

## NORTH OGDEN CITY COUNCIL MINUTES

August 28, 2012

The North Ogden City Council convened in an open meeting on August 28, 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 August 27, 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	
	Gary Kerr	Building Official	
	Craig Barker	Community Development Director	
	Mel Blanchard	Public Works Director	
	Jon Call	City Attorney	
VISITORS:	Carl Turner	David Godfrey	Jason Godfrey
	Dave Hulme	Mel Blanchard	Janet Manley
	Jim Suhr	Stacey Giatras	Jacob Weir
	John Arrington	Blake Welling	Rachel Trotter
	Gary Rands	Tiffany Turner	Lynda Pipkin
	Ken Harrison	Keanan Harrison	Taylor Chugg
	Lynn Satterthwaite	Brooke Call	Melanie Call

Mayor Harris welcomed those in attendance.

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

### CONSENT AGENDA

1. Consideration to approve the minutes of the August 7, 2012 City Council work session.
2. Consideration to approve the minutes of the August 14, 2012 City Council meeting.
3. Consideration to approve the minutes of the August 20, 2012 City Council special meeting.
4. Consideration to approve business licenses.

**Council Member Bailey moved to approve the Consent Agenda. Council Member Fawson seconded the motion.**

### Voting on the motion:

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

**The motion passed unanimously.**

## **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.

Bob Buswell, 962 East 3025 North, stated North Ogden is the best City in the State. He said it is good to have the opportunity to talk to the Council and said a long time ago he heard Mountain Road would extend to 3100 North and become Skyline Road. He asked each Council Member to comment whether they felt it would happen soon and how much it would add to our City.

Mayor Harris explained that Mountain Road has been on the City's transportation plan for many years. He said because of the work Pleasant View is doing with the State and Federal Highway Administration the name has been changed to Skyline Drive. He explained that it would come up through Harrison Boulevard onto what they know as Mountain Road and loop around the top of North Ogden and Pleasant View. He said it comes down the intersection towards Smith and Edwards. He said it will be a major arterial, but it benefits Pleasant View more than North Ogden at this particular time, because Pleasant View needs it for the gravel pit operations in their City. He said construction of a section of that is in the works, but it is Pleasant View's project. He said North Ogden City's project will be constructed as development occurs in our City. He said as subdivisions are developed that sit on top of that alignment the road will be constructed to that arterial standard. It will be many years before that is finished. He said if you look at an aerial photograph you can see portions of that road have already been constructed and it is wider than other roads in the City.

Bob Buswell directed his second question to the new Council Members. He asked if they have found out there is more to being on the City Council than just the Public Works Complex. He said he loves Mel Blanchard and thinks he does a great job.

Council Member Fawson stated he doesn't know if any of them thought the Public Works Complex was the only issue, but it certainly is a big one. Council Member Bailey agreed and added that there is a lot to City government. Council Member Stoker stated it has been an eye opener and real educational. She said she has enjoyed it and is still enjoying it as well as learning. She agreed that there is more to it than the Public Works Complex.

Mayor Harris stated normally this is not a question and answer period. He said normally the City Council will take comments and if there is something that needs action they will do that. He said they would appreciate comments so they move along with the meeting.

Blake Welling, 1098 East 3100 North, said a couple of months ago he came and complained about the street light not working at 3100 North and 1050 East. He said since last week it is functional again and he thanked those who took care of this. Mayor Harris replied he is welcome and stated the City took care of that and they appreciate his comment.

Janet Manely, 525 East 1700 North, said recently she had a problem with the ditch behind her. She said she spoke to Mel Blanchard and to Terrell Grimley. She said it overflowed into her yard and the yard next door, it made a big mess. She said her son went out every night after work until 9:00 p.m. to clean it. She asked who is supposed to be taking care of it. She said there used to be someone who came through

and cleaned it out. She said with the muskrats and the dirt it has been running high. She said people have said they have never seen it this high. She said she wants to know if the City will help them get the ditch in line so they do not have problems any longer. She said if they want to pipe it that would be fine with her and they wouldn't have any more problems. She said she needs to know which direction they should go. Mayor Harris said the Public Works Director will look into this and decide what to do. He said there is always a question between the Canal Company and the City. Council Member Bigler asked that this item be on the next Council agenda; the update on that so they know the decision and what conclusion they came to. Mayor Harris replied yes. Council Member Bailey added that Terrill Grimley called him and recommended they look to see where the responsibilities lie because he is not sure. Mayor Harris said the City will do its part and Mel Blanchard has done an excellent job in resolving those issues in the past.

Carl Turner, 2673 North 973 East, said he has a hand out for everyone. He stated he is the Chairman of the Parks, Trails, and Open Land Committee. He thanked Brent Taylor for his service to our country and Dave Hulme for his time on the City Council. He said during Cherry Days they did a survey with different questions about Parks and Trails. He stated they had 142 surveys and he wanted to provide the results so the Council was aware of the residents' responses. He went over the results of the survey and the comments they received (attachment A). Some time ago this Committee applied for a 501(3)(C) said he isn't sure of their status with the IRS. They were told it would take four to six months. He said it has been two to three months. He said they are a 501(3)(C), but have not been recognized by the IRS as a nonprofit. He said right now they cannot apply for grants. He said they have been approached by some residents for donations but he asked them to hold off or donate to the City. He said they had a resident that wanted to donate benches to Lakeview Park. He said they have a great Committee and they appreciate the support of the Council. He said they have some great projects going on.

Council Member Fawson asked how closely they work with Weber Pathways. Carl Turner replied very closely. He said they are part of their Committee. He said Weber Pathways has received a grant to do Lakeview Trail. He said they will pave it and make it a bike trail. He said they are working with them to write up an ordinance. Council Member Fawson asked if donations can be made through them as well. Carl Turner replied yes; Weber Pathways is its own entity.

Council Member Bailey asked when their Committee meets. Carl Turner replied they meet the second Wednesday of every month at the Community Services Building at 5:30 p.m.

2. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING SECTION 11-22-8(C) OF THE NORTH OGDEN CITY CODE REGARDING VERTICAL BANNERS.**

Craig Barker stated the Planning Commission was asked to look at the temporary sign section by a fellow Planning Commission member. He said they wanted to discuss the issue of temporary banners and vertical banners because of the interest from the Economic Development Committee. He said they are proposing to allow up to two vertical banners on each commercial lot and a maximum of 20 feet in height. He said they will likely have more changes as they review the temporary sign section of the ordinance.

Council Member Fawson asked whether they are looking into the enforceability of the timeframe. Craig Barker replied yes and said they have had a couple members provide ordinances from other places they have visited and he has done some research on the internet as to how other cities are enforcing their ordinances. He said enforceability is a big issue for the City.

**Council Member Taylor made a motion to approve Ordinance 2012-18 regarding vertical banners. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>
<b>Council Member Bailey</b>	<b>aye</b>

**The motion passed unanimously.**

**3. DISCUSSION AND OR/ACTION TO CONSIDER AMENDING SECTION 11-22-3(B)(1) OF THE NORTH OGDEN CITY CODE REGARDING SIGN HEIGHT.**

Council Member Bigler said this is not an issue of changing the code; it is a matter of how the code is interpreted. He asked if Annette Spendlove could put up the picture he received today. He said the current sign at the dental office is 14 feet high with one blue metal pole that supports it. He said the business owner has requested to have a new sign. He referred to the picture of the proposed sign. He said the actual sign part is smaller than the current sign. The total height of the sign will be four feet lower than the current sign. He said they put in the proper things to the City and were told they could not have the sign because under the current code it is too tall, although it is less than the current sign. He said the law states sign height is the distance from the top of the sign structure to the top of the nearest curb. He said the size of the sign and the structure is not the issue; it is the placement of it. He referred to the curb in the business parking lot and said the street curb is farther away. He said it was interpreted by staff that the nearest curb means the street curb. He said that is not what it says. He said if they want to clarify that for the future they need to go back to the Planning Commission to ask for clarification. He said he thinks they will have a problem if a business wanted to challenge that. He said they are not talking about changing it with the Planning Commission; the City Council is the legislative body that creates ordinances. He said he wanted to bring it forth for the interpretation of that ordinance where it states the sign height is the distance from the top of the sign structure to the top of the curb nearest to the sign. He said the ordinance says it can be 10 feet in height, which the sign is, but from the nearest curb it is 10 feet high. He said it is on a slope so you can see it is quite a ways down further. He said staff has interpreted it is the distance down from the street curb. He said he would imagine the height and width was done for safety reasons. He said cosmetically it is going to be a beautiful upgrade from what they have now. It will be four feet shorter; it will be in the exact same spot using the exact same foundation.

Annette Spendlove asked how far it is from the top of the stone. Council Member Bigler said from the top of the stone it is 10 feet and the ordinance reads the sign area is the area of the smallest rectangle which can enclose the sign. The metal thing on top of the sign does not pertain. It also says any monuments or other supporting structures are not calculated in the sign area. He said that is just a little higher, but that is not the signage area. He said they could leave that off if they will split hairs. He said he thinks it is aesthetically more pleasing. He said it adds a little more uniqueness. He said he wanted City Council's opinions. He said it seems they are splitting hairs with this.

Council Member Bigler said if a monument sign was right by the curb he could see a problem because if they were pulling out they couldn't see traffic, but this sign is clearly far enough back. He said the bottom part of the sign will be the electronic part of it. He said with the bushes it will be more beautiful. He said if they want to attract more businesses, it is pretty, it is updated, and it is in the same spot. He said to deny a business this saying it is too tall, when it is four feet shorter than their current sign seems like it is splitting hairs to him. He said the definition of the ordinance does not say the curb by the street, it says the nearest curb. He said he would hope they would interpret it to be the nearest curb and to allow

them to proceed with that. He said it is within the height and the distance from the street. He said the sign size is a little less than the size of the current sign. He said originally this business wanted to put a monument sign up, but they were told it was against the City's ordinance so they put a pole sign up. He said with the new ordinances they wanted to put this sign up to update and match some of the other signs in the City. He mentioned Zion's has a monument sign up that is quite a bit taller than the 10 feet. He asked to hear the other Council Member's issues.

Council Member Bailey said he would like to hear from Craig Barker. Craig Barker explained when someone comes in and applies for land use, staff examines the proposal. He said this sign is a monument sign. He said the maximum height for monument signs is 10 feet. He read the definition of a monument sign, which is located in the Zoning Ordinance. He said if the curb doesn't exist the height is determined by the height of the roadway. He said the relationship of the crown of the road to the curb is significant. He said in traditional engineering of the road the crown of road is the height of the top of the curb. He said that is why the definition states that. He said that is incorporated with some of the decision making. He said they do not define a curb in the ordinance. He said when it is not defined they refer to the common definition of a curb. He said he looked at three different definitions of a curb and they all refer to curb as curb and gutter abutting the street. He said in a college dictionary the curb is that which abuts a curb or sidewalk. He said the curb up on the upper parking lot relates to that definition, but all other curbs definitions refer to the relation of a street. He said the crown of the road relates to the curb.

Craig Barker explained that the ordinance already points out a remedy for this issue. He said the interpretation of the ordinance can go before the Administrative Law Judge to make a ruling or they can refer it back to the Planning Commission to make a change. He said he agrees with making a change. He said there are other heights they deal with such as that of a new home. He said they need to examine how they measure height and this is a good example of the issue.

Council Member Bigler said the current sign is 14 feet high. Craig Barker replied he needs to remember if the current sign is a legal nonconforming sign. Council Member Bigler pointed out they couldn't put the same size sign up and they are trying to put up a 10 foot sign, but they are splitting hairs about definitions. Craig Barker replied sometimes zoning is about splitting hairs. He said the applicant has avenues to appeal his decision.

Council Member Bailey said he understands why they have zoning and the zoning process. He said he understands sometimes they are making judgments around arbitrary measurements. He said as he reads the ordinance it seems to him that it points towards the curb that runs alongside the road and no other curb. He said the City has been less than perfect in its enforcement of sign height requirements. He asked how the City can help this business do something better than what they have. He said he knows if they have legal noncomplying situations on a home they allow a person to remodel as long as they do not increase the size. Craig Barker said the applicant can replace the face of the 14 foot sign. He said he cannot change the sign height. The ordinance states you cannot expand the structure. Council Member Bailey asked if he can make the sign smaller. Craig Barker said he does not know they will need to talk to legal counsel.

Jon Call, City Attorney, stated if you change anything that is legal nonconforming you have to bring it under compliance with the code. He said the easiest solution would be to rewrite the code and modify it. Council Member Bailey asked what the process is to rewrite the code. Craig Barker stated it would need to go before the Planning Commission and their recommendation would come back to the City Council. Council Member Bigler said he likes the wording in the other part of the code and it would be consistent from one type of sign to another. He suggested pointing the Planning Commission to the other sections in the ordinance. Council Member Bailey asked what the City Council needs to do. Mayor Harris stated they would need to make a recommendation to send it to the Planning Commission.

**Council Member Bailey made a motion that they send this to the Planning Commission for review. Council Member Bigler seconded the motion.**

Council Member Fawson asked if this is something that needs to be done now for the business. He asked if there is any possibility of letting the business owner move forward with this. Jon Call stated they would need the code changed for this to move forward. He said the notice period is two weeks. Council Member Bigler asked if the Council is giving them a directive to be consistent with that wording to be changed, are there enough of us in agreement with that because if so they could start. He said he imagines a sign like this could take a while to put up. Jon Call said he would hesitate to tell the applicant it is a guarantee because something may come up.

Council Member Bigler said he appreciates the chance to discuss this issue. He said it is important to be able to bring it to the meeting and have all Council Members discuss it. Mayor Harris said he appreciates that as well but added that you could also have the opposite effect. He said it is wise to follow the process.

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>
<b>Council Member Bailey</b>	<b>aye</b>

**The motion passed unanimously.**

**4. DISCUSSION ON WHERE TO PLACE OUTBUILDINGS ON PRIVATE PROPERTY.**

Council Member Bigler said a resident had a question and concern about this item. He asked to have the resident speak about the issue. The Council Members all agreed to allow him to speak.

Art Stowers, 2127 North Fruitland Drive, said they were in the process of constructing an out building in the back of his property. He said they lined some things up and he had come to the City to get a building permit. He said Gary Kerr asked for a more detailed plan. He said he already had a concrete man lined up and he took the liberty of having the pad poured, which he shouldn't have done. He said a building inspector came by and put a stop work order on his work. He said he went back to Mr. Kerr and found out he was too close to the property line. He said he and his wife were out of the country for a year and a half during the time the ordinance had changed and they were not aware of it. He said they are fine all the way around on three sides and they are eight feet nine inches to the neighbor to the north. He said his neighbor is on an acre and the building would not be in his view. He said he spoke to Council Member Bigler about this issue to see what his options are.

Council Member Bigler asked the issue with the distance from the neighbor. Mr. Stowers said the building is eight feet nine inches and he was told he needed to be at least twenty five feet away. He said that would place the building right in the middle of his property and hinder the use of the property around it.

Council Member Bigler said he wanted to bring this before the Council. He said the issue is the height of the building and the distance from the property line. He said it is a tough deal and it is a hard one. He said when he first came on the Council he was surprised with the height they allowed accessory buildings. He said the height and the size is permitted, the issue is the location. He said if it was his neighbor, he

couldn't even do it at his home because how his property is. He said if you do that you will have a structure right in the middle of a backyard and would be more of an eye sore than to have it tucked away a little closer in the corner. He asked Council their feelings. He said this building will be a garage, not a business. He said it would be odd to have it in the middle of the property.

Council Member Bailey said he reviewed the Planning Commission and the City Council minutes and apparently this must be one of the buildings that falls in the category of a large accessory building, larger than 600 square feet. He said he had a hard time putting his head around all the issues. He said hearing this for the first time he doesn't know where to start on this. He asked Craig Barker to give them a background on this issue.

Mayor Harris said there is a huge history on why the ordinance is written the way it is now. He said they were starting to have some huge problems. He said the Planning Commission took a number of beatings to work through the issues. He said some of the buildings were much larger than the main dwelling on the lot. He said there is a history on why the ordinance is the way it is.

Craig Barker said the main issues have developed recently in terms of large accessory buildings. He said the City began receiving applications for these large accessory buildings and there was no ordinance prohibiting them. He said people were building large buildings that were larger than the size of the dwelling. He stated the ordinance states residential dwellings are to be the main building and everything else is an accessory to that. He stated when he worked for the County they had a large problem with people building large accessory buildings three feet away from the property line. He said they began seeing those issues here in North Ogden. He said previously there was a statement in the zoning ordinance that prohibited an accessory building from being 15 feet high unless the regulation in that residential zone allows it to be higher. He said all residential zones allowed buildings to be a maximum height of 35 feet high. He said there were many neighbors that complained about the large building and the Planning Commission had to address these issues.

Craig Barker said the Planning Commission debated about the impact of the large accessory buildings. He said they allow any accessory building that is less than 600 square feet to be as little as three feet from the property lines. He said that size is larger than a two car garage. He said the Planning Commission examined the sizes, impacts, lot sizes, and what people keep in them. He said they also debated about when the rights of one property owners affect the rights of the neighbors. He said they need to recognize that. He said that is how they determined any building over 600 square feet must be 15 feet away from the property line and the height must be less than 15 feet high. If a person wants to have a building up to 25 feet high it must be set back at least 20 feet from the property line. He said the Planning Commission was trying to determine what fits within the community, but it doesn't mean it cannot be modified or looked at.

Council Member Bigler stated he appreciates Council allowing them to look at this and discuss it. He asked Mr. Stowers the size of his building. Mr. Stowers replied it is 1,000 square feet. He said it has room to park two vehicles with room for a workshop. Council Member Bigler said if he lowered the height of the building, it would still need to be 15 feet away from the property line. Craig Barker replied yes.

Council Member Stoker asked the height of the building. Mr. Stowers replied it is 24 feet high. Council Member Bigler asked if they could allow the location to be moved somehow. He said he knows they need to be consistent, but what if they do it by zones and lot size. He said he went out and looked at the lot and you can't even see the neighbors home. He said he doesn't know if there is a way to add a size of lot. Craig Barker said they did that. In the RE-20 zone on one acre of more a person can apply for a conditional use permit to place the building closer to the property line.

Craig Barker said they could add some language that specifies the distance between buildings. Council Member Bigler said if they didn't do the height thing closer another possibility might be to take a look at if he would need to lower the height and look at reducing the set back from fifteen feet to eight and half feet.

Council Member Bailey asked where they go from here. He said obviously this does not comply with the ordinance. He said they could have the Planning Commission review the ordinance again.

Mayor Harris said these are difficult situations, but when he read the ordinance there was a conflict in how it was previously written. He said seemed that the intent was not to allow any accessory building higher than 15 feet. He said there was a conflict with the provision of 35 feet. He said another reason the ordinance was changed was because one resident built a 35 foot high building in front of the picture window of his neighbor's house. He said the Planning Commission had a struggle with determining what is responsible. He said the Planning Commission can look at this, but it doesn't mean they will change anything and that doesn't mean the City Council has to accept their recommendation. He said unfortunately Mr. Stowers is out of compliance and there is not a lot they can do about that right now.

Council Member Bigler said he wouldn't want a 35 foot high building next to him either. He said he wants to make it clear he is not trying to push the City Council into doing anything; this is just the proper place to discuss it. He said he brought it forth so all five Council Members could put their heads together to see what they feel should be done.

Council Member Stoker said she thinks the Planning Commission did a good job with figuring out the height. She said she doesn't want to see the height restrictions change, because she personally wouldn't want to have a 35 foot high building in front or behind her property either. She said she does think there are some situations that come up and doesn't know what the Planning Commission can review. She said it is very unfortunate that Mr. Stowers poured the cement without a permit. She said she looked at where it was at and if it wasn't for the height issue you wouldn't know it was there because of how the property sits and how the building would be placed on the property. She said she doesn't think you would know it was there. She said she doesn't think it would be any higher than his roof line. She said she doesn't know the answer, but she does think the Planning Commission has done a good job with the height issue. She said she doesn't know if they can review this and come up with something.

Council Member Fawson said he agrees with Council Member Stoker and would want the Planning Commission to review it. He said he doesn't want the height to be 35 feet again, but look at the circumstance in which Mr. Stowers finds himself. He said he has also been in his back yard and understands. He said he thinks they need to consider it.

Mayor Harris said maybe the Planning Commission should look at the lot size as opposed to just zoning. He said maybe there is some combination to the lot size that would make sense. He said they shouldn't just look at solving Mr. Stowers' problem, but rather have it apply for everyone in the City.

Council Member Bigler agrees with having a standard, but a lot of times the issues come before the Mayor and the City Council from residents to help them become more aware. He said that is when they bring the issues forth. He said the challenge is they need ordinances that are consistent, but yet there was not a reason Mr. Stowers should not be able to put a garage in that location. There is not a home around him that could even see it. He said you cannot cater to every person, but sometimes there are some issues that say what would fit. He said maybe they could look at size. He said sometimes the regulation doesn't make sense for different spots. He said he doesn't know what the answer is.

Mayor Harris asked if the City Council wants to remand this item back to the Planning Commission by using a combination of the lot size as well as all the other factors they have looked at and by using Mr. Stowers' situation as an example.

Council Member Taylor suggested the Planning Commission consider the distance from the neighboring dwelling as well. Council Member Fawson said he agrees with Council Member Taylor and said he believes the real issue is the obstruction of view. He said that has to do with the lot size and the placement of buildings. He said they have new homes built next to older homes that restrict the view.

Council Member Bigler said to Mr. Stowers and any other residents that he appreciates them contacting Council on any issue. He said residents should feel like they can do that on any issue.

## **5. DISCUSSION REGARDING THE CITY'S MEDIA POLICY.**

Council Member Taylor said he want to bring up some points about the City's Media Policy and perhaps look at modifying it. He said this came up after a recent meeting because a reporter from the Standard Examiner had contacted all the members of the City Council for their opinions on some policy decisions being made. He said he did not cc everyone on the Council in his response to the reporter. He said he received a number or responses from his colleges on the Council, mostly polite and some nasty, stating he hadn't followed the media policy and that all discussions with the media had to be shared with everyone, which was not his understanding of the policy. He said he received some advice from the City Attorney to see if that was indeed the intent of the policy and to clarify it.

Council Member Taylor said the portions that are in question are on page two of the Policy. He said he supports most of the media policy to help control what is officially said. He said his only concern is what he views as suppression of the free speech rights in the requirements that everything be sent to all City officials and not to let elected officials speak to the media over the phone. He said it doesn't seem to be appropriate with the first amendment.

Council Member Taylor asked that they consider looking at the section stating that "all media requests shall be sent in writing to the City's PIO and elected officials, and responses sent to the media shall be sent in writing and copied to the City's PIO and elected officials, copies may also be sent to City's spokespersons as needed". He said that is the only part of the policy he is asking they consider looking at. He said he doesn't agree that type of policy is in compliance with the First Amendment. He said each of them were elected completely independent of one another and don't need each other's permission on how they speak to the media the same as they would speak to a constituent. He said if a City Council Member were acting on behalf of the City and giving the City's Official position on something then those procedures would be appropriate. He mentioned that all emails can be seen by anyone that requests them under GRAMA. He asked if the City Attorney could share his thoughts.

Jon Call, City Attorney, said he is a new City Attorney but as he read the policy his understanding was to govern official statements coming from the City as well as prevent statements that may appear to be official. He said that is why City employee's are not allowed to use City stationary to write letters to the editor as well as requiring a disclaimer stating this is an individual view not necessarily the City's policy. He said his understanding is the way the policy reads with a few minor exceptions is that it accomplishes that purpose of trying to control misinformation sent to the media or the general public. He said as for personal opinions go he feels the policy does a good job of stating employees are allowed to express their personal opinions. He said the question is whether it is taken as an official City statement. He said he does not exactly know what the intent was, but it may push the boundaries of suppressing some ideas an individual may have and contacting the media with opinions for fear of the recourse. He said he doesn't

have a strong opinion of the legality because he has never seen a policy like this and couldn't see any case law that discusses this information.

Council Member Taylor said that is why he wanted this to be examined because as he read it, he didn't feel personal opinions were subject to it. He said he wanted this to be examined because his colleagues told him his personal opinions were subject to the policy. He said he feels overall it can be a slippery slope when they are trying to control the right to free speech. He said if everyone's comments were cc'ed to everyone else it may inhibit the public discussion that may have taken place on the issue or there could be pressure for everyone to share the same opinion or reach the same conclusion. He said there is no one message they should all share and they should be allowed to disagree. He suggested modifying the policy clearly stating personal opinions are not subject to the policy. That would be an enhancement to the policy and make it better.

Council Member Stoker said she felt the media policy was not meant to impede their opinions or infringe on anyone's right of freedom of speech. They were trying to protect themselves so there was no misinterpretation, not to take any rights away. She said she thought that was stated several times.

Council Member Bailey said he thinks they do best as a City Council when the discussions are held in the City Council meetings. He said he has spent a considerable amount of time defending or explaining himself on things that were inaccurately portrayed in the media. He said he now tells people to read the official minutes. He said with the many issues the City Council deals with discussion often times starts in less than perfect ways with uncompleted formulated ideas. He said as a Council works together the vision and the rhetoric become more refined in the process. He said in his mind the news media is not a part of the secret trust they have with their constituents. He said they have a constitutionally protected right to attend and report the meetings, but they are reporters in the process, not active participants in the process. He said sometimes that changes as they put their own slant on their reporting. He said his feeling is their policy as written has worked to the great benefit of their constituents, because in their council meetings they have been able to candid and forthright and polite in the process. He said by making sure everyone knows the question asked and the response it has significantly reduced the amount of times they have been misquoted in the media so they can focus on the work they have to do, not the drama. He said he appreciates the City Attorney's comments. He said they are best served when they deal with one another courteously. He said has no problem letting other Council Members, Mayor, and the City Manager know what he has said to the media.

Council Member Fawson said he doesn't feel the media policy has inhibited his opportunity to express himself. He said he guarantees that he will express himself however he feels, but it is a common courtesy to the other elected officials as well as the City employees to include them.

Council Member Taylor asked if the interpretation that the media policy does not apply to personal opinions by City Council Members. He said that sounds like what the City Attorney has said in his response. Mayor Harris asked what that means. Council Member Taylor replied that would mean a City Council Member could speak to a reporter over the phone or a City Council Member could send a response to a reporter if they are asked a question without creating a discussion with all the City Council Members by cc all of them.

Council Member Fawson said as an elected official he feels if he is speaking about a City topic he is speaking in an official capacity even if it is his personal view and experience. He said he doesn't feel any need to communicate privately with the media or anyone else for that matter on City issues. The media should include all correspondence as outlined.

Council Member Bailey said he agrees with Council Member Fawson. He said he would prefer to speak in a public forum. He said it is a question of transparency. He said everything is subject to GRAMA and being reported in the newspaper anyways. He said he is happy to put everything out in the open.

Council Member Stoker said she doesn't think there is any one of them who has a problem with stating their own opinions and views. She said she doesn't think any one of them should be afraid of what someone thinks.

Mayor Harris asked if Council Member Taylor's issue is that if he states his opinion why he should have to put it in writing and send it to all the other City Council Members. Council Member Taylor said his concern is that the discussion can only be in writing and he doesn't see why they cannot talk on the telephone. He said if he chooses to do that and is misquoted then he will have to learn from that. He said they shouldn't prohibit any form of discussion except through email, to him that is suppression. He said not allowing any other contact to the media and requiring that email to be sent to everyone on the City Council is the other problem. He said he has no issue sharing those emails after he sent them. He said he doesn't think the discussion that occurs after everyone is cc'ed is healthy.

Council Member Fawson said it was his understanding that he has the ability to speak with the media over the phone, but he has to summarize that conversation to the media and include other Council Members. He said he doesn't feel they are being restricted. He said he feels he is filling everyone else in on the conversation. Mayor Harris said he thought the interpretation was that all conversations had to be in writing. Council Member Taylor said he could not find it in the policy that an email had to follow the telephone conversation. He added that there is a section that states if it is not public safety or an emergency the conversation has to be in writing.

Council Member Bigler said if it is not an emergency then why not have it as transparent as possible for residents. He said he doesn't see the problem with it. He said to him it is all about transparency for residents and they owe it to them to allow them to see the truth of what is happening. He said in the past a lot of things were said and there is a fine line of your opinion and speaking as if it is fact. He said sometimes you speak as if it was fact, when it wasn't. He said it becomes a he said she said thing. He said it is good if someone has a question there is a public record of what the questions were and their exact response. He said it's about residents knowing the truth and transparency helps the truth along.

Council Member Fawson said he feels the media policy has worked well in the last six months and doesn't think there have been any issues since it has been implemented. He said it has been proven over the last six months to work well.

Council Member Bailey said he doesn't think there have been any responses to the threads. He said it seems to him that if someone responds they respond on their own and have not commented on someone else's response.

Council Member Taylor said he has only seen the one thread that led to this discussion and there were comments about what others had said previously. Council Member Taylor said what they send to the media is already stored as public records. Council Member Bigler commented that phone calls are not.

Mayor Harris said Council Member Taylor suggested they modify paragraph eight. Council Member Bailey said he is happy with it the way it is.

**6. DISCUSSION AND/OR ACTION REGARDING THE COVE ANNEXATION.**

Annette Spendlove reviewed the annexation petition before the Council, she stated the annexation sits further above the North Ogden Cove subdivision. She said the petitioner purchased that property and wish to annex it into the City. She said the debris basin berm for the Cove will be built in that area. She said this item is to allow her to begin the process of annexation. She said this item will come back to the Council at a later time with an ordinance for the City Council to act on.

**Council Member Fawson moved to accept the annexation petition to start the process. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>
<b>Council Member Bailey</b>	<b>aye</b>

**The motion passed unanimously.**

**7. DISCUSSION AND/OR ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH WEBER COUNTY AND A RESOLUTION DELEGATING THE AUTHORITY TO NORTH OGDEN CITY.**

Annette Spendlove stated this item is in connection with the North Ogden Cove annexation. She said the applicants have requested to begin the debris basin in November of 2012; however, the annexation may not be finished by that time. She said the City has requested from Weber County that they oversee the construction of the debris basin. She said Weber County has seen this agreement but there were changes made and she will send it back to them. She stated they approved the initial agreement. She mentioned the changes were suggested by the City Attorney and are highlighted. She said they had to take out Dave Carlson's name and replace it with Ron Chandler's name. Ron Chandler suggested rather than putting someone's name include a title. He said if there is a change then they would not have to change the name. Everyone agreed with that suggestion.

Mayor Harris said there is a chance that the annexation will be complete in time, but it does cover the City as far as having control over what happens with the debris basin.

**Council Member Bailey made a motion to approve Resolution 11-2012 and Agreement 2012-A2 dealing with the interlocal agreement with Weber County and delegating the authority to North Ogden City. Council Member Taylor seconded the motion.**

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>
<b>Council Member Bailey</b>	<b>aye</b>

**The motion passed unanimously.**

**8. DISCUSSION AND/OR ACTION TO APPROVE THE PUBLIC WORKS FACILITY COMMITTEE.**

Mayor Harris stated the City Council has requested a new Public Works Committee be formed. He said he and Ron Chandler discussed this and they are not sure they need a Committee. He said every facet of this project has been discussed over and over again. He said his idea, as the Mayor forming the Committee, is that the City Council shall be the Committee. He said when they first came into office they amended the City Council Rules and Procedures to allow all five City Council Members to be on a committee. He said that is his proposal, but it is open for discussion. He said he had a problem getting the City Council's email replies this past week. He said there were a number of suggestions and a number of concerns. He said a number of those were in regard to policy, which the City Council would need to address any way. He said he would like to open it up for further discussion. He said there was a lot of work done on the design and a lot of work done to bring the total project in line with the costs being discussed by both sides. He said he feels it is incumbent on the City Council to look at it because the City expended funds. He said they have a schematic design and some cost estimates.

Council Member Bigler said he did respond to Mayor Harris's email and stated that he does not want to form the Committee with just them, but he agrees with having a work session to review the existing information and plans. He said he thinks that would be a good thing to do. He said it would be wise to look at everything that was done in the past. He said he wants to lay out some facts about the time line. He said all through last year with the mess in the petition they told residents they knew there was a need for a public works facility and were committed to moving that along, they just want to be more fiscally responsible. He read from February 2012 City Council meeting. He said they were in agreement to form the Public Works Committee after the vote took place in June. He said the voting was unanimous back in February not only to form the Committee, but to move forward. He said after that meeting in February the City Council submitted names to Mayor Harris on who they would like to include on the Committee. He said he thought Mayor Harris was in contact with these people. He said in May the City Council still hadn't heard anything from Mayor Harris on the Committee and they had asked for a follow up. Council Member Bigler said that Mayor Harris told them in May that he wanted to see the outcome of the elections. He said after the 80% vote against Mayor Harris said he would begin making committee appointment, but they never heard anything. He said in July the City Council asked again if appointments were made and Mayor Harris replied to the City Council that he wanted to wait until Council Member Taylor got back. He said the City Council did not oppose any of this. He said Council Member Taylor got back in August and Mayor Harris sent an email stating that he didn't know if it would do any good to form a committee.

Council Member Bigler said the law states that committees are formed at the recommendation and consent of the City Council. He said this year they have been working well with most things, but he has a real concern with this. He said back in February the City Council asked that the committee be formed and that they begin and were told four different times that he would do it. He said he gets asked all the time about the Public Works Facility. He said it needs to be known by residents that the City Council has done everything they can do to get this started since February, but for whatever reason Mayor, you have been dragging your feet and it is a concern. He said respectfully going forward it is great to have a work session and look at everything that has been done, but he said he does not want that to be the committee. He said he would like the appointments of the committee to be done immediately like they asked in February. He said last year when the petition was going on the two main arguments that were continuously brought up were that they couldn't wait because the Public Works Department needs a facility now and if they wait the interest rates and construction costs may skyrocket. He said if they would have gotten on this immediately they could have possibly begun building by now. He said earlier this summer the interest rates were a little lower than they were last summer. He said winter will set in and they won't be able to build until next summer and interest rates and construction costs could go up, it

will not be on the City Council. He said they have done everything they could do and their hands are tied. He said it doesn't seem there has been the urgency this summer that there was last summer. He said they should have the work session to look at the design. He said they have had the design for almost a year and have not seen it. He said they haven't seen the cost either. He said he is ok doing that, but would like the committee appointed as they always have been; the City Council submits the names and the Mayor appoints the members. He said he would like that process to start now, because it has already put them off another summer. He said the City Council has done everything they can and if it were done the way they asked then they could have gotten started while interest rates were low, who knows what will happen next summer.

Mayor Harris stated he never said there wouldn't be a committee, he suggested the City Council being the committee. Council Member Bigler said he doesn't want it to be the City Council. Mayor Harris said Council Member Bigler has been critical of him through this whole thing. He said there are good reasons things haven't gone forward. One of the reasons is they have had a huge turnover in their critical staff in the City. He said they have had people resign and have had to go through the hiring process. He said when he originally asked for names he only received a couple of responses from Council Member Bigler and Council Member Fawson. He said he hasn't gotten a response from every member of the City Council. He stated he is willing to move ahead and does not need to be criticized at this point.

Council Member Bigler said this year has been wonderful and they have been working together on many issues. He said his purpose is not to be critical but to get the job done for residents. He said if rates go up next year and they have to bond it will cost residents a lot more money. He said it is not his intent to be critical; his intent is this has been put off. He said they need to get this done and started. He said he has patiently waited for this.

Council Member Bailey said he is in favor of scheduling a work session. He said he knows Council Member Bigler, Council Member Stoker, Council Member Taylor, and himself have all requested to be on the committee. He clarified that what Council Member Bigler wants is for the City Council Members to serve as part of the committee along with professionals that would help with the other functions.

Council Member Bigler said they should have seen the design months ago. He said he wants the committee so they can look at the plan together and move forward together. He said he wants the Council Members and the committee members involved so they can look at all the options, just like they promised residents they would.

Council Member Bailey suggested they schedule the work session to review the available information and use the outcome of the work session. He said he never submitted names, but was fine with the names others had submitted. He said he does have some names. He would like to be able to submit names and wanted to know when he would need to have those names in. He recommended they hold the work session and submit the names before the next City Council meeting.

Council Member Bigler said they have selected some professionals who are very professional and willing to serve for free. He said he would rather select the committee now. It seems wise that they have the entire committee at the work session instead of just having City Council there.

Council Member Taylor suggested that he agrees the City Council has the biggest role up front. He said he thinks they do need a committee with professionals and some City Council members who will oversee the project. He said the first logical step is the current City Council needs to go back to the original study that was done to determine the parameters as far as the square feet for each part of the Public Works Building. He said that would be the natural starting point. He said that would give an indication of what the parameters for the actual project need to look like. He said he suggests the City Council take the lead

on that section and establish some clear budget parameters with the entire City Council. He said if the City Council does that the committee can carry that into a practical reality. They need to look at the project parameters before they look at the design.

Council Member Stoker said she agrees with some of the things Council Member Taylor said. They do need to look at what the report said about what is needed. She said they need the committee members, who are professionals, to determine what is needed. She said she hasn't seen any plans. She said she agrees with what Council Member Bigler has said and also agrees with what Council Member Taylor has said. She said she wants to see the committee in place through all of it.

Council Member Fawson said he has heard a lot of frustrations from residents in regard to the delay in the process. He said he agrees with Council Member Bigler. He said he understands there have been a lot of changes in the City over the last eight months. He said he agrees with the need for a work session as well as with Council Member Bigler on having the committee there. He said he thinks that is the purpose of a committee, to look at all these things and do a need assessment. He said they trust the people they recommend to do a great job. He said he agrees they need to immediately appoint members to the committee and schedule a work session with those members. He said he didn't volunteer for the committee, although he would like to be part of it. He said he felt like it is the committee's responsibility to do the leg work and be the professionals involved in the process.

Mayor Harris said it is obvious the City Council wants a committee. All five City Council members requested to be on the committee along with an unspecified number of committee members. Council Member Fawson said he would like the ratio of the committee to match the outcome of the election they recently had.

Council Member Bigler said he wasn't looking at a specific number, they should appoint those that have been recommended.

Mayor Harris said anyone who wants to make a recommendation to let him know immediately. Council Member Bailey asked if they could have until the end of the week to provide the names. Mayor Harris replied yes.

Council Member Bailey said they have an advice and consent as City Council Members and would like to know when they reach that consent point when they are voting committee members. He said he would like to know the background on those members and who submitted their name. He said that would help him understand where those people stand. Mayor Harris stated that is for them to figure out. He said he will interview people and he will try to get names to him as soon as possible. He said they could approve those people during the September 25, 2012 City Council meeting.

Council Member Taylor said he doesn't think the committee needs to have any ideological predetermined majority rather than eight for and two against. He said they should focus on getting people who are willing to look to the future and help to make the best possible project going forward rather than making a decision based on where those people sat on the decision last year. Mayor Harris said they need to trust the residents and everyone has a say in it, not just those that voted.

Council Member Bigler said if they appoint those that went through the legal process it will be those they trust. Mayor Harris replied that is true but he is not sure if everyone you (Council Member Bigler) have asked for would be who he recommends. He said the City Council has the final consent so they will see how it works out. He said he is aware of what is being asked and he is not disagreeing so they will need to just work it out.

Council Member Bigler said if there is any implication in the past that this is a political game, he assures that it is not. He said this building will be here for many years in North Ogden City and their only desire and goal is to do it right. He said that is the only goal, there is no political posturing as it has been suggested in the past, they just want to do it right. He said they will do it right and he is excited to have the final product. He said once they get it done they will have an open house and residents can see it is a great usable facility that serves the City now and in the future and they did it as economically as possible. He said there are no other motives and hopes that it is not mentioned again, it is ridiculous.

**9. DISCUSSION AND/OR ACTION REGARDING CANCELING THE SEPTEMBER 11, 2012 CITY COUNCIL MEETING.**

Annette Spendlove stated this is the week of Utah League of Cities and Towns annual conference. Mayor Harris mentioned several of them have a meeting that afternoon and if they chose to have a City Council meeting they would need to travel back that evening. Council Member Fawson said his only concern with canceling the meeting is around this public works committee. He said he would like to have a special session to appoint the committee to have them in place as quickly as possible.

**Council Member Bailey moved to cancel the September 11, 2012 City Council meeting. Council Member Stoker seconded the motion.**

City Council Bigler said he agrees with Council Member Fawson and he is fine with cancelling the meeting. He said he would like to have them look at meeting to approve the public works committee appointments. He asked if there is another day they can schedule a meeting. Mayor Harris said it will take some time to interview people and get things set up. He said there is a Senior Citizen board meeting on September 18, 2012 at 5:30pm, but it may work if the City Council meeting is at 6:30pm. Council Member Bailey asked if that is enough time. Mayor Harris said that would be enough time if all the City Council's recommendations are in prior to the meeting. He said he does not plan on creating a large committee because it becomes unworkable. He said he will let everyone know as soon as possible who he has talked to and who he recommends to be on the committee. He clarified that they will schedule a special meeting on September 18, 2012 at 7:00pm to approve the public works committee.

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>
<b>Council Member Bailey</b>	<b>aye</b>

**The motion passed unanimously.**

**10. PUBLIC COMMENTS.**

Dave Hulme, 513 East 1700 North, stated regarding the out buildings that he read through a lot of the minutes and had trouble finding where that was passed by the City Council. He said he knows there was a public hearing, but couldn't find anything after that. He said he would be interested in finding out when that was actually passed and what the vote was. He said he found it interesting there was a lot of discussion regarding what the Planning Commission has done with the amendment, but he didn't hear what the City Council has discussed. He said that led him to wonder if it had been passed by the City Council why there wasn't any mention on what was discussed by the City Council. Annette Spendlove commented that the ordinance was passed on April 26, 2011.

Dave Hulme said on the media policy, he is not entirely clear what transparency is gained with a City Council member cc'ing the other City Council members. He said that is not something that goes to the public. He said it is no more available for request under GRAMA than if it is not cc'ed. He said they previously discussed it at great lengths and they voted for it. He said he had wished they put a sunset clause on it so they could review it again. He said he is glad they are reviewing it. He said in the interest of transparency they ought to consider cc'ing the media on all the emails not just the ones they request. He said if they want transparency for the residents they could make sure the emails are put on the website and they wouldn't have to spend money on GRAMA requests. He said he found a lot of interesting information when the Standard Examiner requested the City Council emails earlier in the year, which ought to be an interesting statement since he was on the City Council at that time. He said there was a great deal in those emails that he had never seen. He said they need to be careful when they use the word transparency and make sure they are being honest with that. He said as far as the Public Works Facility Committee they ought to think about the qualifications they want. He said it would be wise to refrain from nominating people that have been heavily involved in this in the past, other than the members of the City Council. He said there is a great deal of people on both sides. He said it is sad that the blame of the public works facility not being constructed at this time is laid at the feet of the Mayor. He said he can understand the claims there was not political motive involved, but at the end of the day three of the City Council Members were elected on a platform that spoke to defeating this measure. He said it is easy to see why some people would consider there was a political measure. He clarified that he is not saying the motive does not supersede what they believe in. He said there was politics and at the end of the day that is what they have. He said at the end of the day he would like to see this committee be as apolitical as possible.

John Arrington, 254 East 2900 North, said he has two observations. He said he personally thinks item three and four should have been addressed in a work session because that is all that went on tonight, discussion about the City Council and staff. He said if there is to be discussion it ought to involve the citizens. He said there is a lot more that could have been worked out in a work session. He said the work sessions he has seen in the past is what they are for. He said his only comment on the media policy is that the City Council Members ought to be free to discuss with the media any way they want. He said the only other thing is that it is out of line for a City Council Member to call another to task for saying something to the media.

Ken Harrison, 823 East 3200 North, said they had mentioned the interest rates and he agrees. He said this week floating loans were 3.5%. He said he shares his thoughts that when the national elections are over there will be a drastic increase. He said he is wondering about parks if the consensus not to expand the parks if it was deeded to them or if there is any opportunity to have parks given to the City. He asked if they have enough parks or are they interested in more and if there is a policy at this point. Mayor Harris said they are not prepared to answer that question, but they are in excess in the amount of approved parks per resident. He said it takes a lot of time each month to maintain them. He said they would look at any proposal and any situation. He said they have 35 acres available for a park, the Barker Park. He said he is unsure when they would be able to develop that because of the expense. Mr. Harrison said he brought it up because when he lived in Washington State it was mandatory that every development have parks. He said if there are opportunities to be given to you, he would like his tax money to go towards the fire department, police department, schools, and the parks for his kids and grandkids. Mayor Harris replied they have eight or nine parks. Mr. Harrison said if there are opportunities for future ones, be careful turning those opportunities down. Mayor Harris said he is not aware of any opportunities that have been turned down.

Lynda Pipkin, 3011 North 175 West, asked what type of criteria they are looking for to be on the public works committee, if they would need to be a general contractor and what kind of knowledge background are they looking for. She asked if they are going to require the committee members to be North Ogden

City residents. She asked Mayor Harris if he would take all the suggestions from one Council Member and not another. Mayor Harris replied no and said he would suspect the members of the committee would be residents of North Ogden City unless there is a good reason. Council Member Bigler said all his recommended committee members are North Ogden City residents. Mayor Harris said he would not see a nonresident be a member of the committee. Council Member Bailey said all his recommendations would have significant background in building or engineering. Mayor Harris said he has had people approach him that have worked in public works in the past and they would consider all those things.

## **11. CITY COUNCIL COMMENTS.**

Council Member Taylor mentioned they should always share their opinions even if their colleges think it is ridiculous. He said he will continue to share regardless if his colleges disagree.

Council Member Stoker said when they were first elected there were a lot of things they had to deal with and part of those things were re-staffing, and the public works facility did get put on hold. She said she thinks they have done well in moving forward and appreciates everything Mayor Harris does. She said she agrees they need to be careful of what they say about each other. They have the right to their own opinions, but it doesn't mean they can't agree to disagree. She said she thinks they have a great City Council and she thinks they have some great discussions and come up with some good decisions. She said with this public works facility she would like to see that their workers have a well made functional facility that is safe for them.

Council Member Bigler said in referring to something that was said about the newer Council Members running on a platform of the public works committee, they had nothing to do with causing this issue. He said it happened to be the most expensive project in the history of North Ogden City. He said any elected official would think that residents want to know where they stand. He said they didn't run solely on one issue. He said all Council Members can express their opinion. He said he will say how he feels when someone is questioning their integrities and the reasons why they are doing things. He said they can express their opinion about issues. He said during a campaign it is a political season, but he doesn't think they have done anything unethical. He said he has never heard any of them say anything dishonest. He said they were all asked how they felt about the public works facility and they expressed their opinions as rightfully they should. He said they told residents the truth about how they felt about the issue. He said you can look at the other side of it, if they stuck their neck out and told the truth about how they felt they could have lost the election. He said they were just telling the truth, how refreshing. He said he thinks this year has been wonderful and if residents came to the meetings regularly or read the City Council meeting minutes they would get a true idea of what is happening in the City. He said there is no weirdness or extremism. There have been solid good decisions made. He said he thinks all five Council Members have been working well with the Mayor. He said his only concern and motive is to help the City in the long-term so this remains a wonderful community and place to live. He said he is very happy to serve the residents of North Ogden.

Council Member Fawson said he had a couple of residents mention the pot holes on Mountain Road. He asked when the next Economic Development Committee meeting is. Mayor Harris replied there is not one scheduled because they are waiting for their contractor to come back with some proposals. He asked if that would be a work session. Ron Chandler said he would get back with him on that. Council Member Fawson mentioned the Economic Development survey and said he is hoping they are using some other means of gathering more recent information from residents. He asked if Ron Chandler could mention that to Matthew Godfrey. He said regarding the media policy, personal interviews have no transparency. He said he feels like it is common courtesy to have his views be known to his fellow Council Members. He said he was able to attend the Arts Festival and he doesn't think it had the attendance it had last year. He suggested looking at some better advertising. He said some members of

the Civic League expressed concerns with being pushed out of Cherry Days, where they do not have the opportunity to raise funds like they use to. Annette Spendlove said she was on the Civic League until last year and they chose to get out of Cherry Days, they were not pushed out of it. Council Member Fawson said the opinions that were expressed stated it became a more commercial event so they have the participation in the lunch they served. Annette Spendlove stated they did not like the work it took for them to get the little money they received. Council Member Fawson said he brought up the idea of the farmer's market and suggested the Civic League taking a look at that. He said they contribute a lot to the City and do not get the recognition they deserve. He said Public Works has done a great job in responding to all the issues brought to his attention. He said his neighbors have applauded the work that has been done. He commended Brian Steele for his efforts on the City Budget.

Council Member Bailey asked when North Ogden City sets the mill levy for the tax year. Ron Chandler replied that is part of the budget and Weber County will send out a tax rate and the City will adopt that. He said they specifically pointed it out in this budget. Council Member Bailey said he asked because his property taxes went down, but his North Ogden City taxes went up. He said he called Weber County and was told that North Ogden City increased their mill levy. Mayor Harris said they didn't do that. Ron Chandler said he will follow through and ask Weber County.

Jon Call said they talked about GRAMA requests and email, any communication with him is not subject to GRAMA, it is privileged information.

Ron Chandler stated they previously discussed the old type of sewer connection and the problems they had. He showed City Council the difference between the old connection and the updated connection. He said in the old connection there is only a small part that seals off the connection. He said the weight of the gravel held it in place but there can be shifting as water gets in. He said the other problem is there is not a lip on the inside of the pipe and the cameras cannot get through it. He said there are two other new types of pipe. He said staff does not test all pipe, but they do require the contractor to have an independent tester submit their findings to the City. He said if there is damage to an old pipe they have a new method for replacing it.

Mayor Harris said the first product Ron Chandler showed was state of the art at that time. He said they have kept up with state of the art and are using the best that is currently available. Council Member Bailey asked when a third party verifies do they have some method of testing it. Gary Kerr said they require the tester to send a camera through the pipe. He said they also require an air test.

**Council Member Bailey moved to go into a closed session to discuss pending litigation. Council Member Bigler seconded the motion.**

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>no</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>
<b>Council Member Bailey</b>	<b>aye</b>

**The motion passed 4 to 1.**

**Council recessed at 9:25pm.**

**Council entered in a closed meeting at 9:37pm**

**Council reconvened at 10:06pm.**

**12. ADJOURNMENT.**

**Council Member Bigler moved to adjourn the meeting. Council Member Stoker seconded the meeting.**

**Voting on the motion:**

<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Bigler</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Taylor</b>	<b>aye</b>
<b>Council Member Bailey</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 10:08pm.**

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Richard G. Harris, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date Approved