

NORTH OGDEN CITY COUNCIL MEETING MINUTES

September 16, 2014

The North Ogden City Council convened in an open meeting on September 16, 2014 at 6:34 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on September 11, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

PRESENT:	Brent Taylor	Mayor
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	James Urry	Council Member
EXCUSED:	Kent Bailey	Council Member
STAFF PRESENT:	Bryan Steele	Acting City Manager
	S. Annette Spendlove	City Recorder/H.R. Director
	Jon Call	City Attorney
	Kevin Warren	Chief of Police
	Brandon Miles	City Prosecutor
	Clark Crowther	Lieutenant
	Gary Kerr	Building Official
VISITORS:	Joan Brown	Lyle Adams
	Melissa McDonough	Kent Swenson
	Sorin Teles	Rick Scadden
	Jay Johnson	Dan Nixon

Mayor Taylor welcomed those in attendance.

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

CONSENT AGENDA

1. Consideration to approve the August 12, 2014 City Council Meeting minutes.

Council Member Swanson indicated he made the motion to approve a surcharge on dog licenses to fund a dog park; the minutes stated that Council Member Satterthwaite made the motion.

Council Member Satterthwaite motioned to amend the August 12, 2014 Council meeting minutes and approve the consent agenda. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Satterthwaite **aye**
Council Member Stoker **aye**
Council Member Swanson **aye**
Council Member Urry **aye**

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Sorin Teles, 156 E. 2050 N., stated he addressed the Council during their last meeting regarding the proposal to implement a daytime curfew. He stated he promised to provide materials supporting his position and he provided those to Mayor Taylor today. He then provided a copy to each Council Member as well. He stated the materials help to more eloquently make his points regarding his opposition to a daytime curfew and he stated he is willing to answer any questions about the issue.

Mayor Taylor reported the City entered its Cherry Days float in the Brigham City Peach Days parade and it received the “Most Peachy” award; he stated the plaque regarding the award will be hung in City Hall. He read comments submitted by Cherry Days royalty that read on the float during the parade, after which he stated he is excited to see the float in future Cherry Days celebrations.

2. DISCUSSION AND/OR ACTION TO CONSIDER LYLE ADAMS REQUEST FOR A CULINARY WATER CONNECTION

A letter from Lyle Adams explained when North Ogden City increased the depth of the well at 800 East 2100 North around the year 2000 and subsequently surge tested the well for a period of time. The private wells in the vicinity no longer produced adequate water for a residential home. His home at 672 East 2100 North was one of those homes. In discussions with the then City Manager, John Hendricks, Mr. Adams was informed that if he would purchase from the City a hook up for \$1,000 he could hook up at any time in the future; he subsequently purchased the hook-up. After the City stopped surge testing their well, the aquifer replenished and his well produced adequate water once again. He had no reason to hook up at that time, but his understanding was that he could use the hook-up at any time in the future. Now it is 2014 and he would like to use the previously purchased water hook-up at his residence. He has spoken with several City employees and they have told him the City records do not go back that far. Mayor Brent Taylor told him that he would need to appear before the City Council for the authorization for North Ogden City to honor its commitment for his water hook-up. Mr. Adams’ letter indicated he cannot find his receipt from the City and his financial institution only keeps check records for seven years. He requested that the City Council honor the agreement made between himself and the City to allow him to connect to the City’s water system.

Mayor Taylor summarized Mr. Adams' letter and asked City Recorder Spendlove to provide a brief summary of the research she has conducted regarding the transaction. Ms. Spendlove stated she has reviewed the City's files for Mr. Adam's property and was unable to find documentation of the agreement or the payment made by Mr. Adams. Mayor Taylor thanked Mr. Adams for his patience in waiting to appear before the City Council. He concluded the current connection fee that would be charged to Mr. Adams is \$3,600.

Council Member Satterthwaite inquired as to the connection fees charged by the City in the 2000 to 2004 time frame. Mayor Taylor stated they were higher than \$1,000. Building Official Kerr stated that when he began working for the City 15 years ago the fee was over \$3,000 and it has not changed in the time he has worked for the City. Mayor Taylor stated that the connection price offered to Mr. Adams at the time was a special rate due to the fact that the City's well depleted the water from Mr. Adams' well.

Mr. Adams thanked the Council for considering his request. He summarized the interactions he had with Mr. Hendricks during the time that the City was working to increase the depth of its well. He stated Mr. Hendricks referred to his \$1,000 connection fee as an 'insurance policy' if there ever came a day that Mr. Adams desired to hook-up to the City's system.

Council Member Swanson asked why Mr. Adams now desires to connect to the City's water system. Mr. Adams stated the flow of his well has gradually decreased and it serves two homes; the flow is not what it was when he first moved to the home 45 years ago. He stated he has installed a pump to provide adequate water pressure for the house and due to the current flow of the well the pump is running continuously.

Council Member Urry stated that just because the City cannot find a record does not mean it does not exist. He then relayed a personal story regarding his sewer connection and indicated North Ogden was not able to locate the records regarding his connection. He added he has known Lyle Adams for over 30 years and he is confident in his integrity and believes that he had an agreement with the City and paid the \$1,000 fee specified by Mr. Hendricks. Council Member Satterthwaite stated that based on that supporting statement he would support allowing Mr. Adams to connect to the City's water system.

Council Member Urry moved to allow Mr. Adams to connect to the City's water system for the previously paid \$1,000. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

Council Member Swanson then moved to amend the agenda to move item three to the end of the agenda. Council Member Urry seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER RENTAL OF CITY EQUIPMENT

A memo from Acting City Manager Steele explained the City's Parks and Recreation Department was recently contacted by a resident who wanted to know if the City rents out the train for personal use (block party). They were told that the City does not and they argued that the City should rent it out to residents because it was purchased with taxpayer money. The Mayor asked staff to do some research in whether the City should rent out city equipment. Staff has called the cities surrounding North Ogden and they also do not rent out equipment (trains, cars, machines, tools, sound, etc.). We do have smaller pieces of equipment (footballs, basketballs, cotton candy machines, EZ-up canopies, etc.) that would be more suitable for rental than the larger more expensive pieces of equipment, however there are private companies that are set up to rent out such equipment. If the council decides to move forward with the rental of pieces of equipment, the following would be guidelines the City may want to consider:

IDENTIFICATION:

- North Ogden City requires that all renters show proof of identification to be eligible for equipment rental.

SECURITY DEPOSIT:

- All renters are required to submit a credit card to guarantee replacement cost for the equipment borrowed if it is lost, stolen or broken.
 - Replacement costs vary per item if lost or stolen. North Ogden City can provide a list of replacement costs, upon request.
 - All damaged equipment is charged the replacement value.

CLEANING CHARGE:

- Equipment is sent out clean and is to be returned clean. A cleaning fee of [\$_____ / _____% of rental cost] will be charged the customer if the equipment is returned dirty.

RESPONSIBILITY:

- Responsibility for rental items remains with the customer from check-out to return.
- All items should be secured and protected from weather, vandalism or theft.
- Additional charges for replacements are made for missing, damaged or unclean items.

PROBLEMS:

- If you have a problem with any equipment during business hours we will attempt to issue another piece of equivalent equipment if available. If there is not one available, we will refund the first day of the rental fee.

PAYMENT/PRICING:

- Prepayment is required in full on all rentals.
 - Payment must be made with a Credit Card.
- Final Payment (if required) is determined upon equipment return.
- At the time of return, any additional fees will be applied for:
 - Any additional days not already charged
 - Damaged or lost tools and/or equipment
 - Cleaning fees (if equipment is returned dirty)
- If the equipment is returned on time, clean and undamaged, there will be no additional charge.
- If the equipment is not returned after 10 days, the rental of the equipment will become a sale and you will be charged the rental fee and the cost of the equipment.

RENTAL TIME DEFINITIONS:

- All equipment rentals are rented for increments of one day.
- Equipment rental begins on the day of check-out and can be returned by the close of business on the next business day for the daily rate charge. Daily charges accrue for each day thereafter until the equipment is returned.

In conclusion, staff's recommendation is that City equipment should not be rented out to residents/citizens unless it is purchased for that purpose (i.e. snowshoes). There may be a slippery slope if we start picking and choosing what equipment is rentable and what is not. If Council feels differently, staff can prepare a policy for it.

Council Member Urry agreed with staff's recommendation against offering City equipment for lease, as did Council Members Satterthwaite and Stoker. Mayor Taylor stated there are some small items that the City currently offers for rent and he would like to draft a City policy dictating how rentals will be administered. Council Member Stoker stated she would like to see the list of items available for rent. Council Member Swanson agreed and suggested that the list be included in the actual policy. Mr. Steele stated he will begin working to craft a policy.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE NORTH OGDEN CITY ZONING REGULATIONS 11-10-23; TEMPORARY CARNIVALS, CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, OUTDOOR RETAIL SALES, AND SIMILAR ACTIVITES

A staff memo from Planner Scott explained when the City Council is acting in a legislative capacity, it has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes. The North Ogden City Council held a public hearing on August 26, 2014 and a work session on September 2, 2014. The City Council requested that there be some clarifications to several sections. All three amendments are in 4-1-9, Temporary Businesses:

- b. The C-2 zone is added to allow temporary businesses.
- c. The phrase, if applicable, is added to the end of the first paragraph. Temporary businesses where food handling is being done requires that the Weber Morgan Health Department review

these applications. By adding the ‘if applicable’ phrase, only those needing the Health Department review will be processed.

d. Site Plan. The standard requiring 70 miles per hour wind force has been deleted and replaced with language adopting the building code standard or giving the building official discretion on an acceptable design. This will give the building official the ability to treat each application appropriately.

The memo stated the City Council must consider whether the draft amendments are acceptable. It also noted the Planning Commission is recommending that the City Council adopt the proposed ordinance. If this language is acceptable, staff will revise the ordinance amendment to reflect these changes and bring a final ordinance for approval to the next City Council meeting.

Mayor Taylor stated the Council has discussed this issue on multiple occasions and the changes suggested during the recent work session meeting have been incorporated into the proposed ordinance.

Council Member Swanson motioned to approve Ordinance #2014-23. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO ACCEPT THE SCADDEN PETITION TO START THE ANNEXATION PROCESS

A staff memo from City Recorder Spendlove explained Michele C. Scadden and Heidi Scadden submitted an application petitioning for annexation of 0.83 acres located at approximately 150 E. Lomond View Drive, North Ogden, Utah. The annexation process requires the City Council to accept the petition for annexation so that the City can start the annexation process. The Weber County Surveyor has reviewed the annexation plat map. The property is within the North Ogden City Annexation Declaration Policy. The petitioner is requesting an RE-20 (Residential Zone) designation, which Planning Commission will give a recommendation for at a later date. Staff recommends that the Council accept the petition for further processing.

Ms. Spendlove summarized her staff memo and added that staff would like the Council to consider whether the developer of the property should be required to install curb, gutter, and sidewalk. She noted there is none in the area, but the applicant has asked that the City enter into a deferral agreement that would require for the improvements to be installed upon the City making the request for the property owner to participate in a future Special Improvement District (SID) for the road improvements.

Mayor Taylor reviewed a map and identified the location of the subject property. Council Member Satterthwaite inquired as to how much frontage the property has on Lomond View Drive. Mr. Steele stated the frontage is approximately 140 feet and it is directly adjacent to the City limits. There was a brief discussion regarding the potential development of the property.

Council Member Urry moved to accept the annexation in order for the City Recorder to begin the annexation petition certification process. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AND AGREEMENT FOR CODIFICATION SERVICES

A memo from City Recorder Spendlove explained City staff desires to implement a new codification service to replace Sterling Codifiers, Inc. The City desires to obtain the services of Municipal Code Online, Inc. to assist in the implementation of the City's municipal code and provide services for the self-administration of the municipal code. Utah State Code Annotated 10-3-706 specifies that the City, "by resolution may authorize and direct the mayor to appoint, with the advice and consent of the governing body, one or more persons to prepare and submit to the governing body a compilation, revision, or codification of municipal ordinances. The compensation for the service shall be fixed by resolution of the governing body and paid out of the municipal treasury." The City Council in a work session meeting saw a presentation by Municipal Code Online and a copy of the agreement. The memo summarized proposed pricing as follows: five year agreement would be \$3,500 per year and three year agreement would be \$3,700. Early termination is half of the remainder of the agreement. This includes all training, ongoing support, hosting, and the conversion or importing of the City's Code into the Municipal Code Online framework ahead of time.

Ms. Spendlove summarized her staff memo.

Council Member Swanson stated he would prefer that the City enter into the five year agreement. Council Member Urry stated he is supportive of the change and noted he likes what he has seen from the company.

Mayor Taylor summarized the services offered by Municipal Code Online and explained the service provided by the company will allow residents to search the City's ordinance much easier and very quickly after an ordinance is adopted.

Council Member Satterthwaite asked what kind of investment is made by the company at the onset of the contract that justifies the requirement to pay half of the remaining contract commitment upon termination. A representative of Municipal Code Online stated the payment upon early termination would allow the company to recoup the costs associated with converting the City's ordinances and code to their framework.

Council Member Urry motioned to approve Resolution 14-2014 and Agreement A22-2014 for five years. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

**Mayor Taylor then noted there was a late request from the Daughters of Utah Pioneers that the City adopt a proclamation commemorating Constitution Day tomorrow. He stated the Council cannot official vote on the proclamation since it was not advertised on the agenda, but he stated he is supportive of the action. He asked Ms. Spendlove to read the proclamation for the record, which she did. Mayor Taylor then stated there will be a ceremony tomorrow morning for Constitution Day and City streets will be lined with the American flag.

3. DISCUSSION ON AN ORDINANCE REGARDING A DAYTIME CURFEW

A memo from Police Chief Warren explained the document submitted with this staff report contains a draft proposal for a Daytime Curfew Ordinance involving minors who are subject to compulsory education. Said ordinance, if adopted, would make it illegal during school hours for a minor to loiter, idle, wander, or be upon public streets, parks, any dwelling not their residence, or any unsupervised place between the hours of 8:30 a.m. and 2:00 p.m. on any day when school is in session. This ordinance also makes it a violation for any parent to knowingly permit, or by insufficient control allow the minor to be in violation of the Daytime Curfew Ordinance. Defenses to prosecution under this ordinance have also been incorporated into the ordinance, and an officer investigating a daytime curfew violation is obligated to determine whether or not the student meets the criteria for an exception.

The purpose of the ordinance has three aims: 1) Keep students in school where they belong, 2) Protect minors from becoming victims of crime, and 3) Protect the public from juvenile offenders. All students up to age 17 are subject to the ordinance. Parents and guardians who violate the ordinance will be warned first, and only cited after repeat offenses.

Utah's current truancy statute, 53A-11-105, allows a peace officer or school administrator to take a minor into temporary custody for truancy. Once in custody, the minor is either returned to the school or released to a parent. The local receiving center in Ogden City is a last resort and will accept a truant minor if they are open, and if space is available. The proposed Daytime Curfew ordinance targets truant minors, and allows Juvenile Court to try and redirect behavior through counseling or a monetary fine. The proposed Daytime Ordinance has received support from North Ogden City Civil Attorney Jon Call, Prosecuting Attorney Brandon Miles, and Juvenile Court Prosecuting Attorney David Gladwell. Principals from local schools also share their support.

Chief Warren summarized his memo. He indicated the concept of a daytime curfew is not new in the Weber County area and nine of the 15 agencies in the County have a daytime curfew ordinance in place; the proposed ordinance has been crafted after those ordinances. He provided some statistics of trancies in the City this year as well as the number of daytime curfew violations in Ogden City and the subsequent crimes committed by the violators. He added he has spoken with the principals of six area schools and they are supportive of the current proposed ordinance. He concluded he would strongly recommend that the City Council adopt the ordinance because it will help to reduce crime and will allow his officers to do a better job in keeping all residents safe.

Council Member Swanson stated there will be instances where students will not be in school during daytime hours, such as doctors' appointments, illness, or if they are home-schooled and he asked how the City's officers will distinguish between those students and actual violators of the ordinance. Chief Warren stated the officer will question the student to determine if he or she is truant or if they fit into one of the exceptions listed in the ordinance.

Velden Wardle, Weber High School Principal, stated he has worked in schools located in cities that have daytime curfew ordinances and one of the things the school administration can do is provide a pass for a student that is appropriately excused from school so that if they are stopped by a Police Officer they can produce that pass. He stated that may not work for home-schooling.

Council Member Satterthwaite stated there were discussions in the last City Council meeting regarding possibly creating a youth court to hear violations of the daytime curfew ordinance, among other things. He asked if the creation of the court is a real possibility. Chief Warren stated he and the principals of local schools are actively working on the creation of a youth court and he briefly reviewed the types of violations that can be referred to a youth court. Mayor Taylor indicated the State of Utah has passed legislation that allows for the creation of a youth court and City staff as well as the local principals will assure the court is created in accordance with that legislation. Mr. Wardle stated a previous youth court was disbanded five years ago, but he is very supportive of the idea of re-creating the court; it will give students that may have an interest in community service or the law an opportunity to become engaged in those things. He added it will also be beneficial to the offenders of the daytime curfew ordinance and other laws because they will be given the opportunity to appear before their peers rather than being referred to juvenile court. He stated there is a teacher at Weber High School that is interested in serving as the advisor for the court.

Council Member Urry stated that Chief Warren mentioned there are five truanancies per week at Weber High School and that does not sound like a high number to him. Chief Warren clarified those are the truanancies that are caught; there are likely many more truant students that are not caught. Council Member Urry inquired as to the number of students the Police Department catches that are from other schools. Chief Warren stated it varies, but the City does catch students from other schools. Council Member Urry stated it seems to him that there are many problems that come to the City that actually belong to the parents of the children in the community. He stated when people decide to have children, those children are their responsibility and it is not the City's responsibility to make sure children are trained. He stated the daytime curfew ordinance is essentially the City committing to police children for the parents. He stated he does not know how to get parents to change, but he does like the fact that parents could potentially be fined if their children are truant.

Prosecutor Miles stated the majority of cities have a daytime curfew ordinance and the only cities that do not have such an ordinance are those that are more rural in nature. He stated the ordinance is not designed to take power away from parents, but it gives law enforcement the tools it needs to address problems associated with truancy. He added the purpose of these types of laws is to encourage a responsible and educated citizenry; children will be taught that participation in school is important so they can take ownership of that when they come of age. He then summarized the application process that must be carried out in order to receive approval for the creation of a youth court. He noted youth court is much less punitive than juvenile court would be. He concluded that the exceptions in the ordinance are valid and if an officer suspects that a student falls into any one of the exception categories they are not to take any action.

Council Member Swanson stated the State of Utah already has a law in place regarding truancy and he wondered why it is necessary to adopt an additional law regarding the same issue. Mr. Miles stated the Utah State Code defines truancy in such a way that it is a class B misdemeanor, but the only remedy is for the violator to be sent to juvenile court. He stated the City's proposed ordinance would fill a gap and allow for violators to go to youth court; it also allows for the early intervention by way of citing the parent of a truant student much earlier than is allowed by State Law.

Jay Anderson, North Ogden Junior High Principal, summarized the process the local schools follow to address truanancies with parents of students and indicated that he is supportive of the proposed ordinance because it offers more tools to address truanancies and encourage students to attend school. He stated the youth court would be very helpful as well.

Council Member Stoker stated she likes the idea of the youth court system, but indicated she understands concerns about students that may be home-schooled and she asked Chief Warren how he would put to rest of the fears of parents of home-school students. Chief Warren stated that for residents of North Ogden he could work to find out the location of residents where students are home-schooled so his officers are aware that those students may be outside during the daytime hours. He stated he likes the idea of a pass issued by schools for those that attend public schools.

Council Member Swanson inquired as to constitutional violations that could be associated with the proposed ordinance and if cities that have adopted a daytime curfew ordinance have been challenged on that basis. Mr. Miles indicated challenges are usually related to selective enforcement of a law based on protected classifications, such as race, religion, and gender. He stated he does not foresee a problem as long as the ordinance is applied fairly. He added the constitutional rights of minors are not fully developed and they do not have the same freedom of locomotion as adults do. He stated as long as a statute is implemented for the health, safety, and welfare of the general public it is constitutional. He reiterated any challenge would likely be based upon selective enforcement. He concluded law enforcement and the community need to find a way to work together and law enforcement must engage in interactions with citizens to determine if a violation of any given law may exist.

Council Member Urry asked how youth courts would be kept from turning into a bullying scenario. Mr. Miles stated a youth court is designed in a manner to allow positive peer pressure to be used to address illegal actions; the child and parent both must consent to participate in youth court after acknowledging they understand how the youth court operates. He noted there are benefits to appearing in youth court because any judgment is non-judicial and a record will not be created. He relayed his personal experience with assisting youth courts in the past and stated he always found it to be a very positive experience. Council Member Urry inquired as to the involvement of school counselors relative to truant students. Mr. Wardle stated that counselors at his school are very involved and work closely with parents to address trancies. He stated one thing he likes about the daytime curfew ordinance is that there is an immediate consequence associated with violating the ordinance, rather than a delayed consequence. Council Member Urry stated that he likes the idea of requiring the parent to be involved in the youth court program and he would prefer that they be forced to attend some sort of class or meeting regarding the student's trancies rather than assessing a monetary fine. Chief Warren stated he agrees that parental involvement is valuable and that is why he is supportive of the youth court proposal.

Council Member Swanson inquired as to the efficacy of a daytime curfew ordinance used in other cities throughout the county. Mr. Miles stated that early intervention strategies, such as a daytime curfew ordinance and youth court sessions, have proven to be very effective at getting children to self-correct and make more positive choice. He reiterated the daytime curfew ordinance gives law enforcement the tools to intervene early-on to get a parent's attention and get them involved. Council Member Swanson addressed the school principals and asked if they have seen lives changed by daytime curfew ordinances. Mr. Anderson stated at another school he saw a situation where some students were cited for violation of the daytime curfew ordinance and the parents became very involved. He stated that at the high school students can actually lose credit after being truant so many times, but the same rule is not in force at the junior high level. He stated Police Officers have been good about bringing kids back to school and some have even ultimately been suspended. Mr. Wardle added that at the schools he has worked at where there has been a daytime curfew ordinance in place the students have been more motivated to stay at school because they know there is a chance they can get caught if they are truant. Mr. Miles relayed a situation he is aware of that occurred in Ogden City where a student was caught truant and he was believed to be returning to school to shoot a classmate.

Council Member Urry stated he would prefer to treat the cause rather than the symptom and try to address why a student does not want to be in school. Mr. Miles stated the proposed ordinance coupled with the creation of a youth court is a way to provide youth with access to positive resources that they may not otherwise experience.

There was then a general discussion regarding the penalties associated with a violation of the proposed ordinance, with a focus on the difference between a class B and class C misdemeanor. Council Member Swanson then stated he would like to know more about what the City can do to help sponsor the creation of a youth court. Mr. Miles stated he will move forward with the process to get approval for the creation of a youth court and he will work closely with the schools in the area to ensure that students are committed to the program.

Council Member Stoker stated that she is very supportive of the program because it may be the catalyst for the student to experience positive interaction with classmates or their parents.

The Council engaged in a discussion regarding whether it would be appropriate to make a motion to support the creation of a youth court.

Council Member Satterthwaite made a motion to indicate that the City Council is fully supportive of the establishment of a youth court. Council Member Urry seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

Mayor Taylor then led a discussion regarding proceeding with considering a daytime curfew ordinance. The Council provided their feedback regarding recommended changes to the ordinance and Mayor Taylor stated he will work with Chief Warren to amend the ordinance to address the concerns that have been expressed this evening. There was a focus on clearly specifying that home-schooled students are exempt from the ordinance as well as encouraging parental involvement for violators of the ordinance.

Kyle Hansen, North Ogden Junior High Assistant Principal, stated he feels the proposed ordinance would be a good deterrent for truant students. He then addressed the comments made regarding encouraging parental involvement and asked the Council to keep in mind that the number of non-traditional families continues to increase and many students he deals with on trancies are 'broken' families and divorced parents are not seeing eye-to-eye. He agreed parental involvement is very valuable, but is not always possible. Council Member Urry clarified that he does not want to take rights and responsibilities away from parents; he recognizes there are some instances where parents are not available to children, but the parent

should be the first line of defense over the Police Department. Mr. Hansen agreed and stated the school has the same goal.

Mayor Taylor reiterated he and Chief Warren will continue to work to develop an ordinance that will ultimately be brought back to the Council for final consideration.

8. PUBLIC COMMENTS

Kent Swenson, 3219 Holiday Drive, stated that he thinks the youth court idea is a great one, but he wondered why it was disbanded five years ago.

Soren Teles, 156 E. 2050 N., thanked the Council for their remarks and the questions they asked regarding the proposed daytime curfew ordinance. He thanked the principals of area schools for attending as well because it shows that this is an issue that is very important to them as well. He stated the State of Utah already has a law in Section 53A-11-101.7 and it provides the definition of truancy and gives the ability to enforce the law to the school district. He stated the difference between the law and the proposed ordinance is that the law only applies to the public education system. He stated the proposed ordinance would apply to any young looking person that is out during the day on public streets and they may be doing nothing wrong besides looking young in the wrong place and time. He reiterated he feels Utah law gives the City and the schools an opportunity to deal with the problem. He then added it is very easy to put a new law in place, but very hard to get rid of it and it can also be hard to apply every law fairly and non-selectively. He stated that his concerns are more clearly spelled out in the handout that he provided to the Council at the beginning of the meeting, after which he concluded that he understands the truancy problem and that the goal of the ordinance is to address that problem, but the ordinance is too broad and will open the door for abuse.

9. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Swanson thanked everyone that has assisted the City in gathering information to make the best decision possible.

Council Member Satterthwaite echoed Council Member Swanson's comments. He then stated he would like to ask staff to address Mr. Swenson's comments and research why the previous youth court was disbanded; that may help give the City insight to see what should be done to ensure the new youth court is successful. He stated he is sympathetic to the concerns regarding adding more laws, but noted he has a lot of confidence in the Police Department and he does not feel the ordinance will be abused.

Council Member Stoker also thanked everyone for their input and stated it is great to see there are so many people in the community that truly care about the youth. She then stated she is hopeful that the new codification contract will help the City to avoid situations in the future where staff and the Council do not know the history of an issue.

Mayor Taylor provided the Council with an update regarding the Public Works Facility project and provided them with a color board that will be used to select the colors of the exterior

finishes. He then explained the sewer district is considering a rate increase this year and next year to help them deal with recent mandates from the Environmental Protection Agency (EPA). He then reported the Weber Area Council of Governments (WACOG) awarded grant funding for right-of-way purchase for the Skyline Boulevard and Washington Boulevard extension projects; the total amount the City stands to receive is \$2.2 million. He added new cameras were added to the Police Department this week; the cameras will be worn by Police Officers and will ensure accountability and improved record keeping. Chief Warren explained how the cameras work and how the video will be downloaded and kept on a server. Mayor Taylor then provided the Council with an update regarding the process to hire a new City Manager, stating he is hoping to have the position posted as open next week.

Mayor Taylor then asked the Council to convene in a closed session to for the purpose of discussing pending or reasonably imminent litigation.

Council Member Satterthwaite moved to convene in a closed session for the purpose of discussing pending or reasonably imminent litigation. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The closed session began at 8:50 p.m.

The regular meeting reconvened at 10:02 p.m.

10. ADJOURNMENT

Council Member Stoker motioned to adjourn; Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 10:03 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved