

## NORTH OGDEN CITY COUNCIL MINUTES

August 13, 2013

The North Ogden City Council convened in an open meeting on August 13, 2013 at 6:30 p.m. in the North Ogden City Police Department Court Room at 515 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 8, 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
	Nicole Smedley	Deputy City Recorder
	Jon Call	City Attorney
	Gary Kerr	Building Official
	Anthony Bersamin	Animal Control Officer
VISITORS:	Reese Barker	Sandy Cook
	Cody Cook	Taj Cook
	Jaxon Cook	Jessica Sully
	Doug Neibaur	Phillip Swanson
	Carl Turner	Terry Spickler
	Don Waite	

Mayor Harris welcomed those in attendance.

Mayor Harris offered the invocation and led the audience in the Pledge of Allegiance.

### **CONSENT AGENDA**

- 1. Consideration to approve the minutes of the May 28, 2013 City Council Meeting**
- 2. Consideration to approve the minutes of the June 25, 2013 City Council Meeting**
- 3. Consideration to approve the minutes of the July 9, 2013 City Council Meeting**
- 4. Consideration to approve the minutes of the July 11, 2013 City Council Meeting**
- 5. Consideration to approve the minutes of the July 23, 2013 City Council Meeting**
- 6. Consideration to approve business licenses**

**Council Member Bailey moved to approve the consent agenda. 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**

## **AGENDA**

### **1. PUBLIC COMMENTS**

Taj Cook, 2787 North 600 East, read a letter for the record as follows:

“Dear Council Members, I am writing to ask to change the name of the North Ogden skate park to the Kit Collins Memorial Skate Park.

Renaming the skate park is important not only to me, but to many others. On August 1, 2013, Kit was in a tragic accident and lost his life doing what he loved. Kit had many friends from the skate park. We believe that changing the name would be a great honor to Kit and to all that knew and loved him.

Kit Collins was an avid skateboarder and BMX bike rider. He spent many days at the park and it was considered his “home away from home”. Kit had many friends that he made at the skate park and he was always trying to help others learn new tricks and would encourage them not to give up. He was always trying to make sure the park was kept clean and no garbage was left behind. Thank you for your time and considering this change.

Sincerely,

Jessica Sully, Cody Cook, Taj Cook, Jaxon Cook”

Mayor Harris thanked Mr. Cook for his comments and stated the Council will take his request under advisement.

Carl Turner, 2673 North 950 east, congratulated Mr. Cook on his great idea. He then stated he is present this evening representing the North Ogden Parks, Trails, and Open Lands Committee. He stated that he sent an email to the City a couple of weeks ago and he wanted to read the email for the record.

“The North Ogden Parks, Trails, and Open Lands Committee have received 3 RAMP Grants for the purpose of purchasing park benches. We applied for 3 Grants this spring and were pleased to receive three grants in the amount of \$1,000 each for Lakeview Park, Barker Park, and Lomond View Park. With these funds we will be able to purchase 2 benches for each of the aforementioned parks. We will be working with Ken Kolb in the placement of these benches to make sure the location of each bench works according to each park master plan and purpose. Ken will in turn be able to help provide the means to have these benches installed as Eagle Projects. This type of project is a service he has provided for our local Scouts many times over.

The projected cost for benches for Lomond View and Barker will be \$918.14 for 2 six feet steel mesh benches with backs for each park, this includes shipping and handling. For Lakeview \$1,422.89 for 2 six foot cedar color recycled contoured plastic park benches. The difference for Lakeview is that the benches are in keeping with the natural look and feel to the park ambiance and match the 2 existing benches.

We have done price comparisons and found School Outfitters to be the most cost effective. However, another business local to Utah will be considered as well and additional benches purchased should the savings on shipping and handling prove sufficient to purchase a third bench. Thank you for your support and we look forward to working with the City to further projects found within your 5 year plan.”

Mr. Turner noted the Committee will meet tomorrow night and they will consider ordering the benches with the next week; the Committee currently has \$3,800 in its account and they are looking for ideas for other grants. He stated there has been discussion about connecting the trail by Lee’s and fill in the canal in that area and someone has approached the Committee that has a degree in grant writing and they are willing to write grants for free. He added the Committee would also like to pave the Cherry Way loop of the trail and consider installing a fence along the canal. He added that if anyone else has ideas for grants they can forward them to Council Member Stoker and she can report them to the Committee.

Mayor Harris stated the City would like to get larger RAMP grants, but those grants require matching funds and he encouraged the Committee to work closely with the City regarding those details. Mr. Turner stated the Committee is a non-profit entity and they have a better opportunity to receive grants. He added that the Committee has also been working with Weber Pathways to get assistance on securing more and better grants. He noted this is the first year the Committee has applied for a grant and he noted that the Committee is willing to assist in providing in-kind services to serve as the matching funds for some of the larger grants. Mayor Harris stated it was his understanding that the City would need to be the entity that applied for the larger grants. Mr. Turner stated that may be correct and that the Committee is willing to help in any way possible.

Doug Neibauer stated he is a resident of North Ogden, but he asked that his address not be made part of the public record due to the nature of his business. He stated his work address is 125 S. State Street in Salt Lake. He stated that he is a new resident; he and his family really like it here, though they have only been here for a couple of months. He stated he recently sent an email to the Council regarding an ordinance in the City that restricts the number of canines per household to two; he understands why a law like that is in place, but he did not see an exemption for working or police service dogs. He stated he is asking that such an exemption be added to the ordinance and he noted that last year the State of Utah passed a law under the Utah Human Services Code, Title 62A-5b-104.2, that states a person who is not a person with a disability has the right to be accompanied by an animal that is in training to become a service animal or a police service canine. He stated that service dogs in training and police service dogs have a right of access into restaurants and hotels. He stated he does currently have three canines at his house; he has a retired service dog and his companion and his current police service dog. He stated all of his dogs are fixed and well trained and he again asked that the Council consider an exemption to the ordinance allowing for police service dogs. He stated that he has already met with Animal Services and the Chief of Police, both of whom advised him to address the issue with the Council. He added he has done some research into Utah laws; he started his career in California and the laws there were fairly cut and dry regarding exemptions for police services dogs. He added that he has spoken to many handlers throughout the State and all of them have told him that there is an unwritten courtesy that active police service dogs are exempt from various regulations. He stated he would like for this item to be on the agenda in two weeks for consideration.

Council Member Bigler stated that he does not feel that Mr. Neibauer's request is extraordinary and it would be appropriate to address the issue at the next Council meeting. Council Member Fawson stated he would prefer that police service dogs are exempt from registration, which would mean it would not matter how many police service dogs someone has in their home. Council Member Bigler stated that would be great, but the City Code needs to be amended to address the fact that currently residents are only allowed to have two dogs in their home.

Council Member Taylor stated he likes Council Member Fawson's suggestion that police service dogs be exempted from registration so that someone can have a police service dog and still have other canines in their home. He added that he has done a lot of work with service dogs as a military police officer and he understands the relationship between the dogs and handlers and most dogs retire and live with their handlers. He reiterated he likes the idea to exempt the dog from registration requirements.

Council Member Bailey stated he understands the other Council Members are saying that police dogs should be dealt with uniquely rather than included in the City Code section regarding other types of dogs. Mayor Harris stated City Manager Chandler has researched the issue and he asked him to provide his input. Mr. Chandler stated the City already has an exemption for therapy dogs and it will not be difficult to make the change to the City Code regarding police service dogs. He stated one question he needs the Council to answer is whether they want to include retired police service dogs as well. He reviewed a few options that could be considered by the Council and the outcome of the discussion was that staff would provide a few ordinance revisions for the Council to consider at their next meeting in order to exempt police service dogs from the current regulations.

Council Member Bailey asked if it is possible that one officer would have multiple active police service dogs. Mr. Neibauer answered yes and stated there is actually one handler working for the Orem Police Department that has two active police service dogs. He then stated that his dogs work in explosive detection, but most departments have different dogs for explosive detection, narcotic detection, and protection; detection specialties cannot be intermingled.

Council Member Fawson asked Mr. Neibauer for his recommendation regarding how the Code should be amended. Mr. Neibauer stated he would simply exempt active police service animals, which could be a dog or a horse.

Council Member Bailey asked Mr. Neibauer to again explain how many dogs he has. Mr. Neibauer stated one dog is a retired service dog – a German shepherd – and the second is also a German shepherd and is the retired dog's companion; one is male and the other is female. He stated his third dog is an active police service dog. He provided a brief history of his experience as a police service dog handler and explained the reason the companion dog was needed for the retired dog. Council Member Bailey stated he is more comfortable allowing an exemption for an active police service dog than he is with any other recommendation. He stated additional changes could 'open the flood gates' and everyone will have a good reason as to why they should be allowed to keep more than two dogs. Mr. Neibauer stated he understands those feelings, but there may be instances in the future when another officer with more than one police service dog moves to North Ogden. Council Member Bailey stated those issues can be discussed when this is an action item on the next Council meeting.

Council Member Fawson asked why this item was not on tonight's agenda. Mr. Chandler stated it was not possible to publish the item meeting noticing requirements. Council Member Bigler stated he wanted to make sure the item is on the next agenda. Mr. Chandler stated it will be.

**2. DISCUSSION/AND OR ACTION TO APPROVE A RESOLUTION AMENDING CHAPTER 4.1.2(105) OF THE NORTH OGDEN CITY POLICIES AND PROCEDURES MANUAL.**

A memo from City Manager Chandler explained that at the last meeting staff was asked to provide options for amending the “reduction in force-severance pay” language in the personnel manual. Resolutions have been prepared for the Councils consideration that reflect the options described below. The changes are shown in red or have been struck through. As always, the resolutions can be modified to meet the Council’s desires.

Option 1 – Eliminate severance pay except for the final payment for hours worked plus accrued vacation time and compensatory time.

2. Reduction in force layoff. The City Manager, with the concurrence of the Mayor, may recommend termination of employees because of lack of funds or curtailment of work.

1. Employees terminated from employment with the City in a reduction in force will be given severance pay as follows: ~~two weeks of regular pay, plus one month of pay for each year of the employee’s service with the City, provided that the employee’s years of service shall be rounded down to the next whole number for purpose of calculating this severance pay (e.g., an employee separated from service under this paragraph who has worked for the City for 4 years and 8 months will receive four months of severance pay.~~ **Employee’s final paycheck for hours worked but not yet paid plus his/her accrued vacation and compensatory time.**
2. ~~No full time employee shall be terminated from a department under this paragraph while there are emergency, probationary, or temporary employees serving in the same class of positions in that department.~~
3. If there is more than one employee serving in the same capacity in a department, the selection of the employee to be terminated shall be based upon the individual’s ability to perform the work assignments within the affected department ~~shall govern the selection when ability is equal.~~ All terminations under this paragraph shall be subject to the Mayor’s approval.
4. ~~A full time employee in good standing who is terminated in a reduction in force layoff may be made a reasonable offer of reassignment if such offer is possible, and if the employee had not been told when hired that his or her job would be phased out. Reassignment may be to an existing vacancy in a lower class for which the employee is qualified.~~
5. ~~Termination for medical reasons. When it is determined, on the recommendation from a doctor for medical reasons, that an employee incapable of performing the essential duties of his/her job satisfactorily because of a physical, mental, or emotional impairment which is likely to continue indefinitely or to recur frequently and which cannot be overcome by reasonable accommodation, the employee may be terminated. However, every effort will be made to reassign the employee to a position within the City that is within the employee’s physical and mental capabilities.~~

Option 2 – Eliminate mandatory severance pay except for the final payment for hours worked plus accrued vacation time and compensatory time. The City may provide additional severance payment.

2. Reduction in force layoff. The City Manager, with the concurrence of the Mayor, may recommend termination of employees because of lack of funds or curtailment of work. Give the City Council the flexibility to offer severance pay.

1. Employees terminated from employment with the City in a reduction in force will be given severance pay as follows: ~~two weeks of regular pay, plus one month of pay for each year of the employee’s service with the City, provided that the employee’s years of service shall be rounded down to the next whole number for purpose of calculating this severance pay (e.g., an employee~~

~~separated from service under this paragraph who has worked for the City for 4 years and 8 months will receive four months of severance pay.~~ **Employee's final paycheck for hours worked but not yet paid plus his/her accrued vacation and compensatory time. The City Council may provide additional severance pay at the time employees are laid off due to a reduction in force.**

- ~~2. No full time employee shall be terminated from a department under this paragraph while there are emergency, probationary, or temporary employees serving in the same class of positions in that department.~~
3. If there is more than one employee serving in the same capacity in a department, the selection of the employee to be terminated shall be based upon the individual's ability to perform the work assignments within the affected department ~~shall govern the selection when ability is equal.~~ All terminations under this paragraph shall be subject to the Mayor's approval.
- ~~4. A full time employee in good standing who is terminated in a reduction in force layoff may be made a reasonable offer of reassignment if such offer is possible, and if the employee had not been told when hired that his or her job would be phased out. Reassignment may be to an existing vacancy in a lower class for which the employee is qualified.~~
- ~~5. Termination for medical reasons. When it is determined, on the recommendation from a doctor for medical reasons, that an employee incapable of performing the essential duties of his/her job satisfactorily because of a physical, mental, or emotional impairment which is likely to continue indefinitely or to recur frequently and which cannot be overcome by reasonable accommodation, the employee may be terminated. However, every effort will be made to reassign the employee to a position within the City that is within the employee's physical and mental capabilities.~~

Option 3 – This option provides \_\_\_\_\_ weeks of pay in addition to the unused vacation and compensatory pay. I sent an email to all of the City Manager's in the State asking about severance pay and received the attached information.

2. Reduction in force layoff. The City Manager, with the concurrence of the Mayor, may recommend termination of employees because of lack of funds or curtailment of work.

1. Employees terminated from employment with the City in a reduction in force will be given severance pay as follows: \_\_\_\_\_ weeks of regular pay, ~~two weeks of regular pay, plus one month of pay for each year of the employee's service with the City, provided that the employee's years of service shall be rounded down to the next whole number for purpose of calculating this severance pay (e.g., an employee separated from service under this paragraph who has worked for the City for 4 years and 8 months will receive four months of severance pay.~~ **the employee's final paycheck for hours worked but not yet paid plus his/her accrued vacation and compensatory time.**
- ~~2. No full time employee shall be terminated from a department under this paragraph while there are emergency, probationary, or temporary employees serving in the same class of positions in that department.~~
3. If there is more than one employee serving in the same capacity in a department, the selection of the employee to be terminated shall be based upon the individual's ability to perform the work assignments within the affected department ~~shall govern the selection when ability is equal.~~ All terminations under this paragraph shall be subject to the Mayor's approval.
- ~~4. A full time employee in good standing who is terminated in a reduction in force layoff may be made a reasonable offer of reassignment if such offer is possible, and if the employee had not been told when hired that his or her job would be phased out. Reassignment may be to an existing vacancy in a lower class for which the employee is qualified.~~
- ~~5. Termination for medical reasons. When it is determined, on the recommendation from a doctor for medical reasons, that an employee incapable of performing the essential duties of his/her job satisfactorily because of a physical, mental, or emotional impairment which is likely to continue indefinitely or to recur frequently and which cannot be overcome by reasonable accommodation,~~



~~the employee may be terminated. However, every effort will be made to reassign the employee to a position within the City that is within the employee's physical and mental capabilities.~~

Mr. Chandler stated this item has been discussed during past meetings and he was asked to come back to the Council with different options for them to consider. He noted the City has a generous severance pay package for a laid off employee that is equal to one month salary for each year an employee has worked for the City with no limitation. He then reviewed the options for amending the policy as detailed in his staff memo.

Council Member Bailey asked about option two and said the verbiage in the document does not say anything about the City Manager or Mayor being involved in the decision making process regarding severance pay. Mr. Chandler stated that is correct, but this is his first draft and in option two of the resolution it states "The City Manager, with the concurrence of the Mayor, may provide additional severance pay at the time employees are laid off due to a reduction in force. If additional severance pay is provided and the amount increases the overall budgetary expenditures, the City Council shall first approve the budgetary changes associated with the reduction in force/layoff in accordance with Utah State Law and North Ogden Policies and Procedures".

Council Member Fawson asked how it would be possible to determine if the budget is being exceeded at the time that the employee is laid off if it is possible that they will be replaced and their replacement's salary would be paid from the same budget as the laid off employee. Mr. Chandler stated, for example, a budget may be \$1,000 and the City could offer a severance package that would increase the expenditure from the line item to \$1,100 and that would need to be approved by the Council. Council Member Fawson asked if the \$1,000 represented an employee's salary. Mr. Chandler stated that currently Department Heads have the latitude to work within their own Department budgets to make changes, but they do not have the latitude to spend money from another Department's budget and if it becomes necessary to change the departmental budgets, that action would come to the City Council. Council Member Fawson asked if a Department Head could layoff someone in the first month of the budget year and pay them 11 months of severance pay. Mr. Chandler stated that is feasible. Council Member Bailey asked if that same Department Head could then try to fill the vacant position six months later. Mayor Harris stated that may be possible, but it would be irresponsible for a Department Head to not have future plans for their Department. He stated that by definition if someone is being laid off, they will not be replaced. Council Member Fawson agreed and stated that when someone is laid off it is not possible to know if that position will be needed again at some point in the future when the decision about severance is made. He stated he is trying to plan based on the worst case scenario and he noted that the decision making power of the Council is removed if the Mayor and City Manager decide to lay off an employee and pay them the rest of their budgeted salary for the year. Mr. Chandler stated that is a possibility, but a more likely scenario is similar to what has happened in the past where those types of discussions have been had with the City Council due to budgetary shortfalls.

Council Member Bigler stated he would rather decide on a specific severance package to be included in the personnel policy manual rather than allow the staff and Department Heads to make decisions on a case by case basis. Mr. Chandler stated that is what he laid out in his third scenario that was included in his staff memo and he reviewed the information included therein. He stated that he sent an email regarding severance pay to all City Managers in the State of Utah and he received 28 responses; of those, 12 cities provide severance pay as a matter of policy and their severance packages range anywhere from two weeks to six months of pay. He stated the other 16 do not offer severance pay as a matter of policy, but many of them have provided severance on a case by case basis.

Council Member Bailey asked how it is possible to avoid claims of bias or discrimination if severance pay is dealt with on a case by case basis. Mr. Chandler stated he does not know, but he would strive to be consistent with practices that have been employed in the past.

Council Member Fawson stated his concern with option three is that if the City were facing a budgetary crisis and there were not funds available to allocate to severance pay, he wondered what the City would do. Mr. Chandler stated if a policy is spelled out it must be followed. Council Member Fawson agreed and stated that if the City is dealing with layoffs it would be likely that the City would be struggling financially and the funding for severance pay will not be available. Council Member Bigler agreed and added that he has looked at severance pay in the private sector and many private sector companies do not provide it; the Chair of the Employee Compensation Committee said his organization, Associated Foods, only provides two weeks of severance pay plus one day of pay for every year they have worked if they have been with the company for more than 10 years. He stated there are a lot of companies in the private sector that do not do anything. He stated something similar to the Associated Foods policy would not be excessive, but the employees would know that it is available to them.

Council Member Bailey asked if it is correct that North Ogden City has never laid off an employee. Mr. Chandler stated there were employee buy-outs for retirement purposes, but he is not aware of any instance where someone has been laid off as part of a reduction in force.

Council Member Taylor stated that he appreciates the options that have been provided by Mr. Chandler; there are some good things and some drawbacks about each option. He stated he would prefer a variation of option three and he noted that the likelihood of a reduction in force in the City is very low, but if someone that has served the City well for many years is facing a layoff, he does think the City has an obligation to give them some support to transition to what they will be doing next. He stated that he also thinks that is very common in the private sector and he offers it in his business. He stated he has laid two people off this year and gave them both severance pay. He stated that is dependent on what type of business someone works at in the private sector and he noted that most professional businesses offer severance pay. He stated he would like to see the policy include a formula that is a reduction of the current formula because he thinks that is excessive. He stated that he would like to see something given for every year of pay or service – such as a week of pay – with a maximum of two months. He stated that he thinks that if the decision is left up to the Council at the time that layoffs are necessary, it could become a political debate rather than the focus being on taking care of an employee that is being fired from their job as a result of no fault of their own. He stated he would like to see a system that is fair to the taxpayers and employees, but is a much reduced version of what the City currently has in place.

Council Member Fawson asked Mr. Chandler if eliminating the severance pay policy entirely, like the 16 cities that responded to the request for information, would put the City at a competitive hiring disadvantage. Mr. Chandler answered no and stated that the last time this issue was discussed someone made the comment that people do not look for a severance pay provision as part of their benefit package when they are considering accepting an employment offer. Council Member Fawson asked if there are employees that the City should ‘grandfather’ under the current severance pay policy or if the policy change should affect all employees immediately. Mr. Chandler stated the policy change would impact all employees immediately. Council Member Fawson stated that in some professional environments the executive management team is typically offered severance pay while mid-level and lower-level employees are not. He asked if staff has considered that. Mr. Chandler stated some cities do that right now; right now he is the only contract employee in North Ogden and his contract declares him exempt and provides a severance package. He stated other Department Heads are also exempt, but they are not contract employees and the policy change would impact them.

Mayor Harris asked if the Council has a recommendation.



**Council Member Bailey made a motion to approve a resolution amending chapter 4.1.2(105) of the North Ogden City Policies and Procedures Manual by using option 1 included in the staff report and as an exhibit to the resolution. Council Member Bailey's motion died for lack of a second.**

The Council again reviewed and discussed the three options as provided by Mr. Chandler. Council Member Bailey clarified that option one is basically the elimination of actual severance pay because the employee is only being paid for their accrued vacation and compensatory time, which they are entitled to receive by law.

**Council Member Bailey made a motion to approve a resolution amending chapter 4.1.2(105) of the North Ogden City Policies and Procedures Manual by using option 1 included in the staff report and as an exhibit to the resolution. Council Member Bigler seconded the motion.**

Council Member Fawson stated he would rather adopt an option that offers a much more reasonable severance package that is capped at some point, but that at least provides an employee something like two weeks of severance. He stated he feels the current policy is too excessive, but something minimal could be given based on an employee's tenure.

Council Member Taylor agreed with Council Member Fawson. He added he does not think a severance pay policy is something that will be considered when someone is deciding whether to work for North Ogden City, but the policy would take care of current employees if they are laid off from their position through no fault of their own. He stated he has written a proposal that he would like the Council to consider and discuss.

**Council Member Taylor made an amended motion to approve a resolution amending chapter 4.1.2(105) of the North Ogden City Policies and Procedures Manual by offering one week of severance pay for every two years of service with a maximum of eight weeks of pay based on 16 years of service. Council Member Taylor's motion died for lack of a second.**

Council Member Stoker agreed with Council Member Fawson's comments that there should be a reasonable severance package, but she was not comfortable with Council Member Taylor's proposal because it could be expensive. She stated she does feel employees that are laid off deserve some pay, but she is not sure what the amount should be.

Council Member Fawson stated he would like to provide two days of pay for every year an employee has worked for the City up to the five year mark of employment. He stated that would provide a laid off employee two weeks of pay.

Council Member Bigler stated that two weeks is one paycheck and he stated he would be comfortable with two weeks for employees that have been with the City for five years and employees that have been with the City for longer than five years could additional severance pay using the calculation that Council Member Fawson proposed. Council Member Fawson asked if the automatic two weeks of severance would apply to seasonal employees laid off at the end of the summer season. Mayor Harris stated temporary employees are not eligible for severance pay. Council Member Bigler reiterated his suggestion and stated that he would like to at least offer a laid off employee some pay to assist them while they are searching for another job.

Mr. Chandler asked for clarification and stated his understanding of what is being suggested is that an employee would get their final paycheck for the hours they have worked, pay for their accrued vacation time, pay for their accrued compensatory time, plus the additional severance pay to be calculated according to Council Member Fawson's and Council Member Bigler's suggestion. Council Member Bigler stated that is correct. Mayor Harris stated that the Council is essentially considering option three and they are determining the appropriate amount of time to fill in the blank.

**Council Member Taylor made an amended motion to approve a resolution amending chapter 4.1.2(105) of the North Ogden City Policies and Procedures Manual incorporating the ideas that have been mentioned: if full time employees are laid off due to a reduction in force, they will receive two weeks of severance pay and employees with more than five years of service will receive one week of severance pay for every two years of service with a maximum of four weeks of additional severance pay. Council Member Taylor's motion died for lack of a second.**

Council Member Bigler proposed that all full time employees be eligible for two weeks and those that have worked six to 10 years for the City will receive an additional day per year. He stated that if all employees are given six weeks up front it can be very expensive to lay off employees when necessary. He stated that a 15 year employee would be eligible to receive three weeks of severance pay. Council Member Fawson stated that he is comfortable with a four week cap.

Council Member Taylor stated the current severance policy has been in place since some time in the 1990s and it has never been used or considered for use until this year; the likelihood of layoffs happening is so small. He stated it may be expensive to layoff executive employees, but he asked if it is really likely that the City will lay off its City Manager or Police Chief or eliminate those positions. He stated that for the payoff to be larger according to the proposal that he made someone would have had to have worked for the City for half of their career – 15 to 16 years. He stated he does not think it is too much to offer to an employee that has been loyal to the City for a decade and a half when the likelihood of layoffs is so small and the likelihood of laying off the top earners in the City does not make any sense to him.

**Council Member Fawson made an amended motion to approve a resolution amending chapter 4.1.2(105) of the North Ogden City Policies and Procedures Manual opting for option three with severance pay of two weeks for employees that have worked for the City for five years or less; employees working longer than five years will accrue severance pay at the rate of two days per year of service with a cap of four weeks of severance pay total. Council Member Bailey seconded the motion.**

Council Member Taylor asked if the accumulation of severance pay will include the years of service up to five. He asked what would happen to a person that has worked for the City for six years that is laid off. Council Member Fawson stated they would get two weeks of severance pay plus an additional two days for the sixth year of service.

Mr. Chandler referred the Council to the packet documentation for the resolution incorporating option three and stated the first paragraph would read:

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

Council Member Bailey stated that he is concerned that the Council is considering giving final passage to a resolution that they have not seen in black and white. He stated he likes what has been done tonight, but he would like to see it in writing to ensure the verbiage matches what the discussion has been.

**Council Member Fawson made an amended motion to table adoption of the proposed resolution and direct staff to bring the proposal created by the Council back to the next Council meeting for final consideration. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>

**The motion passed unanimously.**

### **3. PLANNING COMMISSION MEMBER APPOINTMENT**

Mayor Harris reported there is a vacancy on the City's Planning Commission; he has interviewed potential appointees to the position and he has conferred with the Council to get their comments regarding the appointees and the process. He recommended to the City Council that Mr. Don Waite be appointed to fill the vacancy and complete the term that was being served by Commissioner Dalpiaz.

**Council Member Taylor made a motion to appoint Don Waite to the North Ogden City Planning Commission. Council Member Fawson seconded the motion.**

Council Member Fawson asked how many candidates were interviewed for the position. Mayor Harris stated Mr. Waite was the only candidate interviewed in this situation because he was part of a pool of candidates for a previous vacancy and this new vacancy was not advertised. Council Member Fawson stated he is sure that Mr. Waite is fantastic, but as a matter of course he would like to see the positions opened and a period of time advertised during which the public can apply for the positions before a decision is made. He stated he understands the circumstances of this situation, but he is uncomfortable only considering the last pool of candidates without opening the position to potentially new residents or candidates. Mayor Harris agreed, but stated in this case he asked the Council if they wanted to do that and everyone was comfortable proceeding with appointing Mr. Waite. Council Member Fawson stated he was not comfortable with it and he wanted to voice it publicly. He reiterated it is not a reflection on Mr. Waite, but he would rather open these types of positions to the public and interview candidates that apply. Mayor Harris reiterated that he does not disagree with Council Member Fawson's comments, but noted that this is a Mayoral appointment. He added that as of yesterday there is another Planning Commission vacancy and he will advertise that position for a couple of weeks in the City newsletter and the newspaper. He stated he is hopeful that there will be a great pool of candidates for this vacancy. He noted Planning Commission Chair Residori has resigned because he has accepted a call to serve a mission for his church.

**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**

Mr. Waite then introduced himself and provided a brief synopsis of his background.

**4. CITY COUNCIL, MAYOR AND STAFF COMMENTS**

There were Council comments.

Mr. Chandler stated he has been asked by a few of the Council Members for information regarding the property that was purchased for the construction of the Public Works facility. He stated the wells on the north end of the property have been shut off completely and the ground is drying out quite nicely. The water that was collecting at the center of the property is still there, but the City has not done a lot of work to try and dry it out because the details of the easement and property boundaries are still being worked through; there are many property descriptions for the property and it is necessary to form a boundary line agreement with the adjoining property owner. He stated City Engineer Hartvigsen is working on that issue. Mayor Harris stated it is important to note that the City purchased 6.54 acres and that is the amount of property the City will have. Mr. Chandler stated that is correct. Council Member Bigler stated that before the property was purchased by the City, the boundaries of that property were drawn up and the total size of the property was 6.54 acres. Mr. Chandler agreed and stated the property descriptions of the subject property and the neighbor's property overlap somewhat. He then provided a brief history of the discrepancies in the property descriptions and he relayed information about the sewer line that transects the two properties. He added that the request for proposals (RFP) for the Public Works facility itself is in its final first draft form and he will be sending it to the Council Members and the Public Works Committee tonight via email; it is very long, but it includes the studies that the Council should already be familiar with. He will ask for feedback over the next couple of weeks and he will provide all of that feedback to the Council so they have all information for the discussion regarding the item.

Council Member Bailey stated that he feels time is of the essence in resolving the property boundary issue and getting the property dried out. He stated he is concerned about losing the opportunity of dry weather to dry the property out. Mr. Chandler stated the City has purchased the fencing material, but he talked to the neighbor about working out the boundary line issues before putting the fence up. He stated he is hopeful that the issue can be worked out within the next few days and all he is waiting on now are the drawings from Mr. Hartvigsen. Council Member Bigler asked how much this issue will cost the City. Mr. Chandler stated he will be able to provide that information. Council Member Bigler stated that it seems to him that all of these issues should have been worked out before the City purchased the property. Council Member Fawson agreed and stated that if the City is trying to accommodate something that the neighbor is requesting there may be a possibility of sharing the engineering fees. Mr. Chandler stated that may be a possibility, but one thing that was left undone that the City knew about where the easements for the waterlines and it was necessary to complete the work for those easements regardless of the boundary issue. Council Member Taylor asked if those easements will be recorded at the same time as the

boundary adjustment. Mr. Chandler answered yes. Mayor Harris stated he does not believe the engineering expenses are exorbitant because there is not much work that is being done.

Council Member Bigler asked if the original property purchase has not yet been recorded with Weber County. Mr. Chandler stated it has been recorded and it will now be necessary to record a separate boundary line agreement. He stated this issue initially was raised because the boundary line of the property to the east is 25 feet west of where their fence is located. He stated that in discussions with that property owner and Mr. Holt the boundary description of the subject property was started at the fence line with the understanding that there would be a boundary line modification in the future. He stated there is quite a bit of overlap and he stated one of the agreements actually said that the boundary description for the property would be determined at a later date when the property owners conduct a survey to determine the exact boundary. He stated that has created a lot of confusion about where the point of beginning of the legal description actually is and that is why he has enlisted Mr. Hartvigsen to work on the issue. He stated the one firm number that he knows is that the City has purchased 6.54 acres and that is what the City will end up with. Council Member Bigler thanked Mr. Chandler for the update.

Mayor Harris stated that the Primary Election was held tonight and City Recorder Spendlove will send an email to all Council Members containing the results. He then stated the Utah League of Cities and Towns (ULCT) Conference will be held in September and anyone wishing to attend that conference must RSVP to Ms. Spendlove tonight.

Mayor Harris then stated there is a need to hold a closed meeting to discuss the purchase of real property and he asked for a motion to that affect.

**Council Member Bailey moved to enter into a closed meeting to for the purpose of discussing the purchase of real property pursuant to § Utah Code section 52-4-205. Council Member Taylor seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>no</b>
<b>Council Member Stoker</b>	<b>no</b>
<b>Council Member Taylor</b>	<b>aye</b>

**The motion passed 3 to 2.**

**The City Council recessed at 7:50 p.m. and convened in a closed session.**

**The City Council reconvened in an open session at 8:06 p.m.**

## **5. ADJOURNMENT**

**Council Member Stoker moved to adjourn the meeting. 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**

**The meeting adjourned at 8:07 p.m.**

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Richard G. Harris, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved