

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 24, 2012

The North Ogden City Council convened in regular session on January 24, 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 January 20, 2012. Notice of the annual meeting schedule was published in the Standard-Examiner on January 16, 2012.

PRESENT:	Richard G. Harris	Mayor	
	Wade Bigler	Council Member	
	Dave Hulme	Temporary Council Member	
	Justin Fawson	Council Member	
	Kent Bailey	Council Member	
	Cheryl Stoker	Council Member	
STAFF PRESENT:	Edward O. Dickie III	City Manager	
	Annette Spendlove	City Recorder/HR Director	
	Dave Carlson	City Attorney/Economic Development Director	
	Debbie Cardenas	Finance Director/Acting City Manager	
	Gary Kerr	Building Official	
	Julia LaSeure	Deputy City Recorder	
EXCUSED:	Brent Taylor	Council Member (deployed)	
VISITORS:	Jim Suhr	Jesse Felter	Laura Barker
	Brian Galvez	Staci Galvez	Bruce Higley
	Lorrie Frazier	Dave Nordquist	Erik Gill
	Bill Aeschlimann	Kristen Aeschlimann	Shelli Smith
	Gary Rands	Molly Rands	Jeremy Hindes
	Jerry Wade	Rachel Trotter	Ken Young
	Kevin Warren	Merlin Clark	Bill Bernard
	Sherry Bernard	Paul Rhoades	Shelly Rhoades
	Sue Richey	Scott Felter	Tyrel Stark
	Austin Barker	David Smith	Lee Della Silva
	Liz Della Silva	Russ Davis	Tyler McDonald
	Mel Blanchard	Jason Reney	Anthony Bersamin
	Trent Wilkins	David Espinoza	Shelly Robison
	Jennifer Thomas	Edythe Kuhn	Blaine Seamons
	Clark Crowther	Polo Afuvai	Brian Russell
	Dave Hardman	Stacey Giatras	Janeth Kammeyer
	Brandon Boydston	Rusty Olson	D. Lynn Mikkelson
	Cliff Huss	James Mackley	Reese Barker
	Ken Kolb	Lynn Muirbrook	Toby Mileski
	Elaine Jensen	Rob Tycz	Mike Tribe
	Gina Kochendorfer	Debbie Gailey	Jodi Gill

## WELCOME

Mayor Harris called the meeting to order. He welcomed the audience and thanked them for their attendance.

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

## CONSENT AGENDA

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

### **Voting on the motion:**

<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>

**The motion passed unanimously.**

**Council Member Bigler moved to consider item 14 before item 7 on the agenda. Council Member Bailey seconded the motion.**

### **Voting on the motion:**

<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>

**The motion passed unanimously.**

## ACTIVE AGENDA

### 4. Public Comments.

Edythe Kuhn, 652 E 1850 N, read from a document which is included as attachment A.

Lee Della Silva, 2528 N 1600 E, read from a document which is included as attachment B.

Janeth Kammeyer, 3312 N 575 E, said she read in the newspaper about a proposal for a dog park in North Ogden City. She said she highly endorses that as it would be great to have an area where our dogs could exercise unleashed. She explained there are two other dog parks in nearby cities that are run by volunteers and she is sure we could recruit people to do that here.

Laura Barker, Clerk of the Court, said she has been in her position for ten years. She read from a document which is included as attachment C.

Lynn Mickelson, 2749 N 850 E, said he has lived in North Ogden for the past 33 years. He indicated that he has been going to the Kaysville Senior Center to use their buffing and polishing equipment. He said

he has spoken with Zella who is over the North View Senior Center, about using the equipment in that facility but she informed him that he is only able to use it between 1pm and 3pm, two days a week. He said he can't get there during those times but would like to use that equipment. He said he knows how to use it and wouldn't cause it any harm, in fact the equipment is in dire need of cleaning and is a real mess. It needs to be maintained and he thinks he could benefit the city by taking care of that. He would like to use it one morning per week but Zella told him the man in charge can't be there at that time. He asked that the gentleman be made available one time to tell him how he wants the equipment maintained. He thinks he would be able to make it better by cleaning it after using it. He said he thinks it would be better for the city if he were able to do that.

Bill Bernard, 176 W 3275 N, has lived in North Ogden for the past 25 years. He has been the City Treasurer for 11 of those years; prior to that he worked in the private sector for 28 years. He read from a document which is included as attachment D.

Brian Russell, 1151 E 3400 N, said he is not an employee but feels that as a resident he is a partial employer. He said he is not in a position to make these decisions but in hearing the effects of this change he wants to speak on behalf on the employees. He recommended that the City reconsider this as the employees have asked. There are citizens in the community who appreciate what they do. He said he has always had excellent service and is very impressed with the employees we have here. He supports them and asked the City Council to do the same.

Council Member Bigler said that is not what this is going to be, we're not cutting that. That is misinformation obviously to employees and residents passed on by other people. Obviously they can come up for public comments but if it's regarding cutting your benefits that is not what is taking place tonight. Maybe we can just save some time on it. If they want to stay for the thing and hear what's going on and then afterwards make comments at the end of the meeting when there is also public comments. It might save some time and they are welcome to speak too but that's not what is happening here. That's totally wrong.

Former Mayor Lynn Muirbrook, 1333 E 2550 N, said he is here tonight for a couple reasons. He said he meant to do this when the new Council Members were sworn in but he thought there was too many people then so he didn't. He said he would like to talk for just a couple minutes. He loves this city and has for many years. He was raised to believe that you have to give a little back for whatever you're a part of for the good of all. That could be your job, it could be the city you live in, and it could be your church. He believes that and he started off many years ago serving on the Boundary Commission representing North Ogden and then served on the Board of Adjustment, the Planning Commission and the City Council before finally having the opportunity of being Mayor of our City. He thanked the City Council for taking the opportunity to serve the community. He thanked those that are somewhat experienced and have been here and those that are new and are trying to find ways to get educated. He said he heard that some Council Members are talking to the department heads and trying to find out how everything works and get educated. He thinks that is great. He said he appreciates the City Council very much. He also thanked the employees and stated that he knows most of them personally. He served many years with other cities' Mayors and Councils. He stated we have the best in the state in his opinion; they are great employees and he hopes they will always feel like they are great employees. Mr. Muirbrook expressed his thanks to the employees for all they do for the city. He said he assumes from some of the other rumors in the community about what's going on that some of the Council Members might not be happy with certain employees. He asked them to remember that anything that happened prior to them being sworn in this month had to do with other people who told the employees what to do. You never get to tell employees directly, that's the Mayor or the City Administrator. We have a majority vote now and he would just say that things that happened last year have to do with things the Mayor suggested to do with a different council. He asked each Council Member, before they do anything that would affect employees

or the City, to give themselves time to become educated and work with the department heads. He recommended they hold off until the budget session. There will be meeting after meeting and they will get to know the departments inside out and then if there are things they don't like he encouraged them to bring those things up at that time and try to come to an agreement. He mentioned that he had an experience this morning, and he's not complaining, he was coming out of his driveway and ended up pushing snow all the way down the road with his Prius. He drove by the City shops and he noticed many of the plows were still in the yard. An hour later he came back by and the employees were working and the trucks were warming up. He said he plowed snow going back up the road but for him to complain, he wouldn't know who to complain to. These are the same employees that did the work when he was Mayor. He said the City used to plow at night to clean things up. He encouraged the Council when things like this happen and they get complaints from citizens bring those things up and discuss them. This Council needs to decide what they encourage the Mayor to do. When they are informed by the Mayor through staff meetings then you can worry about whether someone is doing something wrong. One other thing he sees happening a lot happened in the last administration. He appointed a Public Information Officer when he was Mayor. They were the only one person allowed to talk to the public and it worked really well after we got it set up. He stated that it causes a lot of grief if everybody on the Council and the department heads start talking to everybody else about things that happen because everybody has a different story because everybody has different ways of looking at things. He encouraged them to do that.

#### **5. Presentation of 5-year service pin to Erik Gill.**

Polo Afuvai, Chief of Police, introduced Erik Gill and his wife Jodi. He said Erik Gill was hired August 21, 2006. He graduated from Weber High School and attended Dixie State College for a year. He then attended the Weber State Police Academy and graduated in April 2006. He is one of our firearms instructors and works in patrol. Chief Afuvai said he does a fine job protecting our community. He then presented a 5-year service pin to Officer Erik Gill. Mayor Harris extended his heartfelt thanks and the Council and Staff congratulated him as well.

#### **6. Presentation by the Ogden/Weber Chamber of Commerce.**

Dave Hardman, President and CEO of the Ogden/Weber Chamber of Commerce, congratulated the new City Council members. He said the Chamber appreciated Ron Flamm who has been representing North Ogden City. Council Member Fawson will be the new representative for North Ogden City. One of the greatest and most important focuses of the Chamber is job creation; helping businesses succeed so they will hire more people. He said they want the 13 different communities in Weber County to be successful. In job creation we had a 2.2% increase in total employment in 2011. There are 3 ways to create new businesses and new jobs.

1. Helping existing businesses succeed; grow and hire new people.
2. Helping those creating new business, the entrepreneurs.
3. Inviting new businesses into the community. He said they have had fairly significant growth in that area with internet marketing and customer service. There were two new businesses started in the last year. One of them, Wayfair, has hired a significant number of employees. They are located in the Business Depot Ogden (BDO) and expect to grow even larger. They are looking for great people and are still hiring. Another is Home Depot, they are inviting people from across the country but most are coming from our communities. They are also located in the BDO.

He said the Chamber celebrates those kinds of opportunities and will continue to work in that particular area but they also do a lot for the businesses that are already here. The annual dinner is coming up; there are Chamber awards and a Wall of Fame award, monthly activities, events and seminars. The focus is on

helping businesses grow. Many small businesses have been stretched over the last few years and the Chamber is committed to help them. He said they can contact him directly at 801-814-DAVE.

#### **14. Discussion and/or action to consider a Resolution amending the North Ogden City Council Rules of Procedure.**

Council Member Bigler referred to a document which is included as attachment E.

Council Member Hulme stated that Council Member Bigler is proposing new language for Rule 4 #14 that is not currently in there. Council Member Bigler stated that is correct and he proposes deleting #15e entirely.

Council Member Bailey said as he looks at the Utah Code regarding the Open and Public Meetings, Title 52-4-207 states that ‘a public body may not hold an electronic meeting unless the public body has adopted a resolution, rule or ordinance governing the use of electronic meetings. The resolution or rule may...’ It then lists a bunch of things that the rule should imply. One of those things is ‘vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection’. He said he doesn’t know if this is optional or required. Council Member Bigler said we already have that in place, that doesn’t affect this at all. Council Member Bailey said under State law, where Council Member Bigler wants to strike this requirement, he wonders if we are violating State law. Council Member Bigler said that was just added last year. Council Member Bailey asked if it was added because of a State law requirement. Council Member Bigler said his understanding is that the City Council has to vote whether to allow participation and votes by an absent Council Member and we have. He said the Council doesn’t have to vote each time and this is not a big major change.

Council Member Bigler recommended leaving #18 as it is currently. He feels the proposed change is too rigid and may lead to problems. Council Member Bailey said another point in support of this is that Utah Code 52-4-210 says ‘nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of a public body at the time when the public body is not convened in an open meeting.’ Council Member Bailey stated that City emails can be requested under the Government Records Access and Management Act (GRAMA). Council Member Bigler said this really ties the Council’s hands and sometimes they do need to correlate and it will help the meeting go a lot smoother sometimes.

Council Member Bigler stated regarding Rule 14 that he proposes deleting #4. Mayor Harris asked Council Member Bigler to clarify; the proposal is to delete both sentences? Council Member Bigler replied yes. Council Member Hulme said he thinks it would be wise to formally establish which Council Members are members of the committee to avoid any confusion or complications; not necessarily as permission but rather to officially establish that. Council Member Bailey said there may be some other things that we want to retain; we are kind of gutting some Council power here. For example, if the Council was to create a committee and for some reason the committee ran amok, we would still like to have the ability to disassociate our designees or ourselves from that Committee. If we remove this language he said he is concerned the Council may lose that power. Council Member Bigler said we will replace that with the proposed language in attachment E.

Mayor Harris said he thinks the Council needs to be a little careful here because the power to appoint committee members resided exclusively with the Mayor with the advice and consent of the Council. This states that any Council member may serve on any committee and he said he would be careful with that. Council Member Bigler said that is something he is proposing we change the limit of two Council Members. Mayor Harris said he is ok with allowing five Council members. He stated he thinks the City Council should recommend how many members should be on a committee and the Mayor has the

responsibility to make those appointments and then the Council votes them up and down when it comes to that point. Council Member Bigler asked if that is for Council Members too because his proposal is to change that part of the procedures which can be changed with a two-thirds vote. Mayor Harris said what he is saying is that he doesn't think the City Council has the authority to do that as far as the appointments are concerned. Once the Mayor makes an appointment then the Council can either vote them up or down. Council Member Bailey said he thinks we would be in violation of State law if we were to change our rules the way they are written here. He told Council Member Bigler he is with the Mayor on this. He said he thinks we need to be very careful, our role is to advise, we can recommend. By State Statute the Mayor has the power to appoint and the Council has the power to vote yes or no. He said he thinks we would be in violation of State law if we were to make that change. Mayor Harris said recommendations are fine but he wonders whether it is very efficient to have five Council members serve on a committee. He said the reason you have committees is so Council doesn't have to do all that work. If you're going to have all five Council Members on a committee, he isn't sure it is even worthwhile to form the committee.

Council Member Bigler said the challenge that has happened in the past is that we form these committees and sometimes Council is left in the dark and then it comes to the Council for a vote and there are a billion and one questions asked because we don't really know what's going on. He said he thinks the elected officials can make that decision whether it's too much for them. If they don't want to serve on a particular committee then they wouldn't have to do that but as elected officials they should certainly have the right; the Mayor can appoint people but the way our procedures read that we limited it to two Council Members; we could open it up and allow all the elected officials to do that. He said he thinks that residents have voted for their officials to put their heads together and use their intellect and help in the decision making process not just saying yes or no to what other people have put together. Mayor Harris said he is ok with the recommendation part and up to five Council Members serving if that's what Council would recommend however the Mayor would make the appointment. He said another thing is that all of our Council meetings are conducted according to the open and public meetings rules so all five Council Members can come and observe any committee meeting that wanted to, unless they were a member of the committee, however, they would not be allowed to vote. He explained that what happens afterward is that no committee has the power to instigate policy or anything like that in the City, that's why it comes back to the Council. That's why the committee does the legwork and the City Council has the oversight by the 1 or 2 members then that work is brought back to the Council for its approval. The committee doesn't approve it.

Council Member Hulme said last year we had a situation that he thinks we want to avoid. The Public Works Committee had two City Council members and the husband of another sitting on it and they were accused at that time of having a de facto majority and once it came to a City Council meeting it didn't really matter how anybody voted anymore, according to the accusations, because the decision had already been made by a majority of the Council. We want to be careful about allowing too many City Council Members on a committee because if it's only two, any sort of direction brought back to the Council could be overridden by the other three Council Members if necessary, making everyone feel like their voice is heard. He said that created quite an ugly situation and he wants to make sure we don't do something like that which could lead to that same sort of situation. Council Member Bigler said one of the problems there is that is what the current policy and procedure says, only two.

Council Member Bigler referred everyone to Rule 17. He said Staff had requested that items for the agenda be received no later than the Tuesday before the meeting or it will not be included on the agenda. He stated he would like to propose that we get that packet Thursday preceding the meeting rather than Friday as it currently states. He said posting it Friday doesn't give adequate time for Council to ask about agenda items if they desire to do so. The City offices are not open on the weekends so that gives us Monday after work to try to get with City staff and sometimes those schedules can't correlate. He said he found it makes for a tight schedule to try to ask questions and if the Council Members could get it

Thursday he feels that it could save quite a bit of time in Council meeting and shorten the Council meetings some if the Council Members had time to ask their questions ahead of time. Obviously there will be certain questions and things that will need to be discussed in a Council meeting but there are a lot of little questions just for clarification and so forth that could be done behind the scenes if we had the time. That would save quite a bit of time in Council meeting.

Council Member Stoker said she is assuming this time is to get the packet to the Council Members but she asked whether that goes the other way on getting information to staff so they can get the packet out to us. What is the deadline for us to get the information in for the agenda so Staff can get it out to the Council? Mayor Harris said it takes a lot of work to get packets ready and the staff needs some lead time in order to get the packets ready by Thursday. He said that will have to be worked out. Council Member Bigler suggested a deadline for agenda items to be in to Annette Spendlove of Tuesday preceding the meeting and move the packet deadline to Thursday preceding the meeting. He said that would still allow staff 48 hours.

Annette Spendlove said it's not working the way it is right now. She said, in fact, she didn't even get this document until just now to go into the packet. She needs everything by the Monday of the week preceding the meeting. Edward O. Dickie III said the goal is to get it out by Wednesday; that's what we shoot for. He said if Annette Spendlove can get everything from everybody by 5pm on the Monday of the week preceding the meeting she can get the packet out by close of business Thursday. He said that goes for City Council members and staff too. He said if we have the packet ready early we will send it out. Council Member Bigler said that is great and will help the Council do their jobs better too probably. Annette Spendlove asked them to realize that if they want things after that date they will have to go on the next agenda. When Council requests things to be on the agenda we need to have a procedure for memos. She said she will send that out to the Council. She said we need to know what they want on the memos too so the residents and everyone else know what we are talking about. Mayor Harris said he thinks we can work with those parameters, Council or staff will have to submit everything by close of business Monday so we aren't spending two days gathering it; that's where the bottleneck is. Council Member Bigler said if we all know then we can do it. He thinks it will be better for staff and the Council. Edward O. Dickie III said there will still be emergencies and we can always amend an agenda.

Council Member Bailey said the Mayor has the right to amend an agenda if necessary. Council Member Bailey asked that we keep that at a minimum. He said as he has watched the agendas in the past there seemed to be a lot of things that became emergencies that really weren't but got on the agenda at the last minute. He said, based on his experience working in administrative positions, there are very few real emergencies and oftentimes things have a way of resolving if they are just left for a little while. Council Member Hulme said the Council has the option to table any item that shows up on the agenda so if we were to feel like that was being abused somehow we do have the power to rectify that by saying 'I feel like this could wait'. Mayor Harris said we need to work together to make it work.

Dave Carlson, City Attorney, suggested specifying that the six-time limit for electronic participation applies only to a single Council Member because it could be confused as applying to all the Council Members.

Council Member Bailey said he is still concerned with 15e. Dave Carlson said State law reads 'may' so it is discretionary.

Council Member Hulme said if there is a situation where a Council Member is somewhere where there is background noise or a very poor connection. That could become particularly distracting. What if a Council Member were at a rock concert? What would we do in a situation like that? Do we want to do anything about that? Council Member Bigler said he doesn't think so. Council Member Bailey said we

would only have the opportunity of not allowing them at the beginning of the meeting before we would know how bad it may be. Council Member Bigler said the residents of North Ogden are not going to vote for somebody that goes to a rock concert and blaers away. He thinks we are decent human beings. Dave Carlson said the current rules cover that; in order to participate electronically you have to have a connection that is sufficient to both hear the Council Member and for the Council Member to hear what is going on here. Council Member Bigler said he thinks we are spending time on this and it's not going to be an issue.

Council Member Bailey said he wants to make sure we are not violating State law by taking powers away from the Mayor. He suggested we leave it the way it is currently written. Mayor Harris said that gives the Council the ability to recommend anyone for a committee.

Council Member Bailey asked in effect whether that is permissible; if the Council can recommend and the Mayor is the only one who has the power to appoint are we subverting the Mayor's authority by saying that any Council Member can serve on any committee whenever they want to. He said he doesn't know that we are in compliance with State law by saying that. Dave Carlson said you could interpret to mean that as a City Council you have control over your own members and what they do. The way you would read that is, to be consistent with the State law you have to, as a Council, give your members permission to sit on city committees and the City Council can decide how many will do that but whether the Mayor appoints them is his prerogative.

Dave Carlson said it may be better to bring this back with some language for that one provision.

Council Member Hulme suggested allowing any Council Member to attend a committee but not formally participate. That would also them to go and stay informed; they could make suggestions during comment sections but they wouldn't be allowed to vote and could not participate in closed meetings. Is that an option? Dave Carlson suggested eliminating paragraph 4 entirely. Council Member Bigler said that is what he proposed an hour ago.

Council Member Bailey said if the City Council creates a committee we do have other means. He just saw that as a safe haven area for the City Council if the committee is not going the way they want them to go. Dave Carlson said right now the way that it reads 'the Mayor may from time to time create, revise or abolish committees'. The authority is already dealt with there to abolish.

Council Member Bigler asked that the new language be sent to the City Council members ahead of time so they don't have to hash it out in a public meeting. Dave Carlson said he will do that.

**Council Member Bigler moved to table the Discussion and/or action to consider a Resolution amending the North Ogden City Council Rules of Procedure. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>

**The motion passed unanimously.**

Mayor Harris said this will be brought back with new language and it should go fast. Council Member Bigler said he wants it before the official packet goes out so they can look at it. He said he'd like to have it as a working document so by the time it comes to the meeting it's all but done. Dave Carlson said he would try to get something to the Council in the next couple of days.

Council Member Hulme stated on #18 he would like to see something in there similar to what is there now, not as strong perhaps. Maybe it could say something along the lines of 'the discussion by email should not be in lieu of the public discussion in a Council meeting.' While it is true that it is subject to the GRAMA request most people are never going to do that or even know that they would need to do that. He said he does want to make sure that we aren't violating the spirit of the Open Meetings Act. He would like some softer language there to replace that. Council Member Bigler proposed we keep it the way it is.

Dave Carlson said, State law notwithstanding, it says it is not a violation of the Open and Public Meeting Act to send an email to other members of a public body, he thinks there is a spectrum there. At some point if the email discussions get to the point where the public business is actually being conducted by email outside of public meetings, that opinions are being formed and decisions are being made by email then he thinks you have probably gotten to a point where you have crossed the line. He said he thinks that is what the language was proposed to prevent.

Council Member Bailey said our discussion this evening is a great case in point there. There are details that he doesn't think the public even cares about and if everything we have to deal with is like this we will be having Council meetings every week and they will go until 12:30 in the morning.

#### **7. Discussion and/or action to consider changes on the percentage that the city and employees pay for health and dental premiums.**

Council Member Bigler said that is not going to take place so take a deep breath. He said he wants the employees to know that he does value our City employees very much and the work you do. He said he appreciates the police officers and Chief Afuvai. He stated that each year he has gone to Chief Afuvai and asked how the benefits are and how the salary is and whether it's fair. There was an issue on airsoft guns that was brought up and discussion on whether to make them legal. He said he went to Chief Afuvai as his only counsel and advice on that and voted accordingly. He said he appreciates all the work Chief Afuvai and the officers do. All he wanted to do tonight was propose that a committee be put together made up of residents, members to research our city employees' entire compensation package; salary, benefits, retirement, everything. Then have that committee, outside of city staff, because that appears to residents that there is a little bit of home cooking. He said we don't know what it will show; we are just updating it. You may get better benefits, you may get a raise. We don't know at this point. So, if we form a committee to look at everything and to research and compare our salaries and benefits and the entire compensation package with other comparable cities and with the private sector with some comparable jobs; consider education and years of experience and not leave any stone unturned. This will be for the length of time the committee needs to do it right and thorough and then at the end of that they can get with the Council and show their findings so the Council can make a decision. We don't know what the findings will be and by the way, if you have heard out in the public that you're going to be fired or this or that, I don't think it's come from the five of us up here. He said he knows it hasn't come from him. There are a lot of things that are said and former Mayor Muirbrook's comments were well taken. We have too good of a City and too good of residents to mire around in the past in the mud. He hopes we can all go forward in a positive way to work together. All these things the employees have heard, based on the comments tonight, are not accurate at all. He said he can't imagine the employees would be against forming a committee to do that so it is fair market and if you're underpaid it will work the other way and if you're overpaid we don't know what the result will be at this point. He said he would hope that each of the Council Members could also recommend some people in the community to perhaps serve on that

committee; people with real expertise. We have residents right here in North Ogden that do these very things for a living. He said he is confident that we could have enough residents who are very knowledgeable in this area that would be willing to volunteer their time and expertise to do this. He said we haven't asked anybody yet but this is what we are proposing tonight. If we did that, their final analysis would be able to be trusted by residents and employees and the Council as a third party doing this. We would be able to trust it to be accurate and completely unbiased in any way. He said he thinks if we can do this it will ensure confidence with residents. There is a flavor with government, and he thinks it stems from the national government down, that government is terrible and all that stuff but there is a proper place for it obviously. The employees of our city are in a different position than the Council Members are; the Council chose to do this as elected officials. This is the employees' livelihood and they won't get any drastic, unfair, spur of the moment decisions because someone is mad or angry. We're not going to make those kinds of decisions and what he hopes would be accomplished by this committee is to, in the end, be very fair and competitive with the entire compensation package, and we will be. It also needs to be fair to the residents that are paying for it. The work you do you should get compensated for very fairly and competitively. That doesn't mean it needs to be unmatched by any city in the United States but fair to residents. We need to be able to tell the residents that they are getting what they pay for and the employees do a great job. This Council will be able to look at any resident that complains and say that this is fresh research that a Committee came up with independently and what they came up with for fair market value. He said we need to be competitive and his recommendation to the Mayor and the rest of the Council is that this be done.

Council Member Hulme said in hindsight the wording of the agenda is unfortunate and it is understandable how staff misunderstood. This is a good reminder to the Council to be clear. He said he thinks it is impossible at this point to have findings from that committee in time for the budget hearings and asked what kind of timeframe Council Member Bigler is proposing. Is this something we want to do for the following fiscal year and take the next six to eight months coming up with recommendations so when it comes to next year's budget hearings we can do that? He said this is a pretty major undertaking for a committee to do in the next four weeks.

Council Member Bigler said we need to do this thing with wisdom obviously. He proposed that the Council go ahead and start putting a committee together so they can roll up their sleeves and go to work. This is not going to be a one or two month project. We want it to be thorough, where the Council can ask questions along the way and leave no stone unturned. He said he would like to start on it and see. Form a committee and get going on it with no timeframe to end it or certainly not in time for this budget.

Council Member Hulme asked if we are required to only make changes once a year on the budget or at any time. Mayor Harris said it is amending an ordinance and requires a public hearing but it can be done at any time. Council Member Bigler said some things are harder to do that with than others.

Council Member Hulme said the committee could start work and when they are ready with a proposal they could bring that forward and we could act at that time. Council Member Bigler said he hopes the Council could come up with some guidelines for them but at this time he is only requesting of the Mayor that we form the committee; start getting committee members selected. He said each Council Member knows different people in the City that have different areas of expertise so he suggested that the Council could recommend some names to the Mayor so we have a variety of different people in the City.

Mayor Harris said he sees why Council Member Bigler wanted to move item 14 up before item 7. He said the City Council can form an oversight committee any time they want to, they also have that power. If the Council wanted to oversee any committee they can certainly do that. The Council has a lot of options.

Council Member Fawson thanked the City employees for being here, for their hard work and for the jobs they do. Our city is well run and these employees are a big part of why that is. The State has done this on the State level and pulled committees together to talk about this very thing. He said he talked to a gentleman in our community this morning that was on that committee and in the most recent committee that they pulled together they found that employees were underpaid. They had to look at benefits and they ended up offering a wider variety of benefits packages to the employees. That may be an option for us too. He sees this as a matter of course, every year in the private sector the benefits packages are renewed and wages are reviewed. He said he feels like the committee needs to start now so we have as much detail as possible as soon as possible. He said we want to be competitive and we want our city to be great.

Council Member Stoker said she is grateful for this time to know more about what is going on because she has no clue what the employees make or the benefits they receive. To make this type of decision has to be frightening for the employees but it is hard for her too and she is grateful for the extra time to see what's going on and get educated. She said she loves the police and has a number of family members who are in law enforcement.

Council Member Hulme proposed if we do this that we get started immediately to form the committee but that the committee not start meeting until after the budget hearings. He said he thinks Debbie Cardenas will have to be a key part of that committee and he knows she will be very busy on budget stuff at least for the next month. Council Member Bigler said he doesn't know if the committee could refer to Debbie Cardenas and Edward O. Dickie III for any information needed or have them as active participants of the committee. He said he is not sure if she would need to be a part of the committee the whole time. Mayor Harris said his personal feeling is that the employees need a representative or representatives on the committee.

**Council Member Bigler moved to start putting together a committee now to do this but wait until after the budget meetings this year to begin meeting.**

Mayor Harris said at the next Council meeting or maybe the one after that, having received recommendations from the City Council and others he would be willing to make appointments to that committee and the Council would vote them up or down. Council Member Bigler asked the dates for the budget retreat so everyone knows. Mayor Harris said it will be held February 23<sup>rd</sup> and possibly the 25<sup>th</sup>. He said the next Council meeting is February 14<sup>th</sup>. Council Member Bigler said we will shoot for February 14<sup>th</sup> but leave that date flexible if there are stragglers.

**Council Member Hulme seconded the motion.**

Council Member Hulme said, by way of advertising the committee, he would like the information in the newsletter and on the City's website also. To make certain that everybody who wants to apply knows about it.

Council Member Bigler said he appreciates that sentiment but on this committee he would prefer not to ask all residents who would like to participate. This is a highly specialized committee and needs to be with people that have a background in this. We need people who know what they are doing. He would like to be 100% confident that it has been done 100% right and accurately. He said to him this committee is different in nature than some of the others and he would prefer to not advertise which will get into an interview process. Council Member Hulme said that is a good point and a compromise would be to ask for anyone with expertise in these particular fields. He would hate to leave anybody out that may be qualified but maybe we don't know of someone who may be of benefit to the city.

**Voting on the motion:**

<b>Council Member Hulme</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>

**The motion passed unanimously.**

**8. Discussion and/or action to consider a Resolution supporting North Ogden City as a Quality Growth City.**

Gary Kerr, Building Official, said the Governor’s Office of Planning and Budget offers municipalities the opportunity to apply for certification as a Quality Growth City. He referred to a handout that is included as attachment F. There are four items that the City must follow and North Ogden City is doing them anyway. They are as follows:

1. The community demonstrates local responsibility for planning and land use in coordination and cooperation with other governments.
2. The community demonstrates efficient infrastructure including water and energy conservation.
3. The community incorporates housing opportunities and affordability into community planning.
4. Community planning protects and conserves water, air, critical land, important agricultural lands and historical resources.

Gary Kerr said the main reason we want to become a Quality Growth Community is because right now we are in the process of going after some Community Development Block Grant (CDBG) funds. The CDBG ranking is based totally on a points system. This certification will give us more points which in turn will help us in being awarded those grants. This year we are applying for \$80,000 this year for street improvements in the Green Acres area.

Mayor Harris said we participate actively with the Wasatch Front Regional Council (WFRC) and we are doing number one right now. Mayor Harris said passing this resolution is the first step in becoming a Quality Growth Community.

Council Member Bigler said it sounds great but asked if there are any mandates from the state. Gary Kerr said we have not heard of anything like that. Mayor Harris said we are a Tree City USA city and those types of things are typically up to the city; this just helps us be more competitive in the CDBG process.

Council Member Fawson said we are already meeting these requirements we just have to adopt the resolution to become this classification. Gary Kerr replied that is correct. Council Member Fawson said there are no other anticipated expenditures to bring us up to par. Gary Kerr replied that is correct.

Council Member Hulme said while he applauds the efforts of City officials and staff to do anything possible to bring money in. He said the CDBG program is, in his humble opinion, such an egregious violation of our constitution that he can’t possibly support it in any way, shape or form. He wants to explain why he can’t even vote for this resolution despite the fact that we are already complying with all these things. It is so symptomatic of the hoops that the federal government is asking us as a local government to jump through. This may just be viewed as a protest vote and he hopes no one thinks this is immature of him.

Council Member Bigler said as he read through this the one question he had was under #1 where it says to update the affordable housing plan. Is there any mandate on this? Gary Kerr said we have to have a plan

and the plan is something that, he would imagine, the City Council would have to approve. Mayor Harris said that plan is mandated and the County is currently working on it in conjunction with a number of other cities in the County. Mayor Harris said we have to have that plan regardless, not just in order to become a Quality Growth Community. Annette Spendlove said we already have this plan it is being updated by the County.

Council Member Stoker asked Dave Carlson if this means that the Federal Government can come back and say we have to do this or we can get sued like with the group homes. Do we have to do lots of low income housing? Dave Carlson said there are a number of requirements in the Fair Housing Act. The truth is that North Ogden City already meets the requirements so we are in pretty good shape. He doesn't foresee any changes or new requirements; we already meet the requirements. There are some communities that don't but North Ogden does.

**Council Member Bigler moved to accept Resolution 2-2012 supporting North Ogden City as a Quality Growth Community. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>no</b>

**The motion passed 4 to 1.**

**9. Discussion and/or action to consider the Economic Development Committee appointment.**

Mayor Harris said we have an active Economic Development Committee (EDC) that is in a state of flux right now. One representative on that committee has been a member of the Planning Commission. He explained that he sent an email to each Planning Commission member to see who is interested and got only one reply from Larry Residori. Mayor Harris said he would like the City Council's consent to appoint Mr. Residori to the EDC.

**Council Member Hulme moved to grant consent to appoint Larry Residori to the Economic Development Committee. Council Member Bigler seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>

**The motion passed unanimously.**

Mayor Harris proposed to switch agenda items 10 and 11.

**Council Member Bailey moved to switch agenda items 10 and 11. Council Member Fawson 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 on Enterprise Funds Balances.**

Debbie Cardenas, Finance Director, explained that the original request was to try to understand how the \$100,000 per year for the Public Works facility was funded. She read a document which is included as attachment G.

Council Member Bailey asked, regarding the reduction in cash position during those years, if that is in response to a resolution from the City Council? Was that a voted on reduction in reserves? Debbie Cardenas replied that it came from significant improvement projects.

Council Member Fawson said we haven't had a rate increase since 2006. Debbie Cardenas said we commissioned the study to justify the rate increase. Council Member Fawson asked whether we need to commission a study every year. Debbie Cardenas replied no because this study is good for five years. She said the projections going forward will need to be adjusted to determine the increases in the future.

Mayor Harris said the process is quite complicated and it takes a lot of work to keep things going. We are trying to take care of these future needs to be able to fund what we need to in the future. He said Ogden City is way behind in being able to fund these kinds of projects because they have not increased rates as necessary. We are trying to avoid that.

Edward O. Dickie III said the study has to be implemented within five years but asked how long the study is good for. Debbie Cardenas said they adjust the model and we have the assumptions in place. The model is based on the fund balance for the year and carried forward. She said when we update the Capital Improvement Projects Plan we will need to have the study done.

Council Member Bailey asked how much it costs to do the study. Debbie Cardenas stated it is about \$40,000. Council Member Bailey asked if it is beyond the capabilities of our own staff. Debbie Cardenas replied that it wasn't but just like the salary survey we wanted to make sure the perception wasn't that staff is recommending these increases for their benefit.

**10. Discussion and/or action to consider a Resolution amending the Consolidated Fee Schedule to include changes to the Utility Rates that were approved and passed by the City Council.**

Annette Spendlove, City Recorder, stated that page one lists the cookbooks that the Civic League sells as \$12.50 each but they are actually being sold for \$13.00 each.

Debbie Cardenas stated the utility rate increases were approved at the December 2011 meeting and have been incorporated into the Consolidated Fee Schedule. The changes are on pages 9 and 10. The current rates are shown with a strikethrough and the new rates are highlighted in yellow. Debbie Cardenas reviewed the changes to the Consolidated Fee Schedule.

Council Member Hulme mentioned some discrepancies to the solid waste section of the Consolidated Fee Schedule. There was general discussion among the Council Members regarding that section. Staff will review those and clarify them.

Council Member Hulme asked whether we get a certain number of gallons as part of the base fee. Debbie Cardenas replied no. Council Member Hulme said if he used 10,000 gallons a month he would actually see a rate increase of \$1.20 per month for usage. Debbie Cardenas replied that is correct. Council Member Hulme said that is quite a lot more than the \$2.80. He asked whether they found an average amount of gallons for usage when the study was prepared. He said his concern is that this will be a much larger increase; there is the \$.49 base increase and then the proportional increase for gallons of usage. He stated his guess would be an average of at least 5,000 to 10,000 gallons per month and said he is not sure the residents were anticipating that \$.60 to \$1.20 plus. Debbie Cardenas said Lewis, Young, Robertson and Burningham (LYRB) did take this into consideration. Council Member Hulme asked if they had an average monthly usage. Debbie Cardenas said she wishes she would have brought that discussion back. In August we had several residents that were questioning the calculations because they wanted to do a simple calculation of taking 5,500 units and applying what we needed for the increase and said it isn't enough money because we really should be raising the rates \$12.00 instead of what we were proposing which was between \$5 and \$6 at that time. This is the reason they were as low as they are, it is based on the usage.

Council Member Bigler said the question Council Member Hulme asked is whether we have an idea on what the average home or family uses in water. He said he went through these numbers and the \$2.80 is the base fee. Debbie Cardenas said that is exactly right. Council Member Bigler said what he is concerned about is the water usage. He said he has six girls in his family that love to stay clean. He asked if this is going to cost him \$10 more per month for just his water bill. He asked whether we have any idea what the average family uses in water. Debbie Cardenas said she is sure we can get that but she doesn't have it right now. Mayor Harris said we have used 7,000 gallons in the past when we have made comparisons and he thinks we would be safe to use that number.

Council Member Bailey said Council Member Hulme's point is well taken; one of the concerns he has is that we have sold this to our community as that their base rate is going to go up \$2.80 a month when actually it is going to be far more than that because everybody is going to use more than zero gallons. He said he thinks we are going to have some unhappy citizens.

Council Member Hulme said he is the only current Council Member that voted for this and he didn't even notice that but he wants to make sure, if that is what's needed for us to maintain solvency that's fine, but he would like it advertised to the citizens accurately. Council Member Hulme said the sanitary sewer is going to increase also because that is based on water usage so you get hit twice. Debbie Cardenas said that would be for non-residential or a resident outside of the City limits but that is not true for residents within the city. It would be similar to doing an estimation on property taxes where you take an average value of a home. She said we would just take what the average use is for the citizens but as she stated before this is what LYRB took into consideration when they determined what the rates should be.

Council Member Hulme said if the average usage is 7,000 then we are looking at an average of \$3.64 increase per month not the \$2.80 that was advertised; it's not a huge difference but he does want us to be accurate when we present this to people about what the realities are. Council Member Bailey said we need to be very careful in the future when we talk about a rate increase of \$2.80. Council Member Bigler said that has been his biggest concern.

Council Member Bigler said he pays his bill automatically and asked if it lists how much water is used. Mayor Harris said that it does. Council Member Bigler said he hasn't looked at his but wants to see what

it is because for some families it may be three times that increase of \$2.80. He asked if it would be possible, if we want to get this taken care of tonight, to approve the base rate increase tonight and take a look at the increased water rates to make sure that it's more fair. Debbie Cardenas said the increased water rates are correct; the calculations here are correct based off the assumptions in the model.

Mayor Harris said the point is that we need the revenue and we are behind in implementation now; we are seven months behind because we haven't implemented it.

Council Member Fawson said his concern is the transparency issue with residents coming back saying we told them one thing and this is different. He said he would feel much more comfortable going with the average and talking to the residents about the average usage increase instead of the base increase because it may come across to them as us trying to hide what is actually occurring. Debbie Cardenas said we are planning to give this information to the residents and we did have this discussion over the summer. Council Member Bigler asked how we will get the information to the residents. Annette Spendlove said we can put this information in the utility bill and newsletter to make the residents aware.

Council Member Fawson said if we were only talking about base rates then the residents may not have had any complaints about the \$2.80 but they may have a complaint about over \$3 or more. Council Member Hulme said the residents certainly have the right to base their complaints on accurate information. Mayor Harris said it has been brought out and he is not sure the residents understood. We are going to have to raise rates somewhat every year; this is not just a one-time rate increase. In order to have the money that we need for expensive capital investments we have to be able to collect the revenues.

Council Member Bigler asked that the front of the website show the change in meeting times. He would like to have that where it can really be seen and added that we can also show the columns and explain the changes and the water rates to them. Debbie Cardenas said we can do that.

Mayor Harris said we can do that but asked if that takes care of the transparency issue or if we want to go back and hold another public hearing. Council Member Bailey said his feeling is that so few people showed up at the public hearing anyway he doesn't think we need another one. He feels that would be adequate in this case and in the future we will be more careful in projecting what the actual situation is going to be. Council Member Fawson recommended that we hold another public hearing to give them an opportunity to speak. Council Member Hulme said there is a cost to the City to advertise and that is something to think about. He suggested we advertise in the newsletter and online and if residents would like to make additional comments or if they have input we would welcome comments at the next meeting without holding a public hearing.

Council Member Bigler asked whether it is possible to put it on the front of the website and then perhaps put it on the next agenda to vote upon. He doesn't think most residents are going to be shouting and screaming over the amount but it was kind of a surprise to him tonight. If we notify the residents not as a public hearing but just to get the word out that the vote will be held at the next meeting. In the future if we are going to have a public hearing make sure we have the specific numbers.

**Council Member Fawson moved to table this until the next meeting and publish updated information on the website and include the average usage rate increase in the next utility bill. Council Member Hulme seconded the motion.**

Mayor Harris clarified that the Council is not passing the Consolidated Fee Schedule tonight. Council Member Fawson said he wants it on the agenda next time.

**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.**

The meeting recessed at 9:40pm.

The meeting reconvened at 9:45pm.

**12. Discussion and/or action to consider an Ordinance amending section 9-1-2 of the North Ogden City Code to remove the language that requires an owner of property to be current on every debt owed to the city to be eligible to receive city services.**

Council Member Fawson said the City Council has the updated ordinance where the ‘Whereas’ was changed. That is the only change.

Council Member Hulme said one of the things discussed was that the former penalty for this kind of thing was criminal charges. We have taken a softer approach and in comparison to our softer approach this came across as harsh but in reality it is still a lot softer. He gave the example of taking a cash advance on a credit card. In that case you pay a higher percentage on the amount of that advance. Because they are a business, when you make a payment to the credit card company they apply the payment to the lowest percentage debt that you have. That isn’t something that he particularly appreciates from them but it is a model that is followed. He said he brought that up to point out that there is precedent for when an entity deals with a customer, the money doesn’t necessarily go where the customer wants. If he looked at his utility bill and only wanted to pay water and garbage because the city can shut those off but not pay the sewer or storm because they can’t be turned off, the city doesn’t really have any recourse. The City would not accept the argument that they couldn’t turn my water off because I said I paid my “water” bill. The city would say as an entity you are not current with us, you don’t get to decide what you will pay. Staff brought this up because we did a pendulum going from the criminal charges to almost no penalty. He said he would hate to see us do this without giving Staff the tools they actually need. He will not support this as it is written but he understands the sentiment.

Council Member Bailey said we do have adequate tools in place; collections, filing suit, we have the same options any other business would have in similar circumstances. The other issue is that it has never come up and it has never been an issue. Dave Carlson said constantly we have debts to the city that we need to collect. He said it is a constant but we do have other remedies. Mayor Harris said this particular remedy is very effective and very quick. Council Member Bailey said it also has some potential for abuse. Council Member Bigler said it’s heavy handed.

Council Member Hulme said he hopes that staff would come back if there does become a problem and we would reconsider it at that point. Council Member Fawson said staff’s feedback to him was that staff didn’t want this. Council Member Bigler said he feels it is wrong to use it.

**Council Member Bailey moved to approve ordinance 2012-3 amending section 9-1-2 of the North Ogden City Code to remove the language that requires an owner of property to be current on every debt owed to the city to be eligible to receive city services. Council Member Fawson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>no</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>

**The motion passed 4 to 1.**

**13. Discussion and/or action to consider a beer license for Walgreens.**

Dave Carlson, City Attorney, said this is a renewal and they passed their background check. Staff recommends approval of the beer license for Walgreens.

**Council Member Fawson moved to approve a beer license for Walgreens. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Hulme</b>	<b>yes</b>
<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>

**The motion passed unanimously.**

**15. Discussion and/or action to consider amending the North Ogden Zoning Ordinance for Recreational Vehicle Parking.**

Council Member Fawson said he put this on the agenda because he had heard some complaints from residents that we weren't flexible enough in our current ordinances with allowing loading and unloading recreational vehicles (rv). He referred to Edythe Kuhn's comments earlier in the meeting.

Council Member Stoker said it seems like we have addressed this issue in the Board of Adjustment in this same area of Green Acres and there was no way they could possibly comply with this ordinance. She said it seems to her that something was resolved.

Mayor Harris said he was part of this issue when it came about originally. He explained that this ordinance was passed ten years ago and was an issue because of the proliferation of large rv's that were starting to show up in the city. There are safety and aesthetic issues of having large rv's parked in the front yards. There was a great deal of deliberation and these issues were all discussed. A public hearing was held and this ordinance is what came out of that. It was a compromise that allowed them to extend 10 feet in front of the front plane of house. Council Member Bigler asked how far from the sidewalk they were required to be. Mayor Harris said most of our front setbacks are 30 feet so it would be 20 feet from the sidewalk. Council Member Hulme asked if the setback includes the sidewalk. Mayor Harris replied that typically the property line is one foot inside the sidewalk so it would actually be 21 feet from the sidewalk. He said there was discussion to allow parking in the street for the purpose of loading and unloading. Mayor Harris said there are three issues. One is the loading and unloading time and he thinks that has been resolved in that it is probably ok.

Council Member Fawson asked if that could be reviewed quickly for Mrs. Kuhn. Mrs. Kuhn said she has the ordinance and it says she can have it in the street for two days but not in her driveway at all. She said they do have a large rv and they only bring it to the home to load and unload. Gary Kerr said he thought we did allow them to park it in the driveway to load and unload. Council Member Fawson asked Mrs. Kuhn if she has ever been ticketed for having it parked there. Mrs. Kuhn replied no but that Bruce Higley, Public Works Inspector, went to her house and told her they were violating the ordinance. She said she would just like a variance that says they can park it there without worrying about someone coming by and giving them a citation. She said it is less of a sight blockage in their driveway than it is in the street. Mayor Harris said there are exceptions to everything that don't seem to fit but you have to cover the whole city. He said they did that discussion and as he recalls that is why they allowed parking in the street for a couple days. That was to be able to load and unload. The discussion was that if someone didn't have room to park it on the side of their house they would have to store it somewhere.

Council Member Hulme said he thinks he found the ordinance, 11-10-22 part 4, which allows the parking of rvs for up to two consecutive days but no more than ten days per month.

Council Member Bigler said the two day allowance for loading and unloading was originally one day but he proposed two days to give the owners a little leeway. He said that does not include a provision for the driveway and as long as it isn't covering the sidewalk he thinks it is more dangerous to have something parked in the street than in the driveway if it isn't blocking the sidewalk. He asked why they can't have two days in the driveway for something like that versus just on the street where a car could hit them, or a motorcycle or a kid riding a bike. He said he imagines it is a lot safer in the driveway. He suggested looking at how far from the sidewalk something can be parked rather than going from the front of the house. Council Member Hulme said that is a good point; safety is the bigger issue and should always be more important than aesthetics. He said he wouldn't want to live in a neighborhood where that is not true. He doesn't think we should have that in our City at all; he is ok if aesthetics are secondary but if we are doing things that look better but are less safe he has a real problem with that. Mayor Harris said the ordinance right now gives you both.

Council Member Bigler asked what the procedure is if City Council wanted to put it on an agenda and look at making some changes. Mayor Harris said there is a process for that. It would have to be drafted and a public hearing would have to be held. Dave Carlson said this is a zoning ordinance so it has to start with the Planning Commission.

Council Member Hulme said with Council Member Bigler's addition of a secondary requirement with the minimum distance from the sidewalk it increases the safety factor. He said he doesn't see anything in there that would prevent you from parking an rv in your driveway temporarily. Gary Kerr said this was brought up in his department a couple weeks ago and he told his staff that he didn't read anything where they could not load and unload in their driveway. He is going to tell his staff that if someone wants to park a boat or a motorhome in their driveway to load and unload we will not cite them for that. Council Member Bigler and Mayor Harris stated that the ordinance does say they can't park it in their driveway for a couple days. Council Member Bigler said he would like to add that provision to allow the parking in the driveway for loading and unloading. Edward O. Dickie III said staff is giving them the two days now. Council Member Bigler said we might as well put it in the ordinance then so they are doing it legally.

Council Member Hulme said he would like to know where that is in the ordinance. Dave Carlson stated it is referenced in section 11-10-22 and it does not have an exception for loading or unloading and they have to be no more than 10 feet in front of the front wall plane of the home at all times.

Council Member Bigler recommended having Staff or the City Attorney look at amending the ordinance to include allowing rv parking for loading and unloading in the driveway because we are allowing it

anyway. Council Member Hulme said it could read ‘shall not be parking in the public road or in the owner’s driveway for more than two consecutive days or more than 10 days in one month’. He also said he would like to see Council Member Bigler’s other suggestion incorporated as well, ‘must be located no closer to the front property line than 10 feet in front of the front wall plane of the house and no more than 10 feet from the sidewalk’; something like that. Council Member Bigler said he thinks it should be less than that.

Dave Carlson recommended that the City Council vote to send it to the Planning Commission for a recommendation and ask them to look at the things that were discussed tonight. He said when it comes back to the City Council they can then accept, reject or modify the Planning Commission’s recommendation. The Council has quite a bit of flexibility; it just has to start with the Planning Commission.

**Council Member Fawson moved to send this to the Planning Commission for their recommendation and to have them look at two things specifically, the first being the two day loading and unloading issue and being able to park an rv in driveway during that period of time and the second is the safety issue, trying to keep those rvs away from the street or out of the sidewalk area. Council Member Bailey seconded the motion.**

Council Member Hulme said there is one more thing that he would forward to them and that is that there will be people perhaps where it will be impossible to pull their rv in and park it in the street, the only place they can park it is in the driveway across the sidewalk. He thinks if we put something in there that allows a very short time period for something like that; there will be people that will be able to use that. He indicated that he would like the Planning Commission to look at whether there is a possibility to take care of that. He said he doesn’t want to back some people into a corner if they don’t have any other options.

Dave Carlson said at some point we’re going to bump up against some State laws. Council Member Bigler said that is true. He said he would like to see a proposal that we give them the two days to load and unload not blocking the sidewalk. He said there are laws beyond North Ogden City that state that. You could have a little kid riding a bike or something and somebody could really get hurt if you had a hitch or something in the sidewalk. He thinks we would have some liability there and his concern is the safety issue.

**Council Member Bigler amended the motion to include allowing the two days to load and unload not blocking the sidewalk. Council Member Fawson seconded the amended motion.**

**Voting on the amended motion:**

<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>yes</b>

**The amended motion passed unanimously.**

Council Member Bailey said the Building Department will not be ticketing under these circumstances anyway. Gary Kerr said that is correct.

## **16. Public Comments.**

Toby Mileski, 3325 N 1000 W, Pleasant View, said he wanted to talk about rental property and the disproportionate fees charged by the City. He said he would like the City Council to have an agenda item to remove the disproportionate fees on businesses and the business license fees for rental licenses. Mayor Harris said that is on the next agenda for February 14, 2012.

Jim Mackley, 2803 Hwy 89, Pleasant View, said it was another interesting night in North Ogden. He stated there are basically three functions of the city: enterprise, the role of government and the roads. He suggested that garbage can be handled by a group of citizens or a private enterprise, water too. All different kinds of enterprises can be handled privately or by the city. The police is really only handled by the city. When it comes to roads and things, that is kind of a mix because there are private roads but most are public. The main purpose for roads is for access to private property. If you have land somewhere but no access to it you could go to court and they would tell your neighbor to let you pass. As you proceed with various things in the future if you are able to always keep that in mind, what is the issue? Is it enterprise, police or roads?

## **17. Council, Staff, and Mayor Comments.**

Council Member Bailey said we have on the agenda for our next meeting an item to discuss the disproportionate fees and he had not seen the request on that. Are we asking staff to provide something on that? Council Member Bigler said he has requested discussion only, no vote. Council Member Bailey said we are reopening the discussion. Council Member Bigler said he has a proposal that we will send out. This agenda was too full tonight but he will send out a proposal. Council Member Fawson said if we are going to discuss it in any detail or the justification of it he would like staff to put together some police information on it. Council Member Bigler said we need to do that as part of an agenda item rather than council comments. Mayor Harris said the sponsor will need to let staff know the details on that.

Council Member Fawson said, regarding former Mayor Muirbrook's comments about plowing the roads with his Prius, he got a number of calls on snow removal or lack thereof or the timeliness of it. He asked if we are looking at possible liability when the snow is not removed quickly. Edward O. Dickie III said we apologize for that, the City got called out about four hours late. There was a breakdown in communication and it got missed. He said since he has been here, the past four years, it has never happened until today. The City messed up there and we didn't get called out until late. There was a mess. Council Member Fawson said he is excited about the Youth City Council (YCC) legislative session tomorrow. Mayor Harris said he will enjoy that, it is a marvelous opportunity.

Council Member Bigler thanked Edward O. Dickie III for the explanation on the snow removal. He said we are all human and suggested Staff shoot the Council Members an email so they know and can tell residents it's an anomaly and not normal procedure. He also wanted to ensure that disproportionate fees are on the next agenda. He would like putting together a committee for our public works facility on the agenda as well so we can start working on that.

Council Member Hulme apologized that he cannot attend the YCC event tomorrow.

Council Member Bailey said Dave Nordquist presented some information to the Council on the dog park proposal. He said he has gotten more calls about the dog park than he has gotten about the snow plows and he is very concerned about the way this happened. We are putting something in the City that the Council has not had any input on. It was added to the Master Plan in order to apply for the RAMP funds. He asked how we do that better because this is not the approach we want to take. Council Member Hulme said we are at a point where suddenly our plan is no longer adequate; we will never get in this

situation again where we have to come up with ideas for how to use the money. Council Member Bailey said his concern is that if we get the funds do we get a dog park. If so, we get a dog park by default. Edward O. Dickie III said this will come up again during the budget retreat and there will be more discussion. He said he wouldn't be too worried that we will be stuck with a dog park. Mayor Harris said it's not that big an impact anyway.

Debbie Cardenas said the disproportionate fees are on the agenda for the next meeting. She said if the Council needs something from Staff they should let us know as soon as possible. Council Member Bigler said it's really quick on what he was going to do but it would be inappropriate because it's not on the agenda so that will be done next time.

Annette Spendlove said we are meeting at 6:00am tomorrow to go down to the legislature. She reminded the Council that February 7, 2012 is the joint meeting with the Planning Commission.

Edward O. Dickie III said the City doesn't do the garbage it is contracted out. He said he fully supports the committee to look at benefits and salaries as proposed tonight and added that hopefully staff will be comfortable with it.

**18. Adjournment.**

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

**Voting on the motion:**

<b>Council Member Stoker</b>	<b>yes</b>
<b>Council Member Bailey</b>	<b>yes</b>
<b>Council Member Fawson</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Hulme</b>	<b>yes</b>

**The amended motion passed unanimously.**

The meeting adjourned at 10:35pm.

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Richard G. Harris, Mayor

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S. Annette Spendlove, MMC  
City Recorder

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Date approved