

NORTH OGDEN CITY COUNCIL MEETING MINUTES

July 13, 2010

The North Ogden City Council convened in regular session on July 13, 2010 at 5:30 p.m. at the City Offices. 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 July 9, 2010. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2010.

PRESENT:	Richard G. Harris	Mayor
	Wade Bigler	Council Member (speaker phone)
	Ronald Flamm	Council Member (arrived at 5:37p)
	Martha Harris	Council Member
	Brent Taylor	Council Member
	Carl Turner	Council Member
STAFF PRESENT:	Edward O. Dickie	City Manager
	Annette Spendlove	City Recorder
	Sue Richey	Deputy City Recorder
	Gary Kerr	City Building Official
	Craig Barker	Community Development Director
VISITORS:	Dave Hulme	Janiel Prisbrey
	Helen Taylor	Joan Brown
	Joel Grasmeyer	Allan Dalpias
	Taylor Spendlove	Mike Price
	Chad Ferrin	Ken McCormick
	Cal Hansen	Bonnie Hansen
	Rachel Trotter	

WELCOME

Mayor Harris welcomed those in attendance. Council Member Harris gave the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. Consideration of Business Licenses: Home Occupation -April Hammer, Aspen Business Solutions, LLC, Endless Indulgence, Jado Photography, K and A Crafts, Price Agency, Inc and Weber Valley Mobile Detailing.
2. Consideration to approve minutes of the June 8, 2010 Council meeting.
3. Consideration to approve minutes of the June 22, 2010 Council meeting.

Council Member Taylor moved to pull the Mike Price business license application, placing it on the active agenda and then accepting the rest of the Consent Agenda as presented. Council Member Harris seconded the motion.

Voting on the motion:

Council Member Wade Bigler	yes
Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

AGENDA

4. Public comments.

Chris Ash, representing her parents the Prisbys who live at 2349 N. 600 E., stood before the Council to discuss an on-going water problem that is located in the street in front of their home. She reviewed the steps that had been taken to locate and solve the problem. Both Pine View and the North Ogden City Water Department have come out and tested the water. It has been determined that the water flow comes from a natural spring. She explained that in the winter the water runs down their neighbor's driveway coating it with ice. Ice also collects in her parent's yard. She asked for the City's help to find a solution to this problem. Mayor Harris said he would ask the City Manager to make a note to have staff come and check the problem to see if it is a City responsibility.

Janiel Prisby, 2349 N. 600 E., explained to the Council that not only is the water a problem but all kinds of debris flows down 2600 North and then all the way to a drain on 500 East. We are all getting tired of shoveling the gutters out. This has gone on for years.

Ed Dickie, City Manager, said he would like to provide some additional information on this especially for the new Council Members. A couple of years ago there was some flooding in this area and it was determined to be a private spring on a resident's property. They had several pine trees and the debris from these trees was clogging the drain that took care of the spring water. At that time the Council approved the use of City equipment to unblock the drainpipe even though it wasn't the City's responsibility. Ms. Ash said this spring is not on their property, it is actually coming up out of the roadway. Mayor Harris said the City would come out and check it out.

Mike Price, 2728 N. 600 E., said he had applied to have a business license in North Ogden. He said he is in the process of getting a gun dealer's license and would like to sell guns from his home. He would also like to bid on providing guns to the North Ogden City Police Department. At this point it would be Internet sales only and he wouldn't be able to sell to anyone without doing a background check. Mr. Price said there are people in the City selling guns on KSL with no background check, just anyone with cash. Mr. Price said he has received approval from the ATF and others to become a gun dealer. He said he doesn't understand why North Ogden is limiting his business to Internet sales only. Mayor Harris said there are some additional questions staff needs to ask and this will be discussed during considerations of this item on the active agenda.

Allan Dalpias, 1325 E. 3090 N., said he would like to make some additional clarifications on ATVs in the City. He said there has been concern expressed on the possible increase in vehicle density in the City if ATVs are allowed on some of the City's streets. He said vehicle density is determined by the number of licensed drivers in the City. An ATV is just a vehicle, equivalent to any other vehicle that is licensed and safety inspected. Mr. Dalpias said they wouldn't increase the vehicle density in the community because the only reason there would be more vehicles on the road was if there are more people with driver's licenses.

Mr. Dalpias told the Council he has revised the proposed ordinance he had given to the Council at a past meeting. The proposal is now in line with Utah State law, which would only prevent street-legal ATVs from being driven on Washington Boulevard and 2700 North, west of Washington Boulevard. State law states they can be driven on streets having one lane in each direction with a speed limit under 45 mph. He thanked the Council and Mayor for their willingness to continue discussions on this.

Helen Taylor, reporter from the Sentinel, invited the Council and Mayor to submit 250 words on any topic that they would like to see published in the Sentinel News. They would be happy to take these articles under consideration.

Consideration to approve the Price Agency, Inc. business license.

Mayor Harris said this was pulled from the Consent Agenda for further discussion. Annette Spendlove, City Recorder, said staff had done some checking on Mr. Price's application for a business license and had talked to Kent Shooters Supply. While they know Mr. Price they haven't made any arrangements with Mr. Price related to a home business in firearm sales. Someone buying a gun online would have to have it shipped to a licensed dealer for a firearms transfer. Kent Shooters Supply has a federal firearms license for such transfers. Mrs. Spendlove said she also didn't feel staff has had time for a complete review of this item so they could provide accurate information for the Council. She asked to have this item pulled until this can be done. Staff needs a copy of Mr. Price's state license, a chance to talk with the Alcohol, Tobacco and Firearms Agency (ATF) and discuss this with the City Attorney.

Craig Barker, Community Development Director, explained to the Council the City's home occupation regulations strictly prohibit the retail sale of new products directly from a person's home. He said, as an example, a business owner could not order Levis and then sell them out the front door of his home and this includes guns. Mr. Barker said Mr. Price may not order a gun as a dealer and then resell this item out of his house. He would be in direct competition with a person who goes out, rents a building, has the insurance, and establishes a location with all the attending costs before they sell one item. He said he was unaware of any city that allows direct retail sales out of a home except for items they manufacture in the home. Mr. Barker said Mr. Price will have an issue if he is going to resell gun accessories out of his home that he has purchased on the retail market. He can sell them on the Internet or out of a catalog where he does the ordering and the item is shipped from the manufacturer to the buyer or where they are shipped to him and he ships them out.

Mr. Dickie said Mr. Price's application states he will be selling on the Internet. Mr. Barker said that is fine. Mr. Price just can't order an item from the Internet and then offer it as a direct retail sale out of his home. In answer to Council Member Taylor's question about jewelry parties and other similar businesses that are sold during parties in people's homes. Are these legal to have in the City? Mr. Barker said City regulations don't speak to that. These are not a home occupation.

Mayor Harris asked Mr. Price if that was the issue, Internet sales versus sales out of his home. Mr. Price said Council Member Taylor raised a good point. There probably are thousands of home occupations being run out of people's homes without a business license. He said he could easily have done the same thing without trying to do it legally. He told the Council he wasn't planning on advertising to have people come to his home. He would like to be able to make a bid on providing North Ogden City's Police Department with their weapons. He explained that anyone who wants to buy a gun from him would have to go through a background check. Ninety-nine percent of what is sold from his home will be Internet sales but he can't do that with a gun. To sell a gun he must see the potential buyer, see proper identification and collect a fee to do a background check. Even with a concealed carry permit a background check must be done before the gun is sold. Mr. Price said this is the safest way to run a gun business anywhere in the City. He said he could create a storefront in his basement but that is not his intent. He said what he wants to do is have the ability to make bids to area cities, such as North Ogden, Pleasant View and others to supply their firearms and also sell guns to himself, family and friends who are interested. Mr. Price said he wasn't advertising his business. He said 99% of his business will be gun accessories that he sells on the Internet. Legally he explained he can't ship a fire arm to a buyer, the gun would have to go to a licensed gun dealer who would do all the background checks and work with the buyer face to face. Mr. Price said he is just trying to do everything right. He wouldn't want to sell someone a gun and then find out they are an illegal or a criminal.

Council Member Turner asked for clarification on what concerns there were for Mr. Price's business. Ms. Spendlove said staff is concerned that he provides verification of his certification as a gun dealer. Mr. Barker also brought up another concern that direct sales out of a home are prohibited by City ordinance. Mayor Harris said he sees the issue as retail sales. A home occupation does not allow retail sales out of the home unless the product is manufactured by the business owner. Mr. Price said the only items he would be selling out of his home would be firearms. Other items would be sold over the Internet where he does his advertising. Mr. Price expressed his frustration over this and said he doesn't see why he is prevented from selling firearms from his home when he has tried to do everything right and there are people in the City selling the same items from their homes illegally.

Mayor Harris said the license application before the Council is for Internet sales and Mr. Price said that is what the City is willing to provide. He said that is why he came before the Council in an attempt to change their minds. Mayor Harris said in his view the City will not be willing to allow retail sales as a home occupation. Depending on what the

Council desires, Mr. Price could be allowed to do Internet sales as a home occupation. The Mayor said this seems to be a unique situation and he asked Mr. Price to please allow City staff to do some research on this to find out if it truly is unique and what potential unintended consequences may appear that could cause the City problems down the road. Once this research is completed the Council may want to reconsider this issue.

Council Member Taylor moved to approve the business license for Price Agency, Inc. as submitted and then study the other issue of retail sales as a home occupation. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Wade Bigler	yes
Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

5. Discussion and/or action to approve a Resolution of the City Council to join an Interlocal Agreement between Weber County, Ogden City and Roy City for the improvements to and operation of the Weber County Animal Shelter.

Jerry Wade, North Ogden Animal Control Officer, gave the Council a brief overview of the coming changes in the area's Animal Control Facilities. He explained that Ogden, Roy, and Weber County are consolidating their shelters and Weber County will be adding onto its facility with a bond they just passed. Ogden City will be closing their facilities, which will force North Ogden City to either join these cities or operate its own shelter and perform all its functions. Officer Wade said this change would cost the City in the neighborhood of \$45,000 a year or more to do their own shelter. This is based on what it cost Washington Terrace.

He then introduced Lt. Chad Ferrin, the Director for Weber County Animal Shelter, who reviewed the Interlocal Agreement. He explained that Ogden City after losing some of its funding approached them about a possible consolidation of shelter services. The Weber County Commissioners took this proposal under consideration and this past year decided to do it. Lt. Ferrin said construction is under way at the shelter now to create a bigger facility to hold the additional animals. He said it is anticipated it will be completed and open about November 1, 2010.

Lt. Ferrin explained that the Interlocal Agreement with Ogden City and Roy has been offered to other area cities, which include North Ogden. Lt. Ferrin said with the Interlocal Agreement Officer Wade would continue to do North Ogden City's animal control work within the City but the animals would be sheltered on the Weber County Fairgrounds at the County's shelter. The fee proposed for each city is based on a charge per animal not claimed by the owner. He said last year North Ogden City took in 179

animals. All of the cities who participate in the Interlocal Agreement would be charged \$88 per unclaimed animal. The shelter is required by law to hold on to every animal at least three business days if the owner is unknown or at least 5 business days if the owner is known. Lt. Ferrin said if the owner comes to claim the dog the city is not charged a fee but the owner pays an impound fee plus the cost to microchip the dog. This enables Officer Wade to scan the dog and identify the owner before the dog goes to the shelter for a second time. This saves all affected parties money.

Council Member Flamm asked what happens to a dog once the mandatory hold period passes. Lt. Ferrin said we try to adopt them out if they are suitable but if we can't the animal is then euthanized. About 50% of the animals sheltered are claimed. Council Member Flamm asked how many adoptable dogs are placed in a home. Lt. Ferrin said it depends on how much space is available. On busy holidays the shelter doesn't have room for as many animals and so we can't keep them as long as we would like. With this extra space we are hoping we don't fill up so we can hold animals longer and get them adopted. Council Member Flamm said the \$88 covers the average cost to maintain the shelter? Lt. Ferrin said the fees charged for adoption only cover the shelter's cost. The bulk of the money is used to cover the cost to spay or neuter. The rest is used for micro chipping and vaccinations for the animals. He explained the \$88 charge is based on the number of dogs not reclaimed. North Ogden had about 90 animals that fell into this category last year.

Council Member Turner asked if North Ogden would still have its temporary shelter. Lt. Ferrin said it is anticipated that any animals picked up in the City would go directly to the Weber County Animal Shelter. On the weekends the County would provide a key to Officer Wade so he could bring any strays into the County shelter. This would cut down on the amount of maintenance North Ogden would have.

Council Member Taylor asked how often the fees would be reviewed by the County. Lt. Ferrin said it will be done annually at least for the first year or two. The County isn't sure what the true operating costs will be; the current proposed fee is our best estimate.

Council Member Harris commented that she has seen this come by the Council before. We have discussed this numerous times with past Councils, after much research, have decided that this is not the business North Ogden City chooses to do. She said this seems to be the most cost effective way to deal with this problem.

Council Member Martha Harris moved to approve Resolution #15-2010 authorizing the City to join in an Interlocal Agreement between Weber County, Ogden City and Roy City for improvements to and operation of the Weber County Animal Shelter. Council Member Brent Taylor seconded the motion.

Voting on the motion:

Council Member Wade Bigler	yes
Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

6. Discussion only regarding ATV use on City streets.

Mayor Harris said this issue has been brought up a couple of times for discussion. The Council did not want to hold a formal public hearing but the Members did want to give the public the opportunity to share their thoughts on the possibility of having an ordinance that would permit their use in the City.

Nick McIntosh, 2230 N. Fruitland Drive, said he thought the State law would be a good fit for North Ogden. It has been in effect since October 2008 and he hasn't heard of any problems in the rural areas where ATVs are allowed on City streets. Mr. McIntosh said he estimated that about 90% of the roads in North Ogden would qualify for ATV use, having a speed limit of 30 mph or less. ATVs would have much less impact on the environment and would be very convenient to use for short trips around the City.

Dave Hulme, 513 E. 1700 N., said it seems like the vehicles in question are safer and larger than the two-wheeled scooters or cycles on the road. He said unless the City is willing to prohibit those then allowing street-legal ATVs, which are actually safer, seems a good fit.

Helen Taylor, Sentinel reporter, said many times we are just going next door or there are other jobs that can be done using an ATV and it would be much more economical. She suggested giving people a 5-mile radius around their home where they can drive their ATVs.

Allan Dalpiaz 1325 E. 3090 N. said he had emailed the revised ordinance to Council Members. Mayor Harris said the City Attorney has reviewed this and does have an ordinance drafted if the Council decides to support the use of ATVs on City streets. Mayor Harris thanked those who came and spoke to the Council about this issue. The Council appreciates it when residents take the time to come to Council meetings and inform Members about their concerns and current issues that should be discussed.

7. Public Hearing regarding a request to vacate Quail Ponds PRUD Phases 1, 2, and 3 and all streets, rights of way and easements located thereon.

Craig Barker, Community Development Director, reviewed the proposal to vacate this planned residential unit development (PRUD). He said not all of the phases are part of the

(PRUD). The development was approved in 1998 with a total of 5 phases and is ongoing. Phases 1 and 2, consisting of 21 lots, have been developed and recorded.

Mr. Barker said it became clear to the staff, when the developer wanted to begin Phase 3, that things had not been done that were agreed to in Phases 1 and 2. Some of the designated common area had been fenced off for the benefit of the adjacent property owners with permission from the developer. There were other problems that had gone unresolved as well. After trying to work with the developer, the owners decided, it was in their best interest to do away with the PRUD and record this as a regular subdivision. They presented the City with a petition, signed by all the owners, to that effect. Mr. Barker explained that the City had the ability to do this if it felt it was in the best interest of the community and the property owners. This action will also require the approval of a new design for this subdivision by the Planning Commission, acting as the City's Land Use Authority.

Mr. Barker explained that the changes in the new plat include extending lot lines across some common areas that will then become private property. There will be no common area in this proposed subdivision except one piece that is currently owned by the Homeowner's Association its ownership will be transferred to a Limited Liability Corporation (LLC). This corporation was created by the residents of these two phases for the purpose of owning this one piece of land. All the owners will have to be a member of this corporation and pay fees for maintenance and property taxes on this common area. It will be used as a private park. There will also be one lot created where the pond used to be that could be sold with the proceeds going to the members of the LLC. Before Phases 4 and 5 can be developed, a new design will have to go through the approval process with the Planning Commission since the PRUD is being vacated. Mr. Barker reminded the Council this item is only dealing with the vacation of the PRUD.

Council Member Turner asked what would happen if the Council approves the request to vacate and the newly created subdivision doesn't meet the standards of our other subdivisions; how does that work. Mr. Barker explained that there are different zones for each PRUD. Each of these zones has their own standards. The zoning standards for the Quail Ponds PRUD will apply to the new subdivision. This action will not vacate the existing zoning.

Council Member Flamm asked if the residents in Quail Ponds would have to take care of their own streets. Mr. Barker said they are public streets and the City already takes care of them and plows the snow.

Council Member Taylor also asked about the standards for Quail Ponds, does this extend to Phase 3. Mr. Barker said if the City approves the vacation of the PRUD then the developer will be required to follow the Quail Pond Standards. Council Member Taylor said if they ask for changes to the zoning who would make that decision. Mr. Barker said the City Council would because it pertains to zoning, which is a legislative action; the Planning Commission would make its recommendations to the Council.

Council Member Bigler said he would like to point out that the homeowners are currently taking care of the common space so this will not be a change for them. This is more of an action to make that land legally theirs. Mayor Harris said that is true. He said, as a correction of information, that these areas which are referred to as common areas are not public areas.

Public Hearing opened at 6:42pm

Joan Brown, 2010 N. 775 E., said the original intent for the PRUD was to copy a community in Murray. With the new design there will only be two parcels of ground that will be made into a park. The homeowners will create an LLC to provide for maintenance and property taxes. There will be a committee to oversee this. She said we will be requiring dues to maintain the park. Several years ago the developer also came to the Planning Commission and proposed taking the common area behind the homes that was designed to be a walkway and adding it to each adjacent lot. She said at this point the actual make up of the subdivision is so far from the original design that it can't be fixed. Mrs. Brown said the homeowners in these two phases would appreciate having this done so they can better manage their property.

Charlene Veeder, 2017 N. 775 E., thanked Council Members Taylor and Bigler for taking the time to research this. She said she purchased her home two years ago. She found out six months ago she didn't own what she thought was her back yard. She has landscaped the backyard and put in a patio and a patio cover. The developer didn't disclose to her what the true dimensions were for her backyard. The original design for the PRUD had 30 feet from the center of the canal back toward her house designated as common area. This gave her a very, very small backyard. She was totally unaware of this and she said she would like to have Mr. Jones held accountable for his deception. Ms. Veeder said she totally supports this resolution to vacate the PRUD. This would let us be responsible for our own neighborhood and we will maintain the two lots that will be park area.

Calvin Hansen, 1957 N. 775 E. informed the Council Members that if they looked in his back yard there are 3 trees in the "common area" that originally the developer was going to rent to me for \$1 per year. Then he found that it was illegal. Mr. Hansen said he hopes the Council will approve the vacation of the PRUD designation and turn this land over to the homeowners. Everyone would benefit from this change.

Joel Grasmeyer, 2222 Fruitland Drive, introduced himself as the President of the City's Parks, Trails and Beautification Committee. He reviewed the City's Trails Plan which included easements for trails through this subdivision. He said he regrets not being involved in this process earlier. Mr. Grasmeyer said the committee isn't interested in re-instituting the common areas that ran along the back edge of some of these properties. He showed the Council a map of the trails system through City. This shows that there is a part of the trails system that runs through this subdivision. The Cherry Way Trail is a 12-mile loop that will eventually connect most of the parks and schools within the City; about 5 miles of this trail are all ready in place. The part going through Quail Ponds has been designated on the trails map since 1997. If all the easements are eliminated in Quail

Ponds, a key segment of the Cherry Way loop will also be eliminated. Mr. Grasmeyer said this could also set a bad precedent for the future of parks and trails in North Ogden. He said another segment of the trails corridor was lost a few years ago when a subdivision was approved near Oaklawn Park. He said the committee would be happy to meet with the homeowners, the developer and the City to come up with a workable solution. The committee would be willing to build a segment of the trail along the northern boundary of Phase 3. This would dramatically improve its appearance.

Ken McCormick, 2073 N. 775 E., said he didn't know about a trails easement through the common areas of Quail Ponds. Those areas are owned by the Homeowners Association.

Joan Brown, 2010 N. 775 E., there is a wetland area that comes down on the north side of the proposed commons area. She said that will probably not be part of the commons area. Where it does come down the canal comes open ups, she said the committee would be willing to let the trail come through there. Mrs. Brown said she thought that would enhance the area and shouldn't be a problem.

Mayor Harris said he felt it should be established that those common areas are private property owned by the HOA or the LLC of the proposed subdivision. However what the Council is looking at tonight is vacating the PRUD and what Mr. Grasmeyer is proposing with the support of the City is to look at reestablishment of this trails corridor. He said he hoped the homeowners would be willing to work with the City on this.

Ken McCormick, 2073 N. 775 E., said his concern would be having liability issues when a public trail goes across private property. Mr. Grasmeyer responded that there is a Utah Law that prevents a landowner from being liable if a public trail crosses his private property.

Council Member Flamm moved to close the Public Hearing. Council Member Wade seconded the motion.

Voting on the motion:

Council Member Wade Bigler	yes
Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

The Public Hearing closed at 6:59pm

8. Discussion and/or action to approve a Resolution vacating the Quail Ponds PRUD Phases 1, 2, and 3 and all streets, rights of way and easements located thereon.

Council Member Harris stated that she has been well aware of this PRUD during this last decade even though she hadn't been out there recently. During the last 10 years issues came up before the Council and it was always trying to fix a problem. This has been an ongoing saga. Council Member Harris said dealing with the problems in this PRUD has really given her a new perspective on PRUD's. She said the Council has denied many PRUD's because of Quail Ponds. This is a black eye for the developer, the City and the homeowners. Council Member Harris said she would like to see the Council help the homeowners in this development. She said she was glad to hear that any future phases in this area will be coming under the current rules that have been put in place so these types of problems should not occur in any future developments. She said she was very much in favor of this vacation of the Quail Ponds PRUD.

Council Member Taylor said he was also supportive because it is in the best interest of the homeowners. The City and its staff need to find out where accountability needs to be placed with City staff and the developer. He is shocked at the things that were approved by the City's Building Department. Council Member Taylor said the Council should look at what needs to be in place so these types of mistakes don't happen again. He said he would like to have further discussions on this with the City employees that were involved. Accountability has to be taken both by the developer and City staff.

Council Member Taylor said he was concerned that the developer wasn't here tonight. That is a major disappointment because he has some questions to ask him. He said he has noticed that Phases 4 & 5 are being used for agricultural purposes, which is neither a permitted use nor a conditional use for this zone. It is a large parcel of land being used for purposes not permitted in a residential zone. Council Member Taylor said he thought the Council should take a look at this whole situation. How does the City hold people accountable. He said he was also happy that the developer will be held to the original requirements for the Quail Ponds PRUD so he won't gain any benefit. Council Member Taylor asked to have a discussion at some point about accountability and the mistakes made to ensure this never happens again. Mayor Harris said that would be taken under advisement.

Council Member Wade Bigler moved to approve Resolution 16-2010, a request to vacate Quail Ponds PRUD Phases 1, 2, and 3 and all streets, rights of way and easements located thereon. Council Member Martha Harris seconded the motion.

Discussion on motion: Dave Carlson suggested setting the effective date for this resolution as the date of final approval of the new subdivision's final plat. This would prevent having a no man's land where there is no recorded plat for this subdivision. If this isn't done it could create some problems with financing and so on for people trying to sell or purchase property in this area. In response to the City Recorder's question to clarify that date, Mr. Carlson said he thought it could be the date the final plat is approved. The City can then record this resolution along with the new subdivision plat.

Council Member Wade Bigler moved to amend his motion to approve Resolution 16-2010, a request to vacate Quail Ponds PRUD Phases 1, 2, and 3 and all streets, rights of way and easements located thereon; effective date being the date of final approval for the new subdivision final plat. Council Member Martha Harris seconded the motion.

Voting on the motion;

Council Member Wade Bigler	yes
Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

Council Member Bigler excused himself at 7:12pm

9. Discussion and/or action to approve a Resolution of the City Council to amend the Consolidated Fee Schedule to include a deposit amount for utility services by new customers.

Annette Spendlove, City Recorder, presented this item, clarifying this will be Resolution 17-2010. She said while the Consolidated Fee Schedule had just been amended, this item is something that the Council has requested. This concerns charging a deposit for new utility customers. The City has quite a few customers walking away from their utility bills. It is getting harder and harder to collect these delinquent amounts. Staff was hoping that charging a \$100 deposit only for new customers signing up or transferring utility services would help alleviate this problem. This deposit will be returned a year later if during that time the bill has been paid on time. If the resident moves then the deposit will be applied to what they owe; if there is a credit left that will be refunded.

Council Member Flamm moved to approve Resolution 17-2010 of the City Council to amend the Consolidated Fee Schedule to include a deposit amount of \$100 for utility services for new customers. Council Member Taylor seconded the motion.

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

10. Council /Public comments.

Dave Hulme, 513 E. 1770 N., asked if the Council was operating under the revised rules for Council conduct. The Mayor said yes. Mr. Hulme asked if the Council had voted to allow Council Member Bigler to participate via phone. He said he was only bringing it up because it was Council Member Bigler who made the motion on the resolution approving the vacation of the Quail Ponds PRUD. Mayor Harris said that requirement had been taken out of the required rules of procedure. Mr. Hulme asked for clarification on the deposit requirement for the utility accounts. If a resident doesn't pay their utility bill for two months, does the deposit ensure they won't have their utilities shut-off. Mrs. Spendlove said the \$100 deposit won't be used toward their delinquent account unless they've moved.

Council Member Turner said he would like to remind everyone that the Parks and Trails Committee will be meeting at 5:30 pm in the Community Services Building. He said he had forwarded an email to the Council and City staff from T-minus 5 thanking everyone for the opportunity of participating in the Cherry Days Celebration. They had a blast and would like to do it again. Council Member Turner also thanked all the volunteers, sponsors, and City staff. It was a great day.

Council Member Taylor said he would like to discuss during the closed meeting his concern about assigning accountability for the Quail Ponds situation. He said he would like to discuss some concerns about specific individuals who made some of these decisions. He asked if that were possible as part of the closed meeting. He also said he was a huge supporter of City staff as he indicated during the Budget Retreat when asking for a COLA for the employees. He said when we are taking the tax dollars of residents there also has to be a high degree of accountability in public service.

Council Member Flamm thanked City staff for their hard work during Cherry Days. Cherry Days went very well for the most part this year. There were still fairly large crowds between 4 pm and 5 pm as it was closing down. He said people really seemed to enjoy the festivities. The Cherry Days Coordinator was right there working to ensure things went well. He was very impressed; things went very well.

Council Member Harris said she was also very pleased with the Cherry Days Celebration. She said when former-Governor Huntsman was in North Ogden to recognize the volunteers in the City, the City didn't have any idea the additional potential this community had for the volunteers to come forth and do so many things to make Cherry Days a success. City staff also put in many hours of work. She said North Ogden is really the poster city for volunteerism in a very professional, can-do way.

Annette Spendlove announced that the August 10th Council Meeting will be cancelled because a couple of staff members and Council Members will be out of town. The September 14th Council Meeting will be cancelled because the League of Cities and Towns will be having their convention that week. She asked if the Council would like to

move the meeting for the 14th to September 7th . The Mayor asked the Council if they approved of these changes. They indicated their support.

11. (Tentative) The Council will consider a motion to enter into a Closed meeting for the purpose of a strategy session to discuss the purchase, exchange, or lease of real property to be held in accordance with the provisions of Utah Code 52-4-204-5.

Council Member Martha Harris moved to approve a motion to enter into a closed meeting to discuss the character, profession competence or physical or mental health of an individual and to discuss the purchase, exchange, or lease of real property to be held in accordance with the provisions of Utah Code 52-4-204-5.

Council Member Brent Taylor seconded the motion.

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

The meeting recessed at 7:24pm

12. Adjournment.

Council Member Flamm moved to adjourn the regular meeting. Council Member Taylor seconded the motion.

Voting on the motion:

Council Member Ron Flamm	yes
Council Member Martha Harris	yes
Council Member Brent Taylor	yes
Council Member Carl Turner	yes

Motion passed.

The regular meeting adjourned at 9:10pm.

Richard G. Harris, Mayor

S. Annette Spendlove, CMC
City Recorder

Date minutes approved. _____