

NORTH OGDEN CITY COUNCIL MINUTES

May 28, 2013

The North Ogden City Council convened in an open meeting on May 28, 2013 at 6:31 pm 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 May 24, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

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| 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 |
| | Bryan Steele | Finance Director |
| | John Call | City Attorney |
| | Craig Barker | Community Development Director |
| | Stacie Cain | Community Development Coord. /Deputy City Recorder |
| | Gary Kerr | Building Official |
| | Kevin Warren | Chief of Police |
| VISITORS: | Lyman Barker | Mike Steigers |
| | Ryan Jones | Cydnee Jones |
| | LoRen Baguley | Tom Baguley |
| | Phillip Swanson | Becky Nuttall |
| | Jefferson Shupe | Myron Joyner |
| | Ray Connelly | Maxine Connelly |
| | Jolyon Walker | Naomi Trammell |
| | Dale Randall | Kimberly Randall |
| | Lyle Adams | Joyce Matlock |
| | Greg Young | Jerry Shaw |
| | Dave VanBallegooie | Heather Durham |
| | Barbara Parkinson | Kriss Young |
| | Mark Pontius | Brian Russell |
| | Bryson Stewart | Amanda Stewart |
| | Lisa Dean | Darin Dean |
| | Jim Shupe | Janice Schramm |
| | Kathy Casey | Mark Nuttall |
| | Susan Walters | Nicole Tripp |
| | Alan Casey | Jill Hardee |
| | Aaron Christensen | Kim Christensen |
| | Kelly Johnson | Stacie Shupe |
| | Kim Parkinson | Gari Manning |
| | Bill Hansen | Lisa Arner |
| | Steve Arner | Charles Crippen |
| | John Eccles | Troy Erickson |
| | Brian Raines | Lance Allen |

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| Kathryn Warren | Amanda Trease |
| Kevin Bott | Kathy Bott |
| Cindy Smoot | Rachel Trotter |
| Dale Swenson | Tony Aragon |
| Kathy Aragon | George Nichols |
| Sharon Pike | Wayne Pike |
| Ricky Hatch | William Asay |
| Ryan Edwards | Kelly Edwards |
| Dwayne Parker | Donna Parker |
| Charles Millet | Pat Millet |
| Michael Dufrene | Susan Riggs |
| Lonnie Barker | Karen Lee |
| Debbie Ouderkirk | Brian Overdiek |
| Kami Overdiek | Martha Urban |
| Lori Petersen | |

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

CONSENT AGENDA

1. Consideration to approve Business Licenses.

Council Member Bailey moved to approve the consent agenda. Council Member Taylor seconded the motion.

Voting on the motion:

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| 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:

Ricky Hatch stated he is the Weber County Clerk Auditor and he wanted to talk briefly about the upcoming special election to be held in June. He stated he does not want to advocate for or against the bond issue or the fact that the election will be conducted entirely by mail. He stated that he wanted to simply provide information about the by-mail voting process. He stated every active, registered voter in Weber County will receive their ballot in the mail within the next few days; voters can return their ballots one of three ways: they can drop the voted ballot in any United States Postal Service (USPS) box and the

postage is prepaid by the County; they can drop off their ballot at any one of six locations throughout the County that house secure drop off machines that will be checked by elections personnel every day or every other day; or voters can drop off their ballot at any vote center on election day. He stated that if voters do not feel comfortable voting by mail, or if they did not receive a ballot, or if they spoiled the ballot they received they can go to any vote center and vote on a voting machine. He then reviewed the controls of the by-mail voting process; from the moment the ballots left the ballot printer they were tracked via a global positioning system (GPS) until they arrived at the postal facility for mailing. He stated once a voter has cast their ballot via mail they will be held at the USPS post office in Ogden and two elections personnel will pick up the ballots on a daily basis. He stated no ballot will ever be touched without two elections personnel present to help address any concerns regarding fraud. He noted all ballots will be transported in a lock box and will only be unsecured for processing by elections personnel. He stated that during each step of the process there will be reconciliation and control totals of ballot batches, which means two election personnel will indicate the number of ballots they received and the number of ballots they forward to the next step in the process. He stated this is done to ensure no ballots are lost. He noted personnel will validate and verify manually every signature of every voter on every ballot envelope; the signatures are compared with signatures on the voter database maintained by the State of Utah and if staff finds a discrepancy or has a question about the signature they will contact the voter and give them a chance to spoil the ballot and submit a new one or verify that the signature is their own. He then stated there is some talk about secret ballots in voting by mail and measures have been taken to ensure secrecy of a ballot; the outer flap of the ballot envelope will cover the signature of the voter and that is the area of the envelope election personnel will use to verify the ballot. He stated verification takes place without the elections personnel having any access to the ballot itself. He stated that once the voter verification has taken place the envelope will be unsealed and the ballot will be passed to the next step in the process for tabulation. He stated the ballot and the envelope can never be reunited because there is no information to connect the two documents to one another; this means those counting ballots will not be able to tell how a voter voted. He stated that he is happy to answer any questions the City may have about the vote by mail election.

Sally Ostein, 477 E. 3550 N., stated she has been a resident of North Ogden for over 30 years and she is a member of the North Ogden Civic League. She stated the Civic League attended tonight's meeting with the understanding that they were to be recognized for their donation to the City. She stated it is the privilege of the members of the Civic League to donate money for different needs of the City; one donation was for the Christmas nativity scene; another for more Christmas lights for the park; another for more trees in parks; and another for new lounge chairs at the aquatic center. She stated it is their privilege as women of North Ogden to work hard to earn money to assist in the beautification of the City. She thanked the Council for accepting their donation and noted the Civic League accepts the thanks of the City in return.

Mayor Harris apologized that there was not a formal agenda item to recognize the Civic League, but he noted that the City is very grateful for the service the Civic League has provided and the monetary donations that they have made in the past.

Council Member Bigler asked all members of the Civic League to stand and be recognized. They did so and received a round of applause.

2. DISCUSSION AND/OR ACTION TO RENEGOTIATE THE NICHOLS AGREEMENT.

A memo from City Manager Ron Chandler explained he had provided the Mayor and City Council with a copy of the Nichols agreement that was approved February 26, 2013 and discussed again on May 14, 2013.

Mr. Chandler explained the agreement was discussed on May 14, 2013 but action was taken on the agreement and was tabled until tonight. He noted he has provided the Council with a copy of the agreement including recommended amendments that are highlighted in yellow; the biggest change is the photograph of the garage that shows that the rain gutter is no longer hanging over the property line.

Council Member Taylor asked if Mr. Nichols had a chance to review this agreement and if they had any concerns or feedback.

George Nichols, 2255 N. 575 E., stated the agreement is related to his older home at 2821 N. 1050 E. He stated he has not seen the marked up copy of the agreement. Mr. Chandler stated the agreement provided to the Council was based on the draft agreement Mr. Nichols provided to the City. Mr. Nichols stated that if the Council is considering the agreement he provided he is absolutely comfortable with it.

Council Member Bigler moved to accept agreement 2013-6. Council Member Fawson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO EXTEND THE SOLID WASTE AGREEMENT WITH WASTE MANAGEMENT OF UTAH, INC. FOR TRASH COLLECTION.

A memo from Mr. Chandler explained the City's solid waste hauler, Waste Management of Utah (WM), has requested a contract extension. The current WM contract expires on June 30, 2013 and City Administration is proposing a one-year contract extension to allow WM to complete the Recyclebank promotion. The extension guarantees the current rates for the term of this extension as follows:

- First Waste Container \$3.64 per month per residential unit
- Each Additional Waste Container \$1.22 per month per residential unit
- First Recycling Container \$2.21 per month per residential unit
- Each Additional Recycling Container \$2.21 per month per residential unit

The current contract includes a monthly surcharge for fuel and WM is suggesting two options for paying the surcharge. The first option continues our current arrangement wherein North Ogden pays the fuel surcharge based on the most current price per gallon charged WM prior to the City's monthly invoice date. The second option averages the prior twelve month fuel charge and adds it to the monthly, per container price. In either case, this will not change the monthly amount we charge the customer.

Lance Allen, WM Government Affairs representative, summarized Mr. Chandler's memo reiterating the request is to extend the current contract for a one year period. He provided a brief explanation of the Recyclebank program and noted it is a contest program and North Ogden took fifth place in the nation competing against all 50 states. He stated extending the contract an additional year will allow for full implementation of the contract and possibly increasing diversion of recyclable materials by 30 percent

over the existing program, which will save the City on the cost of disposal while increasing the amount of monetary rewards that residents are eligible for. He reviewed the two fuel surcharge options for renewing the agreement.

Council Member Bailey stated he remembers there was a “free look” period for the Recyclebank program and after that period there would be an enrollment or subscription residents would be expected to pay for if they wanted to continue in the program and he noted he was not comfortable requiring residents to pay that subscription fee. Mr. Allen explained the “free look” period began on July 1, 2012 and it is a 24 month period; the first six months of the period were the contest period. Council Member Bailey asked Mr. Allen if the purpose of the recommendation to extend the contract for one year is to coincide with the “free look” period. Mr. Allen answered yes.

Council Member Bailey asked if staff has a recommendation relative to which fuel surcharge options the City should opt for. Mr. Chandler stated he has discussed the issue with Mr. Steele and they do not feel there is a significant difference between the two options and they do not have a preference. Mayor Harris suggested the best option is the option that continues the current fuel surcharge practice.

Council Member Fawson moved to approve agreement 2013-7 opting for the second fuel surcharge option, which bases the fuel surcharge on a historical average of fuel costs. Council Member Bailey seconded the motion.

Council Member Taylor stated the motion to select the second fuel surcharge option is a change from the current fuel surcharge practice included in the contract and the City will be assuming some risk by selecting that option. Mr. Chandler stated the per-can cost could increase based on the average cost of fuel over the past 12 month period.

Council Member Bailey inquired as to the amount that the per-can cost could increase. Mr. Chandler explained the cost would be \$.33 per home and that amount would be divided among the services provided to each homeowner.

Council Member Taylor asked if there is ever an event when the fuel surcharge will cease to exist. Mr. Allen stated there is a baseline amount of \$2.53 per gallon of fuel; if the price of fuel drops below \$2.53 the surcharge would be eliminated. Council Member Taylor stated that he understands there is not a big difference between the two options, but he would prefer to pay the actual fuel costs rather than an amount based on the average for the past 12 months.

Voting on the motion:

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

The motion passed on a four to one vote.

4. DISCUSSION AND/OR ACTION TO CONSIDER SETTING A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO CONTINUE A CONDITIONAL USE PERMIT FOR TOM'S AUTO REPAIR.

A memo from Mr. Chandler explained six residents have sent a letter to North Ogden City to appeal the Planning Commission's decision to allow the continuation of the conditional use permit for Mr. Tom Baguley at 3590 North 575 East. The appeal process is found in the North Ogden Municipal Code 11-14-3 F through H. A summary is as follows:

1. Appeal – The appeal to the City Council is to be made by the applicant or any person aggrieved by the planning commission's decision within fourteen (14) calendar days of the planning commission's decision. (North Ogden Municipal Code Section 11-14-3F)
2. Public Hearing - The City Council may hold a public hearing or make a decision without a public hearing. If a public hearing is held, it must be advertised at least fourteen (14) days before the public hearing date. (North Ogden Municipal Code 11-14-3H) The Code does not give criteria for deciding if you will hold a public hearing or proceed without one.
3. Hearing Date – If a public hearing is held, it must be advertised at least fourteen (14) days before the public hearing date. In this case, the public hearing/appeal meeting will be on June 25, 2013. If a public hearing is not held, the appeal meeting will be on June 11, 2013. (North Ogden Municipal Code 11-14-3H)
4. Documents – Prior to the appeal meeting the staff will send you the planning commission's approved minutes for all of the planning commissions meetings and hearings held on the matter, copies of the staff reports, the conditional use permit application and other written material submitted to the planning commission. (North Ogden Municipal Code 11-14-3 F&G). Staff will also include communication that I have received since the Planning Commission's decision on May 1, 2013.
5. Decision on appeal – The City Council shall render its decision no later than the next regularly scheduled city council meeting held after the public hearing, unless consent for a delay in the decision is granted by the applicant. If a public hearing is not held, the City Council shall render its decision no later than the next regularly scheduled city council meeting after the city council initially considered the appeal, unless the applicant consents to a delay in the decision. (North Ogden Municipal Code 11-14-3H).

The purpose of the May 28, 2013 meeting is for the Council to determine if they will hold a public hearing when considering this appeal.

Mr. Chandler reviewed his staff memo and summarized the appeal process relative to a conditional use permit (CUP) for a home occupation. He stated in 2010 the Planning Commission approved, and the City Council upheld the decision, for a CUP for a home occupation for Tom's Auto, LLC and the business has been in operation since that time. He noted an annual review of the CUP is required and the review took place in a Planning Commission meeting on May 1, 2013; the Planning Commission reviewed materials provided by staff and made a decision to allow Mr. Baguley to continue with his business according to the conditions of his CUP. He stated that decision was appealed on May 15 by six residents and that began the appeals process. He reiterated the first decision for the Council to make relative to the appeal is whether to schedule a public hearing, though there are no criteria in City Code to guide the Council regarding the scheduling of a public hearing and, therefore, that decision is ultimately up to the discretion of the Council. He stated if the Council decides to hold a public hearing it is necessary to provide a 14-day notice period, which means the public hearing could not be held until June 25. He stated if the Council decides against holding a public hearing they can proceed to considering the appeal this evening under item five on the agenda.

City Attorney Call reiterated the decision to be made under this agenda item is whether to hold a public hearing and who would be allowed to speak at the appeal hearing.

Mayor Harris stated that the City received an email late this afternoon from Mr. Crippen requesting that he be given more time to prepare for the hearing. He asked Mr. Call to provide information regarding that request. Mr. Call explained the appellants have filed a request with the State Property Rights Ombudsman to give an official opinion regarding this situation and Mr. Crippen has asked that the Council not hold an appeal hearing until the Ombudsman has rendered his opinion. He stated there is nothing in the City Code requiring the Council to wait, but the request has been made and he encouraged the Council to consider that request when making the decision. Mr. Chandler added the Council received a copy of Mr. Crippen's request this evening.

Council Member Bailey stated it is difficult to consider these types of issues when the Council does not have a chance to review documentation prior to the meeting.

Council Member Bigler stated he would prefer that the Council proceed with hearing the appeal this evening; it was filed May 1, 2013 so it has been one month since the filing. He noted City Code states the appeal should proceed at the next meeting unless there are specific reasons not to proceed. He reiterated it has been one month since the appeal was filed and the neighborhood, on both sides of the issue, needs a decision made. He then stated this body is not acting as the Council relative to this appeal; the public may get the wrong impression that the Council is responsible to make a decision and they are not required to hold a public hearing. He noted the appeal body should not base its decision upon public clamor, but rather on whether the decision made by the Planning Commission was legal. Mr. Call stated that is correct. Council Member Bigler then stated the Council has so much documentation and it is possible to understand the specifics of the complaints of the appellants and he is ready to move forward this evening.

Council Member Fawson stated he feels the neighborhood has been dealing with this matter far too long and he feels the appeal hearing should be expedited.

Council Member Taylor stated this is a very controversial topic in the neighborhood and it has been going on for several years. He stated he would like to see the issue resolved as soon as possible as well, but when the Council receives documentation in the last few days or last few hours he feels it is necessary to take the time to review the documents. He stated he has read through the 159 page packet the Council received relative to the appeal and he thinks it would only be fair to take additional time to consider the documentation as well as hold a public hearing on the matter. He stated he does not want to drag the neighborhood through additional controversy, but he would like for the appeal hearing to take place in a public forum. He stated he thinks if the Council makes a decision tonight, regardless of the decision, a lot of people will not be satisfied and he would rather take the time to have all information available and hold a public hearing.

Council Member Bigler stated he does not think the Council will receive additional information regarding infractions.

Council Member Fawson stated he understands the need to process all the documentation relative to the appeal, but he feels that even if the issue is delayed for two weeks in order to hold a public hearing, there will still be people that will be upset by the outcome. He stated he does not feel there will be a point in time when everyone will be happy with whatever decision is made.

Council Member Stoker stated she is torn on the issue, but she agrees that the neighborhood has been torn apart by the difference of opinion, but she feels that they have the right to due process and have the ability to say how they feel and that could happen in a public hearing.

Council Member Bigler stated that regardless of whether a public hearing is scheduled both sides of the appeal will have the opportunity to address the appeal body, which is what the appellants asked for in their appeal. He noted the only thing a public hearing would do would allow people besides the appellants and Mr. Baguley to speak.

Council Member Bailey inquired as to the role of the Land Use Ombudsman in matters such as this. Mr. Call explained the Ombudsman has two roles; in this case he has been asked to issue an opinion letter and it only carries weight with the idea that the Ombudsman has expertise and authority in the land use area. He noted the Ombudsman's is available to help cities and property owners resolve land use matter outside of the court system; the Ombudsman is essentially a mediator that can provide expert opinions. He stated there are a couple of instances where the Ombudsman would have some authority over a land use matter, but this is not one of those instances. He stated the City would not be bound by any opinion of the Ombudsman as it is only considered an advisory opinion. Council Member Bailey asked how long it will take the Ombudsman to provide his opinion. Mr. Call stated that is totally dependent on the Ombudsman's work load; that may be something the appellant that spoke with the Ombudsman could provide. He stated that typically when an advisory letter is requested, both parties to the issue would be asked to submit information to the Ombudsman prior to him rendering his opinion. He stated that all that has happened at this point is the appellant has sent a request to the Ombudsman, who has not yet asked the City to provide any information regarding the matter.

Mayor Harris then stated he will allow public comment on this issue. Council Member Bailey asked if residents are asked to provide input regarding whether a public hearing should be held. Mayor Harris stated he would simply ask those speaking to only speak about the subject at hand.

Michael Dufrene, 587 E. 3600 N., stated the first question he has is for Council Member Bigler. He asked if Mr. Baguley was working on a vehicle at his home last Thursday when Council Member Bigler visited him. Council Member Bigler answered no. Council Member Bigler asked Mr. Dufrene if he wanted to ask him why he went to Mr. Baguley's house. Mr. Dufrene answered no and stated it is not relevant. He stated that the package of information regarding the appeal includes instructions to the Council that the appeal not be discussed outside of a Council meeting. He stated Council Member Bigler has made his point for him, and it has been witnessed tonight, that he is "carrying the flag" leading the Council in favor of the Baguley's. He stated he does not know why that is happening and he does not want to make accusations this evening. Council Member Bigler stated Mr. Dufrene just did make an accusation. Mr. Dufrene stated he was making an observation. He then asked Council Member Bigler if he normally attends Planning Commission meetings. Council Member Bigler answered sometimes. Mr. Dufrene stated that he has verified through City records that he attended May 1, 2013 but before that it had been some time since he had attended. He stated that during the May 1, 2013 meeting Council Member Bigler sat right behind the Baguley's and whispered with them the entire evening. Council Member Bigler stated that is not true. He stated he did not whisper back and forth with them. He stated he wants to address Mr. Dufrene's comments because he is jumping to conclusions to try to force his agenda. Mr. Dufrene stated he is trying to highlight Council Member Bigler's agenda. Mayor Harris asked that those speaking refrain from making personal attacks and be civil in their comments. Council Member Bigler stated that prior to the May 1, 2013 Planning Commission meeting he attended an Economic Development Committee meeting to discuss a proposed development to build up to 400 condominiums in one area of the City. He stated the issue was discussed at length and the same issue was on the Planning Commission agenda; the Planning Commission ultimately decided to table consideration of the item, but he wanted to hear the discussion regarding that issue and he has every right to do that. He stated Mr. Dufrene is jumping to conclusions that are false. Mr. Dufrene stated that he would have been less suspicious if Council Member Bigler had not sat behind the Baguley's and whispered with them for a good portion of the meeting. He stated that two of the appellants witnessed Ms. Baguley turn to Council Member Bigler and mouth the words "thank you". Council Member Bigler stated he sat in the first

available chair in the room in which the meeting was held. 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.

Council Member Taylor called for a point of order. He asked that if a Council Member is mentioned in public comments that they have the opportunity, at the conclusion of the residents' remarks, to respond. He stated that will prevent this issue from becoming a debate between a resident and any member of the body.

Mr. Dufrene stated he only has one additional comment regarding his interaction with Mr. Baguley. He stated he took offense to seeing Council Member Bigler at the Baguley's home. He stated he did have the decency to talk to him as well, but he was in shock when Council Member Bigler walked over to his vehicle thinking it belonged to someone else and when he commented on the car Mr. Dufrene responded that it was "his baby" and he needed to take it to a shop for maintenance and Council Member Bigler's comment was to question whether Mr. Dufrene was taking his vehicle to the Baguley's for work. He stated he did not find the comment funny then or now and it gives him a deep perception of what Council Member Bigler's intent is. He stated he is done addressing Council Member Bigler, but his last comment is that all approvals for Mr. Baguley's business occurred before Mr. Dufrene moved to the neighborhood. He stated he would have never moved to the neighborhood if he had known about the business. He stated he has nothing against Mr. Baguley or his wife; the question is not whether Mr. Baguley is a good man, has a good family, or has the right to support his family; the question is if he has the right to do what he is doing in a residential area. He stated there are many letters from people that came forward two years ago to speak on Mr. Baguley's behalf, but he does not give those letters much credence because until someone lives next door to Mr. Baguley and puts up with what they put up with eight hours a day, five days a week, they cannot understand what the neighborhood is going through. He stated Mr. Baguley has two alternative locations to move his business to; he has claimed he did not know that, but he has known it since May 1, 2013. He stated Mr. Baguley has not made any attempt to move his business to a location that would be free of charge to him; the location would be away from a residential neighborhood and it would not set any precedent for the City. He stated he hopes every Tom, Dick, and Harry comes out of the woodwork to request an auto repair, machine shop, or wood shop in a residential neighborhood and he prays to God that one of them lives next to Council Member Bigler.

Mayor Harris stated if anyone wants to make additional comments they must remain civil and refrain from making personal attacks.

Council Member Bigler stated that he did go to the Baguley's home, but not because he is "buddies" with him. He stated he asked Mr. Baguley to turn on his compressor and the loudest air tools he has because he had read the complaints of the appellants and he did not want to sit in his position, acting high and mighty, and make a decision without seeing and hearing for himself what was happening at the business. He stated he would think the residents in the neighborhood would appreciate that fact. He stated he stood in Mr. Baguley's driveway, on his sidewalk, in the middle of the street, and across the street at Mr. Swenson's house and he again asked Mr. Baguley to turn on all of his equipment to understand the noise levels. He stated Mr. Baguley has never worked on his car and he had never met his family before this process started. He stated Mr. Baguley has worked on the vehicles of some of his neighbors, some of them free of charge. He stated he wanted to be clear about why he went to Mr. Baguley's home; he was doing his job as a City Council Member so he could hear for himself what was happening.

Mayor Harris reminded the audience that the Council's role as the appeal authority is to review the decision the Planning Commission made and decide if that decision was legal. He stated this has nothing to do with who is a better person and he asked the public to please make their comments with that perspective. He stated the Council understands there are two sides to this issue and he would like for the meeting to remain civil. Council Member Bigler stated that after he read the letters from the appellants he decided to go to the house to try to determine if the decision of the Planning Commission was, in fact, legal.

Cydnee Jones, 3618 N. 575 E., stated she lives three houses away from Mr. Baguley and she has lived there for eight years. She stated that Mr. Dufrene is not Mr. Baguley's next door neighbor so it is inappropriate for him to speak as if he is. Mr. Dufrene stated his backyard borders Mr. Baguley's backyard. Ms. Jones stated that is not the same as being next door. She then stated she would like to comment on an email from Ron Chandler dated May 8, 2013. She stated she and her husband have always supported Mr. Baguley and they have attended meetings that have been held to discuss his business since the beginning. She stated she has young children and she is not concerned about the effect the fumes or noise will have on them. She stated she would challenge anyone that does not live in the area or the circumstances to come to the neighborhood and they would not even know that Mr. Baguley has a repair shop in his garage. She stated she attended the Planning Commission meeting last month and they voted unanimously to re-approve Mr. Baguley's CUP as they have done for the past three years. She stated her concern at the meeting was that the Planning Commission had mentioned at the meeting that any complaints they had received about the business to that point were too general in nature and there was nothing specific enough to prove that Mr. Baguley had done anything to violate the conditions of his permit. She stated the body proceeded to approve the permit, but as soon as she and her husband left the meeting they commented to each other that the Planning Commission had no idea the "can of worms" they had opened. She stated unfortunately in their neighborhood there is a high population of older men that have a lot of free time to complain and focus on everyone but themselves in the neighborhood. She stated she knew that the neighbors would begin looking for details to bring Mr. Baguley's business down and, sure enough, the following week one of the individuals living in the neighborhood chose to spend over six hours of his day sitting in a lawn chair across the street from Mr. Baguley's house watching him and he continued to repeat that he hoped to catch him doing something wrong. She stated that the irony was that Mr. Baguley was not working on vehicles that day so it proved to not be a good use of time. She stated that her concern about the issue is that there is a lot of self-policing going on in the neighborhood; there are many individuals taking it upon themselves to enforce what they perceive to be the rules for Mr. Baguley's business. She stated she appreciated Mr. Chandler's May 8, 2013 email that specifically laid out the six conditions that were part of Mr. Baguley's CUP. She stated, in her opinion, anything other than those six items should not be considered or discussed. She stated that as long as Mr. Baguley abides by the six conditions that were developed by the Planning Commission his business should be allowed to continue. She then read the six conditions as follows: (1) no more than two vehicles at the home at one time for repair – one active and one parked in the driveway; (2) no vehicles may be parked to obstruct the sidewalk. She stated that if the neighbors want to get technical, there are often neighbors that have parties at their home and allow people to park in a manner that obstructs the sidewalk. She continued to review the conditions as follows: (3) ventilation system should meet code for garages. She stated Mr. Baguley spent quite a bit of money three years ago to upgrade his garage to meet this condition. She stated the next condition is (4) when the compressor or other noise generating tool is in use, all doors and windows are to remain closed. She stated she appreciates Council Member Bigler coming to the neighborhood to investigate the noise levels for himself. She stated the last two conditions are (5) to insulate the garage door to mitigate noise, and (6) adhere to a six month and annual review of the CUP. She stated her point is that nothing outside of the six items should be up for discussion as it was not part of the original CUP. She stated she has been made aware of another auto repair business in a residential area and that person is not being required to follow the same guidelines as Mr. Baguley; these conditions were put in place to

specifically address the concerns of neighbors that opposed the business three years ago. She stated that every year Mr. Baguley has proved that he can abide by the conditions and the CUP continues to receive unanimous approval from the Planning Commission. She stated she perceives this is a huge waste of time; reviewing the CUP annually only opens the wound for the neighborhood every year and it ignites some level of hope for the other neighbors that they might be able to take down Mr. Baguley's business. She stated this is not fair to Mr. Baguley and the neighborhood and it has obviously become a very divisive situation that has made it really hard for most of the neighbors to live in the neighborhood.

Charles Crippen, 3576 N. 575 E., stated there are a couple of false assumptions being made; the other auto repair business referenced by Ms. Jones is subject to an annual review with the Planning Commission and that takes place at the first meeting of each year along with the other CUPs that have been issued in the City. He stated the requirement for an annual review is included in the North Ogden City Code and he has spelled that out for the City to research and Mr. Call can verify that is a fact. He stated that to try to remove the annual review process would be circumventing the City Code. He stated there is a process for amending the City Code; it is lengthy and that is what the Council would need to follow if they wanted to remove the annual review requirement. He stated he has provided the City with documentation that focuses on the legality of the action taken by the Planning Commission and whether the CUP itself is proper and lawful. He stated this is not an issue of whether he thinks Mr. Baguley and his business complies with the conditions of his CUP; the issue is whether the land use meets the standards spelled out in the City Code. He stated the Property Rights Ombudsman has been asked to review that issue and he would encourage the Council to suspend the appeal hearing tonight and wait for the Ombudsman to issue his advisory opinion before proceeding with the process. He stated that will help to avoid the debate about whether or not people hear things or don't hear things, or the degree of which and such, because, those are not the standards in your codes. The standard in your code is: "emitted beyond the premises." Now that is the standard the CUP should really be mitigated to. He reiterated he would encourage the Council to wait for the opinion from the Ombudsman because he thinks that is the proper thing to do.

Mayor Harris stated that when the Council decides to hear the appeal they will be acting in a quasi-judicial mode and in that format the appellants will have an opportunity to speak as will the respondent. He added both parties need to be allowed time to accomplish their own due process and he asked what the City should do if one of the parties involved has not had time to prepare for the appeal hearing. Mr. Call noted State Code does not give specific guidelines on this issue and the standard rule most municipalities follow in this type of appeal is to provide each party all information and then give three days to review it. He stated, however, that this is a unique situation because the City continues to receive information from the appellants and he noted he was provided with a new document less than 30 minutes ago. He stated one benefit of waiting to hold the appeal hearing would be that the City could set a deadline for all documentation to be submitted to ensure that all parties have all information in a timely manner.

Mr. Crippen stated someone asked a question about the State's role in this process and he noted they will have all kinds of documentation, such as copies of minutes and statements from the appellants regarding what is occurring at the business. He stated the Planning Commission and City Council made their decisions based upon personal standards that are not found in the City Code. He stated that he has searched the City Code and those standards that were applied to the CUP do not exist. He stated he has outlined that information in his appeal. He noted there is a history of this issue as well as the history of the other auto repair shop and a machine shop that were permitted to operate in a residential zone. He stated there is a fair amount of work to be done in reviewing all the documentation and he wants to be respectful to both sides of the issue. He then stated the appeal was not filed on May 1, 2013; it was filed May 15, 2013 and it has not been an entire month since it was filed. He stated that he works full time for a living and he has a schedule he must follow. He stated he does not have the time to sit around and watch Mr. Baguley's business. He then stated the other fact of the matter is that the degree to which

people experience things is not included in the standards in the City Code. He stated there are factual, bonafide health issues that the residents immediately bordering the business are experiencing. He again requested that the Council allow the time for an outside, unbiased legal expert to review the matter.

Jolyon Walker, 3603 N. Kinghill Drive, stated he is the old man that spent six and a half hours sitting in Swenson's driveway watching Mr. Baguley as he was instructed to at the May 1, 2013 Planning Commission meeting. He stated that the City Council has been provided with a schedule of events of what happened that day; it was astonishing to him that within 20 minutes of Mr. Baguley arriving home his garage door opened and he began working on something. He stated during that time he could smell solvent from across the street. He stated there is on file with the City an application for home occupation submitted by Mr. Baguley; there are 16 provisions in the application that Mr. Baguley has affirmed he would abide by. He noted City Code 11-16 is almost a verbatim copy of the provisions included in the home occupation application. He stated it talks about noise, odors, and dust being confined to the premises; it also talks about prohibiting modification of the residence so as not to change the residential character of the home. He noted the application also talks about storage and hours of operation. He noted that in his opinion the CUP is in addition to the City Code 11-16; the City has established criteria that Mr. Baguley must follow and they have also added extra stipulations under the CUP. He addressed Mr. Call and stated he does not think Mr. Baguley is limited to the six items identified in the CUP; instead, he thinks he is obligated to abide by the City Code as well regarding home occupations. He stated he has submitted several observations with specific information regarding date and time and he has received no answer to five of the documents he has submitted. He stated he thinks this is a simple issue and it is one of compliance; he thinks the City has put Mr. Baguley in an untenable situation. He stated if Mr. Baguley abides by the provision of the ordinance that states no noise, odors, and dust can escape the premises, he is required to install sound proofing and a ventilation system sufficient to capture the particulates in the air. He stated doing that will change the residential character of his home, which is a violation of the City Code. He stated the City needs to review its ordinance and the criteria that Mr. Baguley is supposed to follow and make a decision based on those facts.

Ryan Jones, 3618 N. 575 E., stated he lives three doors away from Mr. Baguley. He stated he thinks everyone can agree that the point of having City ordinances is so that neighborhoods can feel like neighborhoods and the point of having CUPs to allow people to have occupations in their home under certain conditions is so that a neighborhood can continue to feel like a neighborhood. He stated that he commends Council Member Bigler for his actions. He noted that three years ago when he came to a City meeting to support Mr. Baguley he invited the Council to visit the neighborhood to make their own judgment as to whether the neighborhood feels like a neighborhood. He stated that what Mr. Baguley does in his garage does not distract from the neighborhood environment. He stated the best thing that could be in place at this point in time is a CUP for Mr. Baguley; the only thing he is doing is earning money at what he is doing. He stated there is nothing in the City Code that says Mr. Baguley should be prevented from working on vehicles in his garage and the minute the CUP is taken away Mr. Baguley would be permitted to work on cars in his garage on his own time and leisure with his door open and making all the noise he wants to. He stated that right now there are conditions that Mr. Baguley must work under, such as providing a ventilation system and keeping his garage door closed. He stated it is not only a job, but a hobby for Mr. Baguley as well and he will continue to work on cars whether the CUP is in place. He reiterated the CUP is basically protecting the neighborhood because it requires him to control certain things associated with his business. He reiterated he would commend Council Member Bigler because he is the only person that came to the neighborhood to make his own judgment. He stated that the business may be noisy to some neighbors, but he has not found it to be noisy and everything has been said is hearsay and based on different people's opinions. He encouraged the entire Council to walk the neighborhood on their own. He stated there are some noises that come from the garage, but there are noises in every neighborhood and he would caution the Council against considering the issue of fumes coming from the garage. He stated that any time of day anyone could drive or walk by 7-Eleven and

smell gasoline coming from the area. Mr. Walker stated 7-Eleven is a commercial building. Mr. Jones stated that businesses are still required to confine fumes, etc. associated with their business. He stated the bottom line is that the neighborhood still feels like a neighborhood and anyone can go see that for themselves. He stated the conditions of the CUP have been met and some neighbors have spent a lot of time trying to find fault in the business and in actuality they have found very little. He stated he would imagine that if any business were observed to the extent that Mr. Baguley's has been observed would be found to have some flaws or faults. He stated that what he has seen of Mr. Baguley's business has given him the opinion that he should be receiving some sort of award because he has done such a good job at containing his environment. He stated he understands there are issues and concerns on both sides and that is why he extends the invitation to the City Council and Planning Commission to visit the neighborhood and make a judgment for themselves. He reiterated it is a neighborhood environment and every neighborhood has noises.

Tom Baguley stated other Council Members have visited the neighborhood in the past. He stated Council Member Taylor has come to inspect the business. He then stated he is the appellee and he runs a repair shop for people in his neighborhood; most of his work is done on cars owned by people living in his neighborhood. He stated some of his work is done for free; neighbors bring over all types of items to be repaired and most items other than cars are repaired for free and in his garage with his door down. He stated neighbors do not know what he is working on in his garage at any given time. He then stated that he also works on some cars for free for people, but he does charge for most of his work and he earns approximately \$20,000 to \$30,000 per year in his business. He stated he wanted to respond to Mr. Dufrene and Mr. Walker; he noted this issue has occurred in the past and it is only being rehashed because the City sent a letter to the neighborhood and it led them to believe they had a reason to come to the Planning Commission meeting during which his CUP was reviewed to try to get his permit eliminated. He stated all issues associated with his business have been mitigated as required by the CUP. He stated he works with the garage door down and the Planning Commission decided there was no evidence to support the claim that he has been working with the door up or that he has been allowing illegal parking at his home. He stated he has been abiding by all six restrictions that are part of his CUP and he has had discussions with his neighbors to offer to meet as a neighborhood and try to heal and solve this problem. He stated the neighborhood is currently out of control and it needs to stop; the City has had a small role in the problem as have the neighbors. He stated he is calling for everyone to be a little more conciliatory and become neighbors again. He stated when he moved to Utah he expected to have a great neighborhood; he moved here to be among his friends. He stated everyone needs to "get over the mess" and heal and the way to do that is through discussion of the issue. He stated he started those discussions with his neighbors today and he has encouraged those discussions to continue. He stated he told his neighbors that when this happened last time it took a few years for the issue to be entirely resolved and he does not want the same thing to happen again; he does not want to wait another two or three years to talk to his neighbors. He stated the situation is ridiculous and out of hand and he does not want to wait until June 25, 2013 to have the appeal hearing; he wants to be able to sleep and he has been losing sleep over this issue since April 19, 2013. He stated he respects his neighbors and wants to work with them to make the neighborhood better, but the only way to do that is to discuss the issue together. He then stated that there is no reason to extend the date for the appeal hearing because every review of his CUP by the Planning Commission has resulted its continuation. He stated the people that have concerns about his business wait until the last minute to submit documentation and the Planning Commission has been confused about how to rule on a complaint when the documentation is not readily available. He stated that everything being submitted by the appellants is meant to drag the issue out even further and that is not necessary. He stated the Council needs to make a decision tonight. He added that he has offered to allow unbiased parties onto his property to observe his work, hear the noise levels, and smell the air when he is using the chemicals he uses to clean brakes on vehicles. He stated that offer still stands and he noted that the fan that he uses to dissipate the chemicals does so at a very slow rate so the fumes are pushed up and into the atmosphere and not down and into the homes of his neighbors. He then added that other

businesses that are similar to his in nature are not required to follow the same review process. He stated the review of Mr. Lynn Humphries' business is a formality and he does not even attend the meeting at which the review takes place. He added other businesses like Big-O Tires are not required to have the same ventilation system that he has and they simply open their doors when the fumes are too strong inside. He noted that business is 50 feet from nearby townhomes and apartments on the other side of the street. He stated they may be in a commercial zone, but the same rules regarding human life should apply. He stated he has been told he is endangering the human life in his neighborhood and they will all die because of the fumes that are being emitted from his garage. He stated that he does not even average working on one car per day; so far this year he has worked on 73 cars and there have been 106 days in the year. He stated he does not even work on four cars a week and there have been stretches of eight days when he has worked on no vehicles at all. He reiterated documents submitted by his neighbors have been submitted in the 11th hour and it is not necessary to extend the issue any longer. He stated there are many people that want to speak this evening and he does not think any of them want to be here until 11:00 p.m. this evening.

Mayor Harris stated that he would be willing to listen to new information regarding the issue, but if additional people wishing to speak only plan to say the same thing that has already been stated, it would be appropriate to end the discussion and move the meeting forward.

Mr. Dufrene then stated Mr. Jones is correct; if the City revokes Mr. Baguley's license he will only continue to work on vehicles as he did illegally for the two years before he was given permission to have his home occupation. He then stated that Mr. Jones and others that have spoken on Mr. Baguley's behalf have a stake in this issue as does Mr. Baguley. He then stated he has no stake in the issue and neither do the other three immediate neighbors; they gain nothing from the business except to deal with the dust, noise, fumes, and garbage that is produced by Mr. Baguley's business. He stated that he does not take his car to Mr. Baguley, but Mr. Jones could probably tell the Council that he has taken his car to Mr. Baguley in the last week to have work done. He then stated Ms. Jones needs to check her paperwork; Mr. Chandler sent an email with the six conditions because he asked him to do so. He stated he has heard many different answers to the same question and he wanted the City to clarify the exact conditions of the CUP. He stated Mr. Chandler sent the conditions to him and later apologized because item four, the item that he is particularly interested in because his entire backyard borders Mr. Baguley's house. . . people would be surprised at what he hears happening on Mr. Baguley's property and that is how he knew Council Member Bigler had visited the home. He stated he did not witness the testing of the compressor noise level and instead he heard conversation in Mr. Baguley's house and that is how he knew Council Member Bigler was there. He stated that from the corner of his house to Mr. Baguley's garage measures 60 feet and Mr. Baguley is allowed, based on the CUP approved by a previous City Council of which Council Member Bigler was a member, to open his back door and back window in his garage. He stated that he is the recipient of the disturbances that come from the door and window. Council Member Bigler stated that is incorrect; the door and window must be closed. He stated Mr. Chandler has issued a final email explaining that the ordinance dictates that all doors and windows must be closed when work is taking place. Mr. Chandler stated he pulled the language from the motion in the minutes of the meeting when the CUP was approved and the motion was that all doors and windows must remain closed, but the motion was amended to allow the man door and windows to be open while the garage door had to remain closed. Council Member Bigler stated that is not what the final order says and he would like to see the pertinent documentation to that effect. Mr. Dufrene stated that he would like to know the exact conditions and he noted that regardless of what the order say, Mr. Baguley's back door and window have been open many times and that is the basis for his concern. He stated Mr. Baguley has admitted that gasoline lingers and that is correct; the fumes linger into his backyard. He then apologized to Council Member Bigler. He stated he has 30 years of experience in the military and he has learned to follow directions; he read a note in the packet that said the Council was directed to not discuss the issue outside

of a Council meeting and that is why he questioned the fact that Council Member Bigler visited Mr. Baguley's home last Thursday. He apologized if he had the wrong impression of the situation.

Angie Erickson, 3633 N. 575 E., stated she thinks this is so sad; her day starts at 7:20 a.m. when she drives the car-pool to the junior high school. She stated at 8:15 a.m. she drives children to Bates Elementary, at 11:15 a.m. she picks up kindergarten students, at 2:30 p.m. she picks up kids at the junior high, and at 3:05 p.m. she picks up the elementary children. She stated that when she comes up her street she sees Mr. Crippen outside having a conversation, the Swenson's beautiful yard, Ms. Baguley's latest craft hanging on her door, and she has never seen anything going on in Mr. Baguley's garage. She stated she drives the road 20 times per day and she may be causing more pollution by driving her suburban through the neighborhood than Mr. Baguley is causing with his business. She stated her six boys are more of a risk to her neighborhood than Mr. Baguley's garage. She stated the situation is dangerous; this is a neighborhood and the bickering needs to stop today.

Mayor Harris stated the Council has heard a lot on this subject so far and he asked them to determine if they would like to set a public hearing for the appeal.

Council Member Bigler moved that the Council not hold a public hearing and that the appeal be held this evening. Council Member Fawson seconded the motion.

Council Member Taylor stated he is supportive of not holding a public hearing given that the Council has heard from many people on both sides of the issue this evening. He stated, however, that he is not comfortable with proceeding with the appeal this evening for the same reasons he cited earlier in the meeting. He noted there is a lengthy packet of documentation regarding this issue and additional information was only submitted earlier today; the fault for that lies with the appellants and the City as the initial guidance that the appellants were given was that the purpose of tonight's meeting would be to decide whether to hold a public hearing and that there was no plan to hold the appeal hearing tonight. He stated that direction did not change until the end of last week. He stated he is not interested in inflicting more damage on the neighborhood, but he feels the Council needs to have more time to review the pertinent information.

Council Member Fawson withdrew his second of the motion because he did not understand the motion was to hold the appeal hearing this evening. He stated that decision can be made under the next agenda item.

Council Member Bigler made an amended motion that the Council not hold a public hearing relative to the appeal. Council Member Fawson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO CONTINUE A CONDITIONAL USE PERMIT FOR TOM'S AUTO REPAIR.

Council Member Taylor stated that he has reviewed the emails regarding this issue and the divisiveness of the issue in the neighborhood is very sad to see. He stated that there are very good people on both sides of the issue, though he does not know most of the people that are involved. He stated he met the Baguley's a couple of years ago when he acted something similar to Council Member Bigler to hear the noise levels of the business for himself. He added he has also met Mr. Swenson on his tour of the neighborhood at that time. He stated he is sad to see so much personal accusations from both sides of the issue; one thing that has bothered him is the dismissive attitude of the complaints of some of the neighbors. He stated he has read the emails of the appellants and found that three of them are veterans, two of them are retired colonels that served the country for a long time. He stated that is something he respects and he feels they are good people, as are the Baguley's as well. He stated everyone involved is a good person, but the issue has escalated to personal accusations and name calling, such as grumpy old men, and the dismissive attitude is not right. He stated someone's home is sacred and one of the most important things in this country and if someone has a concern about what is happening to their life and home they have every right to voice that concern without being dismissed as a grumpy old man. He stated he appreciates what Mr. Baguley said about the need to reconcile in the neighborhood and he would love nothing more than to see the neighborhood come up with their own solution together so the City Council is not forced to make a decision. He added he feels the entire discussion and appeal needs to be held in public; he is concerned about discussions that have taken place via email between the City Council, which he was specifically excluded from. He stated that kind of thing is "junior high activity" and he does not understand why one Council Member would be removed from an email for a private discussion. He added the Council was given clear direction not to visit with anyone involved in the appeal and he feels that direction should have been honored as well. He stated he went in the past when this issue was raised, but at that time the Council had not received instruction against doing so. He stated he would have liked to visit the neighborhood this time, but the Council was told not to in order to avoid being prejudiced on either side of the issue in advance of an appeal decision. He stated this is not a legislative decision; it is an appeal decision and the Council is acting in a quasi-judicial fashion and just like a judge should not prejudice himself by meeting with different parties in advance of making a decision the Council should have avoided that as well. He reiterated there were private emails that were not shared with the entire Council and that is inappropriate and it creates grounds for conspiracy theories and for people to be dissatisfied by the decision that will ultimately be issued. He stated it could result in further appeals as well. He then added that in this kind of situation the "tie" should go to the residents seeking to only have residential uses in their neighborhood. He stated when this issue was raised in the past the Council reached a good compromise and he supported it and if the majority of the neighborhood were still supporting that compromise he would love nothing more than to allow it to continue. He added, however, that the compromise is no longer working. He stated he printed a map from Google Earth and marked the homes of the people that have addressed the City Council and five of those properties directly abut Mr. Baguley's property in various directions; of those, four of the property owners are appellants that are asking that the CUP be revoked. He stated that tells him that the vast majority of those living closest to the subject property feel that it is a problem. He stated he does not live there and has not spent time there, but when he visited the property a couple of years ago to do his own research he personally did not feel it created an issue and that is why he voted to allow the CUP, but now that he understands that four of the five adjacent neighbors are not only opposed to the CUP, but they have filed a formal appeal asking that the CUP be revoked, that communicates to him that there must be some problem with the business. He stated he feels the Council needs to listen to the concerns of the appellants and he reiterated the neighborhood is a neighborhood at the end of the day; businesses are allowed by exception and the primary use of the neighborhood should not be commercial. He reiterated he would like additional time

to review all pertinent documentation, including the 16 page document that was provided to the Council immediately before this meeting.

Council Member Bailey stated he feels the fact that the Stated Land Use Ombudsman has been asked to provide an opinion regarding this issue is significant. He stated that he finds it unfortunate that documentation was provided to the Council so late and there was not sufficient time to research it prior to this meeting. He stated there are many issues of law that are being discussed in the documentation and the bottom line is that the Council needs to base its decision on law. He stated he would agree with Council Member Taylor that every citizen has a right to enjoy legal uses in the zoning in which they live and if they are living in a residential zone, residential uses should take priority over any other potential uses in the zone. He stated he would join with Council Member Taylor in asking that the Council vote to allow time to review all additional information and possibly receive the opinion letter from the Ombudsman. He stated he would like to continue the appeal hearing to a future date to allow the entire Council sufficient time to review all documentation.

Council Member Bigler stated that Mr. Call said that it could take months for the Ombudsman to issue an opinion and he asked Council Member Bailey if he is proposing that the Council wait for the opinion regardless of how long it takes. Council Member Bailey stated he is proposing that the Council at least have time to review the materials on their own. He stated he would like Mr. Call to review the materials as well. Council Member Bigler stated he is of the opinion that the Planning Commission meeting was a month ago and it is possible that the appellants will continue to submit additional documentation. He stated one side presents something and it is provided to the other side so they present something to rebut. He stated that same cycle could continue forever. He stated it is not like the Council is considering holding the appeal one week after the Planning Commission's decision; instead it has been one month. He provided an explanation of how this issue first came about. He stated the Planning Commission handles land use issues and the CUP came before the Planning Commission when a previous Council was seated, which included himself, Council Member Taylor, Ron Flamm, Martha Harris, and Carl Turner. He stated that the Planning Commission approved the CUP and there was an appeal filed with the Council at that point and the Council acted as the appeal board; the City Attorney advised the Council that they were no longer acting as Council Members and that they were asked to provide their opinion as a member of an appeal board. He stated the appeal board is tasked with considering the legal aspects of an issue and determining whether the Planning Commission did their job and all five Council Members voted unanimously that the Planning Commission acted within the law. He stated some misunderstood the situation; he explained that the Council placed additional restrictions upon Mr. Baguley to try to appease the neighbors. He stated the same situation is occurring again; the Planning Commission conducted their annual review of the CUP and the complainants were informed that the annual review was scheduled and they had ample time to put forth anything they wanted to put forth. He stated the City Administration presented to the Planning Commission and explained there was nothing to substantiate claims that Mr. Baguley was not complying with the conditions of his CUP. He stated the neighbors have appealed that decision and that is why the issue is before the City Council again. He stated the rest of the Council may want to wait to hold an appeal hearing, but he does not necessarily want to wait for the Ombudsman to issue an opinion because that could take months. He stated he thinks the Council can act without that opinion because it is their City. He stated one compromise would be to hold the appeal hearing tonight, but delay issuing a decision until the next Council meeting, which is allowed by law. Mr. Call stated that the City Code dictates that if an appeal is hearing during a Council meeting the decision must be rendered no later than the next meeting. Council Member Bigler stated the appeal hearing has basically taken place and he would like to proceed and issue a decision at the next meeting. He stated that he is not the type of person to sit back and make decisions; rather he likes to go out in the community to investigate issues on his own and he thinks the residents expect that from their elected officials. He stated the Council votes on issues that can impact the residents and they expect the Council to perform their due diligence. He then stated he would ask the complainants to call him immediately when they smell fumes on a daily basis or

hear loud noises. He stated he will visit the neighborhood on his own when that happens. He stated right now the Council would be asked to act on hearsay and he asked if the complainants would be willing to call him. He stated that being told not to have any contact with the neighborhood during this process is a double edged sword because the Council should be carrying out their due diligence; he would not just invite, but encourage the neighbors to call him. He stated there have been so many complaints over the last three years, such as that Mr. Baguley's business causes the house across the street to actually shake. He stated that is on the public record and he wants to know for himself what is actually happening. He stated in the complaint letters the neighbors reference weekly and daily smells that are harming their health and he asked that they call him when those smells are present. He stated he works during the summer, but his schedule is flexible and he would invite them to call him on his cell phone immediately when the noise is so great that they feel it is ruining their neighborhood. He stated they should also not tell the Baguley's that they are calling him.

Mr. Chandler stated that as the Council is considering whether to hear the appeal this evening he would like them to consider a few things. He stated Ms. Jones was right when she talked about the purpose of the Planning Commission meeting to review the conditions of the permit. He stated the review was of the CUP conditions and that is the decision that was appealed. He noted Mr. Crippen is also right in his comments about the original decision that was made in 2010 and whether that decision was legally correct. He stated those two things are very different from each other, though they have been discussed this evening as if they are the same. He stated in his past experience he has learned that when an entity begins dealing with the State Ombudsman they have entered into a legal process; he is a mediator that assists in property rights disputes. He stated there are options available to the Council as they consider the best route, but there are also private property rights of Mr. Baguley and the appellants. He stated Mr. Walker mentioned that there are several letters he has not received and that is true; one of the difficulties has been that the people writing the letters are asking the staff to issue legal opinions regarding the decision that was made in 2010 and that is a very difficult thing for the staff to try to do. He stated he has tried not to render a legal opinion because that is when arguments will begin. He stated he would recommend that the Council instruct the City Attorney to provide an opinion regarding the rights of everyone involved in the issue as well as the different legal proceedings that could occur as a result of any decision made by the Council acting as the appeal board. He stated he does not want the City to make the situation any worse.

Mayor Harris stated the Council could also vote to impose a deadline for providing any additional documentation to the City. Council Member Bigler stated the Council not only needs to do that in this case, but they should add language to the City Code that will apply to all future appeals to prevent this from happening again in the future.

Mr. Chandler then stated as he has worked with all of the parties involved in this issue, reviewed the City Code with Mr. Call, and worked with Community Development Director Barker regarding the case he has come to the conclusion that this is also a good opportunity for the City to look at conditional uses allowed in various zones of the City. He discussed cemeteries and private parks in the hillside overlay zone as an example. He stated that one of the things he has heard from the neighbors is that they were surprised that an auto repair shop would be allowed in their neighborhood and that they may not have moved to the neighborhood if they had been aware of that.

Council Member Bailey stated that he also thinks it would be good for the Council to review the home occupation ordinance and the criteria placed on such occupations as well. He stated that relates to the property rights issue that Mr. Chandler raised. He stated he wants to ensure the City is not issuing home occupation permits that essentially trample on the rights of other property owners in the City. Mayor Harris noted home occupations have always been allowed in North Ogden and the problem is that if one

home occupation permit is issued it would be hard to deny someone else a permit. He asked where the Council would draw the line on home occupations and noted that will be a difficult decision to make.

Council Member Fawson stated he was approached by a few people that have pleaded for the Council to end this issue and stop the name calling, infighting, insults, and craziness in the neighborhood. He stated he would like to get that done, but at the same time he feels the Council needs to review the documentation that has been submitted and the fact that the City has not provided the parties to the appeal a deadline for submitting documentation he does not feel that the Council can act tonight. He stated that as much as he wants to make a decision he feels it is more appropriate to postpone the appeal hearing for another two weeks. He stated that he would love to have the appeal hearing tonight, but there is not sufficient time to review all the relevant documents.

Council Member Fawson moved to schedule an appeal hearing for two weeks from tonight during the June 11, 2013 regular Council meeting and to set a deadline for the submission of additional materials for one week from today so the appeal board has one week to review all documentation. Council Member Bailey seconded the motion.

Council Member Stoker stated she would also like to ask the City Attorney to provide his opinion regarding the property rights of both parties to the appeal as Mr. Chandler suggested.

Council Member Fawson amended his motion to include directing the City Attorney to provide the Council with a legal opinion regarding the property rights of both parties to the appeal. Council Member Bailey seconded the motion.

Council Member Bigler stated that those things go the Planning Commission; they look at them and then forward them to the Council. He then stated that it has been said that the Council has not had time to review the documents and there was a 16 page document provided to the Council this evening at the beginning of the meeting. He added he spent hours and hours looking through all the documentation that was included in the Council packet and he came to the meeting prepared to understand both sides of the issue. He stated it is not that the Council did not do its due diligence, but there have been changes and an additional 16 page document. He stated that if the Council is going to delay holding the appeal hearing he would ask, as a human being and as neighbors, that during the two week delay they only provide information to the City and leave each other alone. He stated the neighborhood needs to heal and he asked that people avoid sitting in a chair across the street from their neighbor's house for a six hour period. He asked if the other garage business in the City is required to follow an annual review process, but it is not the same as the review process for Mr. Baguley's business. He stated the City does not send letters to the neighboring property owners for the other business as they do for Mr. Baguley's business and his annual review is basically a formality. He stated that if there is a legal business the City needs to treat them all the same and the City needs to be careful not to do any harassing of any parties to the appeal. He stated that one of the conditions of the CUP is for Mr. Baguley to insulate his garage door, yet there have been comments regarding insulating the entire garage; the City or the appellants should not be harassing Mr. Baguley about insulation in his garage. He stated that he has heard reports that someone from the City would be driving by Mr. Baguley's home and if his garage door is open and he is inside the garage he would be cited. He stated that, if in fact that was said, that is against the law; it is Mr. Baguley's property and he can be in his garage with the door open as much as he wants – he simply cannot be working on a vehicle with the door open. He stated Mr. Baguley could actually work on his own car with the garage door open. He stated the only time Mr. Baguley is required to keep his garage door closed is when he is working on a vehicle for his business. He stated this is part of the conflict; no one knows when he is working on a vehicle or what is actually happening in his garage. He stated he

would ask that for the next two weeks that both parties avoid attacking one another and only deal with the City.

Council Member Bailey stated that when this was raised a couple of weeks ago the Council was asked to avoid having contact with anyone involved in the appeal since they would be acting as the appeal board. He asked Mr. Call or Mr. Chandler to expound upon that request since Council Member Bigler has made a plea for the appellants to call him when they have concerns. He stated he is not comfortable with that plea; anything being communicated to the Council by either party of the appeal should be communicated through a central channel and then provided to all members of the City Council. Council Member Bigler asked Mr. Call to also explain how the Council can be asked to make an accurate decision if they are prohibited from speaking with either party of the appeal.

Mr. Call stated the entire purpose of the ex-parte communication is that everyone involved in the appeal should have all of the same information. He stated that includes the appellants, appellee, and the decision makers. He stated the problem with individual Council Members speaking to parties of the appeal is that all information may not be adequately shared with the entire appeal board and that makes it hard for everyone to be on the same level when making a decision. He stated that typically it is the duty of the individuals presenting evidence to inform the decision makers of all facts; there are times in court cases when the judge will allow an entire jury to go to a site to view pertinent information to a case. He stated that if the entire appeal board wanted to go to the neighborhood together that would be appropriate. He stated that when only one person is getting information that is inappropriate. He stated the email correspondence that has been taking place is fine when everyone receives a copy of the emails. He reiterated it is important for everyone to have all the same information. Council Member Bailey stated he feels much more comfortable with that approach.

Council Member Bigler asked if the entire Council is comfortable with visiting the neighborhood. Council Member Bailey stated he would be comfortable doing that. Council Member Bigler stated that he also wanted to point out, in the spirit of fairness, that one of the appellants also called him. He stated he will not say who it was, but for one of the appellants to address him and call him out for acting inappropriately. . .one of them called him and left him a message to call him about the issue.

Council Member Taylor stated he would like to apply the same treatment to the Council. He asked that Council Member Bigler not exclude him from emails sent to the rest of the Council regarding the issue. He asked for the same respect that Council Member Bigler encouraged the neighborhood to show. Council Member Bigler stated he would be happy to do that if Council Member Taylor avoids becoming an “attack dog” every time he receives an email. He stated this is ridiculous and silly, but there is a reason for the way he has acted. He stated that every member of the Council should be able to state their opinion and feelings in an email without receiving a response from Council Member Taylor that they are playing politics.

Mayor Harris called for a vote on the motion.

Voting on the motion:

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|------------------------------|------------|
| 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 Council then took a 10 minute break at 8:32 p.m.

The meeting reconvened at 8:45 p.m.

6. DISCUSSION CONCERNING RIGHT-OF-WAY ACQUISITION FOR THE FUTURE MONROE BOULEVARD.

A staff memo from City Manager Chandler explained on December 11, 2012 the City Council approved Agreement 2012-A5 with Weber County accepting a \$2,064,000 grant for purchasing right-of-way for the future Monroe Boulevard. On January 22, 2013 the City Council discussed this further wherein residents and Councilmembers expressed concern about road width, speed, the impact on the elementary school, connection to Ogden City and future traffic patterns. The administration is ready to proceed with purchasing the right-of-way. Prior to doing so, we want to present the following ideas for your consideration.

1. Affirm the City Council's desire that the area between North Ogden's southern border and 1700 North remain single family – low density residential in accordance with the current general plan. The general plan defines low density residential areas as follows: "Low density residential areas are either exclusively single family detached housing or planned residential unit developments. The density found in these developments within the urbanized portion of the City range from one unit per acre to less than four units per acre which are the zones R-1-40, R-1-20, R-1-12.5 and R-1-10. . . This low density residential development is the preferred living arrangement for most citizens of North Ogden and general surrounding areas. Conflicting uses of land such as commercial should be buffered from the low density residential land with lower density land uses. Schools, parks, and churches should be easily accessible without great travel distances." This area is zoned as RE-20 which requires a minimum lot size of 20,000 square feet. Install traffic calming features, especially between North Ogden's southern border and 2100 North.
2. The Institute of Transportation Engineers defines traffic calming features as "changes in street alignment, installation of barriers, and other physical measures to reduce traffic speeds and/or cut-through volumes, in the interest of street safety, livability, and other public purposes." Traffic calming features aim to lower vehicle speed, decrease truck traffic and create a more pleasant environment for residents.
 - a) Narrow the travel lanes on Monroe Blvd. to three prior to entering North Ogden City. Monroe Blvd. in Ogden is a five lane road, (four travel lanes and one turning lane), plus two parking lanes. North Ogden's collector road as proposed by the City's transportation plan is a three lane road, (two travel lanes and one turning lane), plus two parking lanes. Staff met with Ogden's City engineer about transitioning their five travel lanes to three between 1500 North and the City boundary. He did not think that this will be a problem.
 - b) Install a traffic circle at the entrance to the City. Traffic circles are small, raised circular islands that are placed in the center of an intersection or road. They can act as roundabouts when they are placed at intersections or they can be installed at the center of a street such as at the entrance of the city. Traffic circles cause vehicles to slow down because drivers are forced to make turning movements. When placed at an entrance, a traffic circle also acts as a gateway creating a sense of passage or change in traffic to the area.
 - c) Build wider park strips between North Ogden's southern boundary and 1700 North and plant larger street trees. Wide streets lend themselves to speed. Narrower streets limit the expanse of pavement visible to the driver and are effective in slowing traffic. Tree lined

- streets create the illusion that the street is narrower even though the lane width remains the same. Tree lined streets are aesthetically pleasing and create a sense of place.
- d) Redesign the east entrance into the elementary school. This includes striping Monroe Blvd. with the turning lane, two travel lanes and two parking lanes; construct two turning islands at 1850North; extending the curb radius at 1850 and 1900North thereby reducing the road width and distance children must traverse when crossing the street; and, create three drop off areas on Monroe Blvd. It is likely that we will need a crossing guard at this location as development continues.

Mr. Chandler read his staff memo to summarize the agenda item. He also reviewed maps included in the general plan. He noted the traffic calming measures recommended in his staff memo are widely used and successful in the United States and Europe; they will encourage motorists to drive at the speed limit while making the road aesthetically pleasing.

Council Member Bigler stated the first item in Mr. Chandler's memo is a recommendation to maintain residential zoning in the southern-most area of the City that will be impacted by Monroe Boulevard, but the law states that no Council can bind a future Council. He stated the Council can tell the Planning Commission what their desires are for future development of that area, but any future Council can change that decision. He noted a developer could come to the City and apply for development along Monroe Boulevard and if the Council approves that development it will be done. Mr. Chandler stated it is true that the current Council cannot bind future Councils. He stated this would require vigilance on many people's part; there is a public review process required for zoning ordinance changes and general plan reviews.

Council Member Bigler then referenced the section of Mr. Chandler's memo regarding the portion of Monroe Boulevard that is located in Ogden City and he inquired as to the width of that five lane portion of the road. Mr. Chandler stated that it is 100 feet wide. Council Member Bigler stated that during the last meeting it was stated that the portion of the road in North Ogden would be 80 feet wide and he asked if that is still the case. Mr. Chandler stated the portion of Monroe Boulevard that has already been constructed in North Ogden is 100 feet wide, so the Administration is proposing that, in order to have sufficient width for the number of lanes and the park strips along the road is for the width to be 100 feet and that the extra footage would be used to create extra wide park strips in which trees can be planted. He stated the actual road will be constructed in an 82 foot right-of-way. Council Member Bigler asked if 82 feet is wide enough for a four lane road. Mr. Chandler stated the four lane road would be constructed in the 100 foot right-of-way. Council Member Bigler stated in the last meeting the comment was made that the road would be 80 feet wide and that would be wide enough for four lanes. Mr. Chandler stated an 82 foot road would consist of three lanes; a driving lane in each direction and a center turning lane. Council Member Bigler stated that is different than what was discussed in the last meeting. Mr. Chandler stated it may be possible to construct a four lane road in an 82 foot right-of-way if the parking areas on the sides of the street were eliminated.

Mayor Harris stated the idea is that Monroe Boulevard would be a major collector road in the City; the right-of-way would be 80 feet wide, but the roadway would consist of a 14 foot center lane and two 12 foot travel lanes with two 10 foot shoulders. He stated the actual road would be 52 feet wide and the remaining footage would be taken up by the parking lanes, curb, gutter, park strips, and sidewalk. He stated the actual paved area will not be 80 feet wide; instead the entire right-of-way would be 82 feet wide. Mr. Chandler stated that is correct and he reiterated the park strips will be extra wide to accommodate the planting of street trees. Mayor Harris added the proposal is for a 100 foot right-of-way from the boundary with Ogden City extending to 2100 North and the right-of-way would then be reduced to 80 feet. He stated that the 100 foot right-of-way would be used to construct the kinds of features referenced in Mr. Chandler's memo.

Mr. Chandler then continued by reading bullet item e of his staff memo regarding the impact that Monroe Boulevard could have on the elementary school. He pointed out the road in front of the elementary school is already constructed at the 100 foot width, but it is not marked and does not include any traffic calming features. He stated he would like the Council to consider an idea to redesign this portion of the road and he reviewed a map of the area. He stated that he would like to maintain the wide park strips on this portion of the road and that would require extending the curbs further into the road; this will create a narrower road, which will serve to slow traffic. He reviewed the areas of the road that Administration would recommend installing islands that could be landscaped if so desired. He added that Administration also proposes the development of three drop-off zones for school traffic as well as a raised crosswalk. He noted there are several options for tying in the existing Monroe Boulevard with 2100 North and one thing traffic engineers have found is that the wider the park strip the greater the variety of tree to choose from, which means it will be possible to achieve a larger tree canopy. He then noted that during past discussions regarding Monroe Boulevard there were many references to crime comparing the crime rates in North Ogden to the crime rates in Ogden, specifically in the subdivisions directly to the south of the North Ogden/Ogden border. He stated that in 2012 the City asked the Ogden Police Department (OPD) to work with the North Ogden Police Department (NOPD) to determine the crime rates that the area of Ogden from 400 North to the North Ogden Boundary and between Harrison and Washington Boulevards. He noted the data was measured on a per 1,000 resident basis; Ogden's population is 83,960, North Ogden's population is 17,600, and the population in the study area is 8,966. He stated that in Ogden the crimes per 1,000 residents was 54.98 in 2012; in the study area it was 23 per 1,000 residents; and in North Ogden the crime rate is 17.67 per 1,000 residents. He stated the data is broken down into different types of crimes as follows: burglary in Ogden is 8.43 crimes per 1,000 residents; burglary in the study area is 5.3 per 1,000 residents; and burglary in North Ogden is 3.33 per 1,000 residents. He noted theft in Ogden is 37.76 crimes per 1,000 residents; theft in the study area is 13.5 per 1,000 residents; and theft in North Ogden is 12.56 per 1,000 residents. He stated he asked the Police Officers where the majority of Ogden crimes occur since crime rates in the study area are fairly close to the crime rates in North Ogden and he was told that the bulk of the crime occurs in and around the downtown area of Ogden.

Council Member Bigler asked if the southern boundary of the study area was Fourth Street in Ogden. Mr. Chandler answered no and stated it is 400 North, which is also known as North Street. He added North Ogden City begins at 1550 North. Council Member Bigler asked if 400 North is located two blocks north of Second Street in Ogden, to which Mr. Chandler answered yes. Council Member Bigler stated he is somewhat confused because Mr. Chandler quoted the crime rates, but stated the bulk of crime in Ogden occurs in downtown Ogden. He stated downtown Ogden is not located in the study area. Council Member Bailey stated that Mr. Chandler reviewed three sets of numbers: the overall crime rate for Ogden, the crime rate in the study area, and the crime rate in North Ogden. Mr. Chandler noted the total crime rates in Ogden are more than double the crime rates in the study area; the crime rates in the study area are very similar to the crime rates in North Ogden City. He then concluded that this type of project has been fun to work on because he has had a chance to talk to people and listen to their concerns as well as do some planning and determine how to build a road that will not only be nice to travel, but will be nice to live on as well. He reiterated his memo includes some of the proposals the Administration would like the Council to consider; they are a beginning point and not an ending point and he anticipates that as the City moves forward with purchasing the right of way for the street that the City will continue to invite public input regarding the types of ideas that are being considered until the Council is comfortable with a plan for developing Monroe Boulevard in the City.

Mayor Harris stated he wants to emphasize that this item is related to the purchase of right of way only and the actual construction of the road will take place over the next 30 years; it will occur as development occurs in the same manner it has occurred up to this point in time. He stated there are existing sections of

the road that will need to be connected as development continues. He then asked the Council if they had any questions or comments.

Council Member Bailey asked if Mr. Chandler's proposal includes any action items or if the Council is simply being asked to consider concepts. Mr. Chandler stated that his intent was that his memo be used for information and discussion purposes only at this point. He stated the City is ready to move forward with property purchases to preserve the right of way and the Council has already authorized an agreement to proceed with those purchases. He stated the purchase agreements will be provided to the Council for final approval before they are executed. He noted the next step for the Administration is to work to meet Utah Department of Transportation (UDOT) standards for property purchases; all the counsel the City has received from other communities, in conjunction with a requirement from Weber County, is to use an acquisition officer that is familiar and experienced with UDOT right of way purchases. He noted the Administration will meet with an acquisition officer to determine the conditions for the property purchases and then begin the survey work to identify the exact pathway of the road. He noted all information will ultimately be brought back to the Council.

Council Member Bailey asked if the City currently owns any right of way property along the designated corridor area or if it is all still privately owned. Mayor Harris stated it is all currently privately owned.

Council Member Taylor stated he thought there was intent to hear public comments regarding this issue. Mayor Harris stated he will accept public comments once the Council is finished making comments.

Council Member Stoker stated that she has heard and understands concerns about wider roads and the speeds associated with those types of roads. She stated there are many parents that are always on the news asking for things to be done to provide increased safety for their children; there have been accidents and children have been hurt on wider roads and that is a real concern for her. She stated that regardless of the decision made she feels the City's number one priority should be to ensure that the area of the road close to the school is safe and that speed is not a factor; the safety of the City's children should come first.

Council Member Bigler referenced the approval that Mr. Chandler mentioned and asked if that took place in January of 2013. Mr. Chandler stated it took place in December of 2012. Council Member Bigler stated that last time the Council spoke about this issue there was a discussion about why the issue was voted upon in the manner that it was. He stated that he was led to believe that this was a "done deal" and the City had no say in it because it was stated that the road was part of the regional transportation plan; he thought the vote was a formality. He stated that after that time he talked to three different Weber County officials and they told him that the City was not required to vote in that manner and that the decision was completely up to the City to make. He stated that during the last discussion about the road the Council talked about several concerns. He then referenced the crime data reported by Mr. Chandler and stated that is the amount of crime that occurs in certain areas and he asked if that is correct. Mr. Chandler reiterated it is the crime data for 2012. Council Member Bigler stated that what is unknown is who is committing the crimes in North Ogden; a high percentage of those caught committing crimes in North Ogden are actually from a little bit further south than North Ogden and if the corridor is opened up those rates could skyrocket as well. He added that when he was a bishop he received news about cars being broken into on Sundays and the perpetrators were caught and the police found a garage full of stolen items in Ogden. He stated he is still concerned about having the direct corridor connecting North Ogden to Ogden. He added then referenced the safety of school children. He stated he was not concerned about adding trees to make the corridor beautiful, but trees are beautiful and when he read through the materials he understood that the idea is that trees will make the corridor feel narrower and that will encourage motorists to slow down. He stated he expressed all the reasons during the last meeting that he is not thrilled about the road, but his question is why it is not possible to consider alternatives to the proposed corridor route. He stated the answer he has received to that question in the past is that the road has been planned for a long time, but the general and master plans are supposed to be reviewed every five years;

things have changed in the last 30 years in Ogden and North Ogden and it is appropriate to update plans. He stated he does not know why the City will not consider other alternative routes. He stated the sky is not falling and it is not necessary to move forward immediately. He then inquired as to the cost of the right-of-way that the City is interested in purchasing. Mr. Chandler stated the Engineer's estimate for the purchase is \$2,064,000. Council Member Bigler stated that once the right-of-way is purchased the corridor route will be cemented because the City will not spend \$2 million and then consider other options. He asked why it is not possible to consider other options before the right-of-way is purchased. He stated it seems like common sense to look at every option; this road has been on the plan for so long and that leads him to believe that other options have not been explored. He stated that another question he has is relative to the loop road to the west of Monroe Boulevard. He asked where that road will go. Mayor Harris stated that road is Skyline Drive and Monroe Boulevard will connect to Skyline Drive and ultimately travel through Pleasant View and connect to Interstate 15. He added it will connect to Mountain Road on the eastern side of the City. Council Member Bigler stated that means people living on the northern end of the City would be able to use that route to get in and out of the City and they would avoid travelling through the neighborhoods to get to the freeway. Mayor Harris stated that people will not drive north in order to travel south on the freeway; that was one of the things that was proven by a traffic study. Council Member Bigler added that other roads will be widened throughout the City and it is not necessarily true that deciding against Monroe Boulevard will increase traffic congestion; there are other road projects that will increase mobility in the City. He stated his two main questions relative to this project are why it is not possible to explore other options before spending \$2 million. He stated once that is done there will be no exploration of other sites. He stated in the three years he has been on the Council he has worked hard to preserve the residential zones in the City via his work on the Public Works Facility trying to keep it out of Barker Park and off of 2100 North and he thinks there are unintended consequences associated with constructing Monroe Boulevard through a residential area and that will bring more negative aspects than positive aspects. He stated if Monroe Boulevard is constructed through that area, every road that intersects it that travels east/west will require a stop sign or traffic signal. He stated his second question is where the stop signs or stop lights will be located; he asked if they will be on Monroe Boulevard or on the east/west roads. Mayor Harris stated some of the locations of the stop signs and traffic signals are known – one will be located at the intersection of 2600 North and Monroe Boulevard – but, the answer is that there will be stop signs and signals because there will be cross traffic; people traveling on the lesser roads will likely be required to stop at intersections with Monroe Boulevard. He stated that is the way traffic moves through the City and this is not just about Monroe Boulevard. He stated the City has money to preserve right-of-way for Monroe Boulevard, but the master transportation plan shows all development in the City and many additional east/west roads will also need to be developed to accommodate the traffic in the City. He stated the City is trying to look ahead and avoid the traffic problems other cities have experienced as a result of not being prepared to handle the growth that has occurred. He stated this is about doing what is best for North Ogden as a whole now and in the future.

Council Member Bailey stated that there are portions of Monroe Boulevard that have been developed along the proposed corridor. Mayor Harris stated that is correct and noted that all of the development along the corridor has been built to the recommended standard. Council Member Bailey asked how much of the area between 1700 North and 3100 North has actually been constructed. Mayor Harris stated he is not sure of the total percentage of the street that has already been constructed, but reiterated that everything that has been built in that area has met the construction standard that has been discussed this evening. Council Member Bailey noted right-of-way has been purchased for that portion of the road and spending the \$2 million at this point in time is not the equivalent of “throwing money down a sink hole” and avoiding other options; the City has already invested heavily in this alternative. Mayor Harris stated that is correct and he thinks it is important to consider that the traffic master plan shows that the bulk of traffic will be moving south in the morning and north in the afternoon as people are travelling to and from work; the City needs three major routes to handle that traffic: one is Harrison Boulevard, or Mountain

Road; another is Washington Boulevard; and the third would be Monroe Boulevard. He added that many years in the future Wall Avenue will connect through the City as well and it will also be built to the standard of a collector road. He stated all of this will be done as part of development in the future; if the City has the right-of-way it will be prepared for that eventuality.

Council Member Bigler asked for an answer to his question about exploring other options. Mayor Harris stated that Council Member Bigler is simply talking about taking the hurt and anger from one neighborhood and moving it to another one while incurring a lot of additional costs as Council Member Bailey alluded to. Council Member Bigler stated the proposed \$2 million expense has nothing to do with the portions of the road that have already been constructed. He stated he does not see Monroe Boulevard as a south part of the City issue; it is a corridor right up to the north. He stated there are people that have built nice, beautiful, expensive homes in the northern area of the City for a reason and he is not sure that the direct corridor will affect them. He stated it will affect everyone in the City; private property owners may not want to sell their property for this project and so eventually it will be necessary to use eminent domain to take the land from them. He stated he does not know why the City will not explore other options. He stated if the City decides to spend \$2 million for the right-of-way the discussion about the location will be over and he does not know why it would hurt to step back and conduct research. He stated the decision about the location was made 30 years ago and so many things have changed in Ogden and North Ogden since that time. Mayor Harris stated the City's traffic master plan was completed in 2009 so this is not based on decisions made 30 years ago and instead it is based on something that is fairly recent. He stated traffic engineers have looked at the situation in the City and there is no denying the fact that Monroe Boulevard has been constructed to the standard of a collector street and it does not make sense to him to move it. He stated it is necessary for traffic to flow through the City and the whole purpose of this project is to accomplish that efficiently, effectively, and safety as well as to include some features on the road that would make it acceptable to all of the residents, not just those that live away from Monroe Boulevard.

Mr. Chandler reviewed a map and highlighted the portions of Monroe Boulevard that have already been constructed in the City. Council Member Bigler stated there is a difference between having a couple of blocks of a road constructed and having that road continue through a major vein in the City. Mayor Harris stated the road has been constructed a block at a time as development has occurred. He stated the City has not had the funding to construct the entire road at one time and he noted the cost for such construction is a couple of million dollars per mile. He stated that same practice will continue; as land is developed the road will be constructed to the collector road standard and that could take an additional 20 or 30 years. Council Member Bigler asked if the City has thought about what type of construction will take place along the road when it is constructed. He stated there will be a certain type of development; it will be lower income or lower housing because it will be located on a major street. He stated there will be a lot of that type of housing through the middle of the City and that will bring a certain type of home. . .he stated he is trying to be careful because he is not prejudice, but all residents of North Ogden live here for a reason. He stated that it would be possible to live in other cities at a cheaper cost, but the residents live here for a reason. Mayor Harris stated that what the City is trying to do is something for the City in the future that will continue to make it a nice place to live instead of living in the middle of a traffic jam.

Council Member Bailey stated that his understanding is that the residential areas that have already been constructed along the portions of Monroe Boulevard that have been completed are nice neighborhoods with low density and single family homes. Council Member Bigler stated that once the road goes all the way through that type of development will not continue. He stated the nice neighborhoods have been built because the road is just like any other normal block in the City. Mayor Harris stated development is based on the zoning of areas of the City. He stated this City Council cannot bind future Councils relative to zoning, but they can make their intentions known and that has been the practice for the past 45 years.

Council Member Taylor asked Mr. Chandler to provide the zoning map of the City. He stated some of the other collector streets that have been built throughout the City are beautiful and there are beautiful neighborhoods along the roads. He stated 3100 North runs through some of the nicest neighborhoods in the City; is a fully constructed collector street. He stated it travels east/west, but it is built to the same standards as is being proposed for Monroe Boulevard. He stated when there are many people that feel strongly about an issue he is in favor of considering other options, but he reviewed the traffic master plan after this issue was discussed at a recent meeting and it explains and shows traffic counts on roads throughout the City as well as projected traffic counts at different points in the future as growth continues. He stated he thinks the Mayor was correct when he said that deciding against building Monroe Boulevard will increase traffic on other roads. He stated an example of that is that Fruitland Drive is a busy street and he feels it is dangerous with many curves and blind corners; his in-laws live on the street and he has spent a lot of time there and motorists drive fast on the road. He then reviewed the general plan map and focused on the southern portion of the City. He highlighted Washington Boulevard and Mountain Road and stated that in between those two roads there are large amounts of housing and a lot of development can also occur in the future as land sells and development occurs. He stated he would encourage everyone to read the traffic master plan because that is what he did in trying to determine if there would be a better north/south route. He stated that because of how various neighborhoods have developed and followed the existing master plan, existing roads are less wide and have more curves; there is no other area that provides a straight north/south corridor that would serve as a good alternative to the generally straight corridor for Monroe Boulevard. He stated that in looking to the east and west of Monroe Boulevard he was unable to find another option for a direct north/south route. He stated he is not an expert in traffic planning, but he encouraged everyone to look at the map and explain where they would propose the road be constructed as an alternative to the Monroe Boulevard corridor. He stated there are many people that need to travel north and south and there will be even more people as the area continues to develop in the future. He stated all neighborhoods in the City need to share in the burdens associated with transportation. He noted there is a lot of new development in his neighborhood that includes development of roads as well and the extension of Wall Avenue will be located very close to him as well. He stated he understands the pain and concerns of those that will be impacted by the road, but he has tried to find a good alternative and he could not find one that would be cost effective in any way.

Council Member Fawson stated he appreciates the work staff has done on this issue and he had a conversation with the City's Economic Development Consultant, Better Cities, and they said there are ways to mitigate economic impacts on the City. He stated that in looking at the traffic study and considering the funding available for preservation of the right-of-way, it is difficult to argue that it is not best to do it now rather than 20 years into the road; however, he agrees with Council Member Bigler about looking at other alternatives and consider how the growth along Mountain Road will alleviate some pressure and the need to construct Monroe Boulevard.

Council Member Bigler stated Council Member Fawson makes a great point that there are other roads that will be widened in the future as well. He stated he wants to make sure that the issue is not clouded by threats that deciding against constructing the road will cause traffic congestion. He stated he is not saying that nothing should be done, but instead he is suggesting considering all options. He stated a couple of years ago a similar situation occurred with the Public Works Facility and there was much time spent on considering other options and the project is now ready to go forward. He stated his idea is to ask professionals to research the issue based on the following statement: "If Monroe Boulevard was not an option, give the City two or three other viable options that would be the best options for the City. What would those options do economically and with traffic and so forth?" He stated the experts could present their ideas and it is possible that Monroe Boulevard may be the best option, but what does it hurt to ask experts to look at other options so that all "rocks are overturned". He stated it was mentioned that the traffic study was completed in 2009, but at that point those that worked on the plan only moved forward with what the plan already was; they were not looking at other options besides the proposed Monroe

Boulevard corridor and they had tunnel vision. He stated he would love to see professional research that would provide two or three options that would be best for the City. Mayor Harris stated he does not think the traffic engineers that worked on the traffic master plan had tunnel vision and the plan includes a study that considers housing density to identify where single family dwellings will be built and in the future they will be built in the center of the City along the route. He reiterated there was no tunnel vision and those working on the plan considered different ways to handle growth and they decided upon a viable option.

Mayor Harris then invited public comment regarding the agenda item.

Tony Aragon, 681 E. 1700 N., stated he has lived in North Ogden for 43 years and he started teaching at North Ogden Junior High when it first opened. He stated he has a great investment in this community and he lives on the corner of what would be the intersection of Monroe Boulevard and 1700 North. He stated that from his experience the homes on the southern portion of Monroe Boulevard are very low income homes and even though there would be a buffer between those homes and his home, he does not think he could sell his home for half of what it is worth once the road is built. He stated Mr. Chandler is proposing to put a park strip along the road, which he supposes would take out part of his property and he asked who will pay for the sidewalk and curb and gutter along the road. He stated he called Michael Marsh, a friend of his who works in the construction business, and he told him that the cost to install curb, gutter, and sidewalk on the east side of his property would cost him \$5,000 in today's construction costs. He stated he is on a fixed income, he is retired, and he does not have any extra money coming in. He stated he wants to know where he should get the money the City will charge him to build the road because he knows the City will not pay for it. He stated he knows of people that live on 3100 North that were required to pay for similar improvements 20 years ago; they were in the same situation as him, but nobody seemed to care. He asked the Council if they know of a place called Garner Creek; it is behind his house and it runs right through the proposed Monroe Boulevard corridor. He asked the Council if they think it is necessary to have the Environmental Protection Agency (EPA) investigate the creek before the City thinks about building the road. He stated that he thinks that is necessary. He then asked the Council if they have any idea how many animals live on and in the creek and he stated he does. He stated he thinks the City is having a great impact on something they know nothing about; Garner Creek has been in existence forever and it is not going away. He then asked Mr. Chandler if he is proposing an elevated walkway to get kids across Monroe Boulevard to Green Acres Elementary. Mr. Chandler stated that is one of the possibilities, but it is not the only option. Mr. Aragon stated he has driven up and down the road before and after school and there are hundreds of kids crossing the street; it is a great concern to him. He stated that all the things Mr. Chandler talked about to slow traffic down are not believable; he lives on 1700 North and people break the speed limit on that road every day by 10, 20, and even 30 miles per hour. He stated there is often a Police Officer parked on 1700 North and he catches a lot of speeders, but he has never seen one on Monroe Boulevard in front of Green Acres. He asked how many Police Officers it will take to patrol Monroe Boulevard; it will take a bunch of new officers and that is another cost the City is not thinking about. He then addressed Council Member Taylor and stated that he lives on 1700 North and he drives up to Mountain Road almost every day and he has never had to wait for more than one or two cars whether it is at 7:00 a.m. on his way to work or at 5:00 p.m. on his way to Weber State University. He stated that is his personal observation. He then asked if the Council really wants to initiate eminent domain; he knows some of the property owners that are present this evening and they do not want to sell their property to the City. He asked if the City has asked any of the property owners if they are interested in selling their property or if, instead, the City simply plans to take the property. He stated he does not think the City has thought about that issue as well. He stated that sometimes he may have the wrong impression about things, but sometimes he sees some of the Council sitting on a high chair making these decisions and not worrying about the people sitting behind him. He stated the Mayor told everyone they could not clap during the Council meeting, but they had all clapped because they agreed with a statement that had been made. He stated he is not sure when the decision was made to build

the road, but he had no input on it and he had no knowledge they were going to do it. He stated Council Member Taylor mentioned fumes, dust, noise, garbage, and pollution regarding another matter that was discussed earlier. He stated that those things will be brought to his home if Monroe Boulevard is constructed to the side of it. He stated those things will be brought to his home and to his family when they come to visit him.

Katherine Warren, 720 E. 2550 N., stated she is opposed to the road and she asked what the speed limit on the road will be. She stated that during the last discussion there were references to a 40 mile per hour speed limit. Mayor Harris stated the speed limit will be 35 miles per hour, plus or minus. Ms. Warren stated that what she sees is talk of slowing down traffic, which sounds beautiful, but the speed limit on the road will be increased to 35 miles per hour. She stated that Mr. Aragon talked about who would pay for the sidewalks and she asked who will pay for the sprinkling system and grass in the park strips. She stated she does not have the money to do that. She added she is not trying to be prejudice, but the City cannot even guarantee that only single family dwellings will be built along the road. She stated there will be high speeds on the road and that will result in problems. She added that people will also be brought into the City that will raise the crime rate; there are already cars that race up and down her street and it is just a small strip. She stated that constructing the road in small strips was a fine idea and there are nice houses along those strips because people were told that they may never see Monroe Boulevard constructed. She stated that nice houses will not be constructed all the way along Monroe Boulevard once it is built and she asked if the City is willing to reimburse her for the lost value of her home after the road is constructed. She stated she is sure that those costs have not been considered by the City. She then added that constructing the road near schools is dangerous and creating more congestion on intersection streets such as 3100 North, 2600 North, and 1700 North will cause more problems than the City has thought about. She stated she really thinks the road is a bad idea and the City should think about something else; just because it has been planned for years does not mean it is the law.

Cindy Smoot, 2930 N. 750 E., stated she first wanted to address the crosswalk issue; she walks her kids to Bates Elementary almost every day and on Thursday when they walked to school she had crossed with her kids and she was walking back home on 3100 North and she watched other kids trying to cross. She stated a suburban stopped for the kids, but a truck pulling a trailer went around the suburban and she wondered what would have happened if the kids had darted across the street instead of waiting to see if all traffic had stopped. She stated it is a real issue and she has seen it happen more than once. She stated that her husband has a cousin that is a Police Officer in Brigham City and he claims their crime rate has gone sky high since the Utah Transit Authority (UTA) brought their bus line from Ogden to Brigham City. She stated she does not know if that is the future the Council wants for North Ogden. She stated she has lived here for over 40 years and she has never once driven the entire Monroe Boulevard. She stated that if she wants to go somewhere she does not use the road. She stated that if the City actually buys the property – they would probably be buying about 600 feet in length of her property – who will take care of the weeds and the fire hazards on those properties. She stated the City has a hard time taking care of the property they currently own, such as the shoulders of trails. She stated that 600 feet the equivalent of two football fields and she has been told she will have to pay for sidewalk, curb, and gutter and she is sure that will cost a lot more than what the City will pay her for the property. She added she will also be required to do snow removal on the sidewalk according to a City employee. She stated her property is long and skinny and it is not like it can be developed unless it is used for tiny lots for low income housing. She stated she will end up with snow removal and the costs.

Lance Trease, 321 E. 2200 N., stated he has heard Mr. Chandler talking a lot about ways to mitigate the risk, but it is the risk that is being introduced by adding the road. He stated he finds it interesting that the risk would not be present if Monroe Boulevard was not there; making the road look narrower or using speed humps is risk mitigation that is being added because more risk is being introduced to the City and that seems very counter-intuitive. He stated he also agrees with what Council Member Bigler has said

and he asked why the City is so hesitant to look at other options; it seems foolish not to do that. He stated no one is saying there may not be a problem in the future, but he would like to look at every other option before moving forward. He stated that from the statistics he heard Mr. Chandler reading the crime is higher further to the south and he has yet to hear a very good reason to add the road. He stated that there was talk about the master plan and the fact that Monroe Boulevard is in the plan, but there are also homes right in the way of where the City would need to buy property in order for the thoroughfare to go through. He stated he sees no added benefits associated with the road. He stated Council Member Taylor talked about how there are a lot of risks and more traffic on Fruitland Drive, yet he has not seen a lot of accidents reported or happening on that road and he drives it quite a bit as well. He stated every once in a while he will see a young girl or guy having slid off the road, but he does not see many accidents that are caused by high traffic levels. He then stated he was confused by Mayor Harris telling those in attendance not to clap during the meeting. He stated he thought this was a government for the people and by the people and apparently none of them want this road to go through and he does not know why they got in trouble for clapping because they agreed with what Council Member Bigler had to say. He stated he would really like to see alternative options for the roads and he would like to see plans for other options and does not know why that cannot be put on the table.

Julie Malan, no address given, thanked Mr. Chandler for the work that he put into this issue. She stated she was at the last meeting when this item was discussed and she wanted to recognize that Mr. Chandler made an effort to try to address each of the concerns that were raised at that meeting. She added, however, that she cannot wrap her head around this issue. She stated Monroe Boulevard is a road to nowhere and she cannot see herself using the road to go shopping; if she wants to go to the mall or to Wal-Mart she uses Wall Avenue and if she needs to get to the college she will use Mountain Road. She stated she does not see this as a road that is actually going to be used that much and if the speed limit is going to be slowed down it will not solve the problem of traffic congestion; people want to be able to use a fast road that will get them where they are going quicker. She added that the fact that it would go by two of the elementary schools is bad and many kids that attend the schools walk to and from school and they would need to cross the street. She stated that a grant was mentioned and she is wondering if that is the reason for this; she asked if the grant will pay for it and if the City has already accepted money for this purpose. She asked if the City would need to pay back the grant money and if that is the reason for this issue. She stated she does feel there are some alternative options for the road and the reason that the City has been able to keep Fruitland Drive and Mountain Road more rural and beautiful is because they are windy roads. She stated a straight road with two lanes on each side and one lane in the middle is a highway like Washington Boulevard. She stated she recently moved off of Monroe Boulevard so this will not directly impact her any longer, but it was interesting to listen to the discussions and all the neighborhoods located along the road will be changed; currently the neighborhoods that have the strips of Monroe Boulevard going through them are essentially huge playgrounds for little kids. She stated she realized the City has put a lot of money into the roads, but when she makes a mistake in her own life – such as buying a “lemon” of a vehicle – she would not continue to maintain the vehicle simply because she has already put thousands of dollars into it; instead she would determine a new way forward and maybe the car would need to go. She stated she agrees with others that have spoken this evening and noted she would like to see the City explore some other alternatives. She stated it may be possible to build two new routes so that it is not necessary to have one “ginormous” route through the City. She stated it may be a good idea to have a round route that goes around the edges of the City and at that point if people decide to move onto the road they will know what they are moving on to. She stated there are all sorts of other cities that the City could look at to see how they are handling these issues and she is sure that Mr. Chandler has done that, but she is wondering why the Council keeps “beating this dead horse”. She stated the route runs directly through a residential area and she asked if the City really wants to do that. She asked if it would not be wiser to run the road around the City or through the business area of the City. She stated that hundreds of kids would be required to cross the road every day and someone will be killed on the road and the Council has to know that will eventually be true.

Mary Beus, 1996 N. 700 E., stated she has listened to everyone talk and she wonders if any of the Council Members have ever walked the path of where Monroe Boulevard would be constructed. She stated that if they have they should have walked right past her driveway, across a river, through fields where horses are kept, and several other residences and people's livelihoods. She stated the City wants to take all that away from people that have been here their whole lives. She stated when she moved here 37 years ago North Ogden had a wonderful reputation of a place where people could raise their family and live in a good area. She stated that is why she moved here from Ogden and she knows a little about the crime and what Ogden is all about. She stated she moved to North Ogden thinking this is where her dream of raising her family would be and if the City chooses to put Monroe Boulevard through, that will take her dream away. She stated she has worked really hard to stay in the house she is in and she would be forced to move out and she cannot afford that. She stated the same thing will happen to so many other people that have lived here forever; they will be forced to move out because of the road. She stated she has listened to all the Council Members use the word 'we' and she is wondering who they are referring to. She stated the people and the residents are going to be impacted and they have not been able to say what they want to happen. She stated when the Council uses the word 'we' they are only talking about the members of the Council and not about what the people want. She stated they do not want Monroe Boulevard to come through. She stated she works at Green Acres and North Ogden Elementary Schools and she sees the danger this will bring to both those schools. She stated she knows there will be an accident and she thought it was quite interesting when Mr. Chandler was talking about his ideas for trees and a round-a-bout on the road. She stated that is essentially "band aiding" a busy road and that will not make it safe. She addressed Mayor Harris and stated that she hopes that as he leaves a legacy in North Ogden it will be one that people will say they were proud to have a Mayor that listened to the people and did what was best for the community. She stated Monroe Boulevard is not best and she hopes the Mayor and Council will consider all these things and she hopes they will listen to what the residents are trying to tell them.

Susan Riggs, 710 E. 2100 N., stated Monroe Boulevard would be built right along the side of her house. She stated that the Council talked about Tom's Auto earlier in the meeting and Mr. Chandler talked about the impact of the livelihood of North Ogden. She stated bringing Monroe Boulevard will impact a lot of people in North Ogden and if the City really cares about the livelihood of North Ogden they will not bring the road through. She stated Council Member Taylor talked about the fact that people's homes are sacred to them and this road will require taking people's homes and people will need to move. She stated she does not want to stay in her home if Monroe Boulevard is built next to it and the project will depreciate her home in addition to others. She stated she is single and cannot afford to keep moving; she planned on staying in her home for the rest of her life, but if the road is brought through she will lose money on her home as well. She stated property values throughout the entire area will decrease and crime rates will increase once the road is punched through the south end of the City; it provides one additional easy access point for people to get into North Ogden and increase the crime rate. She stated locating a major road next to a school is also concerning to her and she can see there will be an accident there at some point in time. She stated that she lives right though the field from Ms. Beus and the area is very quiet right now, but if the road is put through it will be a very busy area. She stated she also appreciates Mr. Chandler's efforts in trying to slow the speed on the road and beautifying it, but the reality is that those things cannot be controlled and there is no way of knowing what will happen in the future. She stated future Councils could make decisions to rip out the trees and make the road wider. She stated there is a perception that the City will be able to control those things, but that is not the case. She stated she comes from a family that was one of the original settlers of North Ogden and she has stayed for that reason; her family has been here for hundreds of years and she lives here because she likes a quiet community. She stated she thinks most people that live here have made the choice to stay for that same reason. She stated she feels that this could be better served if the Council chose to widen and improve some existing roads. She stated Mountain Road could possibly be widened; she uses that road on a regular basis and she has no

problem taking a few extra minutes to access that road in order to maintain the quietness that she currently has near her home. She stated she knows this road is in the City's master plan, but the master plan can always be changed and she believes other options should be looked at. She stated she believes the City just looking at the easiest solution, but not necessarily the best solution especially for the people that it will affect.

Kris Young, 1798 N. 700 E., stated she realizes she lives on a wide road, but it is not wide enough for two lanes of traffic and a center turning lane. She stated she can just picture cars coming by with her little two-year old's feet in the gutter and a car coming very close to him; she does not see how all of those lanes will fit on 700 East. She wondered if the City will be taking the front yards of the residences along the street, especially if a sidewalk will be built there. She stated she has seven children from the ages of 16 to two and she can count six kids that will be going to kindergarten from 1700 North to Green Acres Elementary just on the east side of the street and she is very concerned about the safety of those kids. She added most of those kids also have little brothers and sisters. She stated she knows the road will not be built this year, but she keeps thinking of the safety of the kids that live there and the fact that they are used to playing in the road because it is not a fast street. She stated she does not let her kids play in the road, but they always crossing the road and running onto it. She stated she had a dog that was killed by a lady that was not speeding on 700 East and she can see with this major road that next time it might not be a dog and instead it might be one of her children or her neighbors' children. She stated she agrees with everyone else that has talked about decreasing home values as a result of the road. She stated when her husband was married to his first wife he lived on the corner of where the South Ogden Fire Department now sits and his property was taken by eminent domain and was given just barely more than what he owed for his house. She stated that was back in the day when people did not necessarily need a down payment for their house, but now days people need at least \$50,000 for a down payment and she asked if the City will be giving people enough money to get into another house. She stated these are things that need to be thought of because people cannot just go get a home without a large down payment. She added that with seven kids she does not have money for a down payment. She stated that another point she wanted to make is that her sister used to live just across the field in Ogden and she has counted three high speed chases that occurred in that neighborhood in the last year and it would be so easy for them to take that high speed chase down the road and through her front yard and throughout North Ogden. She stated she would like for some of these issues to be considered. She stated that it seems like everyone thinks there will be four million people in North Ogden and that Washington Boulevard, Mountain Road, Fruitland Drive, and 2700 North are not enough and she really thinks they are. She stated she drives all the time; her kids are involved in sports and she drives them places all the time and she has never really felt like North Ogden is all that congested and she does not see the point of another road.

Heather Durham, 2850 N. 900 E., stated she will not be impacted by Monroe Boulevard, but there are a couple of comments that have been made that she wanted to address. She stated she agrees with Council Member Bigler and she actually recently moved from Ron Claire subdivision in Ogden to North Ogden and one of the main reasons she moved was to get away from the violence and troubles in the neighborhood. She stated she had a 10 year old daughter at the time and there were two drive-by shootings just down the street from where she lived and she decided she did not want to live there anymore. She stated she also grew up in inner-city Ogden on 27th Street and Washington Boulevard and she realizes there is a lot of violence in Ogden City. She stated she works at the elementary school and there are two factors for the City to consider; one is that the school had a really hard time getting a crossing guard right in front of the school where it was needed badly; there were teachers crossing kids for three years after the school was built. She stated she wondered how the school would get another crossing guard on Monroe Boulevard when it was so difficult to get one right in front of the school where it was so badly needed. She stated another thing to consider if the economy; the economy has changed and the City has changed as a result. She stated she sees it at the school and elsewhere in the community and there are a lot of changes going on in the City. She stated adding the road and creating a direct line to

Ogden City is only asking for more problems than what the City is already dealing with. She stated she realizes the road may not be built for 30 years down the road, but she does not see Ogden getting better in the next 30 years and instead she sees it getting progressively worse. She stated there is a reason that everyone has chosen to live in North Ogden and away from Ogden City. She added she has friends that run on Fruitland Drive and they have never had a problem doing that. She stated she drives along that road on a very regular basis, mostly because it is such a pretty road.

Brian Russell, 1151 E. 3400 N., stated he lives on Mountain Road, which will someday be improved. He stated he lives on a dead-end spur and he understands some of the issues being discussed, although he does see more traffic on Monroe Boulevard since it is in the middle of town. He stated there have been a lot of suggestions that the City look at alternative routes, but not many alternatives have been suggested. He stated one person talked about possibly expanding Mountain Road to a four lane road and that could be a way of getting traffic in and out of the City. He stated another alternative would be widening Washington Boulevard to a six lane road, which would make it akin to Seventh East in Salt Lake City, which is a major thoroughfare there. He stated most of the people present tonight were not in attendance at the last meeting where this issue was discussed and at that time a 20 year projection was shown. He stated right now Washington Boulevard is congested as he ever wants it to be and it is unbelievable what is anticipated to happen in the future with the attraction of North Ogden. He stated the one thing he has not heard about safety, which he feels is the number one issue, is what will happen if nothing is done and Washington Boulevard becomes increasingly busier. He stated young kids trying to get onto Washington Boulevard from the side streets will get frustrated by trying to wait for a break in traffic to pull into and they will "shoot the gap" on a 50 mile per hour road and make a misjudgment at one time. He stated that would be every bit as tragic and he pointed out that doing nothing has its consequences and even though some may believe that what he is saying is farfetched he believes it is a very real possibility based on the current traffic levels in the City. He stated the traffic drives a reasonable person to travel to side streets with traffic signals in order to get onto Washington Boulevard, but 1900 North is a main access point to Washington Boulevard and it does not have a traffic signal and as Washington Boulevard becomes more crowded that problem will only grow. He stated he wanted to simply point out that doing nothing is not a risk free proposition. He stated he appreciates the Council handling this tough decision and he admires his friends that have spoken about this issue, though he is not necessarily supporting their position. He stated there is a lot of information to consider in making this tough decision and he wishes the Council well.

David VanBallegoie, 2148 N. 1200 E., stated he has looked at the positive and negative aspects of this issue. He stated he is a security officer in the Ogden area and he feels there are advantages and disadvantages of constructing the road. He stated Ogden City currently will not engage in a high speed chase. He stated that Monroe Boulevard would be a straight road while Mountain Road is not. He stated one of the advantages if the road does go through is that he could retire wealthy. He stated he does not care how much a straight road is choked down, people will use it and they will use it fast. He stated if there are curves in the road people will slow down a little bit whether they like it or not.

Phil Swanson, 1066 E. 3300 N., stated he does not live anywhere near where the road will go through, but his concern is that each time this discussion comes forward there is an ugly shadow lurking and the comment is made that we want to be careful about what kind of people we want building homes along Monroe Boulevard and what the income level will be of those homes. He asked what the threshold for those homes is and noted that someone living high enough on the hill may not want anything below a \$300,000 house built. He asked where the threshold will be set to determine who is and who is not worthy to live in the City. He stated the point he is trying to make is that there are a lot of issues that certainly need to be discussed and he is not sold that Monroe Boulevard is the answer, but he thinks people need to check themselves and be very, very careful. He stated if they are feeling within their hearts that somehow there is a socioeconomic threshold they desire to set for North Ogden then they have

a bigger issue than Monroe Boulevard and the safety of children getting to and from that school that they would need to consider. He stated his concern is that each time this discussion takes place there are comments made that can be seen as prejudicial and exclusionary and the City needs to be careful not to turn into an exclusionary city either on purpose or by default.

Gari Manning, 722 E. 2675 N., stated she does not feel there is a socioeconomic concern about living in North Ogden, but she feels the charm in North Ogden is that one can drive down the road and go past cute little old homes that have been there for decades; they are charming and quaint. She stated further on you can drive past a field with sheep in it and even further you can drive by beautiful, elegant homes that have recently been constructed. She stated there is all this diversity and variety that one can experience when driving down a single road and she loves that about North Ogden. She stated she moved here 10 years ago from Riverdale; she was living on a road that was not very busy originally, but as development happened the road got busier and busier and that is the reason she moved. She stated she did not feel comfortable allowing her children to play in the front yard any longer and her bedroom was on the front of her house and at night she would be awakened by the lights of police cars after they had pulled someone over in front of her home. She stated it was not a hugely busy road compared to most, but it was busy enough and that is what can happen in North Ogden. She stated Council Member Taylor was talking about Fruitland Drive and how it is a winding road, but that there are fast cars driving on the road. She stated that the City would implement all these measures to try to reduce speed, though Fruitland Drive is not as wide as Monroe Boulevard would be and there are very fast cars currently travelling on Fruitland Drive. She stated that she does not see that the measures to reduce speed on Monroe Boulevard will be successful if people simply choose to speed. She added the City will need an increased police presence. She stated there were discussions about reduced crime in the north end of Ogden and in North Ogden and the fact that is a very impressive thing; it is impressive and the reason that is the case is that the neighborhoods in North Ogden are closed off. She stated a criminal is not likely to go to a closed off neighborhood to rob a home because they have no way to exit, but if they have a nice, long road to escape on those are the types of homes they will target. She stated criminals will not rob homes in cul-de-sacs that are located throughout North Ogden because every neighbor in the cul-de-sac is watching the cars that go by. She stated opening a big busy road will result in losing that advantage and the crime rate of the City will increase.

Chuck Malay, 785 E. 3000 N., stated he is a newcomer to North Ogden and he and his family moved here about two years ago; they bought an old home that was built around the turn of the century. He stated his wife liked the charm and after spending about \$50,000 they have made it comfortable enough and they are happy there. He stated his home is on a dead-end street and there is no cul-de-sac or turn around and if someone needs to turn around on the street they back into someone's driveway; it is quiet and secluded enough that they love it. He stated it is why they moved to North Ogden. He stated that some may want to have North Ogden be a sprawling metropolitan area; if they want to live in that type of area they should move to New York. He stated the Council have heard from a lot of women tonight that have indicated why they moved to North Ogden and why they love living here and that is because of the quiet neighborhoods, cul-de-sacs, and dead-end streets with no traffic to endanger the kids. He stated there has been talk about the road bordering two schools, but he asked about Bates Elementary and whether traffic on 3100 North will be lessened with the addition of Monroe Boulevard. He asked if the accidents over the North Ogden Divide will be lessened, but stated he does not think that will be the case. He stated there may be some alternative routes and it may be possible to widen some existing roads so they can handle the traffic. He stated that acreage would be a lot cheaper than buying a developed residential lot and maybe there is an option to run the road differently than is being discussed. He stated that some people may not have an open mind, but he thinks they should and take look at some of the other suggestions.

A resident, no name or address given, stated he likes Council Member Bigler's idea of looking at other alternative routes for the road. He stated that during the last meeting when this issue was discussed he made the comment that the City needs to look at Ogden and the collector streets in that city; North Ogden is really an extension of Ogden as far as traffic is concerned and the collector roads in Ogden, such as Washington Boulevard, run from the south end of the town all the way into North Ogden. He stated Ogden also has other traffic collector roads in Harrison Boulevard and Wall Avenue. He stated the City needs to think in terms of tying into those collector roads rather than thinking of tying into Monroe Boulevard. He stated Monroe Boulevard is not a collector road in Ogden today. He noted the gentleman that spoke first during this discussion said that he lives on 1700 North at the intersection of the future Monroe Boulevard. He stated that he works at Weber State University and he drives east to Mountain Road and takes that road to Harrison Boulevard all the way to the college. He stated that Monroe Boulevard could be extended and that same person will still not take Monroe Boulevard to get to work; he will still take the route he takes today because it is a pattern and an easy route. He stated the City needs to consider spending money to tying into collector roads in Ogden, which would be Harrison Boulevard and Wall Avenue. He stated before spending any money the City needs to know where the money should go to do the best job. He stated he lived and travelled throughout Europe for several years and they have an old reliable saying there, which is "only a fool will not change his mind".

Jefferson Shupe, 877 E. 2100 N., stated the Council and Mayor have been very respectful in listening to all the comments made by residents tonight and he believes that every one of them have the very best intentions for North Ogden. He stated he will not claim that there are major things that they have not considered because he is sure they have spent a lot of time reflecting on the topic, but someone earlier made a good point about not thinking that North Ogden is better than Ogden and he was actually thinking that same thing over the past week and about whether it is ok to seal the City off from Ogden by preventing a road from going right through the center of the City and he does think it is ok. He stated Ogden has a purpose and North Ogden also has a purpose; they are different communities with different goals and they need each other. He stated it is ok to keep them separate and put up with some inconvenience due to that separation. He stated he is not saying nothing should happen at all, but he is not sure it is worth the tradeoff. He stated he has a friend that lives in one of the corners of North Ogden and he will not be affected no matter what decision is made regarding the location of the road, but he wanted to be at tonight's meeting because he feels this road will really change the entire City and not just the lives of the people that live directly in its path. He stated that sometimes doing nothing or thinking about something longer is the right thing to do and even if it is just for the sake of those residents with concerns, he would urge the Council to use some of the \$2 million to pay for an outside study regarding the issue and that might put some of them at ease and allow them to know if the project is the right thing to do.

Mayor Harris stated he appreciates everyone that attended tonight's meeting and he appreciated them for making comments.

Council Member Bigler stated he would like to ask a question. He noted it has been stated that Monroe Boulevard would go up to 3100 North, but he wanted to know where exactly it would tie in. Mayor Harris stated that 800 East is Monroe Boulevard. Council Member Bigler stated the point he wanted to make is that the comment has been made that the road stops at 3100 North, but that is just because the road is already in on the west side of Bates Elementary. He noted the road will go all the way up to Skyline Drive that will eventually be constructed. He stated that means there are three elementary schools that will be impacted, as well as North Ogden Junior High. He stated the road will go directly to the east of Green Acres Elementary and directly to the west of Bates Elementary. He stated this is not an issue that will only impact the southern part of the City and the kids that have to walk to and from North Ogden Elementary School will also be impacted. He stated he simply wanted to make the clarification that the road does not actually stop at 3100 North.

Council Member Taylor stated that he also wanted to ask if the Council will discuss what they have heard tonight and the way forward for the benefit of all the folks that have attended the meeting and are interested in the outcome of this issue. Mayor Harris stated this was simply a discussion item and discussion can continue, but in order to take some sort of action it will be necessary for the City Council to propose something different than what is currently planned. He stated the agreement with Weber County has been signed and approved by the Council and it is time to move forward with it. Council Member Taylor stated he only made a few brief comments earlier in the meeting because he wanted to hear what the residents had to say. He stated he does not know if other Council Members would also like to make some comments, but he would like to make additional comments. He stated he took a lot of notes and he appreciated everyone that took the time to share their opinions. He stated some may feel that the City charges ahead, but he promises that is not the case. He stated everyone has families and he has five children himself and they attend an elementary school on a road of this size and he cares about what has been said tonight. He stated he wanted to share another perspective than what has been shared tonight and he would ask everyone to consider that before he makes his recommendation. He stated in looking at traffic the road will be constructed through the course of future development; the City of North Ogden will not build the road and instead it will be built by developers that purchase, subdivide, and develop raw land in the City. He stated that is how the existing sections of the road have been built to date as well. He stated if landowners sell their property to be developed the additional portions of the road will be built as the land is developed. He stated it is not like the City will build the road and then wait for the areas around it to fill in; rather it is a planned road that will be built as the need is there and the farms turn into homes after private landowners exercise their property right to turn their land into homes. He stated the City will be buying the right-of-way so that the City has the ability to require developers to construct the road in the future as property develops. He stated the construction of the road is tied to development and more people moving into the area that will need roads. He stated that is something he would ask everyone to consider. He then added that if a road is not built in the area, whether it is Monroe or an alternative route somewhere to the east or west, then the north/south traffic will be pushed to Washington Boulevard or to Fruitland Drive. He stated he does not think the landowners living along those roads will be any more excited about the development of additional lanes on their property or selling their land to the City. He again referenced Fruitland Drive and stated that many of the homes on that road are very close to the street and if it is necessary to expand the road significantly that will require the elimination of large chunks of people's front yards for long stretches. He stated he does not think they will be any more willing to do that than the people living along the Monroe Boulevard corridor. He added it would be very expensive to purchase additional right-of-way land on Washington Boulevard because the majority of the properties along that road are commercial properties. He asked that everyone try to consider that other side as well. He stated the purpose of the road is not to damage people or their property. He stated the City cares about the residents, their property, and their families and the purpose of the road is to find a way to accommodate traffic in the whole City without pushing it into other areas and neighborhoods where there will be challenges. He stated he has studied this issue a lot, but he would welcome looking at other options as well if that is supported by others on the Council. He stated he thinks that would be a good exercise to examine the financial impact to show how much it would cost to purchase right-of-way to widen existing road in the City. He stated the City does need more roads when development occurs. He stated he lives on a road that is currently a dead end, but it will eventually connect to Washington Boulevard. He stated there is a proposal for a large development of condominiums and town homes to be constructed at the end of his street. He stated he loves living on a quiet street that is a dead end, but the City cannot tell that landowner that they cannot develop their property at some point in time. He stated the City can put some restrictions on how the property can be developed, but the private landowner owns the land and if they choose to develop it and eliminate his nice quiet street, that is just part of living in a city. He stated he would like for the Council to consider other options as has been suggested and it may be possible to create a citizen involved panel to get as many people as possible interested to consider a few different options for handling traffic in the area. He stated they can determine the cost and benefits of

different options and present that information for the Council to make a better decision in a few months. He added, however, that he does not think the decision should be put off for very long because the advantage to moving forward with the Monroe Boulevard option is that most of the right-of-way land is currently raw land instead of homes and people's front yards. He reiterated the other roads are completed developed and if Monroe Boulevard is the right answer he would like the City to move quickly to secure right-of-way. He stated he would support the idea of investigating additional options within a reasonable time frame.

Council Member Fawson stated two years ago he was sitting in the audience with concerns about an issue he felt the City was pushing down his neighborhood's throat and the emotions were high and there was spontaneous applause during the meetings and the crowd was told at that time to calm down as well. He stated that as a member of the Council he knows that every Council Member wants to hear from the residents and they are interested in their opinions, suggestions, and possible solutions and they are also interested in the best interests of the City and those things must be weighed. He stated that he thinks the City has done about half of the work that needs to be done and the first half of the work was to look at ways to mitigate the risks associated with the road. He stated the second half of the work is to look at other alternatives and he does not feel like the City has done any of that work yet. He stated he would support looking at alternative routes as well.

Council Member Stoker stated it is interesting to see things from a different perspective and she added a few years ago she was also sitting where the residents are sitting and she was very upset with how things were happening in the City and she felt people were just talking to hear themselves talk and the residents were not listened to. She stated she does hear what the residents are saying and she also thinks the City needs to consider alternatives because that has not been done yet. She stated that as far as the traffic on Fruitland Drive and Mountain Road, she runs on those roads early in the morning and there is a lot of traffic at that time and for her to try to get across Mountain Road at a crosswalk requires her to stand there for a long time and the cars do not stop and wait for her to go across. She stated that a lot of times she has to move out of the way of cars on the roads and there is a lot of sharing that is done on that road and she is willing to do her part. She stated that there was discussion about the negative aspects of curves and the need for straighter roads, but she lives on Mountain Road and if it is widened it will be necessary to straighten it and that would make the argument for Mountain Road invalid because it would just become another straight road. She stated she really thinks there needs to be some other things considered and she does appreciate the comments made by the residents this evening.

Mayor Harris stated that what the City is trying to do is provide for the future and this project will not happen tomorrow. He noted the population along the Wasatch Front will increase by 65 percent in the next 30 years and that increase will not be made up of outsiders and instead will be made up of future generations of current North Ogden residents and they will need places to live. He stated North Ogden's population is projected to double within the next 30 years. He stated he knows what the situation is now and he is not talking about taking people's front yards right now, but sooner or later the population of North Ogden will increase to the point that there will be demands on the roads that will make it miserable to live here. He stated all the City is trying to do is put a transportation system in place that will take care of the future population before it becomes a problem. He then stated he would like to move ahead to the next item on the agenda.

Council Member Bigler stated this agenda item deals with purchasing the right-of-way for the road and he asked what can be done to delay that action. He stated if that decision is not made the entire discussion was for not and two hours of everyone's time was just wasted. He asked if the Council can vote to delay the purchase. Mayor Harris stated this is not an action item and if the Council wants to take that kind of action it will need to be added to a future agenda. Council Member Bigler asked for the item to be added to the next agenda. Mayor Harris stated that the City will lose the money for the right-of-way purchase.

He explained the citizens of Weber County voted several years ago to implement the third quarter-cent sales tax to be dedicated to corridor preservation. He stated citizens also pay a \$10 fee every time they renew their vehicle registration and the money the City has received has been generated by those two fees/taxes that have been collected by the County for several years. He stated the reason the City went after that money is because it is known there is a need in the future to provide for traffic in the future and this is an opportunity to alleviate some of the problems the City may experience in the future.

Mr. Chandler stated that prior to being able to move forward the City will need to meet with the County regarding the process for setting up the parameters for purchasing right-of-way and that item would need to come back to the Council before the City can pursue any property purchase. He stated there will be a time when staff will come back to the Council to discuss the process by which the purchases will be made. Council Member Bigler asked for an item to be added to the next Council meeting agenda to put the item to a vote before the staff proceeds further down the road. Mr. Chandler stated he does not know if the staff will be ready for that by then. Council Member Bigler stated the Council would simply be voting to not spend the \$2 million to purchase right-of-way and he asked what the staff would need to get ready in order for such a vote to take place. Mr. Chandler stated there are many things to get done within the next week in order to have an agenda and packet available for the June 11 meeting. Council Member Bigler asked what information would be needed when all he is asking is for the Council to vote on the right-of-way issue. Mr. Chandler stated that if the only decision is whether or not to proceed with right-of-way purchase, staff can add an item to the agenda. Council Member Bigler requested that such an agenda item be added. Mayor Harris stated he will not support that request and it will take two Council Members to make that request. Council Member Bigler stated Mayor Harris sent the Council an email recently that said his policy is to honor a Council Member request to add an item to the agenda. Mayor Harris stated that is usually because he is the second Council Member supporting the request.

Council Member Fawson asked if it would be possible to add the same agenda item to the next Council agenda, but list it as discussion and/or action regarding the right-of-way acquisition. Mayor Harris stated he is not sure what more discussion is necessary. Mr. Chandler stated that he would think that before the Council gives up on \$2 million they would want to have the discussion about alternatives. He stated that if they vote in two weeks from now to give up the \$2 million and then have a discussion about alternative routes and determine that Monroe Boulevard is the best route, the \$2 million will be lost. Council Member Taylor stated that he agrees with Mr. Chandler; he understands the strong feelings about the issue, but it is important to be wise stewards of tax payer dollars and if this is the best option for the City and the City can use some of the funds provided by tax payer dollars to support the best project for the City, he thinks it is best to keep that option open. He suggested putting the purchase of right-of-way on hold and take a couple of months to hold more public meetings just about transportation issue. He stated the City could pay a traffic engineer to determine other options that can be brought back to the Council later this summer.

Council Member Bigler stated that the agenda for tonight says the Administration is prepared to purchase the right-of-way and he wants to ensure that the Administration does not proceed with spending the \$2 million to do that. Mr. Chandler stated he will not proceed forward until the Council determines the process for which those purchases should be made. He stated that if the Council wants to follow the suggestion made by Council Member Taylor, he will not make a recommendation regarding the purchase process until after the best route has been determined.

Council Member Fawson asked if the Council can look at alternative options in the interim. Mr. Chandler answered yes. Council Member Fawson stated it may take longer than two weeks to determine other options. Council Member Bigler stated he is not suggesting that the Council vote in two weeks to indefinitely suspend the project; he stated the Administration has communicated that they are ready to proceed with purchase and he is simply wanting to take some action to make sure that does not happen

right now. Mr. Chandler stated there are two things that are required to happen before the purchase can be finalized; the first thing is to determine the acquisition process and the second is to execute purchase agreements. He stated the Council must approve the purchase of any piece of property. He reiterated that if the Council wants to follow Council Member Taylor's suggestion, he will not make recommendations regarding the purchase process until after the best route has been determined.

Council Member Taylor asked that the Mayor and City staff develop a proposal for a process to get additional input from citizens throughout the City regarding traffic issues. He added he would also like information regarding what an engineer would charge to work on the project. He stated that information could be brought back to the Council in two weeks so the Council can determine how to proceed as well as set a timeline for proceeding. Mayor Harris asked if all Council Members can agree to that recommendation. All Council Members answered yes. Mayor Harris stated that it may not be possible to provide the information Council Member Taylor asked for in two weeks. Council Member Bailey stated that is fine and added he would be comfortable waiting for the information until the end of the summer. Council Member Bigler agreed and stated he simply wanted to ensure the Administration does not spend the money to purchase right-of-way because once the right-of-way is purchased it would not make sense to consider other options for the road.

Council Member Bailey stated that he wants to take the time to make the right decision and there is no reason for the item to be rushed onto an agenda in two weeks.

7. DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE AUTHORIZING THE HUMAN RESOURCE DIRECTOR TO DO BACKGROUND CHECKS.

A staff memo from the City Attorney explained that due to some recent modifications to the Utah Public Safety Code the City needs to pass an ordinance which allows for the human resources department to be able to use criminal history information in performing background checks for employees and volunteers. Our staff participated in a webinar about criminal background checks and the individual conduction the webinar indicated that the state would start auditing local ordinances to see if they were in compliance with the state code. This ordinance will make it clear that the City's human resource department is authorized to obtain criminal histories and arrest records for the purposes of performing background checks.

City Attorney Call reviewed his staff memo and noted this ordinance will allow the Human Resources Director to conduct background checks.

Council Member Fawson moved to approve ordinance 2013-6 authorizing the Human Resources Director to conduct background checks. Council Member Taylor seconded the motion.

Voting on the motion:

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

Council Member Bigler stated the Council packet stated this is something the City is required to do. Mr. Call stated that is correct and noted the State of Utah will not release information to the City unless such an ordinance is in place.

The motion passed unanimously.

8. PUBLIC HEARING ON FISCAL YEAR 2013-2014 TENTATIVE BUDGET.

A staff memo from the Finance Director explained State Statute 10-6-114 requires that the City Council “hold a public hearing on the budgets tentatively adopted. All interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item thereof in the tentative budget of any fund.” A few items have changed from the original tentative budget presented a couple of weeks ago. We have presented a revised Tentative Budget which shows those changes. The changes are outlined in a page inserted after the Table of Contents.

Finance Director Steele summarized his staff memo. He noted some revisions have been made to the budget since it was initially presented two weeks ago including the changes necessary as a result of the decision made to keep park maintenance services in-house rather than outsourcing. He added utility rate increases were shifted somewhat though the overall rate increase is the same.

Council Member Fawson stated he would like to discuss the utility rates because he thinks it important to fund depreciation at some level. He stated he is glad the shift has been made between two of the utility funds, but he would like to further discuss it. He asked if the next opportunity to discuss the issue will be during the next budget opening. Mayor Harris stated the final budget must be passed on June 11, 2013 and the Council can make modifications to the budget up until that time. He stated changes can be made to the rates after that time as well. Council Member Fawson asked if it is possible to have a discussion about that issue at the next meeting. Mayor Harris stated the budget will be on the agenda for discussion and action and the Council can make a change to the final budget at that time. Council Member Fawson stated his suggestion is that the staff comes to the June 11, 2013 meeting prepared to discuss the percentage of depreciation that can be covered with the recommended increase amounts. Mayor Harris agreed to provide that information at the June 11, 2013 meeting.

Council Member Taylor stated he agrees with Council Member Fawson’s recommendation to discuss the issue and asked if the Council can receive information regarding depreciation in advance of the meeting because coming up with a proposal during the meeting will be challenging. He stated he would like potential options in advance of the meeting. Mayor Harris stated that information can be included in the packet.

Council Member Bigler stated that he mentioned during the last meeting that some members of the Council were not aware of the desire to add a third full-time mechanic position to the budget and he would like to remove the funding for that from the budget. He stated he was not sure if staff made calls to other cities to determine their staffing levels for that position. Mr. Steele stated he did check with other cities on that issue. Council Member Bigler stated he did as well. Mr. Steele stated the Administration’s proposal is to leave the position in the budget, but hold off on posting and filling it until the Administration can conduct additional research to determine the best option for moving forward. Mr. Chandler stated he would like to conduct a comparison with other communities, but also look at all services the City is providing and determine if it is appropriate to shift some services to the private sector. He stated that research will take some time and that is why he would like to leave the position in the budget and wait to post and fill it. He stated he will follow the process similar to the process that was used to determine if parks maintenance services could be outsourced.

Council Member Bigler stated that the budget will be finalized in the next meeting, but the Council can amend it any time after that. Mr. Chandler stated that it would not be necessary to amend the budget if the decision were made to not fill the position; instead the payroll fund would simply come in under budget. Council Member Bigler asked if it would be possible to take the position out of the budget and add it back to the budget at a later date if the findings support doing so. He stated that he contacted Pleasant View and they have one part-time mechanic that works less than 20 hours per week. He stated they send their police cars and other vehicles to Jiffy Lube for oil change services and they use a mechanic in Pleasant View for other maintenance. He stated he would like the City to consider doing something along those lines. Mr. Chandler stated that is what he is planning to investigate. Council Member Bigler stated that many cities have a replacement cycle for their vehicles which means that most of their vehicles are always under warranty, meaning service is paid for by the warranty and it does not cost them to take the vehicles to an outside provider for the work. He stated that every piece of equipment currently in use in North Ogden is maintained by the mechanics. He referenced backhoes and asked if the City owns or leases those pieces of equipment. Mr. Steele stated the City has leases for some pieces of equipment. Council Member Bigler stated that pieces of equipment that are leased are all under warranty as well and service should be free. He stated he would prefer to remove the mechanic position from the budget so that it is not forgotten, but if the findings of the study conducted by the Administration warrant adding the position back to the budget the Council can take such action. Mr. Chandler stated either option will work just fine. Council Member Bigler asked if anyone is opposed to removing the position from the budget. No Council Member voiced an opposition to Council Member Bigler's recommendation.

Mayor Harris then convened the public hearing at 11:05 p.m.

Alan Casey, 3148 N. 425 E., stated he wanted to talk about the safe sidewalk program in the City. He stated he is aware that sidewalks are part of this budget and he wanted to make sure that the Council knows the work that was done to get sidewalks on 2650 North from Washington Boulevard to the doorstep of North Ogden Elementary School. He stated there is a particular area where kids cross Washington Boulevard with the assistance of a crossing guard and they are then forced to walk along a street the rest of the way to the school. He stated Jim Shupe owns property on the corner and he did not like seeing kids walk on the street to school and he wanted a sidewalk on his property; he asked the adjoining neighbor, who owns the rest of the land on the street, if she wanted a sidewalk and she supported the idea as well. He stated one additional land owner had to provide his consent and the school is very excited to be able to get the sidewalks installed. He stated that when he wrote the petition he wrote that the sidewalks can be anywhere from the curb to within nine feet, which is a standard area, but the landowners wanted the sidewalk to consist of the curb and four feet of sidewalk. He stated that reduces the cost of the sidewalk and the need to cut further into the land of the property owners. He stated the landowners are all very happy about the project and he wants to make sure the project is included in the budget.

Martha Urban, 365 E. 3250 N., stated the City and Council Members received an email and a hard copy letter that included the petition from the landowners for the sidewalk as well as granting the City right-of-way for the sidewalk. She stated there was also an attachment from herself as the Chair of the North Ogden Elementary Community Council, who oversees safety for the children at the school. She stated that she also wanted to read a letter from another couple who are parents of students of the school. She stated they live at 224 E. 2625 N.; they live west of Lee's Market and their children cross Washington Boulevard at the crosswalk and then walk to school along the path upon which the sidewalk will be installed. She stated their names are Deena and Gary Davis and their letter reads as follows:

“Dear Mayor and City Council Members:

We are writing today to pledge our support of the addition of a sidewalk on the north side of 2650 North between 400 East and North Ogden Elementary. We would also like to urge the Council to consider adding a walking path adjacent to the canal on the south side of Pleasant View Drive. When we first moved into our home seven years ago we lived in the boundaries for Majestic Elementary; with the boundary changes approximately four years ago, our home is now located within the North Ogden Elementary boundaries. We encourage our elementary aged children to walk to school each day as it is only 0.6 miles from our home, but there are a couple of stretches of their daily walk which are not safe. One of these stretches is the afore mentioned section of 2650 North. Often when they walk between the crossing guard and the school they must walk in the road to avoid cars parked along the street and this forces them quite a bit into the road during the busy times before and after school. The addition of a sidewalk would significantly increase their safety. We would also encourage the Council to consider extending the Pleasant View walkway from the Pleasant View City boundary to the sidewalk which borders Lee's Market. This would allow for safer pedestrian travel along Pleasant View Drive adjacent to the canal encouraging families to walk, bike, and run together. Children who live in the subdivisions between 250 East and 200 East currently walk along this stretch to get to and from school. We believe it would also encourage more people to walk to the businesses in North Ogden, including McDonalds, Lee's Market, and 7-Eleven. We thank you for past decisions which added flashing lights, signs, altered UTA bus stops, and a crossing guard at Pleasant View Drive to help our children safety cross 400 East before and after school. Our family enjoys living, shopping, and learning in North Ogden City.

Sincerely,

Deena and Gary Davis"

There being no additional persons appearing to be heard, **Council Member Bigler moved to close the public hearing. Council Member Stoker seconded the motion.**

Voting on the motion:

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| 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 public hearing was closed at 11:11 p.m.

Council Member Bigler inquired as to the status of the safety sidewalk project. Mayor Harris stated there is \$21,000 in the budget for the safety sidewalk project and it is on a designated safe route meaning it has met the criteria of the City for constructing a sidewalk. He stated that if the Council approves the budget the project can proceed.

Council Member Stoker stated that she wanted to respond to the comment about extending the trail way from Pleasant View to North Ogden; that is something the Parks and Trails Committee is considering and there is a grant the committee will apply for to further that project. Mayor Harris added it is on the trail master plan for the City, but the canal will need to be pipes to accommodate that project. He stated that will be very expensive and he hopes the City can accommodate that project in the future.

Council Member Bigler stated he has one additional concern regarding the budget; there was an amendment to the budget regarding the pay raises for employees. He stated during the budget retreat there was discussion about a three percent pay increase for employees, but Mr. Chandler had communicated that the employees would prefer a three percent lump sum payment rather than a traditional pay increase that would be on the employees' paychecks throughout the year. He stated that at that time he specifically asked about how that would be implemented and when his question was answered he voted accordingly; however, the budget amendment now reads that the three percent increase will take place in the budget year 2014-2015, but in the retreat the discussion was to implement it in the budget year 2013-2014. He stated the findings according to what the Council voted upon in the retreat should be for the budget year 2014-2015, which is 13 months from now. He stated the employees have already received their cash for this year and he specifically clarified that would be the case before he voted for the increase. He stated that this budget amendment would give employees a three percent cash bonus now as well as the opportunity to receive an additional three percent once the budget is implemented July 1, 2013. Mr. Chandler stated that when he and Mr. Steele originally proposed the increase they said that they would be researching the work that was done by the employee compensation committee and that research would be provided in time to include recommendations for the next fiscal year budget, but the Council asked that the research be provided earlier than that. He stated that is still his plan and part of that will be to provide the results of the research as well as a plan for making adjustments according to that research. He stated he is not anticipating a request to increase wages in this budget year, but he will be providing the research to the Council earlier than he had originally planned. Council Member Bigler stated Mr. Chandler's comments are correct, but no additional pay increases should be provided until the next fiscal year, which will not begin until 13 months from now. He stated the budget has been amended to include pay increases in the 2013-2014 budget even though a three percent lump sum payment has already been provided to all employees. He stated he understands what Mr. Chandler is saying, but he reiterated he had specifically asked if raises would be provided in 2013-2014 or 2014-2015 and he was told 2014-2015, which is what he based his vote of support upon.

Council Member Fawson stated he specifically asked if the three percent increase was a one-time payment and he was told it was. He stated it should remain that way. Mr. Steele stated the three percent payment is a one-time payment, but as he read the minutes from the last budget retreat he found discussions regarding opening the budget during the 2013-2014 budget year after Administration is able to provide findings and recommendations based upon the work of the employee compensation committee. Council Member Bigler stated that is correct, but since the budget meeting the course changed; the one-time payment was not part of the budget retreat. Mr. Steele stated he thought both discussions took place during the budget retreat. Mr. Chandler stated his recommendation is that the Council make a motion during adoption of the budget to make changes regarding these types of issues. Council Member Bigler asked if the Council can direct staff to remove these types of items tonight. He reiterated he voted the way he voted based on what the budget said about the pay increases, which was that they would not be implemented until 2014-2015. He stated that has now changed to 2013-2014. He stated if that had initially been communicated to the Council, the Council would not have approved the lump sum payments that were provided in the current fiscal year. Mr. Chandler stated the process he has used in other communities is to vote on these types of issues when the Council is reviewing the budget in this level of detail. He stated the Council should make a motion to change the budget when adopting the final budget. Council Member Bigler stated he would like to go back to the tentative budget that the Council has already voted on.

Council Member Taylor stated that during the meeting when this issue first came up he asked for the raises to be back in the 2013-2014 budget because he thought waiting a year and a half to implement the changes recommended by the employee compensation committee was not a wise choice. He stated there was a discussion about that issue. Council Member Bigler stated that would have been fine, but the

decision was made to provide a lump sum payment to all employees in the current fiscal year. He stated it seems like the staff is double-dipping because they have received the cash payment and also pay to provide raises in the next fiscal year based on the findings of the employee compensation committee. He stated they have already received an increase for the next 12 months; they simply chose to receive it in a lump sum payment rather than to have it spread out over the year. Mr. Steele pointed out that it may be the case that not all employees will receive an increase based on the recommendations of the employee compensation committee.

Council Member Bailey stated he is comfortable striking item three from the budget, but it may be the case that after the Council hears a recommendation based on the additional research of the employee compensation committee report, they may want to provide increases in the next budget year. He stated he does not want to hamstring the City to a particular fiscal year until hearing all information. Council Member Bigler stated he has a concern with that because the Administration presented a recommendation to give the employees a lump sum payment based on the money they already had in the budget. He stated he specifically asked if it would be possible for employees to receive two pay raises in the next 12 months and the answer was no. He stated that information affected his vote and his concern was that the lump sum payment would be given now and that the Administration would come back asking for more in the next fiscal year. He stated the Council was asked to vote on something based on a certain set of rules and he is not comfortable changing the rules now.

Council Member Taylor stated he may have a different recollection of the meeting. He stated he believed Council Member Bailey made the original motion regarding the issue, but that he specifically asked for the motion to be amended to allow the possibility of a raise in the next budget year rather than waiting for an entire year to implement recommendation of the employee compensation committee. He stated the answer was that it was very possible for the raise to be provided in the next fiscal year based on the review of the findings of the committee. He stated he remembers that distinctly from the meeting. Council Member Bailey agreed that he amended his motion to allow that item to be open. Council Member Bigler stated he will look at the minutes because he specifically asked two or three questions regarding the issue because his concern was that employees would be double dipping and getting two raises in the period of 12 months. He stated the minutes were unfortunately not available for review at this time. He stated the sales pitch from the Administration was to provide the employees a lump sum up front rather than receiving a raise in their paycheck over the next 12 months. Mr. Chandler stated the best thing to do may be to review the minutes of the meeting that show what decision the Council made and then any change they want to make to the budget can take place at that time.

Mayor Harris asked if the three percent lump sum payment will come from money in the current budget year or from money in the 2013-2014 budget. Mr. Steele stated it will be paid for from money in the current budget year. Mayor Harris stated that was a bonus to make up for no pay increases of any kind for the past three years. Mr. Chandler stated that is correct and that was the original idea that was discussed. He added that Council Member Bigler is correct that Department Heads communicated that their employees would prefer a lump sum payment so that they did not become dependent upon a permanent pay raise. He stated the discussion then took place regarding how the raise should be funded and Administration communicated that there was surplus money available to pay for the lump sum payment.

Mayor Harris stated it should be clear that regardless of how the tentative budget currently looks, the Council will have the opportunity to vote to change the budget at the next meeting.

9. PUBLIC COMMENTS.

Jim Urry, 1615 N. Mountain Road, stated that he spent nine years on the City Council and after listening to tonight's meeting he would like to offer a couple of suggestions. He stated he agrees with some of the comments regarding researching alternative options to Monroe Boulevard, but those suggesting offering alternative routes should come prepared with some ideas. He stated the Council should come up with some of their own ideas before they get here so they do not stir up the public attending the meeting. He added there were also times when the Council discussed spending millions in the budget and no one attended, but during a discussion about raising dog license fees by \$1 the room was packed. He stated it was an emotionally charged discussion and people on a fixed income that had dogs did not want to pay \$1 more for the license fees. He asked the Council to remember during emotionally charged discussions that they were elected to represent the entire City and not just one portion of the community. He stated that if bringing Monroe Boulevard through is best for the entire community, the City Council must vote in that manner rather than just listening to an emotionally charged discussion. He stated that Mountain Road is busy and if he had a speed camera he could write more tickets than City officers do; the curves on the road do not take the speed out of the road. He stated that if the decision is made to widen Mountain Road - the comments should not be made that there has not been consideration given to widening Mountain Road because that was considered when he was on the Council and it was a very expensive idea - Council Member Stoker's constituents will be very passionate about that issue. He stated the Council not only represents the people that were in attendance at tonight's meeting; they also represent all citizens that were not in attendance this evening. He then thanked the Council for all they do in their capacity as Council Members.

Naomi Trammel, 797 E. 3000 N., stated she appreciates all the Council does as well. She stated she cannot believe the Council does what they do without being paid for it. She stated she wanted to echo Mr. Urry's comments; the Council is asked to make very hard decisions and Monroe Boulevard will not be constructed for 30 years into the future. She stated the road will affect her because she plans to live here in 30 years. She stated that she loves that it is currently not very easy to get in and out of North Ogden; that is why she decided to live here. She stated that there are some alternate routes; 1050 East is a very wide road and it may be a viable option. She stated there should be additional discussions about the project no matter who they affect. She then stated there was a discussion about sidewalks during the budget hearing and she wanted to put a plug in for Bates Elementary School as well. She stated the recommended walking route for Bates for those coming from the south and west of 750 East is to walk with traffic where there is no sidewalk along 3100 North to the crossing guard that is located in the middle of the road. She stated that is where all parents park their cars and there is no sidewalk, curbing, or anything. She stated there is a huge sidewalk on the other side of the road, but parents are not allowed to park along that side of the road at all. She stated she will never let her kids walk across that road by herself because cars do not even pay attention to those people crossing the road with the assistance of a flag. She stated that from 750 East to 900 East a sidewalk is needed; she has no idea why that is the recommended walking route except for that it may have been recommended to save money. She reiterated her thanks to the Council for everything they do.

Barbara Parkinson, 2872 N. 750 E., stated she has eight acres of property and Monroe Boulevard would come right up the middle of that acreage and take one acre of her property. She stated she will be 100 years old in 30 years and she asked what she should do with that acre of property if the City is going to buy it for right-of-way. Mayor Harris stated those issues would be worked out in the purchase agreement and he suspected those types of property owners would be allowed to continue to use their property. Ms. Parkinson asked if the property would be rented back to the property owners. Mayor Harris reiterated that would be worked out in the agreement and he noted that this is the very beginning of the process and all of those types of issues will be taken into account. Ms. Parkinson stated it is her understanding that the issues will be worked out through the year. Mayor Harris stated that the City is proposing to buy the right-of-way this year. Ms. Parkinson stated another question she has is how much an acre of land costs. Mayor Harris stated the City will follow a process to determine all of those answers.

10. CITY COUNCIL, MAYOR, AND STAFF COMMENTS.

Council Member Fawson stated he loved the chocolate slip-and-slide event yesterday; he has video footage that he will post to his Council Facebook page. He thanked Mr. Chandler for keeping the Council informed of those types of events in the City.

Council Member Stoker thanked the staff for their attention to a tree that had grown into the road at the intersection of Mountain Road and 1700 North; they removed the tree to improve safety at the intersection.

Council Member Taylor stated he attended a couple of DARE graduation ceremonies over the past few weeks and he wanted to commend the Police Officers for their work on those events.

11. ADJOURNMENT.

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 11:38 p.m.

Richard G. Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved