

NORTH OGDEN CITY COUNCIL MINUTES

November 12, 2013

The North Ogden City Council convened in an open meeting on November 12, 2013 at 6:30 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 November 7, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

PRESENT:	Richard Harris	Mayor
	Kent Bailey	Council Member
	Justin Fawson	Council Member
	Cheryl Stoker	Council Member
	Brent Taylor	Council Member
EXCUSED:	Wade Bigler	Council Member
STAFF PRESENT:	Ronald F. Chandler	City Manager
	S. Annette Spendlove	City Recorder/ H.R. Director
	Jon Call	City Attorney
	Kevin Warren	Chief of Police
	Bryan Steele	Finance Director
VISITORS:	Jim Urry	Bob Buswell
	Lynda Pipkin	Kurt Kitchens
	Trevor Kitchens	Zach Durbano
	Elaine Brown	Heather Moyes Coleman
	Lynn Satterthwaite	Brent Chugg
	Nick McIntosh	Kevin Burns
	Chuck Liechty	Sydney Liechty
	Kaylee Liechty	Gary Cook
	Julie Cook	Dallin Cook
	Braden Cook	Corey Child
	Candice Child	Kurt Child
	Nigel Masters	Roger Barker
	Blake Welling	Don Brown
	Joan Brown	Suzan Hancock
	Scott McKay	Tiffany Turner
	Elaine Jensen	Rachel Trotter

Mayor Harris welcomed those in attendance.

City Recorder Spendlove offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

- 1. Consideration to approve the minutes of the September 24, 2013 City Council Meeting**
- 2. Consideration to approve the minutes of the October 8, 2013 City Council Meeting**
- 3. Consideration to approve the minutes of the October 22, 2013 City Council Meeting**
- 4. Consideration to approve business licenses**

Council Member Fawson moved to approve the consent agenda. Council Member Stoker seconded the motion.

Council Member Bailey stated he found one error in the October 22 meeting minutes; a Council Member's name was left out of the minutes on line 322. He stated he believed the Council Member being referenced was Council Member Bigler.

Council Member Bailey made an amended motion to approve the consent agenda with one correction to line 322 of the October 22 meeting minutes. Council Member Fawson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

AGENDA

1. PUBLIC COMMENTS

Mayor Harris congratulated and welcomed to the meeting those that were recently elected to office on November 5, 2013.

Marty Collins, no address given, stated that three young men attended a Council meeting in August requesting that the North Ogden Skate Park be renamed "Kit Collin's Park" following Kit's death in a skateboarding accident. He stated he is Kit's father. He added he has been asked to come to the meeting tonight to reiterate and support that request. He noted a memorial billboard for Kit was recently erected near the Lutheran Church on Washington Boulevard and since then hundreds of people have looked up his Facebook page. He noted Kit was well loved beyond what he knew as his father and he was a great friend to many. He then read a letter for the meeting record. (Attachment A)

Mayor Harris thanked Mr. Collins for his comments and noted that they will follow up on this request. He added that the letter will be made part of the record of this meeting. He stated the skate park was originally built after the City received a request from a young man in a Council meeting in the early 2000's. He stated the young people in the community have a great affect for positive things in the City. He asked the Council to think about the request and noted it will be discussed further in the future.

Council Member Fawson stated when this issue was originally raised three months ago all Council Members were in favor of considering it further via a formal agenda item. He stated he would be happy to spearhead any efforts with Pepsi to make changes to the signage at the park to make this request come to fruition. Mr. Collins thanked the Council for their attention to his request.

2. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT APPOINTING A CITY PROSECUTOR

A staff memo from City Manager Ron Chandler introduced a proposed contract for a prosecuting attorney for the City. Mayor Harris, Council Members Bailey and Taylor, Chief Warren, Annette Spendlove and Mr. Chandler interviewed six candidates for the prosecuting attorney position and recommend that the Council approve a contract with Mr. Brandon Miles.

Council Member Taylor stated he was very impressed with Mr. Miles in his interview; there were some great candidates that were interviewed, but Mr. Miles truly stood out.

Council Member Fawson stated he appreciated the Council and Mayor opening the position and conducting interviews; he appreciated the process that was followed.

**Council Member moved to approve agreement A2013-10 appointing a City Prosecutor.
Council Member Fawson seconded the motion.**

Voting on the motion:

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

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN EAGLE SCOUT PROJECT TO BUILD A COMMUNITY ARCHERY RANGE IN THE NORTHEAST CORNER OF THE EQUESTRIAN PARK PARKING LOT.

The following email was received from resident Braden Cook: (Attachment B)

Mr. Cook summarized his request and provided some information regarding archery as a sport.

Mayor Harris asked Police Chief Warren to provide the Council with some issues they should be aware of relative to this request.

Chief Warren stated he feels this is a worthwhile project and he is always supportive of wholesome activities and events. He added he is aware that Ogden City and Weber County are working to develop a range on the old landfill site in west Ogden; it will consist of a gun range, a competition range, and an archery range. He stated the area being recommended by Mr. Cook for use as an archery range should be fairly safe because users would be shooting into a mountainside, but some concerns he has include

liability on the part of the City; problems supervising use of the range; access to the proposed area; and maintenance and clean-up of the range. He also briefly reviewed the City's existing ordinance regarding firearms use in the City and noted it allows for target shooting in the City as long as the barrier will properly protect other persons and their property and if the barrier is approved by the Police Chief.

City Manager Chandler added the area being discussed was recently cleared and is being used for parking at the equestrian park; this action would impact the ability of the users of the equestrian park to use that area.

Mayor Harris stated he thinks further consideration will need to be given to this request and he has wondered if there is another location that would be suitable for an archery range. He stated he thinks Lomond View Park may be a satisfactory location, but reiterated further research and consideration is needed.

Council Member Taylor thanked Mr. Cook for his request and stated he is very impressed by the work he has put into it. He stated he has some questions about the proposal: namely, will the targets be fixed and permanent at the park. Mr. Cook stated his idea would be to use bag targets that can be attached to metal frames that would be permanent. Council Member Taylor asked if there will be a line marking where people will stand to shoot at the targets. Mr. Cook stated he would like to see a bow rack, bench, table, and quivers permanently at the range.

Gary Cook, 1093 E. 2750 N., stated he is Braden's father and stated he and his son have not considered all details of the project because it wasn't known if the project would be approved. He stated the information that has been presented so far is preliminary and there is still work to be done, but he is a wildlife recreation program coordinator for the State of Utah; he builds shooting ranges and owns and operates a couple of division shooting ranges. He stated he has access to several different types of plans for the infrastructure that he would need at the park and all of it would be very low maintenance. He stated he did not want to provide his son with all of that information because he wants him to investigate the available options on his own to determine the best option. He stated he simply wants preliminary approval to move forward with designing a range that could be placed at one of the parks in the City.

Council Member Taylor stated his main concern is what liability the City would assume if the range were placed at a City park.

Mayor Harris stated one great aspect of the project is the planning process; if the Council is amenable to having an archery range in the City as long as certain conditions can be met, Braden is seeking action that would allow him to start the planning process rather than looking for another project. He stated there are many things to consider and one option would be to provide the facility for rentals only so that the people using it would be responsible to maintain and clean it after using it. Mr. Gary Cook stated there are not many of these facilities in Utah, but across the country there are more and more community archery parks and information about how cities are administering those parks would be available to his son as he moves forward.

Mayor Harris asked all Council Members if they are comfortable authorizing Mr. Braden Cook to proceed with investigating the viability of an archery range at a City park. All Council Members answered yes. Mayor Harris asked Mr. Braden Cook to proceed with the understanding that the park may not work out after all research and discussions are completed.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE NORTH OGDEN CITY PURCHASING POLICY

A staff memo from Finance Director Steele explained that the proposed amendments to the purchasing policy were provided to the City Council during the October 22, 2013 meeting and based on the feedback the Council provided regarding the new Purchasing Policy, staff has made additions to Section 4 of the proposed policy by adding a level where written bids are required to be obtained through a bidder's list. The limits are \$12,000-\$24,999 for obtaining these types of bids.

Mr. Steele reviewed his staff memo.

Council Member Bailey stated he appreciated the change being made to the proposal, but noted that the Council's concern at the last meeting was the ability of the staff to get word out to potential bidders about available projects or materials to be purchased by the City. He asked if there is language in the proposal that requires publication of those types of bidding opportunities in a local newspaper. He stated there was discussion about posting bidding opportunities on the City website. Mr. Steele stated it will be possible to do that on the City's new website. Council Member Bailey noted his concern is relative to limiting competition in the bidding process; he wants to ensure that the best bids are secured in order to protect the citizens and the scarce resources of the City and he would like to formalize that intention in the purchasing policy. Mr. Steele stated that bidder's lists typically include several potential bidders. Mr. Chandler stated there are multiple ways to create a bidders list and he provided a brief explanation of some practices used to create a bidders list. Council Member Bailey asked which City staff member will ensure that the City is spreading bidding opportunities as broadly as possible; his only concern is that bidders are not limited. Mr. Chandler stated that responsibility would ultimately fall to individual Department Heads and Mr. Steele.

Council Member Fawson stated he would like to add language to the policy to ensure that staff works to solicit additional bidders or, at the very least, publish a bid notice on the City's website to serve as an informal bidding process.

Council Member Taylor agreed with Council Members Bailey and Fawson and noted he feels the Council simply wants to be able to ensure that bidding process cannot be questioned and are above board. He added he would like to track the number of bidders that submit a bid for various projects or purchases as those statistics may be helpful to the City staff in the future. Mayor Harris stated there is a process in the City that dictates that all bids be recorded and read aloud publicly during a bid opening meeting. He stated in his experience in dealing with City contracts he has never encountered a situation where he would be concerned about the lack of bids received. Council Member Taylor stated that there have been several cities in Davis and Weber Counties recently that have experienced controversy regarding bids and how contracts were awarded and the Council's intent is to make sure the City's process cannot be questioned. He stated he does not think anyone is currently doing something wrong, but he wants to be sure that bids are always competitive.

Council Member Fawson stated he understands the City's process is very public, but he is not aware of any data that has been recorded that can be used in the future to determine the number of bids received for any project or purchase. Mayor Harris stated that information is available.

Council Member Bailey stated the Council is essentially recommending creating a new class of purchasing and he asked if the bid opening procedures for the higher purchasing range will be used for expenses in the new range. He stated there are not written procedures associated with the new bid range and he would like to include verbiage that expresses those procedures. Mayor Harris stated that his understanding is that the procedures will be as stringent, but the procedures may be ultimately based on

how the bid invitation is advertised. Council Member Bailey stated he simply wants to ensure that the City is receiving competitive bids and is being as stringent as possible in the evaluation of bids received.

General discussion about bidding practices and procedures ensued between the Council and Mayor, with Mr. Chandler noting that the City's current policy dictates that the formal bidding procedures will be used for any expense over \$12,000. He noted staff was recommending increasing that threshold to \$25,000, but if the Council is not comfortable with that, the policy can be left unchanged. Discussion regarding Mr. Chandler's comment ensued with Mayor Harris recommending that the item again be tabled in order for Mr. Steele to address the Council's concerns by adding verbiage to dictate that a formal bidding process will be used for projects or purchases anticipated to exceed \$12,000.

5. DISCUSSION CONCERNING REGIONAL PLANNING BETWEEN NORTH OGDEN CITY AND HARRISVILLE CITY

A staff memo from City Manager Chandler explained the City was recently approached by Better Cities to lead a regional planning effort in the south-west part of the City. This was predicated by the development plans for the Barrett property on Washington Boulevard. The City held a preliminary meeting with Harrisville representatives and property owners to determine their level of interest in this combined planning effort and the parties expressed interest. The next meeting will be held November 21. The planning review will include road patterns, utilities, and land use. This can be included with the general plan review or be considered separately. It will require some work by the City Engineer to review road patterns and utilities and Better Cities to review the commercial element of the land use plan.

Mr. Chandler reviewed his staff memo and noted the entire Governing Body is invited to attend the meeting scheduled for November 21 at 5:00 p.m. at City Hall. He provided a brief overview of the items that could potentially be discussed at the meeting.

6. DISCUSSION AND/OR ACTION TO APPROVE A RESOLUTION AMENDING THE PERSONNEL POLICY TO CONSIDER THE DEFINITION OF FULL-TIME EMPLOYMENT AS DESCRIBED IN POLICY 1.5 "TYPES OF EMPLOYMENT"

A memo from City Manager Chandler explained the Affordable Care Act requires employers with 50 or more full-time employees to provide health insurance or face financial penalties. It defines "full-time employees" as ongoing employees who work at least 30 hours per week. In the case of seasonal employees, a seasonal employee may work more than 30 hours per week and be ineligible for health insurance benefits if the average hours worked per week during the employment period is less than 30 hours. This situation applies to our aquatic center employees who work more than 30 hours per week from time-to-time but work less than 30 hours week when averaged over their employment period.

The attached resolution modifies the City's personnel policies so we comply with the Affordable Care Act. The staff report shows the provisions in the City's Personnel Policy Manual with the language that is stricken (strike out) and added (red). The resolution is a clean copy.

Mr. Chandler reviewed his staff report and the proposed amendments to the Personnel Policy Manual.

Council Member Fawson inquired as to how employee termination is defined. Mr. Chandler stated an employee is terminated in the City's payroll system and they are given their final paycheck; that will take place at the end of the year, or if a seasonal employee – such as a lifeguard – wants to work an additional summer, they are not terminated from the City's system. Council Member Fawson asked what would

happen in the event of involuntary termination. Mr. Chandler stated if it became necessary to terminate an employee that had been working more than 29 hours per week and termination took place before an entire year had elapsed, the City could face some difficulties. He stated there are still a few unanswered questions for the staff to deal with.

Council Member Bailey stated it appears that the City is creating an artificial window in which to work. He noted that these kinds of issues are generally worked out once a law is actually implemented; the federal government will likely address this issue within a year or two. Mr. Chandler stated he hopes that is the case.

Mayor Harris stated this policy manual recommendation is being recommended at this point because the City must have a policy in place by January 1, 2014.

Council Member Bailey asked when seasonal employees are hired. City Recorder Spendlove noted staff begins the hiring process in March or April of each year. Council Member Bailey suggested starting the process earlier and hiring employees at the beginning of the calendar year, even if they will not begin actually working until the spring or summer months. A discussion regarding Council Member Bailey's recommendation ensued and all Council Members agreed with the recommendation.

Council Member Fawson moved to adopt Resolution 12-2013 amending the Personnel Policy to consider the definition of Full-Time Employment as described in Policy 1.5 "Types of Employment". Council Member Taylor seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. CANVASS ELECTION RETURNS

City Recorder Spendlove stated she was provided the final canvass report at 4:00 p.m. this afternoon and she reviewed the election results as follows:

North Ogden City Mayor:

Number of Precincts 13
Precincts Reporting 13 100.0 %
Total Votes 4200

TAYLOR, BRENT, 2385 votes, or 56.79% of the total votes.
BIGLER, WADE C., 1800 votes, or 42.86% of the total votes.
Write-in Votes, 15 votes, or 0.36% of the total votes.

North Ogden City Council:

Number of Precincts 13
Precincts Reporting 13 100.0 %
Total Votes 8013

SWANSON, PHILLIP, 1685 votes, or 21.03% of the total votes.
SATTERTHWAITE, LYNN, 2250 votes, or 28.08% of the total votes.
RUSSELL, BRIAN G., 2009 votes, or 25.07% of the total votes.
URRY, JAMES D., 2047 votes, or 25.55% of the total votes.
Write-in Votes, 22 votes, or 0.27% of the total votes.

Ms. Spendlove then stated 2,208 people voted at the polling locations on Election Day; 1,681 people voted early; 314 people submitted an absentee ballot. She stated the total voter turnout was 4,203 ballots. She added 72 provisional ballots were counted; nine were not counted because the voters were not registered to vote; and one was not counted because the person voting did not live in North Ogden. She stated she wanted the Council to know that she reviewed all summary reports submitted by Weber County and ran all the numbers three times and all totals matched up each time. She concluded that she feels the voter participation and turnout was great and she commended the citizens for getting involved in the election.

8. DISCUSSION AND/OR ACTION TO CERTIFY THE ELECTION RESULTS OF THE 2013 MUNICIPAL ELECTION

Council Member Bailey moved to certify the Election results of the 2013 Municipal Election. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Ms Spendlove stated the election results will be posted on the City's website and will be submitted to the State of Utah Lieutenant Governor's Office.

9. PUBLIC COMMENTS

Elaine Brown, 901 E. 2600 N., stated as children everyone learns there is a winner and loser in every race and they embrace the winner, but they also love the loser. She stated she is present this evening to publicly comment that she cannot embrace the bias reporting regarding the election or the bias articles printed by the Standard-Examiner. She stated the character assassination of a good person, plus the questioning of the integrity of four good people, she cannot condone. She stated she feels sad that unethical Washington, D.C. politics have come to the good City of North Ogden.

Curt Child, 2695 N. 850 E., stated he is present to support Braden Cook's request for an archery range in the City. He stated that is a member of East Canyon Resort and they built an archery range last summer and he provided an example of the types of archery bag targets that Mr. Cook described. He stated the practice range at East Canyon is in a very small area. A brief discussion regarding the dimensions of the practice range took place.

Jim Urry, 1615 N. Mountain Road, stated he is supportive of the idea of an archery range, but when he was a child he was involved in an archery accident that resulted from shooting arrows at a target in his backyard; the accident killed his brother's dog and he was required to purchase a new one for him. He stated when considering the posse grounds for the location of an archery range there are many factors that need to be considered as there is a real possibility that there may be stray arrows from the range that could cause more damage than has been initially thought of. He stated he seconds the idea to locate the range in the correct place.

10. CITY COUNCIL, MAYOR AND STAFF COMMENTS

Council Member Stoker stated she also thinks the archery range is a good idea because any time there is an idea that would provide the youth of the City a place to congregate and participate in an activity that idea should be given merit. She added the same is true for the skate park; there were initially concerns and doubt about the park, but it has turned out to be a good park. She stated that, for the most part, the kids have done a good job of keeping it clean; one day she saw the park when it was not very clean and she asked a young man there to help her pick up the garbage, but it is usually very clean. She stated many kids have different interests and the archery range would give them another option. She added she appreciates the young people of the community for being willing to get involved and present their ideas to the City. She also thanked the staff for all their hard work for the City and for the information they provide. She then congratulated those that were elected after last Tuesday's election.

Council Member Taylor stated he also wanted to thank the staff, especially those that worked late on Election Night; he added there were also several election judges that volunteered to serve, though they were compensated a small amount of money. He stated he is looking forward to working with the current and newly elected Council Members. He stated it was a long election season and a very divisive one and very few people saw all three candidates they were supporting elected, but it all ended on November 5. He stated there is a lot that could be said from all sides, but it is time now to move on and come together as a City and the government to move the City forward.

Council Member Fawson also congratulated those that were elected last Tuesday and he appreciates all those that are willing to seek election to the City Council. He also echoed Ms. Spendlove's comments about the turnout; he was shocked and pleased by the turnout and he thanked everyone that got involved. He then stated that he spent yesterday honoring the veterans in the community and he issued a challenge to the Cherry Days organizers to bring the veterans together to be honored during an event in the upcoming 2014 Cherry Days celebration.

Council Member Bailey complimented the candidates for removing their election signs so quickly after the election. He also offered kudos to the residents for the high voter turnout; it is great that 42 percent cared enough to get out and vote.

Mayor Harris stated that earlier in the meeting he tried to remember the name of the young man that spearheaded the idea of the skate park; his name was Jake Bybee. He stated Mr. Bybee came to a City Council meeting with the idea and he ultimately came up with the design and took a trip to Canada to meet with the manufacturer of the skate park facilities. He stated one young man's idea turned into a great idea

in the City and that is an example of what can happen when someone puts their mind to something and goes about it in the right way. Council Member Bailey stated that he thinks the archery range would be a great addition to the City and he encouraged Braden Cook to continue pushing forward with his idea. A brief discussion about Mr. Cook's idea and the timeline for the project ensued. Mayor Harris then congratulated those that were elected in last Tuesday's election. He stated it is a blessing that those living in this country have the freedom to vote.

11. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 7:50 p.m.

Richard Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved