

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 October 11, 2011

4
5 The North Ogden City Council convened in regular session on October 11, 2011 at 5:33 pm in the North Ogden
6 City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to
7 each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State
8 Website on October 7, 2011. Notice of the annual meeting schedule was published in the Standard-Examiner on
9 January 1, 2011.

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11
- | | | |
|-------------------|----------------------|---|
| 12 PRESENT: | Richard G. Harris | Mayor |
| | Wade Bigler | Council Member |
| | Ron Flamm | Council Member (by telephone) |
| | Martha Harris | Council Member |
| | Brent Taylor | Council Member |
| | Carl Turner | Council Member |
| 18 | | |
| 19 STAFF PRESENT: | Annette Spendlove | City Recorder/HR Director |
| | Edward O. Dickie III | City Manager |
| | Dave Carlson | City Attorney/Economic Development Dir. |
| | Debbie Cardenas | Finance Director |
| | Dave Nordquist | Community Services Director |
| | Julia LaSeure | Deputy City Recorder |
| | Craig Barker | Community Development Director |
| 27 | | |
| 28 VISITORS: | Bev Gibson | Dave Hulme |
| | Josie Hulme | Jim Suhr |
| | Margaret Suhr | Joan Brown |
| | Jim Mackley | Kerry Gibson |
| | Margaret Beus | Roger Howell |
| | Stacey Giatras | Justin Fawson |
| | Farley Merkley | Marilyn Harris |
| | Kent Bailey | Ryan Wilcox |
| | Donald Mathewson | Jennie Taylor |
| | Slade Opheikens | Gary Rands |
| | Chris O'Neill | Harrison Spendlove |
| | Cole Spicker | Gary Attebery |
| | Rachel Trotter | Sherry Gould |
| | Aaron Farr | Seth Miller |
| | Shanna Miller | |

45
46 **WELCOME**

47
48 Mayor Harris welcomed everyone in attendance. Council Member Turner offered the invocation and led the
49 audience in the Pledge of Allegiance. Mayor Harris stated that Council Member Flamm is unable to be present
50 tonight but has asked to be allowed to participate electronically.
51

52 **Council Member Taylor moved to allow Council Member Flamm to participate by phone. Council**
53 **Member Turner seconded the motion.**

54
55 **Voting on the motion:**

56
57 **Council Member Harris** **yes**
58 **Council Member Bigler** **yes**
59 **Council Member Taylor** **yes**
60 **Council Member Turner** **yes**

61
62 **The motion passed unanimously.**

63
64
65 **CONSENT AGENDA**

66
67 **Council Member Harris moved to approve consent agenda items 1, 2, and 3. Council Member Turner**
68 **seconded the motion.**

69
70 Council Member Bigler asked how much a public hearing costs the City. Mayor Harris said we have to advertise
71 it and that is the only cost we incur. Council Member Bigler asked Annette Spendlove, City Recorder, how much
72 it costs to advertise that. Annette Spendlove, City Recorder, replied that for this type of notice it typically runs
73 about \$200 to \$300. Council Member Bigler suggested we wait on that particular item. Annette Spendlove said
74 the procedure is to pull this item from the consent agenda, vote on the others and consider this item separately.

75
76 **Council Member Bigler moved to amend the motion by removing #3 of the consent agenda and considering**
77 **it separately. Council Member Taylor seconded the amended motion.**

78
79 **Voting on the amended motion:**

80
81 **Council Member Bigler** **yes**
82 **Council Member Taylor** **yes**
83 **Council Member Turner** **yes**
84 **Council Member Harris** **yes**
85 **Council Member Flamm** **yes**

86
87 **The amended motion passed unanimously.**

88
89 Annette Spendlove, City Recorder, explained that State law requires us to hold a public hearing when we raise
90 utility rates and it typically costs between \$200 and \$300. She said that is the normal notification cost but it could
91 be more it could be less depending on what the law requires us to put into the notice.

92
93 Council Member Bigler said we don't know how much we need to raise the rates so it seems premature to him at
94 this point. Mayor Harris said there are two points. One is the cost of the bond should we be able to go ahead with
95 construction. The other is to raise utility rates to bolster our reserves to cover maintenance in the future. He
96 thinks we can have a public hearing on either or both on November 22, 2011. Council Member Bigler said we
97 don't need to know how much we need to raise the rates. Mayor Harris said yes, we do and we will at that time.
98 Council Member Bigler said it seems premature. Council Member Bigler asked if we could have this on the
99 agenda to be explained to the City Council before the public hearing. Mayor Harris said the City Council
100 generally tries to have this sort of thing on prior to the public hearing but a lot of times it is heard that night but
101 not voted on until the next meeting. He thinks there would be ample opportunity for the City Council to consider
102 it. Council Member Bigler asked what LYRB (Lewis, Young, Robertson and Burningham) does. Mayor Harris

103 said they are financial advisors. Council Member Bigler said they have done this totally separate of the bond. He
104 thinks we may end up having to have a second public hearing and this would be a waste of money. Mayor Harris
105 said we could always cancel a public hearing later. Council Member Taylor said it seems like the bond is very
106 likely to be tied up for some time but the other matter needs to be taken care of now. That public hearing needs to
107 be held regardless as long as it's going to be structured that the vote would be at the following meeting. Mayor
108 Harris said it typically is but there could be a vote on that night. Council Member Bigler asked why we couldn't
109 just wait on the public hearing if there would be no vote anyway. He said he knows we have to do it but he would
110 like to have information first. Mayor Harris said it is up to the Council. Council Member Bigler suggested
111 getting the information first and then holding the public hearing and vote.

112
113 Council Member Harris said she anticipates staff will get the information to the Council as soon as possible. She
114 reminded the Council that there won't be another meeting until November 22, 2011 so she is fine with scheduling
115 the public hearing in order to get the calendar squared away. She said if things change between now and then it
116 can be pulled.

117
118 **Council Member Harris moved to set the public hearing on utility rates for November 22, 2011. Council**
119 **Member Turner seconded the motion.**

120
121 **Voting on the motion:**

122
123 **Council Member Taylor** **yes**
124 **Council Member Turner** **yes**
125 **Council Member Harris** **yes**
126 **Council Member Bigler** **no**
127 **Council Member Flamm** **yes**

128
129 **The motion passed 4 to 1.**

130
131 Council Member Bigler asked if the Council could get the information before the Friday night prior to the
132 meeting. Mayor Harris said they will get it as soon as possible. Council Member Bigler said he wants to have
133 time to study it. Edward O. Dickie III said this information is the same that the Council has had for the last two
134 years. Those numbers have not changed. Council Member Bigler said he would like those numbers tomorrow.

135
136 Mayor Harris said there has been a lot of controversy in the City over this Public Works Complex and that is just
137 the way it is. He wants to make it clear and a matter of public record that the City has acted honorably and has
138 not lied or been subversive or kept information from the public. In fact we have gone overboard in sharing
139 information with the public in regard to this particular item. He wants to let everyone know that he has nothing
140 but the highest respect for those folks who serve the City, especially the staff. Edward O. Dickie III has a
141 Master's Degree in Public Administration, Debbie Cardenas has an MBA, Dave Carlson is a Juris Doctor, Dave
142 Nordquist has a Bachelor's Degree and is in the Utah State High School Coaches Hall of Fame, Mel Blanchard
143 has many years of experience and his staff is competent as well, our water technicians are certified at the highest
144 level, Polo Afuvai has been, more than once, named by the State Police Chief's Association, the outstanding
145 Chief in the State, Annette Spendlove has earned the equivalent of a Master's Degree and has her Master
146 Municipal Clerk (MMC) designation from the International Institute of Municipal Clerks, she would never do
147 anything that would do dishonor to the City, Craig Barker worked many years for the County we are fortunate to
148 have him here. Our City is very well managed and very frugal. Our bond rating has been increased to a AA rating
149 which very few cities have. Mayor Harris indicated that his property tax he pays to North Ogden City is \$131.69
150 and that does not speak to situations that are untoward in our city. He said we have done a utility rate study. He
151 reminded everyone that those utilities include culinary water, sanitary sewer, storm water and garbage. North
152 Ogden City is not out of line in any way, shape or form with other cities in the area including Farr West,
153 Harrisville, Hooper, Pleasant View, Riverdale, Roy, South Ogden, Uintah and Washington Terrace. The 2011

154 Utah Taxpayers Association's Cost of Government Report states that North Ogden City is ranked 8th out of 49
155 cities with a population between 5,000 and 20,000 for the lowest cost per capita. He wants people to understand
156 that North Ogden City is very well managed. We do our very best and have the very best people. We are very
157 proud and appreciative of the people who work here for North Ogden City.
158

159

160 **PUBLIC COMMENTS**

161

162 Jim Mackley, 2803 N Hwy 89, Pleasant View, read from a document which is included as Attachment A.
163

164

165

166 **DISCUSSION AND/OR ACTION TO APPROVE A TEMPORARY CITY COUNCIL MEMBER**

167

168 Mayor Harris explained that Council Member Taylor is being deployed to Afghanistan for 9-12 months. This past
169 year the legislature passed a law that allowed for a temporary City Council member and we have gone through the
170 process prescribed by law for this situation. We received a number of applications and interviewed six applicants
171 at the last meeting. By law we are going to hold an open vote in an open meeting on who would hold this seat. In
172 deference to Council Member Taylor's position he will be invited to make the first motion.
173

174

175 Council Member Taylor said we have our State Representative, Ryan Wilcox here tonight. Mr. Wilcox is
176 involved in a lot of things in the City and a part of the law the Mayor referred to. Council Member Taylor
177 thanked all of those who applied and were willing to serve the City.

178

179 **Council Member Taylor moved to approve Dave Hulme as the temporary City Council member. Council**

180 **Member Turner seconded the motion.**

181 Council Member Bigler said he is fine with that choice but he does not agree with the statement in an email that a
182 certain City Council member would be putting forth a motion. He said no outgoing City Council member gets to
183 choose his replacement and he disagrees with how this was done. He said there should not have been an email.
184

185

186 Council Member Taylor withdrew his motion and yielded to Council Member Bigler to make a motion so it
187 doesn't become an issue of controversy as nothing was done in hiding.

188

189 **Council Member Harris moved to approve Dave Hulme as the temporary City Council member replacing**

190 **Council Member Brent Taylor. Council Member Turner seconded the motion.**

191 Council Member Harris said when she first came on the Council it was by appointment and she served that way
192 for one year. The person she replaced gave up all rights to that seat because they resigned. Whoever replaced
193 Council Member Taylor is a temporary replacement and in her mind there is a difference between an interim seat
194 and a replacement.
195

196

197 Council Member Bigler said that's a fine opinion but the law does not state that it just says it should be done
198 openly. He said it's neither here nor there he just wanted to be on public record as disagreeing with that process
199 because the process has already been, in his mind, tainted now.

200

201 Council Member Flamm said he feels like Dave Hulme has done a great job on the Planning Commission and he
202 would like to see him stay there so he will be voting no.
203
204

205 **Voting on the motion:**
206
207 **Council Member Flamm** no
208 **Council Member Harris** yes
209 **Council Member Bigler** yes
210 **Council Member Taylor** yes
211 **Council Member Turner** yes

212
213 **The motion passed 4 to 1.**
214

215 Mayor Harris stated Council Member Taylor will hold his seat until October 18, 2011 and Dave Hulme will be
216 sworn in at the next City Council meeting.

217
218 Mayor Harris recognized Kerry Gibson, our County Commissioner, and Ryan Wilcox, our State Representative,
219 in the audience.

220
221
222 **DISCUSSION AND/OR ACTION TO APPROVE A DEVELOPMENT AGREEMENT FOR ONE LOT IN**
223 **THE COVE PRUD FOR THE PARADE OF HOMES**
224

225 Dave Carlson, City Attorney, said there is a new owner of The Cove PRUD and the City has been working with
226 that developer to do a master development agreement. We wanted to make sure there was a clear understanding
227 of the requirements. It is getting close; there are some ongoing negotiations with the new owner and current
228 home owners in The Cove. We are hopeful that when it comes to the City Council it will be supported by all the
229 parties. In the meantime an opportunity has arisen for the City to have a home built in The Cove that would be in
230 next year's Parade of Homes. That is kind of a big deal; there is a lot of traffic generated by the Parade of Homes
231 as each home typically has 3,000 people visit. We are trying to breathe some life back into that project. He
232 explained the intent of this development agreement is that it only applies to this lot. We are not issuing building
233 permits in The Cove but through this agreement we would issue a permit for this one home on this particular lot.
234 We have drafted it in such a way that we feel the City is shielded from any liability in allowing this person to
235 build without all the improvements. We feel this is a special situation.

236
237 Council Member Bigler said that's terrific but he has a couple questions. He said this will not allow any other lots
238 to be built until they come to an agreement with the current lot owners. Dave Carlson said that is correct.

239
240 Council Member Bigler said it states this is a private lot owner but the County records don't show him as the
241 owner. Dave Carlson said he could be waiting to close until this agreement is in effect because if he can't get this
242 permit he will build in Harrisville. Dave Carlson said his name is the only one on the agreement so it's doesn't
243 work for anyone else.

244
245 Council Member Bigler referred to page two which says the owner shall construct a home on lot 147 and apply
246 for entry in the 2012 Parade of Homes. He asked if there is any penalty if he does not put it in the Parade of
247 Homes; he said he thinks there should be. Dave Carlson said there is nothing in there; we have no reason to
248 believe that they are giving the City false information. Council Member Bigler said there should be and it should
249 be a big penalty; we need some leverage. Dave Carlson said staff didn't feel it was necessary; he doesn't see the
250 big risk. If he doesn't put it in the Parade of Homes what does the City suffer? Dave Carlson said he thinks the
251 City is in a better position with this particular home than we were with any others.

252
253 Edward O. Dickie III said there are two homes that have been built up there and eight lots total have been sold.
254 Council Member Bigler said this is a good thing but if we are doing a legal contract we shouldn't go on trust, it
255 should be added to the contract that this is required.

256 Council Member Turner said years ago he built some homes for the Parade of Homes and he knows they had to
257 submit a set of house plans to go through a process of selection. You can't enter unless you have a set of
258 drawings and meet their timeframe. It does take some planning on the part of the builder and owner to get a home
259 in the Parade of Homes. They could have already submitted the plans if they are done. Dave Carlson said the
260 City has already approved the house plans.
261

262 Council Member Bigler said this is an opportunity for the City to give the current lot owners some protection.
263 Dave Carlson said his opinion is that this didn't need to come to the Council for approval. It could have been
264 done by staff but the Mayor wanted it to come to the Council. He said it may come as a surprise but we actually
265 trust people; we have worked a lot with this builder and he is the preferred builder for The Cove. If he were to
266 double cross the City on something it would damage his reputation beyond anything the City could do to him.
267

268 **Council Member Harris moved to approve a development agreement for one lot in The Cove PRUD for the**
269 **Parade of Homes. Council Member Turner seconded the motion.**
270

271 Council Member Taylor said if there were some damages the City could pursue them if they did not comply.
272 Dave Carlson answered that is possible. Council Member Bigler makes a good point, if the builder double crosses
273 us we couldn't make him be in the Parade of Homes. We can ask him for verification that he has made his entry
274 and we can issue a stop work order if necessary.
275

276 **Voting on the motion:**
277

278	Council Member Harris	yes
279	Council Member Bigler	yes
280	Council Member Taylor	yes
281	Council Member Turner	yes
282	Council Member Flamm	yes

283
284 **The motion passed unanimously.**
285
286

287 **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE**
288 **CONSOLIDATED FEE SCHEDULE AMENDING THE FEES FOR THE COMMUNITY SERVICES**
289 **DEPARTMENT**
290

291 Dave Nordquist, Community Services Director, said he has given the City Council some information on his
292 proposal this evening. He indicated that they are using a new website rather than Xpress Bill Pay and reviewed a
293 document which is included as Attachment B. He said 91% of all transactions were online credit card
294 transactions and this issue isn't going to go away.
295

296 Council Member Harris said there were City Council concerns about Community Services revenues and being
297 revenue neutral. She said she really appreciates this information and would be in favor of supporting these
298 changes.
299

300 Mayor Harris said he is not sure folks understand the magnitude of what this department does. Dave Nordquist
301 said they are maxed out on swimming lessons. It was a tough spring at the pool but the overall take is actually up
302 \$700 total. He will have a full summary of the pool at the budget retreat. He can now report on any data that the
303 Council wants to see as he can generate 400 reports on the new website.
304

305 Council Member Taylor said he likes this approach; including these at the higher price knowing that part of that is
306 going to the taxes and fees. Inflation is going up and up. He said this satisfies the intent of his original proposal

307 in the credit card fees. He asked, regarding going from the night and day rentals to a single rental whether there
308 were a lot of people who only wanted a part of the day. Dave Nordquist said not really, people wanted hours that
309 we could not accommodate so this will be a benefit.

310
311 **Council Member Harris moved to approve Resolution 18-2011 amending the consolidated fee schedule**
312 **amending the fees for the Community Services Department. Council Member Taylor seconded the motion.**
313

314 **Voting on the motion:**

315
316 **Council Member Bigler** **yes**
317 **Council Member Taylor** **yes**
318 **Council Member Turner** **yes**
319 **Council Member Flamm** **yes**
320 **Council Member Harris** **yes**

321
322 **Voting was unanimous in favor of the motion.**
323

324
325 **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO ANNEX PROPERTY**
326 **LOCATED AT APPROXIMATELY 175 E. 2550 N. CONTAINING 40.61 ACRES**
327

328 The Applicant requested that this item be postponed until a later date.
329

330
331 **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING SECTION 11-22-8-1-**
332 **C OF THE CITY'S ZONING ORDINANCE TO ADD VERTICAL BANNERS AS A PROHIBITED USE**
333

334 Craig Barker, Community Development Director, stated this has been worked on for quite some time now.
335 Whenever you change an ordinance you have to hold a public hearing. The Planning Commission did that and
336 brought their recommendation to the City Council. He talked with a number of other cities and found that this
337 type of sign is widely prohibited. The Economic Development Committee (EDC) and Planning Commission
338 talked diligently about these banners and recommended that they not be allowed in North Ogden City. There
339 were no public comments at the public hearing.

340
341 Council Member Bigler asked whether they are allowed now. Craig Barker replied that when something is not
342 expressly permitted it is prohibited but the Planning Commission wanted the ordinance to call them out as
343 prohibited.
344

345 Council Member Taylor said he read the Planning Commission minutes and the discussion of the EDC and this
346 was discussed. He said personally he is not opposed to these signs in the commercial district and he has not seen
347 them in bad condition. His concern is how close they typically are to the park strip or sidewalk. He would like to
348 see them permitted with restrictions that are then enforced. Mayor Harris said that would require a change to this
349 proposed ordinance if the Council were to vote that way.
350

351 Council Member Harris asked if these signs were included in the list in section C item 1 then they would fall into
352 a paragraph with other banners that gives them a time limit. Craig Barker said that is correct. He said we have not
353 taken issue with banners being left out because this ordinance has not been completely reviewed but we will be
354 notifying all the business owners of the way the City views these types of banners. Council Member Harris asked
355 if a business has a berm are they limited to three of these banners or could they have three dozen? Craig Barker
356 said in the proposed ordinance they are allowed three banners per hundred feet of frontage. Craig reminded the
357 Council that the Planning Commission's recommendation is for them to be prohibited so the Council did not

358 receive that proposal but if they were allowed they could have multiple vertical banners. He suggested that if this
359 not passed the Council take time at a work session to create an ordinance that addresses these more specifically.

360
361 Council Member Bigler said he would be agreeable to holding a work session. He said when he read through the
362 minutes he thought if you are going to restrict these he would like the number to be restricted rather than the
363 timeframe because ordinances need to be enforceable. Craig Barker said it is enforceable but the question is
364 whether the City wants to pay to enforce it. Council Member Bigler said his preference is to limit the number of
365 these banners.

366
367 **Council Member Harris moved to approve Ordinance 2011-16 an ordinance amending section 11-22-8-1-C**
368 **of the City's Zoning Ordinance to add vertical banners as a prohibited use. Council Member Turner**
369 **seconded the motion.**

370
371 Council Member Taylor said he will be voting no because he would like to go back to what came out of the EDC
372 and come up with a way to enforce it. He said if we are going to have more commercial businesses we need to
373 give them latitude to function.

374
375 Mayor Harris said there have been a lot of ordinance changes that have come from the EDC through the Planning
376 Commission and we have relaxed our signage regulations considerably.

377
378 **Voting on the motion:**

- 379
380 **Council Member Taylor** no
381 **Council Member Turner** yes
382 **Council Member Flamm** yes
383 **Council Member Harris** yes
384 **Council Member Bigler** no

385
386 **The motion passed 3 to 2.**

387
388 **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING SECTION 11-22-8 OF**
389 **THE CITY'S ZONING ORDINANCE TO CLARIFY PERMITTED TEMPORARY SIGNS IN**
390 **RESIDENTIAL ZONES**

391
392 Craig Barker stated this came up because of a homeowner's association that wanted to put up signs for their
393 homeowners notifying them of an upcoming event. The City doesn't allow that so the Planning Commission
394 came up with this proposal. Our present ordinance is a little confusing; it talks about residential and non-
395 residential uses and talks about business as well. We are attempting to clarify that and the Planning Commission
396 recommended that we specifically call these out.

397
398 Council Member Bigler asked about the Barker Fish Farm and whether that is in the City or County. Craig
399 Barker said the line meanders through and around that area so he is not sure. Mayor Harris stated he thinks it is
400 the City. Council Member Bigler said when he read this he was thinking about them. They have a corn maze
401 every October and this says the sign has to be on the property. Craig Barker said it would not be allowed because
402 that would be an off-premise sign and we don't allow that. If it is not on the property or the owner's property that
403 is attached to it a sign would not be allowed.

404
405 **Council Member Taylor moved to approve Ordinance 2011-17 an ordinance amending Section 11-22-8 of**
406 **the City's Zoning Ordinance to clarify permitted temporary signs in residential zones. Council Member**
407 **Turner seconded the motion.**

408

409 **Voting on the motion:**

410

411 **Council Member Turner** **yes**

412 **Council Member Flamm** **yes**

413 **Council Member Harris** **yes**

414 **Council Member Bigler** **yes**

415 **Council Member Taylor** **yes**

416

417 **The motion passed unanimously.**

418

419 Mayor Harris called for a short break at 7:14pm. The meeting reconvened at 7:20pm.

420

421 **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING SECTION 7-3-5 OF**
422 **THE CITY CODE PROHIBITING PARKING ANY TRAILER UNATTACHED TO A REGISTERED**
423 **VEHICLE ON ANY ROAD OR HIGHWAY WITHIN THE CITY OR ON PRIVATE PROPERTY**
424 **WITHOUT THE PROPERTY OWNER'S CONSENT**

425

426 Dave Carlson said the purpose of the ordinance is to make it illegal to park a trailer on a city street if it is not
427 attached to a vehicle. He said streets are not meant to be used for storage. This is an almost universal regulation
428 that cities have. He could not find another city in Weber County that allows this. Mayor Harris said he thinks
429 there is an issue of safety as well.

430

431 Council Member Bigler asked whether this went through the Planning Commission. Dave Carlson responded that
432 it did not because it is not in the Zoning Ordinance. Council Member Bigler said he would like to spend more
433 time looking at this because this wouldn't prevent people from leaving a trailer attached to a vehicle in the street.
434 Dave Carlson said this is not aimed at one person; the reason for this ordinance is that unattached trailers should
435 not be left on a public street. Council Member Bigler said it refers to parking a trailer on a person's property
436 without the owner's permission. Do we need a law for that? Dave Carlson said we are mostly talking about
437 parking lots. We can't enforce this in a private parking lot but if the property owner calls us then we can issue a
438 citation.

439

440 **Council Member Taylor moved to approve Ordinance 2011-18 an ordinance amending Section 7-3-5 of**
441 **the City Code prohibiting parking any trailer unattached to a registered vehicle on any road or Highway**
442 **within the City or on private property without the property owner's consent. Council Member Turner**
443 **seconded the motion.**

444

445 Council Member Bigler said it just says trailer, any kind of trailer at all, but what if a resident is just parking it to
446 load up with wood or something. Are they going to get ticketed for that? Dave Carlson said most cities do allow
447 for loading and unloading if a person is actively involved in loading or unloading. As a practical matter this isn't
448 going to be a high priority for the police, typically these come to the City by way of a complaint.

449

450 Council Member Bigler said he would like to put a 24 hour period on this. Dave Carlson said the City Council
451 could do that by interlineation or he can draft it and bring it back to City Council later.

452

453 **Council Member Taylor amended the motion by inserting 'for more than 24 hours' in Section 7-3-5,**
454 **paragraph one, line two after the word 'highway'. Council Member Turner seconded the amended motion.**

455

456

457

458

459

460 **Voting on the motion:**

461

462 **Council Member Flamm** **yes**

463 **Council Member Harris** **yes**

464 **Council Member Bigler** **yes**

465 **Council Member Taylor** **yes**

466 **Council Member Turner** **yes**

467

468 **The amended motion passed unanimously.**

469

470 **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING SECTION 9-1-2 OF**
471 **THE CITY CODE TO REQUIRE AN OWNER OF PROPERTY TO BE CURRENT ON EVERY DEBT**
472 **OWED TO THE CITY TO BE ELIGIBLE FOR CITY SERVICES**
473

474 Dave Carlson said the effect of this ordinance would be, for example, if someone refused to pay for their business
475 license it would give the City the option to shut the water off or cancel garbage service. It gives the City a little
476 leverage if a person owes the city a fee or fine, the City would have the option to threaten the shut off of water.
477 Sometimes the City is in a situation when it is difficult to collect these little debts. This is about the only efficient
478 remedy the City has but we only collect on a small percentage of the accounts that are sent to collections and the
479 City only gets back about 50 cents on the dollar. These people don't think the City can do anything about it and
480 in some cases that's true. The problem then is if you decide to leave those people alone it becomes an increased
481 cost for the people who do pay their debts. This is just an idea that the Council can use; just the fact that people
482 are aware that this can happen will motivate them to come in and pay what they owe. Sometimes we have a
483 situation where the person is on the City's sewer system but not the water system. You can't disconnect the sewer
484 system but you can shut off their water. In those situations it becomes problematic and we do have those
485 situations.

486

487 Council Member Bigler asked if we fine a lot of people. Dave Carlson said the civil fine system is fairly new but
488 those fines will become more common. It used to be that we enforced these things criminally which has the best
489 collections system ever because they can throw somebody in jail if they don't pay. We can't do that now in the
490 civil system. Council Member Bigler asked if it is going to cost us more to have employees going out turning
491 water on and turning water off. He said for the utility bills he would like to extend it to 90 days before we shut
492 off the water and he would rather have it only for City bills not fines.

493

494 Annette Spendlove said in reality our residents do have 90 days because we bill in arrears. Dave Carlson said it
495 would only be on the fines. The City has other options through the administration hearing system. Council
496 Member Bigler asked if this would include if we tell somebody their car is parked too close to the front of the
497 house. Dave Carlson replied that it could be but we are talking about the people that we have worn ourselves out
498 trying to work with. These are people who have had every chance to pay and just refuse to do it.

499

500 Council Member Taylor said this does seem extreme to him as well but in the old method when these things were
501 criminalized the worst case scenario was jail time. To him it is rather harsh that you could lose another city
502 service but he sees Dave's point too. He is concerned about the lack of provision for something that is being
503 disputed. Dave Carlson said we do have provisions with our utilities and our administrative code for people to
504 challenge things. He said he is presenting this as what the City Council can do and added that it is a policy
505 decision what the Council does decide. Dave Carlson said the prospect of having water turned off is sometimes
506 incentive enough to get the debt paid. Council Member Taylor asked about fines for a dog off a leash and
507 whether they have something added every month to the fine. Dave Carlson said there is a provision that those
508 fines can increase also. Council Member Taylor said he is comfortable with 60 days for utilities but asked that we
509 consider a longer time for a fine if that would be more comfortable.

510 Council Member Harris said she is fine with some of the changes proposed but still feels that while it says 60 days
511 it is actually 90 days as Annette Spendlove mentioned. If you use the services you have to pay for them; people
512 need to pay their bills. It is appalling when she hears the comment ‘what are they going to do?’ With this in
513 place it would give the City a vehicle as a response to that comment though she doesn’t think it would be used
514 often. She said she would like to see it redrafted.
515

516 **Council Member Bigler moved to redraft the ordinance. Council Member Taylor seconded the motion.**
517

518 Annette Spendlove explained that when we send a courtesy note out which states the past due amount is due
519 immediately and they have until the end of the month to pay the rest. They can call us up until the day before shut
520 off day to make payment arrangements. We also have special things that come up and we try to help them out in
521 those cases as well; we make those arrangements when we can. We work with all our citizens. It’s those that call
522 on the morning of shut off day and ask to make arrangements. It tends to be the same individuals and we tells
523 them they know the process. She said she treats everyone fairly. There are a lot of residents that we don’t shut
524 off because it’s just not worth it; there are people who just don’t have the money and can’t pay it.
525

526 **Voting on the motion:**
527

528 Council Member Bigler	yes
529 Council Member Taylor	yes
530 Council Member Turner	yes
531 Council Member Flamm	yes
532 Council Member Harris	yes

533

534 **The motion passed unanimously.**
535

536 **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ADOPTING ELECTION JUDGES**
537 **FOR THE GENERAL ELECTION**
538

539 Annette Spendlove explained that State election law requires that the City Council approve the election judges
540 and their compensation.
541

542 **Council Member Taylor moved to approve Resolution 19-2011 appointing election judges for the General**
543 **Election. Council Member Turner seconded the motion.**
544

545 Council Member Bigler asked if we can make sure in the future that these judges come from each district.
546 Annette Spendlove said she does and added that we are very thorough in what we do.
547

548 **Voting on the motion:**
549

550 Council Member Taylor	yes
551 Council Member Turner	yes
552 Council Member Flamm	yes
553 Council Member Harris	yes
554 Council Member Bigler	yes

555

556 **The motion passed unanimously.**
557

558 **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION RECERTIFYING THE JUSTICE**
559 **COURT**
560

561 Dave Carlson said every four years the City is required to recertify the Justice Court. The Court Administrator
562 receives an application and provides some information. He indicated he is required to go through and verify that
563 the Justice Court meets all the statutory requirements and complies with all the regulations. It is his opinion that
564 our Justice Court is in compliance in all respects. The purpose of the resolution is to request that our Justice
565 Court be recertified.
566

567 **Council Member Taylor moved to approve Resolution 20-2011 recertifying the Justice Court. Council**
568 **Member Bigler seconded the motion.**
569

570 **Voting on the motion:**
571

572	Council Member Taylor	yes
573	Council Member Turner	yes
574	Council Member Flamm	yes
575	Council Member Harris	yes
576	Council Member Bigler	yes

577

578 **The motion passed unanimously.**
579

580 **BUDGET UPDATE OF THE PUBLIC WORKS COMPLEX**

581

582 Debbie Cardenas explained that at the last City Council meeting it was requested that an update of the Public
583 Works Complex expenses be presented. She referred to a document that was before the Council tonight. Ms.
584 Cardenas stated that beginning in fiscal year 2005-2006 we have budgeted \$100,000 a year towards a Public
585 Works Complex. We have saved \$600,000 through June 30, 2011. We had preliminary expenses prior to March
586 2011; from July 2009 those expenses include the following: Blalock and Partners, Jones and Associates, Lewis,
587 Young, Robertson and Burningham, Ogden Publishing and Oldcastle Precast. The total of those were
588 \$124,755.18. In March the Project Manager asked for a budget or a balance of those funds; at that time we had
589 \$475,245.00. Since then we had the following expenses: some miscellaneous expenses, expenses to Upper Case
590 Printing for the fliers, also some from Freedom Mailing Services for the fliers, Ogden Publishing for the Bond
591 notice, and expenses to Lee's Marketplace for the open houses and the all-day interviews. We have also entered
592 into some contracts obligations and also some budgets that the Project Manager needed to set aside. One was to
593 VCBO Architecture; the contract was for \$342,000, we have an outstanding bill of \$43,000 and we have also
594 spent \$10,260. We have also contracted for the CM/GC (Construction Manager/General Contractor), the proposed
595 budget was \$35,000, and we have an outstanding invoice of \$4,800. We contracted with the Real Estate
596 Professional and to date we have spent \$19,200. We have also had expenses with the Engineers, Jones and
597 Associates, for site selection and meetings. We have also have a budget for geotech, materials testing and soils
598 testing and for a commissioning agent. The cost for all of those that we have actually spent funds on is \$98,865.
599 So our current balance right now is 376,379. We do have the remaining contract balances for the architecture of
600 \$288,740, for the CM/GC we've got \$30,200, for the Real Estate Professional we've got \$5,800, for the
601 Commissioning Agent we've got \$10,000, for Jones and Associates it's at 5% of the architectural fee which is
602 \$17,100, for the geotech it's \$3,200 and materials testing we still have \$8,000. So what remain on the contract
603 balances is \$363,040. If we do all of these expenses we would have a projected balance of \$13,340. She asked if
604 there were any questions.
605

606 That document is attached as Attachment C.
607

608 Council Member Taylor asked if Annette Spendlove had this document electronically to put on the screen.
609 Annette Spendlove replied that she did not. Council Member Bigler asked whether it would be in the minutes.
610 Annette Spendlove replied of course.
611

612 Council Member Bigler asked, where it says remaining contract balances, that is only if we proceed to spend.
613 Debbie Cardenas said she believes that is the understanding but she did not enter into the contracts so she doesn't
614 know what they are specifically. Council Member Bigler said as of right now where it says current balance
615 \$376,379.04, if there is no more spending that's how much money we have in there. Ms. Cardenas said this is
616 what she knows based on the outstanding invoices. If they have been doing some work those haven't even been
617 invoiced yet. Council Member Bigler asked how far back. Ms. Cardenas said she doesn't know exactly but she
618 would assume probably in the last month. Council Member Bigler said \$376,000 minus some work they've done
619 in the last month. Ms. Cardenas said that is correct. Mayor Harris said work has been ongoing so there will be
620 some charges that come forward from the last month.

621
622 Council Member Bigler asked the Mayor if he has a ballpark figure of what that might be. Mayor Harris said he
623 does not.

624
625 Mayor Harris asked if there were any more questions for Debbie. Council Member Bigler said he doesn't have a
626 question but he wanted to say something. He said in as much as the petition is in and we're not quite sure what's
627 going to happen with the facility at this point he would like to put forth a motion that we stop spending the saving
628 for the Public Works facility at this point until we know more of what's happening with that. He said he thinks at
629 this point, in his opinion; he thinks it is irresponsible for the City to continue to spend residents' money that we
630 saved for this when we don't even know how we're going to proceed with it at this point. Mayor Harris said there
631 is no action item on this so that motion is out of order. Council Member Bigler asked that be put on the next
632 agenda. Mayor Harris replied yes.

633
634 Edward O. Dickie III, City Manager, said he thinks if the petition comes back and is valid; all spending probably
635 will be ceased. Council Member Bigler said that is only for the bond it doesn't include the money that we saved.
636 Mayor Harris said they are aware of the situation and in fact a design meeting scheduled for today was cancelled
637 so we are essentially ratcheting that down until we find out exactly what is going to happen. Council Member
638 Bigler said without there being an action item on the agenda there can't be any motion made. Mayor Harris
639 answered no.

640
641 Council Member Taylor said he would like to share his thoughts on this as well. He said he has sent to the
642 Council and wants to share publicly because he obviously won't be here at the next meeting that he would like us
643 to try and get some resolution for the project as well. The concern he expressed was if the petition is voted on in
644 November and it will be a yes or no vote on the bond that was passed by the City Council. If it is no then the
645 bond ceases to exist, the project is halted, and all or most of the current Council candidates have said they would
646 not support a bond that is not voted on. So that would be putting us into 2013 for the next municipal election or
647 unless the City called a special election next year before a bond could even be voted on how to proceed and at
648 what amount the residents would support. He said to him that is not a good situation and he would like to see if
649 there is a way to put something else on this election of another question. It wouldn't need to be connected
650 specifically to the petition to see what the residents would support of how to move forward with this facility. He
651 said he knows it's not an action item and he can't make a motion to that effect tonight but he would like the City
652 Council to consider this to try to get some input from the residents on the vote of how they would like to proceed
653 with this project if the vote is no for that bond. He said otherwise we are really setting the project back until the
654 next election could be held.

655
656 Debbie Cardenas said we are waiting now to hear from the County to see if we've got all the valid signatures. At
657 that point we can decide what the City will do as far as moving forward on the bond election. Until we get that
658 verification, right now, we are moving forward as if the project is a go.
659 Mayor Harris said we would look at all options. The question now is what the petition is going to do.

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PETITION CLARIFICATION AND EXPLANATION

Council Member Bigler said he would like to forgo this tonight because it's been a long night and suggested that we can perhaps do it another night.

He indicated that an email was sent from Edward O. Dickie III which referred to a conference call in which it was stated that there is no way for the petition to go on the November ballot. Shortly after that email went out it was stated that it could be done this November. He asked that the law be clarified and the City Council be informed of what the process is. Mayor Harris explained the process and said if there are enough certified signatures it will go on a ballot and if possible the City would hope to put it on the November ballot. He said he thinks there are still some questions based on different opinions from different agencies; the State, the County, the City as to what that process will be. Council Member Bigler said the State and the County told him the same thing. He asked if there is a law that will prohibit it. As far as residents, they just wanted an opportunity to have a voice in it and it's wonderful he thinks that they get to do that. He said that question is what the law states in regard to this November. Yes? No? Can we or can't we legally?

Dave Carlson said the instructions to him all along have been that the City wanted, if at all possible, to get it on the ballot this fall. Because that seems to be the expectation of the people who signed the petition; they wanted a chance to vote on it. The timeframes are really tight. There are a lot of time frames that are discussed in the law but our view is that most if not all of those are the maximums. That if we took the maximum time they allow for all the steps there would be no way to get it on the ballot in November but the City has always been willing to try to expedite things and the County has been willing to expedite things.

Council Member Bigler asked what maximum means. Dave Carlson said for example the law gives us from the date the application is made to do the referendum the City has 15 days to prepare packets and get them out. We didn't take 15 days we took maybe two or three days to get those out. The law gives the City 15 days after the petition is certified to provide a ballot title to the sponsors. The ballot title is the language that would actually go on the ballot and we are prepared to do that immediately so we don't use those 15 days. We have tried to be prepared ahead of time so we don't need to use all the time the law allows in order to get it on the ballot. There has been one sticking point and that is that there is a provision in state law that relates to the issue of the ballot titles that states it has to be in 60 days ahead of the election and we can't do that. Council Member Bigler said so it can't be on the November ballot. Dave Carlson said that is where there is a little bit of a disagreement. That is the Statute the State brought to our attention but we have a different view on that and whether it is binding on us or not. That particular law says "unless it is specifically provided elsewhere" that law applies. There is a specific provision in the local referendum statute that deals with bond initiatives; there is a separate ballot title provision there and it doesn't discuss the 60 day rule so our feeling is that there is a good argument to say that the 60 day timeframe is not binding on us. Basically what the State officials have said is that they are going to leave it up to the City to decide that. Council Member Bigler asked who told Dave Carlson that because they told him something completely different, in fact he called Council Member Bigler and said there are multiple laws they would be breaking. Dave Carlson said he is not going to get into an argument here about who said what. Dave Carlson said he will tell him later in private but not in a public meeting. Council Member Bigler asked Dave Carlson if State officials told him they would leave it up to the City. Dave Carlson replied that what the State officials said is that they will not interfere if the City decides to go forward. He said from the City's standpoint, the only thing that could trip it up is if the sponsors try to pull the plug on it. He said he thinks from the City's point of view, our plan all along has been to do it in November. We don't know what the sponsors' intent is or if they are going to object or try to postpone it. Council Member Bigler asked what Dave Carlson means by the sponsors. Dave Carlson replied that the sponsors are the five people who applied to do the referendum. Annette Spendlove said there are eight.

Annette Spendlove said she thinks as a city our goal should be to get it on the ballot as soon as we can. The people want it on the ballot so we should try to comply. Council Member Bigler said no one agrees more with

714 that. Dave Carlson said he won't quote people that aren't here to speak for themselves but that it is his opinion
715 that we can do it. Mayor Harris said the City wants to know if the petition has standing or not as quickly as
716 possible. The County is going to give us their certification in the next couple days. Dave Carlson said they
717 promised to expedite it. Mayor Harris said if there are enough certified signatures and it is a valid petition we will
718 stop all work on the project until the election is held.

719
720 Council Member Bigler asked if those names come in will the Council honor that and the voice of the people
721 rather than just going and doing another resolution to make that petition void. He said there was an email from a
722 Council Member that said we can do a new resolution for \$1 less than before. Dave Carlson said he can't quote it
723 right now but he thinks there is a provision in state law that would create some difficulty with that. Council
724 Member Bigler asked the Council if even if it isn't in state law would they do that. He asked that the Council
725 respect the voice of the people. They have worked hard on two petitions. The first one was rendered void when
726 the new bond parameters were set. He said he thinks if that were to happen again it would be playing games and
727 it would not be a good thing. The people have spoken and we need to respect that. He said residents have
728 mentioned that the City may just pass another resolution for a slightly lower amount. He said that would be
729 shame and he hopes that's not in the cards because that just circumvents the residents' voice. Dave Carlson said
730 the first petition was blatantly illegal and even if the new resolution had not been adopted the City would have
731 had no recourse but to reject that petition because it didn't follow the requirements of state law. Council Member
732 Bigler maintains that it was done legally and there was not a judge who said otherwise. That needs to be made
733 perfectly clear. Before it was able to go to a judge the bond parameters were voted on and changed and that
734 rendered the first petition void. He said that is why the lawsuit against the residents was dropped, because it was
735 void and there is an email from a Council Member that says tomorrow night let's go ahead and change the bond
736 parameters and then it will void the petition. That was sent on August 22nd, so what Dave Carlson says is his legal
737 opinion but we also have some legal opinions that said you have a very strong case and just for the record that
738 was not, even though it's been reported several times and continues to be said, that was not a decision made by
739 the court, that it was done illegally. Dave Carlson said what Council Member Bigler said is partially true but
740 there is a lot of inaccuracy also. The sponsors had the remedy to take the petition straight to the Utah Supreme
741 Court if they felt in any way, shape or form that the City's action in rejecting that petition was illegal and they did
742 not take that remedy. He cited 12 areas of State law that the petition flagrantly violated. In his opinion the first
743 petition was not at all close with complying with State law and the sponsors had the option to take it straight to
744 the Utah Supreme Court.

745
746 Council Member Taylor asked is this a court of law? Is the City Attorney on trial here?

747
748 Council Member Bigler said he wanted on the record that it was not decided in a court of law. He said if the
749 petitioners had the option to sue the City they didn't have an opportunity to do that because the bond resolution
750 amount was changed and it voided the petition. The options then were to take it all the way up and let the
751 Supreme Court make a decision or file another petition. They decided to file a new petition rather than fight a
752 long legal battle. That's why it wasn't carried forth. If the City hadn't changed the amount it would still be
753 ongoing. Dave Carlson said the reason the City dropped it had nothing to do with the merits of the case at all.

754
755 Council Member Taylor said he said he doesn't think there was any maliciousness in why the bond parameter was
756 changed from \$10 million. That was just a parameter and that can change. The Council did not purposefully do
757 that to invalidate the petition. The lawsuit was not a personal action against the gentlemen it was filed against.
758 The individuals that filed a legal action against the City had to have a human being tied to it. You can't sue a
759 document; it has to be a person. He was one of the councilmen that asked that the lawsuit be dropped. There is
760 no malintent. We are not trying to twist things and sabotage the people and the petition.

761
762 Council Member Bigler said this has been a very tough ongoing issue for all of us. When we say there is no
763 malintent and then he gets an email as a City Council Member; the current bond parameter is \$7 million and a
764 Council member sends an email to all the Council and to the Mayor that says lets change the bond parameter to

765 \$6,999,999 to void the petition. That is bothersome and that is malintent and it's totally disrespecting residents.
766 There wasn't an email response that says no. There was nobody that said that's wrong, don't do that. That is
767 playing games and it's wrong, it is troublesome. Council Member Taylor said he doesn't remember the email in
768 question but asked if the person was asking whether that is legal. Council Member Bigler said let's say it was.
769 Why would they ask the question? Council Member Taylor asked if they were actually suggesting it. Council
770 Member Bigler replied, let's say it was. He said that is why he is concerned; that kind of email and then we
771 pretend we want to do what the residents want. Mayor Harris said we aren't pretending anything. We understand
772 that people were concerned about the \$10 million parameter and lowered it 30% to \$7 million to build a facility
773 that is sorely needed. There are all kinds of stories and sides to this and we need to move on.
774

PUBLIC/COUNCIL COMMENTS

775
776
777 Justin Fawson, 2539 N 1600 E, said as a sponsor of both petitions he can tell you that they do want it on the
778 ballot. The people of the city want the building they just don't want the extravagant price tag. He also disagrees
779 with Dave Carlson.
780

781 Gary Attebery, 3030 N 425 E, referred to a print out of the minutes of July 12, 2011 which is included as
782 Attachment D. Council Member Bigler asked why we don't let the people vote on it. Council Member Flamm
783 asked when we could do that. Annette Spendlove said it's too late for this election. Council Member Flamm said
784 he is opposed to waiting a year. Council Member Bigler asked why it's too late. Annette Spendlove said for
785 bonding to go on the ballot it had to be prepared in June. Annette Spendlove said there is new information in the
786 law and she would not be comfortable giving it today.
787

788 Annette Spendlove said these are two different laws; one is for the petitioners to create a law and the other is for
789 the petitioners to remove a law.
790

791 Gary Attebery asked what the 60 days are for. He thinks those 60 days are for him to go out and put signs out
792 and tell everybody what he thinks about it. He demands to have his right to advertise whether he is for or against
793 the resolution. Mr. Attebery said Dave Carlson said the City's plan all along was to do it in November. Mr.
794 Attebery said if that was the City's plan why didn't we use the first petition? He had people ask him if they
795 would get sued if they signed this petition. Mayor Harris asked him to sum up. Mr. Attebery said the sponsors
796 had the right to take it to the Supreme Court unfortunately they don't have an attorney on payroll so they have to
797 fly by the seat of their pants.
798

799 Aaron Farr, 820 E 1850 N, said he thinks the method used to select the temporary City Council member is really a
800 mess and is not fair at all. These folks finally get a chance to serve and the Mayor gives Council Member Taylor
801 the first choice. He said that is not fair.
802

803 Slade Opheikens, 1268 E 2650 N, said he would push for the November ballot because he has an interest in the
804 project. It is necessary and he feels sorry for Mel Blanchard and his crew. He asked if it is a better option to
805 show residents what they can get for \$3, \$4, or \$5 a month rather than just a yes or no. He has looked at this from
806 both sides, as a contractor and as a resident because he has lived here for over 30 years. He would like to figure
807 out how to help residents make an informed decision. He asked that the City Council revisit stopping all spending
808 on this project. Mr. Opheikens submitted his notes as Attachment E.
809

810 Shana Miller, 2903 N 1050 E, said this is not just a \$3, \$4, or \$5 thing. For some people it could be a lot more
811 money if they have bigger families or if they have three garbage cans. If you bathe your kids every other day you
812 use more water. She said she did take a petition around and had people ask if they could be sued. There is a lot
813 of discord between the Council members. There is a difference of opinion but that has clouded what the residents
814 want. She understands a lot of work has been done but she doesn't feel like she knew about it for a long time.

815 She expects the City Council to be her voice and asked them to put their differences aside and do what is best for
816 the community.

817
818 Harrison Spendlove, 830 E 3550 N, said he is registered voter in North Ogden City and he never got approached
819 to sign the petition. He said, in respect to his mother, this has caused a lot of controversy in the City and his
820 opinion has been stated that the facility is needed. He has worked in the current facility. There has been a lot of
821 mudslinging the past few months among staff and residents and he finds it disappointing. He has lost respect for a
822 lot of people. The minute he hears attacks on his mother he can't take it and it has been personal. She is an
823 honest, upright woman and she does everything for the City. She puts in 60 hours a week and does not get paid
824 overtime. She comes home exhausted but happy because she loves the City. He said she doesn't deserve that.

825
826 Council Member Bigler said regarding Mary's restaurant, which used to be Winger's, the word was that they lost
827 the Winger's franchise but that's not what happened. The owners are Korean and they wanted to add some
828 Korean food to the menu but Winger's said no. They are losing about \$8,000 a month and we would love them to
829 be successful here in North Ogden. The historical museum had their open house and that is a great facility. He
830 said we talked about this several months ago and he would still like to see a link to their website on our website.
831 He said he would also like a link to email all the Council Members at once so people don't have to click on them
832 individually.

833
834 Council Member Taylor said regarding the procedure for the selection of the temporary City Council member.
835 Mayor Harris' email states that by law the vote must be open; the City Council member will make a motion to fill
836 the seat with a given candidate. Since Brent's seat is being filled and as a courtesy to him I will ask that he make
837 the first motion. The motion has to be seconded. There will be discussion on the motion and then the vote. As
838 usual only Council Members will vote. The Mayor will only vote to break a tie. The process will continue until
839 one of the candidates receives three or more yes votes be it the first or the last. If in the off chance that none of
840 the six candidates receives the minimum three yes votes the process will continue. He said he would like that
841 entire email included as part of the minutes so people can see that the Mayor said absolutely nothing illegal. The
842 email is included as Attachment F. No discussion of candidates was included. He said for him it was not a big
843 deal whether he made the first motion or not that is why he was happy to let someone else do it. The sad thing is
844 that the use of insinuations like that when there was nothing illegal in that email is really unfortunate. Those
845 insinuations become generally accepted and that is unfortunate. He said he thinks Mr. Farr's assessment that it
846 was sour grapes is just that. Mr. Hulme has been coming to almost every single City Council meeting since as
847 long as Council Member Taylor has been here he serves on the Planning Commission and the EDC. Council
848 Member Taylor said he respects that. He has paid the price to be on the Council. That's why he felt comfortable
849 putting his name forward. There was nothing illegal or unethical and insinuations like that don't help anyone. He
850 said he was reading in the newspaper the other day about the City falsifying documents, the claims by Council
851 Member Bigler and former Council Member Steve Huntsman. He is tired of these insinuations about people's
852 character. Once you throw that out there about someone's character you can never go back and collect all those
853 feathers in the wind. Something like that is very serious, that would put a City Recorder in jail if they falsified a
854 document or changed a resolution after the fact as Council Member Bigler has alleged in an affidavit. He said he
855 wants to be on the record that he completely rejects that and he knows Annette Spendlove, she is a person of
856 integrity and that is not true. He thinks our City staff are great people and please don't read into their intent that
857 they are trying to do things that are deceitful. Debbie Cardenas is still in her office late at night. Edward O.
858 Dickie III, the City Manager, is a great employee. Dave Carlson, the City Attorney, is fantastic as well though he
859 said he hasn't always agreed with everything he said either. Things can get controversial and that's fine but he
860 wants to say he believes our city staff is honest and they are good people. He gives his support as he is leaving
861 and hopes that a good solution can be worked out.

862
863 Council Member Turner welcomed Dave Hulme aboard and wished Council Member Taylor the best of luck. We
864 will miss him. He hopes he comes back well and healthy and things go well. He echoed Council Member
865 Taylor's sentiments on the City's staff and employees.

866
867 Mayor Harris thanked Council Member Taylor for his service and said we will see him in nine to 12 months.
868

869 **ADJOURNMENT**

870
871 **Council Member Harris moved to adjourn. Council Member Turner seconded the motion.**
872

873 **Voting on the motion:**

874
875 **Council Member Taylor yes**
876 **Council Member Turner yes**
877 **Council Member Flamm yes**
878 **Council Member Harris yes**
879 **Council Member Bigler yes**
880

881 **The motion passed unanimously.**

882
883 The meeting adjourned at 9:08pm.
884

885
886 _____
887 Richard G. Harris, Mayor

888
889 _____
890 S. Annette Spendlove, MMC
891 City Recorder

892
893 _____
894
895 Date approved
896

NOT APPROVED