

1 NORTH OGDEN CITY COUNCIL MINUTES

2  
3 August 28, 2012

4  
5 The North Ogden City Council convened in an open meeting on August 28, 2012 at 6:30 pm in the North  
6 Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting  
7 was delivered to each member of the City Council, posted on the bulletin board at the municipal office  
8 and posted to the Utah State Website on August 27, 2012. Notice of the annual meeting schedule was  
9 published in the Standard-Examiner on January 16, 2012.

10  
11 PRESENT: Richard G. Harris Mayor  
12 Kent Bailey Council Member  
13 Wade Bigler Council Member  
14 Justin Fawson Council Member  
15 Cheryl Stoker Council Member  
16 Brent Taylor Council Member

17  
18 STAFF PRESENT: Annette Spendlove HR Director/City Recorder  
19 Ron Chandler City Manager  
20 Gary Kerr Building Official  
21 Craig Barker Community Development Director  
22 Mel Blanchard Public Works Director  
23 Jon Call City Attorney

24  
25 VISITORS: Carl Turner David Godfrey Jason Godfrey  
26 Dave Hulme Mel Blanchard Janet Manley  
27 Jim Suhr Stacey Giatras Jacob Weir  
28 John Arrington Blake Welling Rachel Trotter  
29 Gary Rands Tiffany Turner Lynda Pipkin  
30 Ken Harrison Keanan Harrison Taylor Chugg  
31 Lynn Satterthwaite Brooke Call Melanie Call

32  
33 Mayor Harris welcomed those in attendance.

34  
35 Council Member Bigler offered the invocation and led the audience in the Pledge of Allegiance.

36  
37 **CONSENT AGENDA**

- 38 1. Consideration to approve the minutes of the August 7, 2012 City Council work session.  
39 2. Consideration to approve the minutes of the August 14, 2012 City Council meeting.  
40 3. Consideration to approve the minutes of the August 20, 2012 City Council special meeting.  
41 4. Consideration to approve business licenses.

42  
43 Council Member Bailey moved to approve the Consent Agenda. Council Member Fawson  
44 seconded the motion.

45  
46 **Voting on the motion:**

47 Council Member Bigler aye  
48 Council Member Taylor aye  
49 Council Member Stoker aye  
50 Council Member Fawson aye  
51 Council Member Bailey aye

52 **The motion passed unanimously.**

53  
54 **ACTIVE AGENDA**

55  
56 **1. PUBLIC COMMENTS.**

57  
58 Mayor Harris explained to the audience this would be the chance for audience members to address the  
59 City Council. He stated those who would like to speak should approach the podium and state their name  
60 and address.

61  
62 Bob Buswell, 962 East 3025 North, stated North Ogden is the best City in the State. He said it is good to  
63 have the opportunity to talk to the Council and said a long time ago he heard Mountain Road would  
64 extend to 3100 North and become Skyline Road. He asked each Council Member to comment whether  
65 they felt it would happen soon and how much it would add to our City.

66  
67 Mayor Harris explained that Mountain Road has been on the City's transportation plan for many years.  
68 He said because of the work Pleasant View is doing with the State and Federal Highway Administration  
69 the name has been changed to Skyline Drive. He explained that it would come up through Harrison  
70 Boulevard onto what they know as Mountain Road and loop around the top of North Ogden and Pleasant  
71 View. He said it comes down the intersection towards Smith and Edwards. He said it will be a major  
72 arterial, but it benefits Pleasant View more than North Ogden at this particular time, because Pleasant  
73 View needs it for the gravel pit operations in their City. He said construction of a section of that is in the  
74 works, but it is Pleasant View's project. He said North Ogden City's project will be constructed as  
75 development occurs in our City. He said as subdivisions are developed that sit on top of that alignment  
76 the road will be constructed to that arterial standard. It will be many years before that is finished. He said  
77 if you look at an aerial photograph you can see portions of that road have already been constructed and it  
78 is wider than other roads in the City.

79  
80 Bob Buswell directed his second question to the new Council Members. He asked if they have found out  
81 there is more to being on the City Council than just the Public Works Complex. He said he loves Mel  
82 Blanchard and thinks he does a great job.

83  
84 Council Member Fawson stated he doesn't know if any of them thought the Public Works Complex was  
85 the only issue, but it certainly is a big one. Council Member Bailey agreed and added that there is a lot to  
86 City government. Council Member Stoker stated it has been an eye opener and real educational. She said  
87 she has enjoyed it and is still enjoying it as well as learning. She agreed that there is more to it than the  
88 Public Works Complex.

89  
90 Mayor Harris stated normally this is not a question and answer period. He said normally the City Council  
91 will take comments and if there is something that needs action they will do that. He said they would  
92 appreciate comments so they move along with the meeting.

93  
94 Blake Welling, 1098 East 3100 North, said a couple of months ago he came and complained about the  
95 street light not working at 3100 North and 1050 East. He said since last week it is functional again and he  
96 thanked those who took care of this. Mayor Harris replied he is welcome and stated the City took care of  
97 that and they appreciate his comment.

98  
99 Janet Manely, 525 East 1700 North, said recently she had a problem with the ditch behind her. She said  
100 she spoke to Mel Blanchard and to Terrell Grimley. She said it overflowed into her yard and the yard  
101 next door, it made a big mess. She said her son went out every night after work until 9:00 p.m. to clean it.  
102 She asked who is supposed to be taking care of it. She said there used to be someone who came through

103 and cleaned it out. She said with the muskrats and the dirt it has been running high. She said people have  
104 said they have never seen it this high. She said she wants to know if the City will help them get the ditch  
105 in line so they do not have problems any longer. She said if they want to pipe it that would be fine with  
106 her and they wouldn't have any more problems. She said she needs to know which direction they should  
107 go. Mayor Harris said the Public Works Director will look into this and decide what to do. He said there  
108 is always a question between the Canal Company and the City. Council Member Bigler asked that this  
109 item be on the next Council agenda; the update on that so they know the decision and what conclusion  
110 they came to. Mayor Harris replied yes. Council Member Bailey added that Terrill Grimley called him  
111 and recommended they look to see where the responsibilities lie because he is not sure. Mayor Harris  
112 said the City will do its part and Mel Blanchard has done an excellent job in resolving those issues in the  
113 past.  
114

115 Carl Turner, 2673 North 973 East, said he has a hand out for everyone. He stated he is the Chairman of  
116 the Parks, Trails, and Open Land Committee. He thanked Brent Taylor for his service to our country and  
117 Dave Hulme for his time on the City Council. He said during Cherry Days they did a survey with  
118 different questions about Parks and Trails. He stated they had 142 surveys and he wanted to provide the  
119 results so the Council was aware of the residents' responses. He went over the results of the survey and  
120 the comments they received (attachment A). Some time ago this Committee applied for a 501(3)(C) said  
121 he isn't sure of their status with the IRS. They were told it would take four to six months. He said it has  
122 been two to three months. He said they are a 501(3)(C), but have not been recognized by the IRS as a  
123 nonprofit. He said right now they cannot apply for grants. He said they have been approached by some  
124 residents for donations but he asked them to hold off or donate to the City. He said they had a resident  
125 that wanted to donate benches to Lakeview Park. He said they have a great Committee and they  
126 appreciate the support of the Council. He said they have some great projects going on.  
127

128 Council Member Fawson asked how closely they work with Weber Pathways. Carl Turner replied very  
129 closely. He said they are part of their Committee. He said Weber Pathways has received a grant to do  
130 Lakeview Trail. He said they will pave it and make it a bike trail. He said they are working with them to  
131 write up an ordinance. Council Member Fawson asked if donations can be made through them as well.  
132 Carl Turner replied yes; Weber Pathways is its own entity.  
133

134 Council Member Bailey asked when their Committee meets. Carl Turner replied they meet the second  
135 Wednesday of every month at the Community Services Building at 5:30 p.m.  
136

137 **2. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**  
138 **SECTION 11-22-8(C) OF THE NORTH OGDEN CITY CODE REGARDING VERTICAL**  
139 **BANNERS.**  
140

141 Craig Barker stated the Planning Commission was asked to look at the temporary sign section by a fellow  
142 Planning Commission member. He said they wanted to discuss the issue of temporary banners and  
143 vertical banners because of the interest from the Economic Development Committee. He said they are  
144 proposing to allow up to two vertical banners on each commercial lot and a maximum of 20 feet in height.  
145 He said they will likely have more changes as they review the temporary sign section of the ordinance.  
146

147 Council Member Fawson asked whether they are looking into the enforceability of the timeframe. Craig  
148 Barker replied yes and said they have had a couple members provide ordinances from other places they  
149 have visited and he has done some research on the internet as to how other cities are enforcing their  
150 ordinances. He said enforceability is a big issue for the City.  
151  
152

153 Council Member Taylor made a motion to approve Ordinance 2012-18 regarding vertical banners.  
154 Council Member Bailey seconded the motion.

155 Voting on the motion:

156 Council Member Fawson aye  
157 Council Member Bigler aye  
158 Council Member Stoker aye  
159 Council Member Taylor aye  
160 Council Member Bailey aye

161  
162 The motion passed unanimously.  
163

164 3. **DISCUSSION AND OR/ACTION TO CONSIDER AMENDING SECTION 11-22-3(B)(1)**  
165 **OF THE NORTH OGDEN CITY CODE REGARDING SIGN HEIGHT.**  
166

167 Council Member Bigler said this is not an issue of changing the code; it is a matter of how the code is  
168 interpreted. He asked if Annette Spendlove could put up the picture he received today. He said the  
169 current sign at the dental office is 14 feet high with one blue metal pole that supports it. He said the  
170 business owner has requested to have a new sign. He referred to the picture of the proposed sign. He said  
171 the actual sign part is smaller than the current sign. The total height of the sign will be four feet lower  
172 than the current sign. He said they put in the proper things to the City and were told they could not have  
173 the sign because under the current code it is too tall, although it is less than the current sign. He said the  
174 law states sign height is the distance from the top of the sign structure to the top of the nearest curb. He  
175 said the size of the sign and the structure is not the issue; it is the placement of it. He referred to the curb  
176 in the business parking lot and said the street curb is farther away. He said it was interpreted by staff that  
177 the nearest curb means the street curb. He said that is not what it says. He said if they want to clarify that  
178 for the future they need to go back to the Planning Commission to ask for clarification. He said he thinks  
179 they will have a problem if a business wanted to challenge that. He said they are not talking about  
180 changing it with the Planning Commission; the City Council is the legislative body that creates  
181 ordinances. He said he wanted to bring it forth for the interpretation of that ordinance where it states the  
182 sign height is the distance from the top of the sign structure to the top of the curb nearest to the sign. He  
183 said the ordinance says it can be 10 feet in height, which the sign is, but from the nearest curb it is 10 feet  
184 high. He said it is on a slope so you can see it is quite a ways down further. He said staff has interpreted  
185 it is the distance down from the street curb. He said he would imagine the height and width was done for  
186 safety reasons. He said cosmetically it is going to be a beautiful upgrade from what they have now. It  
187 will be four feet shorter; it will be in the exact same spot using the exact same foundation.  
188

189 Annette Spendlove asked how far it is from the top of the stone. Council Member Bigler said from the  
190 top of the stone it is 10 feet and the ordinance reads the sign area is the area of the smallest rectangle  
191 which can enclose the sign. The metal thing on top of the sign does not pertain. It also says any  
192 monuments or other supporting structures are not calculated in the sign area. He said that is just a little  
193 higher, but that is not the signage area. He said they could leave that off if they will split hairs. He said  
194 he thinks it is aesthetically more pleasing. He said it adds a little more uniqueness. He said he wanted  
195 City Council's opinions. He said it seems they are splitting hairs with this.  
196

197 Council Member Bigler said if a monument sign was right by the curb he could see a problem because if  
198 they were pulling out they couldn't see traffic, but this sign is clearly far enough back. He said the  
199 bottom part of the sign will be the electronic part of it. He said with the bushes it will be more beautiful.  
200 He said if they want to attract more businesses, it is pretty, it is updated, and it is in the same spot. He  
201 said to deny a business this saying it is too tall, when it is four feet shorter than their current sign seems  
202 like it is splitting hairs to him. He said the definition of the ordinance does not say the curb by the street,  
203 it says the nearest curb. He said he would hope they would interpret it to be the nearest curb and to allow

204 them to proceed with that. He said it is within the height and the distance from the street. He said the  
205 sign size is a little less than the size of the current sign. He said originally this business wanted to put a  
206 monument sign up, but they were told it was against the City's ordinance so they put a pole sign up. He  
207 said with the new ordinances they wanted to put this sign up to update and match some of the other signs  
208 in the City. He mentioned Zion's has a monument sign up that is quite a bit taller than the 10 feet. He  
209 asked to hear the other Council Member's issues.

210  
211 Council Member Bailey said he would like to hear from Craig Barker. Craig Barker explained when  
212 someone comes in and applies for land use, staff examines the proposal. He said this sign is a monument  
213 sign. He said the maximum height for monument signs is 10 feet. He read the definition of a monument  
214 sign, which is located in the Zoning Ordinance. He said if the curb doesn't exist the height is determined  
215 by the height of the roadway. He said the relationship of the crown of the road to the curb is significant.  
216 He said in traditional engineering of the road the crown of road is the height of the top of the curb. He  
217 said that is why the definition states that. He said that is incorporated with some of the decision making.  
218 He said they do not define a curb in the ordinance. He said when it is not defined they refer to the  
219 common definition of a curb. He said he looked at three different definitions of a curb and they all refer  
220 to curb as curb and gutter abutting the street. He said in a college dictionary the curb is that which abuts a  
221 curb or sidewalk. He said the curb up on the upper parking lot relates to that definition, but all other  
222 curbs definitions refer to the relation of a street. He said the crown of the road relates to the curb.

223  
224 Craig Barker explained that the ordinance already points out a remedy for this issue. He said the  
225 interpretation of the ordinance can go before the Administrative Law Judge to make a ruling or they can  
226 refer it back to the Planning Commission to make a change. He said he agrees with making a change. He  
227 said there are other heights they deal with such as that of a new home. He said they need to examine how  
228 they measure height and this is a good example of the issue.

229  
230 Council Member Bigler said the current sign is 14 feet high. Craig Barker replied he needs to remember  
231 if the current sign is a legal nonconforming sign. Council Member Bigler pointed out they couldn't put  
232 the same size sign up and they are trying to put up a 10 foot sign, but they are splitting hairs about  
233 definitions. Craig Barker replied sometimes zoning is about splitting hairs. He said the applicant has  
234 avenues to appeal his decision.

235  
236 Council Member Bailey said he understands why they have zoning and the zoning process. He said he  
237 understands sometimes they are making judgments around arbitrary measurements. He said as he reads  
238 the ordinance it seems to him that it points towards the curb that runs alongside the road and no other  
239 curb. He said the City has been less than perfect in its enforcement of sign height requirements. He  
240 asked how the City can help this business do something better than what they have. He said he knows if  
241 they have legal noncomplying situations on a home they allow a person to remodel as long as they do not  
242 increase the size. Craig Barker said the applicant can replace the face of the 14 foot sign. He said he  
243 cannot change the sign height. The ordinance states you cannot expand the structure. Council Member  
244 Bailey asked if he can make the sign smaller. Craig Barker said he does not know they will need to talk  
245 to legal counsel.

246  
247 Jon Call, City Attorney, stated if you change anything that is legal nonconforming you have to bring it  
248 under compliance with the code. He said the easiest solution would be to rewrite the code and modify it.  
249 Council Member Bailey asked what the process is to rewrite the code. Craig Barker stated it would need  
250 to go before the Planning Commission and their recommendation would come back to the City Council.  
251 Council Member Bigler said he likes the wording in the other part of the code and it would be consistent  
252 from one type of sign to another. He suggested pointing the Planning Commission to the other sections in  
253 the ordinance. Council Member Bailey asked what the City Council needs to do. Mayor Harris stated  
254 they would need to make a recommendation to send it to the Planning Commission.



255  
256 **Council Member Bailey made a motion that they send this to the Planning Commission for review.**  
257 **Council Member Bigler seconded the motion.**

258  
259 Council Member Fawson asked if this is something that needs to be done now for the business. He asked  
260 if there is any possibility of letting the business owner move forward with this. Jon Call stated they  
261 would need the code changed for this to move forward. He said the notice period is two weeks. Council  
262 Member Bigler asked if the Council is giving them a directive to be consistent with that wording to be  
263 changed, are there enough of us in agreement with that because if so they could start. He said he  
264 imagines a sign like this could take a while to put up. Jon Call said he would hesitate to tell the applicant  
265 it is a guarantee because something may come up.

266  
267 Council Member Bigler said he appreciates the chance to discuss this issue. He said it is important to be  
268 able to bring it to the meeting and have all Council Members discuss it. Mayor Harris said he appreciates  
269 that as well but added that you could also have the opposite effect. He said it is wise to follow the  
270 process.

271  
272 **Voting on the motion:**  
273 **Council Member Fawson**                    **aye**  
274 **Council Member Bigler**                    **aye**  
275 **Council Member Stoker**                    **aye**  
276 **Council Member Taylor**                    **aye**  
277 **Council Member Bailey**                    **aye**

278  
279 **The motion passed unanimously.**  
280

281 **4. DISCUSSION ON WHERE TO PLACE OUTBUILDINGS ON PRIVATE PROPERTY.**  
282

283 Council Member Bigler said a resident had a question and concern about this item. He asked to have the  
284 resident speak about the issue. The Council Members all agreed to allow him to speak.

285  
286 Art Stowers, 2127 North Fruitland Drive, said they were in the process of constructing an out building in  
287 the back of his property. He said they lined some things up and he had come to the City to get a building  
288 permit. He said Gary Kerr asked for a more detailed plan. He said he already had a concrete man lined  
289 up and he took the liberty of having the pad poured, which he shouldn't have done. He said a building  
290 inspector came by and put a stop work order on his work. He said he went back to Mr. Kerr and found  
291 out he was too close to the property line. He said he and his wife were out of the country for a year and a  
292 half during the time the ordinance had changed and they were not aware of it. He said they are fine all the  
293 way around on three sides and they are eight feet nine inches to the neighbor to the north. He said his  
294 neighbor is on an acre and the building would not be in his view. He said he spoke to Council Member  
295 Bigler about this issue to see what his options are.

296  
297 Council Member Bigler asked the issue with the distance from the neighbor. Mr. Stowers said the  
298 building is eight feet nine inches and he was told he needed to be at least twenty five feet away. He said  
299 that would place the building right in the middle of his property and hinder the use of the property around  
300 it.

301  
302 Council Member Bigler said he wanted to bring this before the Council. He said the issue is the height of  
303 the building and the distance from the property line. He said it is a tough deal and it is a hard one. He  
304 said when he first came on the Council he was surprised with the height they allowed accessory buildings.  
305 He said the height and the size is permitted, the issue is the location. He said if it was his neighbor, he

306 couldn't even do it at his home because how his property is. He said if you do that you will have a  
307 structure right in the middle of a backyard and would be more of an eye sore than to have it tucked away a  
308 little closer in the corner. He asked Council their feelings. He said this building will be a garage, not a  
309 business. He said it would be odd to have it in the middle of the property.

310  
311 Council Member Bailey said he reviewed the Planning Commission and the City Council minutes and  
312 apparently this must be one of the buildings that falls in the category of a large accessory building, larger  
313 than 600 square feet. He said he had a hard time putting his head around all the issues. He said hearing  
314 this for the first time he doesn't know where to start on this. He asked Craig Barker to give them a  
315 background on this issue.

316  
317 Mayor Harris said there is a huge history on why the ordinance is written the way it is now. He said they  
318 were starting to have some huge problems. He said the Planning Commission took a number of beatings  
319 to work through the issues. He said some of the buildings were much larger than the main dwelling on  
320 the lot. He said there is a history on why the ordinance is the way it is.

321  
322 Craig Barker said the main issues have developed recently in terms of large accessory buildings. He said  
323 the City began receiving applications for these large accessory buildings and there was no ordinance  
324 prohibiting them. He said people were building large buildings that were larger than the size of the  
325 dwelling. He stated the ordinance states residential dwellings are to be the main building and everything  
326 else is an accessory to that. He stated when he worked for the County they had a large problem with  
327 people building large accessory buildings three feet away from the property line. He said they began  
328 seeing those issues here in North Ogden. He said previously there was a statement in the zoning  
329 ordinance that prohibited an accessory building from being 15 feet high unless the regulation in that  
330 residential zone allows it to be higher. He said all residential zones allowed buildings to be a maximum  
331 height of 35 feet high. He said there were many neighbors that complained about the large building and  
332 the Planning Commission had to address these issues.

333  
334 Craig Barker said the Planning Commission debated about the impact of the large accessory buildings.  
335 He said they allow any accessory building that is less than 600 square feet to be as little as three feet from  
336 the property lines. He said that size is larger than a two car garage. He said the Planning Commission  
337 examined the sizes, impacts, lot sizes, and what people keep in them. He said they also debated about  
338 when the rights of one property owners affect the rights of the neighbors. He said they need to recognize  
339 that. He said that is how they determined any building over 600 square feet must be 15 feet away from  
340 the property line and the height must be less than 15 feet high. If a person wants to have a building up to  
341 25 feet high it must be set back at least 20 feet from the property line. He said the Planning Commission  
342 was trying to determine what fits within the community, but it doesn't mean it cannot be modified or  
343 looked at.

344  
345 Council Member Bigler stated he appreciates Council allowing them to look at this and discuss it. He  
346 asked Mr. Stowers the size of his building. Mr. Stowers replied it is 1,000 square feet. He said it has  
347 room to park two vehicles with room for a workshop. Council Member Bigler said if he lowered the  
348 height of the building, it would still need to be 15 feet away from the property line. Craig Barker replied  
349 yes.

350  
351 Council Member Stoker asked the height of the building. Mr. Stowers replied it is 24 feet high. Council  
352 Member Bigler asked if they could allow the location to be moved somehow. He said he knows they  
353 need to be consistent, but what if they do it by zones and lot size. He said he went out and looked at the  
354 lot and you can't even see the neighbors home. He said he doesn't know if there is a way to add a size of  
355 lot. Craig Barker said they did that. In the RE-20 zone on one acre of more a person can apply for a  
356 conditional use permit to place the building closer to the property line.

357  
358 Craig Barker said they could add some language that specifies the distance between buildings. Council  
359 Member Bigler said if they didn't do the height thing closer another possibility might be to take a look at  
360 if he would need to lower the height and look at reducing the set back from fifteen feet to eight and half  
361 feet.  
362

363 Council Member Bailey asked where they go from here. He said obviously this does not comply with the  
364 ordinance. He said they could have the Planning Commission review the ordinance again.  
365

366 Mayor Harris said these are difficult situations, but when he read the ordinance there was a conflict in  
367 how it was previously written. He said seemed that the intent was not to allow any accessory building  
368 higher than 15 feet. He said there was a conflict with the provision of 35 feet. He said another reason the  
369 ordinance was changed was because one resident built a 35 foot high building in front of the picture  
370 window of his neighbor's house. He said the Planning Commission had a struggle with determining what  
371 is responsible. He said the Planning Commission can look at this, but it doesn't mean they will change  
372 anything and that doesn't mean the City Council has to accept their recommendation. He said  
373 unfortunately Mr. Stowers is out of compliance and there is not a lot they can do about that right now.  
374

375 Council Member Bigler said he wouldn't want a 35 foot high building next to him either. He said he  
376 wants to make it clear he is not trying to push the City Council into doing anything; this is just the proper  
377 place to discuss it. He said he brought it forth so all five Council Members could put their heads together  
378 to see what they feel should be done.  
379

380 Council Member Stoker said she thinks the Planning Commission did a good job with figuring out the  
381 height. She said she doesn't want to see the height restrictions change, because she personally wouldn't  
382 want to have a 35 foot high building in front or behind her property either. She said she does think there  
383 are some situations that come up and doesn't know what the Planning Commission can review. She said  
384 it is very unfortunate that Mr. Stowers poured the cement without a permit. She said she looked at where  
385 it was at and if it wasn't for the height issue you wouldn't know it was there because of how the property  
386 sits and how the building would be placed on the property. She said she doesn't think you would know it  
387 was there. She said she doesn't think it would be any higher than his roof line. She said she doesn't  
388 know the answer, but she does think the Planning Commission has done a good job with the height issue.  
389 She said she doesn't know if they can review this and come up with something.  
390

391 Council Member Fawson said he agrees with Council Member Stoker and would want the Planning  
392 Commission to review it. He said he doesn't want the height to be 35 feet again, but look at the  
393 circumstance in which Mr. Stowers finds himself. He said he has also been in his back yard and  
394 understands. He said he thinks they need to consider it.  
395

396 Mayor Harris said maybe the Planning Commission should look at the lot size as opposed to just zoning.  
397 He said maybe there is some combination to the lot size that would make sense. He said they shouldn't  
398 just look at solving Mr. Stowers' problem, but rather have it apply for everyone in the City.  
399

400 Council Member Bigler agrees with having a standard, but a lot of times the issues come before the  
401 Mayor and the City Council from residents to help them become more aware. He said that is when they  
402 bring the issues forth. He said the challenge is they need ordinances that are consistent, but yet there was  
403 not a reason Mr. Stowers should not be able to put a garage in that location. There is not a home around  
404 him that could even see it. He said you cannot cater to every person, but sometimes there are some issues  
405 that say what would fit. He said maybe they could look at size. He said sometimes the regulation doesn't  
406 make sense for different spots. He said he doesn't know what the answer is.  
407



408 Mayor Harris asked if the City Council wants to remand this item back to the Planning Commission by  
409 using a combination of the lot size as well as all the other factors they have looked at and by using Mr.  
410 Stowers' situation as an example.

411  
412 Council Member Taylor suggested the Planning Commission consider the distance from the neighboring  
413 dwelling as well. Council Member Fawson said he agrees with Council Member Taylor and said he  
414 believes the real issue is the obstruction of view. He said that has to do with the lot size and the  
415 placement of buildings. He said they have new homes built next to older homes that restrict the view.

416  
417 Council Member Bigler said to Mr. Stowers and any other residents that he appreciates them contacting  
418 Council on any issue. He said residents should feel like they can do that on any issue.

419  
420 **5. DISCUSSION REGARDING THE CITY'S MEDIA POLICY.**

421  
422 Council Member Taylor said he want to bring up some points about the City's Media Policy and perhaps  
423 look at modifying it. He said this came up after a recent meeting because a reporter from the Standard  
424 Examiner had contacted all the members of the City Council for their opinions on some policy decisions  
425 being made. He said he did not cc everyone on the Council in his response to the reporter. He said he  
426 received a number or responses from his colleges on the Council, mostly polite and some nasty, stating he  
427 hadn't followed the media policy and that all discussions with the media had to be shared with everyone,  
428 which was not his understanding of the policy. He said he received some advice from the City Attorney  
429 to see if that was indeed the intent of the policy and to clarify it.

430  
431 Council Member Taylor said the portions that are in question are on page two of the Policy. He said he  
432 supports most of the media policy to help control what is officially said. He said his only concern is what  
433 he views as suppression of the free speech rights in the requirements that everything be sent to all City  
434 officials and not to let elected officials speak to the media over the phone. He said it doesn't seem to be  
435 appropriate with the first amendment.

436  
437 Council Member Taylor asked that they consider looking at the section stating that "all media requests  
438 shall be sent in writing to the City's PIO and elected officials, and responses sent to the media shall be  
439 sent in writing and copied to the City's PIO and elected officials, copies may also be sent to City's  
440 spokespersons as needed". He said that is the only part of the policy he is asking they consider looking  
441 at. He said he doesn't agree that type of policy is in compliance with the First Amendment. He said each  
442 of them were elected completely independent of one another and don't need each other's permission on  
443 how they speak to the media the same as they would speak to a constituent. He said if a City Council  
444 Member were acting on behalf of the City and giving the City's Official position on something then those  
445 procedures would be appropriate. He mentioned that all emails can be seen by anyone that requests them  
446 under GRAMA. He asked if the City Attorney could share his thoughts.

447  
448 Jon Call, City Attorney, said he is a new City Attorney but as he read the policy his understanding was to  
449 govern official statements coming from the City as well as prevent statements that may appear to be  
450 official. He said that is why City employee's are not allowed to use City stationary to write letters to the  
451 editor as well as requiring a disclaimer stating this is an individual view not necessarily the City's policy.  
452 He said his understanding is the way the policy reads with a few minor exceptions is that it accomplishes  
453 that purpose of trying to control misinformation sent to the media or the general public. He said as for  
454 personal opinions go he feels the policy does a good job of stating employees are allowed to express their  
455 personal opinions. He said the question is whether it is taken as an official City statement. He said he  
456 does not exactly know what the intent was, but it may push the boundaries of suppressing some ideas an  
457 individual may have and contacting the media with opinions for fear of the recourse. He said he doesn't

458 have a strong opinion of the legality because he has never seen a policy like this and couldn't see any case  
459 law that discusses this information.

460  
461 Council Member Taylor said that is why he wanted this to be examined because as he read it, he didn't  
462 feel personal opinions were subject to it. He said he wanted this to be examined because his colleagues  
463 told him his personal opinions were subject to the policy. He said he feels overall it can be a slippery  
464 slope when they are trying to control the right to free speech. He said if everyone's comments were cc'ed  
465 to everyone else it may inhibit the public discussion that may have taken place on the issue or there could  
466 be pressure for everyone to share the same opinion or reach the same conclusion. He said there is no one  
467 message they should all share and they should be allowed to disagree. He suggested modifying the policy  
468 clearly stating personal opinions are not subject to the policy. That would be an enhancement to the  
469 policy and make it better.

470  
471 Council Member Stoker said she felt the media policy was not meant to impede their opinions or infringe  
472 on anyone's right of freedom of speech. They were trying to protect themselves so there was no  
473 misinterpretation, not to take any rights away. She said she thought that was stated several times.

474  
475 Council Member Bailey said he thinks they do best as a City Council when the discussions are held in the  
476 City Council meetings. He said he has spent a considerable amount of time defending or explaining  
477 himself on things that were inaccurately portrayed in the media. He said he now tells people to read the  
478 official minutes. He said with the many issues the City Council deals with discussion often times starts in  
479 less than perfect ways with uncompleted formulated ideas. He said as a Council works together the vision  
480 and the rhetoric become more refined in the process. He said in his mind the news media is not a part of  
481 the secret trust they have with their constituents. He said they have a constitutionally protected right to  
482 attend and report the meetings, but they are reporters in the process, not active participants in the process.  
483 He said sometimes that changes as they put their own slant on their reporting. He said his feeling is their  
484 policy as written has worked to the great benefit of their constituents, because in their council meetings  
485 they have been able to candid and forthright and polite in the process. He said by making sure everyone  
486 knows the question asked and the response it has significantly reduced the amount of times they have  
487 been misquoted in the media so they can focus on the work they have to do, not the drama. He said he  
488 appreciates the City Attorney's comments. He said they are best served when they deal with one another  
489 courteously. He said has no problem letting other Council Members, Mayor, and the City Manager know  
490 what he has said to the media.

491  
492 Council Member Fawson said he doesn't feel the media policy has inhibited his opportunity to express  
493 himself. He said he guarantees that he will express himself however he feels, but it is a common courtesy  
494 to the other elected officials as well as the City employees to include them.

495  
496 Council Member Taylor asked if the interpretation that the media policy does not apply to personal  
497 opinions by City Council Members. He said that sounds like what the City Attorney has said in his  
498 response. Mayor Harris asked what that means. Council Member Taylor replied that would mean a City  
499 Council Member could speak to a reporter over the phone or a City Council Member could send a  
500 response to a reporter if they are asked a question without creating a discussion with all the City Council  
501 Members by cc all of them.

502  
503 Council Member Fawson said as an elected official he feels if he is speaking about a City topic he is  
504 speaking in an official capacity even if it is his personal view and experience. He said he doesn't feel any  
505 need to communicate privately with the media or anyone else for that matter on City issues. The media  
506 should include all correspondence as outlined.

507

508 Council Member Bailey said he agrees with Council Member Fawson. He said he would prefer to speak  
509 in a public forum. He said it is a question of transparency. He said everything is subject to GRAMA and  
510 being reported in the newspaper anyways. He said he is happy to put everything out in the open.

511  
512 Council Member Stoker said she doesn't think there is any one of them who has a problem with stating  
513 their own opinions and views. She said she doesn't think any one of them should be afraid of what  
514 someone thinks.

515  
516 Mayor Harris asked if Council Member Taylor's issue is that if he states his opinion why he should have  
517 to put it in writing and send it to all the other City Council Members. Council Member Taylor said his  
518 concern is that the discussion can only be in writing and he doesn't see why they cannot talk on the  
519 telephone. He said if he chooses to do that and is misquoted then he will have to learn from that. He said  
520 they shouldn't prohibit any form of discussion except through email, to him that is suppression. He said  
521 not allowing any other contact to the media and requiring that email to be sent to everyone on the City  
522 Council is the other problem. He said he has no issue sharing those emails after he sent them. He said he  
523 doesn't think the discussion that occurs after everyone is cc'ed is healthy.

524  
525 Council Member Fawson said it was his understanding that he has the ability to speak with the media  
526 over the phone, but he has to summarize that conversation to the media and include other Council  
527 Members. He said he doesn't feel they are being restricted. He said he feels he is filling everyone else in  
528 on the conversation. Mayor Harris said he thought the interpretation was that all conversations had to be  
529 in writing. Council Member Taylor said he could not find it in the policy that an email had to follow the  
530 telephone conversation. He added that there is a section that states if it is not public safety or an  
531 emergency the conversation has to be in writing.

532  
533 Council Member Bigler said if it is not an emergency then why not have it as transparent as possible for  
534 residents. He said he doesn't see the problem with it. He said to him it is all about transparency for  
535 residents and they owe it to them to allow them to see the truth of what is happening. He said in the past  
536 a lot of things were said and there is a fine line of your opinion and speaking as if it is fact. He said  
537 sometimes you speak as if it was fact, when it wasn't. He said it becomes a he said she said thing. He  
538 said it is good if someone has a question there is a public record of what the questions were and their  
539 exact response. He said it's about residents knowing the truth and transparency helps the truth along.

540  
541 Council Member Fawson said he feels the media policy has worked well in the last six months and  
542 doesn't think there have been any issues since it has been implemented. He said it has been proven over  
543 the last six months to work well.

544  
545 Council Member Bailey said he doesn't think there have been any responses to the threads. He said it  
546 seems to him that if someone responds they respond on their own and have not commented on someone  
547 else's response.

548  
549 Council Member Taylor said he has only seen the one thread that led to this discussion and there were  
550 comments about what others had said previously. Council Member Taylor said what they send to the  
551 media is already stored as public records. Council Member Bigler commented that phone calls are not.

552  
553 Mayor Harris said Council Member Taylor suggested they modify paragraph eight. Council Member  
554 Bailey said he is happy with it the way it is.

555  
556  
557  
558

559 **6. DISCUSSION AND/OR ACTION REGARDING THE COVE ANNEXATION.**  
560  
561 Annette Spendlove reviewed the annexation petition before the Council, she stated the annexation sits  
562 further above the North Ogden Cove subdivision. She said the petitioner purchased that property and  
563 wish to annex it into the City. She said the debris basin berm for the Cove will be built in that area. She  
564 said this item is to allow her to begin the process of annexation. She said this item will come back to the  
565 Council at a later time with an ordinance for the City Council to act on.

566  
567 **Council Member Fawson moved to accept the annexation petition to start the process. Council**  
568 **Member Bailey seconded the motion.**  
569

570 **Voting on the motion:**  
571 **Council Member Fawson** aye  
572 **Council Member Bigler** aye  
573 **Council Member Stoker** aye  
574 **Council Member Taylor** aye  
575 **Council Member Bailey** aye  
576

577 **The motion passed unanimously.**  
578

579 **7. DISCUSSION AND/OR ACTION TO APPROVE AN INTERLOCAL AGREEMENT**  
580 **WITH WEBER COUNTY AND A RESOLUTION DELEGATING THE AUTHORITY TO**  
581 **NORTH OGDEN CITY.**  
582

583 Annette Spendlove stated this item is in connection with the North Ogden Cove annexation. She said the  
584 applicants have requested to begin the debris basin in November of 2012; however, the annexation may  
585 not be finished by that time. She said the City has requested from Weber County that they oversee the  
586 construction of the debris basin. She said Weber County has seen this agreement but there were changes  
587 made and she will send it back to them. She stated they approved the initial agreement. She mentioned  
588 the changes were suggested by the City Attorney and are highlighted. She said they had to take out Dave  
589 Carlson's name and replace it with Ron Chandler's name. Ron Chandler suggested rather than putting  
590 someone's name include a title. He said if there is a change then they would not have to change the  
591 name. Everyone agreed with that suggestion.  
592

593 Mayor Harris said there is a chance that the annexation will be complete in time, but it does cover the  
594 City as far as having control over what happens with the debris basin.  
595

596 **Council Member Bailey made a motion to approve Resolution 11-2012 and Agreement 2012-A2**  
597 **dealing with the interlocal agreement with Weber County and delegating the authority to North**  
598 **Ogden City. Council Member Taylor seconded the motion.**  
599

600 **Voting on the motion:**  
601 **Council Member Fawson** aye  
602 **Council Member Bigler** aye  
603 **Council Member Stoker** aye  
604 **Council Member Taylor** aye  
605 **Council Member Bailey** aye  
606

607 **The motion passed unanimously.**  
608

609 8. **DISCUSSION AND/OR ACTION TO APPROVE THE PUBLIC WORKS FACILITY**  
610 **COMMITTEE.**  
611

612 Mayor Harris stated the City Council has requested a new Public Works Committee be formed. He said  
613 he and Ron Chandler discussed this and they are not sure they need a Committee. He said every facet of  
614 this project has been discussed over and over again. He said his idea, as the Mayor forming the  
615 Committee, is that the City Council shall be the Committee. He said when they first came into office they  
616 amended the City Council Rules and Procedures to allow all five City Council Members to be on a  
617 committee. He said that is his proposal, but it is open for discussion. He said he had a problem getting  
618 the City Council's email replies this past week. He said there were a number of suggestions and a number  
619 of concerns. He said a number of those were in regard to policy, which the City Council would need to  
620 address any way. He said he would like to open it up for further discussion. He said there was a lot of  
621 work done on the design and a lot of work done to bring the total project in line with the costs being  
622 discussed by both sides. He said he feels it is incumbent on the City Council to look at it because the City  
623 expended funds. He said they have a schematic design and some cost estimates.  
624

625 Council Member Bigler said he did respond to Mayor Harris's email and stated that he does not want to  
626 form the Committee with just them, but he agrees with having a work session to review the existing  
627 information and plans. He said he thinks that would be a good thing to do. He said it would be wise to  
628 look at everything that was done in the past. He said he wants to lay out some facts about the time line.  
629 He said all through last year with the mess in the petition they told residents they knew there was a need  
630 for a public works facility and were committed to moving that along, they just want to be more fiscally  
631 responsible. He read from February 2012 City Council meeting. He said they were in agreement to form  
632 the Public Works Committee after the vote took place in June. He said the voting was unanimous back in  
633 February not only to form the Committee, but to move forward. He said after that meeting in February  
634 the City Council submitted names to Mayor Harris on who they would like to include on the Committee.  
635 He said he thought Mayor Harris was in contact with these people. He said in May the City Council still  
636 hadn't heard anything from Mayor Harris on the Committee and they had asked for a follow up. Council  
637 Member Bigler said that Mayor Harris told them in May that he wanted to see the outcome of the  
638 elections. He said after the 80% vote against Mayor Harris said he would begin making committee  
639 appointment, but they never heard anything. He said in July the City Council asked again if  
640 appointments were made and Mayor Harris replied to the City Council that he wanted to wait until  
641 Council Member Taylor got back. He said the City Council did not oppose any of this. He said Council  
642 Member Taylor got back in August and Mayor Harris sent an email stating that he didn't know if it would  
643 do any good to form a committee.  
644

645 Council Member Bigler said the law states that committees are formed at the recommendation and  
646 consent of the City Council. He said this year they have been working well with most things, but he has a  
647 real concern with this. He said back in February the City Council asked that the committee be formed and  
648 that they begin and were told four different times that he would do it. He said he gets asked all the time  
649 about the Public Works Facility. He said it needs to be known by residents that the City Council has done  
650 everything they can do to get this started since February, but for whatever reason Mayor, you have been  
651 dragging your feet and it is a concern. He said respectfully going forward it is great to have a work  
652 session and look at everything that has been done, but he said he does not want that to be the committee.  
653 He said he would like the appointments of the committee to be done immediately like they asked in  
654 February. He said last year when the petition was going on the two main arguments that were  
655 continuously brought up were that they couldn't wait because the Public Works Department needs a  
656 facility now and if they wait the interest rates and construction costs may skyrocket. He said if they  
657 would have gotten on this immediately they could have possibly begun building by now. He said earlier  
658 this summer the interest rates were a little lower than they were last summer. He said winter will set in  
659 and they won't be able to build until next summer and interest rates and construction costs could go up, it



660 will not be on the City Council. He said they have done everything they could do and their hands are tied.  
661 He said it doesn't seem there has been the urgency this summer that there was last summer. He said they  
662 should have the work session to look at the design. He said they have had the design for almost a year  
663 and have not seen it. He said they haven't seen the cost either. He said he is ok doing that, but would like  
664 the committee appointed as they always have been; the City Council submits the names and the Mayor  
665 appoints the members. He said he would like that process to start now, because it has already put them  
666 off another summer. He said the City Council has done everything they can and if it were done the way  
667 they asked then they could have gotten started while interest rates were low, who knows what will happen  
668 next summer.

670 Mayor Harris stated he never said there wouldn't be a committee, he suggested the City Council being the  
671 committee. Council Member Bigler said he doesn't want it to be the City Council. Mayor Harris said  
672 Council Member Bigler has been critical of him through this whole thing. He said there are good reasons  
673 things haven't gone forward. One of the reasons is they have had a huge turnover in their critical staff in  
674 the City. He said they have had people resign and have had to go through the hiring process. He said  
675 when he originally asked for names he only received a couple of responses from Council Member Bigler  
676 and Council Member Fawson. He said he hasn't gotten a response from every member of the City  
677 Council. He stated he is willing to move ahead and does not need to be criticized at this point.

679 Council Member Bigler said this year has been wonderful and they have been working together on many  
680 issues. He said his purpose is not to be critical but to get the job done for residents. He said if rates go up  
681 next year and they have to bond it will cost residents a lot more money. He said it is not his intent to be  
682 critical; his intent is this has been put off. He said they need to get this done and started. He said he has  
683 patiently waited for this.

685 Council Member Bailey said he is in favor of scheduling a work session. He said he knows Council  
686 Member Bigler, Council Member Stoker, Council Member Taylor, and himself have all requested to be  
687 on the committee. He clarified that what Council Member Bigler wants is for the City Council Members  
688 to serve as part of the committee along with professionals that would help with the other functions.

690 Council Member Bigler said they should have seen the design months ago. He said he wants the  
691 committee so they can look at the plan together and move forward together. He said he wants the Council  
692 Members and the committee members involved so they can look at all the options, just like they promised  
693 residents they would.

695 Council Member Bailey suggested they schedule the work session to review the available information and  
696 use the outcome of the work session. He said he never submitted names, but was fine with the names  
697 others had submitted. He said he does have some names. He would like to be able to submit names and  
698 wanted to know when he would need to have those names in. He recommended they hold the work  
699 session and submit the names before the next City Council meeting.

701 Council Member Bigler said they have selected some professionals who are very professional and willing  
702 to serve for free. He said he would rather select the committee now. It seems wise that they have the  
703 entire committee at the work session instead of just having City Council there.

705 Council Member Taylor suggested that he agrees the City Council has the biggest role up front. He said  
706 he thinks they do need a committee with professionals and some City Council members who will oversee  
707 the project. He said the first logical step is the current City Council needs to go back to the original study  
708 that was done to determine the parameters as far as the square feet for each part of the Public Works  
709 Building. He said that would be the natural starting point. He said that would give an indication of what  
710 the parameters for the actual project need to look like. He said he suggests the City Council take the lead

711 on that section and establish some clear budget parameters with the entire City Council. He said if the  
712 City Council does that the committee can carry that into a practical reality. They need to look at the  
713 project parameters before they look at the design.  
714 Council Member Stoker said she agrees with some of the things Council Member Taylor said. They do  
715 need to look at what the report said about what is needed. She said they need the committee members,  
716 who are professionals, to determine what is needed. She said she hasn't seen any plans. She said she  
717 agrees with what Council Member Bigler has said and also agrees with what Council Member Taylor has  
718 said. She said she wants to see the committee in place through all of it.  
719

720 Council Member Fawson said he has heard a lot of frustrations from residents in regard to the delay in the  
721 process. He said he agrees with Council Member Bigler. He said he understands there have been a lot of  
722 changes in the City over the last eight months. He said he agrees with the need for a work session as well  
723 as with Council Member Bigler on having the committee there. He said he thinks that is the purpose of a  
724 committee, to look at all these things and do a need assessment. He said they trust the people they  
725 recommend to do a great job. He said he agrees they need to immediately appoint members to the  
726 committee and schedule a work session with those members. He said he didn't volunteer for the  
727 committee, although he would like to be part of it. He said he felt like it is the committee's responsibility  
728 to do the leg work and be the professionals involved in the process.  
729

730 Mayor Harris said it is obvious the City Council wants a committee. All five City Council members  
731 requested to be on the committee along with an unspecified number of committee members. Council  
732 Member Fawson said he would like the ratio of the committee to match the outcome of the election they  
733 recently had.  
734

735 Council Member Bigler said he wasn't looking at a specific number, they should appoint those that have  
736 been recommended.  
737

738 Mayor Harris said anyone who wants to make a recommendation to let him know immediately. Council  
739 Member Bailey asked if they could have until the end of the week to provide the names. Mayor Harris  
740 replied yes.  
741

742 Council Member Bailey said they have an advice and consent as City Council Members and would like to  
743 know when they reach that consent point when they are voting committee members. He said he would  
744 like to know the background on those members and who submitted their name. He said that would help  
745 him understand where those people stand. Mayor Harris stated that is for them to figure out. He said he  
746 will interview people and he will try to get names to him as soon as possible. He said they could approve  
747 those people during the September 25, 2012 City Council meeting.  
748

749 Council Member Taylor said he doesn't think the committee needs to have any ideological predetermined  
750 majority rather than eight for and two against. He said they should focus on getting people who are  
751 willing to look to the future and help to make the best possible project going forward rather than making a  
752 decision based on where those people sat on the decision last year. Mayor Harris said they need to trust  
753 the residents and everyone has a say in it, not just those that voted.  
754

755 Council Member Bigler said if they appoint those that went through the legal process it will be those they  
756 trust. Mayor Harris replied that is true but he is not sure if everyone you (Council Member Bigler) have  
757 asked for would be who he recommends. He said the City Council has the final consent so they will see  
758 how it works out. He said he is aware of what is being asked and he is not disagreeing so they will need  
759 to just work it out.  
760

761 Council Member Bigler said if there is any implication in the past that this is a political game, he assures  
762 that it is not. He said this building will be here for many years in North Ogden City and their only desire  
763 and goal is to do it right. He said that is the only goal, there is no political posturing as it has been  
764 suggested in the past, they just want to do it right. He said they will do it right and he is excited to have  
765 the final product. He said once they get it done they will have an open house and residents can see it is a  
766 great usable facility that serves the City now and in the future and they did it as economically as possible.  
767 He said there are no other motives and hopes that it is not mentioned again, it is ridiculous.  
768

769 **9. DISCUSSION AND/OR ACTION REGARDING CANCELING THE SEPTEMBER 11,**  
770 **2012 CITY COUNCIL MEETING.**  
771

772 Annette Spendlove stated this is the week of Utah League of Cities and Towns annual conference. Mayor  
773 Harris mentioned several of them have a meeting that afternoon and if they chose to have a City Council  
774 meeting they would need to travel back that evening. Council Member Fawson said his only concern  
775 with canceling the meeting is around this public works committee. He said he would like to have a  
776 special session to appoint the committee to have them in place as quickly as possible.  
777

778 **Council Member Bailey moved to cancel the September 11, 2012 City Council meeting. Council**  
779 **Member Stoker seconded the motion.**  
780

781 City Council Bigler said he agrees with Council Member Fawson and he is fine with cancelling the  
782 meeting. He said he would like to have them look at meeting to approve the public works committee  
783 appointments. He asked if there is another day they can schedule a meeting. Mayor Harris said it will  
784 take some time to interview people and get things set up. He said there is a Senior Citizen board meeting  
785 on September 18, 2012 at 5:30pm, but it may work if the City Council meeting is at 6:30pm. Council  
786 Member Bailey asked if that is enough time. Mayor Harris said that would be enough time if all the City  
787 Council's recommendations are in prior to the meeting. He said he does not plan on creating a large  
788 committee because it becomes unworkable. He said he will let everyone know as soon as possible who  
789 he has talked to and who he recommends to be on the committee. He clarified that they will schedule a  
790 special meeting on September 18, 2012 at 7:00pm to approve the public works committee.  
791

792 **Voting on the motion:**

793 **Council Member Fawson** aye  
794 **Council Member Bigler** aye  
795 **Council Member Stoker** aye  
796 **Council Member Taylor** aye  
797 **Council Member Bailey** aye  
798

799 **The motion passed unanimously.**  
800

801 **10. PUBLIC COMMENTS.**  
802

803 Dave Hulme, 513 East 1700 North, stated regarding the out buildings that he read through a lot of the  
804 minutes and had trouble finding where that was passed by the City Council. He said he knows there was  
805 a public hearing, but couldn't find anything after that. He said he would be interested in finding out when  
806 that was actually passed and what the vote was. He said he found it interesting there was a lot of  
807 discussion regarding what the Planning Commission has done with the amendment, but he didn't hear  
808 what the City Council has discussed. He said that led him to wonder if it had been passed by the City  
809 Council why there wasn't any mention on what was discussed by the City Council. Annette Spendlove  
810 commented that the ordinance was passed on April 26, 2011.  
811

812 Dave Hulme said on the media policy, he is not entirely clear what transparency is gained with a City  
813 Council member cc'ing the other City Council members. He said that is not something that goes to the  
814 public. He said it is no more available for request under GRAMA than if it is not cc'ed. He said they  
815 previously discussed it at great lengths and they voted for it. He said he had wished they put a sunset  
816 clause on it so they could review it again. He said he is glad they are reviewing it. He said in the interest  
817 of transparency they ought to consider cc'ing the media on all the emails not just the ones they request.  
818 He said if they want transparency for the residents they could make sure the emails are put on the website  
819 and they wouldn't have to spend money on GRAMA requests. He said he found a lot of interesting  
820 information when the Standard Examiner requested the City Council emails earlier in the year, which  
821 ought to be an interesting statement since he was on the City Council at that time. He said there was a  
822 great deal in those emails that he had never seen. He said they need to be careful when they use the word  
823 transparency and make sure they are being honest with that. He said as far as the Public Works Facility  
824 Committee they ought to think about the qualifications they want. He said it would be wise to refrain  
825 from nominating people that have been heavily involved in this in the past, other than the members of the  
826 City Council. He said there is a great deal of people on both sides. He said it is sad that the blame of the  
827 public works facility not being constructed at this time is laid at the feet of the Mayor. He said he can  
828 understand the claims there was not political motive involved, but at the end of the day three of the City  
829 Council Members were elected on a platform that spoke to defeating this measure. He said it is easy to  
830 see why some people would consider there was a political measure. He clarified that he is not saying the  
831 motive does not supersede what they believe in. He said there was politics and at the end of the day that  
832 is what they have. He said at the end of the day he would like to see this committee be as apolitical as  
833 possible.

834  
835 John Arrington, 254 East 2900 North, said he has two observations. He said he personally thinks item  
836 three and four should have been addressed in a work session because that is all that went on tonight,  
837 discussion about the City Council and staff. He said if there is to be discussion it ought to involve the  
838 citizens. He said there is a lot more that could have been worked out in a work session. He said the work  
839 sessions he has seen in the past is what they are for. He said his only comment on the media policy is that  
840 the City Council Members ought to be free to discuss with the media any way they want. He said the  
841 only other thing is that it is out of line for a City Council Member to call another to task for saying  
842 something to the media.

843  
844 Ken Harrison, 823 East 3200 North, said they had mentioned the interest rates and he agrees. He said this  
845 week floating loans were 3.5%. He said he shares his thoughts that when the national elections are over  
846 there will be a drastic increase. He said he is wondering about parks if the consensus not to expand the  
847 parks if it was deeded to them or if there is any opportunity to have parks given to the City. He asked if  
848 they have enough parks or are they interested in more and if there is a policy at this point. Mayor Harris  
849 said they are not prepared to answer that question, but they are in excess in the amount of approved parks  
850 per resident. He said it takes a lot of time each month to maintain them. He said they would look at any  
851 proposal and any situation. He said they have 35 acres available for a park, the Barker Park. He said he  
852 is unsure when they would be able to develop that because of the expense. Mr. Harrison said he brought  
853 it up because when he lived in Washington State it was mandatory that every development have parks.  
854 He said if there are opportunities to be given to you, he would like his tax money to go towards the fire  
855 department, police department, schools, and the parks for his kids and grandkids. Mayor Harris replied  
856 they have eight or nine parks. Mr. Harrison said if there are opportunities for future ones, be careful  
857 turning those opportunities down. Mayor Harris said he is not aware of any opportunities that have been  
858 turned down.

859  
860 Lynda Pipkin, 3011 North 175 West, asked what type of criteria they are looking for to be on the public  
861 works committee, if they would need to be a general contractor and what kind of knowledge background  
862 are they looking for. She asked if they are going to require the committee members to be North Ogden



863 City residents. She asked Mayor Harris if he would take all the suggestions from one Council Member  
864 and not another. Mayor Harris replied no and said he would suspect the members of the committee would  
865 be residents of North Ogden City unless there is a good reason. Council Member Bigler said all his  
866 recommended committee members are North Ogden City residents. Mayor Harris said he would not see a  
867 nonresident be a member of the committee. Council Member Bailey said all his recommendations would  
868 have significant background in building or engineering. Mayor Harris said he has had people approach  
869 him that have worked in public works in the past and they would consider all those things.  
870

871 **11. CITY COUNCIL COMMENTS.**  
872

873 Council Member Taylor mentioned they should always share their opinions even if their colleges think it  
874 is ridiculous. He said he will continue to share regardless if his colleges disagree.  
875

876 Council Member Stoker said when they were first elected there were a lot of things they had to deal with  
877 and part of those things were re-staffing, and the public works facility did get put on hold. She said she  
878 thinks they have done well in moving forward and appreciates everything Mayor Harris does. She said  
879 she agrees they need to be careful of what they say about each other. They have the right to their own  
880 opinions, but it doesn't mean they can't agree to disagree. She said she thinks they have a great City  
881 Council and she thinks they have some great discussions and come up with some good decisions. She  
882 said with this public works facility she would like to see that their workers have a well made functional  
883 facility that is safe for them.  
884

885 Council Member Bigler said in referring to something that was said about the newer Council Members  
886 running on a platform of the public works committee, they had nothing to do with causing this issue. He  
887 said it happened to be the most expensive project in the history of North Ogden City. He said any elected  
888 official would think that residents want to know where they stand. He said they didn't run solely on one  
889 issue. He said all Council Members can express their opinion. He said he will say how he feels when  
890 someone is questioning their integrities and the reasons why they are doing things. He said they can  
891 express their opinion about issues. He said during a campaign it is a political season, but he doesn't think  
892 they have done anything unethical. He said he has never heard any of them say anything dishonest. He  
893 said they were all asked how they felt about the public works facility and they expressed their opinions as  
894 rightfully they should. He said they told residents the truth about how they felt about the issue. He said  
895 you can look at the other side of it, if they stuck their neck out and told the truth about how they felt they  
896 could have lost the election. He said they were just telling the truth, how refreshing. He said he thinks  
897 this year has been wonderful and if residents came to the meetings regularly or read the City Council  
898 meeting minutes they would get a true idea of what is happening in the City. He said there is no  
899 weirdness or extremism. There have been solid good decisions made. He said he thinks all five Council  
900 Members have been working well with the Mayor. He said his only concern and motive is to help the  
901 City in the long-term so this remains a wonderful community and place to live. He said he is very happy  
902 to serve the residents of North Ogden.  
903

904 Council Member Fawson said he had a couple of residents mention the pot holes on Mountain Road. He  
905 asked when the next Economic Development Committee meeting is. Mayor Harris replied there is not  
906 one scheduled because they are waiting for their contractor to come back with some proposals. He asked  
907 if that would be a work session. Ron Chandler said he would get back with him on that. Council  
908 Member Fawson mentioned the Economic Development survey and said he is hoping they are using some  
909 other means of gathering more recent information from residents. He asked if Ron Chandler could  
910 mention that to Matthew Godfrey. He said regarding the media policy, personal interviews have no  
911 transparency. He said he feels like it is common courtesy to have his views be known to his fellow  
912 Council Members. He said he was able to attend the Arts Festival and he doesn't think it had the  
913 attendance it had last year. He suggested looking at some better advertising. He said some members of



914 the Civic League expressed concerns with being pushed out of Cherry Days, where they do not have the  
915 opportunity to raise funds like they use to. Annette Spendlove said she was on the Civic League until last  
916 year and they chose to get out of Cherry Days, they were not pushed out of it. Council Member Fawson  
917 said the opinions that were expressed stated it became a more commercial event so they have the  
918 participation in the lunch they served. Annette Spendlove stated they did not like the work it took for  
919 them to get the little money they received. Council Member Fawson said he brought up the idea of the  
920 farmer's market and suggested the Civic League taking a look at that. He said they contribute a lot to the  
921 City and do not get the recognition they deserve. He said Public Works has done a great job in  
922 responding to all the issues brought to his attention. He said his neighbors have applauded the work that  
923 has been done. He commended Brian Steele for his efforts on the City Budget.

924  
925 Council Member Bailey asked when North Ogden City sets the mill levy for the tax year. Ron Chandler  
926 replied that is part of the budget and Weber County will send out a tax rate and the City will adopt that.  
927 He said they specifically pointed it out in this budget. Council Member Bailey said he asked because his  
928 property taxes went down, but his North Ogden City taxes went up. He said he called Weber County and  
929 was told that North Ogden City increased their mill levy. Mayor Harris said they didn't do that. Ron  
930 Chandler said he will follow through and ask Weber County.

931  
932 Jon Call said they talked about GRAMA requests and email, any communication with him is not subject  
933 to GRAMA, it is privileged information.

934  
935 Ron Chandler stated they previously discussed the old type of sewer connection and the problems they  
936 had. He showed City Council the difference between the old connection and the updated connection. He  
937 said in the old connection there is only a small part that seals off the connection. He said the weight of  
938 the gravel held it in place but there can be shifting as water gets in. He said the other problem is there is  
939 not a lip on the inside of the pipe and the cameras cannot get through it. He said there are two other new  
940 types of pipe. He said staff does not test all pipe, but they do require the contractor to have an  
941 independent tester submit their findings to the City. He said if there is damage to an old pipe they have a  
942 new method for replacing it.

943  
944 Mayor Harris said the first product Ron Chandler showed was state of the art at that time. He said they  
945 have kept up with state of the art and are using the best that is currently available. Council Member  
946 Bailey asked when a third party verifies do they have some method of testing it. Gary Kerr said they  
947 require the tester to send a camera through the pipe. He said they also require an air test.

948  
949 **Council Member Bailey moved to go into a closed session to discuss pending litigation. Council**  
950 **Member Bigler seconded the motion.**

951  
952 **Voting on the motion:**

953 <b>Council Member Fawson</b>	<b>no</b>
954 <b>Council Member Bigler</b>	<b>aye</b>
955 <b>Council Member Stoker</b>	<b>aye</b>
956 <b>Council Member Taylor</b>	<b>aye</b>
957 <b>Council Member Bailey</b>	<b>aye</b>

958  
959 **The motion passed 4 to 1.**

960  
961 **Council recessed at 9:25pm.**

962  
963 **Council entered in a closed meeting at 9:37pm**

964

965 Council reconvened at 10:06pm.

966

967 12. ADJOURNMENT.

968

969 Council Member Bigler moved to adjourn the meeting. Council Member Stoker seconded the  
970 meeting.

971 Voting on the motion:

972 Council Member Fawson aye

973 Council Member Bigler aye

974 Council Member Stoker aye

975 Council Member Taylor aye

976 Council Member Bailey aye

977

978 The motion passed unanimously.

979

980 The meeting adjourned at 10:08pm.

981

982

983

984

985 \_\_\_\_\_  
Richard G. Harris, Mayor

986

987

988

989 \_\_\_\_\_  
S. Annette Spendlove, MMC

990 City Recorder

991

992

993 \_\_\_\_\_  
Date Approved