

**NORTH OGDEN CITY COUNCIL MINUTES
SPECIAL MEETING**

September 18, 2012

The North Ogden City Council convened in a special meeting on September 18, 2012 at 6:30 pm in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on September 11, 2012. Notice of the annual meeting schedule was published in the Standard-Examiner on January 16, 2012.

PRESENT:	Richard G. Harris	Mayor
	Kent Bailey	Council Member
	Wade Bigler	Council Member
	Justin Fawson	Council Member
	Cheryl Stoker	Council Member
	Brent Taylor	Council Member

STAFF PRESENT:	Annette Spendlove	HR Director/City Recorder
	Ron Chandler	City Manager
	Mel Blanchard	Public Works Director
	Jon Call	City Attorney
	Dave Nordquist	Community Services Director

VISITORS:	Dennis Crezee	Phillip Swanson	Dave Hulme
	Alma Harris	Margaret Deaton	Jim Suhr
	Steve Prisbrey	Max Oostyen	Carl Turner
	Blake Welling	Kris Barker	Annie Barker
	Lynn Satterthwaite	Jim Flinders	Tiffany Turner
	Rachel Trotter	Dale Swenson	Don Colvin

Mayor Harris welcomed those in attendance.

Council Member Stoker offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

Mayor Harris explained to the audience this would be the chance for audience members to address the City Council. He stated those who would like to speak should approach the podium and state their name and address.

Denise Crezee, 1375 E. 2750 N., thanked the Mayor and Council for the street light and the slurry seal on their road. He said it makes a big difference. He said the City Council is doing a great job. He said he is proud of the activities. He stated he is unable to be here all the time and he expects in his absence the elected officials will represent him and his neighborhood. He said he pulled up the crime report the other day and one thing on there that bothers him is the breaking and entering. He said he thinks it stems from the fact that the City used to block everyone from coming around then they had to put out the no solicitor signs. He said when he left his house he had two guys trying to sell him an Xfinity subscription. He said he forgot to ask for their badge. He said he would ask Council to take a look at some of the sexual things

going on and particularly the breaking and entering crimes. He said he walks around his neighborhood and is aware of anything out of place. He offered his services in any way he can help. He said one thing troubling him is the reporting from the Standard Examiner and the representation of the Council. He said he agrees with the way they are handling the news.

2. DISCUSSION AND/OR ACTION TO PURCHASE FIREWORKS FOR THE JULY 4, 2013.

Dave Nordquist, Community Services Director, stated a couple of weeks ago a Cherry Days meeting was held which Council Member Fawson, Ron Chandler, Mayor Harris, many other people who represent departments of the City, and himself attended. He said the discussion was whether to move forward with the funding of Cherry Days. He said it was decided to participate in fundraising headed by Council Member Fawson. He stated Council Member Fawson agreed to be the chairperson on that committee. He said it was decided they would bring to Council the cost of the fireworks and the need to order them. He referred to the memo included in the packet. He said the \$20,000 fee is an arbitrary amount, it can be any amount. He said that is what they spent in the last four or five years. He said they need to order the fireworks now to receive more fireworks for \$20,000. He said if they order them now they will be getting about \$24,000 worth of fireworks for \$20,000. He said if they are able to get a bonus of fireworks then the length of the show will run closer to 20 minutes. He asked the Council whether they would like them to buy the fireworks now and get more or wait until the Committee has funded it, if they choose to. He said there is a risk to wait.

Council Member Fawson said he wanted more community and business involvement with purchasing fireworks for Cherry Days. He said they discussed ideas such as charging admission to selling goods. He said he loved the fireworks display this year. He said he doesn't think they want to go without fireworks; it serves a purpose of bringing the community together and celebrating. He said he is willing to chair the committee and go after some funding in the community because he would like to see that happen. He said if the funding cannot be raised in the community the City will be on the hook for that. He said it depends on their own efforts and community involvement with how well they do and how much they will have to pay. He is in favor of making sure the fireworks happen, but would like to see the community involvement.

Council Member Taylor asked when is the drop dead date for getting the discount from the fireworks manufacturer. Dave Nordquist said he believes it is October 1st. Council Member Fawson said this year they were able to pay for it very late and received a discount because there were not as many people who participated. He said the discount is not guaranteed if they wait that long.

Council Member Taylor said they are close to the date and he appreciates Council Member Fawson stepping up and is in favor of this. He said he thinks they can raise a significant portion of the funds if not all of the funds.

Council Member Bailey clarified they are looking at \$20,000 and they are proposing that they will get community support to cover the cost of that. Dave Nordquist stated they would be prepaying the fireworks.

Ron Chandler, City Manager, said what is being asked is the authorization to use City funds to purchase \$20,000 worth of fireworks now and fundraising would take place to bring the funds in. Council Member Bailey asked what part of the budget it will come out of. Bryan Steele, Finance Director, stated it would come out of the General Fund Balance. He said they were at 18% at the end of last year and should be around 16% the end of this year. He said it looks like revenues are coming in above what was budgeted.

Council Member Fawson asked about the impact of \$20,000. Bryan Steele replied it is not much, less than one percent.

Council Member Bigler made a motion to accept the expenditure of \$20,000 for fireworks. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Mayor Harris commented on the remarkable fireworks display they had this past year. He said everything worked out much better than what has happened in the past. He said it will add to their celebration.

Council Member Bailey stated there was one unhappy citizen and asked whether that had been taken care of. Ron Chandler explained they met with the citizen and came up with a solution.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE MEMBERS OF THE PUBLIC WORKS FACILITIES COMMITTEE.

Mayor Harris discussed the process. He stated the Mayor appoints committee members with the advice and consent of the Council. He said you can get into a situation where certain nominees are opposed by one side or another; you can get into a stalemate by the Mayor proposing committee members that are opposed by the Council and voting it down. He said they must be careful because any time they receive nominations you have generally more people that want to be considered for the committee than you have room to accommodate. He said it becomes awkward to discuss nominations because of the potential to embarrass people and they do not want to do that. He said he has made a couple of proposals and they can discuss situations through email and talking with one another, they cannot make decisions until they get into a public meeting. He said he has made a couple of proposals and the Council has not been entirely happy with those proposals and does not want to get into a ‘take it or leave it’ situation. He said there are some things they need to discuss. He said he is not sure all of the ramifications have been covered; for instance, the size of the committee. He said he is not sure what size they ought to have. He made a proposal for 11 members. He said to him that is too many to be effective but in this case it could work because of the various levels of expertise needed. He said the 11 members would include the City Council as part of the committee. He said he has received feedback from the Council that they may not have the time or resources to spend on the committee. He said perhaps they should have an oversight position and have additional members from the community to make a full committee.

Mayor Harris said at this point he would like to have a discussion with the Council on two or three things. He asked what direct involvement the Council wants on the Public Works Facility Committee. He asked what size the committee should be and said they need to decide on the process from here on out.

Council Member Bailey said it is important to establish a framework that leads to a consensus or a blueprint for moving forward. He said the project seems to him to be very daunting and will require a considerable amount of time. They need to keep that in mind with the citizen involvement and the Council involvement. He said he doesn’t know the appropriate size of the committee. He asked they determine if the Council would like to serve directly on the committee.

Council Member Fawson said he is in favor of a larger committee because he believes that many hands make light work and there are many experts in their community that they could draw upon. He said he is willing to serve on the committee, but is in favor of being an advisory member. He said he believes they should call upon residents who are experts and can contribute to this type of work and have the background to accomplish the work. He said being an advisory member would provide him the opportunity to speak his mind, share his views and opinions, and give directions, but he is not a general contractor or an engineer. He said he would like to have more people on the committee who have that expertise.

Council Member Stoker said she agrees with Council Member Fawson, she is willing to serve but does not have the expertise. She said she would like to be an advisory member. She said one of the reasons she got upset in the past is because she felt there was a lot of conflict of interest. She said she doesn't want to see that happen again.

Mayor Harris said at the beginning of the year they changed the Council Rules of Procedure to allow all five Council Members serve on a committee. He said to do that they had to change the rules and conduct the meeting as open and public meetings rather than just committee meetings. He said there is a provision in the law that allows the Council to form an oversight committee. He said one thing they might do is to reconsider the total make up of the committee and have the Council serve as an oversight committee.

Council Member Bailey asked if they were to serve as an oversight committee does that assume the committee that would be appointed does not have official Council representation. Mayor Harris said he would think it would be one or the other. Council Member Bailey said he would prefer they are on it or not on it.

Council Member Fawson asked the technical difference between oversight committee members and advisory committee members. Mayor Harris replied he is not sure there is a lot of difference, State Statute provides for an oversight committee. He said previous to the Council changing the Rules of Procedure all five Council Members could not serve on a committee. He said the difference would depend on how much separation they want and how much they are willing to let the committee work on its own.

Council Member Bailey asked if there are guidelines with regard to an oversight committee. He said he thinks there is great interest to be a part of the process much like they do with the Economic Development Committee where they attend the meetings without being voting members. He asked if serving as an oversight committee would preclude them from anything like that. Mayor Harris replied no.

Council Member Taylor said he thinks it would be helpful for the Council to serve on the committee because of the timeframe of the project. There is so much to review and Council involvement would save some steps down the road. He said he looks at the calendar and if the project involves a bond it will require an election and they are looking at next year. He said the soonest election is June. He said he thinks it would be good to have it at a different time than the City election. He said more Council involvement initially would be helpful and as the project goes to an execution phase the Council can step back and let the committee handle that rather than having the full Council at every meeting. He said the key point is that it provides some efficiency. He said this committee would be best if it was forward looking and not going to relive the past. He said the best way to do that is to not have the committee stacked in any one way but to have a balanced committee. He provided the Council with a proposal of what he thinks would be a balanced committee (attachment A). He said he would recommend there be 14 people on the committee, which includes eight residents who are knowledgeable and have experience. He said it would also include all the Council Members and the Mayor so everyone is updated on all the information. He said he would propose the Mayor be the chairman. He said he would propose that all five Council Members submit three nominees and at least one person from each Council Members' list be

included. He said the remaining three can be any residents who have volunteered or from any of the lists at the Mayor's discretion. He said the Mayor will only vote in the case of a tie. He proposes the Mayor have the updated list to him by next Tuesday so they can vote and get this project started as soon as possible.

Council Member Bigler said they have already submitted names and he doesn't think they should go backwards. He said Mayor Harris has mentioned some names he would like to appoint. He said as far as the number some names were recommended by all five Council. He said this is a good shell to work from but he thinks it is a little too rigid because they are already beyond some of this.

Mayor Harris said they can still consider that same list of names, just give it a second consideration to make sure they are all on the same page.

Council Member Bigler said they have 11 committee members now, if the Council doesn't think that 13 is too many they could appoint two or three more members and keep those the Mayor has already proposed. Mayor Harris said the proposal he made has 11 members including the five members of the City Council. He said he would need two more members.

Council Member Bigler said they discussed the size of the committee at the last meeting and obviously they do not want 30 members. He said he didn't have a certain number in mind. He said the proposed members he knows of are solid and there are none going back to the past. He said all his recommendations are experienced with building facilities such as this or they are engineers. He said there are people who do this kind of thing for a living who have volunteered their expertise and time free of charge for the City. He said it is more important to him to get those types of qualified people rather than worrying about the past. He proposed they add a few more to have the number Council Member Taylor wanted and to keep the ones that have already been proposed.

Mayor Harris said his 11 member list has at least one nominee from each Council Member and in several cases there is more than one nominee from each Council Member. He said that could work because he has already taken that into account.

Council Member Bailey asked if Mayor Harris has enough names from the Council. Mayor Harris stated he had 20 names proposed, but some declined. He said he explained to all the nominees that they had more people recommended than he had slots open. He said they are trying to be as fair and considerate as they can with their residents because this is a touchy situation. He said he is hearing they should stick to Council Member Taylor's proposal and keep the names they have as well as adding a couple more names.

Council Member Fawson commented that he would be more than happy to serve, he wants to be involved. He said if the committee is larger he would rather be involved on a voting level. He said he thinks they need more expertise so if they were to cap the committee as a small committee and if the City Council were to take up a large portion of those seats that was his biggest concern.

Mayor Harris stated his intention was never to cap the committee. He said he would like to honor Council Member Taylor's proposal and asked for ideas on the last two committee members.

Council Member Bailey asked that Mayor Harris give priority to the ones that are recommended by the Council as he looks to fill those last two names.

Council Member Bigler agreed and stated that every Council Member has someone they proposed on the list. He said some of the names overlap, there is only a total of four names that were proposed by the

Council. He said he would be fine if they could add two more from the list of people they have already recommended. He said they still have some engineers and building experts on that list.

Mayor Harris stated he had four residents volunteer to serve on this committee and he proposed two of them serve. He said his only concern is that Council Member Taylor made several recommendations and most declined.

Council Member Taylor said he supports keeping the 11 they have and adding two more residents. He said all of those he submitted have declined for various reasons. He said he would like to submit one more name for consideration.

Mayor Harris said rather than have 14 members they could have 15, it will not make that much difference.

Council Member Bigler said to Mayor Harris that he appreciates the work he has done. Mayor Harris thanked him.

Council Member Stoker made a motion to accept the names submitted with the additional one Council Member Taylor has requested and two more residents for a total of 15 members on the Public Works Committee.

Mayor Harris said he already has names that were previously submitted and could pick from those. He said Council Member Taylor has one more name to submit. Council Member Bigler said technically they do not need a motion. Mayor Harris said he thinks they need a motion because this is the official process. Council Member Fawson asked if it is a 15 member committee will the Mayor still chair the committee. Council Member Stoker said her motion included the Mayor. Council Member Fawson asked if the Mayor will vote. Council Member Taylor said there are usually one or two people missing on the committee, so he would recommend they have the Mayor be impartial unless there is a tie. Council Member Bigler said Mayor Harris mentioned having 15 members. He said if that is the case each Council Member could choose two people. Council Member Fawson pointed out that the Mayor has already recommended two people. Mayor Harris said he has enough names and can pick two names from what was already submitted.

Council Member Bigler seconded the motion.

Council Member Bailey said he likes the idea of having a 14 member committee because of the voting.

Council Member Bailey made a substitute motion to use Council Member Taylor's recommendation along with two others from the list that has already been submitted to come up with a total of 14 members. Council Member Fawson seconded the motion.

Council Member Bigler said if there are 15 people on the committee you will have another person on there that was recommended. Council Member Taylor said he is fine with the motion. He said the only thing he would ask to add in the motion is that the Mayor be the chair and only vote in the event of a tie. Council Member Bigler said he believes it is the Mayor's right to choose the chair. He said he doesn't think the Council makes the motion to appoint the chair.

Council Member Bailey asked Jon Call for clarification and if appointing the chair is up to the Mayor and the Council to work out. Jon Call said it does state the Mayor is the one that structures the committee with the consent of the Council. Council Member Bailey said they may be doing this backwards. Jon Call stated in this case they are advising the Mayor.

Council Member Bigler stated he wouldn't mind having 15 members. He said the name submitted by Council Member Taylor could serve. Mayor Harris asked if he is suggesting they go back to the original motion. He said other than having Council Member Taylor submit a name, Mayor Harris should just appoint those that he thinks has the best expertise.

Council Member Bigler made a second substitute motion to approve a 15 member committee, five Council Members, 11 of the members will be those the Mayor has already submitted, three more will be chosen from the list and Council Member Taylor will be allowed to add one more name to the list and the Mayor. The Mayor will be the chair only voting if there is a tie. Council Member Fawson seconded the motion.

Council Member Bigler said there is a piece of it here from all the work the Mayor has done. He said there are a lot of names and they were all alright; it is not like they are excluding anyone. The process is working the way it is supposed to.

Council Member Bailey asked what they get in a 15 member committee that they don't get in a 14 member committee. Council Member Bigler responded that they get one more person that they have recommended to serve on it. He said the Mayor has to turn down more people than he can appoint, it gives him another option.

Council Member Taylor asked if it is going to be 14 or 15 members or. He said it would be nice if they all support the committee. He said he thinks 15 is better because it is an odd number. He said he would rather not vote no just because of one person. He asked if there is a clear consensus among the Council for 14 or 15. Council Member Bailey said he is fine with 15.

Council Member Bigler asked if they understand the numbers. He is suggesting 15 committee members not including the Mayor. He said they would have an odd number with 15 plus the Mayor as a chair. Ron Chandler restated the motion and Council Member Bigler agreed that is his motion.

Council Member Bailey withdrew his motion.

Voting on the motion:

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

The motion passed unanimously.

Mayor Harris said the list will be ready to vote on at the next City Council meeting.

4. PUBLIC COMMENTS.

Dale Swenson, 3593 N 575 E, said he is concerned about the policy that in order for any Council Member to discuss anything with the media or a citizen they must first submit information to the rest of the City Council in order to get permission to do that. He said that seems restrictive in a free society. He asked if he has misunderstood. He said if that is the case he would ask the Council to reconsider that policy.

Council Member Fawson said the media policy requires them to state the conversations they have had after the fact or copy other elected officials and the City Manager on their correspondence with the media.

He said it does not restrict what they say, when they say it. The purpose it serves is to bring them into the loop on what is going out into the community. It does not apply to the conversations with the residents.

Mayor Harris said it is a process that has been approved by the Council. Council Member Bigler said there has been a lot of misinformation. He said they adopted it out of courtesy to others so they are in the loop of what is going on. He said this is not an ordinance. He said it has been reported in the newspaper they don't want transparency, he said it actually creates transparency. He said anything he tells the media is on the record because it is in print rather than a phone call. He said this policy provides residents with the truth and accuracy. He said they can provide residents with their exact response; it wasn't to control the Council Members. He said having it in print helps with accuracy. He said as far as providing a copy to the other Council Members that is a courtesy so they know what is being said. He said North Ogden residents need to know it creates transparency so they can actually see the truth of what is going on. He said phone calls can be very interesting. He said he has had discussions with the media while he was at Disneyland and some things came out in the newspaper that were different from what was said, but that is what they have to deal with.

Council Member Taylor clarified this was passed by ordinance, so it is an ordinance. He said the intentions behind it are not what concerns him, he is all for more transparency. He said his concern is that the media policy controls how you can talk to the media. He said for example if a reporter approached him after the meeting, the policy does not allow him to have that conversation. He said there is a great argument to be made. He is not disputing the value of transparency, he would ask you to think the same way with regards to discussing something with a resident. He said he hears from residents that they have talked to a Council Member and were told something, but it is not written anywhere. Should they state they cannot talk to a constituent unless it is through an email so it is written down to prevent a misunderstanding? He said that is ridiculous and that controls free speech. He said he thinks there were some good intentions behind this, but to control the speech is not sensible and not something they would apply to speaking to a resident.

Council Member Fawson said the intent of the media policy was to keep the rest of the Council Members in the loop. He said if you have a conversation with the media their desire is to be in the loop about the information. He said he finds the same thing helpful when they are talking to a resident. He said it is a courtesy for him to share it with the rest of the Council. He said it is his understanding that the media policy does not restrict them from having conversations face-to-face or over the phone, but they bring the other City officials and the City Manager into the loop. Council Member Taylor said that would be a good change to make to the media policy, but it does not state that. Council Member Fawson said he is open to that change and it was brought up in the discussions regarding the policy.

Tiffany Turner, 2673 N 950 E, suggested they post all the emails on the website because she knows there is a lot of behind the scenes stuff that goes on. Council Member Bigler stated he recommended that last year and that discussion was recently brought up that they would like to do that.

Phil Swanson, 1066 E 3300 N, recommend they have Joe Citizen on the Public Works Facility Committee. He said one issue that occurred last time from his perspective was the ability of the Council and Committee to communicate to the average citizen what was going on, in terms that the average citizen could understand. He said it is great to have all the free expertise in the community, but they should have one of the remaining slots be the average person who helps with the communication.

Mayor Harris said he thinks that is covered. He said he looked at diversity, demographics, expertise, and experience.

Steve Prisbrey, 1287 E 2650 N, agreed with what was said about the experts on the committee. He asked if any of the experts will be involved in the bidding. Mayor Harris replied no one that is on the committee at this point would be involved with the bidding. Steve Prisbrey said it seems like it would be a conflict if they were. He said Council Member Taylor mentioned something about not going backward with creating this board. He said in his opinion elections have consequences and it seems like there was a good mandate election. The voice of the people stood up and was upset about what was perceived with what was going on in the City and what was being recommended to be built. He said he recommends they go back a little on what took place at the elections and remember how the residents felt and the emotions that were involved in the last election.

Dennis Crezee, 2765 N 1375 E, said he wanted to comment about retracing the Council's steps. He said it is good to bring stuff forward, but you don't want to cloud the issue. He suggested new members, new people, and new ideas be on the committee.

Dave Hulme, 513 E 1700 N, applauded staff, the Mayor, and the Council for working together and coming up with this resolution.

5. COUNCIL/STAFF AND MAYOR COMMENTS.

Council Member Taylor echoed what Mrs. Turner said that they add use of emails as a discussion item on a future agenda. He said there have been a lot of things that have gone on the emails and there are some opportunities for the Council to change how the email is used and the discussions through email.

Council Member Stoker said thank you.

Council Member Bigler said they have been recently discussing having the emails on the website because of this media policy. He said any resident could get on there any time. He said he brought it up more than a year ago. He said they are working through the technical parts of this. He said any City email can be open to public scrutiny, but it is a fine line because there might be a resident who contacts the City with a concern and they may not want their name in the Standard Examiner. He said it is a public record. He said they could include all the correspondence between the Council that is not protected by law. He said including the emails from residents could hinder them from contacting elected officials in the future. He said he thinks those on the committee are all in support and they will take a look at the most current plan for the facility. He said it is not like they are throwing everything that was done in the past in the garbage. He said they will take anything and every part of it that is good and they will use it and tweak something and move forward. They will try to do it in the most fiscally responsible manner that they can. They will look at all the options and build the best facility they possibly can. He said he is confident that it will be a quality facility that will service our City well.

Council Member Fawson said he appreciates the effort that went into the discussion and the opportunity they have to have open discussion in their meetings. He said he is excited and eager to move forward and get this project done in a fiscally responsible way. He said mentioned some potholes at the last meeting and found out the next day they were patched that same day. He said he appreciates the work the Public Works Department does and the responsiveness of City Staff.

Council Member Bailey said to Mr. Prisbrey they had two elections on the Public Works Facility. He said they had the election in the fall and another round of elections because of the need to put the bond on the ballot. He said they are well aware of how the citizens of North Ogden voted and will take that into consideration. He said a large majority of voters felt they needed to look at some alternatives and they will be doing that.

Jon Call apologized for his tardiness.

Mayor Harris expressed his gratitude.

6. ADJOURNMENT.

Council Member Fawson moved to adjourn the meeting. Council Member Bigler seconded the meeting.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 7:54pm.

Richard G. Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved