydnee Jones  
55 Elizabeth Putnam Mr. Powell  
56 Rachel Trotter Heidi Gross  
57 Ryan Gross Mike Gross  
58 Corry Kincanon Mike Kincanon  
59 Adam Burden Dale Anderson  
60 Sharon Weeks Naomi Foulger  
61 Michelle Meyer Loretta Shupe  
62 Jolie Anderson Tom Baguley  
63 Brooke Call McKenzie Call  
64 Melanie Call

65  
66

67 Mayor Harris welcomed those in attendance.

68

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

70

71

72 **CONSENT AGENDA**

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

78

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

81

82 **Voting on the motion:**

83

84 Council Member Bailey aye  
85 Council Member Bigler aye  
86 Council Member Fawson aye  
87 Council Member Stoker aye  
88 Council Member Taylor aye

89

90 The motion passed unanimously.

91

92

93 **ACTIVE AGENDA**

94

95 **1. PUBLIC COMMENTS**  
96

97 Loma Prince, 425 E. 3550 N., stated she would like to bark for her entire three minutes; there is an  
98 ordinance that states nuisance barking should be taken care of. Her mother had a stroke five years ago  
99 and she came to live with her and they have a neighbor whose dog barks all the time and it was dreadful  
100 for her mother while she was ill. The person that owns the dog leaves home at 7:00 a.m. and returns  
101 home between 7:00 and 10:00 p.m.; they are also mostly gone on the weekends. Ms. Prince has called the  
102 dog pound and nothing has happened. One day the animal control officer visited and made tick marks for  
103 every time the dog barked and it was over 300 in the short time he had been there. She stated she lives in  
104 Lakeview Heights and she was told by a police officer that the Police Department would assist her and  
105 that she would not be required to provide her name to make a complaint, but that has not worked because  
106 she has not been supported. She stated she would like help from the City to enforce the nuisance barking  
107 ordinance better. She added she is also present to support her neighbor, who is present to talk about item  
108 three on the agenda.  
109

110 Elizabeth Putnam, 302 E. 2350 N., stated the City may be aware of the bus situation at Majestic  
111 Elementary. She stated she understands there is not enough funding in the City budget to install a  
112 sidewalk on 2550 North; her children will be okay, but there are many kids that will be walking on the  
113 road and she is fearful that someone will get hurt. She stated it may be possible to ask a police officer to  
114 park on the street to enforce the speed limit or to install additional signage to inform people school  
115 children are walking on the road. She also asked if it would be possible to add a walking path without  
116 curb and gutter on just one side of the street. She stated something needs to be done.  
117

118 Mayor Harris stated the City was made aware of the situation about one week ago and the City Manager  
119 has been working to address it since that time. He is working with Weber County and the Weber School  
120 District. Ms. Putnam stated she appreciates that and added that Melinda Brimhall from Pleasant View  
121 City has also been very responsive and they have performed some weed removal as well as graded the  
122 side of the road. She stated she has sent an email to City Manager Chandler and has not received a  
123 response from him yet. Mayor Harris stated Mr. Chandler is not currently available, but he is very good  
124 at responding to emails.  
125

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

133 Contrary to comments reported on 23 September in a local newspaper, this issue is not about Tom  
134 Baguley and his auto repair business. A decision was made on that issue and I have lived by that  
135 decision and moved on. I have in fact, encouraged other neighbors to move on as well. To the  
136 best of my knowledge, things are getting better in our neighborhood; Tom is following the six  
137 rules governing him, and in doing so, started the healing process that he spoke about in several  
138 meetings.  
139

140 During the North Ogden City Council meeting on 28 May 2013, Councilman Wade Bigler stated,  
141 “Mr. Dufrene’s letter states the opposite in asking that the issue not be opened up for everyone to  
142 speak on.”  
143

144 Councilman Bigler’s statement is false and to date he has failed to produce MY letter.  
145

146 On 21 August, I emailed Councilman Bigler, the remaining Council, and the Mayor. In that mail,  
147 I stated I would attend the next Council meeting to set the record straight and to have the meeting  
148 minutes reflect Mr. Bigler's accusation was false. Mr. Bigler did not respond to that email.  
149

150 On 27 August, I attended the Council meeting, where I spoke to Mr. Bigler concerning his false  
151 statement. He stated "the letter is in the packet." The comment was in reference to a packet of  
152 documents provided by Mr. Chandler, North Ogden City Manager, for the 28 May Council  
153 meeting. Mr. Bigler's statement was again false, as there is no letter from me in the packet.  
154

155 During the same meeting, Mr. Bigler also stated "I will email it." To date, I have not received  
156 any emails from Mr. Bigler and this is therefore, another false statement.  
157

158 In a 28 August email, I once again expressed my concern that Mr. Bigler's comment on 28 May  
159 led me and others to believe I had contradicted myself and lied. I also stated in the email that I  
160 was anxiously awaiting word from Mr. Bigler on my letter. I did not receive a response from Mr.  
161 Bigler in regard to that email.  
162

163 On 4 September, I sent Mr. Bigler another email and copied Mayor Harris on the email. This  
164 email stated "Mr. Bigler – I am anxiously awaiting word from you on this letter." Again, I did not  
165 receive a response from Mr. Bigler.  
166

167 My intent for being here this evening is for the City Council meeting minutes to reflect that on 28  
168 May 2013, Councilman Wade Bigler made a false statement while serving in his official capacity  
169 as a City Councilman, and has since failed to respond to multiple emails, and a personal  
170 appearance I made before the Council, in regard to that statement. In addition, during my  
171 appearance at the 27 August Council meeting, he made two other statements that are false, those  
172 being his comment about my letter being in the packet and his comment that he would email the  
173 letter to me.  
174

175 On 17 September, I received an email from Mayor Harris concerning questions I had asked about  
176 the 27 August meeting and Mayor Harris stated in his response that he had spoken to Mr. Bigler  
177 the Friday before and that it will be up to him as to how or if he will respond. As I noted earlier,  
178 a 23 September article was published in a local paper and comments were made that I was  
179 disgruntled and angry about the outcome of a controversy in the City; I am only disgruntled and  
180 angry because a Councilman was addressing me on 28 May when he said "Mr. Dufrene's letter."  
181 There was no mention at that time of an appellant letter and for that to come to light now is yet  
182 another attempt to deflect the conversation away from the truth. I have asked repeatedly for this  
183 letter and none has been brought forward, appellant or otherwise.  
184

185 Also, during the 27 August meeting, Mr. Bigler made another statement that has not yet been  
186 resolved. He stated he would apologize if he were wrong. I would like the record to reflect that  
187 to date I have not received a letter or a public apology from Mr. Bigler. I would like to refer back  
188 to the newspaper article one last time and an email referenced in the article that came from Mr.  
189 Bigler; it was reported that Mr. Bigler stated the letter was sent by one of the appellants. He also  
190 stated he addressed the appellants as one and there were three. Again, I remind you his comment  
191 to me on 28 May was "Mr. Dufrene's letter stated." I would also like to point out there were six  
192 appellants that signed document 31 in the packet, not three.  
193

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

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

207  
208 Mayor Chandler asked Mr. Dufrene if he has provided all documentation to the City Recorder. Mr.  
209 Dufrene answered yes and reiterated it includes all emails that have been sent back and forth between  
210 himself, the Mayor, City Council Members, and Mr. Chandler; the only emails that did not go to the  
211 entire Council are those that he sent to Mayor Harris and copied Council Member Bigler or sent to  
212 Council Member Bigler and copied Mayor Harris. He added he requested read receipts for all emails he  
213 sent to show that Council Member Bigler did, in fact, read the emails.

214  
215 Council Member Bigler stated the appeals board is a legal entity and it follows legal procedures and the  
216 appellants appealed a decision made by the Planning Commission; the appeals board voted that the  
217 Planning Commission did their job. The appellants legally are one entity, not six; he did not say there  
218 were three, but that there were perhaps three. He stated he knew there were at least three, but the  
219 newspaper does not always report exact wording. He added that the first line of an email that he sent the  
220 Standard-Examiner read "listen to the audio recording of the May 28, 2013 Council meeting and you will  
221 clearly hear I was speaking of the appellants. These comments are plural." He invited Mr. Dufrene to  
222 listen to the audio for the meeting.

223  
224 Mr. Dufrene stated that he has a copy of the minutes and he has highlighted the exact wording in the City  
225 minutes and they are minutes Council Member Bigler voted to approve and there is no reference to  
226 appellants in that email and everything else Council Member Bigler said prior to that has nothing to do  
227 with Council Member Bigler saying to him on 28 May that his letter states something.

228  
229 Council Member Taylor called for a point of order and asked that a back and forth discussion between  
230 Mr. Dufrene and Council Member Bigler be stopped.

231  
232 Council Member Bigler stated it is always the case that the written minutes are not typed exactly like the  
233 audio and he will not throw City Administration under the bus because the words are not exact. He stated  
234 that Mr. Dufrene or anyone else can listen to the audio and Council Member Bigler did not use Mr.  
235 Dufrene's name. He stated it is in the printed minutes, but it is not in the audio. He stated he does not  
236 expect the minutes to be word for word, but he did not say Mr. Dufrene's name one time during his  
237 comments. He reiterated that during the legal proceeding all appellants are considered one entity and on  
238 the other side of the appeal, Mr. Baguley's wife was not allowed to speak because she was not part of the  
239 legal proceeding. All of the other appellants that wanted to speak were allowed to do so because they  
240 were one entity. He stated that is what he was referring to and his comments were definitely plural. He  
241 stated he even went back and listened to the audio himself and he invites Mr. Dufrene to do that; he also  
242 invited the newspaper to do that, but they chose to write a report without checking the audio. He  
243 reiterated he did not use Mr. Dufrene's name. He closed his comments by stating he means Mr. Dufrene  
244 no ill will and he has no ill feelings towards him. He stated he hopes Mr. Dufrene can move on and he  
245 would be happy to provide Mr. Dufrene with the audio. Mr. Dufrene stated he has been down that road  
246 before; Council Member Bigler has committed to provide him with something in the past and it took him  
247 four months to respond.

248  
249 Mayor Harris stated it is time to move forward with the meeting.  
250  
251 Mr. Dufrene stated he is not privy to the audio of the meeting unless he retrieves it from the City; instead  
252 he went off the official record on the City website and his suggestion is that if the minutes are incorrect,  
253 Council Member Bigler should spend a little more time reading them before he approves them as a  
254 member of the Council. He stated he can only go with the public record that he reads on the website.  
255  
256 Council Member Bigler stated some Council meetings last between two and three hours and it would not  
257 be fair to expect the Administration to provide verbatim minutes. He stated sometimes the Council will  
258 delay approval of minutes if it is necessary to make major changes to them, but if the minutes were  
259 required to be verbatim, the Council would never approve them. Mr. Dufrene charged Council Member  
260 Bigler to read the minutes before he approves them. Council Member Bigler stated he does read them.  
261 Mr. Dufrene stated Council Member Bigler approved them as they were written. Council Member Bigler  
262 stated he did vote to approve them and his point is that the Council will not nitpick every word; the  
263 minutes are not verbatim. Mr. Dufrene stated when someone is called a liar that is not nitpicking.  
264 Council Member Bigler stated the audio of the meeting does not lie.  
265  
266 Mayor Harris stated Mr. Dufrene's statement is on the public record and he asked him to refrain from  
267 making additional public comments.  
268  
269 Julie Brown, 933 E. 3100 N., stated she is present tonight because she understands the announcement of  
270 the new Public Works Director will be made tonight and she is here to appeal to the Council to delay the  
271 announcement and the reason she is asking for a delay is because the Administration of the City will  
272 change shortly and the new Administration should be able to be part of the decision making process. As  
273 she has researched the process, she looked up the responsibilities of the Public Works Director and the  
274 position is the heart and soul of the City; the new Administration will be working with the new Director  
275 and they should be able to help weigh in on that decision. She stated she understands a decision was  
276 made not to hire Scott Felter and perhaps a new Administration should have the opportunity to review his  
277 qualifications and be aware of everything he has done for the City. She stated she has worked with Mr.  
278 Felter and former Public Works Director Blanchard for 15 or 16 years; she was very involved with Cherry  
279 Days and she worked on the float for the parade for 16 years. She also helped with the pageant for two of  
280 those years as well. She worked very closely with Mr. Felter and Mr. Blanchard and she has come to  
281 respect them for the type of individuals they are and for the knowledge they have of this City. Mr.  
282 Felter's signature is on every corner of the City. She reiterated she would ask that the announcement be  
283 delayed and that the new Administration be allowed to participate in the decision. She added she started a  
284 petition 24 hours ago and has gathered 76 citizen signatures and they are also asking for reconsideration.  
285 She stated she knows she needs 100 and if she had another 24 hours she could produce a petition with that  
286 many signatures.  
287  
288 Wright Shupe, 958 E. 3100 N., stated he has lived in his home for the past 60 years and he would like to  
289 second Ms. Brown's comments. He stated he understands the Public Works Director position was  
290 advertised at \$63,000 per year and somewhere along the line it was increased to \$70,000 per year, but that  
291 is a rumor as far as he is concerned because he has nothing in writing or no real good knowledge of that.  
292 However, if that is true and the Council confirms the appointment of the man from Summit County,  
293 instead of raising the salary from \$63,000 to \$70,000 he has a suggestion that he thinks might work better  
294 and that would be to contract with him and if he performs well then he would receive the raises. That is  
295 how things were when he worked – pay was based on performance. He concluded by stating if he has  
296 said things that are not true.  
297

298 Carl Jeerings, 1074 E. 3200 N., stated he is here to speak against the proposed ATV ordinance; he has  
299 read Police Chief Warren's report and he has done an excellent job summarizing it and there are some  
300 things that trouble him a little bit. Someone that previously addressed the Council regarding this issue  
301 communicated that there are a lot of cities outside of North Ogden that have similar ordinances and that  
302 seems to be contrary to what Chief Warren notes because he has said the cities of South Ogden, Ogden,  
303 Roy, North Ogden, and West Haven do not have an ordinance allowing street legal ATVs on City streets.  
304 He stated he is opposed to the ordinance because this is a City, not a park or BLM property. All of those  
305 are accessible and there is no reason City streets should be open to vehicles. He stated putting ATVs in  
306 the mix on some very busy City streets will cause real problems. He stated he realizes the ordinance is  
307 based on Utah Code, which states someone must make their ATV street legal before it can be driven on  
308 City streets and that will be somewhat restrictive because not many people will spend money to convert  
309 their vehicles. He reiterated he is opposed to the ordinance because allowing ATVs on congested roads in  
310 the City is a bad move. Human nature being what it is, there is a tendency for children to get on the  
311 vehicles and run with them and if they know the vehicle is street legal there is nothing to stop them from  
312 climbing on them except for their parents, but parents are not always supervising their children. Just last  
313 week a 15 year old rolled an ATV and his 16 year old passenger was hospitalized. It is easy to roll an  
314 ATV when driving at 35 miles an hour and making a sharp turn. He added his assumption is that one of  
315 the reasons for the request of the ordinance is the fact that someone could drive 3100 North and 1050 East  
316 to get to the North Ogden Divide on their ATV and he is interested to know how the City will handle that  
317 issue because he is not sure the road on the divide is part of the City's road system. Mayor Harris stated it  
318 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  
319 on that road, but if ATVs are allowed on 3100 North and 1050 East, people will drive them onto the  
320 divide as well. He stated he feels there are a lot of issues that have not been fully thought out and he  
321 would like the Council to take a little more time to determine how to deal with certain issues. He noted  
322 there were three different proposed ordinances and two of them were attached to Chief Warren's memo,  
323 but he would like to see a number of specific collector and arterial roads restricted and that would include  
324 3100 North, 2600 North, and 1050 East as well as additional roads where the traffic is very heavy.

325  
326 Gary Harrop, 3238 Mount Lomond Drive, stated he would also like to suggest that the Council delay the  
327 discussion regarding the appointment of a Public Works Director; he has been approached by numerous  
328 people in the City and he does not feel comfortable with this situation until it is fully publicly discussed  
329 and all of the pros and cons are discussed. He stated Ms. Brown and Mr. Shupe have made great  
330 suggestions and they should be followed. He then stated that he does not know too much about the ATV  
331 ordinance, but as a person that has been in Panama for one and one half years, there are many ATVs there  
332 and they are all dangerous. He stated he would offer that the ordinance should be given a lot of  
333 consideration because ATVs are dangerous and will impact kids and grandkids living in the City. He then  
334 stated he appreciated the opportunity he had to say a few words.

335  
336 Cal Heiner, 1012 E. 3100 N., stated he has been asked by Senator Christensen's wife to make an  
337 announcement about a meet the candidates event; the event has been set for October 15 and since many  
338 people will be mailing in their ballots before that, another event has been added. The second date will be  
339 October 2 and he provided a flier advertising the event to be distributed to those in attendance this  
340 evening.

341  
342 Council Member Bigler asked if the event has been advertised on the website and stated that if it has not it  
343 is important to add it. Mayor Harris agreed and asked Finance Director Steele to follow up on Council  
344 Member Bigler's request.

345  
346 Ryan Jones, 3618 N. 575 E., stated he did not intend to speak this evening, but after listening to Mr.  
347 Dufrene he felt compelled to stand and say a few things; he first wanted to state he has a tremendous  
348 amount of respect for Mr. Dufrene, though he was on the opposing side regarding the issue that occurred

349 in his neighborhood. He stated that during that time Mr. Dufrene called him and they had a 20 minute  
350 conversation and they agreed to disagree, be civil, and treat each other with respect. He stated he does  
351 think Mr. Dufrene is a sound man with good intentions, but he wanted to point out that there was a  
352 purpose to Council Member Bigler's and the rest of the Council's decision to not hold a public hearing  
353 regarding the appeal. The issue was very nasty and caused a lot of contention in the neighborhood and he  
354 believes Council Member Bigler and the rest of the Council had his neighborhoods best interest at heart;  
355 there were many people, including some ecclesiastical leaders that were begging the Council to not hold a  
356 public hearing and he wanted to make that part of the record. He stated that regardless of the verbiage  
357 recorded at the Council meeting, at the end of the day Council Member Bigler and the rest of the Council  
358 had the neighborhood's best interest at heart in their decision to not hold a public hearing. He reiterated  
359 Mr. Dufrene is a great person. He then stated that when the pledge of allegiance was recited tonight and  
360 he spoke the word 'indivisible' he got choked up because there is a big division going on in the great City  
361 right now and he hopes he and Mr. Dufrene can be a great example of two people that are on opposing  
362 sides of an issue, but they can respect each other at the end of the day. He stated that during the mayor  
363 campaign it should be possible to oppose each other, but also respect each other.  
364

365 Mayor Harris stated the Council ended up hearing from the public even though the decision was made to  
366 not hold a public hearing; during the public comment portion of that particular meeting everyone was able  
367 to stand and have their say. He stated it may not have been a formal public hearing, but it is the Council's  
368 intent to hear people and what they have to say, while also working to take care of business in the City.  
369 He thanked Mr. Jones for his comments.  
370

371

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

373

374 Mayor Harris stated that he first wanted to recognize former Public Works Director Blanchard's service;  
375 he appreciates the many years Mr. Blanchard put in serving everyone in the City. He stated he wanted to  
376 have a formal recognition of Mr. Blanchard, including an open house and presentation from the City  
377 Council and Mr. Blanchard adamantly said he would not participate in those types of events because it  
378 would cause him to break down and cry. Mayor Harris stated, however, that he did want to publicly  
379 recognize Mr. Blanchard's great service; he talked with him for quite a while yesterday and reminisced on  
380 their work together at the City and he is one of the finest men he knows and he is sure that many will agree  
381 on that. He thanked Mr. Blanchard for his service, even though he is not present this evening. He added  
382 he has received a number of letters from residents expressing their praise of Mr. Blanchard, but he has  
383 also received some critical letters especially in respect to snow removal. Snow removal is a real chore  
384 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  
385 from Bob and Linda Bruington; it is the last letter he has received regarding Mr. Blanchard and it was  
386 provided to him yesterday. He stated it is typical to the types of letters he receives; it mentions many of  
387 the things the Bruingtons have been concerned about, but then stated that Mr. Blanchard has taken care of  
388 those concerns for them. He read an excerpt from the letter as follows:  
389

389

390           Once again, we feel a part of North Ogden and very thankful a City employee was looking out for  
391 our safety and well being. Mel has been an asset to us many times since we have lived in North  
392 Ogden. We wish to have the Mayor of North Ogden personally thank him for going the extra  
393 mile.  
394

394

395 Mayor Harris stated he has personally thanked Mr. Blanchard and he is sure the rest of the Council  
396 Members have done or will do the same. Mr. Blanchard's last day of employment with the City will be  
397 tomorrow and the City will move forward from there.  
398

398



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

439

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

442

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

450  
451 Council Member Stoker stated that this was not an easy decision because the entire Council knows one of  
452 the applicants that applied and he is very well thought of and has done a great job for the City. She stated  
453 he has been on her street working in instances such as the flooding of 1983. She added, however, that she  
454 too respects the members that participated on the selection committee and she has no reason to second  
455 guess their decision in making this appointment.

456  
457 Council Member Bigler stated he would like to explain his concerns and why he will be voting no; it has  
458 nothing to do with the person that has been recommended. The selection process has a panel and he has  
459 been involved on some of those panels on the past while there have been times that he has not been  
460 involved. To date he has never questioned the panel's decisions regarding these types of issues, however,  
461 he got an email regarding this appointment and he was quite shocked. He stated this is different than in  
462 the past because an employee that has worked for the City for 30 years was an applicant and that means a  
463 lot to him. If throughout the hiring process the current employee closely matched up with the person that  
464 was ultimately selected, his 30 years of commitment to the City should hold a lot of weight. If the two  
465 are not close he would agree the Council has an obligation to hire the best employee for the City even if  
466 that may hurt the current employee. At this time he would like to request that this issue be delayed until  
467 at least the next Council meeting to give the three Council Members that were not part of the panel an  
468 opportunity to review the application materials for those that applied. He stated he wants to see the data  
469 that supports the decision and receive an explanation as to why Mr. Giles was chosen over a 30 year  
470 employee. He stated he has spoken to Mayor Harris and Mr. Chandler and explained he is very  
471 uncomfortable voting against a 30 year employee without being able to look residents in the eye and say  
472 that he is making the right decision. He reiterated his no vote has nothing to do with Mr. Giles, but he has  
473 not been involved in the process and it matters to him that a 30 year employee applied and was not  
474 chosen. He stated his request to view the materials has been denied and he is not comfortable voting to  
475 appoint Mr. Giles tonight without seeing the information he has requested.

476  
477 Council Member Fawson stated that he appreciates Mayor Harris' experience and expertise in his field  
478 and he fully supports the selection committee in their choice and he thinks the experience and expertise  
479 they brought to the table was important as well. He noted he has been a part of selection committees in  
480 the past and he does not always agree with the outcome, but all information is collected and analyzed to  
481 ensure the best possible candidate is chosen for the City.

482  
483 Council Member Bailey stated that he has the opportunity to participate on the committee and he  
484 reiterated State Law notes the Mayor shall appoint department heads in the City. Mayor Harris has  
485 chosen to de-politicize the process by using a committee and an objective and criteria based scoring  
486 system to make this type of selection so that the decision is not second-guessed. He stated there have  
487 been six of these types of appointments during his term as a Council Member and he has had the  
488 opportunity of serving on five of the six of those committees; in each case the process has been run fairly  
489 and objectively and there are only two Council Members participating on selection committees by design  
490 because once a third Council Member is added that would be a violation of the open and public meetings  
491 act. State Law protects the proceedings of such committee meetings so they are not available to any other  
492 parties without a court order and it is not simple to obtain a court order. The State works hard to maintain  
493 the integrity of such a process and to ensure it is not a political issue and to allow it to be as objective as  
494 possible. He noted he can verify to everyone in the room this evening and to all Council Members that  
495 was done in this case; the process was fair, complete, and objective and it was carried out in the same way  
496 as when the City selected a City Manager, City Attorney, Finance Director, Police Chief, and Community  
497 Relations Director. He reiterated the process was fair and objective and scoring supported the person that  
498 has been selected for appointment by the Mayor.

499

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

505  
506 **Voting on the motion:**

507  
508 **Council Member Bailey** aye  
509 **Council Member Bigler** nay  
510 **Council Member Fawson** aye  
511 **Council Member Stoker** aye  
512 **Council Member Taylor** aye

513  
514 **The motion passed unanimously.**

515  
516 Mr. Giles approached and introduced himself, his wife, and his son and thanked the Council for voting to  
517 appoint him.

518  
519 Mayor Harris concluded by thanking everyone that applied for the position and stated he feels the right  
520 decision has been made.

521  
522  
523 **3. DISCUSSION REGARDING ANIMAL FECES**

524  
525 A memo from Animal Control Officer Bersamin provided a brief history of his interaction with Arlene  
526 Borgman, the resident that requested this agenda item. The memo reads as follows: I have been to the  
527 Borgman residence twice regarding the fecal smell Arlene is claiming coming from her neighbor to the  
528 east of her home. Both visits I have not seen a reasonable smell or mess coming from their neighbor. The  
529 second time responding to the Borgman residence, I made contact with the neighbor that Arlene stated  
530 where the smell was coming from. When making contact with the neighbor, they allowed me to go into  
531 the backyard and see for myself if there is a problem. I noticed that the yard was immaculate and clean.  
532 The homeowners have two dogs and when the dogs defecate they use a scooper to pick the fecal matter  
533 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,  
534 which is located on the furthest side on their home, away from the Borgman property. In my investigation  
535 I have not found any evidence that there is a problem with fecal matter including odor at the residence  
536 that Arlene states is a problem.

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

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

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

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

546  
547 Arlen Borgman, 2079 E. 3550 N., stated she thinks there is a problem with animal feces and sometimes  
548 she has to close her windows because of the strong smell. She believes owners of dogs should be  
549 required to pick up their dogs feces after they defecate. A lot of people have told her that they notice the

550 same problem, but they just do not complain about it because they do not have time. There have been  
551 times that she could not even open her windows. She asked who is to say what is too strong a smell for  
552 another person. She has lived at her address for 17 years and has had no problems, but she is having a  
553 problem now. In Colorado there are laws requiring people to clean up after their animals and animal  
554 owners there are considerate people. She noted she has called Animal Control and they have said the  
555 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.  
556 She feels the law should be changed because this seems like a problem. Her sister also noticed the strong  
557 smell at her home. She cannot use her deck in her backyard because of the smell and she is unhappy and  
558 believes the law should be changed requiring people to clean up their animal feces. Her neighbor collects  
559 the animal feces in a bucket that is left open and Animal Control came to their house and the officer did  
560 not feel there was a problem. The Lakeview Heights HOA president has also gone by the property and  
561 smelled the odor; it seems to build up over the week and it is strongest smelling at the end of the week.  
562 Her windows are closed and she can hardly breathe. She added she used to have bunnies and she cleaned  
563 up after them every day; some people are more sensitive than other people.

564  
565 Mayor Harris asked Ms. Borgman to leave her notes with the City Recorder.

566  
567 Ms. Borgman noted her neighbor on her other side also has a dog and she doesn't notice the smell from  
568 that dog because the owner cleans up after it. She reiterated she feels the laws should be changed to  
569 require people to clean up after their animals.

570  
571 Mayor Harris invited Animal Control Officer Bersamin to address the Council regarding the issue. Mr.  
572 Bersamin stated the City's ordinance regarding animal keeping states:

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

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

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

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

582  
583 Mr. Bersamin noted he responds to these types of complaints by reviewing the complainants issue and  
584 then visits the property to try to determine if he can smell or see a problem. He then visits the residence  
585 where the problem is coming from and in this case he has done that and was not able to smell the problem  
586 Ms. Borgman has complained about. He agreed with Ms. Borgman that everyone's sense of smell is  
587 different, but in his findings he has not found anything to concern him; the residence where the smell is  
588 coming from is maintained in an efficient manner. The owners of the residence do pick up after their  
589 dogs and he has even made unexpected visits to the property and he has found no problems; they use a  
590 'pooper scooper' and place the feces into a bucket that has a bag in it and a lid on top. The bucket is  
591 located in the southeast corner of the property and it is not near the property line between their house and  
592 Ms. Borgman's house. He added another officer has responded to the complaint and his investigation did  
593 not lead him to have any concerns about the property. He then provided the Mayor and Council with  
594 photos of the property.

595  
596 Mayor Harris stated it is up to the Council to discuss this issue and determine if a change to the ordinance  
597 is necessary. He stated he is not sure what else the City can do at this point in time given the current  
598 language of the ordinance.

599

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

603  
604 Ms. Borgman stated that the owners moved the feces collection bucket after the officer visited their  
605 property, but they have since relocated it closer to her property. She stated that she does not understand  
606 why Mr. Bersamin cannot smell it though others, including the president of the Lakeview Heights HOA,  
607 can smell it all around the property. She stated when the wind blows it is a very strong smell and she  
608 cannot tolerate it. She stated there was another officer that visited the property on the weekend and he  
609 told her that the owners can leave the feces in their yard in the summer to dry out. She stated the owners  
610 told her that is what they are doing.

611  
612 Mayor Harris asked Mr. Bersamin to follow up on the issue and ask Ms. Borgman's neighbors to keep the  
613 animal feces cleaned up. He stated all the City can do is check periodically on the issue. Ms. Borgman  
614 stated the Lakeview Heights HOA president will also stay on top of the situation. She stated it would be  
615 nice for people to take care of their responsibilities and clean up after their animals.

616  
617  
618 **4. PUBLIC HEARING REGARDING THE BOWN ANNEXATION**

619  
620 A memo from City Recorder Spendlove explained Anthony & Shawna Bown submitted an application  
621 petitioning for annexation for property located approximately 2197 North Washington Blvd., North  
622 Ogden, Utah. It was brought before the City Council for consideration to accept the application to be  
623 processed on July 23, 2013 which the City Council did accept. It was certified by me the City Recorder  
624 on August 26, 2013. The Public Hearing is scheduled for the September 24, 2013 meeting and has been  
625 noticed according to Utah Code. The protest period expires on September 30, 2013 and if there are no  
626 protests submitted an Ordinance to consider this annexation will be placed on the October 8, 2013 City  
627 Council meeting agenda.

628  
629 City Attorney Call summarized the memo and explained the annexation process outlined by State Law.

630  
631 Mayor Harris opened the public hearing at 7:40pm.

632  
633 Steve Tobias, 1238 W. Jordan River Drive, South Jordan, stated he is representing the people that would  
634 like to develop the property they are seeking to annex into the City. The annexation request was made  
635 due to the increased demand for the self storage facility located on the adjoining property; this additional  
636 property will allow the owners to provide recreational vehicle (RV) parking on-site for current customers.  
637 The first phase of the project is at 95 percent occupancy and improvements have been occurring in the  
638 second phase. This annexation will provide the owner an opportunity to continue with a nice project and  
639 provide a needed service to the community.

640  
641 Council Member Bigler asked that a map of the area be displayed for residents to view in order to  
642 understand the location of the subject property. Mayor Harris identified the location of the subject  
643 property on the map provided.

644  
645 There being no additional persons appearing to be heard, Mayor Harris asked for a motion to close the  
646 public hearing.

647  
648  
649

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

652  
653 **Voting on the motion:**

654  
655 **Council Member Bailey aye**  
656 **Council Member Bigler aye**  
657 **Council Member Fawson aye**  
658 **Council Member Stoker aye**  
659 **Council Member Taylor aye**

660  
661 **The motion passed unanimously.**  
662 **The Public Hearing closed 7:50pm**

663  
664 **5. DISCUSSION ON AN ATV ORDINANCE**

665  
666 A memo from Police Chief Warren explained the documents submitted with this staff report include a  
667 corrected version of the Street-Legal ATV report I presented to you earlier, and a draft of a potential  
668 street-legal ATV ordinance prepared by Jonathan Call for discussion in council meeting. Mr. Call  
669 prepared the street legal ordinance at Ron Chandler's request for city council member's to review. Please  
670 note that the corrected portion of the Street-Legal ATV report I sent out earlier can be found on page two  
671 of said document with a line through the sentence involving Reed Richards. Mr. Richards is going to  
672 approach state legislators in January and suggest they clean up some flaws in the current statue involving  
673 street-legal ATV's. He's providing a model street-legal ATV ordinance to jurisdictions who are  
674 considering adopting an ordinance, which you've already received and is information only.

675  
676 Chief Warren summarized his staff memo and, using the aid of a PowerPoint presentation, briefly  
677 reviewed the materials that were included in the Council packet regarding a street legal ATV ordinance.  
678 He reviewed a map that highlighted roads in the City upon which a street legal ATV can already be  
679 operated in the City according to State Law. He also provided a list of cities in the area that currently  
680 have ordinances in place allowing street legal ATVs to be operated on their roads. He noted that  
681 according to the Utah Department of Transportation (UDOT) there were 215 crashes on roadways within  
682 the State of Utah involving vehicles that were coded as off road vehicles; there were four crashes  
683 involving vehicles that were coded as street legal ATVs.

684  
685 Council Member Bigler asked if those vehicles were driving on road illegally when they were involved in  
686 a crash. Chief Warren answered no and stated it simply means the vehicles were on a public road when  
687 they are involved in an accident. Council Member Bigler inquired as to the difference between an off  
688 road vehicle and a street legal ATV. Chief Warren explained off road vehicles are not required to be  
689 inspected, registered, or insured. Council Member Bigler asked if it was illegal for those off road vehicles  
690 to be on the road. Chief Warren stated that information is not necessarily known.

691  
692 Chief Warren continued reviewing his PowerPoint presentation and noted since 2008 North Ogden has  
693 investigated a total of nine cases involving ATVs and all were initiated by a citizen complaint. There are  
694 a wide range of violations and out of the nine complaints that were investigated, four citations were  
695 issued. He then noted there is a significant cost to an owner to convert their machine in order for it to be  
696 street legal; the average cost would be \$700. In addition, insurance for a street legal ATV is  
697 approximately \$350 and registration fees for a street legal ATV are almost double the amount for a non-  
698 street legal ATV. Tires on street legal ATVs wear more rapidly due to driving on paved surfaces.

699

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

710  
711 Council Member Bailey stated that a resident initially requested the Council consider this issue, but he  
712 has not seen a groundswell of support behind that request. He noted the only emails he has received  
713 regarding this issue have been in opposition to adoption of the ordinance. Chief Warren stated his stance  
714 on the issue is neutral, but his main concern is safety and he reiterated ATVs are not required to follow  
715 the same federal guidelines that automobiles must follow.

716  
717 Council Member Taylor asked Chief Warren if he conducted analysis to determine what roads he would  
718 recommend be open to ATVs if the Council were to adopt an ordinance. Chief Warren stated that he  
719 would restrict Washington Boulevard and 2600 North as well as other roads that are very busy during  
720 work time commutes, but according to State Law, Washington Boulevard is already open to ATV use  
721 and, therefore, he would not recommend any restrictions. Council Member Taylor asked if the City could  
722 prohibit ATV usage on Washington Boulevard. Chief Warren answered no.

723  
724 Council Member Bailey asked if North Ogden Divide is open to street legal ATVs. Chief Warren  
725 answered yes.

726  
727 Council Member Fawson stated it seems most issues that have occurred in the past related to ATV or off  
728 road vehicles usage in the City are things that would fall outside of what a street legal ATV ordinance  
729 would control. The vast majority of accidents have occurred when a vehicle is being operated by an  
730 underage driver and that would not be permitted by the proposed ordinance. It seems there is not much of  
731 an issue, historically, with street legal ATVs, but it is also true that ATVs have not been permitted on City  
732 roads in North Ogden, so those statistics could be skewed. Chief Warren agreed and added he does not  
733 anticipate that many residents would pay the money to make their ATVs street legal. Council Member  
734 Fawson then addressed trailers and asked if there is anything that would restrict a driver from pulling a  
735 trailer behind a street legal ATV. Chief Warren stated he does not know the answer to that question, but  
736 he could conduct some research and report back.

737  
738 Steve Davies, 2675 N. 850 E., stated he is a farmer and he has a lot of equipment, including a 4-wheeler  
739 that has a trailer hitch on it; when he drives to the green waste dump he pulls a small trailer behind his 4-  
740 wheeler. He also uses his tractor to plow snow for his neighbors or pick up their green waste to be  
741 delivered to the dump and he asked if his actions have been illegal. Chief Warren stated there are  
742 exception to some laws for agricultural, or husbandry, uses.

743  
744 Council Member Taylor stated he has heard from a fair number of residents that have expressed they  
745 would like to be allowed to drive their street legal ATVs on City streets. There is a wide range of interest  
746 in the proposed ordinance, but it sounds like there may be some changes to State Law in February. He  
747 stated he is supportive of further considering the proposal and maybe the best time to do that would be  
748 early next spring after the State Legislature has acted. Mayor Harris stated that is one option, but a draft  
749 ordinance has been included in the Council packet for Council consideration. He noted Chief Warren's  
750 recommendation was to consider that ordinance with an expiration date attached.

751  
752 Council Member Fawson asked Chief Warren if he is recommending the Council adopt the proposed  
753 ordinance now or wait until after the upcoming Legislative session. Chief Warren stated he would  
754 recommend the Council wait to see how the State Law is changed by the Legislature in the upcoming  
755 session.  
756  
757 Council Member Bigler stated he would hate to adopt the ordinance now, which may result in people  
758 paying upwards of \$1,000 to make their ATVs street legal, and then revoke the ordinance and prohibit  
759 ATVs on City streets; it would be wiser to wait.  
760  
761 Council Member Taylor asked if there is any sense of how likely it is the Legislature will actually  
762 consider changes to the State Law. Chief Warren stated he there is no indication of the likelihood of the  
763 Legislature considering Mr. Richards' recommendation.  
764  
765 Council Member Bailey inquired as to Reed Richards' interest in the issue. Chief Warren stated Mr.  
766 Richards is a civil attorney in Weber County and he has done a lot of work for smaller jurisdictions that  
767 have considered the adoption of street legal ATV ordinances. He noted one of the model ordinances in  
768 the Council packet was provided by him.  
769  
770 Council Member Fawson stated his recommendation would be to follow Chief Warren's recommendation  
771 to wait to consider this issue until after the upcoming Legislative session. Council Member Bailey  
772 agreed.  
773  
774 Council Member Taylor inquired as to how long it would take for Chief Warren to make  
775 recommendations regarding the roads in the City that should be open to ATVs. Chief Warren stated it  
776 would not take him much time to do that. Council Member Taylor asked for staff to have that  
777 information available so the Council can consider adopting an ordinance as soon after the Legislative  
778 session as possible.  
779  
780 Council Member Bailey asked if State Law allows the City to select which roads should or should not be  
781 open to street legal ATVs. Chief Warren answered yes.  
782  
783 After a short discussion Mayor Harris directed Chief Warren to prepare the information requested by  
784 Council Member Taylor for future consideration following the upcoming Legislative session.  
785  
786  
787 **6. DISCUSSION AND/OR ACTION TO CONSIDER A CONDITIONAL FINAL**  
788 **ACCEPTANCE FOR LEWIS PEAK PRUD PHASE I**  
789  
790 A memo from Building Official Gary Kerr explained Lyman Barker has completed all subdivision  
791 improvement for Lewis Peak PRUD phase I. Bruce Higley our Public Works Inspector, has inspected this  
792 subdivision and has found all subdivision improvement items completed and in good condition. Matthew  
793 Hartvigsen our City Engineer has also signed it off. It is my recommendation we give final Subdivision  
794 approval for the above reference subdivision. Final Acceptance will release all escrow funds to the  
795 developer and give the City the responsibility to maintain street improvements with the exception of  
796 \$2,000.00 that will remain in escrow for the unfinished landscaping.  
797  
798 Public Works Inspector Bruce Higley summarized Mr. Kerr's memo. He provided a brief description of  
799 the landscaping work that has been done in the subdivision to this point.  
800



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

803  
804 Council Member Bigler stated he heard of some differing opinions and concerns of Planning Commission  
805 members and he asked Mr. Higley if he was aware of that discussion. Mr. Higley stated it is his  
806 understanding the items the Planning Commission was concerned about have been addressed and  
807 Community Development Director Barker has visited the area to inspect the landscaping work that has  
808 been completed. Mayor Harris stated the City Engineer and Mr. Kerr have visited the property to  
809 complete their inspection and he is not sure the Planning Commission has anything to do with this issue at  
810 this point. Council Member Bigler asked if the item was reviewed by the Planning Commission. Mayor  
811 Harris stated it did not require Planning Commission review, but he understands some Planning  
812 Commissioners may have been wondering why the installation of the landscaping was taking so long  
813 because there are time restrictions associated with that type of work. Council Member Bigler stated he  
814 has heard other things in the past about concerns of the Planning Commissioners and he wanted to make  
815 sure those were addressed.

816  
817 **Voting on the motion:**

818  
819 **Council Member Bailey aye**  
820 **Council Member Bigler aye**  
821 **Council Member Fawson aye**  
822 **Council Member Stoker aye**  
823 **Council Member Taylor aye**

824  
825 **The motion passed unanimously.**

826  
827  
828 **7. DISCUSSION AND/OR ACTION TO APPOINT A MAYOR PRO TEMPORE**

829  
830 A memo from Mayor Harris explained there have been occasions in the past where a Mayor Pro Tempore  
831 was needed to act for the Mayor in his absence. The Mayor may appoint or ask the City Council to elect a  
832 Mayor Pro Tempore on a case-by-case basis, as has been done for the past two years. In each case, as I  
833 recall, the Council has elected Council Member Kent Bailey to that position. Alternately the Mayor may  
834 appoint a permanent Mayor Pro Tempore, subject to the Council's consent. I propose to appoint Council  
835 Member Kent Bailey as permanent Mayor Pro Tempore for the remainder of my term and ask for the  
836 Council's consent to this action

837  
838 Mayor Harris summarized his memo.

839  
840 **Council Member Bigler moved to appoint Council Member Bailey as the Mayor Pro Tempore**  
841 **for the remainder of Mayor Harris' term of office. Council Member Fawson seconded the**  
842 **motion.**

843  
844 **Voting on the motion:**

845  
846 **Council Member Bailey aye**  
847 **Council Member Bigler aye**  
848 **Council Member Fawson aye**  
849 **Council Member Stoker aye**  
850 **Council Member Taylor aye**

851  
852 **The motion passed unanimously.**

853  
854  
855 **8. DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION APPROVING POLL**  
856 **WORKERS AND THEIR COMPENSATION**

857  
858 A memo from City Recorder Spendlove explained Utah Municipal Election Code 20A-5-602 requires the  
859 governing body to appoint poll workers and alternates; Utah Municipal Election Code 20A-5-602 4(a)  
860 requires the municipality to compensate the poll workers for their services. As the Election Official for  
861 North Ogden City, I selected the Poll Managers from those whom had previously worked in this position.  
862 I asked Weber County to contact the Poll Managers and have the Poll Managers select Poll Workers for  
863 their polling locations. The Poll Managers know who will work well as a team and who understands and  
864 is trained to make the election process smooth for the voters. The General Municipal Election will be  
865 held on November 5, 2013 and for Early Voting which will begin October 22nd through November 1,  
866 2013. Before Council is a resolution to consider the poll workers and their compensation.

867  
868 Mayor Harris summarized the staff memo and provided a brief explanation of the relationship between  
869 North Ogden City and Weber County whereby Weber County is overseeing the conduction of municipal  
870 elections in North Ogden this year. He noted the Poll Managers were selected by Ms. Spendlove and  
871 those Managers then recommended to the County the people they wanted to serve as Poll Workers at their  
872 polling locations. The amount of compensation can be no less than the amount paid by Weber County.

873  
874 Council Member Fawson stated Stephanie Peterson is listed as a Poll Manager and Poll Worker. Mayor  
875 Harris stated that can be corrected via a motion to adopt the proposed resolution.

876  
877 A resident, no name or address given, inquired as to the amount of compensation. Mayor Harris stated  
878 Poll Workers will be paid \$145 for Election Day and Poll Managers will be paid \$200 for Election Day.  
879 Alternate Poll Workers are paid \$25 for training and \$25 for their on-call service. Early voting Poll  
880 Workers and Poll Managers are compensated \$10 per hour and \$12 per hour respectively and they will  
881 receive \$25 to attend training. Training is mandatory and is including in the compensation sum for all  
882 Poll Workers except for those conducting early voting.

883  
884 **Council Member Fawson moved to approve Resolution 8-2013 approving poll workers and**  
885 **their compensation. Council Member Taylor seconded the motion.**

886  
887 **Voting on the motion:**

888  
889 **Council Member Bailey        aye**  
890 **Council Member Bigler        aye**  
891 **Council Member Fawson        aye**  
892 **Council Member Stoker        aye**  
893 **Council Member Taylor        aye**

894  
895 **The motion passed unanimously.**

896  
897  
898 **9. PUBLIC COMMENTS**  
899

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

906  
907 Bruce Higley, 3825 W. 2600 N., Plain City, stated he wanted to tell the Mayor and Council that he has  
908 worked with Mr. Blanchard for 25 years and he is a wonderful guy that has taught him a lot. He stated he  
909 wanted to voice his opinion that Mr. Blanchard has done North Ogden City proud and he is a wonderful  
910 guy.

911  
912 Dale Anderson, 940 E. 2600 N., stated he wanted to comment on the issue regarding the animal feces  
913 issues. He stated he has many animals on his property and he would have expected someone to come to  
914 this meeting with some research, but it appears as though the existing ordinances and laws are being  
915 followed and there does not appear to be a violation. He stated after reading the comments from the  
916 animal control officer it sounds like he has gone to the property unannounced to follow up on the  
917 complaints. He stated odors can be a subjective thing so he did some research regarding the issue and he  
918 does not think that offensive odors that are within reason fall within public health guidelines for  
919 restriction. He found it curious that Ms. Borgman noted there were dogs living at the properties on either  
920 side of her house and he wondered how she was able to determine from which direction the odors were  
921 coming from. He added it sounds like her neighbors have been more than reasonable in addressing her  
922 concerns. Most people work away from their home during the day and animals must go to the bathroom  
923 while their owners are away. He stated he is hopeful the City will leave the issue alone and he noted one  
924 thing that is regularly considered when discussing new laws are unintended consequences. He stated it is  
925 not possible to always attend to animal feces immediately. He stated he hopes the Council is interested in  
926 legislating what is good for the community as a whole and not just a few residents or exceptions. He  
927 stated the odor may be a real problem for Ms. Borgman, but he would propose that the law be left as it is  
928 and expect residents to use common sense. Animal feces may be unpleasant smelling, but they are not  
929 unhealthy.

930  
931 Julie Anderson, 940 E. 2600 N., stated she wanted to pay homage to Mr. Blanchard; she has worked with  
932 him for several years in the Junior Posse and he has been a wonderful asset to the City. She has been  
933 honored to work with him and he goes out of his way to help everyone. She stated Mr. Giles has a very  
934 big set of shoes to fill.

935  
936 Carl Jeerings, 1074 E. 3200 N., stated that he has a dog and can understand the problems Ms. Borgman is  
937 having. He stated that it s not possible to tell people what to do, but if they are picking up the feces and  
938 putting it in a barrel or pail they could use pet deodorant that can suppress the smells. If the smell is  
939 coming from fresh feces, there is not much that can be done about it. He added he would also like to  
940 express his appreciation for the Council's decision to delay consideration of the ATV ordinance until they  
941 have an opportunity to see what the State will do. There was some discussion about restricting ATVs to  
942 certain roads and streets in the City, but if the State has approved use of Washington Boulevard between  
943 2100 North and 2600 North, there is not much that can be done about that. In 2010 the City worked on a  
944 draft of a similar proposal and it did spell out specific roads that would be open to ATV use and the  
945 Council may want to refer to that. He stated he has provided a copy to Chief Warren.

946  
947 Bob Buswell, 962 E. 3025 N., stated he wanted to thank Mr. Blanchard for all he has done. He has not  
948 only done a great job at Public Works, but he is also a very good friend.

949  
950

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

952

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

960

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

964

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

969

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

973

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

976

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

984

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

989

990

991 **11. ADJOURNMENT**

992

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

995

996 **Voting on the motion:**

997

998 **Council Member Bailey aye**

999 **Council Member Bigler aye**

1000 **Council Member Fawson aye**

1001 **Council Member Stoker** aye  
1002 **Council Member Taylor** aye

1003  
1004 **The motion passed unanimously.**

1005  
1006  
1007 **The meeting adjourned at 8:32 p.m.**

1008  
1009  
1010 \_\_\_\_\_  
1011 Richard Harris, Mayor

1012  
1013  
1014 \_\_\_\_\_  
1015 S. Annette Spendlove, MMC  
1016 City Recorder

1017  
1018 \_\_\_\_\_  
1019 Date Approved

NOT APPROVED