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NORTH OGDEN CITY COUNCIL MINUTES

May 28, 2013

The North Ogden City Council convened in an open meeting on May 28, 2013 at 6:31 pm 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 May 24, 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
	Wade Bigler	Council Member
	Justin Fawson	Council Member
	Cheryl Stoker	Council Member
	Brent Taylor	Council Member
STAFF PRESENT:	Ronald F. Chandler	City Manager
	Bryan Steele	Finance Director
	John Call	City Attorney
	Craig Barker	Community Development Director
	Stacie Cain	Community Development Coord. /Deputy City Recorder
	Gary Kerr	Building Official
	Kevin Warren	Chief of Police
VISITORS:	Lyman Barker	Mike Steigers
	Ryan Jones	Cydnee Jones
	LoRen Baguley	Tom Baguley
	Phillip Swanson	Becky Nuttall
	Jefferson Shupe	Myron Joyner
	Ray Connelly	Maxine Connelly
	Jolyon Walker	Naomi Trammell
	Dale Randall	Kimberly Randall
	Lyle Adams	Joyce Matlock
	Greg Young	Jerry Shaw
	Dave VanBallegoonie	Heather Durham
	Barbara Parkinson	Kriss Young
	Mark Pontius	Brian Russell
	Bryson Stewart	Amanda Stewart
	Lisa Dean	Darin Dean
	Jim Shupe	Janice Schramm
	Kathy Casey	Mark Nuttall
	Susan Walters	Nicole Tripp
	Alan Casey	Jill Hardee
	Aaron Christensen	Kim Christensen
	Kelly Johnson	Stacie Shupe
	Kim Parkinson	Gari Manning
	Bill Hansen	Lisa Arner
	Steve Arner	Charles Crippen
	John Eccles	Troy Erickson
	Brian Raines	Lance Allen

52	Kathryn Warren	Amanda Trease
53	Kevin Bott	Kathy Bott
54	Cindy Smoot	Rachel Trotter
55	Dale Swenson	Tony Aragon
56	Kathy Aragon	George Nichols
57	Sharon Pike	Wayne Pike
58	Ricky Hatch	William Asay
59	Ryan Edwards	Kelly Edwards
60	Dwayne Parker	Donna Parker
61	Charles Millet	Pat Millet
62	Michael Dufrene	Susan Riggs
63	Lonnie Barker	Karen Lee
64	Debbie Ouder Kirk	Brian Overdiek
65	Kami Overdiek	Martha Urban
66	Lori Petersen	

67
68
69 Mayor Harris welcomed those in attendance and offered the invocation and led the audience in the
70 Pledge of Allegiance.

71
72
73 **CONSENT AGENDA**

74
75 **1. Consideration to approve Business Licenses.**

76
77
78 **Council Member Bailey moved to approve the consent agenda. Council Member Taylor**
79 **seconded the motion.**

80
81 **Voting on the motion:**

82
83 **Council Member Bailey aye**
84 **Council Member Bigler aye**
85 **Council Member Fawson aye**
86 **Council Member Stoker aye**
87 **Council Member Taylor aye**

88
89 **The motion passed unanimously.**

90
91
92 **ACTIVE AGENDA**

93
94 **1. PUBLIC COMMENTS:**

95
96 Ricky Hatch stated he is the Weber County Clerk Auditor and he wanted to talk briefly about the
97 upcoming special election to be held in June. He stated he does not want to advocate for or against the
98 bond issue or the fact that the election will be conducted entirely by mail. He stated that he wanted to
99 simply provide information about the by-mail voting process. He stated every active, registered voter in
100 Weber County will receive their ballot in the mail within the next few days; voters can return their ballots
101 one of three ways: they can drop the voted ballot in any United States Postal Service (USPS) box and the

102 postage is prepaid by the County; they can drop off their ballot at any one of six locations throughout the
103 County that house secure drop off machines that will be checked by elections personnel every day or
104 every other day; or voters can drop off their ballot at any vote center on election day. He stated that if
105 voters do not feel comfortable voting by mail, or if they did not receive a ballot, or if they spoiled the
106 ballot they received they can go to any vote center and vote on a voting machine. He then reviewed the
107 controls of the by-mail voting process; from the moment the ballots left the ballot printer they were
108 tracked via a global positioning system (GPS) until they arrived at the postal facility for mailing. He
109 stated once a voter has cast their ballot via mail they will be held at the USPS post office in Ogden and
110 two elections personnel will pick up the ballots on a daily basis. He stated no ballot will ever be touched
111 without two elections personnel present to help address any concerns regarding fraud. He noted all
112 ballots will be transported in a lock box and will only be unsecured for processing by elections personnel.
113 He stated that during each step of the process there will be reconciliation and control totals of ballot
114 batches, which means two election personnel will indicate the number of ballots they received and the
115 number of ballots they forward to the next step in the process. He stated this is done to ensure no ballots
116 are lost. He noted personnel will validate and verify manually every signature of every voter on every
117 ballot envelope; the signatures are compared with signatures on the voter database maintained by the
118 State of Utah and if staff finds a discrepancy or has a question about the signature they will contact the
119 voter and give them a chance to spoil the ballot and submit a new one or verify that the signature is their
120 own. He then stated there is some talk about secret ballots in voting by mail and measures have been
121 taken to ensure secrecy of a ballot; the outer flap of the ballot envelope will cover the signature of the
122 voter and that is the area of the envelope election personnel will use to verify the ballot. He stated
123 verification takes place without the elections personnel having any access to the ballot itself. He stated
124 that once the voter verification has taken place the envelope will be unsealed and the ballot will be passed
125 to the next step in the process for tabulation. He stated the ballot and the envelope can never be reunited
126 because there is no information to connect the two documents to one another; this means those counting
127 ballots will not be able to tell how a voter voted. He stated that he is happy to answer any questions the
128 City may have about the vote by mail election.
129

130 Sally Ostein, 477 E. 3550 N., stated she has been a resident of North Ogden for over 30 years and she is a
131 member of the North Ogden Civic League. She stated the Civic League attended tonight's meeting with
132 the understanding that they were to be recognized for their donation to the City. She stated it is the
133 privilege of the members of the Civic League to donate money for different needs of the City; one
134 donation was for the Christmas nativity scene; another for more Christmas lights for the park; another for
135 more trees in parks; and another for new lounge chairs at the aquatic center. She stated it is their privilege
136 as women of North Ogden to work hard to earn money to assist in the beautification of the City. She
137 thanked the Council for accepting their donation and noted the Civic League accepts the thanks of the
138 City in return.
139

140 Mayor Harris apologized that there was not a formal agenda item to recognize the Civic League, but he
141 noted that the City is very grateful for the service the Civic League has provided and the monetary
142 donations that they have made in the past.
143

144 Council Member Bigler asked all members of the Civic League to stand and be recognized. They did so
145 and received a round of applause.
146

147 **2. DISCUSSION AND/OR ACTION TO RENEGOTIATE THE NICHOLS AGREEMENT.**

148 A memo from City Manager Ron Chandler explained he had provided the Mayor and City Council with a
149 copy of the Nichols agreement that was approved February 26, 2013 and discussed again on May 14,
150 2013.
151
152

153
154 Mr. Chandler explained the agreement was discussed on May 14, 2013 but action was taken on the
155 agreement and was tabled until tonight. He noted he has provided the Council with a copy of the
156 agreement including recommended amendments that are highlighted in yellow; the biggest change is the
157 photograph of the garage that shows that the rain gutter is no longer hanging over the property line.
158

159 Council Member Taylor asked if Mr. Nichols had a chance to review this agreement and if they had any
160 concerns or feedback.
161

162 George Nichols, 2255 N. 575 E., stated the agreement is related to his older home at 2821 N. 1050 E. He
163 stated he has not seen the marked up copy of the agreement. Mr. Chandler stated the agreement provided
164 to the Council was based on the draft agreement Mr. Nichols provided to the City. Mr. Nichols stated
165 that if the Council is considering the agreement he provided he is absolutely comfortable with it.
166

167 **Council Member Bigler moved to accept agreement 2013-6. Council Member Fawson**
168 **seconded the motion.**
169

170 **Voting on the motion:**
171

172 **Council Member Bailey aye**

173 **Council Member Bigler aye**

174 **Council Member Fawson aye**

175 **Council Member Stoker aye**

176 **Council Member Taylor aye**
177

178 **The motion passed unanimously.**
179
180

181 **3. DISCUSSION AND/OR ACTION TO EXTEND THE SOLID WASTE AGREEMENT**
182 **WITH WASTE MANAGEMENT OF UTAH, INC. FOR TRASH COLLECTION.**
183

184 A memo from Mr. Chandler explained the City's solid waste hauler, Waste Management of Utah (WM),
185 has requested a contract extension. The current WM contract expires on June 30, 2013 and City
186 Administration is proposing a one-year contract extension to allow WM to complete the Recyclebank
187 promotion. The extension guarantees the current rates for the term of this extension as follows:

- 188 • First Waste Container \$3.64 per month per residential unit
- 189 • Each Additional Waste Container \$1.22 per month per residential unit
- 190 • First Recycling Container \$2.21 per month per residential unit
- 191 • Each Additional Recycling Container \$2.21 per month per residential unit

192 The current contract includes a monthly surcharge for fuel and WM is suggesting two options for paying
193 the surcharge. The first option continues our current arrangement wherein North Ogden pays the fuel
194 surcharge based on the most current price per gallon charged WM prior to the City's monthly invoice
195 date. The second option averages the prior twelve month fuel charge and adds it to the monthly, per
196 container price. In either case, this will not change the monthly amount we charge the customer.
197

198 Lance Allen, WM Government Affairs representative, summarized Mr. Chandler's memo reiterating the
199 request is to extend the current contract for a one year period. He provided a brief explanation of the
200 Recyclebank program and noted it is a contest program and North Ogden took fifth place in the nation
201 competing against all 50 states. He stated extending the contract an additional year will allow for full
202 implementation of the contract and possibly increasing diversion of recyclable materials by 30 percent

203 over the existing program, which will save the City on the cost of disposal while increasing the amount of
204 monetary rewards that residents are eligible for. He reviewed the two fuel surcharge options for renewing
205 the agreement.

206
207 Council Member Bailey stated he remembers there was a “free look” period for the Recyclebank program
208 and after that period there would be an enrollment or subscription residents would be expected to pay for
209 if they wanted to continue in the program and he noted he was not comfortable requiring residents to pay
210 that subscription fee. Mr. Allen explained the “free look” period began on July 1, 2012 and it is a 24
211 month period; the first six months of the period were the contest period. Council Member Bailey asked
212 Mr. Allen if the purpose of the recommendation to extend the contract for one year is to coincide with the
213 “free look” period. Mr. Allen answered yes.

214
215 Council Member Bailey asked if staff has a recommendation relative to which fuel surcharge options the
216 City should opt for. Mr. Chandler stated he has discussed the issue with Mr. Steele and they do not feel
217 there is a significant difference between the two options and they do not have a preference. Mayor Harris
218 suggested the best option is the option that continues the current fuel surcharge practice.

219
220 **Council Member Fawson moved to approve agreement 2013-7 opting for the second fuel**
221 **surcharge option, which bases the fuel surcharge on a historical average of fuel costs. Council**
222 **Member Bailey seconded the motion.**

223
224 Council Member Taylor stated the motion to select the second fuel surcharge option is a change from the
225 current fuel surcharge practice included in the contract and the City will be assuming some risk by
226 selecting that option. Mr. Chandler stated the per-can cost could increase based on the average cost of
227 fuel over the past 12 month period.

228
229 Council Member Bailey inquired as to the amount that the per-can cost could increase. Mr. Chandler
230 explained the cost would be \$.33 per home and that amount would be divided among the services
231 provided to each homeowner.

232
233 Council Member Taylor asked if there is ever an event when the fuel surcharge will cease to exist. Mr.
234 Allen stated there is a baseline amount of \$2.53 per gallon of fuel; if the price of fuel drops below \$2.53
235 the surcharge would be eliminated. Council Member Taylor stated that he understands there is not a big
236 difference between the two options, but he would prefer to pay the actual fuel costs rather than an amount
237 based on the average for the past 12 months.

238
239 **Voting on the motion:**

240
241 **Council Member Bailey aye**
242 **Council Member Bigler aye**
243 **Council Member Fawson aye**
244 **Council Member Stoker aye**
245 **Council Member Taylor nay**

246
247 **The motion passed on a four to one vote.**

248
249
250

251 4. **DISCUSSION AND/OR ACTION TO CONSIDER SETTING A PUBLIC HEARING FOR**
252 **AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO CONTINUE A**
253 **CONDITIONAL USE PERMIT FOR TOM'S AUTO REPAIR.**
254

255 A memo from Mr. Chandler explained six residents have sent a letter to North Ogden City to appeal the
256 Planning Commission's decision to allow the continuation of the conditional use permit for Mr. Tom
257 Baguley at 3590 North 575 East. The appeal process is found in the North Ogden Municipal Code 11-14-
258 3 F through H. A summary is as follows:

- 259 1. Appeal – The appeal to the City Council is to be made by the applicant or any person aggrieved
260 by the planning commission's decision within fourteen (14) calendar days of the planning
261 commission's decision. (North Ogden Municipal Code Section 11-14-3F)
- 262 2. Public Hearing - The City Council may hold a public hearing or make a decision without a public
263 hearing. If a public hearing is held, it must be advertised at least fourteen (14) days before the
264 public hearing date. (North Ogden Municipal Code 11-14-3H) The Code does not give criteria
265 for deciding if you will hold a public hearing or proceed without one.
- 266 3. Hearing Date – If a public hearing is held, it must be advertised at least fourteen (14) days before
267 the public hearing date. In this case, the public hearing/appeal meeting will be on June 25, 2013.
268 If a public hearing is not held, the appeal meeting will be on June 11, 2013. (North Ogden
269 Municipal Code 11-14-3H)
- 270 4. Documents – Prior to the appeal meeting the staff will send you the planning commission's
271 approved minutes for all of the planning commissions meetings and hearings held on the matter,
272 copies of the staff reports, the conditional use permit application and other written material
273 submitted to the planning commission. (North Ogden Municipal Code 11-14-3 F&G). Staff will
274 also include communication that I have received since the Planning Commission's decision on
275 May 1, 2013.
- 276 5. Decision on appeal – The City Council shall render its decision no later than the next regularly
277 scheduled city council meeting held after the public hearing, unless consent for a delay in the
278 decision is granted by the applicant. If a public hearing is not held, the City Council shall render
279 its decision no later than the next regularly scheduled city council meeting after the city council
280 initially considered the appeal, unless the applicant consents to a delay in the decision. (North
281 Ogden Municipal Code 11-14-3H).

282 The purpose of the May 28, 2013 meeting is for the Council to determine if they will hold a public
283 hearing when considering this appeal.
284

285 Mr. Chandler reviewed his staff memo and summarized the appeal process relative to a conditional use
286 permit (CUP) for a home occupation. He stated in 2010 the Planning Commission approved, and the City
287 Council upheld the decision, for a CUP for a home occupation for Tom's Auto, LLC and the business has
288 been in operation since that time. He noted an annual review of the CUP is required and the review took
289 place in a Planning Commission meeting on May 1, 2013; the Planning Commission reviewed materials
290 provided by staff and made a decision to allow Mr. Baguley to continue with his business according to the
291 conditions of his CUP. He stated that decision was appealed on May 15 by six residents and that began
292 the appeals process. He reiterated the first decision for the Council to make relative to the appeal is
293 whether to schedule a public hearing, though there are no criteria in City Code to guide the Council
294 regarding the scheduling of a public hearing and, therefore, that decision is ultimately up to the discretion
295 of the Council. He stated if the Council decides to hold a public hearing it is necessary to provide a 14-
296 day notice period, which means the public hearing could not be held until June 25. He stated if the
297 Council decides against holding a public hearing they can proceed to considering the appeal this evening
298 under item five on the agenda.
299

300 City Attorney Call reiterated the decision to be made under this agenda item is whether to hold a public
301 hearing and who would be allowed to speak at the appeal hearing.

302
303 Mayor Harris stated that the City received an email late this afternoon from Mr. Crippen requesting that
304 he be given more time to prepare for the hearing. He asked Mr. Call to provide information regarding
305 that request. Mr. Call explained the appellants have filed a request with the State Property Rights
306 Ombudsman to give an official opinion regarding this situation and Mr. Crippen has asked that the
307 Council not hold an appeal hearing until the Ombudsman has rendered his opinion. He stated there is
308 nothing in the City Code requiring the Council to wait, but the request has been made and he encouraged
309 the Council to consider that request when making the decision. Mr. Chandler added the Council received
310 a copy of Mr. Crippen's request this evening.

311
312 Council Member Bailey stated it is difficult to consider these types of issues when the Council does not
313 have a chance to review documentation prior to the meeting.

314
315 Council Member Bigler stated he would prefer that the Council proceed with hearing the appeal this
316 evening; it was filed May 1, 2013 so it has been one month since the filing. He noted City Code states the
317 appeal should proceed at the next meeting unless there are specific reasons not to proceed. He reiterated
318 it has been one month since the appeal was filed and the neighborhood, on both sides of the issue, needs a
319 decision made. He then stated this body is not acting as the Council relative to this appeal; the public
320 may get the wrong impression that the Council is responsible to make a decision and they are not required
321 to hold a public hearing. He noted the appeal body should not base its decision upon public clamor, but
322 rather on whether the decision made by the Planning Commission was legal. Mr. Call stated that is
323 correct. Council Member Bigler then stated the Council has so much documentation and it is possible to
324 understand the specifics of the complaints of the appellants and he is ready to move forward this evening.

325
326 Council Member Fawson stated he feels the neighborhood has been dealing with this matter far too long
327 and he feels the appeal hearing should be expedited.

328
329 Council Member Taylor stated this is a very controversial topic in the neighborhood and it has been going
330 on for several years. He stated he would like to see the issue resolved as soon as possible as well, but
331 when the Council receives documentation in the last few days or last few hours he feels it is necessary to
332 take the time to review the documents. He stated he has read through the 159 page packet the Council
333 received relative to the appeal and he thinks it would only be fair to take additional time to consider the
334 documentation as well as hold a public hearing on the matter. He stated he does not want to drag the
335 neighborhood through additional controversy, but he would like for the appeal hearing to take place in a
336 public forum. He stated he thinks if the Council makes a decision tonight, regardless of the decision, a lot
337 of people will not be satisfied and he would rather take the time to have all information available and hold
338 a public hearing.

339
340 Council Member Bigler stated he does not think the Council will receive additional information regarding
341 infractions.

342
343 Council Member Fawson stated he understands the need to process all the documentation relative to the
344 appeal, but he feels that even if the issue is delayed for two weeks in order to hold a public hearing, there
345 will still be people that will be upset by the outcome. He stated he does not feel there will be a point in
346 time when everyone will be happy with whatever decision is made.

347
348 Council Member Stoker stated she is torn on the issue, but she agrees that the neighborhood has been torn
349 apart by the difference of opinion, but she feels that they have the right to due process and have the ability
350 to say how they feel and that could happen in a public hearing.

351

352 Council Member Bigler stated that regardless of whether a public hearing is scheduled both sides of the
353 appeal will have the opportunity to address the appeal body, which is what the appellants asked for in
354 their appeal. He noted the only thing a public hearing would do would allow people besides the
355 appellants and Mr. Baguley to speak.

356
357 Council Member Bailey inquired as to the role of the Land Use Ombudsman in matters such as this. Mr.
358 Call explained the Ombudsman has two roles; in this case he has been asked to issue an opinion letter and
359 it only carries weight with the idea that the Ombudsman has expertise and authority in the land use area.
360 He noted the Ombudsman's is available to help cities and property owners resolve land use matter outside
361 of the court system; the Ombudsman is essentially a mediator that can provide expert opinions. He stated
362 there are a couple of instances where the Ombudsman would have some authority over a land use matter,
363 but this is not one of those instances. He stated the City would not be bound by any opinion of the
364 Ombudsman as it is only considered an advisory opinion. Council Member Bailey asked how long it will
365 take the Ombudsman to provide his opinion. Mr. Call stated that is totally dependent on the
366 Ombudsman's work load; that may be something the appellant that spoke with the Ombudsman could
367 provide. He stated that typically when an advisory letter is requested, both parties to the issue would be
368 asked to submit information to the Ombudsman prior to him rendering his opinion. He stated that all that
369 has happened at this point is the appellant has sent a request to the Ombudsman, who has not yet asked
370 the City to provide any information regarding the matter.

371
372 Mayor Harris then stated he will allow public comment on this issue. Council Member Bailey asked if
373 residents are asked to provide input regarding whether a public hearing should be held. Mayor Harris
374 stated he would simply ask those speaking to only speak about the subject at hand.

375
376 Michael Dufrene, 587 E. 3600 N., stated the first question he has is for Council Member Bigler. He asked
377 if Mr. Baguley was working on a vehicle at his home last Thursday when Council Member Bigler visited
378 him. Council Member Bigler answered no. Council Member Bigler asked Mr. Dufrene if he wanted to
379 ask him why he went to Mr. Baguley's house. Mr. Dufrene answered no and stated it is not relevant. He
380 stated that the package of information regarding the appeal includes instructions to the Council that the
381 appeal not be discussed outside of a Council meeting. He stated Council Member Bigler has made his
382 point for him, and it has been witnessed tonight, that he is "carrying the flag" leading the Council in favor
383 of the Baguley's. He stated he does not know why that is happening and he does not want to make
384 accusations this evening. Council Member Bigler stated Mr. Dufrene just did make an accusation. Mr.
385 Dufrene stated he was making an observation. He then asked Council Member Bigler if he normally
386 attends Planning Commission meetings. Council Member Bigler answered sometimes. Mr. Dufrene
387 stated that he has verified through City records that he attended May 1, 2013 but before that it had been
388 some time since he had attended. He stated that during the May 1, 2013 meeting Council Member Bigler
389 sat right behind the Baguley's and whispered with them the entire evening. Council Member Bigler
390 stated that is not true. He stated he did not whisper back and forth with them. He stated he wants to
391 address Mr. Dufrene's comments because he is jumping to conclusions to try to force his agenda. Mr.
392 Dufrene stated he is trying to highlight Council Member Bigler's agenda. Mayor Harris asked that those
393 speaking refrain from making personal attacks and be civil in their comments. Council Member Bigler
394 stated that prior to the May 1, 2013 Planning Commission meeting he attended an Economic
395 Development Committee meeting to discuss a proposed development to build up to 400 condominiums in
396 one area of the City. He stated the issue was discussed at length and the same issue was on the Planning
397 Commission agenda; the Planning Commission ultimately decided to table consideration of the item, but
398 he wanted to hear the discussion regarding that issue and he has every right to do that. He stated Mr.
399 Dufrene is jumping to conclusions that are false. Mr. Dufrene stated that he would have been less
400 suspicious if Council Member Bigler had not sat behind the Baguley's and whispered with them for a
401 good portion of the meeting. He stated that two of the appellants witnessed Ms. Baguley turn to Council
402 Member Bigler and mouth the words "thank you". Council Member Bigler stated he sat in the first

403 available chair in the room in which the meeting was held. Mr. Dufrene stated he is glad Council
404 Member Bigler brought up the fact that he has the right to do certain things. He stated all he is asking is
405 for the public to weigh-in on this issue. He noted a precedent was set by the City Council, led by Council
406 Member Bigler as far as he can tell in the meeting minutes and by everything he has seen and witnessed,
407 to establish and keep Mr. Baguley's business in operation and he thinks the public has a right, whether
408 they live next door to Mr. Baguley or not, to address the Council because this issue can have an impact on
409 their livelihood from this day forward. Council Member Bigler stated Mr. Dufrene's letter states the
410 opposite in asking that the issue not be opened up for everyone to speak on.

411
412 Council Member Taylor called for a point of order. He asked that if a Council Member is mentioned in
413 public comments that they have the opportunity, at the conclusion of the residents' remarks, to respond.
414 He stated that will prevent this issue from becoming a debate between a resident and any member of the
415 body.

416
417 Mr. Dufrene stated he only has one additional comment regarding his interaction with Mr. Baguley. He
418 stated he took offense to seeing Council Member Bigler at the Baguley's home. He stated he did have the
419 decency to talk to him as well, but he was in shock when Council Member Bigler walked over to his
420 vehicle thinking it belonged to someone else and when he commented on the car Mr. Dufrene responded
421 that it was "his baby" and he needed to take it to a shop for maintenance and Council Member Bigler's
422 comment was to question whether Mr. Dufrene was taking his vehicle to the Baguley's for work. He
423 stated he did not find the comment funny then or now and it gives him a deep perception of what Council
424 Member Bigler's intent is. He stated he is done addressing Council Member Bigler, but his last comment
425 is that all approvals for Mr. Baguley's business occurred before Mr. Dufrene moved to the neighborhood.
426 He stated he would have never moved to the neighborhood if he had known about the business. He stated
427 he has nothing against Mr. Baguley or his wife; the question is not whether Mr. Baguley is a good man,
428 has a good family, or has the right to support his family; the question is if he has the right to do what he is
429 doing in a residential area. He stated there are many letters from people that came forward two years ago
430 to speak on Mr. Baguley's behalf, but he does not give those letters much credence because until someone
431 lives next door to Mr. Baguley and puts up with what they put up with eight hours a day, five days a
432 week, they cannot understand what the neighborhood is going through. He stated Mr. Baguley has two
433 alternative locations to move his business to; he has claimed he did not know that, but he has known it
434 since May 1, 2013. He stated Mr. Baguley has not made any attempt to move his business to a location
435 that would be free of charge to him; the location would be away from a residential neighborhood and it
436 would not set any precedent for the City. He stated he hopes every Tom, Dick, and Harry comes out of
437 the woodwork to request an auto repair, machine shop, or wood shop in a residential neighborhood and he
438 prays to God that one of them lives next to Council Member Bigler.

439
440 Mayor Harris stated if anyone wants to make additional comments they must remain civil and refrain
441 from making personal attacks.

442
443 Council Member Bigler stated that he did go to the Baguley's home, but not because he is "buddies" with
444 him. He stated he asked Mr. Baguley to turn on his compressor and the loudest air tools he has because
445 he had read the complaints of the appellants and he did not want to sit in his position, acting high and
446 mighty, and make a decision without seeing and hearing for himself what was happening at the business.
447 He stated he would think the residents in the neighborhood would appreciate that fact. He stated he stood
448 in Mr. Baguley's driveway, on his sidewalk, in the middle of the street, and across the street at Mr.
449 Swenson's house and he again asked Mr. Baguley to turn on all of his equipment to understand the noise
450 levels. He stated Mr. Baguley has never worked on his car and he had never met his family before this
451 process started. He stated Mr. Baguley has worked on the vehicles of some of his neighbors, some of
452 them free of charge. He stated he wanted to be clear about why he went to Mr. Baguley's home; he was
453 doing his job as a City Council Member so he could hear for himself what was happening.

454
455 Mayor Harris reminded the audience that the Council's role as the appeal authority is to review the
456 decision the Planning Commission made and decide if that decision was legal. He stated this has nothing
457 to do with who is a better person and he asked the public to please make their comments with that
458 perspective. He stated the Council understands there are two sides to this issue and he would like for the
459 meeting to remain civil. Council Member Bigler stated that after he read the letters from the appellants he
460 decided to go to the house to try to determine if the decision of the Planning Commission was, in fact,
461 legal.

462
463 Cydnee Jones, 3618 N. 575 E., stated she lives three houses away from Mr. Baguley and she has lived
464 there for eight years. She stated that Mr. Dufrene is not Mr. Baguley's next door neighbor so it is
465 inappropriate for him to speak as if he is. Mr. Dufrene stated his backyard borders Mr. Baguley's
466 backyard. Ms. Jones stated that is not the same as being next door. She then stated she would like to
467 comment on an email from Ron Chandler dated May 8, 2013. She stated she and her husband have
468 always supported Mr. Baguley and they have attended meetings that have been held to discuss his
469 business since the beginning. She stated she has young children and she is not concerned about the effect
470 the fumes or noise will have on them. She stated she would challenge anyone that does not live in the
471 area or the circumstances to come to the neighborhood and they would not even know that Mr. Baguley
472 has a repair shop in his garage. She stated she attended the Planning Commission meeting last month and
473 they voted unanimously to re-approve Mr. Baguley's CUP as they have done for the past three years. She
474 stated her concern at the meeting was that the Planning Commission had mentioned at the meeting that
475 any complaints they had received about the business to that point were too general in nature and there was
476 nothing specific enough to prove that Mr. Baguley had done anything to violate the conditions of his
477 permit. She stated the body proceeded to approve the permit, but as soon as she and her husband left the
478 meeting they commented to each other that the Planning Commission had no idea the "can of worms"
479 they had opened. She stated unfortunately in their neighborhood there is a high population of older men
480 that have a lot of free time to complain and focus on everyone but themselves in the neighborhood. She
481 stated she knew that the neighbors would begin looking for details to bring Mr. Baguley's business down
482 and, sure enough, the following week one of the individuals living in the neighborhood chose to spend
483 over six hours of his day sitting in a lawn chair across the street from Mr. Baguley's house watching him
484 and he continued to repeat that he hoped to catch him doing something wrong. She stated that the irony
485 was that Mr. Baguley was not working on vehicles that day so it proved to not be a good use of time. She
486 stated that her concern about the issue is that there is a lot of self-policing going on in the neighborhood;
487 there are many individuals taking it upon themselves to enforce what they perceive to be the rules for Mr.
488 Baguley's business. She stated she appreciated Mr. Chandler's May 8, 2013 email that specifically laid
489 out the six conditions that were part of Mr. Baguley's CUP. She stated, in her opinion, anything other
490 than those six items should not be considered or discussed. She stated that as long as Mr. Baguley abides
491 by the six conditions that were developed by the Planning Commission his business should be allowed to
492 continue. She then read the six conditions as follows: (1) no more than two vehicles at the home at one
493 time for repair – one active and one parked in the driveway; (2) no vehicles may be parked to obstruct the
494 sidewalk. She stated that if the neighbors want to get technical, there are often neighbors that have parties
495 at their home and allow people to park in a manner that obstructs the sidewalk. She continued to review
496 the conditions as follows: (3) ventilation system should meet code for garages. She stated Mr. Baguley
497 spent quite a bit of money three years ago to upgrade his garage to meet this condition. She stated the
498 next condition is (4) when the compressor or other noise generating tool is in use, all doors and windows
499 are to remain closed. She stated she appreciates Council Member Bigler coming to the neighborhood to
500 investigate the noise levels for himself. She stated the last two conditions are (5) to insulate the garage
501 door to mitigate noise, and (6) adhere to a six month and annual review of the CUP. She stated her point
502 is that nothing outside of the six items should be up for discussion as it was not part of the original CUP.
503 She stated she has been made aware of another auto repair business in a residential area and that person is
504 not being required to follow the same guidelines as Mr. Baguley; these conditions were put in place to

505 specifically address the concerns of neighbors that opposed the business three years ago. She stated that
506 every year Mr. Baguley has proved that he can abide by the conditions and the CUP continues to receive
507 unanimous approval from the Planning Commission. She stated she perceives this is a huge waste of
508 time; reviewing the CUP annually only opens the wound for the neighborhood every year and it ignites
509 some level of hope for the other neighbors that they might be able to take down Mr. Baguley's business.
510 She stated this is not fair to Mr. Baguley and the neighborhood and it has obviously become a very
511 divisive situation that has made it really hard for most of the neighbors to live in the neighborhood.

512
513 Charles Crippen, 3576 N. 575 E., stated there are a couple of false assumptions being made; the other
514 auto repair business referenced by Ms. Jones is subject to an annual review with the Planning
515 Commission and that takes place at the first meeting of each year along with the other CUPs that have
516 been issued in the City. He stated the requirement for an annual review is included in the North Ogden
517 City Code and he has spelled that out for the City to research and Mr. Call can verify that is a fact. He
518 stated that to try to remove the annual review process would be circumventing the City Code. He stated
519 there is a process for amending the City Code; it is lengthy and that is what the Council would need to
520 follow if they wanted to remove the annual review requirement. He stated he has provided the City with
521 documentation that focuses on the legality of the action taken by the Planning Commission and whether
522 the CUP itself is proper and lawful. He stated this is not an issue of whether he thinks Mr. Baguley and
523 his business complies with the conditions of his CUP; the issue is whether the land use meets the
524 standards spelled out in the City Code. He stated the Property Rights Ombudsman has been asked to
525 review that issue and he would encourage the Council to suspend the appeal hearing tonight and wait for
526 the Ombudsman to issue his advisory opinion before proceeding with the process. He stated that will
527 help to avoid the debate about things like the noise generated by the business and he noted those are not
528 the standards included in the City Code. He reiterated he would encourage the Council to wait for the
529 opinion from the Ombudsman because he thinks that is the proper thing to do.

530
531 Mayor Harris stated that when the Council decides to hear the appeal they will be acting in a quasi-
532 judicial mode and in that format the appellants will have an opportunity to speak as will the respondent.
533 He added both parties need to be allowed time to accomplish their own due process and he asked what the
534 City should do if one of the parties involved has not had time to prepare for the appeal hearing. Mr. Call
535 noted State Code does not give specific guidelines on this issue and the standard rule most municipalities
536 follow in this type of appeal is to provide each party all information and then give three days to review it.
537 He stated, however, that this is a unique situation because the City continues to receive information from
538 the appellants and he noted he was provided with a new document less than 30 minutes ago. He stated
539 one benefit of waiting to hold the appeal hearing would be that the City could set a deadline for all
540 documentation to be submitted to ensure that all parties have all information in a timely manner.

541
542 Mr. Crippen stated someone asked a question about the State's role in this process and he noted they will
543 have all kinds of documentation, such as copies of minutes and statements from the appellants regarding
544 what is occurring at the business. He stated the Planning Commission and City Council made their
545 decisions based upon personal standards that are not found in the City Code. He stated that he has
546 searched the City Code and the standards that apply to the CUP do not exist. He stated he has outlined
547 that information in his appeal. He noted there is a history of this issue as well as the history of the other
548 auto repair shop and a machine shop that were permitted to operate in a residential zone. He stated there
549 is a fair amount of work to be done in reviewing all the documentation and he wants to be respectful to
550 both sides of the issue. He then stated the appeal was not filed on May 1, 2013; it was filed May 15, 2013
551 and it has not been an entire month since it was filed. He stated that he works full time for a living and he
552 has a schedule he must follow. He stated he does not have the time to sit around and watch Mr.
553 Baguley's business. He then stated the other fact of the matter is that the degree to which people
554 experience things is not included in the standards in the City Code. He stated there are factual, bonafide

555 health issues that the residents immediately bordering the business are experiencing. He again requested
556 that the Council allow the time for an outside, unbiased legal expert to review the matter.

557
558 Jolyon Walker, 3603 N. Kinghill Drive, stated he is the old man that spent six and a half hours sitting in
559 Swenson's driveway watching Mr. Baguley as he was instructed to at the May 1, 2013 Planning
560 Commission meeting. He stated that the City Council has been provided with a schedule of events of
561 what happened that day; it was astonishing to him that within 20 minutes of Mr. Baguley arriving home
562 his garage door opened and he began working on something. He stated during that time he could smell
563 solvent from across the street. He stated there is on file with the City an application for home occupation
564 submitted by Mr. Baguley; there are 16 provisions in the application that Mr. Baguley has affirmed he
565 would abide by. He noted City Code 11-16 is almost a verbatim copy of the provisions included in the
566 home occupation application. He stated it talks about noise, odors, and dust being confined to the
567 premises; it also talks about prohibiting modification of the residence so as not to change the residential
568 character of the home. He noted the application also talks about storage and hours of operation. He noted
569 that in his opinion the CUP is in addition to the City Code 11-16; the City has established criteria that Mr.
570 Baguley must follow and they have also added extra stipulations under the CUP. He addressed Mr. Call
571 and stated he does not think Mr. Baguley is limited to the six items identified in the CUP; instead, he
572 thinks he is obligated to abide by the City Code as well regarding home occupations. He stated he has
573 submitted several observations with specific information regarding date and time and he has received no
574 answer to five of the documents he has submitted. He stated he thinks this is a simple issue and it is one
575 of compliance; he thinks the City has put Mr. Baguley in an untenable situation. He stated if Mr. Baguley
576 abides by the provision of the ordinance that states no noise, odors, and dust can escape the premises, he
577 is required to install sound proofing and a ventilation system sufficient to capture the particulates in the
578 air. He stated doing that will change the residential character of his home, which is a violation of the City
579 Code. He stated the City needs to review its ordinance and the criteria that Mr. Baguley is supposed to
580 follow and make a decision based on those facts.

581
582 Ryan Jones, 3618 N. 575 E., stated he lives three doors away from Mr. Baguley. He stated he thinks
583 everyone can agree that the point of having City ordinances is so that neighborhoods can feel like
584 neighborhoods and the point of having CUPs to allow people to have occupations in their home under
585 certain conditions is so that a neighborhood can continue to feel like a neighborhood. He stated that he
586 commends Council Member Bigler for his actions. He noted that three years ago when he came to a City
587 meeting to support Mr. Baguley he invited the Council to visit the neighborhood to make their own
588 judgment as to whether the neighborhood feels like a neighborhood. He stated that what Mr. Baguley
589 does in his garage does not distract from the neighborhood environment. He stated the best thing that
590 could be in place at this point in time is a CUP for Mr. Baguley; the only thing he is doing is earning
591 money at what he is doing. He stated there is nothing in the City Code that says Mr. Baguley should be
592 prevented from working on vehicles in his garage and the minute the CUP is taken away Mr. Baguley
593 would be permitted to work on cars in his garage on his own time and leisure with his door open and
594 making all the noise he wants to. He stated that right now there are conditions that Mr. Baguley must
595 work under, such as providing a ventilation system and keeping his garage door closed. He stated it is not
596 only a job, but a hobby for Mr. Baguley as well and he will continue to work on cars whether the CUP is
597 in place. He reiterated the CUP is basically protecting the neighborhood because it requires him to
598 control certain things associated with his business. He reiterated he would commend Council Member
599 Bigler because he is the only person that came to the neighborhood to make his own judgment. He stated
600 that the business may be noisy to some neighbors, but he has not found it to be noisy and everything has
601 been said is hearsay and based on different people's opinions. He encouraged the entire Council to walk
602 the neighborhood on their own. He stated there are some noises that come from the garage, but there are
603 noises in every neighborhood and he would caution the Council against considering the issue of fumes
604 coming from the garage. He stated that any time of day anyone could drive or walk by 7-Eleven and
605 smell gasoline coming from the area. Mr. Walker stated 7-Eleven is a commercial building. Mr. Jones

606 stated that businesses are still required to confine fumes, etc. associated with their business. He stated the
607 bottom line is that the neighborhood still feels like a neighborhood and anyone can go see that for
608 themselves. He stated the conditions of the CUP have been met and some neighbors have spent a lot of
609 time trying to find fault in the business and in actuality they have found very little. He stated he would
610 imagine that if any business were observed to the extent that Mr. Baguley's has been observed would be
611 found to have some flaws or faults. He stated that what he has seen of Mr. Baguley's business has given
612 him the opinion that he should be receiving some sort of award because he has done such a good job at
613 containing his environment. He stated he understands there are issues and concerns on both sides and that
614 is why he extends the invitation to the City Council and Planning Commission to visit the neighborhood
615 and make a judgment for themselves. He reiterated it is a neighborhood environment and every
616 neighborhood has noises.

617
618 Tom Baguley stated other Council Members have visited the neighborhood in the past. He stated Council
619 Member Taylor has come to inspect the business. He then stated he is the appellee and he runs a repair
620 shop for people in his neighborhood; most of his work is done on cars owned by people living in his
621 neighborhood. He stated some of his work is done for free; neighbors bring over all types of items to be
622 repaired and most items other than cars are repaired for free and in his garage with his door down. He
623 stated neighbors do not know what he is working on in his garage at any given time. He then stated that
624 he also works on some cars for free for people, but he does charge for most of his work and he earns
625 approximately \$20,000 to \$30,000 per year in his business. He stated he wanted to respond to Mr.
626 Dufrene and Mr. Walker; he noted this issue has occurred in the past and it is only being rehashed
627 because the City sent a letter to the neighborhood and it led them to believe they had a reason to come to
628 the Planning Commission meeting during which his CUP was reviewed to try to get his permit
629 eliminated. He stated all issues associated with his business have been mitigated as required by the CUP.
630 He stated he works with the garage door down and the Planning Commission decided there was no
631 evidence to support the claim that he has been working with the door up or that he has been allowing
632 illegal parking at his home. He stated he has been abiding by all six restrictions that are part of his CUP
633 and he has had discussions with his neighbors to offer to meet as a neighborhood and try to heal and solve
634 this problem. He stated the neighborhood is currently out of control and it needs to stop; the City has had
635 a small role in the problem as have the neighbors. He stated he is calling for everyone to be a little more
636 conciliatory and become neighbors again. He stated when he moved to Utah he expected to have a great
637 neighborhood; he moved here to be among his friends. He stated everyone needs to "get over the mess"
638 and heal and the way to do that is through discussion of the issue. He stated he started those discussions
639 with his neighbors today and he has encouraged those discussions to continue. He stated he told his
640 neighbors that when this happened last time it took a few years for the issue to be entirely resolved and he
641 does not want the same thing to happen again; he does not want to wait another two or three years to talk
642 to his neighbors. He stated the situation is ridiculous and out of hand and he does not want to wait until
643 June 25, 2013 to have the appeal hearing; he wants to be able to sleep and he has been losing sleep over
644 this issue since April 19, 2013. He stated he respects his neighbors and wants to work with them to make
645 the neighborhood better, but the only way to do that is to discuss the issue together. He then stated that
646 there is no reason to extend the date for the appeal hearing because every review of his CUP by the
647 Planning Commission has resulted its continuation. He stated the people that have concerns about his
648 business wait until the last minute to submit documentation and the Planning Commission has been
649 confused about how to rule on a complaint when the documentation is not readily available. He stated
650 that everything being submitted by the appellants is meant to drag the issue out even further and that is
651 not necessary. He stated the Council needs to make a decision tonight. He added that he has offered to
652 allow unbiased parties onto his property to observe his work, hear the noise levels, and smell the air when
653 he is using the chemicals he uses to clean brakes on vehicles. He stated that offer still stands and he noted
654 that the fan that he uses to dissipate the chemicals does so at a very slow rate so the fumes are pushed up
655 and into the atmosphere and not down and into the homes of his neighbors. He then added that other
656 businesses that are similar to his in nature are not required to follow the same review process. He stated

657 the review of Mr. Lynn Humphries' business is a formality and he does not even attend the meeting at
658 which the review takes place. He added other businesses like Big-O Tires are not required to have the
659 same ventilation system that he has and they simply open their doors when the fumes are too strong
660 inside. He noted that business is 50 feet from nearby townhomes and apartments on the other side of the
661 street. He stated they may be in a commercial zone, but the same rules regarding human life should
662 apply. He stated he has been told he is endangering the human life in his neighborhood and they will all
663 die because of the fumes that are being emitted from his garage. He stated that he does not even average
664 working on one car per day; so far this year he has worked on 73 cars and there have been 106 days in the
665 year. He stated he does not even work on four cars a week and there have been stretches of eight days
666 when he has worked on no vehicles at all. He reiterated documents submitted by his neighbors have been
667 submitted in the 11th hour and it is not necessary to extend the issue any longer. He stated there are many
668 people that want to speak this evening and he does not think any of them want to be here until 11:00 p.m.
669 this evening.

670
671 Mayor Harris stated that he would be willing to listen to new information regarding the issue, but if
672 additional people wishing to speak only plan to say the same thing that has already been stated, it would
673 be appropriate to end the discussion and move the meeting forward.
674

675 Mr. Dufrene then stated Mr. Jones is correct; if the City revokes Mr. Baguley's license he will only
676 continue to work on vehicles as he did illegally for the two years before he was given permission to have
677 his home occupation. He then stated that Mr. Jones and others that have spoken on Mr. Baguley's behalf
678 have a stake in this issue as does Mr. Baguley. He then stated he has no stake in the issue and neither do
679 the other three immediate neighbors; they gain nothing from the business except to deal with the dust,
680 noise, fumes, and garbage that is produced by Mr. Baguley's business. He stated that he does not take his
681 car to Mr. Baguley, but Mr. Jones could probably tell the Council that he has taken his car to Mr. Baguley
682 in the last week to have work done. He then stated Ms. Jones needs to check her paperwork; Mr.
683 Chandler sent an email with the six conditions because he asked him to do so. He stated he has heard
684 many different answers to the same question and he wanted the City to clarify the exact conditions of the
685 CUP. He stated Mr. Chandler sent the conditions to him and later apologized because item four, the item
686 that he is particularly interested in because his entire backyard borders Mr. Baguley's house. . .people
687 would be surprised at what he hears happening on Mr. Baguley's property and that is how he knew
688 Council Member Bigler had visited the home. He stated he did not witness the testing of the compressor
689 noise level and instead he heard conversation in Mr. Baguley's house and that is how he knew Council
690 Member Bigler was there. He stated that from the corner of his house to Mr. Baguley's garage measures
691 60 feet and Mr. Baguley is allowed, based on the CUP approved by a previous City Council of which
692 Council Member Bigler was a member, to open his back door and back window in his garage. He stated
693 that he is the recipient of the disturbances that come from the door and window. Council Member Bigler
694 stated that is incorrect; the door and window must be closed. He stated Mr. Chandler has issued a final
695 email explaining that the ordinance dictates that all doors and windows must be closed when work is
696 taking place. Mr. Chandler stated he pulled the language from the motion in the minutes of the meeting
697 when the CUP was approved and the motion was that all doors and windows must remain closed, but the
698 motion was amended to allow the man door and windows to be open while the garage door had to remain
699 closed. Council Member Bigler stated that is not what the final order says and he would like to see the
700 pertinent documentation to that effect. Mr. Dufrene stated that he would like to know the exact
701 conditions and he noted that regardless of what the order say, Mr. Baguley's back door and window have
702 been open many times and that is the basis for his concern. He stated Mr. Baguley has admitted that
703 gasoline lingers and that is correct; the fumes linger into his backyard. He then apologized to Council
704 Member Bigler. He stated he has 30 years of experience in the military and he has learned to follow
705 directions; he read a note in the packet that said the Council was directed to not discuss the issue outside
706 of a Council meeting and that is why he questioned the fact that Council Member Bigler visited Mr.
707 Baguley's home last Thursday. He apologized if he had the wrong impression of the situation.

708
709 Angie Erickson, 3633 N. 575 E., stated she thinks this is so sad; her day starts at 7:20 a.m. when she
710 drives the car-pool to the junior high school. She stated at 8:15 a.m. she drives children to Bates
711 Elementary, at 11:15 a.m. she picks up kindergarten students, at 2:30 p.m. she picks up kids at the junior
712 high, and at 3:05 p.m. she picks up the elementary children. She stated that when she comes up her street
713 she sees Mr. Crippen outside having a conversation, the Swenson's beautiful yard, Ms. Baguley's latest
714 craft hanging on her door, and she has never seen anything going on in Mr. Baguley's garage. She stated
715 she drives the road 20 times per day and she may be causing more pollution by driving her suburban
716 through the neighborhood than Mr. Baguley is causing with his business. She stated her six boys are
717 more of a risk to her neighborhood than Mr. Baguley's garage. She stated the situation is dangerous; this
718 is a neighborhood and the bickering needs to stop today.

719
720 Mayor Harris stated the Council has heard a lot on this subject so far and he asked them to determine if
721 they would like to set a public hearing for the appeal.

722
723 **Council Member Bigler moved that the Council not hold a public hearing and that the appeal**
724 **be held this evening. Council Member Fawson seconded the motion.**

725
726 Council Member Taylor stated he is supportive of not holding a public hearing given that the Council has
727 heard from many people on both sides of the issue this evening. He stated, however, that he is not
728 comfortable with proceeding with the appeal this evening for the same reasons he cited earlier in the
729 meeting. He noted there is a lengthy packet of documentation regarding this issue and additional
730 information was only submitted earlier today; the fault for that lies with the appellants and the City as the
731 initial guidance that the appellants were given was that the purpose of tonight's meeting would be to
732 decide whether to hold a public hearing and that there was no plan to hold the appeal hearing tonight. He
733 stated that direction did not change until the end of last week. He stated he is not interested in inflicting
734 more damage on the neighborhood, but he feels the Council needs to have more time to review the
735 pertinent information.

736
737 **Council Member Fawson withdrew his second of the motion because he did not understand the**
738 **motion was to hold the appeal hearing this evening. He stated that decision can be made under**
739 **the next agenda item.**

740
741 **Council Member Bigler made an amended motion that the Council not hold a public hearing**
742 **relative to the appeal. Council Member Fawson seconded the motion.**

743
744 **Voting on the motion:**

745
746 **Council Member Bailey aye**
747 **Council Member Bigler aye**
748 **Council Member Fawson aye**
749 **Council Member Stoker aye**
750 **Council Member Taylor aye**

751
752 **The motion passed unanimously.**

753
754
755 **5. DISCUSSION AND/OR ACTION TO CONSIDER AN APPEAL OF THE PLANNING**
756 **COMMISSION'S DECISION TO CONTINUE A CONDITIONAL USE PERMIT FOR**
757 **TOM'S AUTO REPAIR.**

758
759 Council Member Taylor stated that he has reviewed the emails regarding this issue and the divisiveness of
760 the issue in the neighborhood is very sad to see. He stated that there are very good people on both sides
761 of the issue, though he does not know most of the people that are involved. He stated he met the
762 Baguley's a couple of years ago when he acted something similar to Council Member Bigler to hear the
763 noise levels of the business for himself. He added he has also met Mr. Swenson on his tour of the
764 neighborhood at that time. He stated he is sad to see so much personal accusations from both sides of the
765 issue; one thing that has bothered him is the dismissive attitude of the complaints of some of the
766 neighbors. He stated he has read the emails of the appellants and found that three of them are veterans,
767 two of them are retired colonels that served the country for a long time. He stated that is something he
768 respects and he feels they are good people, as are the Baguley's as well. He stated everyone involved is a
769 good person, but the issue has escalated to personal accusations and name calling, such as grumpy old
770 men, and the dismissive attitude is not right. He stated someone's home is sacred and one of the most
771 important things in this country and if someone has a concern about what is happening to their life and
772 home they have every right to voice that concern without being dismissed as a grumpy old man. He
773 stated he appreciates what Mr. Baguley said about the need to reconcile in the neighborhood and he
774 would love nothing more than to see the neighborhood come up with their own solution together so the
775 City Council is not forced to make a decision. He added he feels the entire discussion and appeal needs to
776 be held in public; he is concerned about discussions that have taken place via email between the City
777 Council, which he was specifically excluded from. He stated that kind of thing is "junior high activity"
778 and he does not understand why one Council Member would be removed from an email for a private
779 discussion. He added the Council was given clear direction not to visit with anyone involved in the
780 appeal and he feels that direction should have been honored as well. He stated he went in the past when
781 this issue was raised, but at that time the Council had not received instruction against doing so. He stated
782 he would have liked to visit the neighborhood this time, but the Council was told not to in order to avoid
783 being prejudiced on either side of the issue in advance of an appeal decision. He stated this is not a
784 legislative decision; it is an appeal decision and the Council is acting in a quasi-judicial fashion and just
785 like a judge should not prejudice himself by meeting with different parties in advance of making a
786 decision the Council should have avoided that as well. He reiterated there were private emails that were
787 not shared with the entire Council and that is inappropriate and it creates grounds for conspiracy theories
788 and for people to be dissatisfied by the decision that will ultimately be issued. He stated it could result in
789 further appeals as well. He then added that in this kind of situation the "tie" should go to the residents
790 seeking to only have residential uses in their neighborhood. He stated when this issue was raised in the
791 past the Council reached a good compromise and he supported it and if the majority of the neighborhood
792 were still supporting that compromise he would love nothing more than to allow it to continue. He added,
793 however, that the compromise is no longer working. He stated he printed a map from Google Earth and
794 marked the homes of the people that have addressed the City Council and five of those properties directly
795 about Mr. Baguley's property in various directions; of those, four of the property owners are appellants that
796 are asking that the CUP be revoked. He stated that tells him that the vast majority of those living closest
797 to the subject property feel that it is a problem. He stated he does not live there and has not spent time
798 there, but when he visited the property a couple of years ago to do his own research he personally did not
799 feel it created an issue and that is why he voted to allow the CUP, but now that he understands that four of
800 the five adjacent neighbors are not only opposed to the CUP, but they have filed a formal appeal asking
801 that the CUP be revoked, that communicates to him that there must be some problem with the business.
802 He stated he feels the Council needs to listen to the concerns of the appellants and he reiterated the
803 neighborhood is a neighborhood at the end of the day; businesses are allowed by exception and the
804 primary use of the neighborhood should not be commercial. He reiterated he would like additional time
805 to review all pertinent documentation, including the 16 page document that was provided to the Council
806 immediately before this meeting.
807

808 Council Member Bailey stated he feels the fact that the Stated Land Use Ombudsman has been asked to
809 provide an opinion regarding this issue is significant. He stated that he finds it unfortunate that
810 documentation was provided to the Council so late and there was not sufficient time to research it prior to
811 this meeting. He stated there are many issues of law that are being discussed in the documentation and
812 the bottom line is that the Council needs to base its decision on law. He stated he would agree with
813 Council Member Taylor that every citizen has a right to enjoy legal uses in the zoning in which they live
814 and if they are living in a residential zone, residential uses should take priority over any other potential
815 uses in the zone. He stated he would join with Council Member Taylor in asking that the Council vote to
816 allow time to review all additional information and possibly receive the opinion letter from the
817 Ombudsman. He stated he would like to continue the appeal hearing to a future date to allow the entire
818 Council sufficient time to review all documentation.
819

820 Council Member Bigler stated that Mr. Call said that it could take months for the Ombudsman to issue
821 and opinion and he asked Council Member Bailey if he is proposing that the Council wait for the opinion
822 regardless of how long it takes. Council Member Bailey stated he is proposing that the Council at least
823 have time to review the materials on their own. He stated he would like Mr. Call to review the materials
824 as well. Council Member Bigler stated he is of the opinion that the Planning Commission meeting was a
825 month ago and it is possible that the appellants will continue to submit additional documentation. He
826 stated one side presents something and it is provided to the other side so they present something to rebut.
827 He stated that same cycle could continue forever. He stated it is not like the Council is considering
828 holding the appeal one week after the Planning Commission's decision; instead it has been one month.
829 He provided an explanation of how this issue first came about. He stated the Planning Commission
830 handles land use issues and the CUP came before the Planning Commission when a previous Council was
831 seated, which included himself, Council Member Taylor, Ron Flamm, Martha Harris, and Carl Turner.
832 He stated that the Planning Commission approved the CUP and there was an appeal filed with the Council
833 at that point and the Council acted as the appeal board; the City Attorney advised the Council that they
834 were no longer acting as Council Members and that they were asked to provide their opinion as a member
835 of an appeal board. He stated the appeal board is tasked with considering the legal aspects of an issue and
836 determining whether the Planning Commission did their job and all five Council Members voted
837 unanimously that the Planning Commission acted within the law. He stated some misunderstood the
838 situation; he explained that the Council placed additional restrictions upon Mr. Baguley to try to appease
839 the neighbors. He stated the same situation is occurring again; the Planning Commission conducted their
840 annual review of the CUP and the complainants were informed that the annual review was scheduled and
841 they had ample time to put forth anything they wanted to put forth. He stated the City Administration
842 presented to the Planning Commission and explained there was nothing to substantiate claims that Mr.
843 Baguley was not complying with the conditions of his CUP. He stated the neighbors have appealed that
844 decision and that is why the issue is before the City Council again. He stated the rest of the Council may
845 want to wait to hold an appeal hearing, but he does not necessarily want to wait for the Ombudsman to
846 issue an opinion because that could take months. He stated he thinks the Council can act without that
847 opinion because it is their City. He stated one compromise would be to hold the appeal hearing tonight,
848 but delay issuing a decision until the next Council meeting, which is allowed by law. Mr. Call stated that
849 the City Code dictates that if an appeal is hearing during a Council meeting the decision must be rendered
850 no later than the next meeting. Council Member Bigler stated the appeal hearing has basically taken place
851 and he would like to proceed and issue a decision at the next meeting. He stated that he is not the type of
852 person to sit back and make decisions; rather he likes to go out in the community to investigate issues on
853 his own and he thinks the residents expect that from their elected officials. He stated the Council votes on
854 issues that can impact the residents and they expect the Council to perform their due diligence. He then
855 stated he would ask the complainants to call him immediately when they smell fumes on a daily basis or
856 hear loud noises. He stated he will visit the neighborhood on his own when that happens. He stated right
857 now the Council would be asked to act on hearsay and he asked if the complainants would be willing to
858 call him. He stated that being told not to have any contact with the neighborhood during this process is a

859 double edged sword because the Council should be carrying out their due diligence; he would not just
860 invite, but encourage the neighbors to call him. He stated there have been so many complaints over the
861 last three years, such as that Mr. Baguley's business causes the house across the street to actually shake.
862 He stated that is on the public record and he wants to know for himself what is actually happening. He
863 stated in the complaint letters the neighbors reference weekly and daily smells that are harming their
864 health and he asked that they call him when those smells are present. He stated he works during the
865 summer, but his schedule is flexible and he would invite them to call him on his cell phone immediately
866 when the noise is so great that they feel it is ruining their neighborhood. He stated they should also not
867 tell the Baguley's that they are calling him.

868
869 Mr. Chandler stated that as the Council is considering whether to hear the appeal this evening he would
870 like them to consider a few things. He stated Ms. Jones was right when she talked about the purpose of
871 the Planning Commission meeting to review the conditions of the permit. He stated the review was of the
872 CUP conditions and that is the decision that was appealed. He noted Mr. Crippen is also right in his
873 comments about the original decision that was made in 2010 and whether that decision was legally
874 correct. He stated those two things are very different from each other, though they have been discussed
875 this evening as if they are the same. He stated in his past experience he has learned that when an entity
876 begins dealing with the State Ombudsman they have entered into a legal process; he is a mediator that
877 assists in property rights disputes. He stated there are options available to the Council as they consider
878 the best route, but there are also private property rights of Mr. Baguley and the appellants. He stated Mr.
879 Walker mentioned that there are several letters he has not received and that is true; one of the difficulties
880 has been that the people writing the letters are asking the staff to issue legal opinions regarding the
881 decision that was made in 2010 and that is a very difficult thing for the staff to try to do. He stated he has
882 tried not to render a legal opinion because that is when arguments will begin. He stated he would
883 recommend that the Council instruct the City Attorney to provide an opinion regarding the rights of
884 everyone involved in the issue as well as the different legal proceedings that could occur as a result of any
885 decision made by the Council acting as the appeal board. He stated he does not want the City to make the
886 situation any worse.

887
888 Mayor Harris stated the Council could also vote to impose a deadline for providing any additional
889 documentation to the City. Council Member Bigler stated the Council not only needs to do that in this
890 case, but they should add language to the City Code that will apply to all future appeals to prevent this
891 from happening again in the future.

892
893 Mr. Chandler then stated as he has worked with all of the parties involved in this issue, reviewed the City
894 Code with Mr. Call, and worked with Community Development Director Barker regarding the case he has
895 come to the conclusion that this is also a good opportunity for the City to look at conditional uses allowed
896 in various zones of the City. He discussed cemeteries and private parks in the hillside overlay zone as an
897 example. He stated that one of the things he has heard from the neighbors is that they were surprised that
898 an auto repair shop would be allowed in their neighborhood and that they may not have moved to the
899 neighborhood if they had been aware of that.

900
901 Council Member Bailey stated that he also thinks it would be good for the Council to review the home
902 occupation ordinance and the criteria placed on such occupations as well. He stated that relates to the
903 property rights issue that Mr. Chandler raised. He stated he wants to ensure the City is not issuing home
904 occupation permits that essentially trample on the rights of other property owners in the City. Mayor
905 Harris noted home occupations have always been allowed in North Ogden and the problem is that if one
906 home occupation permit is issued it would be hard to deny someone else a permit. He asked where the
907 Council would draw the line on home occupations and noted that will be a difficult decision to make.

908

909 Council Member Fawson stated he was approached by a few people that have pleaded for the Council to
910 end this issue and stop the name calling, infighting, insults, and craziness in the neighborhood. He stated that
911 he would like to get that done, but at the same time he feels the Council needs to review the
912 documentation that has been submitted and the fact that the City has not provided the parties to the appeal
913 a deadline for submitting documentation he does not feel that the Council can act tonight. He stated that
914 as much as he wants to make a decision he feels it is more appropriate to postpone the appeal hearing for
915 another two weeks. He stated that he would love to have the appeal hearing tonight, but there is not
916 sufficient time to review all the relevant documents.

917
918 **Council Member Fawson moved to schedule an appeal hearing for two weeks from tonight**
919 **during the June 11, 2013 regular Council meeting and to set a deadline for the submission of**
920 **additional materials for one week from today so the appeal board has one week to review all**
921 **documentation. Council Member Bailey seconded the motion.**

922
923 Council Member Stoker stated she would also like to ask the City Attorney to provide his opinion
924 regarding the property rights of both parties to the appeal as Mr. Chandler suggested.

925
926 **Council Member Fawson amended his motion to include directing the City Attorney to provide**
927 **the Council with a legal opinion regarding the property rights of both parties to the appeal.**
928 **Council Member Bailey seconded the motion.**

929
930 Council Member Bigler stated that those things go the Planning Commission; they look at them and then
931 forward them to the Council. He then stated that it has been said that the Council has not had time to
932 review the documents and there was a 16 page document provided to the Council this evening at the
933 beginning of the meeting. He added he spent hours and hours looking through all the documentation that
934 was included in the Council packet and he came to the meeting prepared to understand both sides of the
935 issue. He stated it is not that the Council did not do its due diligence, but there have been changes and an
936 additional 16 page document. He stated that if the Council is going to delay holding the appeal hearing he
937 would ask, as a human being and as neighbors, that during the two week delay they only provide
938 information to the City and leave each other alone. He stated the neighborhood needs to heal and he
939 asked that people avoid sitting in a chair across the street from their neighbor's house for a six hour
940 period. He asked if the other garage business in the City is required to follow an annual review process,
941 but it is not the same as the review process for Mr. Baguley's business. He stated the City does not send
942 letters to the neighboring property owners for the other business as they do for Mr. Baguley's business
943 and his annual review is basically a formality. He stated that if there is a legal business the City needs to
944 treat them all the same and the City needs to be careful not to do any harassing of any parties to the
945 appeal. He stated that one of the conditions of the CUP is for Mr. Baguley to insulate his garage door, yet
946 there have been comments regarding insulating the entire garage; the City or the appellants should not be
947 harassing Mr. Baguley about insulation in his garage. He stated that he has heard reports that someone
948 from the City would be driving by Mr. Baguley's home and if his garage door is open and he is inside the
949 garage he would be cited. He stated that, if in fact that was said, that is against the law; it is Mr.
950 Baguley's property and he can be in his garage with the door open as much as he wants – he simply
951 cannot be working on a vehicle with the door open. He stated Mr. Baguley could actually work on his
952 own car with the garage door open. He stated the only time Mr. Baguley is required to keep his garage
953 door closed is when he is working on a vehicle for his business. He stated this is part of the conflict; no
954 one knows when he is working on a vehicle or what is actually happening in his garage. He stated he
955 would ask that for the next two weeks that both parties avoid attacking one another and only deal with the
956 City.

957

958 Council Member Bailey stated that when this was raised a couple of weeks ago the Council was asked to
959 avoid having contact with anyone involved in the appeal since they would be acting as the appeal board.
960 He asked Mr. Call or Mr. Chandler to expound upon that request since Council Member Bigler has made
961 a plea for the appellants to call him when they have concerns. He stated he is not comfortable with that
962 plea; anything being communicated to the Council by either party of the appeal should be communicated
963 through a central channel and then provided to all members of the City Council. Council Member Bigler
964 asked Mr. Call to also explain how the Council can be asked to make an accurate decision if they are
965 prohibited from speaking with either party of the appeal.
966

967 Mr. Call stated the entire purpose of the ex-parte communication is that everyone involved in the appeal
968 should have all of the same information. He stated that includes the appellants, appellee, and the decision
969 makers. He stated the problem with individual Council Members speaking to parties of the appeal is that
970 all information may not be adequately shared with the entire appeal board and that makes it hard for
971 everyone to be on the same level when making a decision. He stated that typically it is the duty of the
972 individuals presenting evidence to inform the decision makers of all facts; there are times in court cases
973 when the judge will allow an entire jury to go to a site to view pertinent information to a case. He stated
974 that if the entire appeal board wanted to go to the neighborhood together that would be appropriate. He
975 stated that when only one person is getting information that is inappropriate. He stated the email
976 correspondence that has been taking place is fine when everyone receives a copy of the emails. He
977 reiterated it is important for everyone to have all the same information. Council Member Bailey stated he
978 feels much more comfortable with that approach.
979

980 Council Member Bigler asked if the entire Council is comfortable with visiting the neighborhood.
981 Council Member Bailey stated he would be comfortable doing that. Council Member Bigler stated that
982 he also wanted to point out, in the spirit of fairness, that one of the appellants also called him. He stated
983 he will not say who it was, but for one of the appellants to address him and call him out for acting
984 inappropriately. . .one of them called him and left him a message to call him about the issue.
985

986 Council Member Taylor stated he would like to apply the same treatment to the Council. He asked that
987 Council Member Bigler not exclude him from emails sent to the rest of the Council regarding the issue.
988 He asked for the same respect that Council Member Bigler encouraged the neighborhood to show.
989 Council Member Bigler stated he would be happy to do that if Council Member Taylor avoids becoming
990 an “attack dog” every time he receives an email. He stated this is ridiculous and silly, but there is a
991 reason for the way he has acted. He stated that every member of the Council should be able to state their
992 opinion and feelings in an email without receiving a response from Council Member Taylor that they are
993 playing politics.
994

995 Mayor Harris called for a vote on the motion.
996

997 **Voting on the motion:**
998

999 **Council Member Bailey** **aye**
1000 **Council Member Bigler** **aye**
1001 **Council Member Fawson** **aye**
1002 **Council Member Stoker** **aye**
1003 **Council Member Taylor** **aye**
1004

1005 **The motion passed unanimously.**
1006

1007 The Council then took a 10 minute break at 8:32 p.m.

1008
1009 The meeting reconvened at 8:45 p.m.

1010
1011
1012 **6. DISCUSSION CONCERNING RIGHT-OF-WAY ACQUISITION FOR THE FUTURE**
1013 **MONROE BOULEVARD.**
1014

1015 A staff memo from City Manager Chandler explained on December 11, 2012 the City Council approved
1016 Agreement 2012-A5 with Weber County accepting a \$2,064,000 grant for purchasing right-of-way for the
1017 future Monroe Boulevard. On January 22, 2013 the City Council discussed this further wherein residents
1018 and Councilmembers expressed concern about road width, speed, the impact on the elementary school,
1019 connection to Ogden City and future traffic patterns. The administration is ready to proceed with
1020 purchasing the right-of-way. Prior to doing so, we want to present the following ideas for your
1021 consideration.

- 1022 1. Affirm the City Council's desire that the area between North Ogden's southern border and 1700
1023 North remain single family – low density residential in accordance with the current general plan.
1024 The general plan defines low density residential areas as follows: "Low density residential areas
1025 are either exclusively single family detached housing or planned residential unit developments.
1026 The density found in these developments within the urbanized portion of the City range from one
1027 unit per acre to less than four units per acre which are the zones R-1-40, R-1-20, R-1-12.5 and R-
1028 1-10. . . This low density residential development is the preferred living arrangement for most
1029 citizens of North Ogden and general surrounding areas. Conflicting uses of land such as
1030 commercial should be buffered from the low density residential land with lower density land
1031 uses. Schools, parks, and churches should be easily accessible without great travel distances."
1032 This area is zoned as RE-20 which requires a minimum lot size of 20,000 square feet.
1033 Install traffic calming features, especially between North Ogden's southern border and 2100
1034 North.
- 1035 2. The Institute of Transportation Engineers defines traffic calming features as "changes in street
1036 alignment, installation of barriers, and other physical measures to reduce traffic speeds and/or
1037 cut-through volumes, in the interest of street safety, livability, and other public purposes." Traffic
1038 calming features aim to lower vehicle speed, decrease truck traffic and create a more pleasant
1039 environment for residents.
- 1040 a) Narrow the travel lanes on Monroe Blvd. to three prior to entering North Ogden City.
1041 Monroe Blvd. in Ogden is a five lane road, (four travel lanes and one turning lane), plus
1042 two parking lanes. North Ogden's collector road as proposed by the City's transportation
1043 plan is a three lane road, (two travel lanes and one turning lane), plus two parking lanes.
1044 Staff met with Ogden's City engineer about transitioning their five travel lanes to three
1045 between 1500 North and the City boundary. He did not think that this will be a problem.
- 1046 b) Install a traffic circle at the entrance to the City. Traffic circles are small, raised circular
1047 islands that are placed in the center of an intersection or road. They can act as
1048 roundabouts when they are placed at intersections or they can be installed at the center of
1049 a street such as at the entrance of the city. Traffic circles cause vehicles to slow down
1050 because drivers are forced to make turning movements. When placed at an entrance, a
1051 traffic circle also acts as a gateway creating a sense of passage or change in traffic to the
1052 area.
- 1053 c) Build wider park strips between North Ogden's southern boundary and 1700 North and
1054 plant larger street trees. Wide streets lend themselves to speed. Narrower streets limit the
1055 expanse of pavement visible to the driver and are effective in slowing traffic. Tree lined
1056 streets create the illusion that the street is narrower even though the lane width remains
1057 the same. Tree lined streets are aesthetically pleasing and create a sense of place.

1058 d) Redesign the east entrance into the elementary school. This includes striping Monroe
1059 Blvd. with the turning lane, two travel lanes and two parking lanes; construct two turning
1060 islands at 1850North; extending the curb radius at 1850 and 1900North thereby reducing
1061 the road width and distance children must traverse when crossing the street; and, create
1062 three drop off areas on Monroe Blvd. It is likely that we will need a crossing guard at this
1063 location as development continues.
1064

1065 Mr. Chandler read his staff memo to summarize the agenda item. He also reviewed maps included in the
1066 general plan. He noted the traffic calming measures recommended in his staff memo are widely used and
1067 successful in the United States and Europe; they will encourage motorists to drive at the speed limit while
1068 making the road aesthetically pleasing.
1069

1070 Council Member Bigler stated the first item in Mr. Chandler's memo is a recommendation to maintain
1071 residential zoning in the southern-most area of the City that will be impacted by Monroe Boulevard, but
1072 the law states that no Council can bind a future Council. He stated the Council can tell the Planning
1073 Commission what their desires are for future development of that area, but any future Council can change
1074 that decision. He noted a developer could come to the City and apply for development along Monroe
1075 Boulevard and if the Council approves that development it will be done. Mr. Chandler stated it is true
1076 that the current Council cannot bind future Councils. He stated this would require vigilance on many
1077 people's part; there is a public review process required for zoning ordinance changes and general plan
1078 reviews.
1079

1080 Council Member Bigler then referenced the section of Mr. Chandler's memo regarding the portion of
1081 Monroe Boulevard that is located in Ogden City and he inquired as to the width of that five lane portion
1082 of the road. Mr. Chandler stated that it is 100 feet wide. Council Member Bigler stated that during the
1083 last meeting it was stated that the portion of the road in North Ogden would be 80 feet wide and he asked
1084 if that is still the case. Mr. Chandler stated the portion of Monroe Boulevard that has already been
1085 constructed in North Ogden is 100 feet wide, so the Administration is proposing that, in order to have
1086 sufficient width for the number of lanes and the park strips along the road is for the width to be 100 feet
1087 and that the extra footage would be used to create extra wide park strips in which trees can be planted. He
1088 stated the actual road will be constructed in an 82 foot right-of-way. Council Member Bigler asked if 82
1089 feet is wide enough for a four lane road. Mr. Chandler stated the four lane road would be constructed in
1090 the 100 foot right-of-way. Council Member Bigler stated in the last meeting the comment was made that
1091 the road would be 80 feet wide and that would be wide enough for four lanes. Mr. Chandler stated an 82
1092 foot road would consist of three lanes; a driving lane in each direction and a center turning lane. Council
1093 Member Bigler stated that is different than what was discussed in the last meeting. Mr. Chandler stated it
1094 may be possible to construct a four lane road in an 82 foot right-of-way if the parking areas on the sides
1095 of the street were eliminated.
1096

1097 Mayor Harris stated the idea is that Monroe Boulevard would be a major collector road in the City; the
1098 right-of-way would be 80 feet wide, but the roadway would consist of a 14 foot center lane and two 12
1099 foot travel lanes with two 10 foot shoulders. He stated the actual road would be 52 feet wide and the
1100 remaining footage would be taken up by the parking lanes, curb, gutter, park strips, and sidewalk. He
1101 stated the actual paved area will not be 80 feet wide; instead the entire right-of-way would be 82 feet
1102 wide. Mr. Chandler stated that is correct and he reiterated the park strips will be extra wide to
1103 accommodate the planting of street trees. Mayor Harris added the proposal is for a 100 foot right-of-way
1104 from the boundary with Ogden City extending to 2100 North and the right-of-way would then be reduced
1105 to 80 feet. He stated that the 100 foot right-of-way would be used to construct the kinds of features
1106 referenced in Mr. Chandler's memo.
1107

1108 Mr. Chandler then continued by reading bullet item e of his staff memo regarding the impact that Monroe
1109 Boulevard could have on the elementary school. He pointed out the road in front of the elementary
1110 school is already constructed at the 100 foot width, but it is not marked and does not include any traffic
1111 calming features. He stated he would like the Council to consider an idea to redesign this portion of the
1112 road and he reviewed a map of the area. He stated that he would like to maintain the wide park strips on
1113 this portion of the road and that would require extending the curbs further into the road; this will create a
1114 narrower road, which will serve to slow traffic. He reviewed the areas of the road that Administration
1115 would recommend installing islands that could be landscaped if so desired. He added that Administration
1116 also proposes the development of three drop-off zones for school traffic as well as a raised crosswalk. He
1117 noted there are several options for tying in the existing Monroe Boulevard with 2100 North and one thing
1118 traffic engineers have found is that the wider the park strip the greater the variety of tree to choose from,
1119 which means it will be possible to achieve a larger tree canopy. He then noted that during past
1120 discussions regarding Monroe Boulevard there were many references to crime comparing the crime rates
1121 in North Ogden to the crime rates in Ogden, specifically in the subdivisions directly to the south of the
1122 North Ogden/Ogden border. He stated that in 2012 the City asked the Ogden Police Department (OPD)
1123 to work with the North Ogden Police Department (NOPD) to determine the crime rates that the area of
1124 Ogden from 400 North to the North Ogden Boundary and between Harrison and Washington Boulevards.
1125 He noted the data was measured on a per 1,000 resident basis; Ogden's population is 83,960, North
1126 Ogden's population is 17,600, and the population in the study area is 8,966. He stated that in Ogden the
1127 crimes per 1,000 residents was 54.98 in 2012; in the study area it was 23 per 1,000 residents; and in North
1128 Ogden the crime rate is 17.67 per 1,000 residents. He stated the data is broken down into different types
1129 of crimes as follows: burglary in Ogden is 8.43 crimes per 1,000 residents; burglary in the study area is
1130 5.3 per 1,000 residents; and burglary in North Ogden is 3.33 per 1,000 residents. He noted theft in Ogden
1131 is 37.76 crimes per 1,000 residents; theft in the study area is 13.5 per 1,000 residents; and theft in North
1132 Ogden is 12.56 per 1,000 residents. He stated he asked the Police Officers where the majority of Ogden
1133 crimes occur since crime rates in the study area are fairly close to the crime rates in North Ogden and he
1134 was told that the bulk of the crime occurs in and around the downtown area of Ogden.
1135

1136 Council Member Bigler asked if the southern boundary of the study area was Fourth Street in Ogden. Mr.
1137 Chandler answered no and stated it is 400 North, which is also known as North Street. He added North
1138 Ogden City begins at 1550 North. Council Member Bigler asked if 400 North is located two blocks north
1139 of Second Street in Ogden, to which Mr. Chandler answered yes. Council Member Bigler stated he is
1140 somewhat confused because Mr. Chandler quoted the crime rates, but stated the bulk of crime in Ogden
1141 occurs in downtown Ogden. He stated downtown Ogden is not located in the study area. Council
1142 Member Bailey stated that Mr. Chandler reviewed three sets of numbers: the overall crime rate for Ogden,
1143 the crime rate in the study area, and the crime rate in North Ogden. Mr. Chandler noted the total crime
1144 rates in Ogden are more than double the crime rates in the study area; the crime rates in the study area are
1145 very similar to the crime rates in North Ogden City. He then concluded that this type of project has been
1146 fun to work on because he has had a chance to talk to people and listen to their concerns as well as do
1147 some planning and determine how to build a road that will not only be nice to travel, but will be nice to
1148 live on as well. He reiterated his memo includes some of the proposals the Administration would like the
1149 Council to consider; they are a beginning point and not an ending point and he anticipates that as the City
1150 moves forward with purchasing the right of way for the street that the City will continue to invite public
1151 input regarding the types of ideas that are being considered until the Council is comfortable with a plan
1152 for developing Monroe Boulevard in the City.
1153

1154 Mayor Harris stated he wants to emphasize that this item is related to the purchase of right of way only
1155 and the actual construction of the road will take place over the next 30 years; it will occur as development
1156 occurs in the same manner it has occurred up to this point in time. He stated there are existing sections of
1157 the road that will need to be connected as development continues. He then asked the Council if they had
1158 any questions or comments.

1159 Council Member Bailey asked if Mr. Chandler’s proposal includes any action items or if the Council is
1160 simply being asked to consider concepts. Mr. Chandler stated that his intent was that his memo be used
1161 for information and discussion purposes only at this point. He stated the City is ready to move forward
1162 with property purchases to preserve the right of way and the Council has already authorized an agreement
1163 to proceed with those purchases. He stated the purchase agreements will be provided to the Council for
1164 final approval before they are executed. He noted the next step for the Administration is to work to meet
1165 Utah Department of Transportation (UDOT) standards for property purchases; all the counsel the City has
1166 received from other communities, in conjunction with a requirement from Weber County, is to use an
1167 acquisition officer that is familiar and experienced with UDOT right of way purchases. He noted the
1168 Administration will meet with an acquisition officer to determine the conditions for the property
1169 purchases and then begin the survey work to identify the exact pathway of the road. He noted all
1170 information will ultimately be brought back to the Council.

1171
1172 Council Member Bailey asked if the City currently owns any right of way property along the designated
1173 corridor area or if it is all still privately owned. Mayor Harris stated it is all currently privately owned.
1174

1175 Council Member Taylor stated he thought there was intent to hear public comments regarding this issue.
1176 Mayor Harris stated he will accept public comments once the Council is finished making comments.
1177

1178 Council Member Stoker stated that she has heard and understands concerns about wider roads and the
1179 speeds associated with those types of roads. She stated there are many parents that are always on the
1180 news asking for things to be done to provide increased safety for their children; there have been accidents
1181 and children have been hurt on wider roads and that is a real concern for her. She stated that regardless of
1182 the decision made she feels the City’s number one priority should be to ensure that the area of the road
1183 close to the school is safe and that speed is not a factor; the safety of the City’s children should come first.
1184

1185 Council Member Bigler referenced the approval that Mr. Chandler mentioned and asked if that took place
1186 in January of 2013. Mr. Chandler stated it took place in December of 2012. Council Member Bigler
1187 stated that last time the Council spoke about this issue there was a discussion about why the issue was
1188 voted upon in the manner that it was. He stated that he was led to believe that this was a “done deal” and
1189 the City had no say in it because it was stated that the road was part of the regional transportation plan; he
1190 thought the vote was a formality. He stated that after that time he talked to three different Weber County
1191 officials and they told him that the City was not required to vote in that manner and that the decision was
1192 completely up to the City to make. He stated that during the last discussion about the road the Council
1193 talked about several concerns. He then referenced the crime data reported by Mr. Chandler and stated
1194 that is the amount of crime that occurs in certain areas and he asked if that is correct. Mr. Chandler
1195 reiterated it is the crime data for 2012. Council Member Bigler stated that what is unknown is who is
1196 committing the crimes in North Ogden; a high percentage of those caught committing crimes in North
1197 Ogden are actually from a little bit further south than North Ogden and if the corridor is opened up those
1198 rates could skyrocket as well. He added that when he was a bishop he received news about cars being
1199 broken into on Sundays and the perpetrators were caught and the police found a garage full of stolen
1200 items in Ogden. He stated he is still concerned about having the direct corridor connecting North Ogden
1201 to Ogden. He added then referenced the safety of school children. He stated he was not concerned about
1202 adding trees to make the corridor beautiful, but trees are beautiful and when he read through the materials
1203 he understood that the idea is that trees will make the corridor feel narrower and that will encourage
1204 motorists to slow down. He stated he expressed all the reasons during the last meeting that he is not
1205 thrilled about the road, but his question is why it is not possible to consider alternatives to the proposed
1206 corridor route. He stated the answer he has received to that question in the past is that the road has been
1207 planned for a long time, but the general and master plans are supposed to be reviewed every five years;
1208 things have changed in the last 30 years in Ogden and North Ogden and it is appropriate to update plans.
1209 He stated he does not know why the City will not consider other alternative routes. He stated the sky is

1210 not falling and it is not necessary to move forward immediately. He then inquired as to the cost of the
1211 right-of-way that the City is interested in purchasing. Mr. Chandler stated the Engineer's estimate for the
1212 purchase is \$2,064,000. Council Member Bigler stated that once the right-of-way is purchased the
1213 corridor route will be cemented because the City will not spend \$2 million and then consider other
1214 options. He asked why it is not possible to consider other options before the right-of-way is purchased.
1215 He stated it seems like common sense to look at every option; this road has been on the plan for so long
1216 and that leads him to believe that other options have not been explored. He stated that another question
1217 he has is relative to the loop road to the west of Monroe Boulevard. He asked where that road will go.
1218 Mayor Harris stated that road is Skyline Drive and Monroe Boulevard will connect to Skyline Drive and
1219 ultimately travel through Pleasant View and connect to Interstate 15. He added it will connect to
1220 Mountain Road on the eastern side of the City. Council Member Bigler stated that means people living
1221 on the northern end of the City would be able to use that route to get in and out of the City and they
1222 would avoid travelling through the neighborhoods to get to the freeway. Mayor Harris stated that people
1223 will not drive north in order to travel south on the freeway; that was one of the things that was proven by
1224 a traffic study. Council Member Bigler added that other roads will be widened throughout the City and it
1225 is not necessarily true that deciding against Monroe Boulevard will increase traffic congestion; there are
1226 other road projects that will increase mobility in the City. He stated his two main questions relative to
1227 this project are why it is not possible to explore other options before spending \$2 million. He stated once
1228 that is done there will be no exploration of other sites. He stated in the three years he has been on the
1229 Council he has worked hard to preserve the residential zones in the City via his work on the Public Works
1230 Facility trying to keep it out of Barker Park and off of 2100 North and he thinks there are unintended
1231 consequences associated with constructing Monroe Boulevard through a residential area and that will
1232 bring more negative aspects than positive aspects. He stated if Monroe Boulevard is constructed through
1233 that area, every road that intersects it that travels east/west will require a stop sign or traffic signal. He
1234 stated his second question is where the stop signs or stop lights will be located; he asked if they will be on
1235 Monroe Boulevard or on the east/west roads. Mayor Harris stated some of the locations of the stop signs
1236 and traffic signals are known – one will be located at the intersection of 2600 North and Monroe
1237 Boulevard – but, the answer is that there will be stop signs and signals because there will be cross traffic;
1238 people traveling on the lesser roads will likely be required to stop at intersections with Monroe
1239 Boulevard. He stated that is the way traffic moves through the City and this is not just about Monroe
1240 Boulevard. He stated the City has money to preserve right-of-way for Monroe Boulevard, but the master
1241 transportation plan shows all development in the City and many additional east/west roads will also need
1242 to be developed to accommodate the traffic in the City. He stated the City is trying to look ahead and
1243 avoid the traffic problems other cities have experienced as a result of not being prepared to handle the
1244 growth that has occurred. He stated this is about doing what is best for North Ogden as a whole now and
1245 in the future.

1246
1247 Council Member Bailey stated that there are portions of Monroe Boulevard that have been developed
1248 along the proposed corridor. Mayor Harris stated that is correct and noted that all of the development
1249 along the corridor has been built to the recommended standard. Council Member Bailey asked how much
1250 of the area between 1700 North and 3100 North has actually been constructed. Mayor Harris stated he is
1251 not sure of the total percentage of the street that has already been constructed, but reiterated that
1252 everything that has been built in that area has met the construction standard that has been discussed this
1253 evening. Council Member Bailey noted right-of-way has been purchased for that portion of the road and
1254 spending the \$2 million at this point in time is not the equivalent of “throwing money down a sink hole”
1255 and avoiding other options; the City has already invested heavily in this alternative. Mayor Harris stated
1256 that is correct and he thinks it is important to consider that the traffic master plan shows that the bulk of
1257 traffic will be moving south in the morning and north in the afternoon as people are travelling to and from
1258 work; the City needs three major routes to handle that traffic: one is Harrison Boulevard, or Mountain
1259 Road; another is Washington Boulevard; and the third would be Monroe Boulevard. He added that many
1260 years in the future Wall Avenue will connect through the City as well and it will also be built to the

1261 standard of a collector road. He stated all of this will be done as part of development in the future; if the
1262 City has the right-of-way it will be prepared for that eventuality.

1263
1264 Council Member Bigler asked for an answer to his question about exploring other options. Mayor Harris
1265 stated that Council Member Bigler is simply talking about taking the hurt and anger from one
1266 neighborhood and moving it to another one while incurring a lot of additional costs as Council Member
1267 Bailey alluded to. Council Member Bigler stated the proposed \$2 million expense has nothing to do with
1268 the portions of the road that have already been constructed. He stated he does not see Monroe Boulevard
1269 as a south part of the City issue; it is a corridor right up to the north. He stated there are people that have
1270 built nice, beautiful, expensive homes in the northern area of the City for a reason and he is not sure that
1271 the direct corridor will affect them. He stated it will affect everyone in the City; private property owners
1272 may not want to sell their property for this project and so eventually it will be necessary to use eminent
1273 domain to take the land from them. He stated he does not know why the City will not explore other
1274 options. He stated if the City decides to spend \$2 million for the right-of-way the discussion about the
1275 location will be over and he does not know why it would hurt to step back and conduct research. He
1276 stated the decision about the location was made 30 years ago and so many things have changed in Ogden
1277 and North Ogden since that time. Mayor Harris stated the City's traffic master plan was completed in
1278 2009 so this is not based on decisions made 30 years ago and instead it is based on something that is fairly
1279 recent. He stated traffic engineers have looked at the situation in the City and there is no denying the fact
1280 that Monroe Boulevard has been constructed to the standard of a collector street and it does not make
1281 sense to him to move it. He stated it is necessary for traffic to flow through the City and the whole
1282 purpose of this project is to accomplish that efficiently, effectively, and safety as well as to include some
1283 features on the road that would make it acceptable to all of the residents, not just those that live away
1284 from Monroe Boulevard.

1285
1286 Mr. Chandler reviewed a map and highlighted the portions of Monroe Boulevard that have already been
1287 constructed in the City. Council Member Bigler stated there is a difference between having a couple of
1288 blocks of a road constructed and having that road continue through a major vein in the City. Mayor
1289 Harris stated the road has been constructed a block at a time as development has occurred. He stated the
1290 City has not had the funding to construct the entire road at one time and he noted the cost for such
1291 construction is a couple of million dollars per mile. He stated that same practice will continue; as land is
1292 developed the road will be constructed to the collector road standard and that could take an additional 20
1293 or 30 years. Council Member Bigler asked if the City has thought about what type of construction will
1294 take place along the road when it is constructed. He stated there will be a certain type of development; it
1295 will be lower income or lower housing because it will be located on a major street. He stated there will be
1296 a lot of that type of housing through the middle of the City and that will bring a certain type of home. .he
1297 stated he is trying to be careful because he is not prejudice, but all residents of North Ogden live here for
1298 a reason. He stated that it would be possible to live in other cities at a cheaper cost, but the residents live
1299 here for a reason. Mayor Harris stated that what the City is trying to do is something for the City in the
1300 future that will continue to make it a nice place to live instead of living in the middle of a traffic jam.

1301
1302 Council Member Bailey stated that his understanding is that the residential areas that have already been
1303 constructed along the portions of Monroe Boulevard that have been completed are nice neighborhoods
1304 with low density and single family homes. Council Member Bigler stated that once the road goes all the
1305 way through that type of development will not continue. He stated the nice neighborhoods have been
1306 built because the road is just like any other normal block in the City. Mayor Harris stated development is
1307 based on the zoning of areas of the City. He stated this City Council cannot bind future Councils relative
1308 to zoning, but they can make their intentions known and that has been the practice for the past 45 years.

1309
1310 Council Member Taylor asked Mr. Chandler to provide the zoning map of the City. He stated some of
1311 the other collector streets that have been built throughout the City are beautiful and there are beautiful

1312 neighborhoods along the roads. He stated 3100 North runs through some of the nicest neighborhoods in
1313 the City; is a fully constructed collector street. He stated it travels east/west, but it is built to the same
1314 standards as is being proposed for Monroe Boulevard. He stated when there are many people that feel
1315 strongly about an issue he is in favor of considering other options, but he reviewed the traffic master plan
1316 after this issue was discussed at a recent meeting and it explains and shows traffic counts on roads
1317 throughout the City as well as projected traffic counts at different points in the future as growth continues.
1318 He stated he thinks the Mayor was correct when he said that deciding against building Monroe Boulevard
1319 will increase traffic on other roads. He stated an example of that is that Fruitland Drive is a busy street
1320 and he feels it is dangerous with many curves and blind corners; his in-laws live on the street and he has
1321 spent a lot of time there and motorists drive fast on the road. He then reviewed the general plan map and
1322 focused on the southern portion of the City. He highlighted Washington Boulevard and Mountain Road
1323 and stated that in between those two roads there are large amounts of housing and a lot of development
1324 can also occur in the future as land sells and development occurs. He stated he would encourage
1325 everyone to read the traffic master plan because that is what he did in trying to determine if there would
1326 be a better north/south route. He stated that because of how various neighborhoods have developed and
1327 followed the existing master plan, existing roads are less wide and have more curves; there is no other
1328 area that provides a straight north/south corridor that would serve as a good alternative to the generally
1329 straight corridor for Monroe Boulevard. He stated that in looking to the east and west of Monroe
1330 Boulevard he was unable to find another option for a direct north/south route. He stated he is not an
1331 expert in traffic planning, but he encouraged everyone to look at the map and explain where they would
1332 propose the road be constructed as an alternative to the Monroe Boulevard corridor. He stated there are
1333 many people that need to travel north and south and there will be even more people as the area continues
1334 to develop in the future. He stated all neighborhoods in the City need to share in the burdens associated
1335 with transportation. He noted there is a lot of new development in his neighborhood that includes
1336 development of roads as well and the extension of Wall Avenue will be located very close to him as well.
1337 He stated he understands the pain and concerns of those that will be impacted by the road, but he has tried
1338 to find a good alternative and he could not find one that would be cost effective in any way.
1339

1340 Council Member Fawson stated he appreciates the work staff has done on this issue and he had a
1341 conversation with the City's Economic Development Consultant, Better Cities, and they said there are
1342 ways to mitigate economic impacts on the City. He stated that in looking at the traffic study and
1343 considering the funding available for preservation of the right-of-way, it is difficult to argue that it is not
1344 best to do it now rather than 20 years into the road; however, he agrees with Council Member Bigler
1345 about looking at other alternatives and consider how the growth along Mountain Road will alleviate some
1346 pressure and the need to construct Monroe Boulevard.
1347

1348 Council Member Bigler stated Council Member Fawson makes a great point that there are other roads that
1349 will be widened in the future as well. He stated he wants to make sure that the issue is not clouded by
1350 threats that deciding against constructing the road will cause traffic congestion. He stated he is not saying
1351 that nothing should be done, but instead he is suggesting considering all options. He stated a couple of
1352 years ago a similar situation occurred with the Public Works Facility and there was much time spent on
1353 considering other options and the project is now ready to go forward. He stated his idea is to ask
1354 professionals to research the issue based on the following statement: "If Monroe Boulevard was not an
1355 option, give the City two or three other viable options that would be the best options for the City. What
1356 would those options do economically and with traffic and so forth?" He stated the experts could present
1357 their ideas and it is possible that Monroe Boulevard may be the best option, but what does it hurt to ask
1358 experts to look at other options so that all "rocks are overturned". He stated it was mentioned that the
1359 traffic study was completed in 2009, but at that point those that worked on the plan only moved forward
1360 with what the plan already was; they were not looking at other options besides the proposed Monroe
1361 Boulevard corridor and they had tunnel vision. He stated he would love to see professional research that
1362 would provide two or three options that would be best for the City. Mayor Harris stated he does not think

1363 the traffic engineers that worked on the traffic master plan had tunnel vision and the plan includes a study
1364 that considers housing density to identify where single family dwellings will be built and in the future
1365 they will be built in the center of the City along the route. He reiterated there was no tunnel vision and
1366 those working on the plan considered different ways to handle growth and they decided upon a viable
1367 option.
1368

1369 Mayor Harris then invited public comment regarding the agenda item.
1370

1371 Tony Aragon, 681 E. 1700 N., stated he has lived in North Ogden for 43 years and he started teaching at
1372 North Ogden Junior High when it first opened. He stated he has a great investment in this community
1373 and he lives on the corner of what would be the intersection of Monroe Boulevard and 1700 North. He
1374 stated that from his experience the homes on the southern portion of Monroe Boulevard are very low
1375 income homes and even though there would be a buffer between those homes and his home, he does not
1376 think he could sell his home for half of what it is worth once the road is built. He stated Mr. Chandler is
1377 proposing to put a park strip along the road, which he supposes would take out part of his property and he
1378 asked who will pay for the sidewalk and curb and gutter along the road. He stated he called Michael
1379 Marsh, a friend of his who works in the construction business, and he told him that the cost to install curb,
1380 gutter, and sidewalk on the east side of his property would cost him \$5,000 in today's construction costs.
1381 He stated he is on a fixed income, he is retired, and he does not have any extra money coming in. He
1382 stated he wants to know where he should get the money the City will charge him to build the road because
1383 he knows the City will not pay for it. He stated he knows of people that live on 3100 North that were
1384 required to pay for similar improvements 20 years ago; they were in the same situation as him, but
1385 nobody seemed to care. He asked the Council if they know of a place called Garner Creek; it is behind
1386 his house and it runs right through the proposed Monroe Boulevard corridor. He asked the Council if they
1387 think it is necessary to have the Environmental Protection Agency (EPA) investigate the creek before the
1388 City thinks about building the road. He stated that he thinks that is necessary. He then asked the Council
1389 if they have any idea how many animals live on and in the creek and he stated he does. He stated he
1390 thinks the City is having a great impact on something they know nothing about; Garner Creek has been in
1391 existence forever and it is not going away. He then asked Mr. Chandler if he is proposing an elevated
1392 walkway to get kids across Monroe Boulevard to Green Acres Elementary. Mr. Chandler stated that is
1393 one of the possibilities, but it is not the only option. Mr. Aragon stated he has driven up and down the
1394 road before and after school and there are hundreds of kids crossing the street; it is a great concern to him.
1395 He stated that all the things Mr. Chandler talked about to slow traffic down are not believable; he lives on
1396 1700 North and people break the speed limit on that road every day by 10, 20, and even 30 miles per
1397 hour. He stated there is often a Police Officer parked on 1700 North and he catches a lot of speeders, but
1398 he has never seen one on Monroe Boulevard in front of Green Acres. He asked how many Police Officers
1399 it will take to patrol Monroe Boulevard; it will take a bunch of new officers and that is another cost the
1400 City is not thinking about. He then addressed Council Member Taylor and stated that he lives on 1700
1401 North and he drives up to Mountain Road almost every day and he has never had to wait for more than
1402 one or two cars whether it is at 7:00 a.m. on his way to work or at 5:00 p.m. on his way to Weber State
1403 University. He stated that is his personal observation. He then asked if the Council really wants to
1404 initiate eminent domain; he knows some of the property owners that are present this evening and they do
1405 not want to sell their property to the City. He asked if the City has asked any of the property owners if
1406 they are interested in selling their property or if, instead, the City simply plans to take the property. He
1407 stated he does not think the City has thought about that issue as well. He stated that sometimes he may
1408 have the wrong impression about things, but sometimes he sees some of the Council sitting on a high
1409 chair making these decisions and not worrying about the people sitting behind him. He stated the Mayor
1410 told everyone they could not clap during the Council meeting, but they had all clapped because they
1411 agreed with a statement that had been made. He stated he is not sure when the decision was made to build
1412 the road, but he had no input on it and he had no knowledge they were going to do it. He stated Council
1413 Member Taylor mentioned fumes, dust, noise, garbage, and pollution regarding another matter that was

1414 discussed earlier. He stated that those things will be brought to his home if Monroe Boulevard is
1415 constructed to the side of it. He stated those things will be brought to his home and to his family when
1416 they come to visit him.

1417
1418 Katherine Warren, 720 E. 2550 N., stated she is opposed to the road and she asked what the speed limit
1419 on the road will be. She stated that during the last discussion there were references to a 40 mile per hour
1420 speed limit. Mayor Harris stated the speed limit will be 35 miles per hour, plus or minus. Ms. Warren
1421 stated that what she sees is talk of slowing down traffic, which sounds beautiful, but the speed limit on the
1422 road will be increased to 35 miles per hour. She stated that Mr. Aragon talked about who would pay for
1423 the sidewalks and she asked who will pay for the sprinkling system and grass in the park strips. She
1424 stated she does not have the money to do that. She added she is not trying to be prejudice, but the City
1425 cannot even guarantee that only single family dwellings will be built along the road. She stated there will
1426 be high speeds on the road and that will result in problems. She added that people will also be brought
1427 into the City that will raise the crime rate; there are already cars that race up and down her street and it is
1428 just a small strip. She stated that constructing the road in small strips was a fine idea and there are nice
1429 houses along those strips because people were told that they may never see Monroe Boulevard
1430 constructed. She stated that nice houses will not be constructed all the way along Monroe Boulevard once
1431 it is built and she asked if the City is willing to reimburse her for the lost value of her home after the road
1432 is constructed. She stated she is sure that those costs have not been considered by the City. She then
1433 added that constructing the road near schools is dangerous and creating more congestion on intersection
1434 streets such as 3100 North, 2600 North, and 1700 North will cause more problems than the City has
1435 thought about. She stated she really thinks the road is a bad idea and the City should think about
1436 something else; just because it has been planned for years does not mean it is the law.

1437
1438 Cindy Smoot, 2930 N. 750 E., stated she first wanted to address the crosswalk issue; she walks her kids to
1439 Bates Elementary almost every day and on Thursday when they walked to school she had crossed with
1440 her kids and she was walking back home on 3100 North and she watched other kids trying to cross. She
1441 stated a suburban stopped for the kids, but a truck pulling a trailer went around the suburban and she
1442 wondered what would have happened if the kids had darted across the street instead of waiting to see if all
1443 traffic had stopped. She stated it is a real issue and she has seen it happen more than once. She stated
1444 that her husband has a cousin that is a Police Officer in Brigham City and he claims their crime rate has
1445 gone sky high since the Utah Transit Authority (UTA) brought their bus line from Ogden to Brigham
1446 City. She stated she does not know if that is the future the Council wants for North Ogden. She stated
1447 she has lived here for over 40 years and she has never once driven the entire Monroe Boulevard. She
1448 stated that if she wants to go somewhere she does not use the road. She stated that if the City actually
1449 buys the property – they would probably be buying about 600 feet in length of her property – who will
1450 take care of the weeds and the fire hazards on those properties. She stated the City has a hard time taking
1451 care of the property they currently own, such as the shoulders of trails. She stated that 600 feet the
1452 equivalent of two football fields and she has been told she will have to pay for sidewalk, curb, and gutter
1453 and she is sure that will cost a lot more than what the City will pay her for the property. She added she
1454 will also be required to do snow removal on the sidewalk according to a City employee. She stated her
1455 property is long and skinny and it is not like it can be developed unless it is used for tiny lots for low
1456 income housing. She stated she will end up with snow removal and the costs.

1457
1458 Lance Trease, 321 E. 2200 N., stated he has heard Mr. Chandler talking a lot about ways to mitigate the
1459 risk, but it is the risk that is being introduced by adding the road. He stated he finds it interesting that the
1460 risk would not be present if Monroe Boulevard was not there; making the road look narrower or using
1461 speed humps is risk mitigation that is being added because more risk is being introduced to the City and
1462 that seems very counter-intuitive. He stated he also agrees with what Council Member Bigler has said
1463 and he asked why the City is so hesitant to look at other options; it seems foolish not to do that. He stated
1464 no one is saying there may not be a problem in the future, but he would like to look at every other option

1465 before moving forward. He stated that from the statistics he heard Mr. Chandler reading the crime is
1466 higher further to the south and he has yet to hear a very good reason to add the road. He stated that there
1467 was talk about the master plan and the fact that Monroe Boulevard is in the plan, but there are also homes
1468 right in the way of where the City would need to buy property in order for the thoroughfare to go through.
1469 He stated he sees no added benefits associated with the road. He stated Council Member Taylor talked
1470 about how there are a lot of risks and more traffic on Fruitland Drive, yet he has not seen a lot of
1471 accidents reported or happening on that road and he drives it quite a bit as well. He stated every once in a
1472 while he will see a young girl or guy having slid off the road, but he does not see many accidents that are
1473 caused by high traffic levels. He then stated he was confused by Mayor Harris telling those in attendance
1474 not to clap during the meeting. He stated he thought this was a government for the people and by the
1475 people and apparently none of them want this road to go through and he does not know why they got in
1476 trouble for clapping because they agreed with what Council Member Bigler had to say. He stated he
1477 would really like to see alternative options for the roads and he would like to see plans for other options
1478 and does not know why that cannot be put on the table.
1479

1480 Julie Malan, no address given, thanked Mr. Chandler for the work that he put into this issue. She stated
1481 she was at the last meeting when this item was discussed and she wanted to recognize that Mr. Chandler
1482 made an effort to try to address each of the concerns that were raised at that meeting. She added,
1483 however, that she cannot wrap her head around this issue. She stated Monroe Boulevard is a road to
1484 nowhere and she cannot see herself using the road to go shopping; if she wants to go to the mall or to
1485 Wal-Mart she uses Wall Avenue and if she needs to get to the college she will use Mountain Road. She
1486 stated she does not see this as a road that is actually going to be used that much and if the speed limit is
1487 going to be slowed down it will not solve the problem of traffic congestion; people want to be able to use
1488 a fast road that will get them where they are going quicker. She added that the fact that it would go by
1489 two of the elementary schools is bad and many kids that attend the schools walk to and from school and
1490 they would need to cross the street. She stated that a grant was mentioned and she is wondering if that is
1491 the reason for this; she asked if the grant will pay for it and if the City has already accepted money for this
1492 purpose. She asked if the City would need to pay back the grant money and if that is the reason for this
1493 issue. She stated she does feel there are some alternative options for the road and the reason that the City
1494 has been able to keep Fruitland Drive and Mountain Road more rural and beautiful is because they are
1495 windy roads. She stated a straight road with two lanes on each side and one lane in the middle is a
1496 highway like Washington Boulevard. She stated she recently moved off of Monroe Boulevard so this will
1497 not directly impact her any longer, but it was interesting to listen to the discussions and all the
1498 neighborhoods located along the road will be changed; currently the neighborhoods that have the strips of
1499 Monroe Boulevard going through them are essentially huge playgrounds for little kids. She stated she
1500 realized the City has put a lot of money into the roads, but when she makes a mistake in her own life –
1501 such as buying a “lemon” of a vehicle – she would not continue to maintain the vehicle simply because
1502 she has already put thousands of dollars into it; instead she would determine a new way forward and
1503 maybe the car would need to go. She stated she agrees with others that have spoken this evening and
1504 noted she would like to see the City explore some other alternatives. She stated it may be possible to
1505 build two new routes so that it is not necessary to have one “ginormous” route through the City. She
1506 stated it may be a good idea to have a round route that goes around the edges of the City and at that point
1507 if people decide to move onto the road they will know what they are moving on to. She stated there are
1508 all sorts of other cities that the City could look at to see how they are handling these issues and she is sure
1509 that Mr. Chandler has done that, but she is wondering why the Council keeps “beating this dead horse”.
1510 She stated the route runs directly through a residential area and she asked if the City really wants to do
1511 that. She asked if it would not be wiser to run the road around the City or through the business area of the
1512 City. She stated that hundreds of kids would be required to cross the road every day and someone will be
1513 killed on the road and the Council has to know that will eventually be true.
1514

1515 Mary Beus, 1996 N. 700 E., stated she has listened to everyone talk and she wonders if any of the Council
1516 Members have ever walked the path of where Monroe Boulevard would be constructed. She stated that if
1517 they have they should have walked right past her driveway, across a river, through fields where horses are
1518 kept, and several other residences and people's livelihoods. She stated the City wants to take all that
1519 away from people that have been here their whole lives. She stated when she moved here 37 years ago
1520 North Ogden had a wonderful reputation of a place where people could raise their family and live in a
1521 good area. She stated that is why she moved here from Ogden and she knows a little about the crime and
1522 what Ogden is all about. She stated she moved to North Ogden thinking this is where her dream of
1523 raising her family would be and if the City chooses to put Monroe Boulevard through, that will take her
1524 dream away. She stated she has worked really hard to stay in the house she is in and she would be forced
1525 to move out and she cannot afford that. She stated the same thing will happen to so many other people
1526 that have lived here forever; they will be forced to move out because of the road. She stated she has
1527 listened to all the Council Members use the word 'we' and she is wondering who they are referring to.
1528 She stated the people and the residents are going to be impacted and they have not been able to say what
1529 they want to happen. She stated when the Council uses the word 'we' they are only talking about the
1530 members of the Council and not about what the people want. She stated they do not want Monroe
1531 Boulevard to come through. She stated she works at Green Acres and North Ogden Elementary Schools
1532 and she sees the danger this will bring to both those schools. She stated she knows there will be an
1533 accident and she thought it was quite interesting when Mr. Chandler was talking about his ideas for trees
1534 and a round-a-bout on the road. She stated that is essentially "band aiding" a busy road and that will not
1535 make it safe. She addressed Mayor Harris and stated that she hopes that as he leaves a legacy in North
1536 Ogden it will be one that people will say they were proud to have a Mayor that listened to the people and
1537 did what was best for the community. She stated Monroe Boulevard is not best and she hopes the Mayor
1538 and Council will consider all these things and she hopes they will listen to what the residents are trying to
1539 tell them.

1540
1541 Susan Riggs, 710 E. 2100 N., stated Monroe Boulevard would be built right along the side of her house.
1542 She stated that the Council talked about Tom's Auto earlier in the meeting and Mr. Chandler talked about
1543 the impact of the livelihood of North Ogden. She stated bringing Monroe Boulevard will impact a lot of
1544 people in North Ogden and if the City really cares about the livelihood of North Ogden they will not bring
1545 the road through. She stated Council Member Taylor talked about the fact that people's homes are sacred
1546 to them and this road will require taking people's homes and people will need to move. She stated she
1547 does not want to stay in her home if Monroe Boulevard is built next to it and the project will depreciate
1548 her home in addition to others. She stated she is single and cannot afford to keep moving; she planned on
1549 staying in her home for the rest of her life, but if the road is brought through she will lose money on her
1550 home as well. She stated property values throughout the entire area will decrease and crime rates will
1551 increase once the road is punched through the south end of the City; it provides one additional easy access
1552 point for people to get into North Ogden and increase the crime rate. She stated locating a major road
1553 next to a school is also concerning to her and she can see there will be an accident there at some point in
1554 time. She stated that she lives right though the field from Ms. Beus and the area is very quiet right now,
1555 but if the road is put through it will be a very busy area. She stated she also appreciates Mr. Chandler's
1556 efforts in trying to slow the speed on the road and beautifying it, but the reality is that those things cannot
1557 be controlled and there is no way of knowing what will happen in the future. She stated future Councils
1558 could make decisions to rip out the trees and make the road wider. She stated there is a perception that
1559 the City will be able to control those things, but that is not the case. She stated she comes from a family
1560 that was one of the original settlers of North Ogden and she has stayed for that reason; her family has
1561 been here for hundreds of years and she lives her because she likes a quiet community. She stated she
1562 thinks most people that live here have made the choice to stay for that same reason. She stated she feels
1563 that this could be better served if the Council chose to widen and improve some existing roads. She
1564 stated Mountain Road could possibly be widened; she uses that road on a regular basis and she has no
1565 problem taking a few extra minutes to access that road in order to maintain the quietness that she

1566 currently has near her home. She stated she knows this road is in the City's master plan, but the master
1567 plan can always be changed and she believes other options should be looked at. She stated she believes
1568 the City just looking at the easiest solution, but not necessarily the best solution especially for the people
1569 that it will affect.

1570
1571 Kris Young, 1798 N. 700 E., stated she realizes she lives on a wide road, but it is not wide enough for two
1572 lanes of traffic and a center turning lane. She stated she can just picture cars coming by with her little
1573 two-year old's feet in the gutter and a car coming very close to him; she does not see how all of those
1574 lanes will fit on 700 East. She wondered if the City will be taking the front yards of the residences along
1575 the street, especially if a sidewalk will be built there. She stated she has seven children from the ages of
1576 16 to two and she can count six kids that will be going to kindergarten from 1700 North to Green Acres
1577 Elementary just on the east side of the street and she is very concerned about the safety of those kids. She
1578 added most of those kids also have little brothers and sisters. She stated she knows the road will not be
1579 built this year, but she keeps thinking of the safety of the kids that live there and the fact that they are
1580 used to playing in the road because it is not a fast street. She stated she does not let her kids play in the
1581 road, but they always crossing the road and running onto it. She stated she had a dog that was killed by a
1582 lady that was not speeding on 700 East and she can see with this major road that next time it might not be
1583 a dog and instead it might be one of her children or her neighbors' children. She stated she agrees with
1584 everyone else that has talked about decreasing home values as a result of the road. She stated when her
1585 husband was married to his first wife he lived on the corner of where the South Ogden Fire Department
1586 now sits and his property was taken by eminent domain and was given just barely more than what he
1587 owed for his house. She stated that was back in the day when people did not necessarily need a down
1588 payment for their house, but now days people need at least \$50,000 for a down payment and she asked if
1589 the City will be giving people enough money to get into another house. She stated these are things that
1590 need to be thought of because people cannot just go get a home without a large down payment. She
1591 added that with seven kids she does not have money for a down payment. She stated that another point
1592 she wanted to make is that her sister used to live just across the field in Ogden and she has counted three
1593 high speed chases that occurred in that neighborhood in the last year and it would be so easy for them to
1594 take that high speed chase down the road and through her front yard and throughout North Ogden. She
1595 stated she would like for some of these issues to be considered. She stated that it seems like everyone
1596 thinks there will be four million people in North Ogden and that Washington Boulevard, Mountain Road,
1597 Fruitland Drive, and 2700 North are not enough and she really thinks they are. She stated she drives all
1598 the time; her kids are involved in sports and she drives them places all the time and she has never really
1599 felt like North Ogden is all that congested and she does not see the point of another road.

1600
1601 Heather Durham, 2850 N. 900 E., stated she will not be impacted by Monroe Boulevard, but there are a
1602 couple of comments that have been made that she wanted to address. She stated she agrees with Council
1603 Member Bigler and she actually recently moved from Ron Claire subdivision in Ogden to North Ogden
1604 and one of the main reasons she moved was to get away from the violence and troubles in the
1605 neighborhood. She stated she had a 10 year old daughter at the time and there were two drive-by
1606 shootings just down the street from where she lived and she decided she did not want to live there
1607 anymore. She stated she also grew up in inner-city Ogden on 27th Street and Washington Boulevard and
1608 she realizes there is a lot of violence in Ogden City. She stated she works at the elementary school and
1609 there are two factors for the City to consider; one is that the school had a really hard time getting a
1610 crossing guard right in front of the school where it was needed badly; there were teachers crossing kids
1611 for three years after the school was built. She stated she wondered how the school would get another
1612 crossing guard on Monroe Boulevard when it was so difficult to get one right in front of the school where
1613 it was so badly needed. She stated another thing to consider if the economy; the economy has changed
1614 and the City has changed as a result. She stated she sees it at the school and elsewhere in the community
1615 and there are a lot of changes going on in the City. She stated adding the road and creating a direct line to
1616 Ogden City is only asking for more problems than what the City is already dealing with. She stated she

1617 realizes the road may not built for 30 years down the road, but she does not see Ogden getting better in
1618 the next 30 years and instead she sees it getting progressively worse. She stated there is a reason that
1619 everyone has chosen to live in North Ogden and away from Ogden City. She added she has friends that
1620 run on Fruitland Drive and they have never had a problem doing that. She stated she drives along that
1621 road on a very regular basis, mostly because it is such a pretty road.
1622

1623 Brian Russell, 1151 E. 3400 N., stated he lives on Mountain Road, which will someday be improved. He
1624 stated he lives on a dead-end spur and he understand some of the issues being discussed, although he does
1625 see more traffic on Monroe Boulevard since it is in the middle of town. He stated there have been a lot of
1626 suggestions that the City look at alternative routes, but not many alternatives have been suggested. He
1627 stated one person talked about possibly expanding Mountain Road to a four lane road and that could be a
1628 way of getting traffic in and out of the City. He stated another alternative would be widening Washington
1629 Boulevard to a six lane road, which would make it akin to Seventh East in Salt Lake City, which is a
1630 major thoroughfare there. He stated most of the people present tonight were not in attendance at the last
1631 meeting where this issue was discussed and at that time a 20 year projection was shown. He stated right
1632 now Washington Boulevard is congested as he ever wants it to be and it unbelievable what is anticipated
1633 to happen in the future with the attraction of North Ogden. He stated the one thing he has not heard about
1634 safety, which he feels is the number one issue, is what will happen if nothing is done and Washington
1635 Boulevard becomes increasingly busier. He stated young kids trying to get onto Washington Boulevard
1636 from the side streets will get frustrated by trying to wait for a break in traffic to pull into and they will
1637 “shoot the gap” on a 50 mile per hour road and make a misjudgment at one time. He stated that would be
1638 every bit as tragic and he pointed out that doing nothing has its consequences and even though some may
1639 believe that what he is saying is farfetched he believes it is a very real possibility based on the current
1640 traffic levels in the City. He stated the traffic drives a reasonable person to travel to side streets with
1641 traffic signals in order to get onto Washington Boulevard, but 1900 North is a main access point to
1642 Washington Boulevard and it does not have a traffic signal and as Washington Boulevard becomes more
1643 crowded that problem will only grow. He stated he wanted to simply point out that doing nothing is not a
1644 risk free proposition. He stated he appreciates the Council handling this tough decision and he admires
1645 his friends that have spoken about this issue, though he is not necessarily supporting their position. He
1646 stated there is a lot of information to consider in making this tough decision and he wishes the Council
1647 well.
1648

1649 David VanBallegoie, 2148 N. 1200 E., stated he has looked at the positive and negative aspects of this
1650 issue. He stated he is a security officer in the Ogden area and he feels there are advantages and
1651 disadvantages of constructing the road. He stated Ogden City currently will not engage in a high speed
1652 chase. He stated that Monroe Boulevard would be a straight road while Mountain Road is not. He stated
1653 one of the advantages if the road does go through is that he could retire wealthy. He stated he does not
1654 care how much a straight road is choked down, people will use it and they will use it fast. He stated if
1655 there are curves in the road people will slow down a little bit whether they like it or not.
1656

1657 Phil Swanson, 1066 E. 3300 N., stated he does not live anywhere near where the road will go through, but
1658 his concern is that each time this discussion comes forward there is an ugly shadow lurking and the
1659 comment is made that we want to be careful about what kind of people we want building homes along
1660 Monroe Boulevard and what the income level will be of those homes. He asked what the threshold for
1661 those homes is and noted that someone living high enough on the hill may not want anything below a
1662 \$300,000 house built. He asked where the threshold will be set to determine who is and who is not
1663 worthy to live in the City. He stated the point he is trying to make is that there are a lot of issues that
1664 certainly need to be discussed and he is not sold that Monroe Boulevard is the answer, but he thinks
1665 people need to check themselves and be very, very careful. He stated if they are feeling within their
1666 hearts that somehow there is a socioeconomic threshold they desire to set for North Ogden then they have
1667 a bigger issue than Monroe Boulevard and the safety of children getting to and from that school that they

1668 would need to consider. He stated his concern is that each time this discussion takes place there are
1669 comments made that can be seen as prejudicial and exclusionary and the City needs to be careful not to
1670 turn into an exclusionary city either on purpose or by default.

1671
1672 Gari Manning, 722 E. 2675 N., stated she does not feel there is a socioeconomic concern about living in
1673 North Ogden, but she feels the charm in North Ogden is that one can drive down the road and go past cute
1674 little old homes that have been there for decades; they are charming and quaint. She stated further on you
1675 can drive past a field with sheep in it and even further you can drive by beautiful, elegant homes that have
1676 recently been constructed. She stated there is all this diversity and variety that one can experience when
1677 driving down a single road and she loves that about North Ogden. She stated she moved here 10 years
1678 ago from Riverdale; she was living on a road that was not very busy originally, but as development
1679 happened the road got busier and busier and that is the reason she moved. She stated she did not feel
1680 comfortable allowing her children to play in the front yard any longer and her bedroom was on the front
1681 of her house and at night she would be awakened by the lights of police cars after they had pulled
1682 someone over in front of her home. She stated it was not a hugely busy road compared to most, but it was
1683 busy enough and that is what can happen in North Ogden. She stated Council Member Taylor was
1684 talking about Fruitland Drive and how it is a winding road, but that there are fast cars driving on the road.
1685 She stated that the City would implement all these measures to try to reduce speed, though Fruitland
1686 Drive is not as wide as Monroe Boulevard would be and there are very fast cars currently travelling on
1687 Fruitland Drive. She stated that she does not see that the measures to reduce speed on Monroe Boulevard
1688 will be successful if people simply choose to speed. She added the City will need an increased police
1689 presence. She stated there were discussions about reduced crime in the north end of Ogden and in North
1690 Ogden and the fact that is a very impressive thing; it is impressive and the reason that is the case is that
1691 the neighborhoods in North Ogden are closed off. She stated a criminal is not likely to go to a closed off
1692 neighborhood to rob a home because they have no way to exit, but if they have a nice, long road to escape
1693 on those are the types of homes they will target. She stated criminals will not rob homes in cul-de-sacs
1694 that are located throughout North Ogden because every neighbor in the cul-de-sac is watching the cars
1695 that go by. She stated opening a big busy road will result in losing that advantage and the crime rate of
1696 the City will increase.

1697
1698 Chuck Malay, 785 E. 3000 N., stated he is a newcomer to North Ogden and he and his family moved here
1699 about two years ago; they bought an old home that was built around the turn of the century. He stated his
1700 wife liked the charm and after spending about \$50,000 they have made it comfortable enough and they
1701 are happy there. He stated his home is on a dead-end street and there is no cul-de-sac or turn around and
1702 if someone needs to turn around on the street they back into someone's driveway; it is quiet and secluded
1703 enough that they love it. He stated it is why they moved to North Ogden. He stated that some may want
1704 to have North Ogden be a sprawling metropolitan area; if they want to live in that type of area they should
1705 move to New York. He stated the Council have heard from a lot of women tonight that have indicated
1706 why they moved to North Ogden and why they love living here and that is because of the quite
1707 neighborhoods, cul-de-sacs, and dead-end streets with no traffic to endanger the kids. He stated there has
1708 been talk about the road bordering two schools, but he asked about Bates Elementary and whether traffic
1709 on 3100 North will be lessened with the addition of Monroe Boulevard. He asked if the accidents over
1710 the North Ogden Divide will be lessened, but stated he does not think that will be the case. He stated
1711 there may be some alternative routes and it may be possible to widen some existing roads so they can
1712 handle the traffic. He stated that acreage would be a lot cheaper than buying a developed residential lot
1713 and maybe there is an option to run the road differently than is being discussed. He stated that some
1714 people may not have an open mind, but he thinks they should and take look at some of the other
1715 suggestions.

1716
1717 A resident, no name or address given, stated he likes Council Member Bigler's idea of looking at other
1718 alternative routes for the road. He stated that during the last meeting when this issue was discussed he

1719 made the comment that the City needs to look at Ogden and the collector streets in that city; North Ogden
1720 is really an extension of Ogden as far as traffic is concerned and the collector roads in Ogden, such as
1721 Washington Boulevard, run from the south end of the town all the way into North Ogden. He stated
1722 Ogden also has other traffic collector roads in Harrison Boulevard and Wall Avenue. He stated the City
1723 needs to think in terms of tying into those collector roads rather than thinking of tying into Monroe
1724 Boulevard. He stated Monroe Boulevard is not a collector road in Ogden today. He noted the gentleman
1725 that spoke first during this discussion said that he lives on 1700 North at the intersection of the future
1726 Monroe Boulevard. He stated that he works at Weber State University and he drives east to Mountain
1727 Road and takes that road to Harrison Boulevard all the way to the college. He stated that Monroe
1728 Boulevard could be extended and that same person will still not take Monroe Boulevard to get to work; he
1729 will still take the route he takes today because it is a pattern and an easy route. He stated the City needs to
1730 consider spending money to tying into collector roads in Ogden, which would be Harrison Boulevard and
1731 Wall Avenue. He stated before spending any money the City needs to know where the money should go
1732 to do the best job. He stated he lived and travelled throughout Europe for several years and they have an
1733 old reliable saying there, which is “only a fool will not change his mind”.

1734
1735 Jefferson Shupe, 877 E. 2100 N., stated the Council and Mayor have been very respectful in listening to
1736 all the comments made by residents tonight and he believes that every one of them have the very best
1737 intentions for North Ogden. He stated he will not claim that there are major things that they have not
1738 considered because he is sure they have spent a lot of time reflecting on the topic, but someone earlier
1739 made a good point about not thinking that North Ogden is better than Ogden and he was actually thinking
1740 that same thing over the past week and about whether it is ok to seal the City off from Ogden by
1741 preventing a road from going right through the center of the City and he does think it is ok. He stated
1742 Ogden has a purpose and North Ogden also has a purpose; they are different communities with different
1743 goals and they need each other. He stated it is ok to keep them separate and put up with some
1744 inconvenience due to that separation. He stated he is not saying nothing should happen at all, but he is
1745 not sure it is worth the tradeoff. He stated he has a friend that lives in one of the corners of North Ogden
1746 and he will not be affected no matter what decision is made regarding the location of the road, but he
1747 wanted to be at tonight’ meeting because he feels this road will really change the entire City and not just
1748 the lives of the people that live directly in its path. He stated that sometimes doing nothing or thinking
1749 about something longer is the right thing to do and even if it is just for the sake of those residents with
1750 concerns, he would urge the Council to use some of the \$2 million to pay for an outside study regarding
1751 the issue and that might put some of them at ease and allow them to know if the project is the right thing
1752 to do.

1753
1754 Mayor Harris stated he appreciates everyone that attended tonight’s meeting and he appreciated them for
1755 making comments.

1756
1757 Council Member Bigler stated he would like to ask a question. He noted it has been stated that Monroe
1758 Boulevard would go up to 3100 North, but he wanted to know where exactly it would tie in. Mayor
1759 Harris stated that 800 East is Monroe Boulevard. Council Member Bigler stated the point he wanted to
1760 make is that the comment has been made that the road stops at 3100 North, but that is just because the
1761 road is already in on the west side of Bates Elementary. He noted the road will go all the way up to
1762 Skyline Drive that will eventually be constructed. He stated that means there are three elementary
1763 schools that will be impacted, as well as North Ogden Junior High. He stated the road will go directly to
1764 the east of Green Acres Elementary and directly to the west of Bates Elementary. He stated this is not an
1765 issue that will only impact the southern part of the City and the kids that have to walk to and from North
1766 Ogden Elementary School will also be impacted. He stated he simply wanted to make the clarification
1767 that the road does not actually stop at 3100 North.

1768

1769 Council Member Taylor stated that he also wanted to ask if the Council will discuss what they have heard
1770 tonight and the way forward for the benefit of all the folks that have attended the meeting and are
1771 interested in the outcome of this issue. Mayor Harris stated this was simply a discussion item and
1772 discussion can continue, but in order to take some sort of action it will be necessary for the City Council
1773 to propose something different than what is currently planned. He stated the agreement with Weber
1774 County has been signed and approved by the Council and it is time to move forward with it. Council
1775 Member Taylor stated he only made a few brief comments earlier in the meeting because he wanted to
1776 hear what the residents had to say. He stated he does not know if other Council Members would also like
1777 to make some comments, but he would like to make additional comments. He stated he took a lot of
1778 notes and he appreciated everyone that took the time to share their opinions. He stated some may feel that
1779 the City charges ahead, but he promises that is not the case. He stated everyone has families and he has
1780 five children himself and they attend an elementary school on a road of this size and he cares about what
1781 has been said tonight. He stated he wanted to share another perspective than what has been shared tonight
1782 and he would ask everyone to consider that before he makes his recommendation. He stated in looking at
1783 traffic the road will be constructed through the course of future development; the City of North Ogden
1784 will not build the road and instead it will be built by developers that purchase, subdivide, and develop raw
1785 land in the City. He stated that is how the existing sections of the road have been built to date as well. He
1786 stated if landowners sell their property to be developed the additional portions of the road will be built as
1787 the land is developed. He stated it is not like the City will build the road and then wait for the areas
1788 around it to fill in; rather it is a planned road that will be built as the need is there and the farms turn into
1789 homes after private landowners exercise their property right to turn their land into homes. He stated the
1790 City will be buying the right-of-way so that the City has the ability to require developers to construct the
1791 road in the future as property develops. He stated the construction of the road is tied to development and
1792 more people moving into the area that will need roads. He stated that is something he would ask
1793 everyone to consider. He then added that if a road is not built in the area, whether it is Monroe or an
1794 alternative route somewhere to the east or west, then the north/south traffic will be pushed to Washington
1795 Boulevard or to Fruitland Drive. He stated he does not think the landowners living along those roads will
1796 be any more excited about the development of additional lanes on their property or selling their land to
1797 the City. He again referenced Fruitland Drive and stated that many of the homes on that road are very
1798 close to the street and if it is necessary to expand the road significantly that will require the elimination of
1799 large chunks of people's front yards for long stretches. He stated he does not think they will be any more
1800 willing to do that than the people living along the Monroe Boulevard corridor. He added it would be very
1801 expensive to purchase additional right-of-way land on Washington Boulevard because the majority of the
1802 properties along that road are commercial properties. He asked that everyone try to consider that other
1803 side as well. He stated the purpose of the road is not to damage people or their property. He stated the
1804 City cares about the residents, their property, and their families and the purpose of the road is to find a
1805 way to accommodate traffic in the whole City without pushing it into other areas and neighborhoods
1806 where there will be challenges. He stated he has studied this issue a lot, but he would welcome looking at
1807 other options as well if that is supported by others on the Council. He stated he thinks that would be a
1808 good exercise to examine the financial impact to show how much it would cost to purchase right-of-way
1809 to widen existing road in the City. He stated the City does need more roads when development occurs.
1810 He stated he lives on a road that is currently a dead end, but it will eventually connect to Washington
1811 Boulevard. He stated there is a proposal for a large development of condominiums and town homes to be
1812 constructed at the end of his street. He stated he loves living on a quiet street that is a dead end, but the
1813 City cannot tell that landowner that they cannot develop their property at some point in time. He stated
1814 the City can put some restrictions on how the property can be developed, but the private landowner owns
1815 the land and if they choose to develop it and eliminate his nice quiet street, that is just part of living in a
1816 city. He stated he would like for the Council to consider other options as has been suggested and it may
1817 be possible to create a citizen involved panel to get as many people as possible interested to consider a
1818 few different options for handling traffic in the area. He stated they can determine the cost and benefits of
1819 different options and present that information for the Council to make a better decision in a few months.

1820 He added, however, that he does not think the decision should be put off for very long because the
1821 advantage to moving forward with the Monroe Boulevard option is that most of the right-of-way land is
1822 currently raw land instead of homes and people's front yards. He reiterated the other roads are completed
1823 developed and if Monroe Boulevard is the right answer he would like the City to move quickly to secure
1824 right-of-way. He stated he would support the idea of investigating additional options within a reasonable
1825 time frame.

1826
1827 Council Member Fawson stated two years ago he was sitting in the audience with concerns about an issue
1828 he felt the City was pushing down his neighborhood's throat and the emotions were high and there was
1829 spontaneous applause during the meetings and the crowd was told at that time to calm down as well. He
1830 stated that as a member of the Council he knows that every Council Member wants to hear from the
1831 residents and they are interested in their opinions, suggestions, and possible solutions and they are also
1832 interested in the best interests of the City and those things must be weighed. He stated that he thinks the
1833 City has done about half of the work that needs to be done and the first half of the work was to look at
1834 ways to mitigate the risks associated with the road. He stated the second half of the work is to look at
1835 other alternatives and he does not feel like the City has done any of that work yet. He stated he would
1836 support looking at alternative routes as well.

1837
1838 Council Member Stoker stated it is interesting to see things from a different perspective and she added a
1839 few years ago she was also sitting where the residents are sitting and she was very upset with how things
1840 were happening in the City and she felt people were just talking to hear themselves talk and the residents
1841 were not listened to. She stated she does hear what the residents are saying and she also thinks the City
1842 needs to consider alternatives because that has not been done yet. She stated that as far as the traffic on
1843 Fruitland Drive and Mountain Road, she runs on those roads early in the morning and there is a lot of
1844 traffic at that time and for her to try to get across Mountain Road at a crosswalk requires her to stand there
1845 for a long time and the cars do not stop and wait for her to go across. She stated that a lot of times she has
1846 to move out of the way of cars on the roads and there is a lot of sharing that is done on that road and she is
1847 willing to do her part. She stated that there was discussion about the negative aspects of curves and the
1848 need for straighter roads, but she lives on Mountain Road and if it is widened it will be necessary to
1849 straighten it and that would make the argument for Mountain Road invalid because it would just become
1850 another straight road. She stated she really thinks there needs to be some other things considered and she
1851 does appreciate the comments made by the residents this evening.

1852
1853 Mayor Harris stated that what the City is trying to do is provide for the future and this project will not
1854 happen tomorrow. He noted the population along the Wasatch Front will increase by 65 percent in the
1855 next 30 years and that increase will not be made up of outsiders and instead will be made up of future
1856 generations of current North Ogden residents and they will need places to live. He stated North Ogden's
1857 population is projected to double within the next 30 years. He stated he knows what the situation is now
1858 and he is not talking about taking people's front yards right now, but sooner or later the population of
1859 North Ogden will increase to the point that there will be demands on the roads that will make it miserable
1860 to live here. He stated all the City is trying to do is put a transportation system in place that will take care
1861 of the future population before it becomes a problem. He then stated he would like to move ahead to the
1862 next item on the agenda.

1863
1864 Council Member Bigler stated this agenda item deals with purchasing the right-of-way for the road and he
1865 asked what can be done to delay that action. He stated if that decision is not made the entire discussion
1866 was for not and two hours of everyone's time was just wasted. He asked if the Council can vote to delay
1867 the purchase. Mayor Harris stated this is not an action item and if the Council wants to take that kind of
1868 action it will need to be added to a future agenda. Council Member Bigler asked for the item to be added
1869 to the next agenda. Mayor Harris stated that the City will lose the money for the right-of-way purchase.
1870 He explained the citizens of Weber County voted several years ago to implement the third quarter-cent

1871 sales tax to be dedicated to corridor preservation. He stated citizens also pay a \$10 fee every time they
1872 renew their vehicle registration and the money the City has received has been generated by those two
1873 fees/taxes that have been collected by the County for several years. He stated the reason the City went
1874 after that money is because it is known there is a need in the future to provide for traffic in the future and
1875 this is an opportunity to alleviate some of the problems the City may experience in the future.
1876

1877 Mr. Chandler stated that prior to being able to move forward the City will need to meet with the County
1878 regarding the process for setting up the parameters for purchasing right-of-way and that item would need
1879 to come back to the Council before the City can pursue any property purchase. He stated there will be a
1880 time when staff will come back to the Council to discuss the process by which the purchases will be
1881 made. Council Member Bigler asked for an item to be added to the next Council meeting agenda to put
1882 the item to a vote before the staff proceeds further down the road. Mr. Chandler stated he does not know
1883 if the staff will be ready for that by then. Council Member Bigler stated the Council would simply be
1884 voting to not spend the \$2 million to purchase right-of-way and he asked what the staff would need to get
1885 ready in order for such a vote to take place. Mr. Chandler stated there are many things to get done within
1886 the next week in order to have an agenda and packet available for the June 11 meeting. Council Member
1887 Bigler asked what information would be needed when all he is asking is for the Council to vote on the
1888 right-of-way issue. Mr. Chandler stated that if the only decision is whether or not to proceed with right-
1889 of-way purchase, staff can add an item to the agenda. Council Member Bigler requested that such an
1890 agenda item be added. Mayor Harris stated he will not support that request and it will take two Council
1891 Members to make that request. Council Member Bigler stated Mayor Harris sent the Council an email
1892 recently that said his policy is to honor a Council Member request to add an item to the agenda. Mayor
1893 Harris stated that is usually because he is the second Council Member supporting the request.
1894

1895 Council Member Fawson asked if it would be possible to add the same agenda item to the next Council
1896 agenda, but list it as discussion and/or action regarding the right-of-way acquisition. Mayor Harris stated
1897 he is not sure what more discussion is necessary. Mr. Chandler stated that he would think that before the
1898 Council gives up on \$2 million they would want to have the discussion about alternatives. He stated that
1899 if they vote in two weeks from now to give up the \$2 million and then have a discussion about alternative
1900 routes and determine that Monroe Boulevard is the best route, the \$2 million will be lost. Council
1901 Member Taylor stated that he agrees with Mr. Chandler; he understands the strong feelings about the
1902 issue, but it is important to be wise stewards of tax payer dollars and if this is the best option for the City
1903 and the City can use some of the funds provided by tax payer dollars to support the best project for the
1904 City, he thinks it is best to keep that option open. He suggested putting the purchase of right-of-way on
1905 hold and take a couple of months to hold more public meetings just about transportation issue. He stated
1906 the City could pay a traffic engineer to determine other options that can be brought back to the Council
1907 later this summer.
1908

1909 Council Member Bigler stated that the agenda for tonight says the Administration is prepared to purchase
1910 the right-of-way and he wants to ensure that the Administration does not proceed with spending the \$2
1911 million to do that. Mr. Chandler stated he will not proceed forward until the Council determines the
1912 process for which those purchases should be made. He stated that if the Council wants to follow the
1913 suggestion made by Council Member Taylor, he will not make a recommendation regarding the purchase
1914 process until after the best route has been determined.
1915

1916 Council Member Fawson asked if the Council can look at alternative options in the interim. Mr. Chandler
1917 answered yes. Council Member Fawson stated it may take longer than two weeks to determine other
1918 options. Council Member Bigler stated he is not suggesting that the Council vote in two weeks to
1919 indefinitely suspend the project; he stated the Administration has communicated that they are ready to
1920 proceed with purchase and he is simply wanting to take some action to make sure that does not happen
1921 right now. Mr. Chandler stated there are two things that are required to happen before the purchase can

1922 be finalized; the first thing is to determine the acquisition process and the second is to execute purchase
1923 agreements. He stated the Council must approve the purchase of any piece of property. He reiterated that
1924 if the Council wants to follow Council Member Taylor's suggestion, he will not make recommendations
1925 regarding the purchase process until after the best route has been determined.

1926
1927 Council Member Taylor asked that the Mayor and City staff develop a proposal for a process to get
1928 additional input from citizens throughout the City regarding traffic issues. He added he would also like
1929 information regarding what an engineer would charge to work on the project. He stated that information
1930 could be brought back to the Council in two weeks so the Council can determine how to proceed as well
1931 as set a timeline for proceeding. Mayor Harris asked if all Council Members can agree to that
1932 recommendation. All Council Members answered yes. Mayor Harris stated that it may not be possible to
1933 provide the information Council Member Taylor asked for in two weeks. Council Member Bailey stated
1934 that is fine and added he would be comfortable waiting for the information until the end of the summer.
1935 Council Member Bigler agreed and stated he simply wanted to ensure the Administration does not spend
1936 the money to purchase right-of-way because once the right-of-way is purchased it would not make sense
1937 to consider other options for the road.

1938
1939 Council Member Bailey stated that he wants to take the time to make the right decision and there is no
1940 reason for the item to be rushed onto an agenda in two weeks.

1941
1942

1943 **7. DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE AUTHORIZING**
1944 **THE HUMAN RESOURCE DIRECTOR TO DO BACKGROUND CHECKS.**

1945
1946 A staff memo from the City Attorney explained that due to some recent modifications to the Utah Public
1947 Safety Code the City needs to pass an ordinance which allows for the human resources department to be
1948 able to use criminal history information in performing background checks for employees and volunteers.
1949 Our staff participated in a webinar about criminal background checks and the individual conduction the
1950 webinar indicated that the state would start auditing local ordinances to see if they were in compliance
1951 with the state code. This ordinance will make it clear that the City's human resource department is
1952 authorized to obtain criminal histories and arrest records for the purposes of performing background
1953 checks.

1954
1955 City Attorney Call reviewed his staff memo and noted this ordinance will allow the Human Resources
1956 Director to conduct background checks.

1957
1958 **Council Member Fawson moved to approve ordinance 2013-6 authorizing the Human**
1959 **Resources Director to conduct background checks. Council Member Taylor seconded the**
1960 **motion.**

1961
1962 **Voting on the motion:**

1963
1964 **Council Member Bailey aye**
1965 **Council Member Bigler aye**
1966 **Council Member Fawson aye**
1967 **Council Member Stoker aye**
1968 **Council Member Taylor aye**

1969

1970 Council Member Bigler stated the Council packet stated this is something the City is required to do. Mr.
1971 Call stated that is correct and noted the State of Utah will not release information to the City unless such
1972 an ordinance is in place.

1973
1974 **The motion passed unanimously.**
1975

1976
1977 **8. PUBLIC HEARING ON FISCAL YEAR 2013-2014 TENTATIVE BUDGET.**
1978

1979 A staff memo from the Finance Director explained State Statute 10-6-114 requires that the City Council
1980 “hold a public hearing on the budgets tentatively adopted. All interested persons in attendance shall be
1981 given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item
1982 thereof in the tentative budget of any fund.” A few items have changed from the original tentative budget
1983 presented a couple of weeks ago. We have presented a revised Tentative Budget which shows those
1984 changes. The changes are outlined in a page inserted after the Table of Contents.
1985

1986 Finance Director Steele summarized his staff memo. He noted some revisions have been made to the
1987 budget since it was initially presented two weeks ago including the changes necessary as a result of the
1988 decision made to keep park maintenance services in-house rather than outsourcing. He added utility rate
1989 increases were shifted somewhat though the overall rate increase is the same.
1990

1991 Council Member Fawson stated he would like to discuss the utility rates because he thinks it important to
1992 fund depreciation at some level. He stated he is glad the shift has been made between two of the utility
1993 funds, but he would like to further discuss it. He asked if the next opportunity to discuss the issue will be
1994 during the next budget opening. Mayor Harris stated the final budget must be passed on June 11, 2013
1995 and the Council can make modifications to the budget up until that time. He stated changes can be made
1996 to the rates after that time as well. Council Member Fawson asked if it is possible to have a discussion
1997 about that issue at the next meeting. Mayor Harris stated the budget will be on the agenda for discussion
1998 and action and the Council can make a change to the final budget at that time. Council Member Fawson
1999 stated his suggestion is that the staff comes to the June 11, 2013 meeting prepared to discuss the
2000 percentage of depreciation that can be covered with the recommended increase amounts. Mayor Harris
2001 agreed to provide that information at the June 11, 2013 meeting.
2002

2003 Council Member Taylor stated he agrees with Council Member Fawson’s recommendation to discuss the
2004 issue and asked if the Council can receive information regarding depreciation in advance of the meeting
2005 because coming up with a proposal during the meeting will be challenging. He stated he would like
2006 potential options in advance of the meeting. Mayor Harris stated that information can be included in the
2007 packet.
2008

2009 Council Member Bigler stated that he mentioned during the last meeting that some members of the
2010 Council were not aware of the desire to add a third full-time mechanic position to the budget and he
2011 would like to remove the funding for that from the budget. He stated he was not sure if staff made calls to
2012 other cities to determine their staffing levels for that position. Mr. Steele stated he did check with other
2013 cities on that issue. Council Member Bigler stated he did as well. Mr. Steele stated the Administration’s
2014 proposal is to leave the position in the budget, but hold off on posting and filling it until the
2015 Administration can conduct additional research to determine the best option for moving forward. Mr.
2016 Chandler stated he would like to conduct a comparison with other communities, but also look at all
2017 services the City is providing and determine if it is appropriate to shift some services to the private sector.
2018 He stated that research will take some time and that is why he would like to leave the position in the
2019 budget and wait to post and fill it. He stated he will follow the process similar to the process that was
2020 used to determine if parks maintenance services could be outsourced.

2021
2022 Council Member Bigler stated that the budget will be finalized in the next meeting, but the Council can
2023 amend it any time after that. Mr. Chandler stated that it would not be necessary to amend the budget if
2024 the decision were made to not fill the position; instead the payroll fund would simply come in under
2025 budget. Council Member Bigler asked if it would be possible to take the position out of the budget and
2026 add it back to the budget at a later date if the findings support doing so. He stated that he contacted
2027 Pleasant View and they have one part-time mechanic that works less than 20 hours per week. He stated
2028 they send their police cars and other vehicles to Jiffy Lube for oil change services and they use a
2029 mechanic in Pleasant View for other maintenance. He stated he would like the City to consider doing
2030 something along those lines. Mr. Chandler stated that is what he is planning to investigate. Council
2031 Member Bigler stated that many cities have a replacement cycle for their vehicles which means that most
2032 of their vehicles are always under warranty, meaning service is paid for by the warranty and it does not
2033 cost them to take the vehicles to an outside provider for the work. He stated that every piece of
2034 equipment currently in use in North Ogden is maintained by the mechanics. He referenced backhoes and
2035 asked if the City owns or leases those pieces of equipment. Mr. Steele stated the City has leases for some
2036 pieces of equipment. Council Member Bigler stated that pieces of equipment that are leased are all under
2037 warranty as well and service should be free. He stated he would prefer to remove the mechanic position
2038 from the budget so that it is not forgotten, but if the findings of the study conducted by the Administration
2039 warrant adding the position back to the budget the Council can take such action. Mr. Chandler stated
2040 either option will work just fine. Council Member Bigler asked if anyone is opposed to removing the
2041 position from the budget. No Council Member voiced an opposition to Council Member Bigler's
2042 recommendation.

2043
2044 Mayor Harris then convened the public hearing at 11:05 p.m.

2045
2046 Alan Casey, 3148 N. 425 E., stated he wanted to talk about the safe sidewalk program in the City. He
2047 stated he is aware that sidewalks are part of this budget and he wanted to make sure that the Council
2048 knows the work that was done to get sidewalks on 2650 North from Washington Boulevard to the
2049 doorstep of North Ogden Elementary School. He stated there is a particular area where kids cross
2050 Washington Boulevard with the assistance of a crossing guard and they are then forced to walk along a
2051 street the rest of the way to the school. He stated Jim Shupe owns property on the corner and he did not
2052 like seeing kids walk on the street to school and he wanted a sidewalk on his property; he asked the
2053 adjoining neighbor, who owns the rest of the land on the street, if she wanted a sidewalk and she
2054 supported the idea as well. He stated one additional land owner had to provide his consent and the school
2055 is very excited to be able to get the sidewalks installed. He stated that when he wrote the petition he
2056 wrote that the sidewalks can be anywhere from the curb to within nine feet, which is a standard area, but
2057 the landowners wanted the sidewalk to consist of the curb and four feet of sidewalk. He stated that
2058 reduces the cost of the sidewalk and the need to cut further into the land of the property owners. He
2059 stated the landowners are all very happy about the project and he wants to make sure the project is
2060 included in the budget.

2061
2062 Martha Urban, 365 E. 3250 N., stated the City and Council Members received an email and a hard copy
2063 letter that included the petition from the landowners for the sidewalk as well as granting the City right-of-
2064 way for the sidewalk. She stated there was also an attachment from herself as the Chair of the North
2065 Ogden Elementary Community Council, who oversees safety for the children at the school. She stated
2066 that she also wanted to read a letter from another couple who are parents of students of the school. She
2067 stated they live at 224 E. 2625 N.; they live west of Lee's Market and their children cross Washington
2068 Boulevard at the crosswalk and then walk to school along the path upon which the sidewalk will be
2069 installed. She stated their names are Deena and Gary Davis and their letter reads as follows:

2070
2071 "Dear Mayor and City Council Members:

2072 We are writing today to pledge our support of the addition of a sidewalk on the north side of 2650
2073 North between 400 East and North Ogden Elementary. We would also like to urge the Council to
2074 consider adding a walking path adjacent to the canal on the south side of Pleasant View Drive.
2075 When we first moved into our home seven years ago we lived in the boundaries for Majestic
2076 Elementary; with the boundary changes approximately four years ago, our home is now located
2077 within the North Ogden Elementary boundaries. We encourage our elementary aged children to
2078 walk to school each day as it is only 0.6 miles from our home, but there are a couple of stretches
2079 of their daily walk which are not safe. One of these stretches is the afore mentioned section of
2080 2650 North. Often when they walk between the crossing guard and the school they must walk in
2081 the road to avoid cars parked along the street and this forces them quite a bit into the road during
2082 the busy times before and after school. The addition of a sidewalk would significantly increase
2083 their safety. We would also encourage the Council to consider extending the Pleasant View
2084 walkway from the Pleasant View City boundary to the sidewalk which borders Lee's Market.
2085 This would allow for safer pedestrian travel along Pleasant View Drive adjacent to the canal
2086 encouraging families to walk, bike, and run together. Children who live in the subdivisions
2087 between 250 East and 200 East currently walk along this stretch to get to and from school. We
2088 believe it would also encourage more people to walk to the businesses in North Ogden, including
2089 McDonalds, Lee's Market, and 7-Eleven. We thank you for past decisions which added flashing
2090 lights, signs, altered UTA bus stops, and a crossing guard at Pleasant View Drive to help our
2091 children safety cross 400 East before and after school. Our family enjoys living, shopping, and
2092 learning in North Ogden City.

2093
2094 Sincerely,

2095
2096 Deena and Gary Davis"

2097
2098 There being no additional persons appearing to be heard, **Council Member Bigler moved to close the**
2099 **public hearing. Council Member Stoker seconded the motion.**

2100
2101 **Voting on the motion:**

2102
2103 **Council Member Bailey aye**
2104 **Council Member Bigler aye**
2105 **Council Member Fawson aye**
2106 **Council Member Stoker aye**
2107 **Council Member Taylor aye**

2108
2109 **The motion passed unanimously.**

2110
2111 The public hearing was closed at 11:11 p.m.

2112
2113 Council Member Bigler inquired as to the status of the safety sidewalk project. Mayor Harris stated there
2114 is \$21,000 in the budget for the safety sidewalk project and it is on a designated safe route meaning it has
2115 met the criteria of the City for constructing a sidewalk. He stated that if the Council approves the budget
2116 the project can proceed.

2117
2118 Council Member Stoker stated that she wanted to respond to the comment about extending the trail way
2119 from Pleasant View to North Ogden; that is something the Parks and Trails Committee is considering and
2120 there is a grant the committee will apply for to further that project. Mayor Harris added it is on the trail
2121 master plan for the City, but the canal will need to be pipes to accommodate that project. He stated that
2122 will be very expensive and he hopes the City can accommodate that project in the future.

2123
2124 Council Member Bigler stated he has one additional concern regarding the budget; there was an
2125 amendment to the budget regarding the pay raises for employees. He stated during the budget retreat
2126 there was discussion about a three percent pay increase for employees, but Mr. Chandler had
2127 communicated that the employees would prefer a three percent lump sum payment rather than a
2128 traditional pay increase that would be on the employees' paychecks throughout the year. He stated that at
2129 that time he specifically asked about how that would be implemented and when his question was
2130 answered he voted accordingly; however, the budget amendment now reads that the three percent increase
2131 will take place in the budget year 2014-2015, but in the retreat the discussion was to implement it in the
2132 budget year 2013-2014. He stated the findings according to what the Council voted upon in the retreat
2133 should be for the budget year 2014-2015, which is 13 months from now. He stated the employees have
2134 already received their cash for this year and he specifically clarified that would be the case before he
2135 voted for the increase. He stated that this budget amendment would give employees a three percent cash
2136 bonus now as well as the opportunity to receive an additional three percent once the budget is
2137 implemented July 1, 2013. Mr. Chandler stated that when he and Mr. Steele originally proposed the
2138 increase they said that they would be researching the work that was done by the employee compensation
2139 committee and that research would be provided in time to include recommendations for the next fiscal
2140 year budget, but the Council asked that the research be provided earlier than that. He stated that is still his
2141 plan and part of that will be to provide the results of the research as well as a plan for making adjustments
2142 according to that research. He stated he is not anticipating a request to increase wages in this budget year,
2143 but he will be providing the research to the Council earlier than he had originally planned. Council
2144 Member Bigler stated Mr. Chandler's comments are correct, but no additional pay increases should be
2145 provided until the next fiscal year, which will not begin until 13 months from now. He stated the budget
2146 has been amended to include pay increases in the 2013-2014 budget even though a three percent lump
2147 sum payment has already been provided to all employees. He stated he understands what Mr. Chandler is
2148 saying, but he reiterated he had specifically asked if raises would be provided in 2013-2014 or 2014-2015
2149 and he was told 2014-2015, which is what he based his vote of support upon.

2150
2151 Council Member Fawson stated he specifically asked if the three percent increase was a one-time
2152 payment and he was told it was. He stated it should remain that way. Mr. Steele stated the three percent
2153 payment is a one-time payment, but as he read the minutes from the last budget retreat he found
2154 discussions regarding opening the budget during the 2013-2014 budget year after Administration is able
2155 to provide findings and recommendations based upon the work of the employee compensation committee.
2156 Council Member Bigler stated that is correct, but since the budget meeting the course changed; the one-
2157 time payment was not part of the budget retreat. Mr. Steele stated he thought both discussions took place
2158 during the budget retreat. Mr. Chandler stated his recommendation is that the Council make a motion
2159 during adoption of the budget to make changes regarding these types of issues. Council Member Bigler
2160 asked if the Council can direct staff to remove these types of items tonight. He reiterated he voted the
2161 way he voted based on what the budget said about the pay increases, which was that they would not be
2162 implemented until 2014-2015. He stated that has now changed to 2013-2014. He stated if that had
2163 initially been communicated to the Council, the Council would not have approved the lump sum
2164 payments that were provided in the current fiscal year. Mr. Chandler stated the process he has used in
2165 other communities is to vote on these types of issues when the Council is reviewing the budget in this
2166 level of detail. He stated the Council should make a motion to change the budget when adopting the final
2167 budget. Council Member Bigler stated he would like to go back to the tentative budget that the Council
2168 has already voted on.

2169
2170 Council Member Taylor stated that during the meeting when this issue first came up he asked for the
2171 raises to be back in the 2013-2014 budget because he thought waiting a year and a half to implement the
2172 changes recommended by the employee compensation committee was not a wise choice. He stated there
2173 was a discussion about that issue. Council Member Bigler stated that would have been fine, but the

2174 decision was made to provide a lump sum payment to all employees in the current fiscal year. He stated
2175 it seems like the staff is double-dipping because they have received the cash payment and also pay to
2176 provide raises in the next fiscal year based on the findings of the employee compensation committee. He
2177 stated they have already received an increase for the next 12 months; they simply chose to receive it in a
2178 lump sum payment rather than to have it spread out over the year. Mr. Steele pointed out that it may be
2179 the case that not all employees will receive an increase based on the recommendations of the employee
2180 compensation committee.

2181
2182 Council Member Bailey stated he is comfortable striking item three from the budget, but it may be the
2183 case that after the Council hears a recommendation based on the additional research of the employee
2184 compensation committee report, they may want to provide increases in the next budget year. He stated he
2185 does not want to hamstring the City to a particular fiscal year until hearing all information. Council
2186 Member Bigler stated he has a concern with that because the Administration presented a recommendation
2187 to give the employees a lump sum payment based on the money they already had in the budget. He stated
2188 he specifically asked if it would be possible for employees to receive two pay raises in the next 12 months
2189 and the answer was no. He stated that information affected his vote and his concern was that the lump
2190 sum payment would be given now and that the Administration would come back asking for more in the
2191 next fiscal year. He stated the Council was asked to vote on something based on a certain set of rules and
2192 he is not comfortable changing the rules now.

2193
2194 Council Member Taylor stated he may have a different recollection of the meeting. He stated he believed
2195 Council Member Bailey made the original motion regarding the issue, but that he specifically asked for
2196 the motion to be amended to allow the possibility of a raise in the next budget year rather than waiting for
2197 an entire year to implement recommendation of the employee compensation committee. He stated the
2198 answer was that it was very possible for the raise to be provided in the next fiscal year based on the
2199 review of the findings of the committee. He stated he remembers that distinctly from the meeting.
2200 Council Member Bailey agreed that he amended his motion to allow that item to be open. Council
2201 Member Bigler stated he will look at the minutes because he specifically asked two or three questions
2202 regarding the issue because his concern was that employees would be double dipping and getting two
2203 raises in the period of 12 months. He stated the minutes were unfortunately not available for review at
2204 this time. He stated the sales pitch from the Administration was to provide the employees a lump sum up
2205 front rather than receiving a raise in their paycheck over the next 12 months. Mr. Chandler stated the best
2206 thing to do may be to review the minutes of the meeting that show what decision the Council made and
2207 then any change they want to make to the budget can take place at that time.

2208
2209 Mayor Harris asked if the three percent lump sum payment will come from money in the current budget
2210 year or from money in the 2013-2014 budget. Mr. Steele stated it will be paid for from money in the
2211 current budget year. Mayor Harris stated that was a bonus to make up for no pay increases of any kind
2212 for the past three years. Mr. Chandler stated that is correct and that was the original idea that was
2213 discussed. He added that Council Member Bigler is correct that Department Heads communicated that
2214 their employees would prefer a lump sum payment so that they did not become dependent upon a
2215 permanent pay raise. He stated the discussion then took place regarding how the raise should be funded
2216 and Administration communicated that there was surplus money available to pay for the lump sum
2217 payment.

2218
2219 Mayor Harris stated it should be clear that regardless of how the tentative budget currently looks, the
2220 Council will have the opportunity to vote to change the budget at the next meeting.

2221
2222

2223 **9. PUBLIC COMMENTS.**

2224

2225 Jim Urry, 1615 N. Mountain Road, stated that he spent nine years on the City Council and after listening
2226 to tonight's meeting he would like to offer a couple of suggestions. He stated he agrees with some of the
2227 comments regarding researching alternative options to Monroe Boulevard, but those suggesting offering
2228 alternative routes should come prepared with some ideas. He stated the Council should come up with
2229 some of their own ideas before they get here so they do not stir up the public attending the meeting. He
2230 added there were also times when the Council discussed spending millions in the budget and no one
2231 attended, but during a discussion about raising dog license fees by \$1 the room was packed. He stated it
2232 was an emotionally charged discussion and people on a fixed income that had dogs did not want to pay \$1
2233 more for the license fees. He asked the Council to remember during emotionally charged discussions that
2234 they were elected to represent the entire City and not just one portion of the community. He stated that if
2235 bringing Monroe Boulevard through is best for the entire community, the City Council must vote in that
2236 manner rather than just listening to an emotionally charged discussion. He stated that Mountain Road is
2237 busy and if he had a speed camera he could write more tickets than City officers do; the curves on the
2238 road do not take the speed out of the road. He stated that if the decision is made to widen Mountain Road
2239 - the comments should not be made that there has not been consideration given to widening Mountain
2240 Road because that was considered when he was on the Council and it was a very expensive idea -
2241 Council Member Stoker's constituents will be very passionate about that issue. He stated the Council not
2242 only represents the people that were in attendance at tonight's meeting; they also represent all citizens that
2243 were not in attendance this evening. He then thanked the Council for all they do in their capacity as
2244 Council Members.
2245

2246 Naomi Trammel, 797 E. 3000 N., stated she appreciates all the Council does as well. She stated she
2247 cannot believe the Council does what they do without being paid for it. She stated she wanted to echo
2248 Mr. Urry's comments; the Council is asked to make very hard decisions and Monroe Boulevard will not
2249 be constructed for 30 years into the future. She stated the road will affect her because she plans to live
2250 here in 30 years. She stated that she loves that it is currently not very easy to get in and out of North
2251 Ogden; that is why she decided to live here. She stated that there are some alternate routes; 1050 East is a
2252 very wide road and it may be a viable option. She stated there should be additional discussions about the
2253 project no matter who they affect. She then stated there was a discussion about sidewalks during the
2254 budget hearing and she wanted to put a plug in for Bates Elementary School as well. She stated the
2255 recommended walking route for Bates for those coming from the south and west of 750 East is to walk
2256 with traffic where there is no sidewalk along 3100 North to the crossing guard that is located in the
2257 middle of the road. She stated that is where all parents park their cars and there is no sidewalk, curbing,
2258 or anything. She stated there is a huge sidewalk on the other side of the road, but parents are not allowed
2259 to park along that side of the road at all. She stated she will never let her kids walk across that road by
2260 herself because cars do not even pay attention to those people crossing the road with the assistance of a
2261 flag. She stated that from 750 East to 900 East a sidewalk is needed; she has no idea why that is the
2262 recommended walking route except for that it may have been recommended to save money. She
2263 reiterated her thanks to the Council for everything they do.
2264

2265 Barbara Parkinson, 2872 N. 750 E., stated she has eight acres of property and Monroe Boulevard would
2266 come right up the middle of that acreage and take one acre of her property. She stated she will be 100
2267 years old in 30 years and she asked what she should do with that acre of property if the City is going to
2268 buy it for right-of-way. Mayor Harris stated those issues would be worked out in the purchase agreement
2269 and he suspected those types of property owners would be allowed to continue to use their property. Ms.
2270 Parkinson asked if the property would be rented back to the property owners. Mayor Harris reiterated that
2271 would be worked out in the agreement and he noted that this is the very beginning of the process and all
2272 of those types of issues will be taken into account. Ms. Parkinson stated it is her understanding that the
2273 issues will be worked out through the year. Mayor Harris stated that the City is proposing to buy the
2274 right-of-way this year. Ms. Parkinson stated another question she has is how much an acre of land costs.
2275 Mayor Harris stated the City will follow a process to determine all of those answers.

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10. CITY COUNCIL, MAYOR, AND STAFF COMMENTS.

Council Member Fawson stated he loved the chocolate slip-and-slide event yesterday; he has video footage that he will post to his Council Facebook page. He thanked Mr. Chandler for keeping the Council informed of those types of events in the City.

Council Member Stoker thanked the staff for their attention to a tree that had grown into the road at the intersection of Mountain Road and 1700 North; they removed the tree to improve safety at the intersection.

Council Member Taylor stated he attended a couple of DARE graduation ceremonies over the past few weeks and he wanted to commend the Police Officers for their work on those events.

11. ADJOURNMENT.

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 11:38 p.m.

Richard G. Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved