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NORTH OGDEN CITY COUNCIL MINUTES

July 9, 2013

The North Ogden City Council convened in an open meeting on July 9, 2013 at 6:33 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 July 3, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

PRESENT: Richard G. Harris Mayor
 Kent Bailey Council Member
 Justin Fawson Council Member
 Cheryl Stoker Council Member
 Brent Taylor Council Member

ELECTRONICALLY: Wade Bigler Council Member

STAFF PRESENT: Ronald F. Chandler City Manager
 John Call City Attorney
 Gary Kerr Building Official
 Kevin Warren Chief of Police
 Nicole Smedley Deputy City Recorder

VISITORS: Allan Dalpias Blake Welling
 Jim Suhr Gibson Bailey
 Terry Bexell Lynne Bexell
 Brian Russell John Arrington
 Bob Napoli Cindy Smout
 Joan Brown Don Brown
 Rachael Trotter James Urry

Mayor Harris welcomed those in attendance.

Council Member Fawson offered the invocation.

Boy Scout Gibson Bailey led the audience in the Pledge of Allegiance.

Mayor Harris stated that he wanted to note that the City has experienced a great loss; Bill Daines, the City's prosecuting attorney, passed away last week and he would like to recognize the good service and valuable work he did for North Ogden City. He stated there were many people in attendance at his memorial service tonight and it is fitting that he be honored in that way.

51 **CONSENT AGENDA**

52

53 **1. Consideration to approve the minutes of the May 28, 2013 City Council Meeting**

54 **2. Consideration to approve business licenses**

55

56 **Council Member Taylor moved to approve business licenses. Council Member Stoker**
57 **seconded the motion.**

58

59 **Voting on the motion:**

60

61 **Council Member Bailey aye**

62 **Council Member Bigler aye**

63 **Council Member Fawson aye**

64 **Council Member Stoker aye**

65 **Council Member Taylor aye**

66

67 **The motion passed unanimously.**

68

69 Mayor Harris stated the Council has been provide with an email that was sent to Mr. Chandler by Charles
70 Crippen in which he asked for changes to be made to the May 28 meeting minutes. He stated that if the
71 Council has additional amendments it would be appropriate to discuss those changes at this time.

72

73 Council Member Bailey stated the Council received the email from Mr. Chandler that explained that the
74 City has the actual verbiage that was used during the May 28 meeting and he would propose that the
75 minutes be amended to reflect that verbiage as stated in the email.

76

77 Council Member Bigler stated that he has several amendments to the minutes to recommend and he could
78 email the specifics to staff, but he would recommend waiting until the next meeting to approve the
79 minutes.

80

81 **Council Member Bailey moved to table the May 28, 2013 minutes until the next Council**
82 **meeting. Council Member Taylor seconded the motion.**

83

84 **Voting on the motion:**

85

86 **Council Member Bailey aye**

87 **Council Member Bigler aye**

88 **Council Member Fawson aye**

89 **Council Member Stoker aye**

90 **Council Member Taylor aye**

91

92 **The motion passed unanimously.**

93

94 Council Member Bigler asked that the minutes be amended to include Mr. Crippen's comments as well so
95 that the Council can view the actual final proposed minutes document prior to voting.

96

97

98

99

100 **ACTIVE AGENDA**

101
102 **1. PUBLIC COMMENTS:**

103
104 There were no public comments

105
106 **2. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
107 **TITLES 1 AND 11 OF THE NORTH OGDEN MUNICIPAL CODE CEATING AN**
108 **ADMINISTRATIVE HEARING OFFICER**

109
110 Mayor Harris stated that due to the untimely passing of Bill Daines, it is necessary to reevaluate the
111 situation relative to an Administrative Law Judge and Hearing Officer. He stated that one of the attorneys
112 that was being considered to fulfill those duties may be one of the candidates to replace Mr. Daines. He
113 asked that the Council postpone items two and three until a later Council meeting.

114
115 **Council Member Bailey moved to table item two. Council Member Taylor seconded the motion.**

116
117 **Voting on the motion:**

118
119 **Council Member Bailey aye**
120 **Council Member Bigler aye**
121 **Council Member Fawson aye**
122 **Council Member Stoker aye**
123 **Council Member Taylor aye**

124
125 **The motion passed unanimously.**

126
127
128 **3. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT THAT APPOINTS**
129 **AN ADMINISTRATIVE HEARING OFFICER**

130
131 **Council Member Bailey moved to table item two. Council Member Taylor seconded the motion.**

132
133 **Voting on the motion:**

134
135 **Council Member Bailey aye**
136 **Council Member Bigler aye**
137 **Council Member Fawson aye**
138 **Council Member Stoker aye**
139 **Council Member Taylor aye**

140
141 **The motion passed unanimously.**

142
143
144 **4. DISCUSSION PERMITTING USE OF ALLTERRAIN VEHICLES ON CITY ROADS**

145
146 Mayor Harris invited Terry Bexell to provide the Council with his presentation regarding the use of all-
147 terrain vehicles (ATVs) on City roads.

148
149 Mr. Bexell thanked the Council for the opportunity to address them regarding this issue; this is not a new
150 issue and it was first proposed shortly after the State legislature passed a law in the State of Utah

151 declaring that people could use ATVs on city streets under certain circumstances. He stated many cities
152 have gone through this process and the number one issue that is raised is safety; the State legislature also
153 talked about safety issues when considering legislation and one of the things they did that is different than
154 what is done in other states like Wyoming was to adopt a requirement that all ATVs that are going to be
155 used on the street must also be inspected and registered. He stated to be street legal an ATV must have
156 turn signals, mirrors, side lights, and brake lines and tires must be inspected. He stated that addresses the
157 safety issue. He stated he is representing quite a few people on this issue, though they could not attend
158 tonight's meeting. He stated he spoke with Chief Warren about the issue and safety was raised by him
159 several different times. He noted he talked to Chief Warren about the fact that motorcycles are often
160 involved in accidents. He stated he owns a Harley Davidson motorcycle; he rides in quite a few events
161 with his wife. He stated he has driven motorcycles and ATVs for a large portion of his life and given the
162 choice of being on a roadway with either a motorcycle or ATV and having to make an abrupt stop or
163 change of direction he would much rather be in his ATV. He stated it is very hard to maneuver a
164 motorcycle sideways to avoid hitting something; all that can be done on a motorcycle is stop. He stated
165 that when discussing ATVs he is referring mainly to the newer side-by-side ATVs that have a roll cage.
166 He stated that any ATV has about 10 times the footprint on the road for stopping ability in comparison to
167 a motorcycle. He stated that means the amount of traction the tire is adhering to the surface. He stated an
168 ATV can stop four or five times quicker than a motorcycle. He stated ATVs can also make a very abrupt
169 turn without consequence of rolling. He stated his point is that ATVs are much safer than something else
170 that is already on the road and that is motorcycles. He noted that he visited Pleasant View, who adopted
171 an ordinance allowing ATV use on city streets about a year ago, and he filed a Government Records
172 Access and Management Act (GRAMA) request seeking data regarding how many accidents had
173 occurred involving ATVs and how many citations had been issued for ATV use. He stated that while he
174 was there he visited with the Chief of Police about his desires to have a similar ordinance adopted in
175 North Ogden and the Chief told him that there had been no accidents or citations regarding ATVs. He
176 stated the Chief noted that one of the biggest misconceptions about licensing ATVs to make them legal
177 for road use is that people think there will be too many ATVs on the road, but there were not more than a
178 handful street legal ATVs driving on the roads in Pleasant View. He stated that the Chief also told him
179 that he had been somewhat more lenient regarding ATVs in his City; older children may ride an ATV on
180 city streets to access the mountains above their house and an officer will stop them, but they do not cite
181 them and instead tell them to be careful. He stated the Chief said that he did not want citizens to be
182 forced to go to other cities to drive on their roadways. He stated that the Chief said that it had not been
183 difficult to monitor and his city had not experienced any problems. Mr. Bexell stated that he also spoke
184 to the Mayor of Huntsville and many different Police Officers from various cities that allow ATV use on
185 roads and he has not had one officer communicate problems to him. He stated that for the most part he
186 thinks the State legislature approved the law because several small cities have immediate access to
187 popular ATV trails and those cities want to attract tourists that can drive their ATVs on the street and that
188 has been allowed for many years, especially in rural cities. He stated that the only places that ATVs are
189 not allowed are in larger cities with populations over 50,000, but he does not know of a smaller city in the
190 State that has not allowed ATV use on city streets. He stated that in cities to the west like Hooper, West
191 Warren, Plain City and cities to the east like Huntsville, Liberty, and Morgan ATV use is legal on city
192 streets. He stated that Plain City adopted their ordinance a year and a half ago. He stated North Ogden is
193 basically an island. He stated that since he has been actively talking to people about this issue he has had
194 people tell him that they want to come from other cities into North Ogden on their ATVs and they are
195 being required to sneak around to do that. He stated it is already happening and he is not saying it is a
196 good thing, but there are a lot of people that would really like to ride their ATVs on city streets. He stated
197 he does not feel the data justifies concerns about safety issues. He stated he talked to the Weber County
198 Sheriff's Office and he said that ATVs can be legally driven over the North Ogden Divide. He stated that
199 he often rides trails in the Ogden Valley area and it would be nice for him to be able to drive his ATV
200 over the Divide rather than haul his ATV with his truck. He stated he would much rather go over the
201 Divide on his ATV than he would in his truck pulling a trailer as that would be much safer. Mr. Bexell

202 stated one thing that is always on the minds of Americans and citizens of North Ogden is that they get
203 tired of being restricted and tired of more government control over things that do not have merit other
204 than the idea of controlling and he thinks it is about time that North Ogden City allow this law that is
205 legal and being used in about 85 percent of the cities in the State of Utah; he does not know of one small
206 city in the State where it is illegal to drive ATVs that are properly registered and inspected. He stated
207 another concern that some people have shared is relative to youth use of ATVs, but he stated it is illegal
208 for youth to drive ATVs on the street regardless; anyone operating an ATV on the street must have a valid
209 driver's license. He stated an ATV is no different than a car and anyone driving one must be properly
210 trained. He noted the bottom line is that there are likely only a few people that will actually drive their
211 ATVs on the street if the City passes the law and those people will be responsible adults because it costs
212 anywhere from \$200 to \$500 to get an ATV licensed and inspected and a lot of the ATVs that people own
213 are not worth that much money. He stated he owns a safety and inspection station in Ogden and he has
214 noticed the one thing that people do not like to do is register their cars and pay for safety and emission
215 inspections every year. He stated that there will not be many people that will want to do that same thing
216 for their ATVs. He stated people interested in doing this will be the people that want to make a quick trip
217 from their home to a relative's home in a neighboring city; his brother-in-law lives in Pleasant View and
218 he would like to drive his ATV to visit him rather than driving his truck. He stated one reason for that is
219 that the ATV gets twice the fuel mileage than his truck. He then stated he would be willing to answer any
220 questions from the Council.

221
222 Mayor Harris stated Mr. Bexell communicated that ATVs are allowed on the North Ogden Divide, but he
223 understands there are some streets that ATVs are prohibited on and he asked what types of roads those
224 are. Mr. Bexell stated ATVs are prohibited on divided highways or streets with speed limits over 45
225 miles per hour. He stated that one of the concerns that Chief Warren had was allowing ATVs in
226 congested areas and that will not be an issue because ATVs are not allowed on the types of streets that
227 can be congested. He stated that Washington Boulevard turns into a divided highway just past the
228 intersection with 2700 North and ATVs would not be permitted on that street. He then stated that in the
229 Ogden Valley the speed limit changes to 40, but further down the road it changes to 50 and eventually 55
230 so the ATVs are not allowed in those areas, but they are allowed on the North Ogden Divide and other
231 roads in the valley that have speed limits under 45 miles per hour. He stated that the Council also has the
232 right to decide which roads ATVs should not be permitted on and that right is detailed on the last page of
233 the handout that he provided to the City. He added that what he would ask from the Council is that they
234 do what Pleasant View did. He stated the Police Chief there explained to him that the Pleasant View City
235 Council wanted to try allowing ATVs on city streets for a couple of years to see how it would work. He
236 stated the Council has the right to reverse the law at any point in the future if they so choose. He stated
237 the Chief Jackson from Pleasant View told him that the law will not be reversed because it has been nice
238 for that city to have.

239
240 Mayor Harris stated that Mr. Bexell communicated that ATVs are not permitted on divided streets, but he
241 asked if ATVs are permitted to cross divided streets. Mr. Bexell stated ATVs can cross the streets, but
242 they cannot drive on them.

243
244 Council Member Fawson asked if this applies to electric vehicles, such as golf carts. Mr. Bexell stated
245 golf carts are prohibited by the State Law, but there have been some changes to that as well. He stated
246 that St. George, for example, allows ATV usage on all streets besides major streets and in all communities
247 that support golf courses, golf carts are allowed. He stated golf carts are totally different than ATVs and
248 he would not want golf carts on the road because they are very slow with a top speed of only 10 or 15
249 miles per hour. He added that they do not have seatbelts and all ATVs, especially side-by-side machines,
250 have three point safety restraints and the machine will not run unless the drive is belted. Council Member
251 Fawson asked about golf carts that have been retrofitted that have gas engines. Mr. Bexell stated that any
252 piece of equipment that is retrofitted with a gas engine falls under the safety and inspection laws and he

253 does not know the answer to that question. Council Member Fawson stated he was wondering where the
254 line would be drawn. Mr. Bexell stated that the language he saw in the State Law said golf carts are not
255 allowed and he did not believe a golf cart could ever be modified in a way that it would meet the
256 definition of an ATV. He stated Chief Warren had communicated that ATVs are off-road vehicles and he
257 only wanted to see them used off-road, but Mr. Bexell clarified that ATV stands for all-terrain vehicle
258 and, as such, they can be driven on all terrains including roadways. He stated that it has been very fun for
259 he and his friends to have their ATVs and he has heard from many other people that would also like for
260 North Ogden to allow them on streets. He reiterated every other city around North Ogden allows ATVs
261 on city streets.

262
263 Council Member Taylor asked if the law references driving on sidewalks or if that would be prohibited
264 elsewhere in City Code. Mr. Bexell stated the ordinance does prohibit ATVs on sidewalks. Council
265 Member Taylor then stated he is interested in the definition of ATV; he stated Mr. Bexell's presentation
266 included a photo of a side-by-side ATV and he noted he has driven that type of machine a lot with his
267 family and he knows they are very safe, but he wondered if the definition of ATV also includes 4-
268 wheelers that do not have a roll cage and other safety features. Mr. Bexell answered yes and stated that
269 side-by-sides are a different classification of ATV and they are often referred to as sport utility vehicles.
270 He stated smaller ATVs are harder to retrofit so that they are street legal and he does know if there is
271 actually a 'street legal' kit that someone can purchase for their 4-wheeler. He stated he did not think there
272 would be many of those types of machines on the road. He stated the other thing that is interesting to
273 note is that he has had a lot of customers come to his inspection station to get their oil changed and they
274 are from Wyoming and they have a 4-wheeler in the back of their truck and they have license plates and
275 they can be driven on any street in Wyoming and that has always been the case. He stated the same is
276 true for Idaho. He stated he thought it was a good idea when State lawmakers decided to allow the same
277 thing in Utah upon property registration of ATVs.

278
279 Council Member Bigler asked to hear Chief Warren's opinion. He stated that when the Council discussed
280 this a year and a half ago the previous Police Chief was not in favor of it. He stated he would like to hear
281 Chief Warren's opinion. Chief Warren stated that safety is always the number one concern of the Police
282 Department; there is a lot of traffic in North Ogden during commute times in the morning and evenings.
283 He stated the traffic comes up Washington Boulevard and funnels into 2600 North, 3200 North, and 1050
284 East, which are all major streets in North Ogden. He stated most accidents that occur in the City take
285 place on those roads. He stated that due to the way ATVs are manufactured he is concerned about
286 collisions and the injuries that could occur in a collision with an ATV. He stated North Ogden is no
287 longer a rural community; it is a suburb consisting primarily of residential and business areas. He stated
288 he does not know of any trails that lead from North Ogden to the foothills where ATVs are allowed. He
289 stated in his mind it is no different than a boat or a camper or any other recreational vehicle; the owner of
290 those items must load them and tow them to where they are usable. He stated he understands the concept
291 that it is very costly to convert an ATV to make it street legal and he has considered that heavily because
292 he does not think many people will spend the money to convert an ATV to make it street legal, but he has
293 always erred on the side of safety and his biggest concern is keeping citizens safe should they be involved
294 in an accident.

295
296 Council Member Fawson asked if there is more concern about safety of ATVs than of motorcycles. Chief
297 Warren referenced a document called the Harry Hurt report that was issued in 1982 and it states the
298 number one cause of motorcycle accidents are left hand turns; people do not see motorcycles when
299 making left hand turns in front of a motorcycle. He stated most fatalities are caused by this. He stated
300 that the City used to have considerable problems in the foothills with ATVs and motorcycles, but
301 enforcement efforts have been taken and some of the problems have been curtailed.

302

303 Council Member Bailey asked if the City would be required to accept the State's definition of a street-
304 legal ATV if the Council decides to adopt an ordinance allowing ATVs on City streets. Mr. Warren
305 stated that Pleasant View and Huntsville have adopted similar ordinances and they use the State's
306 definition of a street-legal ATV. Council Member Bailey asked if that is required or if the Council could
307 be more restrictive than State Law and only allow side-by-side ATVs on City streets. He stated he knows
308 the City of Hurricane has restrictions that are more strict than State Code; they only allow ATVs on
309 specified roads in the City.

310
311 Council Member Stoker asked Chief Warren if he would be opposed to allowing ATVs on a trial basis.
312 Chief Warren stated that was a very good comment by Mr. Bexell; the Council does have a right to do
313 this on a trial basis if the Council can agree upon that.

314
315 Mr. Chandler stated that Cedar City adopted this type of ordinance when he worked for that city and the
316 biggest concern in that city was not the vehicles themselves, but who was driving the vehicle. He stated
317 that according to State Law children can drive an ATV as long as they are accompanied by someone older
318 than 18 years of age. He stated Cedar City adopted an ordinance following State Law, but specified the
319 streets that ATVs could be driven upon and all of those streets led to a trail system; the city worked with
320 ATV owners to determine which streets would be open to ATVs. He stated the only time ATVs were
321 allowed on any street was if they were going to a gas station. Council Member Bigler asked how
322 someone would prove if they were going to a gas station. Mr. Chandler stated enforcement of that issue
323 was left up to the Police Officers and when they stopped an ATV it was fairly obvious if someone was
324 travelling to a gas station or if they were simply riding on roads upon which they were not permitted. He
325 stated the city found that in most cases people complied with the law and stayed on roads designated as
326 trail roads. He reiterated the concern was relative to the age of the people that were driving the ATVs.
327 Council Member Bigler stated that the anyone 14 years of age or older can legally operate an ATV, but he
328 would have thought that in order to drive an ATV on public streets the operator would be required to be
329 16 years of age. Chief Warren stated that is correct. Mr. Chandler reiterated Cedar City asked its Police
330 Chief to work with ATV owners to determine roads that would be open to ATVs and create a map
331 detailing that information.

332
333 Council Member Bigler stated he was not able to clearly hear Chief Warren and he asked Mayor Harris to
334 summarize his comments relative to whether he has concerns about allowing ATVs on City streets. Chief
335 Warren reiterated the concern he has is in regards to safety and collisions with ATVs; he does not see a
336 lot of protection for a rider if an ATV were to collide with a pickup truck or another larger vehicle. He
337 stated he is not opposed to allowing ATVs on City streets on a trial basis in certain locations or areas of
338 the City and he also does not believe that many people will spend the amount of money it will take to
339 make their ATVs street legal so the number of people driving their ATVs on City streets will likely be
340 very few.

341
342 Council Member Taylor stated that he appreciates the information provided by Chief Warren and Mr.
343 Bexell and he noted he is in favor of considering this issue again. He stated he there are some things that
344 would need to be addressed in an ordinance and some of those have been raised, like Council Member
345 Bailey's question regarding the City's ability to restrict the types of ATVs allowed on City streets to side-
346 by-side machines and that those machines only be permitted on specified streets. He stated he is
347 comfortable allowing side-by-side machines that do have roll cages and other safety features far and
348 above what a 4-wheeler would have. He stated he would also want to specify the roads that ATVs would
349 be allowed on; Chief Warren has mentioned some roads that it would be wise to avoid while still allowing
350 ATV users to drive on smaller streets to access their desired destinations. He stated that he thinks
351 education will be an important component; it would be necessary to have information on the City's
352 website and easily accessible. He stated he would like residents to be aware of the law so that they do not
353 just see an ATV driving on their street and think it is legal for all ATVs to drive on any street in the City.

354 He stated he supports the idea of allowing it on a trial basis to see how it works. He stated he thinks that
355 people will be responsible and it will work, but if that is not the case and there are problems, the Council
356 can reconsider the ordinance in the future. He stated he would want to see some mechanism for the
357 Police to carefully monitor ATV use on City streets; they should ensure that ATVs they see driving on
358 public streets do, in fact, have license plates and they are street legal. He stated if there are a lot of ATVs
359 on the streets that are not meeting the law the Council may need to readdress the issue. He reiterated he is
360 in favor of looking at the issue further.

361
362 Mr. Bexell read some wording in the State Law specifying the types of vehicles that would be permitted
363 on City streets as follows: “vehicles designed by the manufacturer for carrying one or more passenger, the
364 seat designed for passengers including a foot rest and hand hold for each passenger”. He stated that is one
365 of the reasons golf carts would not be allowed; they typically have one bench seat with no hand holds for
366 passengers. He added the tread depth of tires on ATVs must be at least 2/32 of an inch and that is a
367 general safety inspection issue. He stated most golf carts do not have tires with tread or they have very
368 little tread because they are designed to drive on grass. He added a bulletin from the Utah Highway
369 Patrol also prohibits golf carts, go-karts, vehicles not designed for and capable of travel over unimproved
370 terrain and motorcycles and snowmobiles are not allowed to be inspected or registered. He stated he has
371 not read through all the literature about the possibility of not allowing regular ATVs on public streets, but
372 he understands the concern about smaller ATVs and he would go along with the concept of only allowing
373 side-by-side machines because 4-wheelers could be more dangerous. He stated, however, that there are a
374 couple of additional things he would like to address. He stated that safety is also a big concern for him,
375 but motorcycles are a lot worse and much less safe than even a regular ATV. He stated the same is true
376 for bicycles and there are a lot of bicycles on City streets. He stated he knows of two deaths that have
377 occurred as a result of bicycle accidents. He stated he rides a bicycle every once in a while and he is
378 nervous when sharing the road with vehicles. He stated part of the problem with bicycles and
379 motorcycles is that they are harder to see and people are not used to looking for them. He stated there are
380 already unsafe things on the road and he thinks ATVs are safer than motorcycles and bicycles and he does
381 not think North Ogden is unique in having these concerns, but they have all been addressed by the other
382 cities that allow ATVs on their streets. He stated that as far as he knows all other smaller cities in the
383 State allow ATVs and everything has been ok. He stated the citizens of North Ogden are just like the
384 citizens in other cities in that they are safety conscious and they will be responsible and follow the law.
385 He noted the law is very clear that underage drivers are not permitted to operate ATVs on public streets
386 and the operator of the ATV must carry liability insurance in order to drive on public streets.

387
388 Council Member Bailey stated that he is very open minded about this issue, but after listening to Mr.
389 Bexell he gets the sense he is dealing with his teenage son due to the mentality that since everyone else is
390 doing it, North Ogden should do it too. Mr. Bexell stated he is sorry if he came across that way. Council
391 Member Bailey stated Mr. Bexell is making the case that every other city in the State has allowed ATVs
392 on their public streets and he has a hard time believing that, but he asked if that is truly the case. Mr.
393 Bexell stated that he has travelled on ATVs all through central, southern, and northern Utah and he is not
394 aware of a city that does not allow ATVs on their streets, but he supposes there could be some. He stated
395 that street-legal ATVs are even allowed in Moab and the main road in Moab is a four-lane road as are the
396 intersecting roads. He stated part of the reason ATVs are allowed in those cities is that the tourism
397 supports it. Council Member Bailey stated he would like for this to be a future discussion item or even an
398 action item, but he personally would like to have a lot more information before it is voted upon. He stated
399 Mr. Bexell has made a good case tonight. Mr. Bexell distributed a copy of information from the State
400 Code to each Council Member and stated that he is not suggesting that everyone other city in the State
401 allows ATVs on their public streets, but it is somewhat coincidental that all of the ‘sister cities’ have
402 allowed ATVs on their streets and people are trying to get through North Ogden to access the cities
403 surrounding it and they cannot do so. He stated that if there is no real data to support some of the
404 concerns regarding allowing ATVs then he does not see a problem with moving forward. He stated he

405 has done his research on this issue and he has talked to a lot of residents, business owners, city leaders,
406 Police Officers, etc. and there have been no problems with safety issues and the State addressed safety
407 concerns when they passed the legislation relative to this issue.
408

409 Mayor Harris thanked Mr. Bexell for his presentation and stated that in order to proceed the Council
410 would need to direct staff to draft a proposed ordinance regarding this issue; the ordinance would first be
411 considered by the Planning Commission prior to it being considered by the Council.
412

413 Council Member Bailey asked if this type of ordinance requires Planning Commission approval. Mayor
414 Harris answered yes and stated the creation of an ordinance requires Planning Commission approval. Mr.
415 Chandler stated he is not sure that this type of ordinance would require Planning Commission approval
416 because it is not a land use ordinance. Council Member Bailey agreed and stated that he believed the
417 Planning Commission only deals with land use. Mr. Chandler stated staff will determine the proper
418 process for consideration of such an ordinance and provide that information to the Council. Mayor Harris
419 stated his point is that there is a process the City will need to follow and if the Council is amenable to
420 starting that process, staff can be so directed. All Council Members consented to direct staff to begin
421 drafting a proposed ordinance.
422

423 Council Member Taylor stated that he is hoping the Police Department will be heavily involved in the
424 entire process.
425

426 Council Member Fawson stated that when this issue is discussed again he would like to see some
427 Statewide statistics regarding fatalities, citations, and cities that have or have not adopted a similar
428 ordinance. He stated that he is not asking for that information because he does not trust Mr. Bexell.
429

430 Mr. Bexell thanked the Council for their time and consideration of this issue and stated that if he can be of
431 any help to the City in gathering any pertinent information or participating in a citizen committee
432 regarding this issue he would be willing to do that. Mayor Harris stated that the City would need input
433 from citizens regarding things like which streets should be open to ATVs. Mr. Bexell stated that would
434 be a good idea.
435

436
437 **5. DISCUSSION AND/OR ACTION TO APPROVE CITY ATTORNEY CONTRACT**
438

439 A staff memo from City Manager Chandler explained he is recommending that the agreement for the City
440 Attorney be extended until June 30, 2015. The agreement is essentially the same as the current
441 agreement, with one slight change; currently the City is billed as a tier two client, which carries a cost of
442 \$2,900 per month and staff is recommending the City become a tier one client, which carries a cost of
443 \$2,000 per month. This would give the City 22 hours of attorney time per month and everything above
444 22 hours would be billed at the Firm's hourly rate. The cost for legal services is included in the fiscal
445 year 2013-2014 budget for \$45,000
446

447 Mr. Chandler summarized his staff memo and asked City Attorney Call if he had anything to add. Mr.
448 Call noted that the hourly rate is a discounted municipal rate. Mr. Chandler noted there will also be a six
449 month review period to determine if the City is at the right tier level.
450

451 Council Member Fawson inquired as to the City's monthly usage over the past year; he assumes it was
452 lower than was provided as a tier two client and that is why staff is recommending this change. Mr.
453 Chandler stated the City actually started as a tier three client and in January moved to tier two client
454 status. He stated usage has fluctuated a little depending on the month, and usage over the past few
455 months has been a little higher, but the City has averaged the usage allowed as a tier two client. He stated

456 he and Mr. Call have discussed some options for keeping the usage at the level allowed for a tier one
457 client. Council Member Fawson asked if overages are billed on a monthly basis. Mr. Chandler answered
458 yes and he stated the total amount paid to the Firm from the City was approximately \$36,000.
459

460 Mayor Harris stated Mr. Chandler mentioned a six month review period and he assumes that review is to
461 determine if the client status is appropriate. Mr. Chandler stated that is correct. Mayor Harris noted that
462 the recommended action tonight is to renew the contract for a three year period. Mr. Chandler stated the
463 expiration date of the agreement would be June 30, 2015. Mr. Call added that the contract that was
464 included in the packet actually said June 30, 2014, so the extension of the contract term is part of the
465 modification that the Council is being asked to consider this evening. He noted the City always has the
466 right to cancel the contract upon 30 days' notice.
467

468 Council Member Fawson asked if the City has the right to move from tier one to tier two at any time
469 during the contract period. Mr. Call stated the purpose of the six month review period is to allow the City
470 to move between tiers if necessary. He noted the review was originally set as annually, but a six month
471 period seems to better suit the needs of the City.
472

473 Council Member Taylor stated he wanted to confirm that there is no change in the rates for each tier or
474 any change in the hourly rates for legal services. Mr. Chandler stated there are not changes in the rates
475 that were included in the previous agreement. He stated that if the City were to move to the tier three
476 level there would be a discounted hourly rate, but that same discounted rate is not eligible to tier one and
477 tier two clients. He reiterated the City started as a tier three client, but it became evident the City did not
478 need that many legal service hours and the decision was made to change the tier status.
479

480 **Council Member Bailey moved to approve the contract for legal services and to extend the term of**
481 **the contract to June 30, 2015. Council Member Stoker seconded the motion.**
482

483 Council Member Fawson thanked Mr. Call for the work he has done for the City; he has done a fantastic
484 job and it has been great to work with him.
485

486 Council Member Taylor agreed with Council Member Fawson and he feels the decision to contract for
487 legal services has been a good decision for the City. He stated that moving to a lower tier that will cost
488 the City less money is an even better step. He stated he thinks the contract is advantageous because it
489 locks in rates for a longer period, but, if for some reason the City is not happy with the service being
490 provided, the contract can be terminated with 30 days' notice. He stated he thinks the residents are
491 protected with this contract.
492

493 **Voting on the motion:**
494

495 **Council Member Bailey** **aye**
496 **Council Member Bigler** **aye**
497 **Council Member Fawson** **aye**
498 **Council Member Stoker** **aye**
499 **Council Member Taylor** **aye**
500

501 **The motion passed unanimously.**
502

503 Council Member Bigler thanked Mr. Hall and stated he has done a fantastic job for the City.
504
505
506

507 6. **DISCUSSION REGARDING A CHERRY DAYS TRANSITION PLAN**

508
509 A memo from Mayor Harris explained that over the past several months the Council has discussed
510 transitioning Cherry Days from a North Ogden City Corporation activity to one planned and operated by a
511 private, non-profit foundation. Attached to the memo was a transition plan for the Council to consider.
512

513 Mr. Chandler reviewed Mayor Harris' staff memo and stated this proposed transition would be similar to
514 what has happened in Ogden City and Salt Lake City with their Pioneer Days and Days of 47 celebrations
515 respectively. He stated he started thinking about this option because the City took a major step in this
516 direction when it began fundraising as the main source of funding the Cherry Days celebration rather than
517 funding the event via the City's budget. He noted he got ahead of himself in moving forward with the
518 idea and he should have started with the step that he is proposing tonight for the Council to consider. He
519 reviewed the proposed transition plan and stated he is recommending a three-year transition period and
520 each year there would be fewer employees involved in the event. He noted that in year one the City
521 would extend the invitation to residents to serve as co-chairs of a committee to plan the event and there
522 would be several staff members involved in the planning and operation as well. He stated the committee
523 would work to create a foundation, create its bylaws, apply for 501(c)3 status, and set up bank accounts
524 for the foundation and the distribution of funds. He noted that in the second year the staff would still
525 have a significant role, though that role would be much smaller; staff would continue to work with the
526 foundation board to plan and operate the event. He stated that in year three and beyond the City will still
527 have a role in the event, but it will be one of coordinating the operations of various departments of the
528 City that would assist in carrying out the event. He stated that in year three there would be three
529 employees assigned to work with the foundation for the operation of the event. He stated he is also
530 proposing that the City continue to fund the fireworks because that is the hardest thing to fundraise for
531 and the cost of that component of the event is anywhere between \$20,000 and \$25,000.
532

533 Council Member Taylor stated that he thinks this is a great plan; it is a good step for the City. He stated
534 his wife with involved with the Days of 47 foundation in Salt Lake for years; it is a private organization
535 and the event is not run by Salt Lake County or City. He stated it is the biggest parade and festival in the
536 State of Utah. He stated he thinks it is great to get the celebration into the hands of volunteers and reduce
537 the City's financial responsibility especially if there are people in the community that can do many of the
538 things that City staff have been doing.
539

540 Council Member Stoker agreed and stated that she is supportive of anything that gets the residents
541 involved. She added that the event used to be run more by the residents and it was highly successful and
542 very well attended. She stated she is very much in favor of this proposal and she likes the idea that the
543 City and staff will still be involved at some level, especially in the early stages of the transition. She
544 reiterated she thinks it is a good idea.
545

546 Council Member Bailey agreed as well and stated that he likes the proposal to move forward in
547 privatizing the event. He stated he appreciates the work that Mr. Chandler has done to create a
548 framework for the Council to move forward with.
549

550 Council Member Fawson stated that this year's Cherry Days celebration was one of the best he has seen
551 in 34 years; it was well attended, well organized, and he loved the activities that helped to reengage some
552 of the people and organizations that can truly benefit the entire community. He stated he has been really
553 impressed with the changes that have been made. He stated Mr. Chandler mentioned the fireworks aspect
554 of the celebration and he noted that he believes the changes that were made last year were fantastic and he
555 continues to receive compliments from residents about the fireworks show and its location specifically.
556 He stated that he really likes the idea of handing the event off to a committee over time, but his concern is
557 the way that will be handled. He stated that he has questions whether it would be best to essentially turn

558 over control to a committee initially and phase out the City's involvement over time or if it would be best
559 for the City to maintain control for a period of time until a committee is proven. He stated that his
560 preference would be that, because the City is so involved in the event, there be Council involvement
561 initially. He stated he is not saying that the foundation should not be created or that they should not apply
562 for 501(C)3 status, but he is saying that the Council should be involved with the committee to some
563 extent. He stated that he thinks the co-chairs did a fantastic job and he appreciates the work that they did,
564 but he does think it would be nice, at least initially, to have Council involvement in selecting co-chairs
565 and assembling the committee.

566
567 Council Member Bigler stated that he has been heavily involved in trying to get this to be more of a
568 community event and he appreciates all the volunteers in the community that have been assisting for the
569 past three years. He stated that his one concern is similar to that of Council Member Fawson's; he would
570 prefer to get things in place and work with the community organization for next year and then proceed
571 with privatizing it rather than privatizing the event from the onset and hoping it works out. He stated that
572 once the event is privatized it is 'their baby'. He asked the benefit of rushing to privatizing the event
573 when it is possible to achieve the same purpose by gradually transitioning to a private event to make sure
574 it is done the right way.

575
576 Mr. Chandler stated that he is willing to follow the Council's direction; the privatization can be launched
577 and staff can be offered as support moving forward or all of the final stages of privatization can happen in
578 the third year rather than the first year. He stated it is up to the Council.

579
580 Council Member Bigler stated he loves the idea of it being a community event and he has been all for that
581 since he first took office, but he would prefer that the foundation be put in place and the City help out
582 with the event for one more year before it is privatized and turned over completely. He stated he thinks
583 the privatization process that Mr. Chandler has proposed is backwards and he would rather follow the
584 same process with privatizing in the last year rather than the first year.

585
586 Council Member Taylor stated that he thinks it is important that co-chairs and the committee members be
587 given assignments and be allowed to 'run with things' sooner; it can be confusing if two different
588 organizations are in charge and maybe a solution to address Council Member Bigler's concern is that the
589 City put the committee together and appoint co-chairs and they will be in charge of the event, but the City
590 will still retain ownership of the event itself. He stated that if the first event is a success and the Council
591 feels the committee is ready to handle it on their own, the ownership of the festival can be turned over to
592 them at that point. He stated that if it takes longer than one year, so be it and the City will stay involved
593 as needed to 'pull it off', but the oweness should be on the committee so they can stretch their legs and
594 'run with it'. He stated the City would be there to catch them if needed. He stated that after the event the
595 committee could make a report to the Council identifying the success of the event and ask that it be
596 officially privatized and the Council can make the final determination at that point.

597
598 Mayor Harris noted this is a discussion item only at this point in time and he asked if there were
599 additional comments or discussion.

600
601 Council Member Stoker stated that she agrees with Council Member Taylor and Council Member Bigler
602 both. She stated that if the City is going to assemble a committee that is going to handle the event they
603 need to have some freedom to make decisions regarding the event without their hands being tied, but she
604 also thinks there should be some guidance and involvement from the City. Council Member Bigler stated
605 he wants the committee and the Council to work together.

606
607 Mr. Chandler stated that as he listens to the comments and reviews the proposal that he put together
608 regarding the transition, a couple of things come to mind; things such as applying for 501(c)3 status and

609 setting up bank accounts to receive and disperse money can be put back on the end of the transition
610 period. He stated the one thing the Council needs to be aware of is that one of the reasons he put those
611 steps at the beginning of the process is that if this is a City committee it must follow all State laws as they
612 pertain to City committees. He noted the other thing that seems to be a big issue the Council will need to
613 sort out is how the initial committee will look and how it will be created. He state his experience relative
614 to that issue is that when a couple of co-chairs are selected who are then allowed to pick their own
615 committee members that they trust to carry out their assignments, it is easy to move forward. He stated
616 there have been some discussions regarding whether the Council should appoint the committee and it will
617 be up to the Council to make that decision. He stated that as far as the transition period, that entails the
618 legal processes for setting up an independent foundation and those things can happen at the end of the
619 transition period just as easily as it can happen at the beginning.

620
621 Council Member Fawson stated it is his experience that setting up a 501(c)3 entity can take quite a long
622 time and he asked Mr. Chandler what kind of lead time he would recommend for that step in the
623 privatization process. Mr. Call stated that creating a simple 501(c)3 like this one should take no longer
624 than six months.

625
626 Council Member Bailey stated Mr. Chandler mentioned that if the City retains ownership of the event that
627 it will be necessary for the committee to follow all State laws and he assumes those laws are relative to
628 noticing meetings and keep minutes. Mr. Chandler stated that is correct and that is not a problem, but it
629 will take a little extra administration and the Council needs to be aware of that. Council Member Bailey
630 stated those are not major things. Mr. Chandler agreed and stated that they will simply require a little
631 more staff time by way of asking a staff member to attend the meetings and prepare minutes. Council
632 Member Bailey stated he would propose moving forward following the things that Mr. Chandler has
633 included in his outline with the things that Council Member Taylor has proposed as well. He stated he
634 would like to review the status and success of the relationship annually and continue to move forward.

635
636 Council Member Bigler asked Council Member Bailey if he is talking about privatizing the event now.
637 Council Member Bailey answered no. Council Member Bigler stated the way this will be set up is going
638 to be a foundation for years to come and perhaps there should be a Cherry Days committee meeting held
639 to brainstorm about the best way to set up the foundation, whether that be with two co-chairs or selecting
640 people from different parts of the City. He stated that would assist in setting up the foundation correctly
641 and the rest of the process will run much smoother. He stated he would like for everyone to have a say in
642 the process and by everyone putting their heads together it will be possible to come up with something
643 really great.

644
645 Council Member Stoker stated that from her own experience in being on the Cherry Days committee, the
646 person that was called the co-chair picked who they wanted to work with on the committee with the
647 City's approval. She stated they knew what they needed and who had that expertise and she thinks the
648 co-chair should continue to have some leeway in doing that because they know who they can work with
649 the best and it always worked out well.

650
651 Council Member Taylor agreed with Council Member Stoker's comments and co-chairs usually select
652 people they can count on to attend meetings and be heavily involved for a period of a year or two. He
653 stated he thinks it is important that the committee be given the latitude from the beginning and the City
654 should only be standing back with veto power and only get heavily involved if the committee is doing
655 something wrong. He stated control of the event should be turned over to the committee and they can run
656 the event and set up their organization, but the City will retain ultimate control until satisfied that the
657 committee is functioning well. He stated that giving them the latitude to run the event may be the only
658 way to see that they are capable of doing it. He reiterated the City will still have ultimate power and
659 control over the event until the Council is comfortable completely turning it over to the committee.

660 Mayor Harris stated that Mr. Chandler will proceed with the process he has outlined and it is important to
661 understand there will still be a lot of City employees involved initially and the number of employees will
662 be decreased over time. He stated that in his view the control is there and the main focus should not be
663 controlling Cherry Days, but making it successful. He stated the Administration will be in contact with
664 the Council as the process moves forward along the lines that have been discussed.
665

666 Council Member Taylor asked if Mr. Chandler will bring a final plan back to the Council relative to how
667 to move forward. Mr. Chandler stated he will revise the transition plan that he provided and send it out to
668 the Council so they can take a look at it and if there is a need to discuss it further the Mayor can
669 determine if it should be discussed at a future Council meeting.
670

671 Council Member Bigler asked if the plan can be discussed in a Cherry Days committee meeting called
672 specifically for that purpose. He stated there are various ways to begin a committee successfully; he has
673 been on a lot of them that have been run in different ways and he would like to brainstorm through those
674 issues rather than just 'kick' one and hope it works. He stated he would like to sit down in a one hour
675 meeting and come up with ideas and the end result may be a hybrid of a couple of different ideas that
676 would work the best. He stated he would prefer that rather than going back and forth between the Council
677 and Administration. He stated there could just be one meeting where a final decision could be made. Mr.
678 Chandler stated he thinks the initial organization of the committee will be the biggest and most difficult
679 decision to be made by the Council; he purposefully left that item fairly vague in his transition proposal
680 other than recommending that there be two co-chairs. He stated his thought was that he would leave that
681 in the hands of the Mayor as the head of the Council to work with the Council to determine the best way
682 to do it and that may very well be accomplished by what Council Member Bigler is suggesting.
683

684 Council Member Bailey asked Council Member Bigler if he is proposing that the Council have a Cherry
685 Days meeting or that the Cherry Days committee be involved in the brainstorming session. Council
686 Member Bigler stated that at this point the meeting should be between Council and staff and they should
687 decide what foundation to use rather than just saying there should be two co-chairs. He stated that may be
688 the foundation, but there should be discussion about how the committee will be organized beyond that.
689 He stated sometimes there is value in having people from different areas participate on the committee
690 because they might know more people throughout the City that could do a great job. He stated there are a
691 lot of different ways to build the foundation beyond just saying there should be two co-chairs. He stated
692 he would like to have a work session to talk about the issue so the entire Council is on the same page
693 about how to build the foundation; it would be worth the time because the foundation will be in place for
694 years to come and it will save the City a lot of headaches down the road if it can be done right from the
695 beginning and if all elected officials can be in agreement.
696

697
698 7. **DISCUSSION REGARDING THE EMPLOYEE COMPENSATION POLICY**
699 **STATEMENT**
700

701 A memo from City Manager Chandler explained the employee compensation committee completed their
702 compensation and benefits report in March 2013 and recommended that the City adopt strategic goals for
703 compensation. The committee identified three major approaches that could be employed; cost control,
704 employee retention or attraction of quality candidates. During the budget process the staff discussed the
705 process whereby we will evaluate employee compensation based on the policies set forth by the City
706 Council and the work done by the compensation committee. The following are steps for this evaluation.

- 707 • Step 1: Adopt a compensation policy statement. This statement is broad in nature and acts as a
708 guide for the staff to follow. The attached document lists four statements for your consideration.
- 709 • Step 2: Analysis of each City position. Each position and salary range is evaluated against the
710 approaches

- 711 • identified by the compensation committee: cost control, employee retention or attraction of
- 712 quality candidates. Each position is assigned to one of these approaches.
- 713 • Step 3: Analysis of current employee's compensation.
- 714 • Step 4: Develop an implementation plan, including time frame, for modifying the City's
- 715 compensation structure.
- 716 • Step 5: Presentation to and adoption by the City Council.
- 717

718 Mr. Chandler reviewed his staff memo and noted that the first two of the four statements referenced in
719 step one of his memo are:

- 720 1. Reaffirm North Ogden City's core values, vision and mission statements.
- 721 2. North Ogden City is committed to attracting and retaining competent and well trained employees
722 who will further the goals stated in the core values, vision and mission statements.

723 Mr. Chandler explained that when the employee compensation committee made their presentation it was
724 very easy to look at their discussions and think that the different strategies of cost control, retention, and
725 attraction are mutually exclusive, but as staff discussed that issue they did not feel that would be the case
726 and that the City needs to maintain in its policy statement the flexibility to be able to address the
727 economic conditions the City may face as well as changes in technology and the opportunity to provide
728 services in a different way – such as privatization. He stated that is the reason for statements three and
729 four, which read:

- 730 3. North Ogden City recognizes fluctuation in the economy and the need for flexibility when
731 addressing budgetary constraints.
- 732 4. North Ogden City will continue to take advantage of technologies, innovations, economies of
733 scale and private sector support to improve service delivery and control costs

734 Mr. Chandler stated staff is trying to put forth a policy at it pertains to compensation, but still provide
735 flexibility to address needs and different options as they arise.

736
737 Council Member Fawson stated that based on the committee's recommendation to select a path that the
738 City is going to pursue, they offered three options and statement number two read by Mr. Chandler
739 basically calls out two of those three options. He asked if there is a plan to get any more specific than
740 that. He noted there is a difference between attracting and retaining employees. Mr. Chandler stated that
741 he wanted to discuss the steps he is working on so the Council will understand the process he will go
742 through. He stated step one is the adoption of a policy. He stated step two is an analysis of each
743 employment position and he has discussed with staff the fact that they will need to remove the employees
744 from the discussion and only look at the job. He stated one of the things the committee asked was that
745 this not be just a blanket policy that would affect every position equally. He stated that during analysis it
746 will be necessary to look only at the job and determine if cost control, retention, or attraction should apply
747 to that position based upon the level of training, education, turnover, and availability of recruits for the
748 position. He stated if there is very little level of training or education required or if there is a high
749 turnover rate for a particular position, it will likely fall into the cost control category. He added that the
750 opposite would be true for positions that would fall into the retention category. He stated that there
751 should be very few – if any – positions in the attraction category. He stated that the compensation
752 committee stated that those positions should be at 120 percent of what their average was, but his
753 standpoint is that every person that works for the City is replaceable and the moment people start thinking
754 they are not replaceable is the moment they should start sharpening their resumes because they will not be
755 in their position for long. He reiterated there should be very few positions that fall into the attraction
756 group. He stated that the role that he and Human Resources Director Spendlove will play in the process is
757 as the devil's advocate and they will question each Department in detail as to how they carried out the
758 analysis of the positions that fall under them. He stated the hardest part that everyone will deal with is to
759 separate the person in the job from the job itself. He then added the compensation committee took a
760 snapshot of salaries at a point in time. He used himself and Public Works Director Blanchard as an

761 example and explained he has been employed by the City for a year and he should be at the bottom of the
762 salary range while Mr. Blanchard has been employed by the City for nearly 30 years and he should be at
763 the top of his salary range. He stated staff will begin to review where a person's salary is within their
764 current range as well as compare to the compensation for similar positions in other cities as provided by
765 the committee. He added he has been telling everyone that this is not a one year issue and it will take
766 time to address. He stated he will develop an implementation plan and bring all of that information back
767 to the Council for them to review. He stated he is willing to keep the Council updated throughout the
768 entire process or wait and bring all information back to the Council at once. He stated the three categories
769 of cost control, retention, and attraction will become more defined through the analysis process.
770

771 Council Member Fawson inquired as to the time frame for the process and he asked if it would be
772 completed by June of 2014. Mr. Chandler stated that originally staff proposed to have something to the
773 Council by September for their consideration and potential to include funding for salary increases in next
774 year's budget. He stated that a little more time would actually be more helpful because there is a lot of
775 work to do in the next eight to 10 weeks. Council Member Fawson stated it would be his hope to address
776 the issue in time to include funding in the next fiscal year budget. Mr. Chandler stated that if and when
777 the Council decides to implement any of the proposed changes they can choose to either reopen the
778 current fiscal year budget or wait to fund increases in the next fiscal year budget. He stated that decision
779 is entirely up to the Council.
780

781 Council Member Bailey stated that he would assume that there would be a phased approach included in
782 the staff recommendation. He stated that if there is a high degree of discrepancy it may be more than the
783 City can afford to address all deficiencies at once. Mr. Chandler stated he will definitely recommend a
784 phased approach and as he has talked with employees they have an understanding of that. Council
785 Member Bailey asked what a realistic time frame would be for the staff to be ready to make a
786 recommendation. Mr. Chandler stated allowing until October for staff to provide a recommendation
787 would be more realistic.
788

789 Council Member Taylor stated that he likes how Mr. Chandler's memo is laid out, but he would like to
790 add an additional step and that would be for the Council to hear some discussion about review procedures
791 and accountability. He stated he has been on both sides of the fence; he has been a public employee in a
792 lot of different agencies, but he is also a taxpayer and he would like to look at the issue from both sides.
793 He stated that he thinks that it is important to fairly compensate the City's employees and some changes
794 need to be made to ensure that happens, but he would like to know how compensation is being tied to
795 performance and if there are some ways to further improve that and incentivize employees differently.
796 He stated he does not know a lot about those procedures, but he would like to have discussion about it.
797 He stated that any time the City is considering increasing wages the taxpayers will want to know about
798 accountability. He stated he would like to add information about that to the discussion. Council Member
799 Bailey stated that when the employee compensation committee was initially formed, that was one of the
800 recommendations and focuses of the Council; the Council did not want the results of the study of the
801 committee to be used as a static starting point, but that the committee also provide a framework to address
802 this issue moving forward so that the City is not in this same situation again in the future.
803

804 Mayor Harris stated that he feels the Council has given clear direction to Mr. Chandler and the
805 Administration will provide a recommendation for the Council to consider in October.
806
807
808
809
810

811 8. **DISCUSSION ON AMENDMENTS TO NORTH OGDEN POLICIES AND**
812 **PROCEDURES MANUAL CHAPTER 4(2)(1) – REDUCTION IN FORCE/ LAYOFF**
813

814 A memo from City Manager Chandler explained that over the past few months the Council has discussed
815 potential changes to Chapter 4(2)(1) – reduction in force and layoffs – of the employee policy and
816 procedure manual. Attached to the memo were recommended changes to the chapter.
817

818 Mr. Chandler summarized his memo and noted that the City has a very generous severance package
819 pertaining to a reduction in force through layoffs; if an employee is laid off they receive two weeks of
820 regular pay, plus one month of pay for each year of service the employee has with the City. He stated that
821 when the Council discussed the privatization of parks maintenance services, two of the employees that
822 were at risk of being laid off had a combined 55 years of service for the City and that qualified them for
823 55 months pay in a severance package totaling approximately \$180,000. He stated he has discussed the
824 issue with each Council Member and told them that once they made the decision regarding the
825 privatization of parks maintenance service that he would like to go forward in changing the policy. He
826 stated that after discussing the issue with Department Heads he has decided to recommend a cap on the
827 severance payment and he reviewed the provisions that would be added to the policy as follows:

- 828 1. Notwithstanding the provisions in Chapter 4(2)(1) the maximum severance payment made by the
829 City to employees that were hired on or before (insert date – date of adoption) shall be two weeks
830 of regular pay plus twelve (12) months of pay.
- 831 2. Notwithstanding the provisions in Chapter 4(2)(1) the maximum severance payment made by the
832 City to employees that were hired after (insert date – date of adoption) shall be two weeks of
833 regular pay plus six (6) months of pay.

834 Mr. Chandler stated staff tried to balance a good severance package for the City as well as what would be
835 most fair for the employees, which is why the two levels are recommended. He stated that as turnover
836 occurs, the maximum severance packet will end up being six months. He stated that in order for an
837 employee to receive one year worth of severance pay they would have needed to work for the City for 12
838 months.
839

840 Mayor Harris stated there have been some questions about contractual obligations that the City may have
841 to long term employees that were hired when the current policy was in place and he asked for a legal
842 opinion regarding that issue. Mr. Call stated these types of cases are considered on an individual basis
843 and each individual would ultimately need to go to court to determine the implications the changes to the
844 severance package would mean to them. He stated he does not see any problems with the changes being
845 recommended by staff in terms of increasing liability for the City, especially when there has not been a
846 reduction in force due to a lay off.
847

848 Council Member Fawson stated his biggest concern is the amount of severance; the recommendation is to
849 pay up to 12 months or six months of severance pay and in his experience in the private sector this is
850 unheard of. He asked what other cities or public sector employers offer in terms of severance packages.
851 He stated he is shocked by the amount of money an employee would be eligible to receive. He stated that
852 in the private sector an employee would typically be eligible to receive one or two weeks per year of
853 employment in terms of severance.
854

855 Council Member Bigler stated one question and concern he has is in relation to the fact that no one has
856 been able to determine when the current policy was put in place and when it was voted upon in a public
857 meeting. He stated he would really like to see if it was actually voted upon because it should not be
858 included in the policy manual if it was not approved through the proper legal process. He stated he would
859 like to see if the policy was adopted according to law with a Council vote and what the policy was before
860 this policy was adopted. He stated that if it is not possible to determine that the policy was voted upon by
861 the Council, then it was never a policy. He asked Mr. Chandler if he has been able to locate that

862 information. Mr. Chandler stated he has not been able to locate proof of a Council vote, but he knows
863 when it was added to the policy manual. Council Member Bigler stated that is troublesome. Mr.
864 Chandler stated he has found a three year gap between when the policy manual did not include the policy
865 and the when it did include the policy. Council Member Bailey asked when the policy first appeared in
866 the policy manual. Mr. Chandler stated it was added around 2002. Council Member Bigler asked if the
867 City has agendas for Council meetings and he noted that for the Council to vote upon something the item
868 should have been on the agenda. He stated it would not be necessary to read all the minutes of meetings
869 because it is possible to look at the agendas. Mr. Chandler stated that to date he has not been able to
870 locate the information. Council Member Bigler stated that is the only comment and concern he has right
871 now; he would like to know where the policy came from and whether it was actually voted upon legally
872 or if it was simply added to the policy manual. He stated he is not saying that happened, but as of yet
873 staff has not been able to find a vote on the public record.

874
875 Council Member Bailey stated it looks to him like the policy has been in place and he believes the policy
876 and procedures manual has been reviewed by the Council since 2002 without this ever being raised as an
877 issue. He stated he thinks it has just been overlooked because it is such an anomaly. He stated he thinks
878 that regardless of where the policy came from the Council needs to take some action now to at least limit
879 the City's liability in these types of cases. He stated he is unsure whether this is the best recommendation
880 for amending the policy. He stated he spent too many years being an employer to think in terms of this
881 level of severance. He asked if this is a discussion or action item. Mayor Harris stated this is a discussion
882 item. Mr. Chandler stated this is the beginning step of the process to amend the policy and staff discussed
883 several options and this is the beginning point they arrived at.

884
885 Council Member Taylor stated that the policy manual has been approved a few times and whether the
886 staff can reconstruct exactly when the policy was put into effect is interesting, but is not the key to this
887 issue because none of the current members of the Administration were even employed during the time
888 that the policy was enacted. He stated the policy was approved and it is now necessary to make some
889 changes. He stated he also agrees with the sentiment that the amount of severance being recommended is
890 too generous and he does not think this is a really important benefit to the employees because the
891 likelihood of having a reduction in force has been very minimal. He stated he does not think an employee
892 considers this an important piece of their benefit package when considering whether they should work for
893 the City. He stated most people consider their pay and insurance benefits and he does not think this is an
894 area that the City needs to be overly generous when compared to what is being done in other communities
895 or in the private sector. He stated he agrees with Council Member Fawson that it would be very helpful
896 to see data from other entities regarding their severance packages; there have been large layoffs at other
897 companies in the area and it would be interesting to know how much they offered. Council Member
898 Fawson stated he would recommend reaching out to the employee compensation committee, which
899 already has ties to the private and public sector, to gather that information.

900
901 Council Member Bailey stated that in the private sector and likely in the public sector as well. . .the sense
902 he has had is that there has never or seldom been a reduction in force for City employees. Mr. Chandler
903 stated the only one that he is aware of that did not happen through attrition is when the City bought out
904 employee's remaining service years to get them to retirement stage. Council Member Bailey stated there
905 must be a great deal of caution; there have been times that employees have been let go for cause and
906 sometimes it happens that someone is laid off rather than let go for cause in order to not embarrass them.
907 He stated that if the City is going to offer a severance benefit for laid off employees, the staff needs to
908 ensure that someone does not qualify for that benefit when they should have been let go for cause. Mayor
909 Harris stated he thinks Administration has been careful about that in the past.

910
911

912 9. **DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION APPROVING POLL**
913 **WORKERS AND THEIR COMPENSATION**
914

915 A memo from City Recorder Spendlove explained Utah Municipal Election Code 20A-5-602 requires the
916 governing body to appoint poll workers and alternate poll workers and Utah Municipal Election Code
917 20A-5-602(4)(a) requires the municipality to compensate the poll workers for their services. The City has
918 asked Weber County to select poll workers they are familiar with because those poll workers have the
919 background and training to do the job well.

920
921 Mr. Chandler summarized the memo and referred to the list of poll workers attached to the memo.

922
923 Council Member Bailey stated that Janis Peterson is listed twice on the list. Mr. Chandler stated he
924 caught that error.

925
926 Council Member Taylor stated there is just one alternate poll worker and he asked if it is normal to only
927 have one worker available in reserve. Mr. Chandler stated he is not sure the answer to that question, but
928 he can follow up. Mr. Call noted the alternate is also listed as a poll worker and he wondered if that was a
929 typographical error as well.

930
931 Council Member Bailey asked if it is necessary to approve the resolution tonight. Mr. Chandler stated
932 that it would be possible to add the item to the next Council meeting agenda for further consideration.
933 Council Member Bailey stated he would propose tabling the issue until the next Council meeting to give
934 staff an opportunity to address the issues that have been raised tonight.

935
936 **Council Member Bailey moved to table the item. Council Member Fawson seconded the motion.**

937
938 Council Member Bigler asked if staff determined which precincts the poll workers live in to ensure that
939 there is balance as well. Council Member Bailey stated he got the impression that the selection of poll
940 workers was done by the County, but he asked if that was actually done by the City. Mr. Chandler stated
941 both entities participate in the selection process; there was one previous poll worker that Ms. Spendlove
942 had asked the County not to use because of some past difficulties. He stated Ms. Spendlove asked the
943 County to use those that have had election experience in the past. He stated the County provided the City
944 with this list, but they were short one person that could serve as Poll Manager so Ms. Spendlove
945 recommended someone that could fill that position. Council Member Bigler suggested the Council
946 Members send an email to the staff asking for the information they would like to have presented at the
947 next meeting so it is not necessary to continue to delay the item to get questions answered. Mayor Harris
948 clarified the motion was to table the item and it would be appropriate for the Council to ask any questions.

949
950 **Voting on the motion:**

951
952 **Council Member Bailey** **aye**
953 **Council Member Bigler** **aye**
954 **Council Member Fawson** **aye**
955 **Council Member Stoker** **aye**
956 **Council Member Taylor** **aye**

957
958 **The motion passed unanimously.**
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960
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962

963 10. PUBLIC COMMENTS

964
965 Jim Urry, 1615 North Mountain Road, stated he would like to address three issues. He stated that when
966 Mr. Chandler is talking and he turns his head to address the City Council it is difficult for those in the
967 audience to hear what he is saying and he asked that Mr. Chandler try to speak into his microphone. He
968 then stated that he had a question regarding the contract for legal services; he asked what the hourly rate
969 is after the City has exceeded the number of hours allotted by the contract. Mr. Chandler stated there are
970 two attorneys that work for the City and their rates are \$125 an hour and \$225 an hour. Mr. Urry stated
971 there should be a stipulation that only the \$125 per hour attorney be used once the City exceeds it allotted
972 number of hours. Mr. Chandler stated the City does do that. Mr. Urry then stated the third item he
973 wanted to address was the item regarding creation of a Cherry Days foundation and privatizing the event.
974 He stated he has had the opportunity to be the chairman of the Ogden Pioneer Days foundation for the
975 past two years and before that he was a co-chair for two years. He stated that he feels the first step in
976 forming a foundation is to get some bylaws in place and that will spell out the responsibilities of all
977 parties. He stated the Council also needs to realize they should not tie the foundations hands; if the event
978 is turned over to the foundation, the City cannot say they still want control. He stated the chairman of the
979 foundation and his board need to have a lot of say in what is going to happen. He stated he would suggest
980 that there not be two committee chairs; the proper way would be to have one chairman that would serve a
981 term of two years with a co-chair that would succeed the chairman automatically. He stated the way to
982 start the foundation is to assemble the committee and past committee members and work to create bylaws
983 and then move forward. Mayor Harris stated part of the transition plan that was proposed by Mr.
984 Chandler was to create bylaws. Mr. Urry stated the last thing he wanted to address was that he has been
985 involved in the Cherry Days celebration for almost 40 years. He stated that when he was chairman of the
986 Ogden Pioneer Days celebration he travelled to Cheyenne, Wyoming to observe the organization of the
987 Frontier Days rodeo and watch their parade. He stated they had a very nice parade with good floats and a
988 lot of other nice things and there are no breaks in the parade whatsoever. He stated the parade chairman
989 explained that it took a few years for the parade to get to that point, but he explained that the way they did
990 it was to station someone at every intersection along the parade route and if an entry was lagging they
991 were pulled out of the parade at the side street of the intersection. He stated it only takes one time of that
992 happening to make people get serious about staying up with the parade. He stated there were a lot of big
993 breaks in the Cherry Days parade this year and that is an idea for the City to toss around; he knows it
994 would be difficult to do at first, but it would send a strong message to the entries in the parade.

995
996 John Arrington, 254 East 2900 North, stated he wanted to echo Mr. Urry's comments about the
997 audience's inability to hear Mr. Chandler when he talks to the Council. He stated that he has attended
998 several other City Council meetings throughout the State and in most of those meetings the City Manager
999 is positioned in a way that he can address the Council, but he is still speaking into a microphone. He
1000 stated if Mr. Chandler is making a lengthy presentation it may be appropriate for him to use the
1001 microphone at the podium. He then added that if the staff plans to add something to the overhead screen
1002 it needs to be made larger because those in the audience cannot see the information. He then stated he
1003 wanted to echo Mr. Urry's comments about the creation of a Cherry Days foundation. He stated that he
1004 observed the transition of control of the Pioneer Days celebration in Ogden City and the first thing for the
1005 City to realize is that the Pioneer Days committee was organized for years as a basic committee of the city
1006 before they were given control of the celebration. He stated there was a chairman of the committee and
1007 there were various committee members that were assigned to various functions of the event. He stated
1008 that when the City decided to create bylaws and create an independent foundation, the process was
1009 already in place. He added that if Cherry Days is turned over to the foundation, it is their event. He
1010 stated that in Ogden there are city department heads and council members on the foundation committee to
1011 provide input and likely the main reason for that is that the city still heavily involved in supporting the
1012 event. He stated that in the transition Ogden City made a considerable donation to the foundation for
1013 three or four years. He stated the foundation seems to have more success in getting donations for funding

1014 of the event. He added that he thinks the transition of privatizing the event in Ogden City worked very
1015 well, but he noted that a similar transition in North Ogden cannot happen next year or the year after that;
1016 first it is necessary to get a functioning committee in the City with a functional organization and that
1017 group of committee members can work to form a foundation. He stated that will give the Council the
1018 opportunity to have input on the function before the transition takes place. He added he also liked Mr.
1019 Urry's comments about the parade. He stated he is an announcer at one of the stations and it bothers him
1020 when there are large gaps; there are groups that stop and perform and that holds up the parade. He stated
1021 that when he was young he knew of a man that ran the Ogden parade that did remove people from the
1022 parade if they did not comply with the directives of those organizing the parade. He stated he had one
1023 additional suggestion for those public officials that are at the front of the parade. He stated it is very
1024 difficult for him as an announcer to get any important information out; he does not have time while they
1025 are in front of the people that are sitting in his area to say who the officials are. He stated if there is going
1026 to be a gap in the parade, that is where it should be so that the public officials can get some recognition.
1027 He stated as an announcer he wants to recognize those people. He then concluded that he thinks the
1028 transition to privatize the Cherry Days will be more difficult than was discussed tonight and he reiterated
1029 that in Ogden there was a functioning committee for years before the transition took place. He then stated
1030 that he appreciated the comments made by those Council Members that have worked in the private sector
1031 regarding the severance pay policy. He stated that he thinks it is ludicrous as a taxpayer and the pay
1032 should be much less than that and more in line with the private sector. He stated that when there is a
1033 layoff in the public sector he would assume that there is a bumping process; if someone has seniority they
1034 may have the opportunity to take another position in the City that is filled by someone with less seniority.
1035 He stated that in doing that there is also the opportunity to offer incentives to those employees facing
1036 layoffs. He stated that in the organization he worked for previously and in the private sector the only time
1037 he has seen years of service be considered in a severance package was for executives or at-will employees
1038 that could be terminated for no reason at all. He stated that if the severance package in North Ogden is
1039 going to apply to all employees, it should be possible to develop a policy that would help an employee
1040 while not creating such a demand on the City.

1041
1042

1043 **11. CITY COUNCIL, MAYOR, AND STAFF COMMENTS**

1044

1045 Council Member Bigler stated he appreciated the public comments regarding the privatization of Cherry
1046 Days. He stated that is why he made the comments he made regarding establishing a foundation and then
1047 move forward. He then stated he wanted to thank all City staff and the volunteers for all the hours they
1048 dedicated to the Cherry Days celebration and if any residents have idea regarding how to improve the
1049 event he is happy to hear them because the City is always looking to improve in any way possible. He
1050 stated he thinks the celebration went very well according to the comments he has heard from residents.

1051

1052 Council Member Bailey stated he was out of town during the Cherry Days celebration, but he has heard
1053 great things about the event and he wanted to thank those that were involved in its organization. He
1054 stated he did have family members that told him the parade was the best they had seen in the past several
1055 years and it was not as commercial as it has been in years past and they appreciated that. He stated he
1056 always hears good things about the fireworks as well and everyone loves the new location of that aspect
1057 of the event. He stated that Mr. Chandler said it best in the email he sent after the last day of the event
1058 and that was that the City did not blow anything up or burn anything down so the event was a success.

1059

1060 Council Member Stoker stated that the walk in the parade was quite an event. She stated she appreciated
1061 Mr. Arrington's comments regarding the fact that all City officials were grouped together, but she wanted
1062 to add that two problems were that the youth were riding the float and the Council Members were walking
1063 and the Youth Council was mentioned by the announcer and the City Council was not. She stated,

1064 however, that it was a good day and the event was fun and she appreciates the staff that works so hard to
1065 organize it.

1066
1067 Council Member Taylor echoed the comments that have been made regarding the success of the Cherry
1068 Days event and he thanked Council Member Fawson for donating some of his candy to him after he had
1069 thrown all of his out to parade spectators.

1070
1071 Mr. Call then stated he is glad he will have the opportunity to continue to work with the City and he
1072 thanked the Council for approving the agreement with his Firm.

1073
1074 Mayor Harris stated he failed to recognize Nicole Smedley, Deputy City Recorder, who is filling in for
1075 Ms. Spendlove this evening. He then stated that he wanted to mention a few additional things regarding
1076 the Cherry Days event. He stated the Youth Council and some City employees met at 8:00 a.m. on the
1077 day after the fireworks show to pick up all fireworks debris that had fallen on Lyman Barker's field; Mr.
1078 Barker was concerned about picking up some of the debris in his hay baler. He added that some of the
1079 debris drifted across residential properties in the area and the group of people did a great job of cleaning
1080 those yards and Mr. Barker's fields. He stated people often do not know those things are happening, but
1081 the work continues. He stated the entire event was very successful; there was minor damage to a
1082 trampoline in a backyard and the City will take care of that.

1083
1084
1085 12. **ADJOURNMENT**

1086
1087 **Council Member Fawson moved to adjourn the meeting. Council Member Stoker seconded the**
1088 **motion.**

1089
1090 **Voting on the motion:**

1091
1092 **Council Member Bailey aye**
1093 **Council Member Bigler aye**
1094 **Council Member Fawson aye**
1095 **Council Member Stoker aye**
1096 **Council Member Taylor aye**

1097
1098 **The motion passed unanimously.**

1099
1100
1101 **The meeting adjourned at 8:42 p.m.**

1102
1103
1104
1105 _____
1106 Richard G. Harris, Mayor

1107
1108
1109 _____
1110 Nicole Smedley
1111 Deputy City Recorder

1112
1113 _____
Date Approved