

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 28, 2012

The North Ogden City Council convened in a regular meeting on February 28, 2012 at 6:30 pm in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on February 23, 2012. Notice of the annual meeting schedule was published in the Standard-Examiner on January 16, 2012.

PRESENT:	Richard G. Harris	Mayor
	Kent Bailey	Council Member
	Wade Bigler	Council Member
	Justin Fawson	Council Member
	Dave Hulme	Temporary Council Member
	Cheryl Stoker	Council Member
STAFF PRESENT:	Annette Spendlove	City Recorder/HR Director
	Edward O. Dickie III	City Manager
	Debbie Cardenas	Finance Director
	Dave Carlson	City Attorney/Economic Development Director
	Craig Barker	Community Development Director
	Polo Afuvai	Police Chief
	Julia LaSeure	Deputy City Recorder
VISITORS:	Kevin Burns	Larry G. Florence
	Lana Tolman	Kandace Marsh
	Tennice Thomas	Jenny Marsh
	Paxson Marsh	Dan Carter
	Dave Marsh	Bob Napoli
	Terel Grimley	Jim Suhr
	Brian Russell	Tom Woolsey
	Bradin Hodgson	Jaden Marietti
	Gina Kochendorfer	Bill Aeschlimann
	Carl Turner	Robyn Bitton
	Clark Crowther	Tiffany Turner
	Elaine Jensen	Rachel Trotter
	Don Mathewson	Brian Bott

Mayor Harris called the meeting to order at 6:32 pm and welcomed those in attendance.

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

CONSENT AGENDA

1. Consideration and/or action to approve the minutes of the February 7, 2012 joint work session with the Planning Commission.
2. Consideration and/or action to approve the minutes of the February 14, 2012 City Council meeting.
3. Consideration to approve Business Licenses.

Council Member Bailey moved to approve the consent agenda. Council Member Fawson seconded the motion.

Council Member Hulme asked, regarding the minutes, whether Council needs to clarify that these are the most recent minutes that were received tonight. Annette Spendlove, City Recorder, replied that is understood.

Voting on the motion:

Council Member Bailey	yes
Council Member Fawson	yes
Council Member Bigler	yes
Council Member Hulme	yes
Council Member Stoker	yes

The motion passed unanimously.

ACTIVE AGENDA

4. PUBLIC COMMENTS.

Kandace Marsh, 173 E 2000 N, read a document, included as Attachment ‘A’, requesting permission to have a pig in the City limits temporarily for a Weber County Fair project. Mayor Harris said he thinks swine are specifically prohibited. He stated that if one person is allowed to do it then everyone has to be allowed to do it and it gets to be kind of a problem. He said it will be discussed and the City will get back to Ms. Marsh.

Council Member Bigler stated that he would like to study a little bit about pigs and suggested the Council does the same and see exactly why that one was excluded. He said it would not necessarily open it up for everybody in the city but stated that there are different zones. He said he would like Council to do a little homework and research on it and perhaps make it an agenda item at least to discuss it after looking into it.

Mayor Harris said we have to adhere to our zoning ordinances and need to be careful when we make exceptions. He asked Craig Barker, Community Development Director, which animals are prohibited in the City even though property may be zoned for agricultural uses. Craig Barker replied that not a lot of domestic animals are excluded but swine have been excluded for a number of reasons; the activity that swine have and the odor. He said we will ask the County health department and the Utah State extension office to talk about those issues so we are well versed in the impact of raising those animals. He said most of what we exclude is some wild animals that may be of some danger and some pet birds that are subject to avian flu and those types of things. He said he is not aware of one city that allows hogs. It was a big issue about 15 to 20 years ago a lot of people wanted to have the Asian potbellied pigs. He said he doesn’t know of any cities that allowed those for health reasons also the odor and other criteria that they may not be suitable for closer urban living.

Council Member Bigler asked that this item be put on the next Council agenda for March 27, so we can respect this request. Mayor Harris said that it will be on that agenda.

Council Member Hulme said he would like us to think about, rather than changing the ordinance about swine, to put some sort of provision in the ordinance that has to do with educational purposes and animals for those. Perhaps by permit only so in the handful of cases we might get, we can do something. There may be other kids that come in some may not meet the zoning requirements either but may like to have an animal under these type of circumstances. Perhaps for school kids we could write a provision that would allow that. He said that is the direction he would like to go.

Robyn Bitton, 4813 W 2150 N, Plain City, stated that she is a hog raiser for Weber County fairgrounds and the extension service. She said she has spoken with Donna Carter who would be willing to come and visit with the council. She mentioned that this request is for a four month period and the hog is butchered after that. She wanted to make sure the Council is aware of the limitations.

Dave Marsh, 173 E 2000 N, said a City employee told him that pigs are not allowed because they stink, they are noisy and dirty. He said if you were raising a whole bunch of pigs the odor would be a little harder to control. These kids are only raising one or two hogs and they do a great job of keeping the pens clean and dry.

Carl Turner, 2673 N 950 E, expressed his thanks to Edward O. Dickie III for his time in North Ogden City. He wished him good luck and stated that Ed is a good friend and will be missed.

Mayor Harris said this will be Edward O. Dickie III's last City Council meeting before he leaves to be City Manager for Santa Clara City. He thanked Mr. Turner for bringing that up.

5. DISCUSSION AND/OR ACTION TO CONSIDER A MEDIA POLICY.

Council Member Fawson said this is pretty straightforward this is a policy that has been drafted in order to better communicate with the media in the community. There are also guidelines for elected officials and city employees and our course of action when communicating with the media. He indicated that he received an email from one media contact. He acknowledged Rachel Trotter from the Standard-Examiner in the audience and asked if she would like to speak. She responded that she expressed all of her concerns in the email.

Council Member Fawson said this proposal is in no way meant to limit our communication with the media. It was drafted to ensure that we are capturing accurate information from the media in the form of their request and sharing it through proper channels. He said he assumes that everyone has taken time to read the draft policy and he would like to take action on it tonight.

Council Member Bigler said he liked of idea of having a media link that was originally brought up but that is not included here with the revisions. He referred to a few places in the policy where it states that the City Manager will email or call after the media contact to let the City Council know what is going on. He indicated that he would prefer that to be a link so the City Council knows exactly what is going on both ways; to and from the media. He said the Council Members are held to a higher standard and the media can be too. He said he would like a media link included so that when the media requests something they push that link and it goes to all the elected officials and the City Manager with the question and whoever it is directed to so everyone gets the request and the response will go through that same link so everyone also sees what information is being told to the media. That way there won't be he said/she said misinformation that causes bad feelings. He said some of that has happened in the past and this is important in order to move on in a positive manner and so we know exactly where the information is coming from.

Council Member Fawson said the way it was drafted we didn't want to restrict contacts in the media from calling and placing a request with any member of the Council or staff or Mayor but when the request is made we wanted to capture that in an email. He said he is fine with the distribution list as long as it includes the Public Information Officer (PIO) and the elected officials. Basically the information from the request will be captured and sent in an email to everybody and we will have a chance to respond via email. He said the reason he likes this is primarily because it will provide us a way to communicate clearly and he doesn't see it in any way as restrictive. Any one of us can communicate with the media at

any time but it also captures what we are saying accurately and it becomes public record that anyone can request and it is right there in writing. He explained that he didn't want to restrict the incoming request from the media to just email because he did feel that would be too restrictive given their timelines and their constraints.

Council Member Bigler said his one question is the phone call and then capturing that in an email. What does that mean? You are summarizing so we don't really have what was said. Council Member Fawson said if we are capturing the question and then responding to the media, the media is also seeing what the question was originally and if that's not what they were asking or if we reworded it or messed it up somehow they have an opportunity to clarify. Council Member Bigler said then we are on the record but the media is not. He asked Council Member Fawson if that is what he is saying. Council Member Fawson said if we take the phone call and then put it in writing and send it to everyone on the distribution list and our responses to that go back to the media and if our translation of what they asked was incorrect they can clarify the email too.

Mayor Harris asked if we are talking about 2-8 specifically. Council Member Fawson replied yes. Mayor Harris said he thinks that needs to be clarified a little bit then to loosen that up some. He understands what Council Member Fawson is saying is that if a verbal request is made it can be responded to but followed up in writing. Council Member Fawson said not necessarily, no, his concept of 2-8 is that if he is contacted directly by a representative of the media and they have a question he can take the question and respond to it summarizing the question and giving his response via email but it goes out to all the elected officials and the PIO. Council Member Bigler said he doesn't see that as taking care of the concern because we still don't know what was really said.

Mayor Harris said he is uncomfortable with that. He asked what happens when he as the Mayor gets a call from the media. Does he have to have them send it in writing? Council Member Fawson replied no, he could put it in writing and send the question and his response to the distribution list. Council Member Hulme said you are stating what you thought the question was and your answer which will reflect what you understood the question to be. If that is not what the media contact was really asking they could clarify so there is no misunderstanding. Mayor Harris said he would not be allowed to answer the question? He would have to take the question verbally and write an email and send the questions and his answer out. He said he disagrees with that.

Council Member Stoker asked what the purpose of the PIO is. The way she reads it all requests go through them and they do the responding. Council Member Fawson said it is the PIO's responsibility to log all the correspondence; that is 2-7. Mayor Harris said the City Manager is the PIO in our City right now and he does regulate how the staff responds to media inquiries. He said he is not sure it is appropriate for the City Council Members or the Mayor to be limited in this. He said as elected officials they have not only the opportunity but the duty to respond to the press.

Council Member Fawson said he agrees and added that we need to respond in a timely manner. He said his concern is who knows what he said on the phone. He wants it to be a matter of transparency. He is happy to put whatever he has to say in writing so it is a matter of public record. He then has better odds of being quoted by his comments that he is writing.

Council Member Bigler said he thinks this is very good now that he explained it. As a quick example, he doesn't see it as limiting anybody. It is completely transparent for us and the public and the media. In the last month there have been two newspaper articles that said he put forth a motion to change City employees' benefit package from 90% to 80%. He said he never did that, it never happened. It even said there was a 4 to 1 vote against that. He said that would never happen against something because there wouldn't be a second. There has to be a second that agrees with it for there to be a vote so you're never

going to get a 4 to 1 against it. That's just the way the law works. So if someone puts forth a motion and no one is for it they just don't second it. He has never put forth a motion that died right there. He said he never has but it was reported that way and he wondered whether that was reported inaccurately or if the Mayor really said that. So for example so we can move on in a positive way if we all had more transparency and would know if there is misprinting, we would know exactly where it is coming from. He said he thinks the residents deserve to hear the truth of what's going on instead of things that are inaccurate and not true and so forth. He said it is just transparency to him and he is fine with putting all his responses in writing.

Council Member Fawson said we really just addressed two paragraphs in this entire document. The rest of it really speaks about City spokespersons, records requests, privileged and private information, personal points of view, City initiated information, public safety issues, and crisis or emergency issues. There are some exceptions with the way our police department communicates with the media during a crisis or emergency. He stressed that in no way does he want to limit the communication with the media or put anyone in a position where they feel like their communication with the media is limited. It is simply a measure to clarify what we are saying and clearly communicate and do so in a timely manner.

Council Member Bigler said this does not pertain to the police force at all because they have their own set of media rules and procedures obviously that they go by. Mayor Harris said the policy does address the police force but he thinks it is pretty much in line. He said generally it looks like a good policy but he questions whether it is very practical to try to put everything in writing. He asked if there is any more discussion.

Council Member Hulme said regarding section 2-8 whether the primary purpose is to protect the City or the individual making the statement. He said if it is the individual making the statement he would be comfortable with each person making that determination on their own. We can choose to use our discretion to make comments then no one feels like they have been limited. He said on the other hand if it is felt that this is necessary to protect the City in general in all media requests that would be a different story. Council Member Fawson stated that he thinks it is for both purposes.

Council Member Hulme said, referring to Mayor Harris' comment that he isn't sure the Council has the authority to limit the Mayor in this fashion, he thinks that needs to be addressed prior to a vote on this. Mayor Harris said they types of policies are common throughout a lot of cities and he doesn't have an issue with the policy that relates to everybody but thinks that paragraph 8 under section 2 is a little too restrictive. Council Member Fawson said it is a self-imposed restriction that he is willing to subject himself to. He said it certainly doesn't make it easier for him to pick up the phone and answer media requests but it does ensure clarity. Council Member Bailey said transparency too which he thinks is an important part of the process. It is important at least for the elected officials to know what is being said and what is being requested. He stated his feeling is that it is really hard to be blindsided to read something in the paper that we should have known about.

Mayor Harris said there has been some controversy recently but he feels the City has always had a good working relationship with the press and he wants to maintain that. It is very important that we not be viewed as trying to censor. He said Council Member Fawson has made it clear that is not his intent.

Council Member Bailey asked whether this will be added to the City Council policy. Mayor Harris said it will go into the City's personnel policy. Edward O. Dickie III said it be in the City Council policy also.

Council Member Fawson moved to approve the media relations policy as presented. Council Member Bigler seconded the motion.

Council Member Hulme said he thought we were going to clarify Section A regardless to say that we could take a phone call and then send a summary out. It still says that any requests have to be sent in writing. Council Member Fawson said that is what he is proposing in section 2-8. The verbal request comes in to the elected official but at some point it goes out to the City PIO and elected officials. That doesn't mean they can't send requests by email; that would be great. The policy states 'Responses to the media shall be sent in writing and copied to the CITY PIO and elected officials and other spokespersons as needed'. Council Member Hulme thanked him for the clarification.

Council Member Bigler said he thinks this will do exactly what the Mayor said to have positive relations with the media. It protects us and the media and the writer of the articles as well because on both ends there will be transparency. It's not just us being transparent with them so they can't be accused of saying something or doing something that they didn't do either. He said he thinks both sides ought to agree with this so it's transparent on both ends.

Council Member Hulme said the Mayor was involved in a media interview not that long ago and asked how this policy would affect something like that. Is there a provision for a back and forth live interview? How would that be handled? Is that spelled out in the policy? He said he doesn't remember seeing anything like that. Mayor Harris said it is not in the policy; if he received a phone call and this was in effect he would say that he would respond in writing. Council Member Hulme said we could take care of that if there was an effective way to record something like that. Mayor Harris said his initial reaction to that is that it is getting too complex, too tied up with details.

Council Member Bigler said he thinks if the Mayor was going to have a news interview on TV that would be ok. He wouldn't be opposed to that at all. Like Council Member Hulme was referring to a general interview not talking about ongoing current issues. There is a difference between that vs. an interview with the Mayor of North Ogden City. Mayor Harris said if it is recorded by radio or TV it is on the record. Council Member Bigler said that is his point exactly.

Annette Spendlove, City Recorder, asked for clarification that #8 is being left as written. Mayor Harris replied yes that is his understanding of the proposal.

Council Member Hulme asked are we saying this doesn't apply in that sort of instance that the Mayor does an interview or do we need to write a provision in there that spells that out. Mayor Harris said he is willing to work with this and if it turns out to be a problem with any of us then we need to look at it again but he is willing to work with this and this point so we can move ahead.

Council Member Bailey said that can be dealt with within the context of what is written here. If any of us were asked to be interviewed by some media outlet we could provide the request and that would take care of transparency issues without having to write any new verbiage in.

Voting on the motion:

Council Member Fawson	yes
Council Member Bigler	yes
Council Member Hulme	yes
Council Member Stoker	yes
Council Member Bailey	yes

The motion passed unanimously.

6. PUBLIC HEARING TO RECEIVE COMMENTS CONCERNING AN INCREASE IN UTILITY RATES.

Debbie Cardenas, Finance Director, explained that a public hearing concerning utility rate increases was held on November 2011 and those fees were adopted in December of 2011. The discussion only included the base rates and the incremental increases were not discussed the Council asked that those calculations be made on an average bill. Those calculations were made and posted to the City's website. The Council approved the base rates but moved to hold another public hearing to discuss the incremental water rate increases. All the residents will see a base increase of \$2.80 as follows: water \$.49, sewer \$.12 for North Ogden City and \$1.67 for Central Weber Sewer District (CWSD), storm water \$.25, and garbage \$.27. Those increases were adopted at the last Council meeting. We have two separate rate structures in the water bill right now the first one is from 1,000 to 19,999 gallons. Calculating the average bill of 5,000 gallons, right now the old rate is \$1.50 per 1,000 gallons. If we adopt the new rate it would be \$1.62 per 1,000 gallons. Under the old rate the user would have been billed \$6.00 for the base rate and \$7.50 for the 5,000 gallons for a total charge of \$13.50 total for water. Under the new rate the user will be charged \$6.49 for the base rate and \$8.10 for the 5,000 gallons that they've used for a total of \$14.59 for water. The total increase on an average water bill would be \$1.09 for average usage of 5,000 gallons. If you look at the total bill including water, sewer, storm water and garbage for the base only that's \$1.13, the CWSD pass through fee is \$1.67 and the \$.60 increase for the 5,000 gallons of usage for a total of \$3.40. For the second part of the rate structure for those who use over 19,999 gallons, the average use there is 4,000 gallons over the 19,999 gallons. On the old rate they were charged \$6.00 for the base rate and \$2.00 per 1,000 gallons. For the first 19,999 gallons of water used they were charged \$28.50. For the 4,000 gallons over 19,999 gallons they were charged \$8.00 for a total bill of \$42.50 for the water. On the new rate it's \$2.16 per 1,000 gallons. The base rate goes to \$6.49, the first 19,999 gallons it's \$30.78 and then for the 4,000 gallons that are used over the 19,999 gallons it is \$8.64 for a total of \$45.91 for the water. The total increase in the water bill for those using average 4,000 gallons over the 19,999 gallons is \$3.41. The increase including water, CWSD, sewer, storm water, and garbage is \$5.72. She stated that the increase will be more or less depending on water usage.

Mayor Harris opened the public hearing at 7:21pm.

There were no public comments.

Mayor Harris closed the public hearing at 7:21pm.

Council Member Bigler moved to close the public hearing. Council Member Fawson seconded the motion.

Voting on the motion:

Council Member Bigler	yes
Council Member Hulme	yes
Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE TO INCLUDE CHANGES TO THE UTILITY RATES.

Council Member Fawson said he is glad for the public hearing.

Council Member Bailey moved to adopt Resolution 5-2012 amending the consolidated fee schedule to include changes to the utility rates. Council Member Hulme seconded the motion.

Voting on the motion:

Council Member Hulme	yes
Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes
Council Member Bigler	yes

The motion passed unanimously.

8. PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDING SECTIONS 11-22-2 “DEFINITIONS” AND 11-22-8F “COMMUNITY SIGNS” THAT WOULD ALLOW SIGNS TO BE LEFT OUT LONGER.

Craig Barker, Community Development Director, stated this was on the previous agenda. He explained that whenever you amend the zoning ordinance it requires a recommendation from the Planning Commission and a public hearing to get input from the residents though sometimes you don't get any. Once the public hearing is held the City Council is able to take action. Normally the Council will hear the information from the public hearing and consider it at a following meeting but the way this is proposed the City Council could take action tonight if they desire. He said community signs are only one type of temporary sign and are meant to be placed in the public right-of-way or on city property to advertise city-wide events. So far it has only been used for the Arts Festival, Cherry Fays, and advertising for the hiring of summer employees. We had a limit of ten days prior to the special event but the Community Services department felt like they needed more time and perhaps others would like that also. The Planning Commission recommended extending that time to 21 days. He said that is the only proposed change.

Council Member Fawson asked whether community signs included election notices. Craig Barker replied that they do not apply for individuals.

Council Member Hulme asked about caucus meetings. Craig Barker said he thinks that would be useful and a good use of that tool.

Council Member Bailey asked if the park strip would be appropriate for use for caucus signs. Craig Barker replied that he thinks so. He said the ordinance requires that the applicant show where the signs will be posted and Staff reviews that.

Council Member Bailey said as he reviewed the Planning Commission discussion on this there was a lot of concern about the condition of the signs and that they be taken down on time. He asked how we can encourage the city to comply. Craig Barker said we need to police ourselves and added that staff brings those things to the department's attention from time to time.

Council Member Fawson said there is no difference between the commercial restrictions and our own community sign restrictions. Craig Barker said that is true, they are very close to being the same.

Council Member Bailey said reading back through the Planning Commission's minutes there seemed to be some concern that some signs were made of materials not allowed in the ordinance. Craig Barker said that is part of the general overall appearance of the signs.

Council Member Stoker said she assumes the policy on real estate signs is the same; on the park strip only. Craig Barker replied yes and added that they cannot be on anyone else's property. Those are only permitted on the lot for sale but that could be brought up for the Planning Commission to review and comment on. He said we do have some issues with those signs. They come up on the weekends when there isn't much staff. Those are technically not allowed in the public right-of-way. Council Member Stoker said she would like to reconsider this because she was told that North Ogden City used to have a great policy on that. She asked that be put on the agenda. Mayor Harris said it has only been a few years. The problem was that temporary signs were cluttering the public right-of-way. Craig Barker said we are talking about off-premise signs not signs in the public right-of-way. Mayor Harris said there were a lot of signs and they were unsightly and they didn't want them there. Craig Barker said he has had some calls from people concerned with us allowing those signs again and he told them that is not what is being discussed tonight.

Mayor Harris said that will be on a future agenda.

Mayor Harris opened the public hearing at 7:37pm.

There were no public comments.

Mayor Harris closed the public hearing at 7:37pm.

Council Member Hulme moved to close the public hearing. Council Member Fawson seconded the motion.

Voting on the motion:

Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes
Council Member Bigler	yes
Council Member Hulme	yes

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING SECTIONS 11-22-2 "DEFINITIONS" AND 11-22-8F "COMMUNITY SIGNS" OF THE NORTH OGDEN CITY ZONING ORDINANCE.

Council Member Fawson moved to approve Ordinance 2012-6 amending sections 11-22-2 "Definitions" and 11-22-8F "Community Signs" of the North Ogden City Zoning Ordinance. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	yes
Council Member Fawson	yes
Council Member Bigler	yes
Council Member Hulme	yes
Council Member Stoker	yes

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE VACATING ALL OF ROYLANCE FARMS PLANNED RESIDENTIAL UNIT DEVELOPMENT PHASE II SECOND AMENDMENT EXCLUDING ALL PUBLIC STREETS THEREON.

Craig Barker said this is rather complicated in order to vacate the PRUD. This development was recorded back in about 2000-2001 and in that development the yard space is common space and the only land you own is the land under your house. If this was originally developed the way it was conceived it may have worked but the developer went belly up and people were left holding properties that were not very useful to them and they have taken the steps to bring them more in conformity with what they would like to have. The new lots will reflect the property they have. There will still remain a couple common areas but they will convert most of it to private ownership. They are leaving the streets as they are. When you do this you have to vacate what is on public record and record the new plat in order to erase the original plat. That is the procedure through the County Recorder's office. We will not record this vacating instrument until they have the new plat ready to record in its place and they will be recorded at the same time. This does not become effective until it is recorded with the County. He explained that they are going to come back immediately and want to change this again to get the final alignment of what they want.

Council Member Bigler asked who 'they' is. Craig Barker replied that he is referring to the Home Owners Association because there is no developer and all the lots have been sold. All the property owners have signed the plat. They want to do it as quickly as possible because as soon as someone sells their home they have an issue because they don't have the signature of the new owners.

Council Member Bailey said the Council will be considering another resolution. Craig Barker replied that is correct; the next action will be Roylance Farms Phase 2 Amendment 3 because there are a few more changes that they want to make.

Council Member Bailey asked how fast we can move to do this in the interest of these poor people. Craig Barker said we are just waiting for them to finish their documents.

Council Member Hulme moved to approve Ordinance 2012-7 vacating all of Roylance Farms Planned Residential Unit Development Phase II second amendment excluding all public streets thereon. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Fawson	yes
Council Member Bigler	yes
Council Member Hulme	yes
Council Member Stoker	yes
Council Member Bailey	yes

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER FINAL ACCEPTANCE OF THE LEGACY NORTH PHASE III PLANNED RESIDENTIAL UNIT DEVELOPMENT.

Dave Carlson, City Attorney/ Economic Development Director, said this was on the last agenda but there were some questions from the Council. He explained that during the flooding a few months ago it came to the attention to the City staff that the basin was never constructed like it was supposed to. That was a punch list item that the developer was required to complete but didn't. Contact was made with the developer who has since made the corrections.

Council Member Bigler asked if this was just completed. Dave Carlson replied yes.

Council Member Fawson asked what fail safes we have in place to avoid this. Dave Carlson said there is no fail safe when you are dealing with human beings. Council Member Fawson said it seems like it fell through the cracks.

Gary Kerr, Building Official, said he and his staff are working diligently to make sure that a development is completed within the two years. North Ogden City went through a big boom years ago and there were a large number of developments that were never finalized. He said we have been working to complete those when the two years are up so this doesn't happen again. Council Member Fawson said this would have been caught whether there was a flooding issue or not. Gary said that is correct but added that luckily the flooding caused a problem so we found it and got it corrected.

Council Member Bailey asked if there was no incentive on the part of the developer to finish this. Gary Kerr said there should have been because there was money in escrow to cover these things but sometimes the amount isn't enough for the developer to worry about.

Gary Kerr said once a development is completed and the two years are up we are working with them at that time. Edward O. Dickie III said this was part of the detention basin but it wasn't an obvious thing that staff could drive by and see that it wasn't done. Because of the flooding and rain storm it became clear to us that there was a problem with it. Gary Kerr said that is correct.

Council Member Fawson said his question really is whether we have a solid review process on these now. Gary Kerr replied that right now Bruce Higley is the subdivision inspector and he is now required to keep a record of all the subdivisions and the approvals.

Gary Kerr said from now on we will just be taking the escrow money and finishing the project. We just need to do it in a timely manner. He explained that typically when a letter is sent to the bank regarding taking the escrow money the developer will call and see what needs to be done because it looks bad for them to have their escrow money taken to finish a project.

Council Member Bailey moved to grant final acceptance of the Legacy North Phase III PRUD. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Bigler	yes
Council Member Hulme	yes
Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION TO CONSIDER THE APPOINTMENT OF TWO CITY COUNCIL MEMBERS TO THE EMPLOYEE APPEAL BOARD.

Annette Spendlove stated we have an ordinance that explains how we form an Employee Appeal Board. She said two members of the City Council sit on that board. The vote is done by secret ballot and each Council Member will vote for two members. She said Council Members can vote for themselves but they

must vote for two different people. The Member receiving the highest number of votes will be Chair, the Member with the next highest number of votes will sit on the board and the Member with the third highest number of votes will be the alternate.

Council Member Hulme asked if the original ordinance predates the open meetings law and whether the secret ballot is still allowed. Mayor Harris said he had asked that question too but this is the right procedure. Council Member Fawson recommended updating the verbiage in Ordinance 2000-04.

The votes were read as follows:

Council Member Bailey received 2 votes
Council Member Stoker received 3 votes
Council Member Bigler received 3 votes
Council Member Fawson received 2 votes

Because they tied for the highest number of votes Council Member Stoker's and Council Member Bigler's names were put into a hat to draw the Chair. Council Member Stoker's name was drawn first making her the Chair. Council Member Bigler will sit on the Board. Because they tied for the second highest number of votes Council Member Fawson's and Council Member Bailey's names were put into a hat to draw the Alternate. Council Member Bailey's name was drawn making him the Alternate.

Council Member Hulme mentioned that Ordinance 2000-04 still refers to the North View Fire Department. Annette Spendlove explained that was updated in a more recent ordinance.

13. DISCUSSION AND/OR ACTION TO CONSIDER AMENDMENTS TO SECTION 6-1-3 OF THE NORTH OGDEN CITY ANIMAL CONTROL ORDINANCE AS IT RELATES TO ANNUAL ISSUANCE OF DOG TAGS.

Dave Carlson stated that right now we issue new tags every year and there is really no reason to do that. There is a big expense to the City to issue them annually and the proposal is to eliminate that requirement.

Council Member Hulme asked if this means that dog licenses should be cheaper. He asked whether we have a study that says we can justify that cost? Dave Carlson said he thinks it will be cheaper because they won't have to buy a tag.

Gina Kochendorfer, Police Executive Administrative Assistant/Office Manager, said the main goal of this change is to make it more convenient for the residents. During the renewal period there are 1,300 people coming in person to the office. She said email reminders are sent out and they are trying to make it possible for residents to pay online like they do their utility bill but right now they have to physically come into the office every year. She said there isn't a lot of money savings but there is a lot of staff time involved in this.

Mayor Harris asked how the rabies certification comes in. Gina Kochendorfer said they can email, fax or mail it in with their check. The email reminders state whether rabies is required.

Council Member Stoker moved to pass Ordinance 2012-8 amending Section 6-1-3 of the North Ogden City Animal Control Ordinance as it relates to the annual issuance of dog tags. Council Member Bigler seconded the motion.

Voting on the motion:

Council Member Bigler yes
Council Member Hulme yes
Council Member Stoker yes
Council Member Bailey yes
Council Member Fawson yes

The motion passed unanimously.

14. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD JUNE 26, 2012.

Annette Spendlove stated that we had a referendum that passed and the Council has two options. They can call for a special election on this referendum and the special election can take place on June 26, 2012 or in November 2012 or wait until June 2013. She said the Council needs to make a decision on if what they would like to do. Edward O. Dickie III said if there is no special election it will go on the regular election in November 2013.

Council Member Hulme asked what the deadline is for a question to be put on the ballot if the committee decides that they want to do that and the Council approves. Annette Spendlove asked if he is talking about a bond election. Council Member Hulme replied yes, on June 26th. Annette Spendlove said this election needs to be held and the Council can put a bond election on but they will have to go through the entire process and there is no time for us to do it in June. She explained that we have to have all the public hearings and create the voter pamphlets that have to go out. She added that we have not budgeted for this. She stated that the law requires us to send a pamphlet out to every household in the City; we have over 5,000 of them and they cost about \$1 each. She said Weber County will also charge us to put it on the ballot.

Council Member Bigler asked if there are specifications for the brochure and whether we can send it with the utility bill. He asked why it would be \$1 each. Annette Spendlove replied that the law says it has to go out separate to each household and there are specifications for it. She said we are in bit of a quandary here because the sponsors of the referendum can give their argument against and the Council chooses the argument for. There is a certain amount of language required.

Council Member Fawson asked if there are rules about the size and whether we could do a postcard. Annette Spendlove replied that there are. She said there is a law being proposed that would change that and allow us to send out postcards and refer people to our website or the front desk to pick one up but it is not in effect right now.

Council Member Bigler said those are the only two options on dates; June or November. Annette Spendlove said those are the only possibilities for special elections. She said if we do it in June it will come out of this year's budget. If we wait until November it will be in the budget for next year. Mayor Harris said it could be less expensive to do it in November if that legislation passes.

Council Member Hulme said there is nobody to write a 'for' argument. Council Member Bigler said the new Council would need to redo that now. Dave Carlson said there already is a 'for' argument drafted that the Council could review and decide if they are ok with that or if they want to do something else.

Council Member Bailey said he is unclear as to what seems to be a second item that Council Member Hulme is asking citizens. Council Member Hulme said in the discussions before the referendum there were a lot of comments from the public about whether we should be bonding at all. He said he doesn't look at the numbers, for example \$4.5 million and \$7 million, and presume to know how the residents feel. He said he doesn't know if someone would say no to \$7 million how can we know they would say yes to \$4.5 million? He said if they vote no for \$7 million we can't assume they are ok with \$4.5 million. It puts us in a vacuum where we don't really know if they are going to come out and say 'we voted against this why did you pass this'? He said he has seen things like this before with the pool. It's a different story but with the pool the voters said no and then the pool got built using a different method of funding. He thinks there are still some residents out there who question whether the City went around them or not. He doesn't want us to be in a situation where the public can come back and say they said no and the City built it anyway. He would like the committee to come up with a number and put it to a vote.

Council Member Fawson said he agrees with that and he would be in favor of postponing it until November. He indicated that he would like to come up with a solution to the problem and work through some of this with the committee and let the residents vote on a lower cost solution. He said we want the residents to have a voice and this way they would be voting for one or the other.

Dave Carlson said it could be a little confusing with two bond measures on there and conceivably they could vote for or against both of them but there is no reason you couldn't have two on the same ballot.

Council Member Bailey asked what we would accomplish in doing something like that other than just confusing everybody. He said he understands the sentiment but in a lot of ways it seems to him like we are creating something that's just going to be really confusing. Dave Carlson said another option is to just go ahead with the referendum election in June, let the voters vote on it and do it again when there is another proposal. Council Member Bailey said he doesn't know that the voters feel like they need to vote on a number. He feels that we need to move forward with the election on the current one and move forward on the committee. He is not sure there is an expectation in the community that everything we do that's big has to be voted on.

Council Member Bigler said he agrees with Council Member Bailey on that. He would like to have the vote. If we vote in June instead of November it could give us some time to get going on this project. He said he thinks there is no way there could be any misunderstanding by residents as to what that vote was for. If there is only one thing on it so there is absolutely no confusion. He said he mentioned last time that he would like the City Council to be able to present to them and have plenty of opportunity to have the residents come and show them exactly where we are at and what we are proposing and get the costs on it. He said if the majority wants to wait until November and have both things on there voted upon he thinks just having a dollar amount he thinks that would be a mistake. He thinks before that point we need to have some public meetings where we clearly show the residents what they are getting for their money because what is expensive is all relative. We need to make sure we include the public every step of the way and show them what it is. He said he would prefer to just have the one thing on the vote so it's perfectly clear to residents and then go through the process of keeping them informed and show them exactly what the plan is and what the estimated cost is. He said because of the process and what has gone on in the last several months on this last one he thinks if we did that the majority of residents would be satisfied. He said the majority of residents did not say 'no bonding', 'don't build the thing', he thinks that might satisfy it and then we could proceed in June.

Council Member Stoker said she agrees. If we get this bond issue out of the way that we signed the petition for then we have a clear slate and we can move forward. Until that \$7 million is out of the ballpark she thinks it would be confusing. We need to get this over with and then move forward.

Council Member Hulme said just to be clear the majority of the residents didn't say anything; we probably have comments from less than 20% of all the residents. He said that because to him an election is the easiest way to be sure that you've gotten input from everyone that was interested. He said he wonders what happens if this goes on the ballot and wins. Edward O. Dickie III said if it wins it really just means that is a not to exceed number. The Council could still come down to \$1 million.

Council Member Hulme said with a new Council in place that was interested in having this lower will we have residents that signed the petition saying yes because they trust you more? Mayor Harris said that could be.

Council Member Bailey asked what that binds us to. It binds us to a set of bond parameters? He said the Resolution gives the Mayor and the City Finance Director the power to move forward with the bond.

Annette Spendlove said it is just giving you numbers not to exceed; you might find your interest rate lower. Edward O. Dickie III said the Council could still form the committee and look at different alternatives. It would just mean that they are willing to bond for an amount up to \$7 million. Mayor Harris said the Council always had the power to stop that project but the former Council didn't want to stop it. Council Member Bailey said that approval by the electorate doesn't lock the Council into a \$7 million bond. Mayor Harris said all that does is say the Council can bond if they want to but can't spend any more than \$7 million.

Council Member Bigler said this brings up, for him, the root of this point. At the danger of this being misconstrued as we not wanted residents to have their voice. This election thing would not be on a specific public works facility plan, it's just not to exceed \$7 million. Putting the political agendas aside and not worrying about the paper saying we are renegeing on the bond, if we really wanted to save the residents money we wouldn't even need to have the election because what we are going to do will be under \$7 million and that's all that their voting on; the \$7 million bond or not, not a specific plan. We want to include them and so we are spending several thousand dollars doing this but we aren't going to go up to that amount anyway. He said we need to be transparent with the public and everything but if we were just really going to get down to brass tacks and do what's right, we are not going to exceed \$7 million and it could save residents a lot of money at this point. He said he hopes this is not construed to mean don't allow the residents to have their voice because even if the residents said yes and it's not to exceed \$7 million that's not going to change the process at all that we go through it's just costs thousands of dollars for residents.

Council Member Bailey said he thinks it sounds like we are legally bound to do this. Dave Carlson said that is correct, no one has the power to not hold that election. Council Member Bailey said the only choice we have is when to have the election. Dave Carlson said if the citizens were to vote for the resolution that the City Council adopted or against the resolution that the City Council adopted. If per chance they were to vote for it he thinks the City would be obligated; he thinks the City Council would have the obligation to issue bonds because the public's power is greater than the City Council's on that. The authority the Council would have would be to not exceed \$7 million. The Council would have to issue bonds but could issue them at a lower amount.

Council Member Bigler said they are voting on up to \$7 million not on if we have to issue a bond. Dave Carlson said it is a bond parameters resolution to issue bonds not to exceed a certain amount, within certain interest rate and within those parameters the City Council or the City would then have the authority to issue bonds. Council Member Bigler interjected that they don't have to issue bonds. Dave Carlson said we could go back and check but though they don't have to be at that amount it does say that they 'shall' issue bonds. Council Member Bigler disagreed. Council Member Bailey asked if there was a second resolution that authorized the Mayor to issue the bonds or the bond parameters resolution all

inclusive. Mayor Harris said as he recalls there were two resolutions. The first one was the \$10 million not to exceed and there was a public outcry that Council listened to that and came back with the second resolution which did a couple of things. It limited the amount to not exceed \$7 million but it authorized the Mayor and the Finance Director to purchase bonds.

Council Member Hulme said, to reiterate his point, if you say we are not going to bond for \$7 million so we don't really need to have an election. If we spend \$6.9 million that argument could be made. If we spend \$6.8 that argument could be made. He asked how we arbitrarily assign that. He said we really have not gotten a lot of feedback. We don't have a number and we really don't have feedback at all and that is going to be his concern all the way going along is that anything more than \$0 but less than \$7 million, he doesn't know. He said he feels like a Dad who said 'We're going to California for vacation this year instead of Oregon' and then my kids get together and say 'We are petitioning you because we don't want to go to California. We want to go to Oregon' so I say 'Ok; well we're going to California'. After giving them the opportunity and authority to ask the question I don't know how I can then take it away. He said he argued all last year that the Council has the authority to do this in the first place. Of course that is overridden by a petition but he feels like the Council ceded our authority to the people by asking them the question. He feels like now we have to let them give us an answer and short of no on \$7 million he doesn't know that we're asking enough questions.

Council Member Fawson said his view of this is to give them their voice in the special election and in the interim we form a committee that comes up with an appropriately sized complex, appropriately priced complex how we see it. He said certainly it lies with the Council to sort of move forward with a new plan. And then we have public meetings, we listen to the public. That's how he sees it; we give them their voice. Once we have another proposal then they have their voice again. If they don't agree with what we've come up with he thinks we ought to give them the opportunity to vote.

Edward O. Dickie III agreed and said that is his recommendation as well but added that he thinks it needs to be a general obligation bond instead of a revenue bond to let the people decide. He thinks because of the history and where we've been, it may pass but it will have to be sold; we need to have the public hearings and try to get the people onboard.

Council Member Bigler moved to approve Resolution 6-2012 calling for a special election to be held June 26, 2012. Council Member Hulme seconded the motion.

Voting on the motion:

Council Member Hulme	yes
Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes
Council Member Bigler	yes

The motion passed unanimously.

15. DISCUSSION AND/OR ACTION TO CONSIDER CANCELLING THE CITY COUNCIL MEETING SCHEDULED FOR MARCH 13, 2012 DUE TO CAUCUSES.

Council Member Bigler moved to cancel the City Council meeting scheduled for March 13, 2012 due to caucuses. Council Member Hulme seconded the motion.

Voting on the motion:

Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes
Council Member Bigler	yes
Council Member Hulme	yes

The motion passed unanimously.

Annette Spendlove reviewed the dates and stated that the information is on the website.

16. PUBLIC COMMENTS.

Don Matthewson, 2277 N 515 E, said regarding item 11 his feeling is that the detention basin and the diversion box are not complete. He said he wished Gary Kerr hadn't left because he would have liked to talk with him about that. He indicated that he will get in touch with Gary. He expressed his support for the Council, the Mayor and Staff with what is going on with the public works complex. His feeling is that he trusted the City Council to do the right thing so there is no need for the petition.

Brian Russell, 1151 E 3400 N, said he is saddened to see the media relations policy passed. He thinks we are limiting the press exposure and he doesn't think it is protecting the residents because they can come and listen, they can read the media reports and make their decision. He thinks you may regret this decision and wish that you could have expressed yourself verbally but you have limited yourself. He said he thinks it is a matter of a degree of trust that you earn over time. He recommended that the Council reconsider that.

Council Member Fawson replied to Mr. Russell that he is not privy to the information that is shared over the phone with members of the press but this works to improve transparency for the residents because now you can request the email and be more aware of that. We have meeting minutes that we are able to amend and approve and that is the written record of the meeting.

Carl Turner, 2673 N 950 E, said he thinks the Council did a good job on item 14. He thinks they had an obligation to the people that signed the petitions and the people who were running for City Council.

17. COUNCIL, STAFF, AND MAYOR COMMENTS.

Council Member Bigler said to be clear in our discussions we had quite a lengthy discussion on the vote for the public works facility and he is and always has been all for the public voting for this. That is what he has wanted for many months all along. He doesn't want that misconstrued. He is thrilled that it is going to a public vote. When we get finished with the project he thinks it will be a very useable good product for now and the future and it will be done at a good cost. He said he thinks the residents will be happy with it when they look at the final product. He wanted to make sure that was clear. There hasn't been anybody in the city more pro-vote on this for the residents than he has been and that has not changed.

Council Member Fawson said we don't often recognize what he would call special guests but he would love to be able to recognize the Scouts when they come. He thinks it is important. They are here on a

regular basis and he wants them to feel like we are calling them out individually. He also wished Edward O. Dickie III all the best. He said he has enjoyed working with him.

Council Member Bailey echoed Council Member Fawson's comments about Edward O. Dickie III. He thanked him for your service with the City and wished him good luck down south.

Council Member Stoker wished Edward O. Dickie III the best and said he will be missed. She said she is sorry she didn't have more time to work with him. She said she thinks the whole point of that petition was to hear what the people wanted and to have a vote. That's all she wanted also, to know that we all have a say.

Council Member Hulme asked if staff is going to get back with the City Council about the election. Is somebody going to write the 'for' section? Annette Spendlove replied that was already written and sent out and added that we will follow the process again. Council Member Hulme asked who in the city approves the section stating the 'for' statement. Dave Carlson said the City Council approves it but there may be some City Council Members who have a conflict of interest. Council Member Hulme said he was just asking about the logistics.

Council Member Bailey said he was with Mayor Harris and Annette Spendlove at the Utah League of Cities and Towns Legislative Policy Committee meeting yesterday and sitting right in front of them were the Washington Terrace City officials who thanked us for taking so much of the media attention.

Annette Spendlove reminded everyone that the budget retreat is March 1, 2012 beginning at 8am sharp. She said we will have the agenda out before we leave tonight. Council Member Bigler asked when they will get the information on the budget so they can be prepared. Annette Spendlove said they will get it that morning. Mayor Harris said they will not be passing the budget that day only becoming familiar with what is in there. The tentative budget has to be passed the first week of May.

Edward O. Dickie III thanked the City Council for the kind words. He said they have a lot on their plate coming up. He expressed his thanks to Carl Turner, Joan Brown, Jim Suhr and Rachel Trotter. He said he hopes with the new media policy that we will still get the kind of attention she has given us.

18. ADJOURNMENT.

Council Member Hulme moved to adjourn. Council Member Bigler seconded the motion:

Voting on the motion:

Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes
Council Member Bigler	yes
Council Member Hulme	yes

The motion passed unanimously.

The meeting adjourned at 9:02pm.

Richard G. Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date approved

ATTACHMENT A

My name is Kandace Marsh and I live ~~at 100 East~~^{on} 2000 N. in North Ogden.

I am here to request special provisions for 2012 - Weber County 4-H Livestock program. I am actively involved in raising and producing, and ~~domestication of~~^{Rambison} different farm animal.
~~taming~~

I have studies about showmanship and as an exhibitor, have had the opportunity to train, feed, and care for each animal that I have shown.

This year I want to be the best in Showmanship. This takes ~~commitment~~^S to study and handle my project in a way that is pleasing to me and others.

There are several ways in training and caring for a hog. As I interact with my project I will be judged on my ability to control and present my animal in the show ring, along with holding pens. Being able to answer question about my project.

Always showing the strengths more than the weakness. This is one of the main purpose to produce such a fine hog. Weber County 4 -H programs has had a large demand for swine, with our economy.

It seem that each animal has its own personality. Just as everyday life has for us. In doing this project I have learned a lot about myself. Animal are trusting and want to please their owners. Even hogs!

This will be a large responsibility on myself as the exhibitor and presenter. I must adhere to the given outline and ordnances given by Weber County and North Ogden. I have spoken to "Donna Carter" about the mentoring of my 4-H advisors. Christie Davis - We have had ongoing clinics and classes given by the Utah State. Dealing with hogs and their environment.

We are just asking for special provision from April 1-2012 until Aug. 31 2012. In order to have this project started and completed.

I feel that my dedication and work ethic, will teach others along with myself, lesson that we can use in our everyday life. I feel that I can benefit my community by being responsible for the outcome of my project.

I use the money that I get from my the sale of my pig to go towards college.
Thank you for your time.