

NORTH OGDEN CITY COUNCIL MINUTES

August 27, 2013

The North Ogden City Council convened in an open meeting on August 27, 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 August 22, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

PRESENT:	Richard G. Harris	Mayor
	Kent Bailey	Council Member
	Wade Bigler	Council Member
	Justin Fawson	Council Member
	Cheryl Stoker	Council Member
	Brent Taylor	Council Member
STAFF PRESENT:	Ronald F. Chandler	City Manager
	S. Annette Spendlove	City Recorder/ H.R. Director
	Craig Barker	Community Development Coordinator
	John Call	City Attorney
	Gary Kerr	Building Official
	Clark Crowther	Lieutenant
	Tiffany Staheli	Community Services Director
VISITORS:	Charles Crippen	Arlene Borgman
	Gary Borgman	Nathan Hall
	Jim Urry	Michael Dufrene
	Blake Welling	Joan Brown
	Jim Suhr	Lynn Millard
	Melodie Toll	Conner Toll
	Tiffany Turner	Naomi Foulger
	Sharon Weeks	Steve Sorensen
	Bob Buswell	Phillip Swanson
	Brian Russell	Terry Spicker
	Rachel Trotter	

Mayor Harris welcomed those in attendance.

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

CONSENT AGENDA

1. Consideration to approve the minutes of the June 11, 2013 City Council Meeting
2. Consideration to approve business licenses

Council Member Bailey moved to approve the Consent Agenda, Council Member Taylor seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Michael Dufrene, 587 E. 3700 N., stated he sent an email to the Council to explain why he would be here tonight. He added he also talked to the City Recorder after reading the minutes of the May 28, 2013 meeting and he read an excerpt from the minutes as follows:

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

Mr. Dufrene stated that is not a correct statement and he would like the minutes from the meeting tonight to reflect that. He asked Council Member Bigler if he has a copy of the letter in question and if he can see it. Council Member Bigler stated it is in the Council packet. Mr. Dufrene asked to see it and asked Council Member Bigler to read from it. He stated Council Member Bigler knew Mr. Dufrene would be here tonight and why he was coming and he would have thought Council Member Bigler would have prepared for that. Council Member Bigler stated public comment is not a time to debate, but he would be happy to email the letter to Mr. Dufrene. Mr. Dufrene said no and reiterated he emailed Council Member Bigler and told him why he would be here and public comments are meant for things such as what he is doing right now and Council Member Bigler is using up his three minutes. Mayor Harris stated the Council only hears comments and will take action in due time, but public comment is normally not a question and answer period. Mr. Dufrene stated he will come to the next City Council meeting to discuss the issue face to face and he will apologize if he is wrong, but if he is not he wants an apology. He asked Council Member Bigler if he read his email. Mayor Harris stated the issue will be addressed and the minutes will be checked. Mr. Dufrene stated that until such time that Council Member Bigler can provide a copy of the letter wherein he claims Mr. Dufrene contradicted himself, one of them is not telling the truth and he would like for that to be included in the minutes. Mayor Harris stated the gests of Mr. Dufrene’s comments are noted; he is disputing the minutes and would like them corrected. He stated the City will look into that.

Gary Boordman, no address given, referenced concerns about the City’s animal keeping ordinance, which currently allows each household to have two dogs, but he heard rumors that there is discussion about allowing three dogs per residence and he thinks that would be excessive because most people that do have

dogs do their best to take care of them, but he still finds feces in his yard and he thinks three dogs is too much for this area considering how close the houses are located to one another. Mayor Harris stated that issue will be addressed under item 12 on tonight's agenda and there is no intention of allowing three dogs per household; rather the Council will be considering a special exception for active police service dogs. Mr. Boardman stated he does not know how that issue has been misunderstood because he thought the action the Council was considering was to allow three dogs per household and he thought that was excessive. Mayor Harris reiterated that is not the proposed action and Mr. Boardman is welcome to stay and listen to the discussion.

2. **DISCUSSION AND/OR ACTION TO APPROVE A PRELIMINARY DEVELOPMENT PLAN FOR SMITH'S MARKET PLACE; AND**
3. **DISCUSSION AND/OR ACTION TO APPROVE A PETITION TO REZONE PROPERTY LOCATED AT 2550 NORTH 500 EAST**

A memo from Community Development Director Barker explained the property to be rezoned is a relatively small piece on the northeast part of the site which is just south and east of the existing store. The proposal is for a 123,000 square foot store which is approximately two times the area of the present store. The rezoned area will be zoned Commercial CP-2 (Planned Commercial) from Residential R-2. This zoning will make the entire site approximately 11 acres in area. These 11 acres will be east of the existing credit union, fuel center, and auto supply stores which front on Washington Boulevard. There will be three accesses to this site with a possible fourth, depending what develops south of the new store on the vacant property there. The site will have approximately 20% of the total site landscaped. The existing North Ogden Canal will be piped through this property and an easement for a public trail provided on top of the piped area. An eight foot high screened area is required when a commercial zone abuts a residential zone. This occurs on the east and south of the proposed site. The property to the south has the potential to be developed as a commercial site as well so the need for the fence at present exists but might not in the future. Most of the City's commercial areas have chosen to use a white vinyl fence, but other materials or landscaping may be used as long as the growth creates a 95% screen opacity value. The memo summarized the proposed building features as follows:

- This building will be constructed of colored and textured CMUs (concrete masonry block)
- It will have a decorative front with building enhancements as the ordinance requires
- The building height is 38 feet at its highest point, 3 feet higher than the ordinance allows
- There will be a drive up pharmacy window on the north side
- Parking Lot
- There will be over 500 parking spaces more than the ordinance requires
- The parking lot landscaping meets the 8% interior landscaping required
- Parking lot lighting fixtures to provide for light cone from recessed lighting
- Walkways
- Shall be a minimum five feet wide
- A minimum of 20% of a walkway shall be decorative concrete (colored, stamped or exposed aggregate), pavers, or brick
- Landscaping
- 20 % of the site shall be landscaped
- Up to 30% may be "hardscape" pedestrian plazas, walkways and other pedestrian oriented hardscape.
- Side and rear yard areas adjacent to lesser zoned areas (residential) shall have a 10 foot yard with trees planted every 50 feet and turf except or shrubbery.

It is recommended by staff that the rezoning be approved as well as the Preliminary Development Plan with the stipulation that it meets the ordinance requirements upon submittal of the Final Development

Plan to the Planning Commission. The ordinance provides for the Planning Commission to approve the Final Development Plan.

Mr. Barker reviewed his staff memo and reviewed a map to identify the location of the subject property as well as the layout of the proposed development. He noted this item and the next agenda item go hand in hand and an explanation of both proposed actions is included in his staff memo.

Councilmember Fawson asked if the proposed trail system will be located immediately behind the wall that will be constructed on the property. Mr. Barker stated the layout of the trail will be included on the final development plan for the project, but he believes it will be located on the commercial side of the property. He then reviewed the section of his memo regarding the wall that the developer will be required to construct on the property line to provide a buffer between the development and the nearby residential property. City Manager Chandler added that the Council packet includes approximately 13 pages of drawing that serve as the preliminary development plan for the project. Mr. Barker reviewed the drawings and highlighted items of note relative to the design of the proposed building and surrounding landscape and walkways. He concluded his report by noting the engineer for the development, Mr. Bret Wahlen, is present this evening to answer any questions the Council may have.

Council Member Taylor asked why this action is being brought before the Council. Mr. Barker stated a request to rezone a parcel of property to CP2 requires both Planning Commission and City Council approval of a preliminary development plan; the Council will not be required to approve the final development plan, though he will provide them with a copy. He noted this is the opportunity for the Council to discuss any major issues or concerns they have regarding the preliminary development plan.

Council Member Bailey asked about the proposed walkway; the proposal is to construct an eight foot wall on the property line and locate the walkway adjacent to it. He stated that walkway will not be very attractive as a result and he asked if there is something that can be done to make it more attractive. Mr. Wahlen, Great Basin Engineering, stated one of the plans for developing the back area as the canal is covered is to remove the existing retaining wall and re-grade the area. The developer plans to construct some very aesthetically pleasing transitions to clean the area up and he feels it will meet the desires expressed by Council Member Bailey. Mr. Barker added there is an eight foot elevation change from the top of the canal to the rear of the existing Smith's store.

Council Member Bigler asked if Smith's is paying for the work to pipe the canal. Mr. Barker answered yes, but noted the City is sharing in some of those costs as agreed to in an agreement adopted by the Council last week. Council Member Bailey stated he believed the City is paying to reroute the canal. Council Member Bigler stated he understands that will be paid for by the City, but wondered if the other work associated with the canal is going to be paid for by Smith's. Mr. Barker answered yes – as far as he knows. Mayor Harris stated the City has entered into an agreement with Smiths whereby the City will provide infrastructure work associated with the development and how that work is carried out depends on a lot of factors, but it is appropriate for the City to participate in the project in that manner especially since much of the infrastructure will be regional in nature and serve other adjoining properties. Council Member Bigler stated he simply wanted to ensure the City is not participating in other improvements scheduled to take place at the development, such as those being discussed by Mr. Barker this evening.

Council Member Taylor stated Mr. Barker mentioned planters between the new gas station and the parking lot and the fact that they will count towards the percentage of landscaping that the developer is required to provide and he asked how much of the landscaping will be traditional versus planters. Mr. Barker reviewed the plan for the project and identified the areas in which grass will be planted as well as the areas where there will be planters and trees. He added that a commercial development abutting a residential development is required to plant one tree every 50 feet. Council Member Bigler stated one of

the drawings that make up the preliminary development plan includes a closer view of the proposed landscaping at the site and it appears there will be many trees and he is very pleased with that.

Council Member Taylor asked what the planters will look like and how tall the plants located inside of them will grow. Mr. Barker stated he would suspect there will be a tree, such as a plum tree, that will grow to be 15 to 20 feet tall and underneath the tree there will be different ground cover plants.

Council Member Bailey stated his questions are relative to the amount of traffic that will be coming into the development and he asked if any traffic studies have been conducted to analyze that issue. Mr. Barker stated the Planning Commission was also concerned about that issue and they asked the developers to look at the ingress and egress points to determine if there is a need for additional traffic lanes in either direction. Council Member Bailey stated he simply wants to make sure the traffic issue will be looked at carefully by the developer and the Planning Commission.

Mr. Barker then reviewed the portion of his memo regarding the proposed rezone of the property and noted the Planning Commission has recommended the City Council approve the proposed rezone.

Council Member Bailey asked how this development will impact the parking area of the existing Senior Center, which immediately abuts the property. Mr. Barker stated there will be a buffer between that property and the subject property.

Mayor Harris stated he would like the Council to consider a motion regarding the rezone prior to making a motion regarding the preliminary development plan. Council Member Bailey stated he believed City ordinance requires that the preliminary development plan be approved prior to the property rezone. Mr. Barker stated that is not necessarily required; the only requirement is for the preliminary development plan to be approved by the City Council and the Planning Commission.

Council Member Fawson moved to approve a petition to rezone property located at 2550 North 500 East. Council Member Bigler seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Council Member Fawson moved to approve a Preliminary Development Plan for Smith's Marketplace. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Council Member Bigler stated during last week's Council meeting Mr. Chandler made mention that he and the Mayor would be meeting with the Taxing Entity Committee (TEC) regarding this project and he asked for an update regarding that meeting. Mr. Chandler stated he and Mayor Harris met with Weber County and they are very supportive of the expansion of the redevelopment area and there is an upcoming meeting scheduled with the Weber School District to talk about the same issue.

4. CONSIDERATION OF A BEE ORDINANCE

Nathan Hall, 2870 N. 1025 E., stated he has proposed an ordinance regarding bee keeping in the City and he is willing to answer any questions about that proposal. He stated he feels it is time for North Ogden City to follow what other cities in the area have done; even other large metropolitan cities, such as San Francisco, have adopted a bee ordinance.

Mayor Harris stated there were some questions regarding the proposed ordinance and he asked City Attorney Call if he had researched State statutes regarding bee keeping. Mr. Call stated he has conducted some research and noted State statutes currently govern bee keeping as a business and there would be no restrictions against the City controlling or mandating bee keeping in any way. Mayor Harris stated the City does not currently have an ordinance regarding bee keeping, so technically bees are not allowed. Mr. Hall stated he disagrees and stated within North Ogden City Code there is a section regarding agricultural use of land and since beekeeping is governed by the Agriculture Department of Utah he would submit that bee keeping is an agriculture activity. He stated that unless the use emits excessive lights or noise past certain hours, it is legal in North Ogden City. He added that he made this proposal for clarification purposes only. Mayor Harris stated that his question is whether the City actually needs an ordinance regarding bee keeping.

Council Member Bigler stated whether an ordinance is needed is based on how the situation is looked at and he looks at in a similar manner as Mr. Hall in that people should not be prohibited from doing something if the government has not said they can do it. He stated that is backwards from what the constitution says; if there is no ordinance permitting something, that should not mean a citizen cannot do what they want to do. He stated everyone has freedoms and the government is in place to protect those freedoms. He noted that without an ordinance in place it seems to him that bee keeping is ok; if there were a problem that caused the City to feel an ordinance is needed, that would be a different issue. Mayor Harris stated he does not disagree with that statement and he asked Mr. Hall why an ordinance is needed given that bees are already allowed in the City. Mr. Hall stated an ordinance would be a fine idea for the purpose of controlling populations, just as has been done with chickens or other animals; there may be an overambitious beekeeper that may have too many hives on a property. He stated he has submitted what Ogden City recently adopted and it is a hybrid of many different cities' ordinances.

Mr. Chandler stated that if the City Council does want to allow beekeeping in the City, they should go through the process of developing an ordinance because it deals with land use laws and under land use laws, if something is not listed as a permitted or conditional use in the City then it is not permitted. He stated an example is that the City Code does not say anything about commercial development in a residential zone, but it would not be allowed to construct a commercial building in a residential neighborhood because it would not be a permitted use. Staff has talked with the State of Utah about their governing action regarding beekeeping and whether it overrides the City's land use laws and it does not. He stated beekeeping is regulated by the State and anyone keeping bees must be licensed with the State; staff was informed the City can implement more restrictive requirements than the State currently has and

he feels that if the Council wants to pursue the issue he would recommend adopting a simple ordinance that does not duplicate what the State currently has in place.

Mr. Barker stated he talked with the County Agricultural Agent regarding this issue and he had some suggestions regarding regulations that should be put in place, especially for beekeeping on smaller residential properties. Mr. Hall stated he does not believe the size of the parcel of property matters because a bee will fly up to five miles to find whatever food or water source they need and that can never be fully provided on a small parcel of land. He added the reason he got into beekeeping several years ago was that his garden was failing and he noticed a lack of bees; if there is a hive near a garden there is an average increase in yield of 400 percent and once he got hives his garden and fruit trees were much more prolific. He stated the advantages of bees far outweigh any disadvantage associated with them; less than one percent of the population is allergic to bees.

Council Member Bailey asked Mr. Hall if he has multiple bee hives in North Ogden. Mr. Hall answered yes and stated he also owns a bee supply store in Ogden; it is something he is very passionate about. Council Member Bailey asked Mr. Hall if he anticipates encountering some issues in the City if an ordinance is not adopted. Mr. Hall answered no and stated he has had many neighbors thank him for his hives, but one neighbor has called the City several times to complain about the hives and the City has not informed this resident that Mr. Hall is within his rights to keep bees on his property. Council Member Bigler stated Mr. Hall has been told he cannot keep bees on his property and that is why he is making this proposal. Mr. Hall stated that is correct, even though his understanding of his rights to keep bees are very different than the City's.

Council Member Taylor thanked Mr. Hall for bringing the issue to the Council's attention and stated he feels the best course of action is the one that Mr. Chandler recommended; it is the course that has been followed when considering regulations regarding keeping of any type of animal in the City. He stated he would suggest the issue be sent to the Planning Commission right away for discussion and action and he suggested they include Mr. Hall in that process. Mayor Harris stated no formal motion regarding this issue is needed and if the entire Council is comfortable with that recommendation staff is so directed.

Council Member Bigler reiterated Mr. Hall provided this recommendation. Mr. Hall stated that is correct and noted that he provided an exact copy of the document being considered in Ogden and he noted he was involved in developing the ordinance for them as well.

5. DISCUSSION AND/OR ACTION TO CONSIDER THE NEW PUBLIC WORKS DIRECTOR

Mayor Harris reported this item is not ready for discussion or action this evening and more information will be provide at a future date.

- 6. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO AN ORDINANCE CREATING AN ADMINISTRATIVE HEARING OFFICER; AND**
7. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT APPOINTING AN ADMINISTRATIVE HEARING OFFICER

A staff memo from City Manager Chandler explained he recently met with Judge Lambert to discuss the administrative law duties. At issue were the length of time it may take to hear variances due to the Judges

busy docket and some potential conflicts that were brought up by the Board of Justice Court Judges. Staff has been studying the use of an administrative hearing officer in place of an administrative law judge. An administrative hearing officer is someone who is appointed by the City to hear cases such as variances. They operate the same as the administrative law judge but don't have to be judges. The attached document proposes that the addition of "administrative hearing officer" to City ordinances so the City will have now and in the future the option to use an administrative law judge or an administrative hearing officer.

Mr. Chandler reviewed his staff memo and provided a brief summary of the history of this item. He noted item six and seven on tonight agenda go hand in hand and he introduced the two people City Administration is recommending appointing to the position of Administrative Hearing Officer. He noted an agreement has been drafted to outline the responsibilities of the Administrative Hearing Officers and the relationship between the appointees and the City.

Council Member Fawson asked if there is a net-zero impact associated with this action or if there is a financial benefit to using an Administrative Hearing Officer rather than the judge. Mr. Chandler explained there will be an extra cost for the Officer, but it is not a huge expense because the Officer will not be holding regular hearings throughout the year. He noted that when someone applies for a variance or some other type of hearing relative to a land use issue, it may take three or four months before they are able to appear before Judge Lambert; therefore, the biggest advantage to appointing an Administrative Hearing Officer is relative to speeding up that time frame.

Council Member Bigler stated this issue was first considered a year ago and there was quite a discussion among the Council regarding it and the focus of that discussion was whether this idea would cost the residents more money and the answer was no because Judge Lambert is already being paid. He stated a board was dissolved in favor of using Judge Lambert, but now it is becoming apparent the idea was not the best because it is taking months before someone can appear before Judge Lambert. He reiterated the process was just changed one year ago and he wondered if it would be possible to go back to a board that would hear land use appeals. Mayor Harris stated Chris Allred is present this evening and he has had a lot of experience with Boards of Adjustments and hearing officer scenarios and he would like him to address Council Member Bigler's question. He first noted that there are costs associated with the Board of Adjustment as well; it is necessary to convene an open meeting and incur staff costs and in his mind the costs are not much different for using an Administrative Hearing Officer.

Mr. Allred stated the Council does have the authority to reassemble a Board of Adjustment if that is what they choose to do and he noted Weber County still uses a Board of Adjustment for land use appeals. He stated the County has spent a lot of time training the members of that Board and they are currently doing an exceptional job; however, the County has considered the option of using an Administrative Hearing Officer, as have several other jurisdictions because they have found it to be a more efficient way of operating. He noted that there is often the sense that if someone from outside the City or independent of City government is serving as the Hearing Officer, they may offer a more objective view of any given issue. He added that there is no requirement to use a non-resident and the City could even opt to use a City employee as a Hearing Officer. He noted not advantage of using a Hearing Officer is that there will be just one person acting on issues and that person will have a land use law background. He added land use appeals do not occur very frequently and the expense associated with an appeal will not be too large. Council Member Bigler inquired as to the actual expense. Mr. Allred stated the charge would be \$100 per hour.

Council Member Taylor asked Mr. Chandler to provide the Council with a rough idea of how many land use issues in the last year have been heard by the judge as well as the average number of appeals an Hearing Officer would hear on an annual basis. Mr. Chandler stated in the last year the judge has heard

three land use issues; he also reviewed the case load for the past four years and the number of land use appeals averaged three or four per year. Council Member Taylor asked if appeals are heard one at a time. Mr. Chandler stated appeals are heard as they are filed, but for some reason they seem to come in spurts of two or three.

Council Member Fawson inquired as to the average time that would be spent on each appeal hearing. City Attorney Call noted Community Development Director Barker serves as a Hearing Officer for four or five other cities and he typically bills for two or three hours per appeal, though variance appeals could take a little longer. He noted the hearing officer would spend an average of one to two hours outside of the actual appeal hearing.

Council Member Bailey stated one year ago one of the biggest issues regarding the Board of Adjustment was related to training and by the time one's term of office had expired they had heard so few cases. He noted once they were actually trained to handle the appeals, their term of office ended. He added his understanding is that there are some very strict requirements regarding variances for land use issues and he feels it would be better to have a Hearing Officer hear those kinds of cases rather than a Board of Adjustment. Mr. Call confirmed there are very strict requirements for a variance to be granted.

Council Member Stoker stated that she attended several training sessions in order to serve as a member of the Board of Adjustment and if someone's training is not maintained it would be possible to make mistakes.

Council Member Taylor stated he feels there are good reasons for each of the three different options, but using someone that is an expert in land use laws will be offering a good service to the residents because that person will help to ensure the City is following the laws and that a resident is issued a correct ruling based on laws. He stated in the past the City has received bad legal advice regarding certain issues and that advice has impacted the City over time. He stated he supports using a Hearing Officer, but his only question is if this position should be advertised to solicit applications to ensure the process has been public and open. Mayor Harris stated this discussion makes the process public and open and the City has gone through the process with respect to a number of attorneys and he does not think the City will find anyone better than the two potential appointees.

Mr. Call added that one conflict can be that the people that usually train the members of the Board of Adjustment are City employees that will appear before the Board to argue on behalf of the City and he has seen that create problems in other jurisdictions because the appellant will 'cry foul'. Mayor Harris stated that in his experience he has served almost 24 years as either an appointed or elected official for the City and he has seen quite a few Board of Adjustment decisions and he feels a Board made up of citizens tend to treat their appointment more like that of a Planning Commission appointment and they really have a tough time sticking to the criteria in place that must be met in order for a variance to be granted. He stated he feels an Administrative Hearing Officer would be a better option because that person will understand the law and will have no connection to the residents that may be appearing before them.

Council Member Bigler stated the land use experts will also need to take time to study North Ogden because it has different land use laws than other cities and there will be expenses associated with that process. Council Member Fawson asked if there would be billable hours associated with that process. Mr. Allred noted each case will be different; land use principles will apply across the board and there will be some uniform laws relative to variances, but certainly there will be appeals that will involve City ordinances and he would need to spend some time reviewing the ordinances that would be applicable to a give appeal and that would be billable. He stated that would still be within the range that Mr. Call identified, which is three to four hours per appeal. He stated there may be an event where an issue could be more complicated and he will spend more time on those issues, but that will not be the norm. He

stated he will not take the City's code book home and spend hours reading it and then bill the City for that time.

Council Member Bailey moved to approve Ordinance 2013-10, establishing the position of Administrative Hearing Officer within the North Ogden City Code. Council Member Taylor seconded the motion.

Council Member Bigler stated Mr. Chandler has communicated that the drawback of sending land use appeals to the judge is that it could take him as long as three months to schedule the actual hearing, but he assumes the appointed Hearing Officers will make this part of their regular work load and he asked how long it would take for them to schedule a hearing. Mr. Allred stated that land use appeals sent to the court would be added to the regular court docket, which is backed up a certain amount of time, but he would plan to hold appeal hearings in the evening hours and those hearings could be scheduled a couple of weeks to one month after an appeal is filed.

Council Member Bigler asked if there are any other Council Members willing to reinstate the Board of Adjustment. He stated there were no major problems with the Board in the past and the City trusts residents with a lot of things in the City; there are committees making multi-million dollar decisions. Mayor Harris stated there is a motion on the table and if that motion fails the Council can discuss alternative options.

Council Member Stoker stated that the Board of Adjustment can work, but training is necessary and when she was trained in the past it took several hours, which may not be enough time for certain land use permits. She added that when she was on the Board they did not deviate from the criteria that must be met in order to grant a variance because the Board could be held accountable for breaking those rules in a court of law. She stated she is not opposed to a Board of Adjustment, but she knows reinstating the Board would require a lot of time to provide appropriate training.

Council Member Bigler stated Council Member Stoker answered his question regarding whether there were major problems with the Board; it seems like either the Board would be doing their job and if that is not the case the appellant could seek recourse or action through further appeals. Mayor Harris stated he does not disagree with Council Member Stoker nor is he questioning her service or the service of the entire Board at the time she was a member, but he has seen a number of situations where variances have been granted that should not have been.

Voting on the motion:

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

The motion passed on a four to one vote.

Council Member Bailey moved to approve Agreement A2013-10, appointing Chris Allred and David Wilson as Administrative Hearing Officers.

Council Member Bailey's motion died for lack of a second. Mayor Harris stated the Administration will 'go back to the drawing board' regarding the appointment.

Council Member Taylor stated he would simply like to see the City post the position, unless there is a reason not to post the position. He stated he would hope Mr. Allred and Mr. Jones would apply and if they are the best possible candidate they would still be selected.

Council Member Fawson agreed with Council Member Taylor and he noted other committee positions have been advertised in the past and he would like to do the same thing in this case. He stated his opinion is no reflection on the gentlemen that have been selected for the appointment, but posting the position is a matter of course. Mayor Harris stated that course has been met in his mind. Council Member Bigler asked if the position has been posted in the past. Mayor Harris stated this particular position was not advertised, but the position that was posted was very similar to this one and it was recent enough and the City interviewed enough attorney's that he felt comfortable recommending Mr. Allred.

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

A staff memo from Mr. Chandler included a proposed agreement between North Ogden and Chris Allred for his services as the City's prosecuting attorney. Chris is currently employed with the Weber County Attorney's office and has been a prosecuting attorney for South Weber and Washington Terrace. He has agreed to serve in this position for the same fee that was paid Mr. Daines; over the past five years, the City paid an average of \$8,025.00 per year for these services.

Mr. Chandler summarized his memo and noted that Mr. Daines passed away a few weeks ago and it became necessary to contract with someone to fill the vacancy created by Mr. Daines. Mr. Allred came highly recommended and the terms of an agreement similar to the agreement between the City and Mr. Daines has been negotiated with Mr. Allred.

Council Member Fawson asked if this position was posted. Mr. Chandler answered no, but noted the position of City Attorney was posted one year ago and the applicants for that position were considered for this position. Council Member Fawson stated there was a recommendation during the previous discussion regarding using someone from outside the City as the Administrative Hearing Officer and if that person were Mr. Allred would there be the chance for any opinions regarding a biased ruling. Mayor Harris stated he did not think that would occur because the two positions are very different and follow very different processes. Mr. Chandler agreed and stated as the Hearing Officer Mr. Allred would hear land use issues and those issues are not referred to the Justice Court, so the two positions would have no crossover. Council Member Fawson stated he understands the issues are different, but he wondered if hiring Mr. Allred as the prosecutor would create a different perception for those appearing before him as the Hearing Officer as well. He stated the issue could be discussed more at the point when the Council is ready to hire an Administrative Hearing Officer. Council Member Bigler stated "in other words, one position – not both".

Council Member Taylor stated he feels the same about this position as he did about the last position; he would like to see it posted and for the City to follow a hiring process. He stated he understands the positions are part time and it may not be necessary to follow the same process as would be used for a full time position, but he would like to see them publicized. He stated he has full confidence in Mayor Harris' and Mr. Chandler's integrity, but he thinks it is always wise, a public organization, to take the additional step to make sure there is no possibility of anyone questioning the process. He stated he truly hopes Mr. Allred will apply because he sounds like a fantastic candidate. Mayor Harris asked if that is the desire of the entire Council. All Council Members answered yes. Mayor Harris stated the Administration will advertise the position and he thanked Mr. Allred for his time and for attending the meeting tonight.

9. DISCUSSION AND/OR ACTION TO CONSIDER A VACATING ORDINANCE AMENDING THE ROYLANCE FARMS PRUD

A staff memo from Community Development Director Barker explained Roylance Farms Phase II is a subdivision that is located west of the Big O Tires shop at the corner of Washington Blvd. and 1875 North. This subdivision consists of 70 lots and some common space. The owners association which still uses the original name for the development, Belle Isle, has worked with the Planning Commission and City Council to change the ownership and common area plan from the original recording to its present configuration. The association is processing a Fourth Amendment to finalize the plan as they envision it to be. In order to record this Fourth Amendment, the document on record, Phase II Third Amendment needs to have a portion of it vacated. There are three described land parcels consisting of 13 lots in one area, the south west part of the subdivision, two lots which will modify the common property line between them and a third parcel on the east which will join a lot with common area to enlarge the lot. It is recommended by staff and the Planning Commission that the City Council approve the ordinance to vacate these areas so that the new subdivision plan can be recorded.

Mr. Barker reviewed his staff memo and provided a brief history of the subdivision. He also reviewed a plat map to identify the subject property and the areas of the subdivision that will be vacated.

Council Member Bailey asked if the areas highlighted in blue on the plat map are the only areas being affected by the proposed ordinance. Mr. Barker answered yes and noted all other areas have been dealt with.

Council Member Taylor stated he lives in this neighborhood and everyone is very eager to see this action happen; it is much needed and will result in much better upkeep of the property that was previously considered common space. Mr. Barker stated that is his understanding as well and the HOA has been given authority to act on this issue.

Council Member Fawson referenced an easement that used to connect to the park. Mr. Barker stated he refers to that property as an easement, but it is really a common area that is a 10-foot wide strip that the HOA owns and maintains and the abutting property owners would prefer to absorb that property into their lots. Council Member Fawson stated that makes sense to him, but his question relates to access to the park in the area and he noted this action will cut off access to the park from the west. He stated if the residents do not have an objection to that, that is fine and he confirmed there is still access to the common area from the east. Mr. Barker answered yes. Council Member Fawson stated he wanted to ensure this action will not completely cut off public access to the park. The Council reviewed the plat map and had a general discussion about the various common areas in the subdivision, with Mr. Barker noting that the adjoining undeveloped property is part of the Mystery Meadows Subdivision that was recently approved and there will be future development of that land next year. Council Member Fawson asked if the park is maintained and owned by the HOA. Mr. Barker answered yes. Review of the plat continued to determine the current access points for the park land, with Mr. Barker noting that the main access for the park that most residents use is actually a private driveway. Council Member Taylor noted that several to the people that live on the west side of the park have already built their fences along the property line of the property that is being vacated tonight, so there was not true access to the park from the west. Mr. Barker stated this action will solve some problems associated with a that.

Council Member Bailey moved to approve vacating Ordinance 2013-11 amending the Roylance Farms PRUD. Council Member Fawson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER FUTURE RAMP GRANT APPLICATIONS

A staff memo from Community Services Director Tiffany Staheli provided ideas for Recreation Arts Museum and Parks (RAMP) Grant applications. The Council was asked to review the ideas in order to narrow the projects on the list down to those that meet the Council's priorities. Prices for the projects will be provided once the list is narrowed, but prior to writing the grant applications. The list includes priorities from the North Ogden Parks, Trails, and Open Land Marks Committee (NOPTOL) in regards to property/easement purchasing and trail construction. A map was also included and each grant idea was numbered to correlate with the list of projects included in the Council packet.

Ms. Staheli reviewed her staff memo and noted RAMP funding comes from a RAMP tax that is paid by Weber County residents. She stated the list of grants was divided into three priorities: major grants, which are project with a cost of \$200,000 or more; regular grants, which are \$2,001 to \$199,000; and easy grants, which are grants with a cost of \$2,000 or less. She reviewed the projects listed on the list provided in the Council packet and noted that in order to apply for Arts and Museum grants, the City would need to establish a Cultural Council that would work with the City on application for those grants. She stated in the past the City has received a grant in that category without establishing the Cultural Council, but she has been informed that the entity that approves the grant applications is becoming stricter and will enforce the rules.

Council Member Taylor asked how the Cultural Council would differ from the Parks and Trails Committee, which is a 501(c)3 entity. Ms. Staheli stated the Cultural Council must be set apart to strictly handle issues related to arts and museums.

Council Member Bailey asked if the City Council could designate itself as the Cultural Council for the sake of brevity. Ms. Staheli stated she believes that is allowed. She then continued reviewing her staff memo and reviewed the projects that are considered the top five priorities from the standpoint of the staff and the Parks and Trails Committee. She provided a brief explanation of each project as follows:

1. Oaklawn, Green Acres, and Lomond View Restroom Renovation: All three of these parks are in need of a restroom that can handle the increasing use from our sporting activities. The current restrooms are very old and outdated and have a limited number of stalls. The new restrooms would be similar to the restroom at North Ogden Park and have multiple stalls and some storage areas. Currently we need to bring in portable restrooms to Oaklawn Park because the restroom is not reliable and not always in working order. This project could be split into three separate projects (one for each park) or done all together for a bigger grant.

Oaklawn Park is in dire need of a new restroom and would be the highest on the priority list of these three restrooms. We would like to see this taken care of next year.

Council Member Fawson asked if the City would retain ownership of the concession stand at Oaklawn Park. Ms. Staheli answered yes. Council Member Bigler stated that a family handles concessions at that park. Ms. Staheli stated that is true, but noted it is a similar situation as what occurs at the Aquatic Center, whereby the family sells concessions, but the City shares in the proceeds. She then continued to review the top five projects.

2. (#1 on the NOPTOL Map) Acquire a trail easement from Fred Brown for a trail connection between Barker Park and Oaklawn Park.
3. (#2 on the NOPTOL Map) Cover the open canal west of Lee's Marketplace along Pleasant View Drive and make the connection to Pleasant View's portion of the trail.
4. Permanent Electronic Sign at Bi-Centennial park: Install a permanent electronic sign at Bi-Centennial Park on Washington Boulevard. This would help us get out information about City events and recreational programs.
5. North Ogden Grandstand Renovation: Improve the safety and appearance of the current grandstand structure.

Council Member Bigler asked if the grants are matching grants. Ms. Staheli stated the grants are matching grants, but the top five priority projects would not require the creation of a Cultural Council this year. She added the City's match could come in the way of money or labor.

Council Member Taylor asked if the NOPTOL can apply for grants, to which Ms. Staheli answered yes. Council Member Taylor asked if there is any exemption for the NOPTOL by which they would not be required to match the grant. Ms. Staheli stated she is not aware of any exemption.

Council Member Bailey asked if the City could provide matching funds for a grant awarded to the NOPTOL, to which Ms. Staheli answered yes. Mayor Harris reiterated in-kind donations can serve as a grant match.

Ms. Staheli stated she would like to know if the top five projects are in line with the priorities of the Council.

Council Member Bailey asked Ms. Staheli if there are plans to apply for any grants in the arts and museum category. Ms. Staheli answered no and stated that is because the City currently does not have a Cultural Council. Council Member Bailey inquired as to the time frame to submit grant applications. Ms. Staheli stated the application deadline for the larger grants is January 2014 and for the easy grants the deadline is next April. She noted that once the Council authorizes Administration to proceed, she will work with the City Engineer to design the projects in order to determine an approximate cost, which will then be provided to the Council.

Council Member Taylor stated he thinks the staff and the NOPTOL has done great work in assembling the list of projects and he feels RAMP grants are a good thing and that the City should apply for RAMP funding since it is derived from a tax paid by North Ogden citizens. He stated North Ogden is the third largest city in the County and, by logic, North Ogden should get the third largest share of RAMP funding. He added he is very supportive of spending the seed money to go after funding for the larger projects.

Mayor Harris stated the Council recently adopted its newest fiscal year budget and it included a list of capital projects. He stated the projects that have been presented by Ms. Staheli tonight are not on that list.

Ms. Staheli stated that is correct. Mayor Harris stated once the Council's priorities have been established it will also be necessary to add them to the capital projects list.

Council Member Fawson stated he supports project number one because he feels it is very necessary. He then referred to project two and asked if Mr. Brown has an interest in selling an easement. Ms. Staheli stated she does not know the answer to that question, but noted the easement is on the Parks and Trails Master Plan, but she is not sure if the NOPTOL has spoken with Mr. Brown. Council Member Fawson stated that he thinks project three is great as well. He added that his only concern with project number four is whether a sign could block other commercial signage in the area. He then stated that he feels project number five is necessary simply from a liability perspective. He stated there are others on the list that he would like to see happen and he would like to create a Cultural Council that could work on analyzing and prioritizing those projects.

Council Member Bailey asked Ms. Staheli how she will decide how much grant funding to apply for. Ms. Staheli stated that decision will ultimately be made by the Council and it will be based upon how much the City can afford in matching funds. Council Member Bailey stated he agrees with Council Member Fawson's comments about the projects and he feels staff has done a great job prioritizing them. He added he does not want to second guess anything that has been done by staff, other than he feels it is necessary to create a Cultural Council and he asked that an item be added to a future Council agenda to start that process.

Council Member Bigler referenced project number one and asked if the entire building at Oaklawn Park that houses the bathrooms will be rebuilt. Ms. Staheli answered yes. Council Member Bigler stated that means the project is not just related to the bathrooms. He then inquired as to the cost of the recently constructed bathrooms at North Ogden Park. Ms. Staheli stated the project cost was approximately \$60,000. Mayor Harris stated he actually thought the cost was \$75,000. Council Member Bigler stated he agrees that the project to rebuilt the Oaklawn bathrooms is the most important. Ms. Staheli stated there may be some additional cost associated with that project because it will be necessary to redesign the way the water runs at the park; currently it runs to the storm drain at the park and during a heavy rain storm the water runs into the playground and washes out the bark chips.

Council Member Fawson stated that Dave Noordquist has told the City it is its turn to do a big project and he agreed with Council Member Taylor that it is time for North Ogden to apply for larger funding amounts to finish some of the larger projects needed in the City.

Council Member Taylor stated that he agrees with the way staff has prioritized the top five projects and he added that he will send his comments to Ms. Staheli regarding the 20 other projects that are included in her staff memo. He noted he would support the creation of a Cultural Council as well.

Council Member Fawson moved to authorize additional work relative to potential future RAMP Grant Applications. Council Member Bailey seconded the motion.

Council Member Bigler clarified this vote will only allow staff to design the projects to determine how much they will cost. Ms. Staheli stated that is correct and she will provide that information to the Council once it is available.

Voting on the motion:

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

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING CHAPTER 4.1.2(1-5) OF THE NORTH OGDEN CITY POLICIES AND PROCEDURES MANUAL

A memo from City Manager Chandler explained the proposed resolution reflects the changes that were discussed by the Council during their August 13, 2013 meeting relative to the personnel policy regarding severance pay in the event of layoffs.

Mr. Chandler reviewed his staff memo and explained the proposed resolution would change paragraph 2.1 to read as follows:

Employees terminated from employment with the City in a reduction in force will be given severance pay as follows: Employee's final paycheck for hours worked but not yet paid, his/her accrued vacation, compensatory time, and two weeks of regular pay. Employees with five years of service with North Ogden shall receive two additional days of regular pay for each one year of service up to two additional weeks, for a maximum of four weeks of severance pay.

Council Member Fawson moved to approve Resolution 7-2013 amending Chapter 4.1.2(1-5) of the North Ogden City Policies and Procedures Manual. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Council Member Fawson stated he appreciates the work that Mr. Chandler did to reach out to other cities to see what types of severance pay policies they have in place.

12. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN CITY TITLE 6, CHAPTER 1 TO EXEMPT A POLICE SERVICE DOG

A memo from City Manager Chandler explained the proposed ordinance amends Title Six of the North Ogden City Code to exempt active police service dogs from the limitation of two pets per household address. A active service dog will still require licensing.

Mr. Chandler reviewed his staff memo and explained this is a follow-up item from the Council meeting two weeks ago. He then reviewed the definition for active police service dog as follows:

A dog trained and actively in service with a licensed police officer to aid the police, including but not limited to tracking criminals, detecting controlled substances, and detecting explosive devices.

Council Member Bailey stated his reading of the ordinance is that a resident would be allowed any number of active police service dogs at their residence and he asked if that is correct. Mr. Chandler answered yes. Council Member Bailey stated he has concerns about that; he would like to limit the number of active police service dogs to one in order to be sensitive to other residents in the City.

Council Member Fawson stated it his understanding that Representative Wilcox plans to present a bill at the State level that would essentially combine police service dogs with other types of service dogs, so they would be exempt. He stated he still feels it is necessary for North Ogden to enact this ordinance while that legislation is pending and he does not believe one Police Officer would have more than one active service dog under their care at one time and he does not have a problem with the way the ordinance has been drafted.

City Attorney Call stated his reading of the ordinance is that section eight would limit the number of dogs in a household, whether they are therapy or police service dogs, to five and that would include pets. Mayor Harris stated therapy dogs and police service dogs would need to be licensed in order for the owner to have more than two dogs at their home. Mr. Call stated that is correct.

Council Member Bailey asked if a person that were training police service dogs would be allowed to have five dogs at their home. Mr. Call stated that if those dogs qualified as a therapy dog and were over six months of age, the owner would be allowed to have up to five.

Council Member Taylor moved to approve Ordinance 2013-13 amending North Ogden City Title Six, Chapter One to exempt a police service dog. Council Member Fawson seconded the motion.

Voting on the motion:

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

The motion passed on a four to one vote.

13. CANVASS ELECTION RETURNS

City Recorder Spendlove explained Utah State Code designates the City Council and Mayor as the Board of Canvassers for municipal elections. She added Weber County conducted the Primary Election for North Ogden and provided the following canvass report.

Number of Precincts 13
Times Counted 829/9983 8.3 %
Swanson, Phillip 310 18.94%
Satterthwaite, Lynn 263 16.99%
Russell, Brian G 387 24.86%
Urry, James D 313 19.34%
Huntsman, Steven D 212 13.33%
Gordon, David L 105 6.60%

Ms. Spendlove explained the top four vote getters have been nominated to advance to the General Election and the other two candidates have been eliminated. She then reviewed the ballot disposition report for the Primary Election and stated it provides the summary of votes cast on Election Day, during early voting, and via absentee ballot. She added there were 17 provisional ballots cast and 16 of those were verified and counted. She explained there were 437 absentee ballots sent and 200 were returned; 13 were undeliverable; and 193 of the 200 that were returned were counted. She stated the return rate for absentee ballots was 45.77 percent. She noted Riverdale City had the second highest voter turnout in the County at 28.4 percent and they conducted their entire election by-mail. She then stated she needs for the Council to accept the canvass reports for the Primary Election.

Council Member Bailey moved to accept the results of the Municipal Primary Election held August 13, 2013. Council Member Stoker seconded the motion.

Council Member Fawson stated there was a discussion a couple of weeks ago about ways to increase the voter turnout in Municipal Elections; Ms. Spendlove has some ideas and he wanted to make the discussion a matter of public record. He stated he would like to see more signage inviting the residents to vote. He stated he is very disappointed in the turnout because he thinks elections are so important. He stated he would suggest placing flags along 2600 North so it is very apparent that voting is being conducted as well as adding signage near the welcome signs into the City to let residents know voting is underway. Ms. Spendlove stated that she has ordered signs to be installed over the City signs on Election Day and they say "vote today". She stated all entrances into the City will have those signs during the General Election.

Council Member Bailey stated Ms. Spendlove mentioned that Riverdale City conducted their election by-mail and he asked if any other city in the County did that. Ms. Spendlove answered no. She added that Uintah had the highest turnout at 37.5 percent, but they are a very small town and smaller towns tend to have higher turnouts, especially for a mayoral race. She stated next spring she will have more information about a study conducted regarding statewide voting by-mail to see if the Council is interested in conducting future elections in that manner. She stated that in a vote by-mail system there will still be Election Day voting options; everyone will be mailed a ballot, but they will have the option of dropping off their ballot on City Hall on Election Day. She added she has been told the costs to conduct a by-mail election are higher than the costs for a traditional election, but she wants to see the actual costs because she does not understand why that would be.

Council Member Fawson inquired as to the participation rates in the library bond election, which was conducted by-mail. Ms. Spendlove stated she does not have that information this evening, but she can provide it at a future date. Mayor Harris stated the information is also on Weber County's website.

Voting on the motion:

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

The motion passed unanimously.

14. CANCEL SEPTEMBER 10, 2013 CITY COUNCIL MEETING

Mayor Harris stated the Utah League of Cities and Towns (ULCT) annual conference will be held in two weeks and several Council Members and members of staff are unavailable to meet on September 10 due to that conference. He asked for a motion to cancel the regularly scheduled meeting of September 10.

Council Member Fawson moved to cancel the September 10, 2013 City Council meeting. Council Member Bailey seconded the motion.

Council Member Taylor suggested potentially scheduling a special meeting in September in order to appoint a new Public Works Director. Mayor Harris stated he will keep that in mind and he will report back to the Council regarding whether that is necessary.

Voting on the motion:

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

The motion passed unanimously.

15. PUBLIC COMMENTS

Jim Urry, 1615 N. Mountain Road, stated he has a couple of questions regarding some of the items discussed tonight; one is relative to appointing a City Prosecutor. He stated he does not know how common that is and he is concerned about it. He added there was a comment that the judge recommended Mr. Allred for the prosecutor. He stated that if he were appearing in court and he was aware that the judge had recommended the prosecutor he would wonder how fair of a trial he would get. He stated he does not know if that is common. He stated there should be an arm's length distance between the judge and prosecutor. He then stated he also wanted to talk about the administrative hearing officer; the rate charged by that officer would be \$100 per hour. He stated there seemed to be a concern about that cost, but he asked what kind of fee is charged to the person filing the appeal. He wondered if the fee could be set to cover the costs associated with the appeal hearing. Mr. Chandler stated there is a fee to request a

variance, but he is not sure what it is. Mr. Urry stated that maybe the fee should be high enough to make someone think about whether they actually want to file an appeal. Mayor Harris stated the Council will consider that. Mr. Barker stated he believes the fee is \$100.

Blake Welling, 1098 E. 3100 N., stated his comments are relative to the administrative hearing officer as well, and unless he is missing something it sounds like the judge is already getting paid to hear the appeal hearings and he asked why it would be necessary for the taxpayers to pay more to speed up the process for only three or four people. He suggested those people pay those costs themselves.

Joan Brown, 2010 N. 775 E., stated she understands that the effort to put forth the plan for the Smith's Marketplace was accepted by the Council. She stated it is something that is needed in the community, but she understands the vote of the Council was four to one and that the one dissenting vote was made by Council Member Taylor. She stated she was extremely surprised that someone would not be excited about the project. She stated she understood that Council Member Taylor felt the people should have more information about the project. She stated there is no one she has spoken to in the last two years that has not heard the rumor that a Smith's Marketplace may come to the City; the public is well informed of the project and she had hoped that the project would receive a unanimous vote. She stated she would like them to support something that will be such an asset to the community in so many ways. She stated it will address so many issues in the City and she wanted to go on record to say that she hopes the Council knows that the public is aware of the project and the number that isn't would be very few.

16. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Stoker stated that she was at the North Shore Aquatic Center recently on a Saturday night for a family party and there were many little kids running around and her family noticed that one of the little children with their group was missing. She stated the lifeguards blew the whistle three times and she has never seen them move so fast to get the child out of the water. She stated they were absolutely wonderful and she is very glad that funding was included in the budget to give the lifeguards a raise because they are very attentive and deserve what they are paid. She asked staff to pass her comments on to the staff of the aquatic center.

Mayor Harris stated the City has advertised the vacancy on the Planning Commission and the position will close next Tuesday and there is only one applicant to date. He stated he will extend the position opening for a couple of weeks so it is possible to include the advertisement in the City newsletter. He asked the Council to inform residents of the opening in order to encourage people to apply. Council Member Bigler asked how long the opening will be extended. Mayor Harris stated it will be two weeks from next Tuesday.

17. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 8:55 p.m.

Richard G. Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved