

1 NORTH OGDEN CITY MUNICIPAL BUILDING AUTHORITY
2 MEETING MINUTES

3
4 **June 7, 2011**
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6 The Municipal Building Authority of North Ogden convened in a meeting on June 7, 2011 at 7:46pm
7 after the City Council meeting at the City Offices. Notice of time, place and agenda of the meeting was
8 delivered to each member of the Council, posted on the bulletin board at the municipal office and posted
9 to the Utah State Website on June 1, 2011. Notice of the annual meeting schedule was published in the
10 Standard-Examiner on January 1, 2011.

11
12 **PRESENT:** Richard G. Harris Mayor
13 Ron Flamm Board Member
14 Martha Harris Board Member
15 Carl Turner Board Member
16

17 **STAFF:** Debbie Cardenas Finance Director/Acting City Manager
18 Edward O. Dickie III City Manager
19 Julia LaSeure Deputy Recorder
20 Dave Carlson City Attorney
21 Dave Nordquist Community Services Director
22

23 **EXCUSED:** S. Annette Spendlove City Recorder
24 Brent Taylor Board Member
25 Wade Bigler Board Member
26

27
28 **VISITORS:** Melanie Barker Bob Napoli
29 Rich Kotter Lewis Barker
30 Rod Barker Melanie Barker
31 Kim Christensen Aaron Christensen
32

33 **CONSIDERATION TO APPROVE MINUTES OF THE APRIL 26, 2011 MEETING.**
34

35 **Board Member Flamm moved to approve the minutes of the April 26, 2011 meeting. Board Member Turner**
36 **seconded the motion.**
37

38 **Voting on the motion:**

39 **Board Member Flamm yes**
40 **Board Member Turner yes**
41 **Board Member Harris yes**
42

43 **Voting was unanimous. The motion passed.**
44

45 **CONSIDERATION TO APPROVE AMENDMENTS TO THE DEER MEADOWS CCR'S.**
46

47 Dave Carlson, City Attorney, explained that when the City developed Deer Meadows Subdivision CC&Rs were
48 recorded to protect property values and ensure that homes were consistent in architecture. Typically when a
49 subdivision is created and CC&Rs are enforced there is no HOA. They just set up an architectural committee that
50 exercises enforcement authority over new construction. They review the plans and ensure compliance with the
51 CC&Rs. The MBA retained the enforcement authority which is highly unusual. He is not aware of any other
52 situation like this. The CC&Rs give the MBA the authority to amend the CC&Rs. The reason this came about is
53 that there were some situations in Deer Meadows that came to the City's attention. Do we want to be in the position

54 of telling these homeowners to remove sheds and fences? That is not a proper role of government. The last time we
55 had this matter before the MBA a comment was made about the homeowners being uncomfortable enforcing these
56 restrictions. There are still lots to be sold and as those homes are built, the homeowners would be reviewing those
57 plans to ensure compliance. The City indicated they would be happy to help out with the plan reviews. The
58 proposal is to amend the CC&Rs for Deer Meadows Phase 1 to extract the MBA out of it and set up a committee of
59 homeowners to enforce the CC&Rs with the understanding that the City will continue to help with plan reviews.

60
61 **Board Member Flamm moved to approve the amendments to the Deer Meadows CC&Rs. Board Member**
62 **Turner seconded the motion.**

63
64 **Voting on the motion:**

65 **Board Member Flamm** yes
66 **Board Member Turner** yes
67 **Board Member Harris** yes

68
69 **Voting was unanimous. The motion passed.**

70
71 Brett Hamblin, 963 Deer Meadow Dr., said he doesn't think the homeowners have any authority. The new CC&Rs
72 say if a lot owner takes legal action against another lot owner, they can get recovery of attorney's fees. He said if he
73 got elected chairman and the group gets together and decides that someone is in violation, is he responsible for the
74 legal fees? He suggested spreading the legal fees out over all the lot owners.

75
76 Mayor Harris said it is their document now and they can do whatever they want. The owner's committee can get
77 together and rewrite them.

78
79 Dave Carlson, City Attorney, said the owners committee is not a vigilante group; it is only set up to do the
80 architectural review. In every other development with CC&Rs they are written the same way. There is nothing
81 unique about this arrangement. It's not intended that you go around and make sure everybody's shed is the right
82 size and in the right place. If there is something that your neighbor does that is a violation of the CC&Rs it gives
83 every owner the right to take action against any other owner.

84
85 Board Member Bigler arrived at 8:00pm.

86
87 **ADJOURNMENT.**

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89 **Board Member Flamm moved to adjourn. Board Member Turner seconded the motion.**

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91 **Voting on the motion:**

92 **Board Member Flamm** yes
93 **Board Member Turner** yes
94 **Board Member Harris** yes
95 **Board Member Bigler** yes

96
97 **Voting was unanimous. The motion passed.**

98
99 The meeting adjourned at 8:03pm.

100
101 _____
102 Richard G. Harris, Chairman

103
104 _____
105 Julia LaSeure, Secretary

106
107 _____
108 Date approved