

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 January 24, 2012

4
5 The North Ogden City Council convened in regular session on January 24, 2012 at 6:30 pm in the North
6 Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting
7 was delivered to each member of the City Council, posted on the bulletin board at the municipal office
8 and posted to the Utah State Website on January 20, 2012. Notice of the annual meeting schedule was
9 published in the Standard-Examiner on January 16, 2012.

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

17
18 **STAFF PRESENT:** Edward O. Dickie III City Manager
19 Annette Spendlove City Recorder/HR Director
20 Dave Carlson City Attorney/Economic Development Director
21 Debbie Cardenas Finance Director/Acting City Manager
22 Gary Kerr Building Official
23 Julia LaSeure Deputy City Recorder

24
25 **EXCUSED:** Brent Taylor Council Member (deployed)

26
27 **VISITORS:** Jim Suhr Jesse Felter Laura Barker
28 Brian Galvez Staci Galvez Bruce Higley
29 Lorrie Frazier Dave Nordquist Erik Gill
30 Bill Aeschlimann Kristen Aeschlimann Shelli Smith
31 Gary Rands Molly Rands Jeremy Hinds
32 Jerry Wade Rachel Trotter Ken Young
33 Kevin Warren Merlin Clark Bill Bernard
34 Sherry Bernard Paul Rhoades Shelly Rhoades
35 Sue Richey Scott Felter Tyrel Stark
36 Austin Barker David Smith Lee Della Silva
37 Liz Della Silva Russ Davis Tyler McDonald
38 Mel Blanchard Jason Reney Anthony Bersamin
39 Trent Wilkins David Espinoza Shelly Robison
40 Jennifer Thomas Edythe Kuhn Blaine Seamons
41 Clark Crowther Polo Afuvai Brian Russell
42 Dave Hardman Stacey Giatras Janeth Kammeyer
43 Brandon Boydston Rusty Olson D. Lynn Mikkelson
44 Cliff Huss James Mackley Reese Barker
45 Ken Kolb Lynn Muirbrook Toby Mileski
46 Elaine Jensen Rob Tycz Mike Tribe
47 Gina Kochendorfer Debbie Gailey Jodi Gill

52 **WELCOME**

53
54 Mayor Harris called the meeting to order. He welcomed the audience and thanked them for their
55 attendance.

56
57 Council Member Bigler gave the invocation and led the audience in the Pledge of Allegiance.
58

59 **CONSENT AGENDA**

60
61 **Council Member Bigler moved to approve the consent agenda. Council Member Bailey seconded**
62 **the motion.**

63
64 **Voting on the motion:**

65 **Council Member Fawson** **yes**
66 **Council Member Bigler** **yes**
67 **Council Member Hulme** **yes**
68 **Council Member Stoker** **yes**
69 **Council Member Bailey** **yes**
70

71 **The motion passed unanimously.**
72

73 **Council Member Bigler moved to consider item 14 before item 7 on the agenda. Council Member**
74 **Bailey seconded the motion.**

75
76 **Voting on the motion:**

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

83 **The motion passed unanimously.**
84

85 **ACTIVE AGENDA**

86
87 **4. Public Comments.**

88
89 Edythe Kuhn, 652 E 1850 N, read from a document which is included as attachment A.
90

91 Lee Della Silva, 2528 N 1600 E, read from a document which is included as attachment B.
92

93 Janeth Kammeyer, 3312 N 575 E, said she read in the newspaper about a proposal for a dog park in North
94 Ogden City. She said she highly endorses that as it would be great to have an area where our dogs could
95 exercise unleashed. She explained there are two other dog parks in nearby cities that are run by volunteers
96 and she is sure we could recruit people to do that here.
97

98 Laura Barker, Clerk of the Court, said she has been in her position for ten years. She read from a
99 document which is included as attachment C.

100
101 Lynn Mickelson, 2749 N 850 E, said he has lived in North Ogden for the past 33 years. He indicated that
102 he has been going to the Kaysville Senior Center to use their buffing and polishing equipment. He said

103 he has spoken with Zella who is over the North View Senior Center, about using the equipment in that
104 facility but she informed him that he is only able to use it between 1pm and 3pm, two days a week. He
105 said he can't get there during those times but would like to use that equipment. He said he knows how to
106 use it and wouldn't cause it any harm, in fact the equipment is in dire need of cleaning and is a real mess.
107 It needs to be maintained and he thinks he could benefit the city by taking care of that. He would like to
108 use it one morning per week but Zella told him the man in charge can't be there at that time. He asked
109 that the gentleman be made available one time to tell him how he wants the equipment maintained. He
110 thinks he would be able to make it better by cleaning it after using it. He said he thinks it would be better
111 for the city if he were able to do that.

112
113 Bill Bernard, 176 W 3275 N, has lived in North Ogden for the past 25 years. He has been the City
114 Treasurer for 11 of those years; prior to that he worked in the private sector for 28 years. He read from a
115 document which is included as attachment D.

116
117 Brian Russell, 1151 E 3400 N, said he is not an employee but feels that as a resident he is a partial
118 employer. He said he is not in a position to make these decisions but in hearing the effects of this change
119 he wants to speak on behalf on the employees. He recommended that the City reconsider this as the
120 employees have asked. There are citizens in the community who appreciate what they do. He said he has
121 always had excellent service and is very impressed with the employees we have here. He supports them
122 and asked the City Council to do the same.

123
124 Council Member Bigler said that is not what this is going to be, we're not cutting that. That is
125 misinformation obviously to employees and residents passed on by other people. Obviously they can
126 come up for public comments but if it's regarding cutting your benefits that is not what is taking place
127 tonight. Maybe we can just save some time on it. If they want to stay for the thing and hear what's going
128 on and then afterwards make comments at the end of the meeting when there is also public comments. It
129 might save some time and they are welcome to speak too but that's not what is happening here. That's
130 totally wrong.

131
132 Former Mayor Lynn Muirbrook, 1333 E 2550 N, said he is here tonight for a couple reasons. He said he
133 meant to do this when the new Council Members were sworn in but he thought there was too many
134 people then so he didn't. He said he would like to talk for just a couple minutes. He loves this city and
135 has for many years. He was raised to believe that you have to give a little back for whatever you're a part
136 of for the good of all. That could be your job, it could be the city you live in, and it could be your church.
137 He believes that and he started off many years ago serving on the Boundary Commission representing
138 North Ogden and then served on the Board of Adjustment, the Planning Commission and the City
139 Council before finally having the opportunity of being Mayor of our City. He thanked the City Council
140 for taking the opportunity to serve the community. He thanked those that are somewhat experienced and
141 have been here and those that are new and are trying to find ways to get educated. He said he heard that
142 some Council Members are talking to the department heads and trying to find out how everything works
143 and get educated. He thinks that is great. He said he appreciates the City Council very much. He also
144 thanked the employees and stated that he knows most of them personally. He served many years with
145 other cities' Mayors and Councils. He stated we have the best in the state in his opinion; they are great
146 employees and he hopes they will always feel like they are great employees. Mr. Muirbrook expressed
147 his thanks to the employees for all they do for the city. He said he assumes from some of the other
148 rumors in the community about what's going on that some of the Council Members might not be happy
149 with certain employees. He asked them to remember that anything that happened prior to them being
150 sworn in this month had to do with other people who told the employees what to do. You never get to tell
151 employees directly, that's the Mayor or the City Administrator. We have a majority vote now and he
152 would just say that things that happened last year have to do with things the Mayor suggested to do with a
153 different council. He asked each Council Member, before they do anything that would affect employees

154 or the City, to give themselves time to become educated and work with the department heads. He
155 recommended they hold off until the budget session. There will be meeting after meeting and they will
156 get to know the departments inside out and then if there are things they don't like he encouraged them to
157 bring those things up at that time and try to come to an agreement. He mentioned that he had an
158 experience this morning, and he's not complaining, he was coming out of his driveway and ended up
159 pushing snow all the way down the road with his Prius. He drove by the City shops and he noticed many
160 of the plows were still in the yard. An hour later he came back by and the employees were working and
161 the trucks were warming up. He said he plowed snow going back up the road but for him to complain, he
162 wouldn't know who to complain to. These are the same employees that did the work when he was
163 Mayor. He said the City used to plow at night to clean things up. He encouraged the Council when
164 things like this happen and they get complaints from citizens bring those things up and discuss them. This
165 Council needs to decide what they encourage the Mayor to do. When they are informed by the Mayor
166 through staff meetings then you can worry about whether someone is doing something wrong. One other
167 thing he sees happening a lot happened in the last administration. He appointed a Public Information
168 Officer when he was Mayor. They were the only one person allowed to talk to the public and it worked
169 really well after we got it set up. He stated that it causes a lot of grief if everybody on the Council and the
170 department heads start talking to everybody else about things that happen because everybody has a
171 different story because everybody has different ways of looking at things. He encouraged them to do that.
172

173 **5. Presentation of 5-year service pin to Erik Gill.**

174
175 Polo Afuvai, Chief of Police, introduced Erik Gill and his wife Jodi. He said Erik Gill was hired August
176 21, 2006. He graduated from Weber High School and attended Dixie State College for a year. He then
177 attended the Weber State Police Academy and graduated in April 2006. He is one of our firearms
178 instructors and works in patrol. Chief Afuvai said he does a fine job protecting our community. He then
179 presented a 5-year service pin to Officer Erik Gill. Mayor Harris extended his heartfelt thanks and the
180 Council and Staff congratulated him as well.
181

182 **6. Presentation by the Ogden/Weber Chamber of Commerce.**

183
184 Dave Hardman, President and CEO of the Ogden/Weber Chamber of Commerce, congratulated the new
185 City Council members. He said the Chamber appreciated Ron Flamm who has been representing North
186 Ogden City. Council Member Fawson will be the new representative for North Ogden City. One of the
187 greatest and most important focuses of the Chamber is job creation; helping businesses succeed so they
188 will hire more people. He said they want the 13 different communities in Weber County to be successful.
189 In job creation we had a 2.2% increase in total employment in 2011. There are 3 ways to create new
190 businesses and new jobs.
191

- 192 1. Helping existing businesses succeed; grow and hire new people.
- 193 2. Helping those creating new business, the entrepreneurs.
- 194 3. Inviting new businesses into the community. He said they have had fairly significant growth in
195 that area with internet marketing and customer service. There were two new businesses started in
196 the last year. One of them, Wayfair, has hired a significant number of employees. They are
197 located in the Business Depot Ogden (BDO) and expect to grow even larger. They are looking
198 for great people and are still hiring. Another is Home Depot, they are inviting people from across
199 the country but most are coming from our communities. They are also located in the BDO.
200

201 He said the Chamber celebrates those kinds of opportunities and will continue to work in that particular
202 area but they also do a lot for the businesses that are already here. The annual dinner is coming up; there
203 are Chamber awards and a Wall of Fame award, monthly activities, events and seminars. The focus is on

204 helping businesses grow. Many small businesses have been stretched over the last few years and the
205 Chamber is committed to help them. He said they can contact him directly at 801-814-DAVE.

206

207 **14. Discussion and/or action to consider a Resolution amending the North Ogden City Council**
208 **Rules of Procedure.**

209

Council Member Bigler referred to a document which is included as attachment E.

211

Council Member Hulme stated that Council Member Bigler is proposing new language for Rule 4 #14
212 that is not currently in there. Council Member Bigler stated that is correct and he proposes deleting #15e
213 entirely.
214

215

Council Member Bailey said as he looks at the Utah Code regarding the Open and Public Meetings, Title
216 52-4-207 states that ‘a public body may not hold an electronic meeting unless the public body has adopted
217 a resolution, rule or ordinance governing the use of electronic meetings. The resolution or rule may...’ It
218 then lists a bunch of things that the rule should imply. One of those things is ‘vote to approve
219 establishment of an electronic meeting in order to include other members of the public body through an
220 electronic connection’. He said he doesn’t know if this is optional or required. Council Member Bigler
221 said we already have that in place, that doesn’t affect this at all. Council Member Bailey said under State
222 law, where Council Member Bigler wants to strike this requirement, he wonders if we are violating State
223 law. Council Member Bigler said that was just added last year. Council Member Bailey asked if it was
224 added because of a State law requirement. Council Member Bigler said his understanding is that the City
225 Council has to vote whether to allow participation and votes by an absent Council Member and we have.
226 He said the Council doesn’t have to vote each time and this is not a big major change.
227

228

Council Member Bigler recommended leaving #18 as it is currently. He feels the proposed change is too
229 rigid and may lead to problems. Council Member Bailey said another point in support of this is that Utah
230 Code 52-4-210 says ‘nothing in this chapter shall be construed to restrict a member of a public body from
231 transmitting an electronic message to other members of a public body at the time when the public body is
232 not convened in an open meeting.’ Council Member Bailey stated that City emails can be requested
233 under the Government Records Access and Management Act (GRAMA). Council Member Bigler said
234 this really ties the Council’s hands and sometimes they do need to correlate and it will help the meeting
235 go a lot smoother sometimes.
236

237

Council Member Bigler stated regarding Rule 14 that he proposes deleting #4. Mayor Harris asked
238 Council Member Bigler to clarify; the proposal is to delete both sentences? Council Member Bigler
239 replied yes. Council Member Hulme said he thinks it would be wise to formally establish which Council
240 Members are members of the committee to avoid any confusion or complications; not necessarily as
241 permission but rather to officially establish that. Council Member Bailey said there may be some other
242 things that we want to retain; we are kind of gutting some Council power here. For example, if the
243 Council was to create a committee and for some reason the committee ran amok, we would still like to
244 have the ability to disassociate our designees or ourselves from that Committee. If we remove this
245 language he said he is concerned the Council may lose that power. Council Member Bigler said we will
246 replace that with the proposed language in attachment E.
247

248

Mayor Harris said he thinks the Council needs to be a little careful here because the power to appoint
249 committee members resided exclusively with the Mayor with the advice and consent of the Council. This
250 states that any Council member may serve on any committee and he said he would be careful with that.
251 Council Member Bigler said that is something he is proposing we change the limit of two Council
252 Members. Mayor Harris said he is ok with allowing five Council members. He stated he thinks the City
253 Council should recommend how many members should be on a committee and the Mayor has the
254

255 responsibility to make those appointments and then the Council votes them up and down when it comes to
256 that point. Council Member Bigler asked if that is for Council Members too because his proposal is to
257 change that part of the procedures which can be changed with a two-thirds vote. Mayor Harris said what
258 he is saying is that he doesn't think the City Council has the authority to do that as far as the appointments
259 are concerned. Once the Mayor makes an appointment then the Council can either vote them up or down.
260 Council Member Bailey said he thinks we would be in violation of State law if we were to change our
261 rules the way they are written here. He told Council Member Bigler he is with the Mayor on this. He said
262 he thinks we need to be very careful, our role is to advise, we can recommend. By State Statute the
263 Mayor has the power to appoint and the Council has the power to vote yes or no. He said he thinks we
264 would be in violation of State law if we were to make that change. Mayor Harris said recommendations
265 are fine but he wonders whether it is very efficient to have five Council members serve on a committee.
266 He said the reason you have committees is so Council doesn't have to do all that work. If you're going to
267 have all five Council Members on a committee, he isn't sure it is even worthwhile to form the committee.
268

269 Council Member Bigler said the challenge that has happened in the past is that we form these committees
270 and sometimes Council is left in the dark and then it comes to the Council for a vote and there are a
271 billion and one questions asked because we don't really know what's going on. He said he thinks the
272 elected officials can make that decision whether it's too much for them. If they don't want to serve on a
273 particular committee then they wouldn't have to do that but as elected officials they should certainly have
274 the right; the Mayor can appoint people but the way our procedures read that we limited it to two Council
275 Members; we could open it up and allow all the elected officials to do that. He said he thinks that
276 residents have voted for their officials to put their heads together and use their intellect and help in the
277 decision making process not just saying yes or no to what other people have put together. Mayor Harris
278 said he is ok with the recommendation part and up to five Council Members serving if that's what
279 Council would recommend however the Mayor would make the appointment. He said another thing is
280 that all of our Council meetings are conducted according to the open and public meetings rules so all five
281 Council Members can come and observe any committee meeting that wanted to, unless they were a
282 member of the committee, however, they would not be allowed to vote. He explained that what happens
283 afterward is that no committee has the power to instigate policy or anything like that in the City, that's
284 why it comes back to the Council. That's why the committee does the legwork and the City Council has
285 the oversight by the 1 or 2 members then that work is brought back to the Council for its approval. The
286 committee doesn't approve it.
287

288 Council Member Hulme said last year we had a situation that he thinks we want to avoid. The Public
289 Works Committee had two City Council members and the husband of another sitting on it and they were
290 accused at that time of having a de facto majority and once it came to a City Council meeting it didn't
291 really matter how anybody voted anymore, according to the accusations, because the decision had already
292 been made by a majority of the Council. We want to be careful about allowing too many City Council
293 Members on a committee because if it's only two, any sort of direction brought back to the Council could
294 be overridden by the other three Council Members if necessary, making everyone feel like their voice is
295 heard. He said that created quite an ugly situation and he wants to make sure we don't do something like
296 that which could lead to that same sort of situation. Council Member Bigler said one of the problems
297 there is that is what the current policy and procedure says, only two.
298

299 Council Member Bigler referred everyone to Rule 17. He said Staff had requested that items for the
300 agenda be received no later than the Tuesday before the meeting or it will not be included on the agenda.
301 He stated he would like to propose that we get that packet Thursday preceding the meeting rather than
302 Friday as it currently states. He said posting it Friday doesn't give adequate time for Council to ask about
303 agenda items if they desire to do so. The City offices are not open on the weekends so that gives us
304 Monday after work to try to get with City staff and sometimes those schedules can't correlate. He said he
305 found it makes for a tight schedule to try to ask questions and if the Council Members could get it

306 Thursday he feels that it could save quite a bit of time in Council meeting and shorten the Council
307 meetings some if the Council Members had time to ask their questions ahead of time. Obviously there
308 will be certain questions and things that will need to be discussed in a Council meeting but there are a lot
309 of little questions just for clarification and so forth that could be done behind the scenes if we had the
310 time. That would save quite a bit of time in Council meeting.

311
312 Council Member Stoker said she is assuming this time is to get the packet to the Council Members but
313 she asked whether that goes the other way on getting information to staff so they can get the packet out to
314 us. What is the deadline for us to get the information in for the agenda so Staff can get it out to the
315 Council? Mayor Harris said it takes a lot of work to get packets ready and the staff needs some lead time
316 in order to get the packets ready by Thursday. He said that will have to be worked out. Council Member
317 Bigler suggested a deadline for agenda items to be in to Annette Spendlove of Tuesday preceding the
318 meeting and move the packet deadline to Thursday preceding the meeting. He said that would still allow
319 staff 48 hours.

320
321 Annette Spendlove said it's not working the way it is right now. She said, in fact, she didn't even get this
322 document until just now to go into the packet. She needs everything by the Monday of the week
323 preceding the meeting. Edward O. Dickie III said the goal is to get it out by Wednesday; that's what we
324 shoot for. He said if Annette Spendlove can get everything from everybody by 5pm on the Monday of the
325 week preceding the meeting she can get the packet out by close of business Thursday. He said that goes
326 for City Council members and staff too. He said if we have the packet ready early we will send it out.
327 Council Member Bigler said that is great and will help the Council do their jobs better too probably.
328 Annette Spendlove asked them to realize that if they want things after that date they will have to go on the
329 next agenda. When Council requests things to be on the agenda we need to have a procedure for memos.
330 She said she will send that out to the Council. She said we need to know what they want on the memos
331 too so the residents and everyone else know what we are talking about. Mayor Harris said he thinks we
332 can work with those parameters, Council or staff will have to submit everything by close of business
333 Monday so we aren't spending two days gathering it; that's where the bottleneck is. Council Member
334 Bigler said if we all know then we can do it. He thinks it will be better for staff and the Council. Edward
335 O. Dickie III said there will still be emergencies and we can always amend an agenda.

336
337 Council Member Bailey said the Mayor has the right to amend an agenda if necessary. Council Member
338 Bailey asked that we keep that at a minimum. He said as he has watched the agendas in the past there
339 seemed to be a lot of things that became emergencies that really weren't but got on the agenda at the last
340 minute. He said, based on his experience working in administrative positions, there are very few real
341 emergencies and oftentimes things have a way of resolving if they are just left for a little while. Council
342 Member Hulme said the Council has the option to table any item that shows up on the agenda so if we
343 were to feel like that was being abused somehow we do have the power to rectify that by saying 'I feel
344 like this could wait'. Mayor Harris said we need to work together to make it work.

345
346 Dave Carlson, City Attorney, suggested specifying that the six-time limit for electronic participation
347 applies only to a single Council Member because it could be confused as applying to all the Council
348 Members.

349
350 Council Member Bailey said he is still concerned with 15e. Dave Carlson said State law reads 'may' so
351 it is discretionary.

352
353 Council Member Hulme said if there is a situation where a Council Member is somewhere where there is
354 background noise or a very poor connection. That could become particularly distracting. What if a
355 Council Member were at a rock concert? What would we do in a situation like that? Do we want to do
356 anything about that? Council Member Bigler said he doesn't think so. Council Member Bailey said we

357 would only have the opportunity of not allowing them at the beginning of the meeting before we would
358 know how bad it may be. Council Member Bigler said the residents of North Ogden are not going to
359 vote for somebody that goes to a rock concert and blaers away. He thinks we are decent human beings.
360 Dave Carlson said the current rules cover that; in order to participate electronically you have to have a
361 connection that is sufficient to both hear the Council Member and for the Council Member to hear what is
362 going on here. Council Member Bigler said he thinks we are spending time on this and it's not going to be
363 an issue.

364
365 Council Member Bailey said he wants to make sure we are not violating State law by taking powers away
366 from the Mayor. He suggested we leave it the way it is currently written. Mayor Harris said that gives
367 the Council the ability to recommend anyone for a committee.

368
369 Council Member Bailey asked in effect whether that is permissible; if the Council can recommend and the
370 Mayor is the only one who has the power to appoint are we subverting the Mayor's authority by saying
371 that any Council Member can serve on any committee whenever they want to. He said he doesn't know
372 that we are in compliance with State law by saying that. Dave Carlson said you could interpret to mean
373 that as a City Council you have control over your own members and what they do. The way you would
374 read that is, to be consistent with the State law you have to, as a Council, give your members permission
375 to sit on city committees and the City Council can decide how many will do that but whether the Mayor
376 appoints them is his prerogative.

377
378 Dave Carlson said it may be better to bring this back with some language for that one provision.

379
380 Council Member Hulme suggested allowing any Council Member to attend a committee but not formally
381 participate. That would also help them to go and stay informed; they could make suggestions during
382 comment sections but they wouldn't be allowed to vote and could not participate in closed meetings. Is
383 that an option? Dave Carlson suggested eliminating paragraph 4 entirely. Council Member Bigler said
384 that is what he proposed an hour ago.

385
386 Council Member Bailey said if the City Council creates a committee we do have other means. He just
387 saw that as a safe haven area for the City Council if the committee is not going the way they want them to
388 go. Dave Carlson said right now the way that it reads 'the Mayor may from time to time create, revise or
389 abolish committees'. The authority is already dealt with there to abolish.

390
391 Council Member Bigler asked that the new language be sent to the City Council members ahead of time
392 so they don't have to hash it out in a public meeting. Dave Carlson said he will do that.

393
394 **Council Member Bigler moved to table the Discussion and/or action to consider a Resolution**
395 **amending the North Ogden City Council Rules of Procedure. Council Member Stoker seconded**
396 **the motion.**

397
398 **Voting on the motion:**

399 **Council Member Bigler** **yes**
400 **Council Member Hulme** **yes**
401 **Council Member Stoker** **yes**
402 **Council Member Bailey** **yes**
403 **Council Member Fawson** **yes**

404
405 **The motion passed unanimously.**

406

407 Mayor Harris said this will be brought back with new language and it should go fast. Council Member
408 Bigler said he wants it before the official packet goes out so they can look at it. He said he'd like to have
409 it as a working document so by the time it comes to the meeting it's all but done. Dave Carlson said he
410 would try to get something to the Council in the next couple of days.

411
412 Council Member Hulme stated on #18 he would like to see something in there similar to what is there
413 now, not as strong perhaps. Maybe it could say something along the lines of 'the discussion by email
414 should not be in lieu of the public discussion in a Council meeting.' While it is true that it is subject to
415 the GRAMA request most people are never going to do that or even know that they would need to do that.
416 He said he does want to make sure that we aren't violating the spirit of the Open Meetings Act. He would
417 like some softer language there to replace that. Council Member Bigler proposed we keep it the way it is.

418
419 Dave Carlson said, State law notwithstanding, it says it is not a violation of the Open and Public Meeting
420 Act to send an email to other members of a public body, he thinks there is a spectrum there. At some
421 point if the email discussions get to the point where the public business is actually being conducted by
422 email outside of public meetings, that opinions are being formed and decisions are being made by email
423 then he thinks you have probably gotten to a point where you have crossed the line. He said he thinks that
424 is what the language was proposed to prevent.

425
426 Council Member Bailey said our discussion this evening is a great case in point there. There are details
427 that he doesn't think the public even cares about and if everything we have to deal with is like this we will
428 be having Council meetings every week and they will go until 12:30 in the morning.

429
430 **7. Discussion and/or action to consider changes on the percentage that the city and employees pay**
431 **for health and dental premiums.**
432

433 Council Member Bigler said that is not going to take place so take a deep breath. He said he wants the
434 employees to know that he does value our City employees very much and the work you do. He said he
435 appreciates the police officers and Chief Afuvai. He stated that each year he has gone to Chief Afuvai
436 and asked how the benefits are and how the salary is and whether it's fair. There was an issue on airsoft
437 guns that was brought up and discussion on whether to make them legal. He said he went to Chief Afuvai
438 as his only counsel and advice on that and voted accordingly. He said he appreciates all the work Chief
439 Afuvai and the officers do. All he wanted to do tonight was propose that a committee be put together
440 made up of residents, members to research our city employees' entire compensation package; salary,
441 benefits, retirement, everything. Then have that committee, outside of city staff, because that appears to
442 residents that there is a little bit of home cooking. He said we don't know what it will show; we are just
443 updating it. You may get better benefits, you may get a raise. We don't know at this point. So, if we form
444 a committee to look at everything and to research and compare our salaries and benefits and the entire
445 compensation package with other comparable cities and with the private sector with some comparable
446 jobs; consider education and years of experience and not leave any stone unturned. This will be for the
447 length of time the committee needs to do it right and thorough and then at the end of that they can get
448 with the Council and show their findings so the Council can make a decision. We don't know what the
449 findings will be and by the way, if you have heard out in the public that you're going to be fired or this or
450 that, I don't think it's come from the five of us up here. He said he knows it hasn't come from him.
451 There are a lot of things that are said and former Mayor Muirbrook's comments were well taken. We
452 have too good of a City and too good of residents to mire around in the past in the mud. He hopes we can
453 all go forward in a positive way to work together. All these things the employees have heard, based on
454 the comments tonight, are not accurate at all. He said he can't imagine the employees would be against
455 forming a committee to do that so it is fair market and if you're underpaid it will work the other way and
456 if you're overpaid we don't know what the result will be at this point. He said he would hope that each of
457 the Council Members could also recommend some people in the community to perhaps serve on that

458 committee; people with real expertise. We have residents right here in North Ogden that do these very
459 things for a living. He said he is confident that we could have enough residents who are very
460 knowledgeable in this area that would be willing to volunteer their time and expertise to do this. He said
461 we haven't asked anybody yet but this is what we are proposing tonight. If we did that, their final
462 analysis would be able to be trusted by residents and employees and the Council as a third party doing
463 this. We would be able to trust it to be accurate and completely unbiased in any way. He said he thinks if
464 we can do this it will ensure confidence with residents. There is a flavor with government, and he thinks
465 it stems from the national government down, that government is terrible and all that stuff but there is a
466 proper place for it obviously. The employees of our city are in a different position than the Council
467 Members are; the Council chose to do this as elected officials. This is the employees' livelihood and they
468 won't get any drastic, unfair, spur of the moment decisions because someone is mad or angry. We're not
469 going to make those kinds of decisions and what he hopes would be accomplished by this committee is to,
470 in the end, be very fair and competitive with the entire compensation package, and we will be. It also
471 needs to be fair to the residents that are paying for it. The work you do you should get compensated for
472 very fairly and competitively. That doesn't mean it needs to be unmatched by any city in the United
473 States but fair to residents. We need to be able to tell the residents that they are getting what they pay for
474 and the employees do a great job. This Council will be able to look at any resident that complains and say
475 that this is fresh research that a Committee came up with independently and what they came up with for
476 fair market value. He said we need to be competitive and his recommendation to the Mayor and the rest of
477 the Council is that this be done.

478
479 Council Member Hulme said in hindsight the wording of the agenda is unfortunate and it is
480 understandable how staff misunderstood. This is a good reminder to the Council to be clear. He said he
481 thinks it is impossible at this point to have findings from that committee in time for the budget hearings
482 and asked what kind of timeframe Council Member Bigler is proposing. Is this something we want to do
483 for the following fiscal year and take the next six to eight months coming up with recommendations so
484 when it comes to next year's budget hearings we can do that? He said this is a pretty major undertaking
485 for a committee to do in the next four weeks.

486
487 Council Member Bigler said we need to do this thing with wisdom obviously. He proposed that the
488 Council go ahead and start putting a committee together so they can roll up their sleeves and go to work.
489 This is not going to be a one or two month project. We want it to be thorough, where the Council can ask
490 questions along the way and leave no stone unturned. He said he would like to start on it and see. Form a
491 committee and get going on it with no timeframe to end it or certainly not in time for this budget.

492
493 Council Member Hulme asked if we are required to only make changes once a year on the budget or at
494 any time. Mayor Harris said it is amending an ordinance and requires a public hearing but it can be done
495 at any time. Council Member Bigler said some things are harder to do that with than others.

496
497 Council Member Hulme said the committee could start work and when they are ready with a proposal
498 they could bring that forward and we could act at that time. Council Member Bigler said he hopes the
499 Council could come up with some guidelines for them but at this time he is only requesting of the Mayor
500 that we form the committee; start getting committee members selected. He said each Council Member
501 knows different people in the City that have different areas of expertise so he suggested that the Council
502 could recommend some names to the Mayor so we have a variety of different people in the City.

503
504 Mayor Harris said he sees why Council Member Bigler wanted to move item 14 up before item 7. He
505 said the City Council can form an oversight committee any time they want to, they also have that power.
506 If the Council wanted to oversee any committee they can certainly do that. The Council has a lot of
507 options.

508

509 Council Member Fawson thanked the City employees for being here, for their hard work and for the jobs
510 they do. Our city is well run and these employees are a big part of why that is. The State has done this on
511 the State level and pulled committees together to talk about this very thing. He said he talked to a
512 gentleman in our community this morning that was on that committee and in the most recent committee
513 that they pulled together they found that employees were underpaid. They had to look at benefits and they
514 ended up offering a wider variety of benefits packages to the employees. That may be an option for us
515 too. He sees this as a matter of course, every year in the private sector the benefits packages are renewed
516 and wages are reviewed. He said he feels like the committee needs to start now so we have as much
517 detail as possible as soon as possible. He said we want to be competitive and we want our city to be
518 great.

519
520 Council Member Stoker said she is grateful for this time to know more about what is going on because
521 she has no clue what the employees make or the benefits they receive. To make this type of decision has
522 to be frightening for the employees but it is hard for her too and she is grateful for the extra time to see
523 what's going on and get educated. She said she loves the police and has a number of family members
524 who are in law enforcement.

525
526 Council Member Hulme proposed if we do this that we get started immediately to form the committee but
527 that the committee not start meeting until after the budget hearings. He said he thinks Debbie Cardenas
528 will have to be a key part of that committee and he knows she will be very busy on budget stuff at least
529 for the next month. Council Member Bigler said he doesn't know if the committee could refer to Debbie
530 Cardenas and Edward O. Dickie III for any information needed or have them as active participants of the
531 committee. He said he is not sure if she would need to be a part of the committee the whole time. Mayor
532 Harris said his personal feeling is that the employees need a representative or representatives on the
533 committee.

534
535 **Council Member Bigler moved to start putting together a committee now to do this but wait until**
536 **after the budget meetings this year to begin meeting.**

537
538 Mayor Harris said at the next Council meeting or maybe the one after that, having received
539 recommendations from the City Council and others he would be willing to make appointments to that
540 committee and the Council would vote them up or down. Council Member Bigler asked the dates for the
541 budget retreat so everyone knows. Mayor Harris said it will be held February 23rd and possibly the 25th.
542 He said the next Council meeting is February 14th. Council Member Bigler said we will shoot for
543 February 14th but leave that date flexible if there are stragglers.

544
545 **Council Member Hulme seconded the motion.**

546
547 Council Member Hulme said, by way of advertising the committee, he would like the information in the
548 newsletter and on the City's website also. To make certain that everybody who wants to apply knows
549 about it.

550
551 Council Member Bigler said he appreciates that sentiment but on this committee he would prefer not to
552 ask all residents who would like to participate. This is a highly specialized committee and needs to be
553 with people that have a background in this. We need people who know what they are doing. He would
554 like to be 100% confident that it has been done 100% right and accurately. He said to him this committee
555 is different in nature than some of the others and he would prefer to not advertise which will get into an
556 interview process. Council Member Hulme said that is a good point and a compromise would be to ask
557 for anyone with expertise in these particular fields. He would hate to leave anybody out that may be
558 qualified but maybe we don't know of someone who may be of benefit to the city.

559

560 **Voting on the motion:**
561 **Council Member Hulme** **yes**
562 **Council Member Stoker** **yes**
563 **Council Member Bailey** **yes**
564 **Council Member Fawson** **yes**
565 **Council Member Bigler** **yes**

566
567 **The motion passed unanimously.**

568 **8. Discussion and/or action to consider a Resolution supporting North Ogden City as a Quality**
569 **Growth City.**

570
571 Gary Kerr, Building Official, said the Governor’s Office of Planning and Budget offers municipalities the
572 opportunity to apply for certification as a Quality Growth City. He referred to a handout that is included
573 as attachment F. There are four items that the City must follow and North Ogden City is doing them
574 anyway. They are as follows:

- 575
576 1. The community demonstrates local responsibility for planning and land use in coordination and
577 cooperation with other governments.
578 2. The community demonstrates efficient infrastructure including water and energy conservation.
579 3. The community incorporates housing opportunities and affordability into community planning.
580 4. Community planning protects and conserves water, air, critical land, important agricultural lands
581 and historical resources.

582
583 Gary Kerr said the main reason we want to become a Quality Growth Community is because right now
584 we are in the process of going after some Community Development Block Grant (CDBG) funds. The
585 CDBG ranking is based totally on a points system. This certification will give us more points which in
586 turn will help us in being awarded those grants. This year we are applying for \$80,000 this year for street
587 improvements in the Green Acres area.

588
589 Mayor Harris said we participate actively with the Wasatch Front Regional Council (WFRC) and we are
590 doing number one right now. Mayor Harris said passing this resolution is the first step in becoming a
591 Quality Growth Community.

592
593 Council Member Bigler said it sounds great but asked if there are any mandates from the state. Gary Kerr
594 said we have not heard of anything like that. Mayor Harris said we are a Tree City USA city and those
595 types of things are typically up to the city; this just helps us be more competitive in the CDBG process.

596
597 Council Member Fawson said we are already meeting these requirements we just have to adopt the
598 resolution to become this classification. Gary Kerr replied that is correct. Council Member Fawson said
599 there are no other anticipated expenditures to bring us up to par. Gary Kerr replied that is correct.

600
601 Council Member Hulme said while he applauds the efforts of City officials and staff to do anything
602 possible to bring money in. He said the CDBG program is, in his humble opinion, such an egregious
603 violation of our constitution that he can’t possibly support it in any way, shape or form. He wants to
604 explain why he can’t even vote for this resolution despite the fact that we are already complying with all
605 these things. It is so symptomatic of the hoops that the federal government is asking us as a local
606 government to jump through. This may just be viewed as a protest vote and he hopes no one thinks this is
607 immature of him.

608
609 Council Member Bigler said as he read through this the one question he had was under #1 where it says to
610 update the affordable housing plan. Is there any mandate on this? Gary Kerr said we have to have a plan

611 and the plan is something that, he would imagine, the City Council would have to approve. Mayor Harris
612 said that plan is mandated and the County is currently working on it in conjunction with a number of
613 other cities in the County. Mayor Harris said we have to have that plan regardless, not just in order to
614 become a Quality Growth Community. Annette Spendlove said we already have this plan it is being
615 updated by the County.
616

617 Council Member Stoker asked Dave Carlson if this means that the Federal Government can come back
618 and say we have to do this or we can get sued like with the group homes. Do we have to do lots of low
619 income housing? Dave Carlson said there are a number of requirements in the Fair Housing Act. The
620 truth is that North Ogden City already meets the requirements so we are in pretty good shape. He doesn't
621 foresee any changes or new requirements; we already meet the requirements. There are some
622 communities that don't but North Ogden does.
623

624 **Council Member Bigler moved to accept Resolution 2-2012 supporting North Ogden City as a**
625 **Quality Growth Community. Council Member Stoker seconded the motion.**
626

627 **Voting on the motion:**

628 Council Member Stoker	yes
629 Council Member Bailey	yes
630 Council Member Fawson	yes
631 Council Member Bigler	yes
632 Council Member Hulme	no

633

634 **The motion passed 4 to 1.**
635

636 **9. Discussion and/or action to consider the Economic Development Committee appointment.**
637

638 Mayor Harris said we have an active Economic Development Committee (EDC) that is in a state of flux
639 right now. One representative on that committee has been a member of the Planning Commission. He
640 explained that he sent an email to each Planning Commission member to see who is interested and got
641 only one reply from Larry Residori. Mayor Harris said he would like the City Council's consent to
642 appoint Mr. Residori to the EDC.
643

644 **Council Member Hulme moved to grant consent to appoint Larry Residori to the Economic**
645 **Development Committee. Council Member Bigler seconded the motion.**
646

647 **Voting on the motion:**

648 Council Member Bailey	yes
649 Council Member Fawson	yes
650 Council Member Bigler	yes
651 Council Member Hulme	yes
652 Council Member Stoker	yes

653

654 **The motion passed unanimously.**
655

656 Mayor Harris proposed to switch agenda items 10 and 11.
657

658 **Council Member Bailey moved to switch agenda items 10 and 11. Council Member Fawson**
659 **seconded the motion.**
660
661

662 **Voting on the motion:**
663 **Council Member Fawson** **yes**
664 **Council Member Bigler** **yes**
665 **Council Member Hulme** **yes**
666 **Council Member Stoker** **yes**
667 **Council Member Bailey** **yes**

668
669 **The motion passed unanimously.**
670

671 **11. Discussion on Enterprise Funds Balances.**
672

673 Debbie Cardenas, Finance Director, explained that the original request was to try to understand how the
674 \$100,000 per year for the Public Works facility was funded. She read a document which is included as
675 attachment G.

676
677 Council Member Bailey asked, regarding the reduction in cash position during those years, if that is in
678 response to a resolution from the City Council? Was that a voted on reduction in reserves? Debbie
679 Cardenas replied that it came from significant improvement projects.

680
681 Council Member Fawson said we haven't had a rate increase since 2006. Debbie Cardenas said we
682 commissioned the study to justify the rate increase. Council Member Fawson asked whether we need to
683 commission a study every year. Debbie Cardenas replied no because this study is good for five years.
684 She said the projections going forward will need to be adjusted to determine the increases in the future.

685
686 Mayor Harris said the process is quite complicated and it takes a lot of work to keep things going. We are
687 trying to take care of these future needs to be able to fund what we need to in the future. He said Ogden
688 City is way behind in being able to fund these kinds of projects because they have not increased rates as
689 necessary. We are trying to avoid that.

690
691 Edward O. Dickie III said the study has to be implemented within five years but asked how long the study
692 is good for. Debbie Cardenas said they adjust the model and we have the assumptions in place. The
693 model is based on the fund balance for the year and carried forward. She said when we update the Capital
694 Improvement Projects Plan we will need to have the study done.

695
696 Council Member Bailey asked how much it costs to do the study. Debbie Cardenas stated it is about
697 \$40,000. Council Member Bailey asked if it is beyond the capabilities of our own staff. Debbie Cardenas
698 replied that it wasn't but just like the salary survey we wanted to make sure the perception wasn't that
699 staff is recommending these increases for their benefit.

700
701 **10. Discussion and/or action to consider a Resolution amending the Consolidated Fee Schedule to**
702 **include changes to the Utility Rates that were approved and passed by the City Council.**
703

704 Annette Spendlove, City Recorder, stated that page one lists the cookbooks that the Civic League sells as
705 \$12.50 each but they are actually being sold for \$13.00 each.

706
707 Debbie Cardenas stated the utility rate increases were approved at the December 2011 meeting and have
708 been incorporated into the Consolidated Fee Schedule. The changes are on pages 9 and 10. The current
709 rates are shown with a strikethrough and the new rates are highlighted in yellow. Debbie Cardenas
710 reviewed the changes to the Consolidated Fee Schedule.

711

712 Council Member Hulme mentioned some discrepancies to the solid waste section of the Consolidated Fee
713 Schedule. There was general discussion among the Council Members regarding that section. Staff will
714 review those and clarify them.

715
716 Council Member Hulme asked whether we get a certain number of gallons as part of the base fee. Debbie
717 Cardenas replied no. Council Member Hulme said if he used 10,000 gallons a month he would actually
718 see a rate increase of \$1.20 per month for usage. Debbie Cardenas replied that is correct. Council
719 Member Hulme said that is quite a lot more than the \$2.80. He asked whether they found an average
720 amount of gallons for usage when the study was prepared. He said his concern is that this will be a much
721 larger increase; there is the \$.49 base increase and then the proportional increase for gallons of usage. He
722 stated his guess would be an average of at least 5,000 to 10,000 gallons per month and said he is not sure
723 the residents were anticipating that \$.60 to \$1.20 plus. Debbie Cardenas said Lewis, Young, Robertson
724 and Burningham (LYRB) did take this into consideration. Council Member Hulme asked if they had an
725 average monthly usage. Debbie Cardenas said she wishes she would have brought that discussion back.
726 In August we had several residents that were questioning the calculations because they wanted to do a
727 simple calculation of taking 5,500 units and applying what we needed for the increase and said it isn't
728 enough money because we really should be raising the rates \$12.00 instead of what we were proposing
729 which was between \$5 and \$6 at that time. This is the reason they were as low as they are, it is based on
730 the usage.

731
732 Council Member Bigler said the question Council Member Hulme asked is whether we have an idea on
733 what the average home or family uses in water. He said he went through these numbers and the \$2.80 is
734 the base fee. Debbie Cardenas said that is exactly right. Council Member Bigler said what he is
735 concerned about is the water usage. He said he has six girls in his family that love to stay clean. He asked
736 if this is going to cost him \$10 more per month for just his water bill. He asked whether we have any idea
737 what the average family uses in water. Debbie Cardenas said she is sure we can get that but she doesn't
738 have it right now. Mayor Harris said we have used 7,000 gallons in the past when we have made
739 comparisons and he thinks we would be safe to use that number.

740
741 Council Member Bailey said Council Member Hulme's point is well taken; one of the concerns he has is
742 that we have sold this to our community as that their base rate is going to go up \$2.80 a month when
743 actually it is going to be far more than that because everybody is going to use more than zero gallons. He
744 said he thinks we are going to have some unhappy citizens.

745
746 Council Member Hulme said he is the only current Council Member that voted for this and he didn't even
747 notice that but he wants to make sure, if that is what's needed for us to maintain solvency that's fine, but
748 he would like it advertised to the citizens accurately. Council Member Hulme said the sanitary sewer is
749 going to increase also because that is based on water usage so you get hit twice. Debbie Cardenas said
750 that would be for non-residential or a resident outside of the City limits but that is not true for residents
751 within the city. It would be similar to doing an estimation on property taxes where you take an average
752 value of a home. She said we would just take what the average use is for the citizens but as she stated
753 before this is what LYRB took into consideration when they determined what the rates should be.

754
755 Council Member Hulme said if the average usage is 7,000 then we are looking at an average of \$3.64
756 increase per month not the \$2.80 that was advertised; it's not a huge difference but he does want us to be
757 accurate when we present this to people about what the realities are. Council Member Bailey said we
758 need to be very careful in the future when we talk about a rate increase of \$2.80. Council Member Bigler
759 said that has been his biggest concern.

760
761 Council Member Bigler said he pays his bill automatically and asked if it lists how much water is used.
762 Mayor Harris said that it does. Council Member Bigler said he hasn't looked at his but wants to see what

763 it is because for some families it may be three times that increase of \$2.80. He asked if it would be
764 possible, if we want to get this taken care of tonight, to approve the base rate increase tonight and take a
765 look at the increased water rates to make sure that it's more fair. Debbie Cardenas said the increased
766 water rates are correct; the calculations here are correct based off the assumptions in the model.

767
768 Mayor Harris said the point is that we need the revenue and we are behind in implementation now; we are
769 seven months behind because we haven't implemented it.

770
771 Council Member Fawson said his concern is the transparency issue with residents coming back saying we
772 told them one thing and this is different. He said he would feel much more comfortable going with the
773 average and talking to the residents about the average usage increase instead of the base increase because
774 it may come across to them as us trying to hide what is actually occurring. Debbie Cardenas said we are
775 planning to give this information to the residents and we did have this discussion over the summer.
776 Council Member Bigler asked how we will get the information to the residents. Annette Spendlove said
777 we can put this information in the utility bill and newsletter to make the residents aware.

778
779 Council Member Fawson said if we were only talking about base rates then the residents may not have
780 had any complaints about the \$2.80 but they may have a complaint about over \$3 or more. Council
781 Member Hulme said the residents certainly have the right to base their complaints on accurate
782 information. Mayor Harris said it has been brought out and he is not sure the residents understood. We
783 are going to have to raise rates somewhat every year; this is not just a one-time rate increase. In order to
784 have the money that we need for expensive capital investments we have to be able to collect the revenues.

785
786 Council Member Bigler asked that the front of the website show the change in meeting times. He would
787 like to have that where it can really be seen and added that we can also show the columns and explain the
788 changes and the water rates to them. Debbie Cardenas said we can do that.

789
790 Mayor Harris said we can do that but asked if that takes care of the transparency issue or if we want to go
791 back and hold another public hearing. Council Member Bailey said his feeling is that so few people
792 showed up at the public hearing anyway he doesn't think we need another one. He feels that would be
793 adequate in this case and in the future we will be more careful in projecting what the actual situation is
794 going to be. Council Member Fawson recommended that we hold another public hearing to give them an
795 opportunity to speak. Council Member Hulme said there is a cost to the City to advertise and that is
796 something to think about. He suggested we advertise in the newsletter and online and if residents would
797 like to make additional comments or if they have input we would welcome comments at the next meeting
798 without holding a public hearing.

799
800 Council Member Bigler asked whether it is possible to put it on the front of the website and then perhaps
801 put it on the next agenda to vote upon. He doesn't think most residents are going to be shouting and
802 screaming over the amount but it was kind of a surprise to him tonight. If we notify the residents not as a
803 public hearing but just to get the word out that the vote will be held at the next meeting. In the future if
804 we are going to have a public hearing make sure we have the specific numbers.

805
806 **Council Member Fawson moved to table this until the next meeting and publish updated**
807 **information on the website and include the average usage rate increase in the next utility bill.**
808 **Council Member Hulme seconded the motion.**

809
810 Mayor Harris clarified that the Council is not passing the Consolidated Fee Schedule tonight. Council
811 Member Fawson said he wants it on the agenda next time.

812
813

814 **Voting on the motion:**
815 **Council Member Bailey** **yes**
816 **Council Member Fawson** **yes**
817 **Council Member Bigler** **yes**
818 **Council Member Hulme** **yes**
819 **Council Member Stoker** **yes**

820
821 **The motion passed unanimously.**

822
823 The meeting recessed at 9:40pm.

824
825 The meeting reconvened at 9:45pm.

826
827 **12. Discussion and/or action to consider an Ordinance amending section 9-1-2 of the North Ogden**
828 **City Code to remove the language that requires an owner of property to be current on every debt**
829 **owed to the city to be eligible to receive city services.**

830
831 Council Member Fawson said the City Council has the updated ordinance where the ‘Whereas’ was
832 changed. That is the only change.

833
834 Council Member Hulme said one of the things discussed was that the former penalty for this kind of thing
835 was criminal charges. We have taken a softer approach and in comparison to our softer approach this
836 came across as harsh but in reality it is still a lot softer. He gave the example of taking a cash advance on
837 a credit card. In that case you pay a higher percentage on the amount of that advance. Because they are a
838 business, when you make a payment to the credit card company they apply the payment to the lowest
839 percentage debt that you have. That isn’t something that he particularly appreciates from them but it is a
840 model that is followed. He said he brought that up to point out that there is precedent for when an entity
841 deals with a customer, the money doesn’t necessarily go where the customer wants. If he looked at his
842 utility bill and only wanted to pay water and garbage because the city can shut those off but not pay the
843 sewer or storm because they can’t be turned off, the city doesn’t really have any recourse. The City
844 would not accept the argument that they couldn’t turn my water off because I said I paid my “water” bill.
845 The city would say as an entity you are not current with us, you don’t get to decide what you will pay.
846 Staff brought this up because we did a pendulum going from the criminal charges to almost no penalty.
847 He said he would hate to see us do this without giving Staff the tools they actually need. He will not
848 support this as it is written but he understands the sentiment.

849
850 Council Member Bailey said we do have adequate tools in place; collections, filing suit, we have the same
851 options any other business would have in similar circumstances. The other issue is that it has never come
852 up and it has never been an issue. Dave Carlson said constantly we have debts to the city that we need to
853 collect. He said it is a constant but we do have other remedies. Mayor Harris said this particular remedy
854 is very effective and very quick. Council Member Bailey said it also has some potential for abuse.
855 Council Member Bigler said it’s heavy handed.

856
857 Council Member Hulme said he hopes that staff would come back if there does become a problem and we
858 would reconsider it at that point. Council Member Fawson said staff’s feedback to him was that staff
859 didn’t want this. Council Member Bigler said he feels it is wrong to use it.

860
861 **Council Member Bailey moved to approve ordinance 2012-3 amending section 9-1-2 of the North**
862 **Ogden City Code to remove the language that requires an owner of property to be current on every**
863 **debt owed to the city to be eligible to receive city services. Council Member Fawson seconded the**
864 **motion.**

865
866 **Voting on the motion:**
867 **Council Member Bigler** **yes**
868 **Council Member Hulme** **no**
869 **Council Member Stoker** **yes**
870 **Council Member Bailey** **yes**
871 **Council Member Fawson** **yes**

872
873 **The motion passed 4 to 1.**
874

875 **13. Discussion and/or action to consider a beer license for Walgreens.**

876
877 Dave Carlson, City Attorney, said this is a renewal and they passed their background check. Staff
878 recommends approval of the beer license for Walgreens.

879
880 **Council Member Fawson moved to approve a beer license for Walgreens. Council Member Stoker**
881 **seconded the motion.**

882
883 **Voting on the motion:**
884 **Council Member Hulme** **yes**
885 **Council Member Stoker** **yes**
886 **Council Member Bailey** **yes**
887 **Council Member Fawson** **yes**
888 **Council Member Bigler** **yes**

889
890 **The motion passed unanimously.**
891

892 **15. Discussion and/or action to consider amending the North Ogden Zoning Ordinance for**
893 **Recreational Vehicle Parking.**

894
895 Council Member Fawson said he put this on the agenda because he had heard some complaints from
896 residents that we weren't flexible enough in our current ordinances with allowing loading and unloading
897 recreational vehicles (rv). He referred to Edythe Kuhn's comments earlier in the meeting.

898
899 Council Member Stoker said it seems like we have addressed this issue in the Board of Adjustment in this
900 same area of Green Acres and there was no way they could possibly comply with this ordinance. She said
901 it seems to her that something was resolved.

902
903 Mayor Harris said he was part of this issue when it came about originally. He explained that this
904 ordinance was passed ten years ago and was an issue because of the proliferation of large rv's that were
905 starting to show up in the city. There are safety and aesthetic issues of having large rv's parked in the
906 front yards. There was a great deal of deliberation and these issues were all discussed. A public hearing
907 was held and this ordinance is what came out of that. It was a compromise that allowed them to extend
908 10 feet in front of the front plane of house. Council Member Bigler asked how far from the sidewalk they
909 were required to be. Mayor Harris said most of our front setbacks are 30 feet so it would be 20 feet from
910 the sidewalk. Council Member Hulme asked if the setback includes the sidewalk. Mayor Harris replied
911 that typically the property line is one foot inside the sidewalk so it would actually be 21 feet from the
912 sidewalk. He said there was discussion to allow parking in the street for the purpose of loading and
913 unloading. Mayor Harris said there are three issues. One is the loading and unloading time and he thinks
914 that has been resolved in that it is probably ok.

915 Council Member Fawson asked if that could be reviewed quickly for Mrs. Kuhn. Mrs. Kuhn said she has
916 the ordinance and it says she can have it in the street for two days but not in her driveway at all. She said
917 they do have a large rv and they only bring it to the home to load and unload. Gary Kerr said he thought
918 we did allow them to park it in the driveway to load and unload. Council Member Fawson asked Mrs.
919 Kuhn if she has ever been ticketed for having it parked there. Mrs. Kuhn replied no but that Bruce
920 Higley, Public Works Inspector, went to her house and told her they were violating the ordinance. She
921 said she would just like a variance that says they can park it there without worrying about someone
922 coming by and giving them a citation. She said it is less of a sight blockage in their driveway than it is in
923 the street. Mayor Harris said there are exceptions to everything that don't seem to fit but you have to
924 cover the whole city. He said they did that discussion and as he recalls that is why they allowed parking in
925 the street for a couple days. That was to be able to load and unload. The discussion was that if someone
926 didn't have room to park it on the side of their house they would have to store it somewhere.

927
928 Council Member Hulme said he thinks he found the ordinance, 11-10-22 part 4, which allows the parking
929 of rvs for up to two consecutive days but no more than ten days per month.

930
931 Council Member Bigler said the two day allowance for loading and unloading was originally one day but
932 he proposed two days to give the owners a little leeway. He said that does not include a provision for the
933 driveway and as long as it isn't covering the sidewalk he thinks it is more dangerous to have something
934 parked in the street than in the driveway if it isn't blocking the sidewalk. He asked why they can't have
935 two days in the driveway for something like that versus just on the street where a car could hit them, or a
936 motorcycle or a kid riding a bike. He said he imagines it is a lot safer in the driveway. He suggested
937 looking at how far from the sidewalk something can be parked rather than going from the front of the
938 house. Council Member Hulme said that is a good point; safety is the bigger issue and should always be
939 more important than aesthetics. He said he wouldn't want to live in a neighborhood where that is not
940 true. He doesn't think we should have that in our City at all; he is ok if aesthetics are secondary but if we
941 are doing things that look better but are less safe he has a real problem with that. Mayor Harris said the
942 ordinance right now gives you both.

943
944 Council Member Bigler asked what the procedure is if City Council wanted to put it on an agenda and
945 look at making some changes. Mayor Harris said there is a process for that. It would have to be drafted
946 and a public hearing would have to be held. Dave Carlson said this is a zoning ordinance so it has to start
947 with the Planning Commission.

948
949 Council Member Hulme said with Council Member Bigler's addition of a secondary requirement with the
950 minimum distance from the sidewalk it increases the safety factor. He said he doesn't see anything in
951 there that would prevent you from parking an rv in your driveway temporarily. Gary Kerr said this was
952 brought up in his department a couple weeks ago and he told his staff that he didn't read anything where
953 they could not load and unload in their driveway. He is going to tell his staff that if someone wants to
954 park a boat or a motorhome in their driveway to load and unload we will not cite them for that. Council
955 Member Bigler and Mayor Harris stated that the ordinance does say they can't park it in their driveway
956 for a couple days. Council Member Bigler said he would like to add that provision to allow the parking in
957 the driveway for loading and unloading. Edward O. Dickie III said staff is giving them the two days now.
958 Council Member Bigler said we might as well put it in the ordinance then so they are doing it legally.

959
960 Council Member Hulme said he would like to know where that is in the ordinance. Dave Carlson stated it
961 is referenced in section 11-10-22 and it does not have an exception for loading or unloading and they have
962 to be no more than 10 feet in front of the front wall plane of the home at all times.

963
964 Council Member Bigler recommended having Staff or the City Attorney look at amending the ordinance
965 to include allowing rv parking for loading and unloading in the driveway because we are allowing it

966 anyway. Council Member Hulme said it could read ‘shall not be parking in the public road or in the
967 owner’s driveway for more than two consecutive days or more than 10 days in one month’. He also said
968 he would like to see Council Member Bigler’s other suggestion incorporated as well, ‘must be located no
969 closer to the front property line than 10 feet in front of the front wall plane of the house and no more than
970 10 feet from the sidewalk’; something like that. Council Member Bigler said he thinks it should be less
971 than that.

972
973 Dave Carlson recommended that the City Council vote to send it to the Planning Commission for a
974 recommendation and ask them to look at the things that were discussed tonight. He said when it comes
975 back to the City Council they can then accept, reject or modify the Planning Commission’s
976 recommendation. The Council has quite a bit of flexibility; it just has to start with the Planning
977 Commission.

978
979 **Council Member Fawson moved to send this to the Planning Commission for their recommendation**
980 **and to have them look at two things specifically, the first being the two day loading and unloading**
981 **issue and being able to park an rv in driveway during that period of time and the second is the**
982 **safety issue, trying to keep those rvs away from the street or out of the sidewalk area. Council**
983 **Member Bailey seconded the motion.**

984
985 Council Member Hulme said there is one more thing that he would forward to them and that is that there
986 will be people perhaps where it will be impossible to pull their rv in and park it in the street, the only
987 place they can park it is in the driveway across the sidewalk. He thinks if we put something in there that
988 allows a very short time period for something like that; there will be people that will be able to use that.
989 He indicated that he would like the Planning Commission to look at whether there is a possibility to take
990 care of that. He said he doesn’t want to back some people into a corner if they don’t have any other
991 options.

992
993 Dave Carlson said at some point we’re going to bump up against some State laws. Council Member
994 Bigler said that is true. He said he would like to see a proposal that we give them the two days to load and
995 unload not blocking the sidewalk. He said there are laws beyond North Ogden City that state that. You
996 could have a little kid riding a bike or something and somebody could really get hurt if you had a hitch or
997 something in the sidewalk. He thinks we would have some liability there and his concern is the safety
998 issue.

999
1000 **Council Member Bigler amended the motion to include allowing the two days to load and unload**
1001 **not blocking the sidewalk. Council Member Fawson seconded the amended motion.**

1002
1003 **Voting on the amended motion:**

1004 **Council Member Stoker** **yes**
1005 **Council Member Bailey** **yes**
1006 **Council Member Fawson** **yes**
1007 **Council Member Bigler** **yes**
1008 **Council Member Hulme** **yes**

1009
1010 **The amended motion passed unanimously.**

1011
1012 Council Member Bailey said the Building Department will not be ticketing under these circumstances
1013 anyway. Gary Kerr said that is correct.

1014
1015
1016

1017 **16. Public Comments.**

1018
1019 Toby Mileski, 3325 N 1000 W, Pleasant View, said he wanted to talk about rental property and the
1020 disproportionate fees charged by the City. He said he would like the City Council to have an agenda item
1021 to remove the disproportionate fees on businesses and the business license fees for rental licenses. Mayor
1022 Harris said that is on the next agenda for February 14, 2012.

1023
1024 Jim Mackley, 2803 Hwy 89, Pleasant View, said it was another interesting night in North Ogden. He
1025 stated there are basically three functions of the city: enterprise, the role of government and the roads. He
1026 suggested that garbage can be handled by a group of citizens or a private enterprise, water too. All
1027 different kinds of enterprises can be handled privately or by the city. The police is really only handled by
1028 the city. When it comes to roads and things, that is kind of a mix because there are private roads but most
1029 are public. The main purpose for roads is for access to private property. If you have land somewhere but
1030 no access to it you could go to court and they would tell your neighbor to let you pass. As you proceed
1031 with various things in the future if you are able to always keep that in mind, what is the issue? Is it
1032 enterprise, police or roads?

1033
1034 **17. Council, Staff, and Mayor Comments.**

1035
1036 Council Member Bailey said we have on the agenda for our next meeting an item to discuss the
1037 disproportionate fees and he had not seen the request on that. Are we asking staff to provide something
1038 on that? Council Member Bigler said he has requested discussion only, no vote. Council Member Bailey
1039 said we are reopening the discussion. Council Member Bigler said he has a proposal that we will send
1040 out. This agenda was too full tonight but he will send out a proposal. Council Member Fawson said if we
1041 are going to discuss it in any detail or the justification of it he would like staff to put together some police
1042 information on it. Council Member Bigler said we need to do that as part of an agenda item rather than
1043 council comments. Mayor Harris said the sponsor will need to let staff know the details on that.

1044
1045 Council Member Fawson said, regarding former Mayor Muirbrook's comments about plowing the roads
1046 with his Prius, he got a number of calls on snow removal or lack thereof or the timeliness of it. He asked
1047 if we are looking at possible liability when the snow is not removed quickly. Edward O. Dickie III said
1048 we apologize for that, the City got called out about four hours late. There was a breakdown in
1049 communication and it got missed. He said since he has been here, the past four years, it has never
1050 happened until today. The City messed up there and we didn't get called out until late. There was a
1051 mess. Council Member Fawson said he is excited about the Youth City Council (YCC) legislative
1052 session tomorrow. Mayor Harris said he will enjoy that, it is a marvelous opportunity.

1053
1054 Council Member Bigler thanked Edward O. Dickie III for the explanation on the snow removal. He said
1055 we are all human and suggested Staff shoot the Council Members an email so they know and can tell
1056 residents it's an anomaly and not normal procedure. He also wanted to ensure that disproportionate fees
1057 are on the next agenda. He would like putting together a committee for our public works facility on the
1058 agenda as well so we can start working on that.

1059
1060 Council Member Hulme apologized that he cannot attend the YCC event tomorrow.

1061
1062 Council Member Bailey said Dave Nordquist presented some information to the Council on the dog park
1063 proposal. He said he has gotten more calls about the dog park than he has gotten about the snow plows
1064 and he is very concerned about the way this happened. We are putting something in the City that the
1065 Council has not had any input on. It was added to the Master Plan in order to apply for the RAMP funds.
1066 He asked how we can do this better because this is not the approach we want to take. Council Member
1067 Hulme said we are at a point where suddenly our plan is no longer adequate; we will never get in this

1068 situation again where we have to come up with ideas for how to use the money. Council Member Bailey
1069 said his concern is that if we get the funds do we get a dog park. If so, we get a dog park by default.
1070 Edward O. Dickie III said this will come up again during the budget retreat and there will be more
1071 discussion. He said he wouldn't be too worried that we will be stuck with a dog park. Mayor Harris said
1072 it's not that big an impact anyway.

1073
1074 Debbie Cardenas said the disproportionate fees are on the agenda for the next meeting. She said if the
1075 Council needs something from Staff they should let us know as soon as possible. Council Member Bigler
1076 said it's really quick on what he was going to do but it would be inappropriate because it's not on the
1077 agenda so that will be done next time.

1078
1079 Annette Spendlove said we are meeting at 6:00am tomorrow to go down to the legislature. She reminded
1080 the Council that February 7, 2012 is the joint meeting with the Planning Commission.

1081
1082 Edward O. Dickie III said the City doesn't do the garbage it is contracted out. He said he fully supports
1083 the committee to look at benefits and salaries as proposed tonight and added that hopefully staff will be
1084 comfortable with it.

1085
1086 **18. Adjournment.**

1087
1088 **Council Member Bigler moved to adjourn. Council Member Hulme seconded the motion.**

1089
1090 **Voting on the motion:**

1091 Council Member Stoker	yes
1092 Council Member Bailey	yes
1093 Council Member Fawson	yes
1094 Council Member Bigler	yes
1095 Council Member Hulme	yes

1096
1097 **The amended motion passed unanimously.**

1098
1099
1100 The meeting adjourned at 10:35pm.

1101
1102
1103
1104

1105 _____
Richard G. Harris, Mayor

1106
1107
1108

1109 _____
S. Annette Spendlove, MMC
1110 City Recorder

1111
1112 _____
1113 Date approved