

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2  
3 February 14, 2012

4  
5 The North Ogden City Council convened in a regular meeting on February 14, 2012 at 6:30 pm in the  
6 North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the  
7 meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal  
8 office and posted to the Utah State Website on February 9, 2012. Notice of the annual meeting schedule  
9 was published in the Standard-Examiner on January 16, 2012.

10  
11 **PRESENT:** Richard G. Harris Mayor  
12 Kent Bailey Council Member  
13 Wade Bigler Council Member  
14 Justin Fawson Council Member  
15 Dave Hulme Temporary Council Member  
16 Cheryl Stoker Council Member

17  
18 **STAFF PRESENT:** Annette Spendlove City Recorder/HR Director  
19 Edward O. Dickie III City Manager  
20 Debbie Cardenas Finance Director  
21 Dave Carlson City Attorney/Economic Development Director  
22 Craig Barker Community Development Director  
23 Polo Afuvai Police Chief  
24 Dave Nordquist Community Services Director  
25 Julia LaSeure Deputy City Recorder  
26 Lorrie Frazier Special Events Coordinator

27  
28 **VISITORS:** Sherry Bernard Canton Clarke Brian Russell  
29 Ilene Nordquist Bill Bernard Lynn Millard  
30 Larry Florence Ronald Harris Marilyn Harris  
31 Elaine Jensen Pam Trimble Aaron Farr  
32 Lana Tolman Dan Carter David L. Powers  
33 Jack Troyer Carolyn Troyer Jim Suhr  
34 Blaine G. Seamons Blaine L. Seamons Justine Seamons  
35 Rachel Trotter Stacey Giatras Blake Welling  
36 Fred Philpot Julie Anderson Dale Anderson  
37 James Mackley Toby Mileski

38  
39 Mayor Harris welcomed those in attendance and thanked them for coming tonight.

40  
41 Council Member Fawson gave the invocation and led the audience in the Pledge of Allegiance.

42  
43 **Council Member Bailey moved to convene the RDA. Council Member Fawson seconded the motion.**

44  
45 **Voting on the motion:**

46 **Council Member Bailey** yes  
47 **Council Member Fawson** yes  
48 **Council Member Bigler** yes  
49 **Council Member Hulme** yes  
50 **Council Member Stoker** yes

52 **The motion passed unanimously.**

53

54 **RDA**

55

56 **1. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPROVING**  
57 **AMENDMENTS TO THE REDEVELOPMENT AGENCY MAP, LEGAL DESCRIPTION**  
58 **AND PLAN.**

59

60 Dave Carlson, City Attorney/Economic Development Director, said this proposal is to make some  
61 amendments to the current Redevelopment Area (RDA) in the City shown on the attached map. The  
62 Boyer Company has acquired development rights to some property at 2700 N and Washington Blvd.  
63 They are interested in developing that and there has been discussion about a Commercial Development  
64 Area (CDA) to assist them with their goals there. One reason to create a CDA is to take some future tax  
65 revenues and use them to build improvements to the city's infrastructure in that area. The 2700 N and  
66 2550 N rights-of-way are in the old RDA created by the city about 30 years ago. They don't generate any  
67 taxes and offer no benefits to the city. In a CDA the funds can only be used in a CDA. This is the first  
68 step to moving forward with this but in no way binds the city and does not affect the existing RDA at all.  
69 In order to do this we have gone to the City Engineer who has amended the RDA legal description and  
70 map and created a new map and legal description for the CDA. The final thing to do is the redevelopment  
71 plan. The amendments have been prepared and staff recommends adoption of the amendments to the  
72 legal description, map and plan.

73

74 **Council Member Bailey moved to approve Resolution 101-2012. Council Member Bigler seconded**  
75 **the motion.**

76

77 **Voting on the motion:**

78 **Council Member Bailey**           yes  
79 **Council Member Fawson**       yes  
80 **Council Member Bigler**        yes  
81 **Council Member Hulme**        yes  
82 **Council Member Stoker**       yes

83

84 **The motion passed unanimously.**

85

86

87 **2. ADJOURNMENT.**

88

89 **Council Member Fawson moved to adjourn and reconvene as City Council. Council Member**  
90 **Hulme seconded the motion.**

91

92 **Voting on the motion:**

93 **Council Member Bailey**           yes  
94 **Council Member Fawson**        yes  
95 **Council Member Bigler**        yes  
96 **Council Member Hulme**        yes  
97 **Council Member Stoker**        yes

98

99 **The motion passed unanimously.**

100

101 **CONSENT AGENDA**

102

103 1. Consideration and/or action to approve the minutes of the January 17, 2012 City Council  
104 and Planning Commission Training meeting.

105 2. Consideration and/or action to approve the minutes of the January 24, 2012 City Council  
106 meeting.

107 3. Consideration to approve Business Licenses.

108

109 Council Member Bailey moved to approve the consent agenda. Council Member Bigler seconded  
110 the motion.

111

112 Voting on the motion:

113 Council Member Bailey yes

114 Council Member Fawson yes

115 Council Member Bigler yes

116 Council Member Hulme yes

117 Council Member Stoker yes

118

119 The motion passed unanimously.

120

121

122 **ACTIVE AGENDA**

123

124

125 4. **PUBLIC COMMENTS.**

126

127 Mayor Harris stated that both items 14 and 16 will offer an opportunity for citizens to offer comments and  
128 asked the public to please wait for those agenda items.

129

130 There were no public comments.

131

132 Council Member Bailey moved to consider item 5 after item 10. Council Member Hulme seconded  
133 the motion.

134

135 Voting on the motion:

136 Council Member Bailey yes

137 Council Member Fawson yes

138 Council Member Bigler yes

139 Council Member Hulme yes

140 Council Member Stoker yes

141

142 The motion passed unanimously.

143

144

145 6. **PRESENTATION OF 5-YEAR SERVICE PIN TO MARC LEE.**

146

147 This item was postponed.

148

149

150

151

152 **7. PRESENTATION OF 5-YEAR SERVICE PIN TO DAVE NORDQUIST.**

153  
154 Edward O. Dickie III, City Manager, asked Dave Nordquist to stand and he introduced him to the City  
155 Council and members of the audience. He stated that Dave is the Community Services Director and  
156 oversees parks, trails, recreation, the aquatic center and special events. He said Dave is a great team  
157 player. He appreciates him and his willingness to help other departments. Dave frequently offers his  
158 services to help out other departments and North Ogden City is lucky to have him. Edward O. Dickie III  
159 presented Dave Nordquist with a five year service pin. The City Council and staff offered their  
160 congratulations.

161  
162  
163 **8. PRESENTATION OF 10-YEAR SERVICE PIN TO OFFICER JASON CHILD.**

164 This item was postponed.

165  
166  
167  
168 **9. PRESENTATION OF 15-YEAR SERVICE PIN TO SERGEANT DIRK QUINNEY.**

169 This item was pulled from the agenda.

170  
171  
172  
173 **10. PRESENTATION OF 20-YEAR SERVICE PIN TO SERGEANT BLAINE SEAMONS.**

174  
175 Polo Afuvai, Police Chief, recognized Sergeant Blaine “Butch” Seamons and introduced him to the  
176 Council and audience. He thanked the Council for the opportunity to highlight some of North Ogden’s  
177 finest. Sergeant Seamons was hired in 1991 and it has been a pleasure to have him on the force. Prior to  
178 becoming an officer he worked as a reserve officer in Ogden City. He has worked as a Scout merit badge  
179 counselor, in crime prevention and fingerprinting. In January 2001 he became a Sergeant working patrol.  
180 He did a fine job and taught the younger officers. He has a good knowledge of computers and that is a  
181 great help for those out in the field. He is alternate Terminal Agency Coordinator (TAC) and speaks  
182 fluent Spanish. Sergeant Seamons is a great asset to the entire county when there is a need for translation.  
183 He and his wife Nikki have three daughters; Taylor, Bailey and Grace who are all straight A kids. His  
184 parents are here tonight as well. Chief Afuvai said he is proud to be on the same team with Butch and is  
185 impressed with his loyalty to the City of North Ogden. Chief Afuvai presented Sergeant Seamons with a  
186 20 year service pin. The City Council and staff offered their congratulations.

187  
188  
189 **5. DISCUSSION ON MEDIA REPORTING.**

190 Council Member Bailey read a document that is included as Attachment A.

191  
192  
193 Council Member Fawson said he also received a number of emails, calls and face to face comments  
194 specifically asking why there is so much controversy in North Ogden. He said this has been a very united  
195 Council and he thinks they are getting good things done. He said we owe it to the media to reach out and  
196 communicate with them. He encouraged the Council to communicate with the media, preferably via  
197 email, to correct any inaccuracies because we owe it to the residents also to communicate and ensure they  
198 are getting the right news.

199  
200 Council Member Stoker said she got emails and concerns about this too and she was confused and  
201 shocked because she felt that every meeting has gone well and those who attended have made similar  
202 comments after those meetings. Referring to the Council, she said there isn’t any division between us and

203 she thinks we get along well. It has been a very positive working environment. She said she agrees with  
204 Council Member Fawson with regard to the emails to give us all some protection.  
205

206 Council Member Bigler said he has actually tried what Council Member Fawson suggested, to try to help  
207 things be more accurate to no avail. He also wanted to refer to the front page of the Standard-Examiner  
208 on Tuesday, February 7, 2012. It says 'Bigler wants check on Mayor'. This had to do with committees  
209 and he had simply recommended that Council be able to recommend names to the Mayor to serve on  
210 committees. In the article it said he wanted to do that but then not have the Mayor do it and that is  
211 completely false. He stated that he never said that; the Mayor will still appoint with consent of the  
212 Council. He said he thinks there have been three or four articles since our last meeting. Another one, in  
213 big, bold print, stated 'One North Ogden Council Member wants greater use of email...' and so forth. He  
214 said that kind of makes it sound like he is pushing that kind of thing and in reality that was not even his  
215 agenda item. He asked staff, if a Council Member has an agenda item, like he did; to look at some  
216 policies that we are doing and he recommended two little changes. He said staff had thrown a different  
217 change in there on his agenda item so it looks like it was his item. He asked that if staff has something  
218 different to put it on a different agenda item instead of under his name. On that one, it says that he is  
219 trying to push for all these things. That was the word used, push, and the minutes to the meeting actually  
220 say that he recommended leaving it as it currently is. The staff had recommended a change in there; he  
221 did not recommend any change he just asked that it be kept like it currently is. Those minutes end with  
222 'Council Member Bigler proposed we keep it the way it is.' It made it look like he is pushing for some  
223 big change and he didn't put the agenda item on the agenda, staff did. He just recommended that it stay  
224 as it was which was no controversy at all, but it kind of takes on that flavor unfortunately. It looks like  
225 there is going to be an article coming out about the staff compensation and our last meeting. He said he  
226 would invite anybody to actually go to the minutes of the last meeting on January 24, 2012 and read the  
227 minutes of what was discussed. He said it is as if they want to say that maybe Council had talked about  
228 doing some other things and then they didn't do them. So they are trying to dig up mud, Council talks  
229 about a lot of things. He said he would just hope that, like on an issue like the benefits package where he  
230 had recommended that we just update it and look at the total compensation package. He said in the  
231 minutes that the salaries might go up, the benefits might go up. They might go down, we don't know at  
232 this point in time. Rather than try to crucify us in the media, saying they were looking at this and doing  
233 this; the Council looks at a billion different things, how about just reporting on what we do. If it is the  
234 total compensation package of City employees, why don't you let us do our jobs as City Council and put  
235 the committee together which is what he suggested. We put the committee together of experts and a third  
236 party and look at it so we can have a complete unbiased opinion about that and then we will go  
237 accordingly. He said when that is done he has to be able to look at residents in the eye and tell them they  
238 are getting what they pay for and he needs to be able to look every City employee in the eye and say with  
239 a clear conscience and say 'you are getting a fair and competitive package'. Right now that hasn't been  
240 done in the two years he has been on the Council and we simply asked for it to be updated. He said he  
241 would just hope that the media that is causing all this mud about stuff that didn't happen that they wait  
242 and give it a chance and then report on what actually happens with the compensation package instead of  
243 trying to muster up mud so we can do our jobs so we don't have to worry about, every time they open  
244 their mouth it's going to pit one against the other and so forth. The last thing he wanted to say on this is  
245 that the Council hash things out in a City Council meeting; that is the very purpose for the meeting. For  
246 example, last time he was on the agenda and made a proposal and that's a sketch, they chimed in and  
247 others made comments and recommendations and then it appears that we are pitted against each other and  
248 there is this extreme one here and this one is extreme and they don't get along. He said he did not resent  
249 one ounce of them improving what he put on the table. That is why he brought it here and then when we  
250 are finished, it is called brainstorming, and that's what we're elected to do and by the time we're finished  
251 we have a better product for North Ogden City and its residents. He said he would hope that they would  
252 be allowed to do that without all these things that are said that just are not accurate at all and very skewed.  
253 He said it seems like we are trying to find mud and are digging for it instead of just reporting. When we

254 do the Public Works Committee and when we do the facility report on it and then residents can make a  
255 determination whether we were extreme, whether we were just knuckleheads or whether we did a decent  
256 job for the City. When the compensation package is ready salaries may be reduced, they may increase, he  
257 doesn't know but there certainly should not be anything wrong with asking for that to be updated. He  
258 said he hopes in the future that we can just move forward in a positive manner. He said he understands  
259 and he is sure the rest of the Council does too, that the media has a job to do and so do we. He asked that  
260 it not seem to be so skewed at negativity or trying to make one Council Member or another purposefully  
261 look like they're out there in right field or out of the ball park when that is not the case at all.

262  
263

264 **11. DISCUSSION AND/OR ACTION TO CONSIDER FUNDING THE JULY 4<sup>TH</sup>**  
265 **FIREWORKS.**

266  
267 Mayor Harris stated the Cherry Days Committee met January 26<sup>th</sup> to start getting ready for this year's  
268 celebration. During discussion the possibility of reinstating the fireworks came up. The fireworks has  
269 been such an integral and important part of Cherry Days it was felt that to not have them would be to lose  
270 a major reason for the celebration. The committee was unanimous in its desire to, if at all possible, have  
271 the fireworks again this year. It was also felt if the fireworks could be held at one of our own city parks  
272 we wouldn't have to rent the Weber High School stadium. The committee also recommended we not hire  
273 the entertainment nor rent the expensive sound system. This would result in a savings of \$5,600.00.

274  
275 He said since the committee meeting Lorrie Frazier has contacted Fireworks West, the company that has  
276 furnished our fireworks in the past. Ordinarily we have to reserve fireworks a year in advance. The  
277 company has agreed, however, to provide the same fireworks show as last year for the same price -  
278 \$20,000.00. I have checked with Debbie Cardenas to see if funding in that amount is even available,  
279 given the budget stresses we have experienced over the past three years. The audit of last year's budget  
280 was recently concluded. Because of very careful spending by the city, there are savings available to carry  
281 over to this year that will cover that amount. If the City Council wishes to approve this proposal, it can  
282 vote at tonight's meeting to make funding available. The budget will have to be opened at a later date to  
283 incorporate this, along with other changes that may occur during the year, into the current budget.

284  
285 He added that after discussion concerning viewing, parking, space to congregate, etc., the committee  
286 recommended the fireworks be held at Barker Park. If the fireworks can be launched from Lyman  
287 Barker's field behind Deer Meadows subdivision, they can be viewed from Wadman and Oak Lawn Parks  
288 as well as Barker Park. This will provide plenty of room for as large a crowd as we can anticipate and  
289 will help the parking as well. Lorrie has contacted Lyman Barker and he has agreed to let the city use his  
290 field. The owner of Fireworks West visited this site last week and stated that this venue as proposed is  
291 the best he has seen in any city. He will substitute fireworks that detonate at a higher elevation for the  
292 lower ones we have used at the stadium in the past, thus ensuring a magnificent show as viewed from all  
293 three locations.

294  
295 He requested, on behalf of the Cherry Days Committee, that the City Council approve the expenditure of  
296 \$20,000.00 for fireworks for this year's Cherry Days celebration.

297  
298 Council Member Fawson said in the Economic Development Committee meeting prior to this one when  
299 we talked about some fireworks. We talked about potentially having some businesses with booth space to  
300 help offset the cost. Understanding that budget is available doesn't mean that we should not explore other  
301 options of offsetting costs. We should not ditch the previous consideration of having booths. Lorrie  
302 Frazier, Special Events Coordinator, said she spoke with a vendor today who would like to sell some  
303 things like glow sticks and sno-cones and would pay a booth fee of approximately \$60. We considered

304 doing it ourselves but we don't know what the revenue would be and were concerned that we would be  
305 losing money. There is not a budget for this; it is all being done by donations.

306  
307 Mayor Harris said the feeling is that our businesses are about tapped out and that's one reason we are  
308 asking for these funds. This is an opportunity to keep the fireworks tradition going. Lorrie Frazier said a  
309 few years ago our budget for the entire Cherry Days was about \$70,000, putting \$20,000 in is a big  
310 achievement for us.

311  
312 Council Member Bailey asked how much of the evening experience the entertainment is. Lorrie replied  
313 that she wrote a RAMP (Recreation, Arts, Museum and Parks) grant for the daytime entertainment with a  
314 provision for nighttime entertainment and she got \$4,000 that would pay for the entertainment and if we  
315 did it at Barker Park because we could use our own sound system.

316  
317 Council Member Bigler said that was discussed shortly ago and he mentioned that we have lots of  
318 entertainment during the day and if it's a matter of not having fireworks or having them, to cut out the  
319 singer for that night where we have all kinds of entertainment during the day, but still have the fireworks  
320 show. He said that in the Cherry Days Committee meeting and he said it in a Council meeting too  
321 recently and it was said back that we were not talking about the fireworks that night entertainment  
322 because that's not an issue; that's off the table and we were strictly talking about the daytime  
323 entertainment when we talked about proceeding with that grant. So now you're saying that night thing  
324 was included. Lorrie Frazier said it was included with the wording that it could be a nighttime concert at  
325 Barker Park. Council Member Bigler said he was never opposed to the day thing but if we are saying that  
326 the fireworks show is too expensive every other community they go with their families or friends or  
327 whatever and have a wonderful time at the fireworks show, they don't need a singer necessarily. The  
328 several thousand dollars we would pay the singer; he is for having the fireworks and he thinks the great  
329 majority of the community wants the fireworks. He said he thinks people would come and just enjoy the  
330 fireworks show. Dave Nordquist said, to be clear, that this is not the city's money that we are generating  
331 from our general fund. This money is a gift to us from the RAMP people and it is an arts grant which is  
332 hard to come by and cannot be used for anything else. This grant will pay for the daytime entertainment  
333 and there will be enough to do a little entertainment at night. Lorrie Frazier said she got the proposal for  
334 the exact amount to cover the entertainment so we don't need and can't use the funds for daytime  
335 entertainment but we could give it back. She said she wishes there was a grant for fireworks because she  
336 would be the first one to write it but there isn't.

337  
338 Council Member Bigler asked Brian Russell if he is over the day and night entertainment and whether we  
339 could use those funds to make the day entertainment better? Mr. Russell said he has possibly a conflict of  
340 interest as he is the business manager of a local band but stated that the way this grant is written he agrees  
341 with Lorrie that we don't need to do more for the daytime.

342  
343 Council Member Fawson said he thinks it is fantastic that we are doing it locally. Saving the money by  
344 not doing it at Weber High is a great idea.

345  
346 Mayor Harris said there is some urgency to this because we need to reserve the fireworks if the Council  
347 decides to do this.

348  
349 Council Member Bigler said this amount of money that needs to be approved is not what it will end up  
350 costing us to do this because we have donations from businesses. He said some of the local businesses  
351 are tapped out but he has asked that we go outside the city to some bigger businesses that certainly have  
352 North Ogden residents as customers to advertise for us. The amount that we are asking for tonight is to  
353 purchase the fireworks but that will not necessarily be the end cost. He said Lorrie Frazier has done a  
354 great job on this and cutting the costs and we will continue to do that.

355  
356 Council Member Bailey said he is excited about the whole idea; the move to Barker Park and having  
357 fireworks. He thinks we are going to engender a whole new thing with the booths and it is a great  
358 opportunity to make Cherry Days something that is distinctively ours.

359  
360 Council Member Hulme said he appreciates the efforts that went into this but he cannot support this  
361 request for using taxpayer money for entertainment. He said he thinks the residents should pay for it. He  
362 is not comfortable with the idea that the majority of taxpayers want this.

363  
364 **Council Member Bailey moved to authorize the expenditures of \$20,000 for fireworks as proposed.**  
365 **Council Member Stoker seconded the motion.**  
366

367 Council Member Fawson said he is torn because he sees this as a want vs. a need. The city needs to  
368 provide certain things to the residents and this is definitely not something that has to be provided. He said  
369 he stands with Council Member Hulme. He would like to see this happen but he would like to see the  
370 money come from revenues generated at the events.

371 Council Member Bigler said we are working hard to meet that for sure. He said he is also very careful  
372 with how we spend taxpayers' money and he completely understands what Council Member Hulme is  
373 saying. This is why there are five Council Members; we can give our input and vote our conscience. He  
374 said he thinks there are some things that we need to look to the majority of residents for guidance. This is  
375 a wonderful community and the majority of people do want this. He said he thinks the 4<sup>th</sup> of July  
376 celebration and Independence Day is something worth celebrating. He said he feels very similar about  
377 the recreation program, you don't have to do everything for all people but it's a good thing in our  
378 community. This creates a neat community and you get to know people and this is a worthwhile thing to  
379 have fireworks. He said there are some things in his mind that we have to balance out so we're not one  
380 extreme this way or that way. For him this celebration is that balance and it's a worthwhile thing to have  
381 fireworks. We will continue to work hard getting the costs as low as we can. He said in the years that he  
382 has been here we have cut tens of thousands of dollars off the Cherry Days celebration. He said he will  
383 support this, for him it is worth it.

384  
385 Council Member Hulme said he appreciates that and he agrees with a lot of that. It is so exciting for him  
386 to see the City hadn't budgeted anything for this this year, that we are funding this with grants and private  
387 donations. He thinks that's great. He said he will put in \$100. Only 199 more people need to do that and  
388 we have all the money we need for the fireworks.

389  
390 Council Member Bigler said it was looked at in the Committee to do that and charge people to come and  
391 that was determined to be impossibility for the fireworks show. He said he would actually like to see  
392 Pleasant View and North Ogden City come together on a fireworks show. He said he knows their  
393 celebration is for their City and our celebration is for ours and there is a lot of deep tradition there so as  
394 far as the celebration goes, that's not going to happen. He said he would love us to work together on a  
395 fireworks show. We could have a tremendous show and save the residents a lot of money. They have  
396 three new Council Members and we are going to see what their feelings are on this.

397  
398 Mayor Harris said we have tried to work with Pleasant View in the past on combining some aspects of  
399 our celebrations and their Council has felt like they couldn't do that because of citizen input.

400  
401 Council Member Fawson said he will support this but added that he agrees with Council Member Hulme  
402 and would be happy to put in his own personal money and he thinks other residents would too. He said he  
403 thinks we should look, as much as possible, at contributions from the community.

404

405 Council Member Bigler said this is a one-time kind a weird deal because last budget it was not included  
406 and at this point if we determine that we want this for the next year we have our budget coming up. If we  
407 determine that we've got a lot more time to get working with businesses and so forth for next year where  
408 we won't be in this same predicament so to speak.

409

410 **Voting on the motion:**

411 **Council Member Bigler**            **yes**

412 **Council Member Hulme**           **no**

413 **Council Member Stoker**          **yes**

414 **Council Member Bailey**          **yes**

415 **Council Member Fawson**          **yes**

416

417 **The motion passed 4 to 1.**

418

419

420 **12.     AUDIT REPORT FOR FISCAL YEAR 2010-2011.**

421

422 Kent R. Christensen, with Crane, Christensen, Palmer & Ambrose thanked the Mayor and Council for  
423 allowing them to serve the City and acknowledged the City Staff for their assistance in this process. As  
424 stated in the Audit Report, the auditor's job is to render an opinion on the financial statements of the City  
425 and the City has received a clean audit opinion. He said that is the best they can offer. They feel these  
426 financial reports accurately represent what happened in the City during that period of time. He added that  
427 because of what has gone on tonight and today he would open it up to take questions.

428

429 Council Member Bailey asked Mr. Christensen about a comment in the documentation that the major  
430 difficulty encountered in performing the audit was the timely preparation of year end trial balances and  
431 the related reconciliations of several accounts. He asked Mr. Christensen if he was waiting for the City to  
432 get things to him. Mr. Christensen said yes and explained that during the six month period from June 30<sup>th</sup>  
433 through when we actually able to start the audit procedures. There were lots of requests for lots of  
434 information and a number of demands on the finance department during that period of time. He stated  
435 that comment is not in the audit opinion but rather a letter addressed to the Mayor and Council. Pages 1  
436 and 2 of the actual audit report state our audit opinion. There is a narrative format of what took place  
437 during that 12 month period. There are two perspectives provided, a government-wide perspective and  
438 the funds perspective. Both sets of financial statements indicate that the City is in good/great financial  
439 condition. On page 42 of the financial statements there is a comparison of budgeted revenue to actual  
440 revenue and shows that the City received about \$481,000 more than what was budgeted. The City  
441 received an A grade. On pages 23-27 there is a set of financial statements on the enterprise funds which  
442 show the balances on each fund. He stated that Debbie Cardenas and her staff can answer any questions  
443 as well. There is a lot of disclosure information about accounting procedures in there. There were some  
444 legal compliance findings on page 57 dealing with fund balance issues which the City has addressed. One  
445 of those findings is the General Fund exceeding the 18% of expected revenue as allowed.

446

447 Council Member Bailey said the General Fund balance exceeding the 18% is a snapshot of a specific  
448 point in time and asked if there is a requirement when the City needs to be within that? Mr. Christensen  
449 said it is based on June 30<sup>th</sup>. Council Member Bailey said we are out of compliance as of June 30, 2011 is  
450 there a ramification of being out of compliance. Mr. Christensen said yes, you're out of compliance and  
451 the City will get a letter from the State Auditor asking what we will do about these and the City has  
452 already answered those questions. He said to keep up the good work.

453

454 Mayor Harris asked Mr. Christensen to explain some more of these things and how hard it is to come in  
455 on budget. Mr. Christensen said the audit is a historical record and a budget is a plan. That plan will

456 come into place in five months. You are basically looking at what you think has happened in the past  
457 seven months and the next five months. It becomes difficult for you make it happen. There has been  
458 discussion about why don't we save for things if we have a huge capital need but the State won't let you  
459 do that because you can't exceed your 18% in the General Fund. You have your own desires and goals  
460 and then you have to live within the requirements and laws are placed on you by others. Certain revenue  
461 lines are based on what others do so it is difficult to predict what revenue you will get. You budget for  
462 building permit income but if the banks decide they don't want to loan much; you budgeted based on 100  
463 permits but you only issued 15. North Ogden has budgeted conservatively which he thinks is wise and  
464 these external things affect what you do.

465  
466 Council Member Hulme said the General Fund balance exceeds the 18% allowed, he asked if the  
467 allowable amount is in the plan? Mr. Christensen replied no. Council Member Hulme asked if there is a  
468 way to calculate those numbers. Mr. Christensen said you can get next year's budget and multiply that by  
469 18% which will give you what the fund balance can be. It is based upon next year's budgeted revenues.

470  
471 Mayor Harris thanked Mr. Christensen for his report.

472  
473

474 **13. DISCUSSION ON DISPROPORTIONATE FEES.**

475

476 Mayor Harris stated that Council Member Bigler asked that this be placed on the agenda. He asked  
477 Council Member Bigler to lead the discussion.

478

479 Council Member Bigler said the disproportionate fees that we are currently charging businesses; we  
480 started doing that last year when the State started allowing that. So we jumped on that and are now  
481 charging businesses those fees. He explained briefly as a summary what that means is we charge  
482 businesses a disproportionate fee because we say that they are using a disproportionate amount of police  
483 calls. So we are charging the businesses more for those police calls. He proposed that we set the March  
484 27, 2012 City Council meeting as the date for staff to give Council the following information for each of  
485 the North Ogden businesses for the years 2010-2011. He said when this was voted on originally he was  
486 against doing this. He said to him the question is do we look at businesses as a liability or an asset? He  
487 said we get a lot more from them financially then they take for sure. He said he would like prepared for  
488 that meeting the following:

- 489 1. The number of police calls to each North Ogden City business.
- 490 2. The nature of each police call.
- 491 3. The date of each police call.
- 492 4. What each business's fair portion is.

493

494 Council Member Bigler said if we are saying that a business is using a disproportionate amount of police  
495 calls so we charge them more, logic would say that we have to know what their portion is. If he tells his  
496 kid they ate a disproportionate amount of pie that can only happen if I say each of you get one piece.  
497 That's your portion and you ate three portions therefore you are a disproportionate amount. He would  
498 like to know what each businesses fair portion is for police calls. If we are going to charge them a fee for  
499 using more than their portion, each resident pays for police and other services through property taxes and  
500 so forth which are based on home values. So businesses, he feels, should be allowed a higher portion of  
501 police calls because they pay more to North Ogden in their taxes and so forth. They also pay different  
502 taxes that residents don't pay as well so what are that extra taxes paying for. He said he would also like  
503 this information included as well though it wasn't in the memorandum, how much sales tax revenue do  
504 our businesses bring in? He would certainly think and hope that in today's world we keep an electronic  
505 record of all police calls to residences or to businesses so that should be able to be obtained. Just those  
506 facts are what he is after to see if this is justified or if it's just a source of revenue because the state said

507 we could start charging this new fee. He wants these facts, it is mathematics to him and with the factual  
508 information that he is requesting either these facts can and will be proven to be valid and justified by the  
509 facts or will be proven unjustified by the lack of facts. He asked that on the March 27, 2012 City Council  
510 agenda to discuss and vote on the disproportionate fees and as part of that have staff report on those  
511 things that he has asked for as far as police calls to businesses. This has not been shown to him up to this  
512 point. Our businesses are an asset, not a liability.

513

514 Council Member Bailey said if we are going to discuss this on March 27, 2012 he knows it has been  
515 stated in the past that the fee structure the City was using was not supportable. He could not find a  
516 discussion on that in the documents that were sent to the Council over the weekend. In the case that  
517 Council moves to modify, change or abandon the disproportionate fee structure he would like to have  
518 enough information so they can replace it with a fee structure that is at least revenue neutral to where we  
519 were before so we are not hurting the City financially. He would like to have the information that would  
520 help us set and establish a fee structure that is appropriate or verifiable.

521

522 Council Member Hulme said he is not sure it is possible to be revenue neutral without the  
523 disproportionate fees because we were charging \$100 for a business licenses and we can now only charge  
524 \$64. We have been put in a little bit of a difficult position with the State with what they are even  
525 allowing us to do in fact they don't even allow us to look at the businesses individually they have forced  
526 us to look at them categorically. You could have a situation where there were five businesses and four of  
527 them have private security or something that ensured that the police almost never went there and the fifth  
528 that is forced into that same category could be completely responsible and have a huge amount of police  
529 presence there and there would be very little that we could do about it because the State has said you can't  
530 single out an individual business. In studying that it was one of those things where what he feels is fair is  
531 not an option because of the state law. Dave Carlson said levying taxes and charging fees is never an  
532 exact science. They have to roughly approximate the costs to the city to provide services. There is  
533 always going to be some that are winners and some that are losers. There is no way to make it an exact  
534 science. You can't give out invoices every time you plow in front of their house and that would be the  
535 only way to make it fair. This was a way to make it more equitable; that was the intent. You have to  
536 have the municipal services study and they have to withstand peer scrutiny. The models have to be able  
537 to be justified. He suggested that if the Council feels like the fee study doesn't accurately reflect the  
538 demand for services they may want to have the study updated. He is not sure you can get out a napkin  
539 and calculator and try to come up with different numbers. There is a certain methodology that has to be  
540 followed and it ends up being a policy question in the long run.

541

542 Council Member Bigler said he would still like that on the agenda for March 27, 2012. He thinks it is  
543 reasonable and fair and we have had the study already so we don't have to have another one. He asked  
544 how much that study cost. Debbie Cardenas said she doesn't know right now but stated that we had them  
545 look at all of our fees. We wanted to make sure we could justify all of our fees not just the business  
546 licensing. Council Member Bigler asked if the study cost tens of thousands of dollars. Debbie Cardenas  
547 replied yes and added that what he is asking for is what we did. She said what Council Member Bigler is  
548 asking for is what we did and we can't just arbitrarily go back to the \$100 business license fee because we  
549 have shown that the reasonable fee is \$64.

550

551 Council Member Bigler said business owners he has talked to have said the same as he does on this. The  
552 City can determine, to a point, what their fees will be and if it was necessary they would rather just pay  
553 \$10 more than to have these additional fees generating revenue. If it isn't justified he would not be in  
554 favor of keeping that fee in place, if it's justified the information he is asking for will show that it's fair  
555 and just.

556

557 Council Member Fawson said this to him feels like conveyance of funds from businesses to the City so  
558 we can decide what programs we want to fund for those businesses. He stated he would rather have the  
559 businesses spending money on what they want than giving us the money to have us spend; understanding  
560 that those programs are probably good programs. He said he is looking forward to seeing this  
561 information. Debbie Cardenas said we didn't do the study to charge the fees so that we could help the  
562 businesses. This was to recoup the expenses that the City incurs in providing services to the businesses.  
563 Council Member Fawson said that it is revenue generating so we do have funds left over that we allocate  
564 to them. Dave Carlson said it is supposed to be revenue neutral. Debbie Cardenas said what happened is  
565 the Economic Development Committee met with the businesses to discuss this and what they wanted was  
566 to get some of that money back toward their businesses. That was something that they agreed on but that  
567 wasn't the City's intent when they went to do the study.  
568

569 Dave Carlson said that is the difference between a fee and a tax even though it feels the same to the  
570 businesses and residents. A fee has to be tied to a cost of providing service so it doesn't have anything to  
571 do with how much revenue the City wants to generate it has to do with an analysis of what it costs the  
572 City to provide services and trying to determine the fair way to allocate those costs. Disproportionate fees  
573 give the City a little but more flexibility in looking at who is demanding the services. The idea is that  
574 those who demand more pay more and those who demand less pay less. Council Member Fawson said the  
575 fact of the matter is that we have more money is needed to provide those basic services so we offer  
576 additional services to those businesses with those funds so that we zero out at the end of the day. Dave  
577 Carlson said the law on fees is that they have to be roughly proportionate to the cost of providing the  
578 services; you are never going to get it with NASA precision. It can be a little more or a little less but it has  
579 to be in the ballpark of what services cost. Edward O. Dickie III said the study recommended a certain  
580 amount but the Council only adopted a small portion of that. Debbie Cardenas said that is correct we only  
581 adopted about 10% of the disproportionate fee and we put a max on that too. There is a cost to provide  
582 services to businesses and there is a huge difference, approximately \$60,000 that the City is still  
583 providing in services that we are not recouping the revenues on. That money is coming from somewhere;  
584 obviously it is coming from the General Fund which is funded through property taxes, sales taxes, the  
585 franchise tax, and all the revenues that fall into the General Fund. So we are not recouping the costs right  
586 now of the services we are providing the businesses. The businesses are not providing all of the revenues  
587 that we should be receiving to offset the costs for the services we are providing. She said she thinks what  
588 Council Member Bigler is asking for are updated numbers now to make sure that is still the case.  
589

590 Council Member Bigler said no, not just updated numbers. He said he requested this last year and has  
591 never seen the numbers. He wants exactly what he said earlier. He wants to see the numbers. He asked  
592 referring to the comment that residents are paying for that, if there were no businesses would the residents  
593 be paying more or less. He thinks they would be paying a lot more. These businesses are an asset. He  
594 said the other thing is not recouping the extra cost. We already have police officers working 24 hours a  
595 day anyway, it's not like we are paying them extra to do this; they are already working. He just wants to  
596 see the data that he is asking for tonight. He said he appreciates the fact that we wanted to look at  
597 disproportionate fees last year. We did and had to have the study done to meet the legal requirements;  
598 that was done but now he would like to see the specifics of our City because last year we had a lot of  
599 business owners asking 'can you tell me how many police calls my business had?' and we had no idea.  
600 He said he would just like to see the data if that's ok. Debbie Cardenas said they would have received  
601 that on the disk that was sent out last week. That's where that data is. Council Member Bailey asked if  
602 that is the data from the original study. Debbie Cardenas replied yes. Council Member Bigler said that  
603 doesn't have what he is asking for; he just wants what he is asking for at this point. Debbie Cardenas said  
604 staff doesn't do that, that's what the consultant does. Council Member Bigler said they told us they  
605 couldn't tell us what businesses they were. Fred Philpot, Lewis, Young, Robertson and Burningham  
606 (LYRB), said he can get all the 2007 and 2008 data that was requested.  
607

608 Council Member Bigler asked whether we keep that in the database for our Police Department. Debbie  
609 Cardenas said the County does that. We don't. Council Member Bigler said we don't keep a record of the  
610 calls here. Mayor Harris said all the information is kept with the County through Dispatch; that's where  
611 the records are. Council Member Bigler said when we get multiple calls for a drug house or something  
612 we have no record of that. Debbie Cardenas said we can call the County. Council Member Bigler said he  
613 knows the study was done through the County but he had asked for the specific businesses and was told  
614 that it doesn't have the names of the businesses, you just went by address.

615  
616 Fred Philpot said they do have data from 2007 and 2008 the calls they pulled from dispatch through the  
617 County. He explained that how they go through that process is by using Geographic Information System  
618 (GIS) which is a program that actually maps all of the calls and then joins the different data sets together.  
619 He provided the data that they received from dispatch is just a list of every single incident, where it  
620 occurred and the coding for that call for service. He said the call data doesn't necessarily apply to any  
621 business information. If we respond to a call at a Burger King it just puts the address and the incident  
622 code or what the police were responding to. They take that address and look at combining all the data  
623 sets; you've got your business licenses and their addresses and we code those on a map so we put all  
624 those points on a map and then we get all the calls coded as well so we can overlay those data sets.  
625 Whenever you have a point that matches up with another point we join that data and analyze the calls to  
626 make sure that, like Council Member Bigler said, if there is a strip map and we can't reasonably attribute  
627 a call to a specific business we take that out and don't count it because we don't want to  
628 disproportionately ding a specific category with incomplete data. He said they go through and filter all  
629 that data and take out traffic related calls because those generally aren't tied to a specific business. They  
630 filter all that data and join several data sets together to get at what specific calls to go a specific business.  
631 The information doesn't come in the form he is asking for but they do have the data from 2007-2008.

632  
633 Mayor Harris said one statement that has been made a number of times by some business owners is that  
634 the disproportionate fees are based on traffic stops outside their business that they didn't have any control  
635 over. Fred Philpot said they take out the incidents that are coded as traffic calls. He said some of them  
636 could be incidents that take place in their parking lot and they may have no knowledge that they occurred  
637 but it was on their property. The idea is that this shouldn't be a one-time analysis because hopefully the  
638 disproportionate fee created improvements and the call volumes are reduced over time and the  
639 disproportionate fee could hypothetically disappear altogether as a result of that.

640  
641 Council Member Bailey asked Mr. Philpot if he is aware of how many cities in Utah are using the  
642 disproportionate fee based on police calls. Mr. Philpot said he doesn't know the exact number but it is  
643 quite a few. He said it is not uncommon though. Council Member Bailey asked is it 5% or 10%? Mr.  
644 Philpot said he doesn't know but he can get that information to staff. Council Member Bailey said he  
645 would like that information and would also like a list of the cities that charge a disproportionate fee and  
646 what services they are based on.

647  
648 Council Member Bigler said when we discussed this previously he had some local cities that we had  
649 checked on and it was mentioned in Council meeting that they weren't using disproportionate fees. He  
650 said that his request has nothing to do with LYRB not doing their job, they were hired to do a job and  
651 they did it. He said for him the study is more the number of calls and he would not dispute the fact that  
652 there is more calls along Washington Blvd. and at those businesses than there are in our residential zones.  
653 The other aspect of it though is what their portion financially, what are they bringing to us vs. the cost of  
654 more calls on Washington Blvd. The number of calls is not in dispute with him. He said, in other words,  
655 if he is a business owner and doesn't want to spend money on paper he can't say that it's a waste. If the  
656 paper he is printing on or a copy machine or fax machine is something he doesn't want to pay the money  
657 for, if that fax machine makes me more money than it costs me to own it and maintain it, it's a good deal.  
658 He said that is the way he is looking at the businesses. They've got these calls in those areas but what are

659 they bringing in. The fact that there are more calls along Washington is not being debated but we still  
660 need to know what their base portion is. Council Member Bailey said it seems to him from the study like  
661 the greatest volume of calls came from our retail areas like Smith's or Lee's but at any given moment  
662 how many of our residents are standing in those businesses. Is it Smith's responsibility because 400 of  
663 our residents happen to be standing in their store at any given time? He has a real philosophical problem  
664 with this.

665  
666 Fred Philpot said they will talk with staff about the scope of what the Council is requesting because it  
667 does come down to philosophy and policy decisions based on how you want to define what is the  
668 baseline. In this study it is utilizing single-family residential and as Council Member Bigler mentioned, if  
669 you looked at a different average like a commercial base you would have a larger base but they generally  
670 generate more calls for service than residential but they are not the majority of the land use in the  
671 municipality. The more recent data would have to be analyzed and reviewed.

672  
673 Council Member Bigler said, without costing the city any money, he would like staff at the March 27,  
674 2012 meeting to bring in all the information that we can that he has requested; gather whatever you can.  
675 He said we don't have to go to the County to get the information on sales tax revenues and that kind of  
676 thing. He is not proposing doing another study and spending tens of thousands of dollars. Debbie  
677 Cardenas said he is just talking about revenue figures then because staff has no data on the calls at all.  
678 She said we can bring the information on the sales tax that we bring in but will have to go to the County  
679 to get property tax information and the State does not like to release the information on what each  
680 individual business brings in for sales tax. Council Member Bigler asked if the study took into account  
681 what each business brings in or just the number of calls. Fred Philpot said a full cost-benefit analysis has  
682 not been done and there is merit to that. Council Member Bigler said to do whatever you can do. Mayor  
683 Harris said that discussion was already held by the previous City Council and that is one reason that they  
684 decided to only charge 10% of the disproportionate fee because they were cognizant that businesses bring  
685 benefit to the City. He said the kinds of things that Council Member Bigler is asking for require a lot of  
686 data and a lot of study and he is not sure we have the staff time or the expertise to do that. It has been  
687 looked at and thought about and considered in the past. Council Member Bigler said he respects that and  
688 he requested that it be on the March 27, 2012 meeting and without that he will put forth a motion at the  
689 next meeting to do away with those without that.

690  
691 Council Member Bailey said it has been looked at but that by was a previous council who probably had  
692 some different philosophical leanings about this so perhaps we can look at the same data again. Would  
693 that be acceptable? Council Member Bigler said he wants to see just what he asked for, that is what he  
694 wants to look at. Debbie Cardenas said she can bring in what we get as revenue and what the City  
695 provides as overall services. Council Member Bigler said that would be good.

696  
697 Mayor Harris suggested a short break. The meeting recessed at 8:43pm and reconvened at 8:50pm.

698  
699

700 **14. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE**  
701 **CONSOLIDATED FEE SCHEDULE TO INCLUDE CHANGES TO THE UTILITY**  
702 **RATES THAT WERE APPROVED AND PASSED BY THE CITY COUNCIL ON**  
703 **DECEMBER 13, 2011; OR DISCUSSION AND/OR ACTION TO SET THE DATE FOR**  
704 **AN ADDITIONAL PUBLIC HEARING TO BE HELD ON FEBRUARY 28, 2012.**  
705

706 Mayor Harris explained that the City Council on December 13, 2011 passed the utility rate increase that  
707 was preceded by a public hearing. We had been discussing these utility rate increases for months and he  
708 thinks we may have taken certain things for granted that we shouldn't have. It turns out in reviewing the  
709 minutes of previous meetings we only addressed the base rate increases, not the incremental usage rate

710 increases and this Council recognized that. We put some examples on the website of what those rates  
711 would increase to and what a person would actually be paying. We need to incorporate those rate  
712 increases into our CFS. The problem is whether we disclosed all of those costs to the public and the  
713 answer is no. He said he thinks the Council can take a couple directions on this; the Council can discuss it  
714 tonight or postpone this and start over with this process and have another public hearing.

715  
716 Debbie Cardenas said it was not discussed in the public hearing itself but it was brought up in previous  
717 meetings and an explanation was given at that time.

718  
719 Council Member Bigler said he would like to vote tonight on the \$2.80 and leave the other part. He said  
720 he had quite a few residents talk to him about it and he told them \$2.80 because that's what the Council  
721 was told. He told them he was going to vote for that because it is needed but he wouldn't feel comfortable  
722 voting for both of those changes. Debbie Cardenas said that the \$2.80 will not help to keep the funds  
723 healthy. She said the Council could approve the \$2.80 tonight and if you would like to have another  
724 public hearing the Council can do that but then it looks like two increases to the residents. In order to  
725 keep the enterprise funds healthy you really need to do approve the increases in their entirety and see how  
726 it flows through the whole rate system. Council Member Bigler said he would rather not do either  
727 tonight. When residents have asked him he has told them \$2.80. He said he would be comfortable voting  
728 for the \$2.80 tonight or waiting on the whole thing. He said when we determine what we're going to do  
729 with the public works facility there will be an increase at that point too. Debbie Cardenas said that is true  
730 if the Council decides to go forward and bond for it.

731  
732 Annette Spendlove, City Recorder, said there was an increase to the Central Weber Sewer District  
733 (CWSD) that was adopted previously and has been charged but it was not changed in the Consolidated  
734 Fee Schedule. The residents have been paying that since last July though.

735  
736 Council Member Stoker said she thinks it would be wise to just have another public hearing to avoid any  
737 confusion. Mayor Harris said the soonest would be February 28, 2012.

738  
739 **Council Member Stoker moved to set a public hearing for February 28, 2012 on this. Council**  
740 **Member Bailey seconded the motion.**

741  
742 After some discussion Council Member Stoker withdrew her motion.

743  
744 Debbie Cardenas said she would like to make an assumption that the Council will pass it that night so we  
745 can pass the Consolidated Fee Schedule at that time. Dave Carlson said it has been the Council's custom  
746 to hold a public hearing and not make a decision at the same meeting but there is no reason they couldn't  
747 do that if they chose to.

748  
749 **Council Member Fawson moved to adopt Resolution 3-2012 with the exception of the per 1,000**  
750 **gallon water usage increases. Council Member Hulme seconded the motion.**

751  
752 **Voting on the motion:**  
753 **Council Member Hulme**            **yes**  
754 **Council Member Stoker**        **yes**  
755 **Council Member Bailey**         **yes**  
756 **Council Member Fawson**         **yes**  
757 **Council Member Bigler**         **yes**

758  
759 **The motion passed unanimously.**

760

761 **15. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AUTHORIZING**  
762 **NORTH OGDEN CITY TO “PICKUP” AN EMPLOYEE’S CONTRIBUTORY AMOUNT**  
763 **IN THE UTAH RETIREMENT SYSTEMS CONTRIBUTORY RETIREMENT PLAN**  
764 **FOR 2012.**

765  
766 Debbie said the City is required to pay into the Utah Retirement System (URS) and back in the 1980’s  
767 there were two plans. URS decided at some point to that would not allow the option and employees had  
768 to elect which plan they would choose.

769  
770 **Council Member Bailey moved to approve Ordinance 2012-4 authorizing North Ogden City to**  
771 **“pickup” an employee’s contributory amount in the URS Contributory Retirement Plan for 2012.**  
772 **Council Member Bigler seconded the motion.**

773  
774 **Voting on the motion:**

775 **Council Member Bailey**            yes  
776 **Council Member Fawson**        yes  
777 **Council Member Bigler**         yes  
778 **Council Member Hulme**         yes  
779 **Council Member Stoker**        yes

780  
781 **The motion passed unanimously.**

782  
783  
784 **16. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**  
785 **SECTIONS 11-22-2 “DEFINITIONS” AND 11-22-8F “COMMUNITY SIGNS” OF THE**  
786 **NORTH OGDEN CITY ZONING ORDINANCE.**

787  
788 Craig Barker referred to the Staff Report and reminded the Council that any changes to the Zoning  
789 Ordinance start with the Planning Commission. The Planning Commission has discussed this and  
790 recommended an ordinance amendment which the Council will consider. The amendment allows a longer  
791 period of times for these types of signs to be displayed to three weeks which is the same as the  
792 commercial signs. A public hearing is required and any decision can be made then.

793  
794 Council Member Hulme asked how concerned he should be that it isn’t listed as a public hearing on the  
795 agenda. How does the Council feel? Council Member Bailey said people who may be watching the  
796 agendas for public hearings would not have known that this is a public hearing. Mayor Harris said he  
797 doesn’t think this is that urgent so we could re-advertise this. Craig Barker suggested simply postponing  
798 this public hearing and announcing the new date and time. Dave Carlson said he likes that idea and that  
799 would take care of it.

800  
801 **Council Member Bailey moved to continue this item to the next City Council meeting. Council**  
802 **Member Hulme seconded the motion.**

803  
804 Council Member Fawson said although this is a minor change, extending the time frame they can put up  
805 the signs, he would like to take a look at the larger sign ordinance on the business side. He would like the  
806 Planning Commission to take a look at it. Craig Barker said the Planning Commission and Economic  
807 Development Committee spent hours all last summer going over that and doing a significant revision to  
808 that ordinance. Council Member Hulme said at some point the EDC should take a look at what was done  
809 and consider that the impact has been and assess whether that is enough or if we should do more. Council  
810 Member Fawson said temporary signs were revisited as recently as late last year and he would like to see  
811 those loosened up even more. Craig Barker said that is entirely within the Council’s prerogative.

812  
813 Council Member Fawson said he worries whether we are business friendly; he is very pro-business and he  
814 will always fight for the businesses rights to advertise and get their message out. His other concern is  
815 enforceability or lack thereof. When we set timeframes on these things our enforcement guys have to stay  
816 up on who has what out and when. He said his preference would be to look at something that talks about  
817 the sign itself; the condition of the sign. If the condition stays good they should be able to have it and  
818 advertise. Craig Barker said that is up to the City Council and Planning Commission.

819  
820 Council Member Bigler said he had a question about the word ‘community’ in this ordinance. Why can  
821 the government put signs in that strip but it can’t be done by others whether it is businesses or residents?  
822 For example we say ‘no wooden signs’ but the Welcome to North Ogden signs are wood. Craig Barker  
823 replied that it is public property and is owned by all the public and the responsibility for the upkeep and  
824 maintenance of those belongs to the City. To allow private property owners to put signs out there where  
825 they establish public liability is a serious question the City has to take under advisement. Craig Barker  
826 said in a nearby city there were a number of cinder block mailboxes in the public right-of-way in the park  
827 strip. An individual was making a U-turn in the street; the vehicle never left the right-of-way but the  
828 bumper extended over the curb and hit one of the mailboxes. The city was sued and was found liable  
829 because they allowed it.

830  
831 **Voting on the motion:**  
832 **Council Member Bailey**           yes  
833 **Council Member Fawson**       yes  
834 **Council Member Bigler**        yes  
835 **Council Member Hulme**        yes  
836 **Council Member Stoker**       yes

837  
838 **The motion passed unanimously.**

839  
840  
841 **17.     DISCUSSION AND/OR ACTION TO CONSIDER THE FIRST AMENDMENT TO**  
842 **NORTH OGDEN CITY CENTRAL BUSINESS DISTRICT DEVELOPMENT PLAN**  
843 **(DATED SEPTEMBER 18, 1990).**

844  
845 Dave Carlson said this item of business is a companion to the action taken in the RDA. The Council has  
846 to adopt the amendment by ordinance to make this final.

847  
848 **Council Member Bailey move to ratify ordinance 2012-5 approving the first amendment to North**  
849 **Ogden City Central Business District Development Plan. Council Member Fawson seconded the**  
850 **motion.**

851  
852 **Voting on the motion:**  
853 **Council Member Fawson**        yes  
854 **Council Member Bigler**        yes  
855 **Council Member Hulme**        yes  
856 **Council Member Stoker**        yes  
857 **Council Member Bailey**        yes

858  
859 **The motion passed unanimously.**

860  
861  
862

863 **18. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE**  
864 **NORTH OGDEN CITY COUNCIL RULES OF PROCEDURE.**

865  
866 **Council Member Bigler moved to accept Resolution 4-2012 with the yellow highlighted portions**  
867 **removed on Rule 14 #4 and everything left else as is. Council Member Fawson seconded the**  
868 **motion.**

869  
870 Council Member Hulme asked who wrote the language in Rule 4 #18 and said he appreciates that and he  
871 thinks it codified the intent there. He said he prefers Rule 14 #4 the way it is currently.

872  
873 Mayor Harris asked the Council to reconsider removing that sentence as well. There are really good ideas  
874 to limit the number of Council Members to two. It is very intimidating and inefficient and also if you  
875 have three or more Council Members on a committee you are biasing any decision that should be made  
876 later.

877  
878 Council Member Stoker said her understanding is that even if there are only two Council Members on a  
879 committee all five Council Members could attend a committee meeting and listen in and make public  
880 comments but only committee members would be voting. Mayor Harris said that is correct.

881  
882 Council Member Bailey said as a practical matter he struggles a little bit to see how, if the Council would  
883 like to have three Council Members present or involved in a committee but it is the exclusive right of the  
884 Mayor to appoint to that committee, practically the Mayor could just not appoint Council Members and it  
885 would not happen. Mayor Harris said we would get in a deadlock in that case. He said the reason for the  
886 advice and consent is so the Mayor doesn't appoint inappropriate members to a committee. The other  
887 reason is intended so we get along so we agree on who goes on a committee. He said, to him, in the  
888 public eye it would look better if you only had two Council Members on a committee as opposed to more  
889 than two.

890  
891 Council Member Bigler said he has had a lot of residents say the opposite of that. In fact, there was a  
892 thing in the newspaper, thumbs up-thumbs down thing that said one of the thumbs down was a loophole  
893 where only two members could be on different committees and it can have the appearance to the public of  
894 trying to go around the open meetings law. He doesn't think that every Council Member has to do that but  
895 if they desire to they should be able to participate. It doesn't matter who but people elect their officials  
896 and want them to participate in the process not just voting on it afterwards. Brainstorming and using their  
897 intellect. These committees don't just sit around a table; they will be going out and doing work. He  
898 thinks residents would like the elected officials to be allowed to participate if they choose to. It is in no  
899 way, shape or form against the law or unethical. We already have it in place where it's an open and  
900 public meeting and he thinks this is just another way to control what is done on a committee.

901  
902 Council Member Hulme said he knows the article Council Member Bigler is referring to and what it says,  
903 he'll read it from the Standard-Examiner website, "Thumbs down to those who try to skirt Utah's Open  
904 and Public Meetings Act. One way it's done by secrecy loving pols is to meet without a quorum in  
905 subcommittees. It's a loophole that needs to be closed." He said his argument would be that because we  
906 notice all our meetings we are not trying to skirt anything. He can see what they are talking about but he  
907 doesn't think it is referring to anything that he has seen done here. He said when it talks about a loophole  
908 that needs to be closed he doesn't think the action we are taking addresses that. He said what are they are  
909 referring to doesn't apply to us in his opinion. Council Member Bigler said his point with that is because  
910 it is an open and public meeting already. So he thinks it would be silly to have an elected official sit there  
911 but he has to button his mouth and not participate on the committee. If somebody is elected to do a job,  
912 they can sit there but they can't say anything. They can't do any work with the committee. It doesn't  
913 make a lot of sense to him. Once again, we aren't forcing more work; it is up to the individual Council

914 Member whether to do that or not. Why shouldn't five City Council Members and an elected Mayor all  
915 participate on these things like the Public Works Facility Committee? Put the politics aside so we can  
916 come up with the best possible result for our City that we possibly can. He thinks it is vital that we are  
917 there and participating.

918

919 **Voting on the motion:**

920 **Council Member Bailey**           yes

921 **Council Member Fawson**       yes

922 **Council Member Bigler**       yes

923 **Council Member Hulme**       no

924 **Council Member Stoker**       yes

925

926 **The motion passed 4 to 1.**

927

928

929 **19.     DISCUSSION AND/OR ACTION TO CONSIDER FINAL ACCEPTANCE OF LEGACY**  
930 **NORTH PHASE #3 PLANNED RESIDENTIAL UNIT DEVELOPMENT.**

931

932 Dave Carlson said he thinks there is an error on this and it should be Legacy 2 not Legacy 3. He  
933 reviewed the process for final acceptance and stated that staff recommends the Council grant final  
934 acceptance of this.

935

936 **Council Member Fawson moved to table item 19 until the next meeting. Council Member Bigler**  
937 **seconded the motion.**

938

939 Council Member Hulme said he is confused looking at the map. He doesn't recall having seen anything  
940 done in there in the past six years and wondered why this has not been given final acceptance yet.

941

942 **Voting on the motion:**

943 **Council Member Fawson**       yes

944 **Council Member Bigler**       yes

945 **Council Member Hulme**       yes

946 **Council Member Stoker**       yes

947 **Council Member Bailey**       yes

948

949 **The motion passed unanimously.**

950

951

952 **20.     DISCUSSION AND/OR ACTION TO CONSIDER A NEW PUBLIC WORKS FACILITY**  
953 **COMMITTEE.**

954

955 **Council Member Bigler moved to form a new public works facility committee as the former**  
956 **committee has been disbanded.** He said it was stated all along by him and others on the Council that  
957 there is a definite need to upgrade our facilities and this is the next natural step in the process of what  
958 some of us have believed in all along. In order to move forward with a facility he said he would like to  
959 have a committee. He said he thinks we can handle this committee and the employee compensation  
960 package committee so we can move forward instead of putting this off for a long time. He said his  
961 thinking for the future is after we roll up our sleeves and go to work on this, keep the residents informed  
962 every step of the way, give regular updates in Council meetings, so there are no surprises and when we  
963 have a pretty good idea of what's going on we can announce a meeting and hear from the public and  
964 present what we have come up with and see how the residents feel about it. We are going to end up with

965 a very usable facility that is done with fiscal responsibility and will serve our needs into the future.

966 **Council Member Bailey seconded the motion.**

967  
968 Council Member Hulme said he likes what Council Member Bigler said about regular updates and the  
969 public involvement but he stated for the record that he feels very strongly that is exactly what was done  
970 before. He said he didn't bring that up to reopen wounds; he brings that up because as the committee  
971 moves forward he would like them to look at what the former committee actually did and at the point  
972 where the public wasn't satisfied, look and see what the former committee actually did. He doesn't want  
973 a repeat of what we have seen. He suggested this committee try to look at what was done and see what  
974 can be done differently. He does feel like what Council Member Bigler suggested is what was done  
975 before. Also, someone spoke at a meeting last week, the Weber School District Superintendent, about  
976 their plans for construction on schools and stated it was their intension to put a revenue bond on the ballot  
977 in June? He asked whether we can save a lot of money by piggy backing on that if we decide to do an  
978 election on this. Annette Spendlove said she has already looked into this and we could piggyback on it  
979 but would have to get moving right away because there are some deadlines. Council Member Hulme said  
980 his thinking is if the committee decides to go ahead with the election as was requested on the petition, he  
981 suggested putting forth something on the same election that says what a plan is so the residents have a  
982 chance to say whether they agree. He thinks the Council is allowed to put something on the ballot but  
983 thinks there are different requirements for the timeframe and he would like to know that ahead of time.  
984 Annette Spendlove said we are getting close to that deadline if the Council wants to put something on  
985 themselves besides the petition that's out there now; it's in April.

986  
987 Council Member Bigler said, for clarification, the reason for letting the public know exactly in the end  
988 what we're doing is because then they can decide whether they still want to vote on the old one. That  
989 petition was not to say that this will not be built, it was to give them the right to vote on it and we need to  
990 respect that. However, he said he thinks if we can roll up our sleeves and go to work and come up with a  
991 product that we're satisfied with and present it to the public then they have an option. Do they want to  
992 still vote on it? He said he doesn't think they do. If we present something that is acceptable to them he  
993 thinks we can move forward and not have to go that route but residents need to see what their option is  
994 with that.

995  
996 Council Member Hulme said his opinion is that short of going to everyone who signed the petition and  
997 asking if they would withdraw from that and getting unanimous approval it is really incumbent upon us to  
998 let them vote and have an election. It is unfortunate that we need to spend money to do that but he would  
999 be completely uncomfortable assuming that we knew what the public wanted to do. Council Member  
1000 Bailey said he absolutely agrees with Council Member Hulme on that. His question then is what the  
1001 Council needs to do. Annette Spendlove said the Council will need to put that on the next agenda for a  
1002 vote. Council Member Hulme said he would like to know what the deadlines are before that meeting.

1003  
1004 **Voting on the motion:**

1005 **Council Member Bailey**            **yes**  
1006 **Council Member Fawson**        **yes**  
1007 **Council Member Bigler**         **yes**  
1008 **Council Member Hulme**         **yes**  
1009 **Council Member Stoker**        **yes**

1010  
1011 **The motion passed unanimously.**

1012  
1013 Mayor Harris said he looks for recommendations and guidance from the Council on members.

1014  
1015

1016 **21. PUBLIC COMMENTS.**

1017  
1018 Brian Russell, 1151 E 3400 N, said it is interesting that the last topic on the active agenda was very  
1019 similar to the first topic in his view. He said as a result of last year's efforts on the Public Works project a  
1020 lot of rancor was created in the community. A press report that came from a local paper whipped up a  
1021 frenzy that made things very ugly in our community and set forth a firestorm of things that he doesn't  
1022 think we based fully on fact and that was unfortunate. Consequently he, as a citizen, has seen the new  
1023 Council Members with a lot of mistrust and deep seeded mistrust and he has had to bury his anger to try  
1024 to keep civility in the situation. He said he would like to let them know that in attending the last Council  
1025 meeting and attending this Council meeting in time he thinks it will work itself out. He said he isn't  
1026 going to agree with everything the Council Members do but he has seen some honest communication  
1027 between the Council Members. He saw some disagreement between others who he thought were in  
1028 lockstep together and that made him very worried as a citizen. He has seen some good suggestions come  
1029 out of people who he might have opposed. He said to Council Member Bigler that they see differently on  
1030 things. He said Council Member Bigler probably noticed that in some of the comments that he has made  
1031 but he heard some things tonight and thought 'boy, that's good.' He had an interest in the fireworks so he  
1032 will be part of that because he will be participating with that. If they weren't there he wouldn't come and  
1033 he would be ok with that too because he'd have the day off. He is glad to see that there is a variety of  
1034 individuals here rather than a single ideology that's going to possibly have what he might consider ill  
1035 effects in the community. He said he thinks over time he is walking away from this telling his friends that  
1036 he is scared to death about this Council, before he came and saw them. Now he is getting renewed faith.  
1037 He told the Council that he appreciates what he has seen here and wants them to know that he is coming  
1038 away with a new respect of what is happening here.

1039  
1040 Toby Mileski, 3325 N 1000 W, Pleasant View, said he would like to discuss a couple items that weren't  
1041 brought up under the business license disproportionate fees. Before last year's meeting he filed a  
1042 Government Records Access Management Act (GRAMA) request to get all those dispatch calls for a  
1043 particular period of time. He went over the numbers and the percentage of calls that were to businesses  
1044 and non-owner-occupied properties, residential owner-occupied properties and the balance of those were  
1045 traffic related stops. In the meeting Council Member Rich Harris asked if Mr. Mileski's figures were  
1046 correct and the gentleman from Lewis, Young, Robertson and Burningham verified that those numbers  
1047 were correct. He said he doesn't remember the exact number but it was around 53-57% of all the calls  
1048 generated to dispatch were traffic related. Approximately between 13-17% were non-owner-occupied  
1049 properties, about 8% were to the businesses and the other 27-33% was to the owner-occupied properties.  
1050 So the businesses and the non-owner-occupied property owners are not the majority of the calls. Over half  
1051 the calls were to traffic related incidents. He said a lot of talk was brought up tonight about offset of  
1052 revenues, the revenue they failed to bring up tonight was the actual property tax revenue. For example,  
1053 Lee's Marketplace property tax bill is approximately \$40,000 per year. North Ogden's rate is 10% of that  
1054 so approximately \$4,000 comes to the City of North Ogden by way of the business property tax from  
1055 Lee's Marketplace. He doesn't enjoy the 45% discount because it is not a primary residence. The owner  
1056 of a \$200,000 home in North Ogden pays approximately \$150 a year in property tax. He would think  
1057 they would be allowed more services than the average homeowner. He will try to get a little bit more  
1058 detailed letter to the Council prior to them making a decision on that.

1059  
1060 Jim Mackley, 2803 N Hwy 89, Pleasant View, gave a big thumbs up to all the elected officials here  
1061 tonight. Good things are happening. He said he appreciates the discussion tonight on disproportionate  
1062 fees and business licenses. He encouraged the Council to continue on the path of freedom though it's not  
1063 easy and there will be people who disapprove. He said he looks forward to seeing some great things.

1064  
1065  
1066

1067 **22. COUNCIL, STAFF, AND MAYOR COMMENTS.**  
1068

1069 Council Member Stoker said she would like to thank the Planning Commission for their work on the sign  
1070 ordinance. She stated it is wonderful that we are recognizing our officers and their service. She  
1071 expressed her thanks to the Council and Staff and said she is enjoying serving and feels that it is a great  
1072 opportunity and she is glad for it.  
1073

1074 Council Member Hulme asked whether we have a meeting on March 13, 2012. Annette Spendlove stated  
1075 that we do. Council Member Hulme asked that we consider cancelling that meeting because that is the  
1076 night of the caucuses. He would rather not have to force the residents or Council Members to choose  
1077 between attending a City Council meeting or a caucus meeting. Mayor Harris stated that the legislature is  
1078 considering making that a requirement. He suggested putting that on the agenda for the February 28,  
1079 2012 meeting. Council Member Hulme said he believes in smaller government and a lot of his votes show  
1080 that. Sometime they don't show as much of a change as he would like to see in the long run. He said he  
1081 wanted to mention that he believes in Ezra Taft Benson's political philosophy and in a lot of his  
1082 comments he mentioned making changes slowly. He will often vote to take things slowly and assess the  
1083 impact, not to change the whole structure overnight.  
1084

1085 Council Member Bigler said he agrees with Council Member Hulme and these changes shouldn't be an  
1086 event they should be a process. He stated that he is not against business license fees; he thinks there is a  
1087 proper place for that. He invited everyone here and any resident to attend the meetings as often as  
1088 possible. There have been a lot of things reported in the media and by people in the community lately  
1089 that are just false. He said he for one will always stand behind the way he votes on any issue and if a  
1090 resident has a question on where he stands on an issue or how he voted he will always shoot straight and  
1091 explain it. There needs to be a balance with governments, there are ruts on both sides of the road, too far  
1092 left and too far right. We have to use wisdom and balance things out he thinks it makes things safer to  
1093 stay in the path. He has tried to do that and sometimes it has been painted as he is extreme or associated  
1094 with different groups but that is not true. He said he considers it a privilege and an honor to serve the  
1095 residents of North Ogden. He said he takes it seriously and he will study every issue and vote his  
1096 conscience. He encouraged everyone to attend the meetings or read the minutes and see for themselves  
1097 because there has been terrible misinformation out there. It's great to work with people who can  
1098 brainstorm and he will never be offended if he brings something to the table and someone else has an idea  
1099 or suggestion.  
1100

1101 Council Member Fawson said he understands and appreciates what Council Member Hulme said. He said  
1102 we were elected to make some changes and that will take place over time. He said he attended a  
1103 constitution class on municipalities that was offered by the Freedom Coalition and he found it interesting  
1104 and educational. There is a class available on Wednesday nights starting tomorrow at Harrisville City  
1105 Hall.  
1106

1107 Council Member Bailey said it has been a good evening.  
1108

1109 Annette Spendlove said the Utah League of Cities and Towns' Mid-year Conference is coming up on  
1110 April 11, 12 and 13, 2012 in St. George. She asked that the Council Members get in touch with her as  
1111 soon as possible so she can start making the necessary accommodations.  
1112

1113  
1114 **23. ADJOURNMENT.**  
1115

1116 **Council Member Hulme moved to adjourn. Council Member Bigler seconded the motion.**  
1117

1118 **Voting on the motion:**  
1119 **Council Member Bailey**        **yes**  
1120 **Council Member Fawson**       **yes**  
1121 **Council Member Bigler**       **yes**  
1122 **Council Member Hulme**       **yes**  
1123 **Council Member Stoker**       **yes**

1124  
1125 **The motion passed unanimously.**  
1126

1127  
1128 The meeting adjourned at 10:28pm.  
1129

1130  
1131 \_\_\_\_\_  
1132 Richard G. Harris, Mayor  
1133

1134  
1135 \_\_\_\_\_  
1136 S. Annette Spendlove, MMC  
1137 City Recorder  
1138

1139 \_\_\_\_\_  
1140 Date approved

NOT APPROVED