

NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 10, 2012

The North Ogden City Council convened in regular session on January 10, 2012 at 5:30 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 6, 2012. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2011.

PRESENT:	Richard G. Harris	Mayor	
	Ron Flamm	Council Member	
	Carl Turner	Council Member	
	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	
	Mel Blanchard	Public Works Director	
	Julia LaSeure	Deputy City Recorder	
	Craig Barker	Community Development Director	
EXCUSED:	Brent Taylor	Council Member (deployed)	
	Martha Harris	Council Member	
VISITORS:	Dale Anderson	Sara Fawson	Doug Russell
	Dan Russell	LaVon Russell	Mike Kuhn
	Edythe Kuhn	Dave Kuhn	Lynn Muirbrook
	Terry Jones	Debbie Jones	Bill Bailey
	Lynda Pipkin	Curtis Oda	Molly Rands
	Gary Rands	Sherry Bernard	Michael Bailey
	Heather Bailey	Kyle Juntunon	Jim Suhr
	Lyman Stoker	Jon Warner	Bonnie Bailey
	Jonathan Giatras	Helen Taylor	Walter Bailey
	Blake Welling	Charlotte Bailey	Margaret Beus
	Dennis Crezee	Ann Crezee	Beverly Gibson
	Bill Bernard	Gary Attebery	James Mackley
	Larry Goodwin	Pam Trimble	Julie Anderson
	Jay Mackley	Phillip Child	Braydon Wageman
	Jake Barney	Lance Allen	Lara Beers
	Rachel Trotter	Tyler Trotter	Tiffany Turner
	Ken Young		

WELCOME

Mayor Harris welcomed the audience and thanked them for their attendance. He then recognized former Mayors Bill Bailey and Lynn Muirbrook as well as Kurt Oda from the State Legislature. Council Member Harris is unable to be here tonight.

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

CONSENT AGENDA

1. Consideration and/or action to approve the minutes of the December 13, 2011 City Council meeting.

Council Member Flamm moved to approve the minutes of the December 13, 2011 City Council meeting. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Flamm	yes
Council Member Bigler	yes
Council Member Hulme	yes
Council Member Turner	yes

The motion passed unanimously.

Mayor Harris presented Council Member Flamm with a plaque in appreciation for his service on the City Council from January 2004 to December 2011.

Mayor Harris presented Council Member Turner with a plaque in appreciation for his service on the City Council from January 2007 to December 2011.

Mayor Harris stated that there is also a plaque for Council Member Harris in appreciation for her service on the City Council as well as a plant from the Lippert family and a bouquet of flowers from Bill and Sherry Bernard.

Swearing In of New City Council Members by the City Recorder.

Mayor Harris asked Annette Spendlove, City Recorder, to swear in the new Council Members.

Annette Spendlove gave Cheryl Stoker the oath of office for her four year term to the City Council.

Annette Spendlove gave Justin Fawson the oath of office for his four year term to the City Council.

Annette Spendlove gave Kent Bailey the oath of office for his four year term to the City Council.

Mayor Harris congratulated the new Council Members and extended a sincere thanks to the Council Members who served in the past.

CONSENT AGENDA

1. Consideration to approve Business Licenses.

Council Member Fawson moved to approve the business licenses. 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.

ACTIVE AGENDA

2. Public Comments.

Carl Turner, 2673 N 950 E, stated he wanted to give fair warning to the new Council Members that when he was first on the City Council he had four kids and he now has six. He handed out a packet of information regarding the 501(c) (3) for the conservation easement which is included as **Attachment A**. He said they are waiting for approval from the IRS and then will be an official non-profit. He explained that elections were held at their last meeting.

A Board of Directors will meet annually and consist of the following individuals:

- Edward O. Dickie III, City Manager (ex-officio)
- Dave Nordquist, Community Services Director (ex-officio)
- A member of the City Council (ex-officio) - TBD
- Mark Bunker, Weber Pathways Representative (ex-officio)
- Carl Turner
- Joel Grasmeyer
- Mark Brown
- Lanise Heaton
- Mike Barrow
- Bob Christofferson

An Executive Committee will meet monthly and consist of the following individuals:

- Chairman – Carl Turner
- 1st Vice-Chairman (Planning – Joel Grasmeyer
- 2nd Vice-Chairman (Trail Construction) – Mark Brown
- 3rd Vice-Chairman (Park Construction) – Lanise Heaton
- Secretary/Treasurer (Donations and Land Acquisition) – Mike Barrow
- Park Supervisor (ex-officio, non-voting) – Ken Kolb
- Recreation Supervisor (ex-officio, non-voting) – Becca Godfrey

Jim Mackley, 2903 N Hwy 89, said he was asked to speak briefly about his address at the last meeting. He reminded the Council that he spoke about the difference between freedom and socialism and a North Ogden City resident asked him to be more specific. He commended Council Member Fawson for putting forward an agenda item tonight and he encouraged the City Council and the City to continue along those paths. He proposed to the City Council for their consideration is that they might want to take a look at some personnel. He mentioned that last time and said he would not bring forth any names of personnel at that time. He said if he understands correctly Mr. Carlson had resigned and was then rehired as a contractor. He suggested it might be appropriate to start with him as there were some items of interest last year that needed to be more proper. He said he hasn't spoken to Mr. Carlson so he doesn't know whether his views have changed or not but he would like to leave that with the Council. There are about five or six things about beer licenses; could that have been handled under the consent agenda to shorten the meeting. Those are State wide things anyway. There are another five or six items that are questionable as to whether they would be logically proper government or not. He doesn't know the details because they are kind of brief on the agenda. He said he thinks certainly item 17 is moving in the

right direction and so he commends the Council for that. He thanked the Council and said he looks forward to a happy new year.

Julie Anderson, 940 E 2600 N, commends the City on the easement they made on the parks. She wanted to bring up something that she and her husband had proposed for the improvement of Barker Park. Almost a year ago they lost their granddaughter. They propose allowing people to donate trees with a plaque in remembrance of their lost loved ones. She said they would like to be the first.

Jay Mackley, 1121 E 1675 N, said he is grateful for the new blood on the City Council and encouraged them to look at rolling back some of the past Council decisions.

Lorraine Tennant, manager of Mrs. Cavanaugh's Candies, said she wanted to apologize to the City for an article that was printed in the Weber Sentinel News this last week. She said though it is somewhat factual she feels it was somewhat in poor taste. It was pertaining to the disproportionate fees and she would like to work with the City on that.

3. Presentation of 5-year service pin to Erik Gill.

This item was deferred to another meeting.

4. Presentation of the "Recycle Bank".

Mayor Harris stated that Lara Beers from Recycle Bank and Lance Allen from Waste Management are here to make a presentation tonight.

Lance Allen briefly introduced the Recycle Bank program. He stated that when he was asked to select a City to represent the State of Utah he chose North Ogden City for a number of reasons and it is an opportunity to recognize the City and the residents. He expressed his thanks for allowing Waste Management to provide the services for all these years.

Lara Beers stated she is the West Regional Director with Recycle Bank. They are partnered with Waste Management and they are running a unique contest where the program is being offered to specific cities across the country at a promotional offer; it is no cost to the cities. She made a PowerPoint presentation which is on file as **Attachment B**. Residents are rewarded for recycling by getting points which can be redeemed for deals and discounts at over 3,000 regional and national vendors. She said on average their customers receive \$150 in savings annually just for recycling and being rewarded for it.

Council Member Bigler asked if residents' recycling is weighed. Lara Beers replied yes and added it is a community weight based system. Average household pounds transfer to points for the residents. Lance Allen said some of that information is given to the City already from Waste Management and states pounds of recycling, etc.

Council Member Bigler said there would be no changes to our residents and no costs. Lance Allen said that is correct. Lara Beers stated they will work with the City to get the word out to residents.

Council Member Bigler asked if the \$150 savings per year is per household that is participating. Lara Beers replied yes on average their customers will earn back that amount.

Council Member Bigler said this is free for two years and asked what happens after that. Are we locked in? What is the approximate cost? Lance Allen said the cost would be about \$.37 per home per month.

Lara Beers reminded the Council that there is no obligation but obviously they would love to continue working with the City.

Lance Allen said his goal is for this to be successful and demonstrate that it will increase the recycling in the community and to take the model to other communities.

Council Member Bigler asked about the grand prize of \$100,000 grant and what that is based on. He said if you have Los Angeles vs. North Ogden is there one per different size cities or how is that ranked. Lara Beers said that is why they designed the competition based on recycling participation and the self-reporting aspect for residents raising their hand and saying 'I recycled' and all the cities in the contest are about this size. They wanted small communities, there are no large cities; the largest they have is 7,000 homes. She said North Ogden has about 5,600 homes and the goal would be to get as many homes registered in the program as they can. The average registration rate is right around 1/3 which is a pretty great rate for any loyalty program. The way the contest will work is how many of the registered members are recycling and saying that they are participating. The goal is that everyone will be saying they recycled once a week; the more the residents get that message and execute on that the higher the city's chance of winning the contest.

Council Member Fawson said he likes the program. He is not sure what the participation would be though where the consumer actually has to go online and sign up and register. Lara said he might be surprised. They send email reminders and people are coming back to the website because they want to see how many points they have and what they are getting. They can actually 10 extra points every time they say 'I recycled' so they actually get extra points on top of the weight points just for participation.

Council Member Fawson said he would like to see those points translated into discounts on additional recycling bins and that brings him to his next question, do they get additional points if they have additional recycling bins? Lara Beers said overall yes, because the tonnage would go up.

Lance Allen said he signed up a month ago and he has 175 points already just for answering questions and reading articles on recycling.

Council Member Bailey asked them to explain whether Recycle Bank is a for profit corporation. Lara Beers replied yes, they are venture backed and are growing very rapidly. She said they have had 300% year over year growth just in their membership. Council Member Bailey asked why Waste Management would team up with them. Lance Allen said it is to bring an added value service to the customers and drive recycling. Lance Allen said Waste Management also processes recyclable materials so it benefits them as well.

Council Member Bailey said he has a concern that if we choose to pursue this kind of program we are almost promoting private enterprise using City resources in some way after the free period we have dues that need to be paid. Lance Allen said the City would look at the benefits to the customers at that time and decide whether it is worth it.

Council Member Hulme asked whether the City saves money when residents recycle without this program. Lance Allen replied yes, every pound that goes into a recycle container is diverted from the landfill which you pay the disposal fees for. Conceivably if you increase your poundage of recycling and you reduce the amount that is going in the landfill you reduce the tipping fees. Council Member Hulme said we all could see direct benefit from increased recycling. There is a benefit just from that alone so any program that encourages it for free, for two years, would be a direct benefit to the City immediately. He said we could evaluate just on that basis alone, not to mention the rewards, what the City was saving every year. Lance agreed and said they would benchmark the prior year without the program and compare it with the current year. The City would have disposal fees from Weber County Transfer that

would validate those as well. Lance said that is the kind of data he is looking for so that he can take it and sell this program to other communities. Lara Beer said it is a win for the City and the residents as well as economic development because these rewards are spent in local stores and that will benefit the local economy.

Mayor Harris thanked Lara and Lance for being here tonight.

5. Discussion and/or action to consider the “Recycle Bank”.

Council Member Hulme asked if there is going to be more discussion and whether anyone else sees some reason we should not do this. He said he is not seeing anything.

Council Member Stoker said she thinks most of us recycle anyway and it seems to be a good program. As long as the City is not locked into anything she doesn't see what we have to lose.

Council Member moved to participate in Recycle Bank's 50 State Challenge. Council Member Hulme seconded the motion.

Council Member Bigler said it sounds good from what we have heard but would like more information to look at and perhaps put it on a later agenda for a vote. He said what we have heard here tonight is great but he would like to be prudent about it and make sure he understands it more completely. For example, is there a website that explains the program in detail for cities that are looking to participate? He said he would feel more comfortable doing that and putting this on a later agenda. Rather than right now when he is still unsure of how exactly it works. Mayor Harris said there is some concern about time but asked Lara if we could postpone it for a couple of weeks. Lara said that would be fine but they are looking to select a city sooner rather than later. She said there has been some more documentation provided to the City that is a 2 page handout and also the website which is www.recyclebank.com.

Council Member Fawson said he is in favor of anything that would augment our recycling program. He would approve it for the duration of the 2 year promotional period and revisit it then.

Council Member Fawson made an amended motion that the City approve the participation for the duration of the two year promotional period and then revisit it. Council Member Hulme seconded the amended motion.

Council Member Bailey said he feels a lot like Council Member Bigler does and would like to look at the fine print before moving forward with it.

Mayor Harris said staff has spent some time talking with Lance and Lara. The City Attorney has looked over the contract that would be required of us. Waste Management has been a great partner for us through the years; more of a partner than a contractor. Mayor Harris stated he feels very comfortable with this.

Council Member Bigler said he wished he would have gotten more information. Lara Beers said she can talk all night.

Mayor Harris said there is an amended motion on the table to approve the City going forward with the Recycle Bank program for two years and then to re-evaluate.

Council Member Bigler asked to make certain that with this there is absolutely zero cost to the city or residents during this two year period. Lara said that is correct; zero cost to the residents or to the City and zero obligation.

Council Member Hulme said he is looking at the website, he wanted to add as a caveat that the city by allowing or joining this program, and there are things about environmentalism that can be controversial and he thinks we would have to say that the City does not endorse the website.

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. Discussion and/or action to consider items to apply for RAMP (Recreation, Art, Museum, and Park) Grants.

Dave Nordquist, Community Services Director, handed out a packet for the Council to review with is included as **Attachment C**. He explained that RAMP Grants are something that we have used extensively in North Ogden since 2006. RAMP funds are given to us by \$.01 for each \$10 in sales and it was meant to improve cities' recreation programs, parks programs, museums programs and arts programs. The application process is a rather lengthy one and they have been working on this for about three months. He stated that Lorrie Frazier, in his office, is the one who writes the grants and the Mayor has to sign them. They feel like they have a good chance to get what they have proposed tonight. This goes through a committee and North Ogden City has been averaging about \$75,000 a year coming from the grants. One of the grants, a municipalities grant, comes to us by default. We get \$1 for every resident of North Ogden based on the most current census; about \$17,000 will come to us automatically. He stated one problem he is having is that we had a very comprehensive five year plan and they have completed most of that plan in two years. He is not really supposed to be here tonight. This should have already been pre-approved at the budget retreat for the five year plan. He said he is bringing the Council information on what he and his staff thinks they would like to propose for the City for the RAMP Grants. He indicated that the Mayor asked him to look into a dog park and he has had a lot of discussion with the residents about that. We are going to try to do that on a very low key basis; fence an area that is not been developed. Up at Lomond View Park we have had a lot of work with the Boy Scouts; over 200 hours of volunteer work has cleaned up the creek area and the southwest portion of that park. They would like to fence that and put a culinary water spigot there. It has a little bit of field grass and we will probably irrigate it a little bit and that's about where they are going to start and just see how it comes. He stated that the ball fields have scoreboards that do not work. They are well over 20 years old and most of them these days use LED lights that are easier to read. We would like our teams to have better scoreboards. He said he is partnering with Pepsi to help with the installation with their match. That's the thing with these grants is that there are matches for these. We try not to use city dollars to do this. He said they would like to refinish the tennis courts at North Ogden Park; they are really in bad shape. Now that we have our new basketball courts they look really bad because we have that beautiful facility sitting right next to it. He would like to have the courts finished. We have, for the last few years, received some money for entertainment at Cherry Days during the day and we would like to continue that through the arts portion of the RAMP Grant. The two municipality grants are for two new dugouts at the North Ogden field that will match the existing old retrofitted stadium that is so awesome in North Ogden. That green covered old bowery is just awesome. We would like to put some dugouts in on both sides of that which would

match that facility. He stated we also now have a portion of the McCormick property just next to the museum that needs grass, irrigation and some other upgrading. He is not sure how to do that out of the budget so they are going to ask for a grant to increase the size of North Ogden Park and see if we can get that up and running for Cherry Days. He said he has given the Council what the five year plan is, what they have completed, what they propose to do for 2012 and what they have received since 2006.

Council Member Bigler asked if the total request number is spread out over the years. Will they do some now and some later? Do we get that much money? Dave Nordquist replied that we do get that much money. Since 2006 we have received almost \$750,000 from RAMP. Council Member Bigler asked if the Council would be voting on all of this tonight; for example, creating a new dog park. He said he is not really in favor of that. Edward O. Dickie III said we have to apply by January 13, 2012, this Friday. Dave Nordquist said they have to submit the application or pull it by 5pm on Friday and they have to have a lot of specific information to do complete the grant application.

Council Member Bigler said regarding the North Ogden Park addition that is going to put sprinkling system in and so forth in places that it is not currently there. Dave Nordquist said it is where the corrals were. Council Member Bigler said he is not really in favor of spending on the dog park because aside from the grant he would imagine there are upkeep costs to an animal park. He asked whether the Cherry Days art grant portion is the entertainment. Dave Nordquist replied yes. Council Member Bigler said he talked previously about that and how we are trying to budget to have fireworks show and so forth; he suggested finding something more useful for that \$5,000. We could have a fireworks show and in the cost of the fireworks the music comes with that. He said most cities will have a fireworks show with the music then they don't pay thousands and thousands of dollars to have entertainment or live singers come in. He said he feels like the 4th of July celebration is an all day celebration and he doesn't think we need to spend thousands and thousands of dollars to have somebody come in and sing. Most residents just come in for the fireworks show and there is music playing. If that money is available there may be something better than could benefit the city and its residents more long term for \$5,000 than to pay for somebody to come in and do a little concert before the fireworks show. Dave Nordquist replied that is not what this money was intended for because we have no fireworks or entertainment this year in our budget. Our Cherry Days this year is scheduled to end at 4pm so this is to help us with the entertainment that goes on all day during the day. There is a cost for that; for people to entertain on the stage that is by the bowery there. Council Member Bigler asked if he is talking about the electricity and things because it is people in our community that do that. Dave Nordquist said we have found that people do not request grants from the arts area of the RAMP as much as they do the regular parks and recreation side of it. Usually when we do something on the arts side we have a really good chance of getting it. He said that is something they thought those funds could be used for but the money could be used for night programs at the amphitheater at Barker Park or a number of other things. We are not restricted as much with the municipality grants as we are with the others as long as it is in the right category; there is some flexibility there.

Council Member Bailey asked what drives the projects that are being proposed for the five year plan and where the ideas come from. Dave Nordquist said it comes from the budget retreat and the Council and the Community Services Dept. The big grey area is Barker Park and they are looking for direction from the City Council. Edward O. Dickie III stated that is handled at the budget retreat this spring. Dave Nordquist said he is to the end of all these projects and we have run out of ideas. Edward O. Dickie III said a lot of these ideas we need to get from the Council. He stated that Annette Spendlove will be sending out an email asking for the Council Members' goals and things they want to talk about at the budget retreat.

Council Member Bailey said his concern is that we are dealing with items that we're putting on the five year plan that were never on the five year plan that have never been seen by Council and we have a

Friday deadline. Dave Nordquist agreed it doesn't sound too good. Council Member Bailey said he hates working in that kind of a situation. Dave Nordquist said he tried to avoid that but this is the best he could do with the new Council coming in and not having the input he needed. He doesn't ever want this to happen again because he wants the five year plan to be comprehensive. The City and the Council have done a great job getting our parks looking the way they do, they are magnificent. We just needed to come up with something because the City is either going to lose the money if the Council doesn't approve it or we can maybe not have any RAMP grants this year. This is what he and his staff felt like they have a really good chance to get.

Council Member Fawson said there are a lot of great things that can happen with RAMP grants. The thing he wants to keep in mind is our part of the matching amounts of the grants themselves. The money coming from RAMP is just money that we get to spend. His concern is the matching portion and as he understands it, the dog park at Lomond View, a lot of the matching if not all of the matching is coming from volunteer hours, so there is no cost to the City for that. He said his view on a lot of these others is that a lot of these cost us money by paying our employees to do the work. He encouraged Dave to consider making these things volunteer heavy as possible so it doesn't cost us in employee hours and employee pay. He said he would like to see the RAMP money coming in but he would like to see the matching all come from volunteer hours. He said that Dave Nordquist has done a great job using Scouts and Eagle projects for some of these things but he thinks we should increase that opportunity. He said as he reviewed the five year plan, he saw that it only goes through 2013. Mayor Harris said we will have a five year plan that extends five years and then add a year every year. Dave Nordquist said that is where we need the Council's help. Mayor Harris said what happened is that we have been able to accomplish a lot of these projects faster than we thought.

Mayor Harris said as far as selection of projects go, we have a professional staff in our Community Services area and they know what we need in the parks.

Council Member Bigler said they are asking the Council to approve these things as a package tonight. Mayor Harris said that is correct. Council Member Bigler said he is ok with everything on the list except the dog park. He said there will be costs for upkeep. We complain about people ripping up the grass in our parks and you will have dogs making holes and there will be staff time and clean up, upkeep of the park so it's an ongoing deal. He said that is a concern for him when there might be something upfront more beneficial. He stated he has nothing against animals but he can see it becoming an expense and a headache down the road. Dave Nordquist said he is not an expert on it but it has been very successful in some communities and not as successful in others. He said he felt like with this land that has orchard grass type stuff so you don't have to put sod in and we have a sprinkling system right there that we could put a couple heads on to throw some water on it and fence it then it's either going to get bigger and better. These dog parks typically have things for the dogs to play on like obstacle courses, none of that is planned right now. At some time it's either going to go up or it will be something that we won't have. We thought it was something to look at and something that has been fairly popular. We thought after talking to the RAMP people that we have a good chance of getting that money with no City money involved in it and thought about giving it a try. Mayor Harris said it is certainly not an irreversible decision. It will be built in a place that has nothing on it and a place that needs to be developed. He said he has had a number of people come to him asking for a dog park and the City has had quite a few requests for that kind of thing and if it doesn't work we aren't out a whole lot.

Council Member Bigler asked how big an area it is. Dave Nordquist said it is about an acre. Mayor Harris said the minimum size has to be at least an acre for a project like this. Dave Nordquist said there is a creek that runs through that property that has been overrun for a lot of years but in the last nine months it has been completely cleared out but it is in an area that is totally undeveloped.

Council Member Bailey asked about neighboring property owners that we may be impacting. Dave Nordquist said he doesn't think so; it is up away from any residents.

Council Member Bigler asked for the location. Dave Nordquist said if you go off the backstop of the big softball field it is off to the top of it and this is quite a ways to the west of first base. Mayor Harris said there is nothing but brush and vegetation that border all sides of this.

Council Member Hulme moved to go forward with this list for the RAMP grant. 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. Public Hearing regarding amendments to the Roylance Farms PRUD (Planned Residential Unit Development) Phase II Development Plan.

Craig Barker referred to the staff report and maps that were included as part of the Council packet. He briefly talked about Planned Residential Unit Developments (PRUDs) and the fact that PRUD is actually a chapter in the City's zoning ordinances. The City does have a General Plan where the Council and the community have decided where certain land uses shall occur; residential, commercial, industrial, and recreational. When we adopt a plan we have to adopt a method to implement it and two of the major tools we use are the zoning and subdivision ordinances. The zoning ordinance includes the different zones that make up the city and the specific requirements in each zone such as frontage, lot width, setbacks and improvements that must be put in like curb and gutter and utility lines. The subdivision ordinance is the way the property under state law can be cut apart and sold to individuals. The way that happens in the State of Utah is that every piece that is separated from another must comply with the City's subdivision regulations. The City has a book of regulations that tells developers what the standards are for dividing property in our city. Those standards include street widths, the improvements that have to be put in, sewer lines, water lines, etc. Those are the methods by which we subdivide property. Most of you probably live in standard subdivisions in which each of the properties are owned by a single owner. Our ordinance allows for an alternative which is a PRUD. The chapter in the zoning book spells out the methods that they have to use in order to create that. One of the biggest things is that they create common space which is owned by and used in common by all of the homeowners in the PRUD and generally used as recreation space. If it is a multi-family PRUD our ordinance specifies that at least half of it has to be common space. When we have single family PRUDs it doesn't say that. Our ordinance says that the Planning Commission and City Council will decide how much of the property has to be open space. The Developer comes in with a preliminary development plan that shows all the improvements they are going to put in, lot sizes, the types of dwellings, open space, public or private streets, amenities that are not generally found in a subdivision such as sport courts, playgrounds, club houses, etc. All of those things are owned in common by the people who move into that subdivision. When someone elects to buy in a PRUD they certainly ought to understand what they are buying. In a PRUD, generally you buy real estate, common space and an interest in that common space. He said that has been in the zoning ordinance since he originally came into the planning business in the early 1970s.

Craig Barker referred to a map of the existing plat of Roylance Farms PRUD Phase 2 which shows the homes, limited common space and common space. All of the owners in the development own the common space together. This was created in 1998 and has existed in this form since then so this project is about 14 years old. The owners recently, within the last several years, started looking at some changes they want to effect in this project. They want to get rid of most of the common space and convert that property into lots which are owned separately. If this proposal is accepted by the Council all of the common space will disappear except for two private areas. He referred to the proposed plat and explained that the City has been asked to take over a detention basin and the City has said that they would do that.

Council Member Hulme asked about the triangle shaped piece of land on the west. Craig Barker said that property will be deeded to the adjoining property owner who has expressed interest in owning that. Council Member Hulme asked if these would go through the boundary line adjustment process. Craig replied that they would. The lot owners have asked the City to approve this; they started this about three years ago and had some trouble getting everyone to agree to everything. They are now ready to proceed and the City Council has to approve any changes to a PRUD plan.

Council Member Bailey asked whether the City would be taking over street. Craig replied no, the streets are already public but there is a narrow ribbon of land there that the City would be taking over. Edward O. Dickie III said it is next to land the City already owns and maintains. Edward O. Dickie III said staff is okay with the proposal of taking over the little strip of land that is right near where we already are.

Council Member Hulme asked if there is grass in the detention basin and whether we are in charge of that. Craig Barker said there is grass in the east one but not the west one. In the west one there are just weeds and a large dead tree. Council Member Hulme asked whether we are taking care of that. Craig Barker replied no.

Council Member Bailey asked whether staff has any concerns about what is being proposed. Craig Barker replied that staff has no issues and the city engineer has reviewed it and is ok with it as well.

Council Member Bailey asked what happens with property taxes in a situation like this. Craig Barker said taxes will likely go up a bit to the property owners and down to the Home Owners Association.

Council Member Bigler asked if they have gone to the County to do any property line changes. Craig Barker said they have spoken with the County; he explained that he was there with the city engineer, the county recorder, legal counsel and others.

Council Member Bigler asked if there is any cost to the city in recording any changes at all. Craig Barker replied the homeowners will be the ones who will record the documents and pay those fees.

Mayor Harris opened the public hearing at 7:12pm.

Nathan Kester, 1860 N 150 E, said there is some urgency to this. He said they have been waiting three years to get this done and they have a lot of ducks lined up and a lot of residents are ready to go. He wants the City Council to feel the sense of urgency that they feel.

Mayor Harris stated that it is common practice to wait until the next meeting for the Council to make a decision after a public hearing.

Gary Attebery, 3030 N 425 E, referred to the plat and asked if there is access to the common area on the south side on the property. Mr. Kester stated there are two accesses to that land. He added that there is no immediate plan for that land; it is just a large grassy area right now.

Helen Taylor, 94 E 3275 N, asked the reason for the urgency and why the homeowners want the City to take over this responsibility. Mr. Kester replied that there are some fences up that shouldn't be right now and there are other owners that want to put up fences. They are ready to live in a neighborhood like everyone else enjoys. They want their own property, not just the footprint. Some people want to refinance and want that land to increase their property value.

Gary Attebery said basically they are doing away with what a PRUD is for and turning it into a subdivision. He asked if there is going to be problems there. Craig Barker replied no, there is still common area to maintain so the responsibility is still theirs.

Council Member Bigler moved to close the public hearing. Council Member Bailey 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.

The public hearing closed at 7:20pm.

Council Member Hulme said this subdivision is from a time when each PRUD that was created as a separate zone. Craig Barker said that is correct there is a Roylance Farms PRUD zone. Council Member Hulme asked if there is anything they are proposing that would require any changes to that zoning ordinance. Craig Barker replied no.

Council Member Stoker asked if the city is basically just being asked to take over that one area. Craig Barker replied there are two small areas. Council Member Stoker said they don't want us to take over anything else in there. Craig answered no.

Council Member Bigler said what they are asking us to take over is currently a lot. Craig replied it is not a lot, it was never approved as a building a lot, it was approved as a common area. It has to be labeled somehow as a requirement of the County Recorder's office. They have labeled it as a lot which will be deeded over to the City. The City will have the deeds to this property before it is recorded. It is a very complex recording scheme.

Council Member Bigler this currently is a common area and he doesn't have a problem with that but his concern is that it seems like that is their common area and they want the City to start maintaining it and take the cost but they will still have the common area. Why can't they keep that and maintain it themselves. Craig Barker said he supposes they could but the public couldn't then use that property. Council Member Bigler said realistically he doesn't think there are many people who would use that land. It's a weird shape and he doesn't see a reason for them not to keep that common area except they want to be rid of the headache and want the City to be responsible for it. Craig Barker said he can't argue against that but he thinks the only issue is that we have a piece of ground that adjoins a piece the City already owns.

Council Member Hulme said it seems to him that if the City had been asked at the time this was built to take that piece we probably would have said yes. It is sort of something that feels more like it is part of the parcel that North Ogden City already owns than anything else.

Council Member Bailey asked if we have other similar pieces of property that we maintain or is this unusual. Gary Kerr said we have several pieces of land like that. The triangle piece at 3100 N 1050 E is one that we do maintain. Craig Barker said there is another right by Lee's.

Mayor Harris said when the City took over that strip it was envisioned that it would enhance the City's trail system. It was proposed as a walking trail; that was the original thinking as he recalls.

Craig Barker said there is a large property to the south that is undeveloped. There is a large stand of cottonwood trees there and it was thought that it could connect to the trail through there.

8. Discussion and/or action to consider amending the Roylance Farms PRUD Phase II Development Plan.

Council Member Bigler moved to make these changes to the Roylance Farms PRUD Phase 2 for the overall development plan. Council Member Bailey seconded the motion.

Council Member Bailey said three years is a long time and he feels for these property owners.

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 Chapter 10 Title 11 of the North Ogden City Code regulating facilities for disabled persons.

Dave Carlson, City Attorney/Economic Development Director, said this item has been discussed by the Planning Commission and they unanimously recommended that the City change the ordinance. The proposed amendments are here for the Council approval. This is in regard to our regulations of group homes for disabled persons and would bring our municipal code into compliance with Federal law. There are two Federal laws that protect these types of facilities; the Fair Housing Act and the Americans with Disabilities Act (ADA). Both of them are enforced by the Federal Department of Justice. The City is required to treat group homes no different than any other family home. In the eyes of the Federal law the group home is a family; this is the family for these particular individuals. The way the Federal law works is that we can't impose requirements on group homes that we do not impose on any other single family. There has been a lot of litigation in regard to group homes and this is one of the biggest areas where cities have found themselves in trouble. Recently in Utah, Duchesne County had a \$3 million judgment against them. There was another in Boise County, Idaho. When an application comes in to the City these are the rules that staff will use to determine how to approach that application. It is important that they have the right guidance so they don't get the City in trouble. It is important because there can be a lot of clamor from the community when they hear that a group home is coming into the neighborhood. So there is a lot of pressure on the city officials and city employees to try to respond to the concerns of the neighbors and that is where they have typically gotten themselves in trouble. This lays out the rules for the City staff so

they can get it right and avoid unnecessary legal entanglement. He briefly reviewed the changes for the Council. There is a change in paragraph 'a' which makes it clear that a group home is a permitted use in residential areas. The ordinance currently has a proximity restriction and a 24 hour supervision requirement that are both illegal and will be removed. Paragraph 2 has another proximity restriction that will be taken out. There have been a lot of attempts by cities to define the kinds of persons that they will or will not accept in a group home and Federal law has preempted that and we are bound by how the Federal Courts have interpreted the Fair Housing Act and the ADA so we clarify which classes of individuals the Federal Courts have said that we can regulate. Paragraph 4 gives the City the authority to deal with individuals that are causing problems in the group homes. We cannot try to anticipate who may cause problems based on their criminal history or the nature of their disability. Paragraph 'c' is kind of a catchall phrase to give the Director of Community and Economic Development some leeway if these facilities need some accommodation to some City regulation that is creating an economic hardship for them. Council Member Bigler asked for an example of that, why the provision of the Community Development Director is in there and why it wouldn't come back to the City Council. Dave Carlson said that it there for those unforeseeable things; Federal law requires that but he said he can't really give the Council a specific example of that.

Council Member Bailey said this ordinance specifically deals with disabled persons and asked whether Federal law treats all group homes the same. He said there are things in the ordinance that are being stricken or left in that don't seem to apply specifically to disabled persons or what he would consider to be a disabled person. He said we are dealing with some definitional issues here. He mentioned drug and alcohol addicts and asked whether that is a disability. Dave Carlson replied that the definitions are really broad and paragraph 2 is the only area the Federal Government has left the City to regulate.

Council Member Stoker asked whether the economic hardship has to do with a hardship of their own making. Dave Carlson said if they come to the city and say to meet a requirement to install a sprinkling system in the building is not possible with the economic situation. They have to demonstrate to us that they are hampered economically and we are required to give them reasonable accommodations.

Council Member Bigler said even though these are for profit businesses they have to be treated as a family would be. He said there was a really interesting and informative article in the Standard Examiner about Ogden City. It is treated like a family so the way it presently is any home in North Ogden City that goes up for sale a business person could buy that home and put in a group home there. Dave Carlson said that is pretty much correct. Council Member Bigler said the article mentioned that Ogden City put a limit on the number of those types of businesses so they don't have an area that is totally bombarded by them. He asked whether there is a limit on the number of people that can live in one of these group homes. Dave Carlson said they are regulated by the State; these kinds of facilities have to be licensed by the State Dept. of Human Services. He said he thinks the total number of people in the home is in the area of 15 people in a single family home. Council Member Bigler asked how we could limit different areas like Ogden City did. Dave Carlson said we could certainly research it but it makes him nervous because that is kind of the game that cities have played and gotten themselves in trouble. They have not worked out well when they have been sued by group home owners so that approach makes him nervous. Council Member Bigler said we limit other for profit businesses in neighborhoods. Dave Carlson said there are group homes all over but they are regulated by the State. They license with the City for a business license and with the State.

Council Member Bailey asked if they would be subject to residential property taxes. Dave Carlson said he doesn't know. He said we do have them here in the city; he knows of two in business right now and they have been good neighbors. He is not aware of any complaints. Gary Kerr said he thinks the City has three group homes in total.

Council Member Bailey moved to adopt Ordinance 2012-1 amending Chapter 10 Title 11 of the North Ogden City Code regulating facilities for disabled persons. Council Member Fawson seconded the motion.

Council Member Stoker said she understands we have to do this but as a city it doesn't sit right with her; she feels that they have tied our hands.

Council Member Fawson said he agrees with Council Member Stoker's point but there is no choice.

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 final acceptance of Cold Springs Village PRUD Phase II.

Dave Carlson stated that when the City allows new land to be developed through the subdivision ordinance we require that the developer install the public infrastructure; water lines, sewer lines, sidewalks, storm sewer, etc. In most cases we require that to be dedicated to the City. We require because we are going to become the owner that they be built according to our standards. There are two assurances that the city takes when it approves a subdivision, one, that they actually get built and two, that they are built to our standards. What we do is take some kind of a security, an escrow account or a letter of credit so if they don't build them or if they don't build them to our standards we have use those funds to make sure they are completed. When they are completed they come to the city asking for final acceptance. Our Public Works Inspector has gone out and inspected the improvements; the City Engineer has looked at it and is satisfied that the developer has fulfilled the requirements of the city.

Council Member Hulme said he was under the impression that the PRUD was not going to deed that southern street to the City until it was connected. Craig Barker said all of those streets are now private and will not be owned or maintained by the City until there is access. Dave Carlson said we are going to hold on to a bit of his money because of sidewalks, we will hold on to 10% of the escrow. Gary Kerr stated that the 10% is held as a warranty for one full year after the sidewalks are installed and they have about six months left on that. Council Member Bailey said most of the roads will never become public because they are so narrow and asked if that is correct. Dave Carlson said that is correct.

Council Member Bigler moved to grant final acceptance of Cold Springs Village PRUD Phase II. Council Member Stoker 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 a Resolution amending the Consolidated Fee Schedule to include changes to the Fire Impact Fees that were approved and passed by the North View Fire District, Utility Rates that were approved and passed by the City Council and to change the hours of operation to the correct time.

Annette Spendlove stated that on page 2 of the Consolidated Fee Schedule there are changes to the fire impact fees. The North View Fire District has approved those changes. That is a pass through fee for us; we collect it and it then goes to them. On pages 9 and 10 there are changes to the utility rates that the City Council passed on December 13, 2011. She reviewed those, including solid waste, water, storm and sanitary sewer, briefly and added that also on pages 9 and 10 we noticed that the times are incorrect. They are our former hours of operation and will be changed to the current hours of operation. She stated those are all the changes.

Council Member Fawson said he doesn't recall some of these being in the rate changes that were made in prior City Council. He said solid waste is one that jumps right out at him. Annette Spendlove referred to the minutes of the December 13, 2011 meeting. She stated that solid waste is the garbage and went up \$.27, storm water went up \$.25, sewer went up \$1.79 of which approximately \$1.67 was for the Central Weber Sewer District and the water went up \$.49.

Council Member Fawson said on the top of page 9 there are some errors with the additional container changes for solid waste. Annette Spendlove agreed that lines 3 and 4 are incorrect. She stated line 3 should be \$12.57 and line 4 should be \$15.57.

Council Member Bailey said regarding sanitary sewer, on the bottom of page 10, the increase there was \$1.79. He asked if that is part of the pass through fee for Central Weber Sewer District. Annette Spendlove replied yes.

Council Member Bigler asked what the increase is to the utility bill. Annette Spendlove replied the total is \$2.80 of which the City's increase is \$1.13.

Council Member Hulme asked about the sanitary sewer rates. Debbie Cardenas said there are some errors there as well.

Council Member Bailey asked if there is any urgency to passing this tonight or if it can be corrected and brought back. Annette Spendlove said the Fire District increases need to be passed tonight.

Council Member Bailey moved to approve Resolution 01-2012 amending the Consolidated Fee Schedule as it relates to the North View Fire District impact fees and the time changes. Council Member Fawson seconded the motion.

Dave Carlson said the City has an interlocal agreement with the North View Fire District to collect their fees through our building permits.

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.

12. Discussion and/or action to consider an Ordinance setting the City Council and Planning Commission Meeting Schedules for 2012.

Annette Spendlove stated that this is typically done at the end of the year but because of the new City Council we wanted you to set the schedule. The Planning Commission cannot pass ordinances so they have recommended their schedule of 6pm on the first and third Wednesdays of each month. The City Council has been having their meetings at 5:30pm on the second and fourth Tuesdays of each month with the first Tuesday set aside for work sessions if needed.

Council Member Fawson said he has had several requests from residents to move the meeting to a later time so they can attend. He said he would be in favor of changing the time so more people can attend the meetings.

Council Member Bigler said he checked with 11 cities and three of them start at 6pm, two at 6:30pm and six at 7pm. He said he understands the Planning Commission is recommending that they start at 6pm but he thinks there is some simplicity if the City Council and Planning Commission meetings start at the same time. He proposed starting all Council and Planning Commission meetings at 6:30pm and leaving the days the same. There are many residents that would like to attend but cannot be it is too early.

Council Member Hulme said he has had some concerns about staff and what it does to them. He said he is ok with the change personally but wants to be careful not to cause an undue burden for staff. He said he mentioned during last year's budget meeting, the potential of having some sort of alternative schedule that allowed later opening times when we had meetings and maybe a shorter day Friday. He didn't make that as part of the Council and maybe it wasn't feasible. He said that maybe staff could find a way to work around it.

Annette Spendlove stated most of staff that is here is exempt so it won't affect them other than it's a longer day. The staff that is here that is not exempt usually comes in later the next day or the day of the meeting. We have worked that out with staff already.

Council Member Bailey moved to adopt Ordinance 2012-02 starting all Planning Commission and City Council meetings at 630pm. Council Member Stoker seconded the motion.

Council Member Hulme said this will be a surprise to the Planning Commission and he would have been somewhat put off if City Council had done that when he was on the Planning Commission.

Council Member Bigler said he is trying to meet in the middle and he feels that the important thing is that the residents are able to attend.

Voting on the motion:

Council Member Bigler	yes
Council Member Hulme	no
Council Member Stoker	yes
Council Member Bailey	yes
Council Member Fawson	yes

The motion passed 4 to 1.

13. Discussion and/or action to consider a beer license for 7-11.

Dave Carlson stated that these next three items are all similar. Since the most recent changes to the alcohol code the State has taken over regulation of alcohol the City's role is really limited. We still do background checks and control it through our zoning. Individuals who have beer licenses are licenses for selling beer in the store. It is simply a license to sell it to be taken home. These three establishments already have these licenses but we make them come in annually to update their background checks.

Council Member Fawson moved to approve a beer license for 7-11. Council Member Bigler 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.

14. Discussion and/or action to consider a beer license for Lee's Market Place.

Council Member Fawson moved to approve a beer license for Lee's Market Place. Council Member Bailey 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 a beer license for Smith's Food & Drug Center, Inc.

Council Member Fawson moved to approve a beer license for Smith's Food & Drug Center, Inc. Council Member Stoker seconded the motion.

Council Member Hulme said there are four actually of these in the City; El Durango has already received theirs.

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.

The meeting recessed at 8:27pm.

The meeting reconvened at 8:35pm.

16. Update on Public Works Complex Expenditures.

Debbie Cardenas said the City Council requested this item and they received the information in the packet. She explained that back in Fiscal Year 2005-2006 the City Council decided that they wanted to allocate \$100,000 per year to either renovate the existing public works building or use it to put toward a new building. At that time we thought it would be about \$600,000 to renovate that building. During that time there was discussion on whether it was feasible or made sense to renovate it or remodel it and that's when we decided to do the program study to see what would be the best course of action. We did budget for it this Fiscal Year so at the end of the year if the City Council decides they want to do that we would have \$700,000. She reviewed the expenditures which are included as **Attachment D**.

Council Member Bigler said he really appreciates Debbie doing this but what is spent is spent and he really wants to know what is left now that the spending has stopped. What is the current balance? He said, to be clear, the remaining contract balances shown on Attachment D are ones that we do not owe because the project was halted. All the work they have done we have paid for. Edward O. Dickie III said that is correct except for the first one listed at \$35,000. Council Member Bigler asked if there is a time limit on the fees due to the contractors; will those be applicable to the future. Mayor Harris said all the contracts are open but we will have to address that soon.

Council Member Bigler said he would like us to continue setting aside the \$100,000 a year but it was stated previously that money is not in an account per se. Is it possible to put that money in a separate account? If we are collecting funds from our residents through the utility bill for this very purpose to build a public works facility, can't we take that money and put it in an account to build this facility. Can't we put it in an account so it is not comingled with other funds? Debbie Cardenas said right now we are not collecting any money to build the public works complex. We would have only increased the rate to build that if we had issued the bond. The \$100,000 doesn't come from utility rates it is something that we budget for every year, it has nothing to do with the rate. The rate would not decrease if we discontinued the \$100,000. Mayor Harris said each of the enterprise funds pays a portion of that \$100,000. Council Member Bigler said it depends on how you look at it. If you look at it from a broader perspective if there is \$100,000 extra we are collecting it from the residents or it wouldn't be there to pay. Debbie Cardenas said we can assign that balance in each enterprise fund so that is what it is specifically used for but it will only show up in an audit report.

Council Member Hulme asked if there is an agenda item coming for the City Council to discuss what this Council plans on doing to move forward on the bond election or anything else. Mayor Harris only if the Council desires.

Council Member Bailey said his personal feeling is that most every resident of North Ogden agrees that something needs to be done to help the public works facility. He said in his conversations prior with Council Member Fawson, Council Member Bigler and Council Member Stoker is that we all agree that we need to move in some way. There is a certain level of fatigue right now in the process. He suggested we be doing some background work. Mayor Harris said we can't do anything until the election is held.

Council Member Hulme wants to make sure that we are having some discussion before the budget hearing so we can give staff some direction on how to prepare the budget.

Council Member Fawson said he sees this as we have not saved this \$100,000 a year toward this project; the residents have saved this \$700,000. He said he didn't talk to very many people, if any, that didn't think we need something for the public works facility. He said he thinks it is tragic that we have spent \$300,000 but he is relieved to see that we have a balance left. He feels that anything moving forward needs to involve the public; either an election or public hearings so we can resolve this.

Council Member Bailey thanked Debbie Cardenas on her work on this; it was very clear and concise.

17. 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 this ordinance was presented back in October of 2011 and essentially gives the City teeth in collecting fines from our residents or any other debt that is owed to the City regardless of the reason for the fee. His feeling is that, although he understands the reasons the decision was made by the prior Council, we are overstepping our bounds and those teeth are eventually going to bite residents. There are other ways to collect even if it results in the City collecting a smaller portion of those fees. His desire is to rescind the ordinance. The changes that he is proposing take the ordinance back to the original ordinance by removing the language that was added at the October meeting.

Council Member Hulme said he appreciates the sentiment behind that. In his opinion the City has done a good job in the past of addressing this kind of matter. He recognized that we can't just pass laws based on current staff and circumstances. He feels like we need to address the problem for which this was originally created. He supports striking this language only if we replace it with something else that gives staff some way to do this. He would like it clear to anyone that if they plan on renegeing on some sort of debt they do so at their peril.

Council Member Fawson said we still have the ability to send them to collections. Council Member Hulme said that is right but we need to replace this language with some other language to make it clear that we aren't going to throw up our hands in disgust and walk away from it.

Council Member Bailey said he assumes that there is something in state code that would deal with nonpayment of debts to the city. We have other remedies even if they aren't codified in the city's guidelines.

Dave Carlson said right now, what we have are the remedies that anybody has for collecting a debt. Those are lawsuits, judgments, liens and collections.

Council Member Bailey said his personal concern on this is that this seems to have a particularly onerous punitive sound or sense to it. He would like us to be a friendlier, warmer city than that.

Dave Carlson said the city staff is keenly aware that this is a small city and we don't want to be perceived as heavy handed. He said in his mind the city is far too lenient. If you decide that you are going to let someone slide who refuses to pay their obligations to the city the other side of that equation is that you are requiring the honorable people to pay those things. Those are policy questions. Most cities just use debt collection and legal action if the debt warrants it. This is something the Utah League of Cities and Towns debates all the time too. Maybe the answer is that we just deal with an imperfect world.

Council Member Bigler said he doesn't think we are at all saying we are going to let the others slide. There are two different issues; there are fees and fines and there is the utility bill. He voted against this in October and he will vote to get rid of it tonight. If a resident pays their utility bill they deserve their

utility service. A totally unrelated fine or fee needs to be dealt with but is completely unrelated to utilities.

Council Member Fawson said he believes we need to strike the language at the top beginning with whereas if we remove the language down below because it references that language.

Mayor Harris said that would need to be part of the motion then. Dave Carlson said that is correct but would depend on how the motion is worded.

Council Member Bailey wants to know specifically what needs to be corrected. Dave Carlson suggested bringing it back to the next meeting. Annette Spendlove said she would prefer to bring it back.

Council Member Bailey moved to table item 17 until next City Council meeting pending corrections. Council Member Bigler seconded the motion.

Council Member Bailey asked whether this has ever been used. Dave Carlson said there is a situation pending right now. Mayor Harris stated that this will not be enforced in the interim.

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.

18. Public/Council Comments.

Helen Taylor, 94 E 3275 N, said it was reported that the enterprise funds last year were \$135,000 short. She asked whether that included the \$100,000 set aside. Were we only \$35,000 short? Debbie Cardenas replied that those were operating expenses. She suggested that Helen come into her office to discuss it so she can explain. Helen Taylor commended the City Council for their service and thanked them for rescinding the ordinance.

Dale Anderson, 940 E 2600 N, said he thinks the tone of that ordinance was very heavy-handed and thinks Mr. Bigler's point is very well taken. He said if he has a renter that doesn't pay the rent he can't lock him out of the house or shut off the utilities. He said the legal issues have to be kept separate.

Jonathon Giatras, 1116 E 3250 N, said he is grateful for the ordinance being changed back. He has listened to a lot of City Council meetings and heard 'it's legal'. He said we need to ask 'is it moral'. He said he hopes to see more of this looking forward.

Julie Anderson, 940 E 2600 N, said they had a dog that died this year but she can't produce a death certificate and the dog has been buried and taken care of. She said she is not going to renew his dog license this year and in 60 days is someone going to shut her water off for not renewing the license. She said she agrees with Council Member Bigler that they are two separate issues and should be kept as such.

Gary Attebery, 3030 N 425 E, asked if the City has bought the land on 2550 N. Mayor Harris replied no. Gary Attebery asked if there has been a formal appraisal on that property. Mayor Harris replied not yet because the process was stopped before we got to that point. Mr. Attebery said it appears that there have

been several real estate companies that have been paid. Edward O. Dickie III said we looked at more than 30 sites and they did a lot of work for us looking at all those sites. Mr. Attebery asked if the price was based on market evaluations. Edward O. Dickie III said it was based on a contract price. Mr. Attebery said we paid out \$83,000 for architecture and we have a contract that we still have to pay \$258,000. Edward O. Dickie III said we will pay that only if we go forward with the project, they have only worked for us long enough to be paid \$83,000. Mr. Attebery asked how we selected a general contractor if we didn't have bids. Edward O. Dickie III said lots of companies do that. Mr. Attebery asked about the \$10,000 to a design team. Debbie Cardenas said we didn't use those so we won't pay that. Mr. Attebery asked about the land at the green waste pit and whether it was considered. Council Member Fawson said yes it was discussed. Mr. Attebery asked if the city has considered selling that property. Edward O. Dickie III said yes, there have been discussions. Mr. Attebery asked, regarding the dog park, what are the odds that someone living on 1850 N would bring their dog to Lomond View Park. He asked regarding the lot by Lee's, what is the city going to do with the ducks? He said there has got to be 150 ducks there and it's going to be a sanitation problem. He commended the new City Council members for taking on this responsibility.

Council Member Stoker said she is excited to serve. She has had some issues that have come up and wanted to resolve some of those and she feels that we have made a good start tonight. There are more that she would like to see considered. She said she is looking forward to future progress.

Council Member Hulme said he spoke with the Mayor Harris earlier and wanted the City Council's feel on this. He said in some ways it would seem like a completely meaningless gesture but he thought of passing a resolution honoring the fallen officers from the shooting last week. Council Member Bailey said one of the other officers injured lives in North Ogden. Council Member Fawson said there is legislation being considered to have a day of remembrance and he would encourage us to follow that if it passes. He would wait to see how it pans out. If they don't do something then maybe we could do at a city level. Mayor Harris said we need to be aware that our officers do face those situations and we are thankful for them.

Council Member Bigler said on the night of the City Council meeting in December he had a family commitment and wants to clarify something. There were two articles in the Ogden Standard Examiner that refer to this one Council meeting and they said there was a unanimous vote amongst the Council to raise the utility rates. He stated that he was excused from that meeting and did not vote for those increases. There was another article that stated that a vote passed 4 to 1 when actually it passed 3 to 1 because he was not present. He wanted that made clear. He said he would like us to discuss the park and trails issue; he was under the impression and was very much for the protection of Barker Park and now it sounds like it will include all parks and trails in North Ogden City. He is not in favor of doing that for all the parks and trails throughout the city. He reviewed all of the minutes and it doesn't say anywhere that we are doing it for all the parks and trails throughout the city. Dave Carlson said that Barker Park is the only property that is proposed. He said we have had the trails committee for quite a while and they are very organized and very effective, they have always been a recommending body in terms of the master plan for trails. Their role won't change other than they are independent from the city. Nothing has changed. Council Member Bigler asked if the Board of Directors is just for Barker Park. Dave Carlson said no, in order to hold a conservation easement you have to have a 501 (c)(3) and that is why it is being set up this way. Basically they are a non-profit with their own Board of Directors with a lot of City involvement with three members from the city. Council Member Bigler thanked the outgoing City Council members for their service and wanted to say on record that the residents are going to be very pleased when they look back in a few years and see what had been accomplished in the City. These new City Council members are good people, he considers them friends and he is thrilled to be able to work with them. They are all united in moving forward in a positive manner and do everything they can to better North Ogden City.

Council Member Fawson thanked the outgoing City Council members for their time and efforts, their diligence. He appreciates their service to the City. He said, regarding Mr. Giatras' comment earlier, he would say that just because we can do something doesn't mean that we should. He is really excited to serve and appreciative of the people of North Ogden City.

Council Member Bailey thanked the outgoing City Council members also. He thanked the citizens and said he is excited for the opportunity to serve.

Annette Spendlove said she has had a couple citizens come in regarding utility late fees. We have a policy that we waive one late fee and it is noted in the account. She thinks we need to look at that and see if there is something else we could do. She understands where they are coming from but she needs City Council to think about that policy and give us some direction. Council Member Bigler asked that be put on the next agenda. She said there is a funeral route for Officer Francom tomorrow and we have been asked to be on that route and waive flags if we can from 12:30 to 1:30pm. Local Officials' Day at the Legislature is coming up and she needs to know who is coming this evening to get everyone registered.

Edward O. Dickie III said Annette Spendlove will be sending out an email tomorrow asking for your goals so we can start working on the budget. Since he has been here he has noticed staff several times paying off people's bills. He said the City has some good staff people here that feel for the residents. He said he is sure residents do that same thing from time to time.

Mayor Harris expressed his heartfelt thanks to the previous Council Members and a hardy welcome to the new Council Members. We will go forward and make things happen.

19. Adjournment.

Council Member Bigler moved to adjourn. Council Member Hulme 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.

The meeting adjourned at 9:44pm.

Richard G. Harris, Mayor

S. Annette Spendlove, MMC
City Recorder

Date approved