

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2  
3 July 12, 2011

4  
5 The North Ogden City Council convened in regular session on July 12, 2011 at 5:30 p.m. in the North Ogden City  
6 Council Chambers, 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each  
7 member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State  
8 Website on July 8, 2011. Notice of the annual meeting schedule was published in the Standard-Examiner on  
9 January 1, 2011.

10  
11 **PRESENT:** Richard G. Harris Mayor  
12 Wade Bigler Council Member (arrived at 5:37pm)  
13 Ron Flamm Council Member  
14 Martha Harris Council Member  
15 Brent Taylor Council Member  
16 Carl Turner Council Member

17  
18 **STAFF PRESENT:** Annette Spendlove City Recorder/HR Director  
19 Edward O. Dickie III City Manager  
20 Dave Carlson City Attorney/Economic Development Director  
21 Debbie Cardenas Finance Director/Acting City Manager  
22 Craig Barker Community Development Director  
23 Mel Blanchard Public Works Director  
24 Julia LaSeure Deputy City Recorder

25  
26 **VISITORS:** Jim Harris Paul Himle Tom Sawyer  
27 Jeff Pinegar Dustin Matsumori Justin Fawson  
28 Charles Crippen Mike Gale Joan Brown  
29 Taylor Spendlove Josh Davenport Lois Green  
30 Mary Settlemire Bruce Hall Cheryl Stoker  
31 Gary Rands Linda Miner Reva Bain  
32 John Zurbuchen Doug Christensen Phillip Swanson  
33 Bob Napoli Nicole Thompson Walter Neibauer  
34 James Mackley Lynn Satterthwaite Rachel Trotter  
35 Slade Opheikens Bruce Catanzaro Cal Hansen  
36 Doug Bronson

37  
38 **WELCOME**

39  
40 Mayor Harris called the meeting to order at 5:30pm and welcomed everyone in attendance. Dave Carlson, City  
41 Attorney/Economic Development Director, offered the invocation and led the audience in the Pledge of  
42 Allegiance.

43  
44  
45 **CONSENT AGENDA**

- 46  
47 1. Consideration to approve Business Licenses.  
48 2. Consideration and/or action to approve the minutes of the June 28, 2011 City Council meeting.

49  
50 **Council Member Harris moved to approve items 1 and 2 of the consent agenda. Council Member Turner**  
51 **seconded the motion.**

52 Discussion on the motion:  
53  
54 Annette Spendlove, City Recorder, suggested that we pull the minutes as there was a City Council Member that  
55 has some comments on them.

56  
57 Council Member Harris said she found no errors and is fine with approving them in their current form.  
58

59 **Voting on the motion:**

60 **Council Member Taylor**        **yes**  
61 **Council Member Flamm**       **yes**  
62 **Council Member Harris**       **yes**  
63 **Council Member Turner**       **yes**  
64

65 **Voting was unanimous. The motion passed.**  
66

67 Council Member Bigler arrived.  
68

69 **PUBLIC COMMENTS.**  
70

71 Joan Brown, 2010 N 775 E, said she and her neighbors heard Mr. Jones of Quail Ponds would be at the meeting  
72 today and they are here to clarify that they are interested in vacating the PRUD. They have not been sabotaging it  
73 and there are indications in an email sent today that need clarification for the City's benefit. She read from a  
74 document which is Attachment A. The homeowners met as a group to put together a list of their concerns to be  
75 presented to Mr. Jones. Evidently it was presented to him in a manner that it came just from her. It did not come  
76 from her specifically, it came from the group. She has copies of those comments if the City Council has not seen  
77 them. If those concerns have been addressed then there is no problem. She took this list to Mr. Carlson to give to  
78 Mr. Jones and obviously when he received it somehow the waters got poisoned because it was not just from her.  
79 They are asking that lot 36 be sold separately and not intermingled with the vacating costs. We are asking that he  
80 provide us a list of his expenditures in detail. We are asking that he sign a liability on unpaid bills prior to the  
81 vacating and that is based on the fact that she received a phone call from a maintenance company that wanted  
82 monies that were incurred earlier. They want to be comfortable that when it's vacated they aren't going to have  
83 surprises of people coming out wanting money that they don't have. She doesn't think they are asking for a  
84 terrible amount. They are asking that lot 36 be planted in the pond area so that it looks nice until it is sold to be  
85 built on. She apologized for the rancor that has developed. She is truly sorry for the hurt feelings on both sides.  
86 She thinks we are all above this. She understands that the City officers think the neighborhood is destroyed as  
87 that has been told to her face. It is quite the contrary. Neighbors have been brought together and spoken to one  
88 another that they have never done before. Bad feelings are never good but a lot of good has come from this  
89 experience. She thinks the answer right now is that she doesn't think the city should keep mediating the way they  
90 have been. There has been some confusion and some information that has not been accurate. She asked the  
91 Council to give them a short time more for a meeting of the homeowners to compare the easements and see if we  
92 can agree on them. She thinks the other things should be workable. She doesn't see why there is any hesitation in  
93 exposing all the financial amounts spent. She suggested that Mr. McCormick call a meeting of all the  
94 homeowners immediately to give them a list of the corrections and easements. Those are the last two things they  
95 need and then it should be able to vacate.  
96

97 Cal Hansen, 1957 N 775 E, said his property adjoins some common area in Quail Ponds. He has been feeling bad  
98 about the vacation of this and is upset because he has not seen the new plats. He said he is also upset about two  
99 emails that went to Ms. Veeder and Mrs. Brown. He asked who is going to take care of the mowing of the lawn  
100 next to him. He is worried about that common area.  
101

102 Lois Green, 2037 N 775 E, said she is like Cal; she has been offended by the letters that have come to Charlene  
103 Veeder and Joan Brown. She sent an email to the City a while ago expressing her concerns. She agrees that they  
104 need more time to do this and she would like someone else there to see what is really said at that meeting.  
105

106 Paul Himle, 1733 N 225 W, said last Saturday he had an opportunity to see the Public Works facilities. He spent  
107 most of the time talking to the architect and Jim Harris. His concerns are not whether they need a new facility; he  
108 noticed it is old, that is true. His concern is the \$8 million price tag. His experience says that is a little much for a  
109 building. He said the answer to most of his questions about the examples was "it's conceptual". The examples  
110 shown were quite magnificent with complex rooflines which are not really needed in a public works complex. He  
111 understands that there is a desire for a building that looks nice. He said he works for a company that built a  
112 complex in Idaho and spent around \$2.7 million for a facility roughly as large as one to one and a half football  
113 fields so these numbers sound high to him. He said he is also concerned about ensuring that the purposes of the  
114 facilities are met; we need to be careful not to spend too much on the building and not enough on tools for the  
115 employees. It is important that we don't strive for an architectural masterpiece but pay attention to what our needs  
116 are. This is still not a stable economy, a lot of people are still getting laid off and the money for this will come  
117 from utilities. He asked whether the loan terms and length have been considered so that the City gets the best  
118 bargain. He thinks the concepts that have been shown are elaborate for a public works building and suggested  
119 that the City look at some locations that will allow us to serve our purposes and save some money.  
120

121 Charlene Veeder, 2017 N 775 E, in Quail Ponds, said she is the one that hasn't signed the plat map and the  
122 easement. She stated that she has been receiving nasty emails. She said she is not crazy and does not have a  
123 personal grudge against Bruce Jones. She explained that when she purchased her home there was fencing on two  
124 sides of the yard. She assumed it was installed where the property lines were but found out later that her backyard  
125 is not her property. The bottom line is she does not like the way this whole business has gone down. It has turned  
126 into the nastiest thing it could have. She said there are people with the City who have decided to be instigators  
127 instead of mediators; she has received some nasty emails and she doesn't appreciate it. She just wants it to be  
128 fair. The homeowners want an accurate accounting of what Mr. Jones said she had spent. They have invoices  
129 that don't match checks, checks with no invoices. She said they don't understand where this accounting came  
130 from and as homeowners they are just trying to protect themselves. She said she has lived in HOAs with legal  
131 problems in southern California and when that happens things get all tied up and people can't sell their homes.  
132 She said until it is straightened out she will not sign anything and if she gets any more nasty emails she will take  
133 legal action against the City.  
134

135 Reva Bain, 2089 N 775 E, said she did sign the plat and easements in good faith. Since then she began to see  
136 things she is deeply concerned about. How much money is Bruce Jones entitled to? She said they don't have a  
137 good accounting of that and it is confusing. She stated if she had to do it over again, she would not have signed  
138 either. She is truly sad about what has been going on with this. She said they want to be able to say 'this is our  
139 home' but they don't know exactly where they stand on anything anymore. She wants to be able to look at her  
140 home and yard and say 'this is mine' and not worry about having assessments against them for anything down the  
141 road.  
142

143 Taylor Spendlove, 830 E 3550 N, thanked the City Council and employees for the 4<sup>th</sup> of July events. He said it  
144 was great. He said he noticed a lot of employees volunteering their time without pay and expressed his thanks to  
145 them.  
146

147 Mike Gale, 190 W 3325 N, said thank you for allowing the public to have a voice. He said he is very much in  
148 favor of the new facility. He has been there many times and it's a very scary place to be in. He thinks it is past  
149 due and it needs to happen now while there is good buys in the construction market. This is a very competitive  
150 market. He said he hopes that this thing wouldn't be put off hoping things are going to get better because the  
151 price of construction will go up if that happens. He has heard comments that it is too extravagant and it shouldn't  
152 be this pretty. He asked why not have a complex we can be proud of? Some citizens have suggested that it can

153 be built by City employees. He said that is not a good idea; they are not qualified builders. His vote is in favor of  
154 this complex and he asked if not now, when? When it's more expensive? That's what will happen if we wait.  
155

156 Dianne Clydesdale, 533 E 2050 N, said we may need this building but she doesn't think we need this to be so  
157 extravagant. If we need it that's one thing but to spend more money on it than we need to is unnecessary and she  
158 doesn't feel the city can afford it. She heard the increase of \$5 or \$6 is only going to be for 12 months. She thinks  
159 the city of North Ogden needs to know how much longer and how much more that is going to be. She stated that  
160 it isn't an \$8.5 million project anymore.  
161

162 Nicole Thompson, 1228 E 2625 N, agrees we need a new building and she has been over to look at it. She said  
163 she agrees with these folks, as homeowners you have to have 20% down when you purchase a home. In her  
164 opinion if we have \$500k saved that should be our 20% down and then we pay the 80% after that. She said we  
165 are being unprofessional in our expectations of what this building should be. She said \$8.5 million is a lot and we  
166 could do it for a lot less if we shop around if we are open minded about things and not set on what one company  
167 recommended.  
168

169 Phil Swanson, 1066 E 3300 N, seconded the idea that we need a new building. He said it is painfully obvious but  
170 we are only being given one opportunity or alternative. Steve Huntsman sent an email some time ago about a less  
171 costly building that would meet our needs. Mr. Swanson said buildings are built for form and function, not  
172 beauty. The problem is that we have not been given any less costly alternatives. He suggested letting the  
173 citizenry make the decision and maybe spend more on trees to hide a plain building.  
174

175 Justin Fawson, 2539 N 1600 E, agreed that we need a new building but not for that price tag. He said this is a  
176 great time to buy a car or a house but he can't afford it so he will keep what he has. His recommendation is build  
177 a smaller building now that we can add on to in the future.  
178

179 Mary Settlemire, 2701 Mountain Rd, agreed we need a new building but said the one we have planned is too  
180 costly. She has to be on a budget and this building needs to be within the citizen's budgets.  
181

182 Tom Sawyer, 1106 E 2925 N, authorizing the Mayor to sell property at any commercially reasonable means.  
183 How can we measure this? What is at stake here? He said he appreciates his opportunity to come here and talk  
184 today. He reads the papers; don't know what properties we are talking about. Maybe decisions being made will  
185 affect their quality of life. The City Council needs to give facts, be accurate, and be timely. This isn't a timely  
186 occasion, this is vacation time and it seems like the Council is avoiding the people. He said he doesn't know if  
187 we need a new building or not. He suggested we cope, we wait, we plan better, and it needs to be efficient but not  
188 overdone. He said the residents got colored fliers in our bills and there was a truck in the parade, most people  
189 think the City is pushing this. This isn't a great time to do this.  
190

191 **RECOGNITION OF FORMER PLANNING COMMISSION AND BOARD OF ADJUSTMENT**  
192 **MEMBERS.**  
193

194 Mayor Harris stated that we have people who have served on our Planning Commission and Board of Adjustment.  
195 Mayor explained that the City has changed the way it handles variance requests. There is now an Administrative  
196 Law Judge that hears the things that the Board of Adjustment used to hear. Mayor Harris presented plaques to  
197 each of the following former members thanking them for their service to the City.  
198

199 Cheryl Stoker served on the Board of Adjustment from January 2002 to June 2011 and was serving as the Chair.  
200 Douglas Christensen served on the Board of Adjustment from March 1992 to June 2010. Linda Miner served on  
201 the Board of Adjustment from January 2002 to June 2011. Walter Neibauer served on the Board of Adjustments  
202 from March 2007 to June 2011. Taylor Spendlove served on the Board of Adjustment from July 2010 to June  
203 2011. Bruce Catanzaro served on the Planning Commission from February 2007 to January 2011.

204 Two former members were unable to attend tonight's meeting and receive their plaques, they are Jon Bingham  
205 who served on the Planning Commission from March 2005 to May 2011 and Larry Residori who served on the  
206 Board of Adjustment from July 2010 to June 2011.

207  
208 **DISCUSSION AND/OR ACTION TO ADOPT A RESOLUTION DECLARING REAL PROPERTY**  
209 **SURPLUS AND AUTHORIZING THE MAYOR TO SELL IT BY ANY COMMERCIALY**  
210 **REASONABLE MEANS.**

211  
212 Edward O. Dickie III, City Manager, stated this has been before the Council previously but there were some  
213 questions. Since then we found out there are additional parcels off Mountain Rd. adjacent to the Heritage Grove  
214 Subdivision. This has been appraised at \$260,000. There are three parcels total and there is access off of  
215 Mountain Rd. by an access easement through Rocky Mountain Power. He explained the revenue to go toward the  
216 General Fund which would pay off some other property that the City wants to purchase or go toward the new  
217 public works complex project. The Mayor is the one that sells and purchases property for the City by statute. One  
218 other thing to mention is there are some property owners adjacent to the larger property that would be interested  
219 in purchasing a piece of the property. Mayor Harris said that property would expand those owners' existing lots.  
220

221 Council Member Bigler asked whether this could be amended to state that those home owners could do that, so it  
222 is in writing. He would like that. This does give the Mayor the right to sell this by any commercially reasonable  
223 means but it is also subject to approval of the City Council of the final terms of the sale. If there are concerns that  
224 one man is doing all this that is not the case. He said he would like the current language 'the revenue taken from  
225 the sale of this property *can be used* toward paying back the sewer fund for the McCormick property' changed to  
226 '*will be used*' toward paying it back. To ensure that when we sell this, we are selling this as surplus, but we have  
227 purchased another piece of property so there is an exchange so the McCormick property is paid for in whole. He  
228 would like to make that mandatory, that we will use that to pay back the sewer fund in its entirety for the  
229 McCormick property of \$219,000.00 and also add that all remaining funds go to the public works complex  
230 savings account. Which it states currently but it states we can, he would like it to be more binding. If we are  
231 going to sell it we ought to put it toward the other properties that we just bought or are planning on buying. He  
232 also wants to verify that if this property is built as a neighborhood it does have access from Mountain Rd.  
233 Edward O. Dickie III said there is an easement right now with Rocky Mountain Power but the developer would  
234 have to negotiate with them directly. Council Member Bigler said he needs that clarified then, is there a  
235 possibility that the new neighborhood is going to be coming out of that one road. Edward O. Dickie III said right  
236 now there is a road that ends and a roundabout. Council Member Bigler said it's not guaranteed then, his  
237 understanding is that there is a connection to Mountain Rd if that neighborhood is built; that's not guaranteed?  
238 They may have to go through the existing neighborhood to get access? Edward O. Dickie III said he can't  
239 guarantee that, they would need to do their due diligence and work with Rocky Mountain Power on that. Council  
240 Member Bigler asked whether anyone from administration has contacted the power company to see what their  
241 feelings are on that. Mayor Harris said the City has an easement there and would retain that. If a developer came  
242 in and wanted to develop that ground, the City's subdivision ordinance would require them to have access and the  
243 City could require the existing easement be preserved. Council Member Bigler asked if the City controls that  
244 easement and whether we would grant access to a development through our easement. Edward O. Dickie III said  
245 Rocky Mountain Power owns the property but the City will still have access through the easement. Council  
246 Member Bigler said the City could allow the developer to put a road in through that easement and access the  
247 neighborhood, is that right? Mayor Harris said it would depend on what the developer proposed. He would have  
248 to meet standards and one of those standards is to have more than one access so the developer would have to  
249 negotiate with whomever.  
250

251 Council Member Harris said we can declare this surplus and as the Resolution is presented it takes care of  
252 declaring it surplus and granting the Mayor the ability to sell it. If some property owners wanted to purchase some  
253 of that property that they have encroached upon, we would be open to that.  
254

255 Council Member Bigler asked if it would be appropriate for the property owners to come up and show the Council  
256 where their property is. Bruce Hall, 2548 N 1550 E, pointed out the property on a map. He said they are looking  
257 at buying a narrow piece of land to the east of 1550 E to provide a buffer from whatever goes in there to the north.  
258

259 Mayor Harris said the question before the City Council tonight is whether to declare it surplus, anything else is  
260 separate and apart.  
261

262 Council Member Taylor asked if this is the right time to sell this property. He said one of things we are talking  
263 about is that it is a great time to buy and the flip side is that it is not a great time to sell. What value might be in  
264 this property when the economy changes? He would like more information on that. His concern is whether this is  
265 the right time to sell it. His other comment is that we should dedicate these funds, if it is sold, to the new Public  
266 Works facility. That amount will bear interest on the bonds so it would save our taxpayers some money.  
267

268 **Council Member Bigler moved to approve Resolution 07-2011 declaring real property surplus and**  
269 **authorizing the Mayor to sell it by any commercially reasonable means as amended to include that any**  
270 **revenue taken from the sale of this property would be used to pay back the sewer fund in its entirety for the**  
271 **McCormick property and all remaining funds to be added to the Public Works Complex savings account.**  
272 **Council Member Harris seconded the motion.**  
273

274 **Voting on the motion:**

275 Council Member Taylor	no
276 Council Member Bigler	yes
277 Council Member Flamm	no
278 Council Member Harris	yes
279 Council Member Turner	yes

280  
281 **Voting was 3 to 2. The motion passed.**  
282

283 **DISCUSSION ON VERTICAL BANNERS.**  
284

285 This item was pulled due to a need for more information.  
286

287 **DISCUSSION AND/OR ACTION TO APPROVE A BEER LICENSE FOR MARY'S RESTAURANT**  
288 **FORMERLY WINGER'S.**  
289

290 Dave Carlson, City Attorney/Economic Development Director, said this application is a formality; there is no  
291 change in the ownership, only the name of the business. It will now be known as Mary's Restaurant.  
292

293 **Council Member Turner moved to approve a beer license for Mary's Restaurant. Council Member Taylor**  
294 **seconded the motion.**  
295

296 **Voting on the motion:**

297 Council Member Taylor	yes
298 Council Member Bigler	yes
299 Council Member Flamm	yes
300 Council Member Harris	yes
301 Council Member Turner	yes

302  
303 **Voting was unanimous. The motion passed.**  
304

305 Council Member Bigler said this is the exact same license that Winger's had but because it's going to be a  
306 different restaurant they need a new license. Mayor Harris replied yes, that is the case.

307  
308 **DISCUSSION AND/OR ACTION TO ENTER INTO A CLOSED MEETING TO DISCUSS THE**  
309 **PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY TO BE HELD IN ACCORDANCE WITH**  
310 **THE PROVISIONS OF UTAH CODE 52-4-204-5.**

311  
312 Council Member Bigler asked if this item could be moved to the end of the agenda so people don't have to wait.  
313 Mayor Harris said he is hoping we won't be that long on this item and the next item is contingent upon this item  
314 so that won't work. Council Member Flamm said he agrees we need to do this first.

315  
316 **Council Member Harris moved to enter into a closed meeting to discuss the purchase, exchange or lease of**  
317 **real property to be held in accordance with the provisions of Utah Code 52-4-204-5. Council Member**  
318 **Flamm seconded.**

319  
320 Council Member Taylor said the reason the property is discussed in a closed session is that the owners have asked  
321 that their properties not be disclosed. He wanted to share that with the public so they know why this happens in a  
322 closed meeting. He asked that the public not leave.

323  
324 **Voting on the motion:**  
325 **Council Member Taylor**        **yes**  
326 **Council Member Bigler**       **no**  
327 **Council Member Flamm**       **yes**  
328 **Council Member Harris**       **yes**  
329 **Council Member Turner**       **yes**

330  
331 **Motion passed 4 to 1.**

332  
333 The City Council entered into a closed session at 6:44pm.

334  
335 The City Council reconvened in a regular meeting at 7:49pm.

336  
337 **Council Member Flamm moved to direct staff to enter into a purchase and sale agreement and to get a**  
338 **geotechnical study and appraisal done. Council Member Harris seconded the motion.**

339  
340 Discussion on the motion:

341  
342 Council Member Taylor said he is satisfied that the site is being made public. He explained that a number of  
343 properties were considered and the Shooting Star Property is the top property recommended. That property is not  
344 being purchased right now we are just getting a study done on the soils and an appraisal.

345  
346 Council Member Bigler said he is against doing this because it is not on the agenda that we are going to vote on  
347 this. We are not purchasing the property but it will cost us \$8,000 to do the study and appraisal. He said we are  
348 in a grey area here. We are required by law to have those items on the agenda and it's not there. He said this is  
349 being pushed through before the next election. The City Council members take the hits from the public and he  
350 thinks whoever runs for election and whoever makes it, the public wants those people to represent them and make  
351 those decisions. We haven't even voted to build the thing and we're going to spend \$8,000 to do the studies. We  
352 are doing everything out of order and there are a lot of upset residents. For that to be denied, some people have  
353 their heads in the sand. It is wrong to put a motion forth.

354

355 Council Member Flamm said he has a client who lives in Cornish, UT and after WWII he decided he was going to  
356 build a house. It was going to cost \$3,500 at that time and he had about \$3,000. He decided to save up and pay  
357 cash for it but by the time he saved the other \$500 the cost had gone up to \$4,000. Construction costs were going  
358 up faster than he could save so after a couple years he decided to take out a mortgage and pay it off in a couple  
359 years. Construction costs are low right now and we don't know what it's going to cost later. If we wait a year,  
360 we may find that the costs have escalated considerably. Interest is also low and there's a good chance it will go  
361 up. A year from now we will be looking at a more expensive facility for our residents. We are trying to hold the  
362 overall costs down and have been looking at this for over two years. The study on the website was presented to  
363 the City Council in February 2010 and people could come here and talk to the City about it for 16 months. There  
364 is a process we have to go through and the most important part is getting the property. If we want to move ahead,  
365 we have winter coming up, and if we can do some of the site work before winter hits they can work through the  
366 winter. There were some Build America Bonds that were available last year that we missed out on. He asked  
367 what else we are going to miss out on if we continue to wait.  
368

369 Dave Carlson said, with the direction that was given tonight, the City Council hasn't taken any binding action  
370 other than to give its consent to the Administration to move forward and the Mayor already has that authority but  
371 it is important to know that he has the Council's support. Concerning the amounts that were discussed for study  
372 and appraisal, there has already been a budget procreated and he doesn't need the Council's approval to spend that  
373 money. The Council has already given the Mayor that authority to spend on it. No one at this meeting should  
374 have been surprised that the Council was going to go into a closed session to discuss this. That notice  
375 requirement was met according to State law.  
376

377 Council Member Bigler asked where it says that, whether it is on the agenda or not.  
378

379 Dave Carlson read from the Utah Code Ann. 52-4-202(6)

380 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable  
381 specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an  
382 agenda item on the meeting agenda.

383 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public  
384 body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public  
385 was not included in the agenda or advance public notice for the meeting.  
386

387 Council Member Bigler said this was not brought up by the public. Dave Carlson said if you check the minutes  
388 you will see that it was. Council Member Bigler said the Council came out of a closed meeting and the motion  
389 was proposed immediately. He said regarding the comment that this has gone on for 16 months, since he has been  
390 in for a year and a half, he has never had any discussion about different types of buildings possibly being built.  
391 He said he believes we do need something. The trucks and equipment is very expensive, they need to be covered,  
392 that is very important. The office building is not safe and needs to be redone. He said he as well as many  
393 residents thinks the City needs to scale it down. He said every time there has been a suggestion of looking at  
394 other options for what the complex will look like and the size and scope it is just tossed aside like 'forget you,  
395 we've had a professional company do this.' He said he doesn't think that's the sacred cow. In all this time with  
396 the discussion it has been on different sites and property and been very thorough with that. He said what Jim  
397 Harris presented tonight was awesome, the best we've had yet as far as land goes. There has been nothing, no  
398 discussion about the type of materials, the size or what it's supposed to look like and that is his concern. He said it  
399 is obvious that he doesn't speak for all residents but guaranteed he speaks for a lot of them that are not saying  
400 'suffer, don't do anything' but let's look at all the options. He said personally he thinks it can be scaled down and  
401 still be very usable but with less cost. To say we have been dealing with this for 16 months, never on a proposed  
402 what it's supposed to look like. He said he sent an email suggesting that because this is vacation season and if we  
403 care about what people think we wait until September when a maximum number of people can be here to  
404 participate. Immediately he was told no, we are proceeding now and it was stated in the closed meeting why. He  
405 said he thinks things are being done for the wrong reasons and he wants us to discuss building options because he



406 is 100% confident that we can build a nice facility that will suit our purposes for a lot less money. He said he  
407 visited several sites because he wanted to find out if this is normal for a City, what we're proposing. He said  
408 there is nothing between here and Kaysville that is even close to what we are proposing. He said he suggested  
409 building it in phases and was told no. He said that's what South Ogden did. He said he suggested maybe where  
410 we park our trucks we put them in a large premade metal building and was told no. Mayor Harris asked Council  
411 Member Bigler to summarize. Council Member Bigler said that's what South Ogden and several other cities have  
412 done but when we recommend it, no, no, no. So we are putting this through, that 16 month thing, forget it. We  
413 have done nothing as far as the elected officials brainstorming and discussing together possible ideas nor I don't  
414 think the Committee has as far as what the building with look like. They have spent all of their time on land  
415 issues.

416  
417 Council Member Harris said we have been saving \$100,000 for five years out of the various enterprise funds and  
418 that is an indication that not just this Council but previous councils saw the need for this facility. You really can't  
419 save fast enough to keep up with the costs of construction. Regarding the comments about different materials she  
420 stated this complex has not yet been designed. There have been architects present at many public meetings and  
421 on board working with the committee. The City has been clear on the message that this community wants to get  
422 this done in as frugal a method as possible. The committee has worked on many sites and they have had many  
423 opportunities for the public to participate. We have had all sort of publicity lately, Cherry Days, the flier, the  
424 article in the Standard-Examiner. There are a lot of people in the community that are allowing the City Council to  
425 represent them the way they see fit. She added that her term does not end until January 1, 2012. She said she  
426 doesn't think it is appropriate for someone to say we need to delay this. We have been working on this for years  
427 and years and years. She said she does not feel her position is being pushed forward inappropriately.

428  
429 Council Member Bigler said it was clearly stated that it is being pushed forward before the election. Mayor  
430 Harris told Council Member Bigler he is out of order.

431  
432 Council Member Taylor said when this came up to a vote on whether to proceed or not he voted no as did Council  
433 Member Bigler. The biggest issues for him were a lack of public involvement and notice. He has had a chance to  
434 put forth some ideas to do a lot of things to get the word out: a booth at Cherry days, an entry in the parade, a  
435 special tour of the existing facility to the newspaper, open houses to let the residents come and see the facility, a  
436 flier that went to everyone in the City, a new tab on the website and a new email address that goes specifically to  
437 the committee. He feels like we are giving our residents every chance to know what is going on with the facility.  
438 Other concerns were cost and materials, he is not a contractor but that was one of his concerns. He formally  
439 requested that the committee take up a discussion of buildings. He has a presentation that he will present on other  
440 building types and he would like those to be looked at. He thinks the committee will do that. Any final vote for  
441 him will be contingent on getting an answer to that. If there are real reasons that other types of materials aren't  
442 best, he will vote for that. He has made the request for that to be included. He said we need to get a site and do  
443 our due diligence and he is satisfied that we are putting the site out publicly weeks before a decision will be made  
444 on it. That will allow us to find out what type of building can work there. He said he has never heard a member  
445 of the City Council say this needs to get done before the next election. He suggested a compromise, with the  
446 Mayor's authority he could proceed on this facility and bring it on the next meeting after the residents have had a  
447 chance to think about it. That won't slow the project down, if the Council doesn't make a vote tonight. He said  
448 let's err on the side of caution and asked Mayor Harris to use his authority to bring this back at the next meeting.

449  
450 Mayor Harris said we have an independent study by a professional firm that worked hand in hand with Mel  
451 Blanchard to come up with what our needs are going to be. It is presumptuous for someone to say 'sure we got  
452 the study but I don't believe it. We can do something else'. This study was done by a professional firm and our  
453 Public Works Director who knows what is necessary. The landowners have asked us not to disclose the sites and  
454 we had to respect that. We did look at other sites and made two of them public but found there were issues with  
455 those. We have a 'conceptual' look only and now is the time to get the architect involved to look at different  
456 construction methods, different materials and the study to see if it is still valid. They are trained; they have the

457 professional licenses to do that. We have done everything according to professional standards. We are going  
458 through that process for a reason and it is perfectly valid. That being said we had a suggestion to withdraw the  
459 motion. He asked Council Member Flamm if he would like to withdraw that motion. Council Member Flamm  
460 said he would like to go ahead as a vote of confidence.

461

462 **Voting on the motion:**

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

464 **Council Member Flamm**           **yes**

465 **Council Member Bigler**           **no**

466 **Council Member Taylor**          **no**

467 **Council Member Turner**          **yes**

468

469 **Voting was 3 to 2. The motion passed.**

470

471 Mayor Harris said we will go ahead with the purchase and sale agreement.

472

473 **DISCUSSION AND/OR ACTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE AND**  
474 **SALE OF NOT MORE THAN \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF REVENUE**  
475 **BONDS, SERIES 2011 (THE “SERIES 2011 BONDS”) OF NORTH OGDEN CITY, UTAH, FOR THE**  
476 **PURPOSE OF FINANCING THE CONSTRUCTION OF A PUBLIC WORKS BUILDING AND**  
477 **RELATED IMPROVEMENTS, CALLING A PUBLIC HEARING AND ESTABLISHING A TIME,**  
478 **PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A**  
479 **NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF**  
480 **REVENUES FOR REPAYMENT OF THE SERIES 2011 BONDS; FIXING THE MAXIMUM**  
481 **AGGREGATE PRINCIPAL AMOUNT OF THE SERIES 2011 BONDS, THE MAXIMUM NUMBER OF**  
482 **YEARS OVER WHICH THE SERIES 2011 BONDS MAY MATURE, THE MAXIMUM INTEREST**  
483 **RATE WHICH THE SERIES 2011 BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM**  
484 **PAR AT WHICH THE SERIES 2011 BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A**  
485 **CONTEST PERIOD; AND RELATED MATTERS.**

486

487 Debbie Cardenas, Finance Director, referred to the memo in the City Council packet and read that memo for the  
488 public’s benefit. (Attachment B)

489

490 Marc Edminster with Lewis, Young, Robertson and Burningham, (LYRB) said they have been retained as the  
491 City’s financial advisor on this project. Their role is to advise the City as to bonding options, look at all the  
492 bonding options and secure the least cost financing available. He explained that a parameters resolution is not a  
493 binding commitment of the City to issue bonds. That would be a step that’s taken in the future all it does is fulfill  
494 the statutory requirements and sets in motion the 30 day contestability period. Before that period runs the City  
495 can’t issue bonds in any event. This starts the process so in the event the City decides to issue bonds you have  
496 met all the requirements and complied in every way with State law.

497

498 Council Member Turner said August 9<sup>th</sup> will be the public hearing and asked will the bond parameters be set forth  
499 at that time or is that in the future? Marc Edminster said the parameters resolution is what is on the agenda  
500 tonight to be adopted. Council Member Turner said we are having a public hearing but what would we be hearing  
501 if we don’t know the specifics? Mr. Edminster said we won’t know the final amount until the bonds are sold but  
502 we can estimate the interest rate at the time of the public hearing. It will take sixty days at a bare minimum to get  
503 the final numbers; there is a process with a lot of steps that are required by State law and there are very few ways  
504 to shorten that time period. Council Member Turner asked whether the City will take any action that night. Mr.  
505 Edminster replied no. Council Member Turner said the Council is just discussing this to get the process started to  
506 get the bond. Mr. Edminster said that is correct, it just gets the machine moving.

507

508 Council Member Taylor asked if the contestability period is extended if we don't have all the information we  
509 need to make a vote. Mr. Edminster stated there is a vote that is taken at the end of the 30 days. Within those 30  
510 days citizens can file comments not with regard to whether the bonds should be issued but with regard to the  
511 legality of the parameters resolution. The public hearing is to talk about the bonds and the project and is just that,  
512 the Council would not be expected to take any action at that time. That will come much later.  
513

514 Council Member Bigler asked if Blain Carlton employed with LYRB. Mr. Edminster replied that he is not; he is  
515 a bond attorney with the firm Ballard Spahr. Council Member Bigler said he doesn't believe the Council can do  
516 anything with this tonight as it was all changed this afternoon and Council has to have a 24 hour notice. So the  
517 City Council can't do anything with this tonight. Debbie Cardenas said nothing of substance has changed except  
518 the date of the public hearing and the fact that we will not be issuing sales tax bonds. She said there is not a big  
519 change. It has always been made known to the Council that the intent has always been to raise utility rates to pay  
520 for this, not issue sales tax bonds. Council Member Bigler referred to the packet the City Council got for this  
521 meeting, he said the resolution is roughly fifteen pages that they were familiarize themselves with was changed  
522 this afternoon and this is what it said, and it was put together by Blain Carlton who is the bond attorney. It says  
523 North Ogden City Sales Tax Revenue Bond Series 2011. He read from an email sent by Annette Spendlove that  
524 states there have been a few changes to the parameters resolution scheduled for tonight's meeting Section 2 Page  
525 3 states 'The issuer proposes to pledge the local sales and use tax funds received by issue pursuant to Title 59,  
526 Chapter 12, Part 2 Utah Code Annotated 1953 as amended for repayment of the Series 2011 bonds.' This will be  
527 removed from the resolution the City will not be pledging any sales or use taxes. Debbie said yes it also says we  
528 changed the date of the public hearing from August 2<sup>nd</sup> to August 9<sup>th</sup>; those are the only two changes in there.  
529 Council Member Bigler said his understanding is the law reads that the City Council has to have 24 hours with the  
530 information. Annette said no, that is the noticing requirement for the agenda. Council Member Bigler said staff  
531 can change things an hour before. Debbie Cardenas said it was for the Council's benefit so they would know.  
532

533 Council Member Bigler said Mr. Carlton is the bond attorney and we don't want to be presumptuous saying that  
534 we know more than he does. He put this together and included the sales tax combined with the utilities together.  
535 Is it because we get the lowest bond and interest rates? Why did he include those two together in our official  
536 document that we were to vote on tonight? Mr. Edminster said the original draft that came out did refer to utility  
537 revenues and sales and use tax but he believes the language is and/or. He asked to see what Council Member  
538 Bigler is looking at and said that is a worksheet not an official document. He said Blain Carlton put that title on  
539 their internal working document and it is not on the resolution. Council Member Bigler asked why the Council  
540 doesn't get the official document. Annette Spendlove stated the Council does have the resolution. Mr. Edminster  
541 said legally speaking you could finance this type of facility and that language gives the City the most flexibility  
542 and most options to use whichever turned out to be best scenario. The City Council could have changed that  
543 themselves in this meeting. He stated the 24 hour requirement is on the publication of the agenda item itself and  
544 that hasn't changed.  
545

546 Debbie Cardenas said she has been very clear in the past on how the City is going to fund this bond. Council  
547 Member Bigler asked if that has nothing to do with the bond rating. Mr. Edminster said of course you want to get  
548 the best rating and added there are pros and cons to all kinds of bonds; this type of bond with the guaranteed  
549 revenue stream that the City has control over would get a better rating. Council Member Bigler asked if sales tax  
550 could help our bond rating. Mr. Edminster said a utility rated bond would be a better rated bond than a sales tax  
551 bond. It wouldn't gain you anything to use sales tax and you would be tying them up in the future when you may  
552 want to use them.  
553

554 Council Member Bigler said he went in and talked to Administration last night and brought this up and it was  
555 changed today. It seemed questionable to him that it was changed shortly before the meeting. If sales tax is used  
556 in whole or in part with this bond it can be petitioned by residents for it to come to a vote but if it is a utility bond  
557 they cannot. Mr. Edminster said the public can petition either way. Council Member Bigler said that wasn't in the  
558 paperwork he got.

559 Council Member Taylor said he disagrees that it is illegal or questionable for that to have been changed. It can be  
560 changed in the meeting, sentences can be stricken out or added, and things can be changed. He respectfully  
561 disagreed with Council Member Bigler and added that it is perfectly within the spirit and the letter of the law to  
562 do this. He doesn't want any more controversy added to this than there needs to be.  
563

564 Council Member Flamm said he thinks this is more for public interest, it shows on here that we wouldn't issue  
565 more than \$10 million. He asked if we can do it for \$8 or \$9 million how that impacts this. Mr. Edminster said  
566 that is the very nature of the parameters resolution, it doesn't impact it at all. Council Member Flamm said if the  
567 architects come back with a lesser number then we start at a lower amount. Mr. Edminster said you could adopt a  
568 new parameters resolution with a lower figure but you don't have to, you can issue anything less than that.  
569 Council Member Flamm stated that the length could be anything up to 30 years. Mr. Edminster said that is  
570 correct. Council Member Flamm said if rates went crazy and the bonds came in higher we would have to start  
571 over again. Mr. Edminster said yes and added that they try to be conservative so that doesn't happen. He thinks a  
572 20 to 25 year bond would cover the useful life of the building. 30 years is an outside number. He thinks we are  
573 looking at interest of no more than 4.25% but obviously that is subject to change. There are a lot of factors that  
574 play into it. Mr. Edminster said a bond rating agency rates the particular bond issue, the last one was for the pool.  
575 Standard and Poor's gave it an A rating and Fitch was an A+ which are good, solid ratings. Based on an A rating  
576 the City could get bond insurance and if you can do that it will help lower the interest cost. He said when they  
577 came up with the \$10 million figure they were looking at the worst possible scenario they could think of but don't  
578 expect it to come anywhere close to that figure.  
579

580 Council Member Harris asked Mr. Edminster if he recalls what the numbers on the spreadsheet were based on.  
581 Mr. Edminster replied it was based on 25 years.  
582

583 Debbie Cardenas said the reason for all the scenarios is that the City was going to try to use property the City  
584 already owned which would have meant a lower cost.  
585

586 Council Member Turner asked if we adopt this resolution does the 30 days start today. Mr. Edminster said the 30  
587 days starts with the 1<sup>st</sup> publication. It was asked what day that would make it.  
588

589 Council Member Bigler asked if Mr. Edminster could tell us if the interest does go to 6% what will the total cost  
590 be. Mr. Edminster said he could calculate it but he hasn't calculated it yet. Council Member Bigler suggested  
591 that he figure that out. Mr. Edminster said \$9.5 million over 25 years is \$743,000 per year for 25 years so \$18.5  
592 million is the total cost over the life of the loan. Council Member Bigler said he thinks we should hope for the  
593 best and plan for the worst. He asked regarding the changes to this item tonight and the legality, if he has a 15 or  
594 20 page document to review how he could read through that within five minutes to review all the changes. To  
595 govern well that is necessary and to him still being expected to vote on this tonight is not fair to us. He did his  
596 due diligence and spent a lot of time reviewing it. Debbie Cardenas said she was trying to help the City Council  
597 and clear up the confusion by explaining that we are not using sales tax revenues, only utility revenues, the only  
598 other thing that has changed is the date of the public hearing. The 2<sup>nd</sup> isn't a regular scheduled City Council  
599 meeting so it will be held on the 9<sup>th</sup>.  
600

601 Edward O. Dickie III said Ms. Cardenas did that just to help the City Council. She didn't have to change it; we  
602 could have left that in. It could have been brought to the City Council to make those changes during the meeting.  
603 Council Member Bigler said he feels bad because people that know him personally know that he is not the  
604 fighting type or a jerk or anything. He said as long as he has time to read through it he doesn't have a problem  
605 with it; this all could have been avoided. He tried to do it and ask his questions while studying the issue. Debbie  
606 Cardenas restated that it was done for his benefit and other City Council members.  
607

608 Mayor Harris said his copy shows five words were omitted and one number was changed. Debbie said that is  
609 correct. Council Member Bigler said that's fine. Mayor Harris asked Council Member Bigler what the question

610 is. Council Member Bigler said he didn't know that those were the only changes until now that's why he brought  
611 it up. Mayor Harrop said the other thing is that those five words didn't need to be omitted because it said and/or  
612 but we changed it to make it clear. Council Member Bigler said he just saw that it was being changed after he  
613 spent much time reviewing it.

614  
615 Council Member Taylor asked LYRB to give us the total numbers at 4.25% interest so people don't walk out of  
616 here with the \$18.5 million number. Mr. Edminster calculated \$9.5 million at 4.25% for 25 years said that is  
617 approximately \$641,000 per year. Council Member Taylor said that is over \$100,000 per year savings or about  
618 \$2.5 million less in interest total. Council Member Taylor said if we can do this project with this economy and  
619 these rates that we are seeing now it will save our taxpayers millions of dollars in interest in the long run because  
620 it's not just the cost of the building. He said as he looks at this it's a gigantic balancing act for him; he made a  
621 list: 1. Involving residents. 2. Getting best costs. 3. Materials. 4. Timeframe. 5. Financial situation. To him, we  
622 have to look at all of those and for him issuing these parameters tonight makes sense. He intends to vote yes on  
623 that. He said that doesn't mean he is going to vote yes to issue the bonds but we need to start that process. If we  
624 wait we may remove the possibility of getting the best deal for our residents. He said he feels comfortable about  
625 issuing those, there is still going to be a minimum of a month for public input before a decision is made and likely  
626 longer.

627  
628 **Council Member Taylor moved to adopt Resolution 08-2011 a Resolution authorizing the issuance and**  
629 **sale of not more than \$10,000,000 aggregate principal amount of revenue bonds, series 2011 (the "Series**  
630 **2011 Bonds") of North Ogden City, Utah, for the purpose of financing the construction of a public works**  
631 **building and related improvements, calling a public hearing and establishing a time, place and location for**  
632 **said public hearing; providing for publication of a notice of public hearing and bonds to be issued;**  
633 **providing for a pledge of revenues for repayment of the Series 2011 Bonds; fixing the maximum aggregate**  
634 **principal amount of the Series 2011 Bonds, the maximum number of years over which the Series 2011**  
635 **Bonds may mature, the maximum interest rate which the Series 2011 Bonds may bear, and the maximum**  
636 **discount from par at which the Series 2011 Bonds may be sold; providing for the running of a contest**  
637 **period; and related matters as amended with the minor changes that have been discussed in the email and**  
638 **this meeting. Council Member Flamm seconded the motion.**

639  
640 Discussion on the motion:

641  
642 Council Member Bigler said since it was mentioned that we have want to include the public he proposed seeing if  
643 there are any City Council members opposed to letting the residents vote on this issue. He said that is the true way  
644 to see the voice of the people.

645  
646 Council Member Flamm asked when that could be. Annette Spendlove, City Recorder, said it is too late for this  
647 election. Council Member Flamm said he is opposed to waiting a year. Council Member Bigler asked why it is  
648 too late for this election year. Mrs. Spendlove said for bonding to go on the ballot it had to be prepared in June.  
649 Council Member Bigler said if 20% of registered voters petition then this cannot be voted on until next spring.  
650 Mrs. Spendlove said they changed a few of the laws and the County is delivering the new law information next  
651 week and she wouldn't be comfortable explaining it today. We could have that information to Council Member  
652 Bigler next week. Council Member Bigler asked that the time doesn't start clicking off the clock until we get that  
653 information. Annette asked what time he is referring to. Council Member Bigler said there is a certain window  
654 where you have to have the names of the 20%; a beginning date and an ending date and if it doesn't happen by  
655 that time period then it is too late. Mrs. Spendlove said that time doesn't start until the petition is delivered and  
656 all the names are checked; the Lt. Governor's office checks that. Council Member Bigler said if we don't have  
657 the names in to her by a certain date and time then it is null and void; he wants to know that date. Mrs. Spendlove  
658 said she doesn't have that information right now. Dave Carlson said we would have to research that. Council  
659 Member Bigler asked if the time could not start ticking until we know. Dave Carlson said he can't answer that  
660 without researching it.

661 Council Member Bigler if that is a legal right for the residents to do that we need to know those dates. He said he  
662 would like to see as soon as we know that then the time can start ticking. Dave Carlson said he can't answer if  
663 what Council Member Bigler is proposing is legal. He will research that and let Council Member Bigler know  
664 what the options are.

665

666 **Voting on the motion:**

667 **Council Member Flamm**        **yes**

668 **Council Member Bigler**       **no**

669 **Council Member Taylor**       **yes**

670 **Council Member Turner**       **yes**

671 **Council Member Harris**       **yes**

672

673 **Voting was 4 to 1. The motion passed.**

674

675 **PUBLIC/COUNCIL COMMENTS**

676

677 Paul Himle, 1733 N 225 W, said he agrees with Council Member Flamm that, often times, it does end up that now  
678 is the time to act but we also need to not be too hasty. He said he can tell from the comments that are being made  
679 that the City Council is putting too much faith in the architects. The customer dictates what they want; the  
680 architect is going to give you what they want. It is much more fun for an architect to do a complex job so it is  
681 important for the City to be the dictators of where this is going. The City Council needs to step up. He said he  
682 personally was impressed with the architect and spent a lot of time with him. It is important to keep this moving  
683 also important not to be too hasty. If the study comes back in an unfavorable way we don't want to be too far into  
684 it. He said he also sees Council Member Bigler's point; it seems that he feels there has not been enough input.  
685 He asked them to keep in mind that the City Council needs to steer this boat. The architect is not the steerer, he is  
686 the employee. From the number of comments from the public that have spoken the concept plans are too much.  
687 He believes these renderings are fairly serious concepts or proposals because it takes time to do these. He said he  
688 also knows the Architect involved is a resident of the City and wants to make sure it does look good so that is not  
689 a worry, we just also need to make sure that it doesn't look too excessive.

690

691 Joan Brown, 2010 N 775 E, asked why a building permit was issued for a home in Quail Ponds when the City  
692 Council said there would be a moratorium on building permits in Quail Ponds Phases 1, 2 and 3. Mayor Harris  
693 said the developer met all the requirements that were put on him when that motion was made. Joan Brown said  
694 the motion from the Council was that no building permits would be issued in Phases 1, 2 and 3 until the vacating  
695 was settled. Mayor Harris said his understanding was that all the requirements have been fulfilled and it was  
696 issued. Joan Brown said she challenges that. Mayor Harris said staff will take a look at it.

697

698 Phil Swanson, 1066 E 3300 N, said all the economic indicators out there indicate that there is no economic  
699 recovery coming. Unemployment is still at 9.2% and growing. The Fed is not touching interest rates because we  
700 are in a very serious economic problem here. We have to be careful that we are getting the best interest rates out  
701 there. Things are bleak at best and interest rates are very unlikely to go anywhere. He doesn't think we are in as  
702 big of a hurry as Council Member Flamm thinks we need to be in. We are a long way from bouncing back, there  
703 isn't going to be a sharp rebound out of this economy so we don't need to be afraid to move slowly. The sky is not  
704 falling on interest rates and far as then bouncing up and going crazy anytime soon. He thanked each of the  
705 Council Members for their service and said he appreciates their service and the time that they give. It is a  
706 sacrifice and he appreciates that.

707

708 Charles Crippen, 3576 N 575 E, asked if these are going to be incremental bonds over the life of the project. If  
709 that is the case are we going to have increases in fees or is that going to be a flat fee each year? That's going to  
710 impact what the fees are going to be to the citizens and their utility rates. Right now we are looking at 8% to 12%  
711 increase depending on the size of the family.

712 Justin Fawson, 1600 E 2925 N, said he is hearing a lot of infomercial mentality, 'Buy now! Build now because of  
713 the interest rates.' When what the residents are saying is please consider building something smaller. The interest  
714 rates are great and he would love to get in on them but he doesn't think the building is right. He thinks we are  
715 spending too much and rushing in. He proposed for a public hearing; holding it somewhere else rather than  
716 cramming into this room, consider a larger area.

717  
718 Bob Napoli, 816 E 2750 N, said that property is not in North Ogden City and asked is it zoned for that use.  
719 Mayor Harris said the property is in the unincorporated area of Weber County but it is within North Ogden City's  
720 annexation declaration. Mr. Napoli asked if he is sure. Mayor Harris replied yes. Mr. Napoli said that has  
721 changed then.

722  
723 Gary Rands, 2941 N 1050 E, toured Public Works today and agrees that we need a new facility. He said he thinks  
724 people would be able to stomach this better if they didn't know the \$10 million window. Why don't you give the  
725 Architect \$5 million and tell him to build it in that scope. Why is the checkbook wide open? Why can't we put a  
726 limit on what we are going to spend on it? We are talking about a \$6 fee increase but that is only for 12 months.  
727 He asked how many residents know that. Mayor Harris said it will raise a small percentage every year. Mr.  
728 Rands said the residents don't know that. That wasn't printed in the flier that went out in the utility bill. Tell them  
729 the truth, those costs will escalate. Council Member Flamm said the escalation is not for the bond, it is the  
730 anticipated increase in the cost to administer water. We know there will be increases in fuel, inflation and the cost  
731 of operations. Mr. Rands said at \$6 per month it would take 23 years to pay back \$10 million without interest.  
732 He said be honest with the citizens and tell them it's going to go up every year. It's not just \$6.

733  
734 Dianne Clydesdale, 533 E 2050 N, told Council Member Flamm his friend that bought the house for \$3,500 had  
735 70% down. If the city had 70% down, she would be good with this.

736  
737 Council Member Turner said he had a number of residents approach him about his work and in full disclosure  
738 when you get elected to office you fill out a full disclosure form and declare who you work for and if there could  
739 be conflict of interest. He works for a company called Big-D Construction. Once you do that, by law, you don't  
740 have to recuse yourself and you can vote on things. He said he declared that almost four years ago when he was  
741 elected. He wants people to know that he would recuse himself when it comes time for the General Contractor.  
742 He explained he is not involved in any of the estimating or marketing. He is a superintendent; he runs the jobs.  
743 He said he knows that Big-D was invited to some walk through the City had but he doesn't know if they are even  
744 bidding on it. He said he just wants everybody to know that is the way it is.

745  
746 Council Member Taylor thanked everyone for coming and sharing their input. It is really important and not a lot  
747 of people come to these meetings. This is one of the most heavily attended Council meetings in a long time and it  
748 is commendable. People may think 'I'm just one person' but everyone has ten, twenty, fifty or one hundred  
749 friends and family members in the City that think along the same lines. There are a lot more meetings to be had  
750 on this. He explained there will be a Public Works Committee meeting on July 14, 2011 at 5pm and they usually  
751 last about two hours. We are trying to look at everything and continue giving the input.

752  
753 Council Member Bigler said, first of all, he wants everyone to know and be on the public record as saying this.  
754 He stated Council Member Turner is a completely honest man, he has integrity. In his opinion he would never do  
755 anything that was not just, illegal or unethical. Anyone with questions about that can put them to rest; it is not part  
756 of his makeup. The second thing, the resolution we passed on the bond included the date for the public hearing.  
757 Annette Spendlove replied that it did. Council Member Bigler said that was changed to August 9<sup>th</sup> today, he will  
758 be on family vacation on that day, he will be in Disneyland. He said he wondered if the rest of the Council out of  
759 courtesy to himself and to allow the opportunity for every elected official to be here since that's a very big issue.  
760 He said he has never asked for an item to be put on a different agenda before and he is not doing it to try to delay  
761 the process. He has had this trip planned for a very long time and up until today it was scheduled for August 2<sup>nd</sup>.  
762 He said he will be here August 2<sup>nd</sup> or the next regularly scheduled meeting on the fourth Tuesday of August. He

763 asked for the courtesy to let all the elected officials, himself included, to have a say in that public hearing on  
764 whether we bond for this building or not because it is such an important issue. He said he would never vote to try  
765 to exclude anybody else. He said he would have mentioned it previously but the packet said August 2<sup>nd</sup> so he  
766 thought it was okay. It was changed to the 9<sup>th</sup> and he won't be here and he would like to be here for it. He asked  
767 if there is a possibility of moving that to a different date.  
768

769 Council Member Harris said prior to the motion it was mentioned several times that it was changed to August 9<sup>th</sup>.  
770 She said she wished he would have said something earlier. Council Member Bigler said he did apologize and  
771 added that the information he has been studying since Friday says the 2<sup>nd</sup>. He said he doesn't know how hard it  
772 would be to make a motion to allow all Council Members to be here even if they feel differently than you on the  
773 issue. He said he would never try to exclude any of the others. Edward O. Dickie III said we will see what dates  
774 that will affect. Annette Spendlove said it will change publications also so she will need to figure that out. She  
775 said it can't be held on the 2<sup>nd</sup> because there isn't enough time to publish the notice. Council Member Bigler  
776 asked if it could be held at the next regular Council meeting. Council Member Taylor said he will be out of town  
777 on the 23<sup>rd</sup>. Council Member Bigler said that is why he recommended waiting until the first week in September  
778 when everybody is done with vacation. Council Member Taylor asked whether Council Member Bigler can call  
779 in and added that is what he has done several times on a Council night. Council Member Bigler replied he was  
780 out of town once and called in on family vacation but he hasn't been to Disneyland in many years. He said he  
781 doesn't think he would be able to hear. He stated if it were anywhere else he would call in but he doesn't think it  
782 would be fair to his family to have to leave them. He said he is hoping we are not worried about having to do this  
783 and stay on this timeframe. He said he emailed the Council earlier and asked if this could be moved to the first  
784 meeting in September.  
785

786 Annette Spendlove stated the September 13<sup>th</sup> meeting will be cancelled because of primary elections. Council  
787 Member Flamm said he thinks we should just move ahead. Annette Spendlove said there is no way we can do it  
788 the 2<sup>nd</sup> because of publication guidelines. Council Member Bigler said we can't hold one on the first week of  
789 September like we were going to on August 2<sup>nd</sup>. Council Member Taylor said then we are putting it off two  
790 months. Mayor Harris said it looks like we have to stick to the 9<sup>th</sup>. Council Member Bigler asked if it could be  
791 done on a day other than Tuesday. Council Member Flamm said the regular meetings are Tuesdays and people  
792 may get confused because the meetings are always scheduled for Tuesdays. Council Member Bigler said he  
793 wondered the same thing when he saw this was scheduled for the 2<sup>nd</sup> because people know these meetings are  
794 held on the second and fourth Tuesdays and the 2<sup>nd</sup> is the first Tuesday of the month so it is the same kind of  
795 thing. Annette Spendlove said the first Tuesday is always set aside in case the Council needs to hold a meeting.  
796 Council Member Bigler said people don't know that. Annette Spendlove replied that they do because it is posted  
797 on the top of every set of minutes and published in the newspaper in January of each year.  
798

799 Council Member Bigler said if he was in the others' shoes he would vote to accommodate so everyone can have a  
800 voice even if you feel different than him. He said he didn't do this on purpose; he didn't know until this afternoon  
801 that it was changed to the 9<sup>th</sup>. Mayor Harris said the Council can decide what they want to do. Council Member  
802 Flamm said he would rather leave it on the regular scheduled day. He explained that several years ago for the  
803 budget retreat he was on a family vacation to San Diego but felt it was important enough that he bought plane  
804 tickets and flew back to attend those meetings. He said there are ways for Council Member Bigler to participate  
805 and if he really wants to be involved he can participate and it would be easier for him to part himself from his  
806 family at Disneyland rather than get the entire community and all the Council to change their schedules to try to  
807 accommodate his vacation plans at Disneyland. Council Member Bigler said until this afternoon it was scheduled  
808 for August 2<sup>nd</sup>, he is not the one changing the schedule. He said he loves the City and it is important to him but he  
809 doesn't love it as much as his family. He said he would have to leave the park and his family in order to hear and  
810 it's not fair to residents for him to be there and pretend he is hearing stuff if he is hearing every tenth word. Just  
811 for the public record the City Council has spoken apparently. He said he doesn't know, if this was going to be a  
812 really close vote whether to bond and build this stuff or not and he was on their side of the issue they may be



813 more eager to accommodate him and have him participate. He has had this planned for months and some of his  
814 kids have never been to Disneyland. He isn't leaving them and going to a hotel room.

815  
816 Council Member Taylor said he can do the 2<sup>nd</sup> or the 9<sup>th</sup>. He said he is in Council Member Bigler's shoes a lot  
817 because he travels a lot. He has been on the phone for some major meetings including the Barker Park issue.  
818 August 9<sup>th</sup> has been a City Council meeting since the first of the year. If it can work on the 2<sup>nd</sup> he's game for it  
819 but outside those dates he agrees with Council Member Flamm. He suggested Council Member Bigler find  
820 somewhere to call in; he has done it ten times this year. He hasn't missed a meeting. He understands but feels  
821 that we should stick to the schedule. Debbie Cardenas clarified we never scheduled August 2<sup>nd</sup> for the public  
822 hearing; it was a printing error and we clarified it so it would be on the regular scheduled City Council meeting.  
823 Mayor Harris suggested moving on.

824  
825 Annette Spendlove said she was leaving last Friday to go out of town and was here until 9pm Thursday waiting to  
826 get the documents from the bond attorney so she could get the document out. She said she kind of rushed him to  
827 get it to her. He said if there were going to be corrections it would be Monday. She needed to get the agenda out  
828 before leaving for a family event on Friday and Carlton was hurrying to get those done for her sake. Debbie  
829 Cardenas said she doesn't know who is here or who is going to be gone as far as the Council is concerned.

830  
831 Council Member Bigler thanked Council Member Turner. He said he hopes that the Council will follow through  
832 and consider Justin Fawson's proposal to hold the public hearing in a different room. Regarding the brochure that  
833 was sent out, he said he wants the residents to know the \$6 is the first 12 payments and it will continue to go up  
834 each year after that. He said he did request where in the study that reference came from and was told that it had  
835 been discussed a number of times and it is in the study. He said he apologized that he can't find the reference to  
836 the \$5 or \$6 a month and asked for the page number on that and that request went unanswered. He said he  
837 specifically asked if that increase is based on a \$40 per month utility bill, \$50 per month, \$60 per month. The  
838 pamphlet doesn't say that the rates are going up each year for 25 years, it only addresses the first year at \$6 per  
839 month. What we do now will bless or hurt the City down the road. The issue was brought up that the annual  
840 increase is not because of the bond, yes it is. Technically it is not but it's not really full disclosure to say it isn't.  
841 We have to increase the utility rates in order to get the bond rating that we are talking about. Debbie Cardenas  
842 said that is not the rates are going up because we have capital improvement projects and estimated inflation for  
843 operating costs. As far as the brochure is concerned, she said we couldn't put everything in it so we tried to  
844 summarize. The entire study has been on the website for months for the citizens to look at it. Council Member  
845 Bigler said he is going to pull the minutes from a previous meeting where it was discussed that we have to  
846 increase utility rates in order to get the highest bond rating; make no mistake about it. Debbie Cardenas said that  
847 is true, in the initial one that is true; we have to raise the rates to pay for the bonds and they have to be assured  
848 that those bonds are going to be paid for and to get the best possible rating they have to have that but it's not the  
849 reason that it is being increased year after year, that needs to be clear. Council Member Bigler said it's to pay for  
850 the bond. Debbie Cardenas said we are doing that in the first year. Council Member Bigler said the first year  
851 increase is going toward that? Debbie Cardenas said that is going to stay in there. If we have to raise the rates \$6  
852 to pay for the bond that \$6 is going to stay in there and continue for the entirety of the bond. The \$6 per month  
853 goes toward paying the bond but the rest goes toward capital improvement projects and inflation for operating  
854 costs. Council Member Bigler asked what capital improvement projects. Debbie Cardenas replied the capital  
855 improvement plan which the Council approved in the budget.

856  
857 Council Member Bigler stated that at 6% interest \$18.5 million and at the lower end at 4.25% interest it is \$16.5  
858 million. He asked that everyone keep that in consideration and perhaps we can downsize this and scale it down.  
859 Council Member Bigler told Mel Blanchard that he does need a new facility and upgrades; he just doesn't think  
860 it's to the extent of this. He hopes we can put our minds together and come up with a compromise so we are not  
861 saying \$16 million to \$18 million for a public works complex. Council Member Bigler said, regarding the  
862 building permit issues in Quail Ponds, he lives by Joan Brown and he saw the pile of dirt and you can dig a hole  
863 without a permit so he waited to see but then pretty soon the foundation went in and they kept working so they do

864 need a permit. He was under the understanding that he could do that because that lot didn't have anything to do  
865 with the easement. If that is the case, that's not at all what the Council vote was. It was not just to put a freeze on  
866 the lots with the easement; it was the meat behind making the developer do certain things. He requested that we  
867 follow up on that ASAP and get an answer to the people in Quail Ponds and include him as well. He said he went  
868 back and read the minutes again where we voted on that and the way he sees it was is a blatant disregard to the  
869 City Council and it was a unanimous vote. There was a decision made within the staff to let someone have a  
870 building permit without coming back to Council and notifying us. He found out by driving by it so please follow  
871 up on that and include him as well and the residents. He said he appreciates everyone being here tonight and  
872 thanked them for your input. He said he loves North Ogden City. It is beautiful and we have as good of people  
873 here as anywhere on the planet. He considers it a privilege and an honor to serve on the City Council and he is  
874 willing to listen to all sides to base his decision on.  
875

876 Council Member Flamm said we had a great open house and booth at Cherry Days. The first open house on  
877 Saturday went from 1pm to 2:30pm and we had three visitors. On Monday we went from 6pm until 7:30pm and  
878 we had two visitors that night. This morning we went from 10am to 11:30am and we had four visitors and this  
879 afternoon we went from 2pm to 3:30pm and had six visitors. So for a total after sending brochures to everyone in  
880 the City in their utility bills, so that was over 6,000 people invited to the open house. Out of 6,000 people 15  
881 individuals showed up and some of those were from the same residence. That is a very small percentage but we  
882 do appreciate the people who did come out. What he challenged Council Member Bigler to do is, the architects  
883 sat down with Mel and all the employees to find out exactly what everyone's job is and what their needs are, after  
884 they did their analysis they came back and said here is what we need. He challenged anyone who says 'Let's cut  
885 back on the site. Let's build a smaller complex' the information is in the study, it's there; every citizen of North  
886 Ogden can look at that and see exactly what each department needs. He suggested he take the time, instead of  
887 throwing out 'let's make it smaller' after the study has been published and people have spent numerous hours  
888 determining what the needs of the City are, that study has been on the internet since last February. Council  
889 Member Flamm said he would like some specific suggestions of where to reduce size or use cheaper materials.  
890 Anyone who wants us to make it smaller or do something different would like something send out your  
891 suggestions and we would be happy to respond to them. We are open to suggestions. The Committee looks at  
892 them and will respond to them.  
893

894 Council Member Bigler said, in response to Council Member Flamm's challenge, he took a lot of time and went  
895 to various public works facilities between here and Kaysville. He said he doesn't know if anyone else has done  
896 that. He said it is one thing to look at it on paper what a recommendation is; he took the time to actually go out  
897 and look at them and talk to the city people about what they were using and how they were getting by with it. He  
898 wants it on record that he did his homework and he thinks we can do better.  
899

900 Council Member Harris said, just as a comment and maybe a head nod from the Council, two weeks ago when the  
901 meeting was convened we received a change to the minutes that was brought before us and we did just approve  
902 that with those changes. In the powers and duties book it states on page 77 there is a minimum content for the  
903 minutes: minutes of an open meeting must include date, time, place of the meeting, names of Council Members  
904 present, the substance of the matters considered including a record of votes taken, the names of any members of  
905 the public who speak and the substance of what they say. She said a key word to her is substance. There is another  
906 item listed which is, and any other information that any member of the Council requests to be entered into the  
907 minutes. Our City Recorder and Deputy City Recorder do what she would say is an excellent job doing our  
908 minutes they do many times substance, just now we have had a 4.5 hour City Council meeting. If we asked for a  
909 transcription it would greatly change the product they give us. She personally doesn't want a transcription. She  
910 doesn't feel that is appropriate or necessary. The substance of content of the conversations is fine. However, any  
911 Council Member can make a request that certain things be entered into the minutes. Her proposal would be if a  
912 Council Member wants to make those changes it is done in the public meeting not prior to the meeting so that we  
913 are all able to look at it and think about it. If recordings need to be listened to that makes more work for the City  
914 Recorders however, she thinks they are willing to do it. She just doesn't want our type of minutes going to

915 transcribed. Her proposal is that if a Council Member wants to have some things included in the minutes they  
916 bring it to everyone at the Council meeting.

917  
918 Council Member Bigler said we have always done it ahead of time before. Council Member Harris said it was  
919 mostly grammatical errors that would be changed ahead of time. Council Member Bigler why would you correct  
920 a grammar error. Council Member Bigler said he made the request. He has not requested tons and tons of stuff  
921 but he did request a few changes. Council Member Harris asked that it be done in the public meeting. Council  
922 Member Bigler said apparently some of those present have talked and complained about him and his request but  
923 he has a legal right to do that. What happened is that there were certain discussions and things that he and others  
924 had said and it was a very incomplete record. He said he would never do to a Council Member what was just  
925 done; if a Council Member requests to have something they said be put in the public minutes that was not there  
926 they have the legal right to do that. He said he doesn't know why anyone would fight against this; he is not asking  
927 to change what he said he just had a few things where he said 'make this more thorough so it makes sense in the  
928 public record'. Nobody should have a problem with that. He wouldn't have a problem with any other Council  
929 Member if they said 'You put this little tidbit in. I want you to put in the two sentences before that so it makes  
930 sense.' He said he has the right to do that. Council Member Harris said she is just requesting that he do that in the  
931 public meeting. Mayor Harris said when we vote on minutes in a public meeting any substantive changes would  
932 be brought forward at that time and then voted on. Council Member Bigler said the problem with that is this; any  
933 Council Member has the legal right to have something on there if it's not on there during the meeting. It does not  
934 require a majority vote of the Council to make changes. That's not the proper procedure. The vote is after all the  
935 changes are made is every Council Member satisfied with what is in there and what was recorded and what was  
936 put in the minutes. This time he was not and last time. In over a year he has only requests changes three times for  
937 something to be added to the minutes. He felt it was substantive whether anyone else thinks it is or not because it  
938 was representing was he said on public record and he has that right without a public vote and so does any other  
939 Council Member.

940  
941 Council Member Taylor said minutes are the public record and it is important that they be accurate. He is fine  
942 with having some procedures for the request. He likes that the minutes are written, not by us but, by a staff  
943 member. Whatever our procedures end up being, it is important to keep it that way so it doesn't get politicized.  
944 Council Member Bigler said no one can change the minutes if it wasn't said in the meeting he just wants a more  
945 accurate representation of what is said. Edward O. Dickie III said Annette Spendlove would have to go back and  
946 listen to the tape and make sure it was stated in the public meeting. Edward O. Dickie III said in other cities he  
947 has worked in they do it in the meeting. One reason they do is so everybody is on the same page and they  
948 understand the reason for the changes and it goes pretty quickly. He said everyone usually votes for it.

949  
950 Council Member Flamm said a concern he has is that when the minutes go out with the agenda and a Council  
951 member starts sending emails it is like doing business not in front of the public. Not everyone in the City is  
952 receiving those emails so he thinks Council Member Harris' suggestion makes sense because that way it is done  
953 in front of everybody. If you don't like the minutes at one meeting you don't approve them that night and ask for  
954 the changes to be made, then approve them at the next meeting. Personally he likes things being done in the  
955 public rather than by email. Council Member Bigler said there was nothing secretive about it; it was all things  
956 that were said in the meeting.

957  
958 Annette Spendlove said she has been doing minutes for 21 years and has seen them done lots of different ways.  
959 Some Council Members wanted them done verbatim though she would never suggest that. You can approve the  
960 minutes with the changes as recommended and if you decide to do that, if a Council Member comes to the  
961 meeting requesting changes and it is what was said the Council certainly will approve the minutes with those  
962 changes. Council Member Bigler said it can be approved with the changes but the minutes have to be approved  
963 anyway so even if the Council votes not to approve the changes, they have to be changes anyway. The Council  
964 Member has the right to clarify their comments in the way they are represented in the minutes. He doesn't have a  
965 problem doing it in the public meeting; it was something he said in a public meeting. Just make it clear that even

966 if it is voted to pass the minutes they still have to be changed and he was not requesting any change, only  
967 additions this time.

968  
969 Council Member Turner said he had some changes to some minutes like if he came in late but was shown to have  
970 been here. He is confused on where we are going with this; he doesn't care if it is done in a public meeting or by  
971 email because the minutes are going to be published anyway. He said he likes the idea of doing it in the public  
972 meeting because it is in a public meeting. If he is reading the minutes on a Friday night and sees something he  
973 would just send an email to Annette that he wasn't there.

974  
975 Edward O. Dickie III said he thinks what Annette Spendlove would like is just if Council is ok with the way  
976 minutes are done now and if Council is ok to just send an email, just decide to do that. She will verify that it was  
977 in the recording, it takes some time so be a little sensitive to that. Council Member Flamm said his only  
978 suggestion is that if changes have been made after it has been published to the website those changes be  
979 mentioned in the meeting before the vote. Council Member Bigler said they already say 'not approved' on them  
980 so you know right away; another option is to wait until they are approved to put them on the website.

981  
982 Council Member Harris said she loved the YouTube video that was emailed about the flash mob at the fireworks  
983 by the swimming pool staff and members of the community. What a great tribute.

984  
985 Annette Spendlove said we have had 11 citizens file for candidacy and it closes Friday. Council has asked for an  
986 email that just goes to the entire Council. We will have our IT person work on that when he gets back from  
987 vacation. She said Cole Spicker, who was on the Youth City Council for years, has had a stroke and is in  
988 Intermountain Hospital in Murray. Mayor Harris said he has been serving as an intern for Senator Hatch for  
989 several months.

990  
991 Mayor Harris said we have retained Jim Harris as our Project Manager for the Public Works Complex. Jim retired  
992 from Weber State University. We are getting a seasoned professional for little or no cost to the City and we  
993 appreciate his efforts on our behalf. There was some question raised in the past about whether there is a conflict  
994 with him serving in that position with his wife Martha serving on the City Council. Dave Carlson said he issued  
995 an opinion that states unequivocally there is no conflict of interest, Jim is not benefiting, Martha is not benefiting.  
996 The value we are gaining as a City is over \$56,000 by him doing this. Rather than benefitting in any way he is  
997 donating a lot of valuable services to the City.

998  
999 Edward O. Dickie III said he wants to recognize Zella Richards tonight because she does a great job keeping the  
1000 Senior Center running.

1001  
1002 **ADJOURNMENT.**

1003  
1004 **Council Member Bigler moved to adjourn. Council Member Taylor seconded the motion.**

1005  
1006 **Voting on the motion:**

1007  
1008 **Council Member Taylor**        **yes**  
1009 **Council Member Bigler**        **yes**  
1010 **Council Member Flamm**        **yes**  
1011 **Council Member Harris**       **yes**  
1012 **Council Member Turner**       **yes**

1013  
1014 **Voting was unanimous. The motion passed.**

1015  
1016 The meeting adjourned at 10:23pm.

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Richard G. Harris, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date approved

NOT APPROVED

Attachment A

Presentation to North Ogden City Council, July 12, 2011

NAME Joan Brown  
ADDRESS 2010 N. 775 East

Many of the home owners in Quail Pond PRUD had thought that tonight might be the time when we would be able to finally get some real action about moving toward vacating the Quail Pond PRUD and making it a regular North Ogden housing subdivision with property lines clearly established.

Some of the home owners are here tonight because we found out that the developer of Quail Pond PRUD had been invited to this meeting. This invitation was extended by Mr. Carlson, the city attorney, to Mr. Jones, Quail Pond developer. None of the home owners were invited or notified of this meeting. The city seems to have the attitude that the homeowners don't want the vacating procedure to happen.

I am the person that brought up the subject of vacating the PRUD in the first place. I circulated the petition that put the whole matter into motion. We want to vacate. We have worked harder than anyone else for its completion, and today we want it even more.

Last Friday, some of the homeowners outlined on paper some statements of concern that we would like to have settled to complete the vacating procedure. The listing of these concerns was a suggestion from Councilman Bigler in hopes of helping to mediate a closure. These concerns are what I want to mention now. I gave a copy of these statements to Mr. Carlson last Friday. And he gave a copy to Mr. Jones. The intent of this was to make sure that the developer was aware of these concerns before this meeting. Also, Mr. Jones had previously asked Mr. Bigler to provide him with information about Quail Pond if it were going to be discussed in a meeting.

Here are the concerns:

#1 Easement control statements need to be agreed upon. When the new corporation was formed to proceed with the vacating procedure, the city told us that we should write easement controls for the new subdivision. After we gave the city this document, it was passed on to the developer. He changed it. We need to sit down with him and go over the statements and agree upon them. The final easement control statements need to be given to new home buyers, and they need to sign the document. They must be informed that it is mandatory to pay monthly maintenance fees, the amount to be the current charge at the time of the sale (currently \$15).

Questions?

#2 Vacating costs and maintenance fees for the subdivision (now PRUD) will be paid by the new corporation from the date of April 16, 2009 (forward). This is the date when the developer called a meeting and said it was time to organize the home owners' association (HOA), and the first officers were elected. It is also the time when the first check was issued under the account "Quail Pond PRUD." We are asking for a chronological list of expenses as they were incurred—date, amount, and canceled check front and back. The new corporation has been paying maintenance expenses since the vacating procedure began. We have also paid some from earlier dates. We ask that the developer and Mr. Carter (purchaser of new lots) bring up-to-date their share of the fees. Mr. Jones did pay the first month, so I assume he did recognize the need in the beginning. Mr. Carter has never paid.

Questions?

#3 Money from the sale of lot 36 will not be intermingled with the monies used for vacating and maintenance. We fully acknowledge that Mr. Jones will be buying the lot for \$36,000. We also acknowledge that we are committed and obligated to satisfy the agreed-upon vacating expenses. We would have to sell the lot. There is no other way we would have funds to satisfy our obligations.

- A We vacate
- B Lot is sold
- C We pay our part of the vacating costs as agreed upon

Questions?

#4 We ask the developer to sign a statement indicating that the new corporation is not responsible for any expenses or commitments that existed prior to the date of the vacating that were not previously agreed upon.

Questions?

#5 The owner of lot 36 must plant the pond area and maintain the entire lot as prior to the vacating in a park-like atmosphere until such time as a building permit is secured and construction is begun.

Questions?

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According to Mr. Carlson, the amount of \$15,000 (to go to the new Corporation) is agreeable to both sides unless the disclosure of financial expenses are obviously different. If we can sit down and solve these items, the PRUD will be vacated. I apologize for all the rancor that has developed. I am truly sorry for the hurt feelings on both sides. I think we are all above this. I understand that the city officers think the neighborhood is destroyed. Quite the contrary. Neighbors have been brought together that have never

spoken to one another before. Bad feelings are never good, but a lot of good has come from this experience.

Thank you for your time.

JOAN BROWN

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# North Ogden City

## Memorandum

**To:** Mayor and City Council  
**From:** Debbie Cardenas, Finance Director *DMC*  
**Date:** 05/18/11  
**Re:** Parameters Resolution

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There are several reasons for a Council to adopt a Parameters Resolution. It serves the following purposes.

- It notifies the citizens that the City has a specific need and identifies what that need is; in this case the Public Works building.
- It notifies the citizens of the City's intent to issue bonds to fund the project.
- It sets the parameters approved by the Council establishing, among other things, a "not to exceed" bond issuance figure based on the estimated cost of the project, including bond issuance costs.
- It authorizes publication of a "Notice of Intent to Issue Bonds" which, when published, triggers a statutory 30-day public contestability period during which citizens may contest the legality of the Parameters Resolution and related bond documents by filing a written complaint with the appropriate court.
- It sets the date, time and place for a public hearing to invite citizen comments, both oral and written, on the proposed bond issuance and on the economic impact of the proposed project.
- It notifies citizens that copies of the draft bond documents are available for inspection at the City office during the 30-day contestability period

The adoption of the Parameters Resolution does not constitute approval to issue bonds by the Council, nor does it commit the City to issuing bonds. The Parameters Resolution is simply a statement that the Council intends to proceed forward with satisfying the requirements of state law regarding the issuance of bonds should the Council vote to issue bonds at a future date.

Thank you.