

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

June 8, 2010

The North Ogden City Council convened in regular session on June 8, 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 June 7, 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
	Ronald Flamm	Council Member
	Martha Harris	Council Member
	Brent Taylor	Council Member
	Carl Turner	Council Member

STAFF PRESENT:	Edward O. Dickie	City Manager
	Annette Spendlove	City Recorder/HR Director
	Gary Kerr	Building Official
	Polo Afuvai	Chief of Police
	Debbie Cardenas	Finance Director
	Dave Carlson	City Attorney
	Julia LaSeure	Community Development Secretary

VISITORS:	Dave Hulme	Natalie Nigro
	Shirley Nigro	Rachel Trotter
	Taylor Spendlove	Jackson Harris
	Jenica Harris	Joseph Trotter
	Harrison Pickett	Connor Terry

### **WELCOME**

Mayor Harris welcomed those in attendance including the Youth City Council and their Advisors. Council Member Martha Harris acknowledged former students, Joseph Trotter and Harrison Pickett and welcomed them to the meeting. Edward Dickie, City Manager, gave the invocation and led the audience in the Pledge of Allegiance.

### **CONSENT AGENDA**

1. Consideration to approve minutes of the May 25, 2010 meeting.
2. Consideration of Business Licenses.
3. Set June 22, 2010 as the date for a Public Hearing to receive comments regarding amendment to the current fiscal year 2009-2010 budget.
4. Set June 22, 2010 as the date for a Public Hearing to receive comments allowing North Ogden City to adopt ordinances designating certain streets and highways under its jurisdiction as open for street-legal ATV use.

Council Member Martha Harris asked to pull Consent Agenda Item 4 and move it to the Active Agenda. Mayor Harris stated that Item 4 will be placed in active agenda.

**Council Member Taylor moved to approve Items 1, 2 and 3 of the Consent Agenda. Council Member Flamm seconded.**

**Voting on the motion:**

<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>

**Motion passed.**

**ACTIVE AGENDA**

5. Public Comments.

Mayor Harris asked that any comments regarding the 2010-2011 Budget be held until the public hearing is opened for item 9.

There were no public comments.

6. Presentation from the current Youth City Council Mayor.

Mayor Harris stated that the Youth City Council members have represented the city of North Ogden in a wonderful way. Megan Hardy is the new youth Mayor.

Megan Hardy, 160 West 2550 North, thanked the council for everything that they do. She explained that the Youth City Council was able to work with other Youth Councils from around the state. They are excited to help out with Cherry Days; they will run the bounce house and the Pepsi wagon. She stated that they do a Back to School dance in September and a fundraiser for cans for those who don't have food. The Youth Council also picks up garbage along North Ogden roads throughout the year and help with the Santa house during the holiday season.

Council Member Martha Harris asked how many people are in the Youth City Council this year. Megan Hardy stated that she is not sure because they have a ton of 9<sup>th</sup> graders but she thinks there are 37 so far.

Council Member Bigler stated that Marilyn Harris does a wonderful job with the Youth City Council and thanked her for her efforts. Mayor Harris also acknowledged Kelsey Spaulding, Analees Olpin and Melissa Brown, all former Youth City Council members.

7. Swearing in of new Youth City Council

Mayor Harris explained that the Youth City Council tries to mirror City government as closely as possible but there are some adjustments made. They have six members instead of five so that they can have representation from North Ogden and Orion Jr. High Schools. He asked Megan Hardy, the new YCC Mayor, Talin Lott, an at large member, Menden Gift, 12<sup>th</sup> grade representative, JT Barnes, 11<sup>th</sup>

grade, Derek Woodfield, 10<sup>th</sup> grade, Jackson Harris, North Ogden Jr. High 9<sup>th</sup>, Whitney Bigler, Orion Jr. High 9<sup>th</sup> grade, Amanda Bigler, YCC Recorder to step forward.

Annette Spendlove, City Recorder, swore in the new Members of the Youth City Council.

4. Set June 22, 2010 as the date for a Public Hearing to receive comments allowing North Ogden City to adopt ordinances designating certain streets and highways under its jurisdiction as open for street-legal ATV use.

Council Member Martha Harris asked to have this item pulled from the Consent Agenda. She stated that we did discuss having an ordinance like this in North Ogden and had comments from several individuals including Chief Polo Afuvai and at that time it was decided to table this topic. She would like to have public comment at the request of at least three Members of the City Council before holding a public hearing. She explained that anytime a public hearing is held there are certain requirements that must be met and the cost to the City is around \$400. A public hearing is not required by state code on this issue right now. If we do decide to proceed with a public hearing she would prefer it is done based on a motion by the City Council.

Council Member Flamm stated that he is the one that wanted to have this moved on. Three members of the community have come to the City now. He stated that we try to limit people's right in certain ways and this is another way. Occasionally he uses his four wheeler with a plow attached to remove snow and he now believes it is illegal. Chief Afuvai stated that is correct. Council Member Flamm said it seemed like a time when we could offer something to the community that the State already allows. He felt that the Council should look into it and see what needed to be done.

Council Member Martha Harris asked whether Council Member Flamm sees an advantage to having a public hearing as opposed to placing this on a future agenda as an action item. Council Member Flamm stated that an action item would be fine.

Council Member Taylor thinks that Council Member Martha Harris's suggestion is a great way to save some money. He is in favor of having this as an action item also.

Mayor Harris stated that ordinarily the public is not invited to speak during Council deliberation but the City Council could invite people to do so. He asked whether the Council would be willing to allow the public to speak. Council Member Flamm stated yes.

**Council Member Flamm moved to put this on a future agenda as an action item; to look at an ATV ordinance for North Ogden with the option of allowing the public to make comments prior to taking action. Council Member Taylor seconded.**

**Voting on the motion:**

<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>

**Motion passed.**

8. Discussion and/or action to approve Region 14 Training Council Interlocal Agreement

Chief Afuvai stated that law enforcement agencies throughout the State are required by law to have 40 hours of in-service training. The State has designated our region as Region 14 Training Council. The purpose for this Interlocal Agreement is money and what we've done as a Region is share and support each other in training. The region consists of all Weber County law enforcement agencies including Weber State and the Morgan County Sheriff's office. The Control Board for Region 14 consists of all the Police Chiefs and both Sheriffs. The fee set for each of the agencies to is \$300. Every agency will pay that and an additional \$10 per officer/per department. Ogden City and Weber County pay a lot of the money for us. The money is all pooled and the training is brought in. Our officers will be able to attend that training for free. Training is very expensive and this is one way to consolidate our efforts.

Council Member Taylor asked for more information on the types of training courses and what the benefit is of those courses. He asked whether they all go toward certification for POST. Chief Afuvai stated that all of the courses go toward POST; the training includes things like interrogation and investigation. A man from Canada was brought in for that and the money from this pool paid for all the expenses. A man from Russia was brought in to speak after a school shooting there and they have also covered SWAT training. Any overtime is paid by each of the agencies. Council Member Taylor asked if the money pooled covers the whole cost of the course. Chief Afuvai stated that it pays for the presenter's costs including travel, hotel, etc... Council Member Taylor stated that it is a 10 year agreement until 2020 but there is a provision to withdraw with 30 days notice. He asked if the City is released from paying the dues after that. Chief Afuvai stated yes.

**Council Member Flamm moved to approve the Region 14 Training Council Interlocal Agreement, Council Member Taylor seconded.**

**Voting on the motion:**

<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>

**Motion passed.**

9. Public Hearing to receive comments regarding the fiscal year 2010- 2011 Budget.

Debbie Cardenas referred to a memo in the Council packet which stated that she was planning to get the updated budget out but there were some issues with the computer program. The final budget is really the tentative budget with the following changes:

She said there are some personnel costs that changed in the Police Department giving the City a savings of \$971. These came about because of the changes in the Utah Retirement System.

Most of the RAMP money has been spent to complete the North Ogden Park - \$12,985 to carry over into next year's budget which will be used to install the lights at Wadman Park.

Since the Council approved the purchase of the street sweeper and leaf collector we did get the lease proceeds for both of those so we will be removing them from next year's budget and taking it out of this

year's budget which will be discussed at the next Council meeting. Ms. Cardenas said those are the changes to the tentative budget.

Council Member Bigler asked, about the lights at Wadman Park, has that been discussed? Ms. Cardenas stated that they were purchased in last year's budget with RAMP funds but have not been installed yet. Mayor Harris said that those are earmarked dollars. Ms. Cardenas said that is correct, you can't deviate.

Mayor Harris said that the City dipped into our General Fund balance to balance the budget so the \$971 will go back into the General Fund. Ms. Cardenas pointed out that we did not get the tax rate yet but should be getting it in soon. If it comes in differently we will address it at the next City Council meeting.

Mayor Harris opened the Public Hearing at 6:05 pm.

Natalie Nigro, 204 W. 3325 N., said she wasn't planning on saying anything but since it costs \$400 to hold a public hearing it would be sad not to have anyone say anything. She is concerned with pulling funds from the General Fund; she couldn't find it in the tentative budget but taking \$800k out of the General Fund in one year is very scary. If the following year is as bad or worse we are up a creek without a paddle. She stated that she appreciates the unenviable position the City Council Members are in. It's not something she would want to be in; stuck between a rock and a hard place. She appreciates the City Council's hard work and understands that the money was saved for a rainy day. She is just worried about pulling too hard too fast.

**Council Member Flamm moved to close the Public Hearing. Council Member Taylor seconded.**

**Voting on the motion:**

<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>

**Motion passed.**

The Public Hearing closed at 6:09 pm.

10. Discussion and/or action to approve Resolution 11-2010. A Resolution of the City Council adopting the City Council Rules of Procedure.

Mayor Harris stated that each City Council Member was previously given a copy of the Rules of Procedure and some concerns were brought up during the week so a new copy was distributed. He suggested that the Council go through those changes. He is assuming everyone has had a chance to study the new one. Page 3 added that the Mayor can call an emergency meeting but the meeting would need to be approved by a majority of the Council. Page 4 added the concern that Council Member Martha Harris had earlier regarding public hearings; it would require a majority of the City Council to vote to hold a public hearing – if a Member wants to hold a public hearing it would be put on an active agenda and then if the Council voted yes then it would be placed on a future agenda.

Council Member Bigler asked about #6 and whether one Member of the City Council can set a public hearing. Mayor Harris stated no, if one Member wanted to hold a public hearing above what is required by law, that Member would have to put that request on an agenda to be voted on. Mayor Harris stated that the City Attorney added that clause there.

Mayor Harris stated that on page 6 there were some questions about how to handle official emails between the City Council and staff members. Council Member Flamm stated that it is his understanding that any email between the City Council or City employees becomes public record and needs to be saved forever. Dave Carlson, City Attorney, explained that there is a retention schedule published by the State Archives. There are some City emails that could be kept private but it is good policy to assume that it will become public record.

Council Member Flamm said frankly he thinks the more we do here at meetings and less by email the better off the City is; other than absolutely necessary things.

Mayor Harris stated that he would have knowledge of emails and would make sure that all that information was made public. There is a place for email correspondence to be used but we need to be careful that we don't get three or more Council Members agreeing on a course of action outside a public meeting. We must fully deliberate in public before making any decisions.

Council Member Flamm asked if we added anything that talks about electronics. We wanted to make sure that individuals that are out of town can be a part of the meeting. The technology available is great and he appreciates that Council Member Taylor has been calling in to meetings. We still have to have a quorum here in the room to take action. Mayor Harris added that we passed our electronic meeting policy which has been incorporated.

Council Member Bigler asked for clarification on Rule 1, #4, which states "The Mayor shall receive all messages and communications from the City Manager and others addressed to the Council as a body and shall be responsible to convey all such messages and communications to the other Members of the Council." Dave Carlson, City Attorney, stated that particular paragraph's intent is to create a chain of command and an order; it makes the Mayor the official liaison between the City Manager and City Council. The Mayor should be the person who does that. The Council can always communicate directly with City staff but in terms of official business the Mayor should be the one who does that. Council Member Bigler asked if "others" refers to City staff. Dave Carlson said that it could mean anyone; if someone writes a letter to the City and wants it presented to the entire City Council, the Mayor will ensure that it gets passed along. Council Member Taylor asked "if a member of the public sends an email to a certain City Council Member, who is responsible to get it to the mayor?" Dave Carlson said that there will be constituents that do that. This is not an attempt to control but for the official goings on the Mayor is the point of contact.

Council Member Bigler referred to page 5, #12, which states "Council Members attending a meeting by way of Electronic communication shall be considered "within the Council chambers" for purposes of voting and #14 states "The Council may permit one or more Council Members located in a remote location to participate in a Council meeting by way of electronic communication." He said that should actually be one or two. Under #15, item g "A majority of those present will vote to allow a Council Member to participate via an electronic location."

Council Member Bigler asked why a vote is required if they are considered part of the meeting in #12. Mayor Harris stated this covers the very rare occasion that a Council Member didn't want to come in



and face the public and requested that he be able to participate from a remote location. Council Member Taylor stated that he would like to scratch that; if we're going to allow it then we need to allow it. We can't pick and choose and it might end up being who is voting and who isn't and it might be what the issues are. Ed Dickie, City Manager, reminded the Council that this resolution has already been approved.

Dave Carlson stated that it is a discretionary item; the City could create a rule where a Council Member just has a right to participate by remote location. The purpose of this item is just to create a record and for the Council to say that the rules were followed. Council Member Taylor thinks #12 covers the consent of the Council to allow that and #15 g seems to contradict it. He said this way no one will ever have a question whether games are being played.

Council Member Taylor asked, regarding #15 h "Notice of intent to permit a remotely situated Council Member to participate in a Council meeting electronically will be made in accordance with the Open and Public Meetings Act" this is new to us right? At the end it says it must be noticed 24 hours before the meeting but an electronic meeting must be requested by the Wednesday before.

Council Member Flamm said if you get the flu you won't know that by the Wednesday before the meeting. Dave Carlson said the 24 hour notice is the legal requirement. The 3 days is a courtesy to the City staff to get it noticed. Some cities as a matter of course place on every agenda that this could be an electronic meeting. The 24 hour is required by state law.

Council Member Bigler referred to Rule 17, 'Time Frame for Delivery of Information Packets to Council Members' which stated "All information for agendas and packets will be delivered to the City Recorder by the Wednesday preceding the meeting or such matters will not be included on that agenda. Mayor Harris stated that a sentence could be added to Rule 17. Council Member Flamm said that as a rule we try to get it done by the Friday before but occasionally there are some problems. If we do set a day he would suggest that it be stated we'd like it done by a certain date but allow for contingencies when there is a problem. Ed Dickie stated that staff tries to get it out the Thursday before or as soon as possible.

Council Member Bigler said he feels that we need to add a deadline for packets to be distributed. It is important; he wants time to study these items. Mayor Harris stated that the Council could leave the stringent language in there to preclude an item from being including but allow for emergencies.

Ed Dickie said the reason this reads the way it does is so staff can get it out on Thursday. State law does require certain things be passed by a specific date; that is his concern.

Council Member Flamm suggested that we follow this but make an addition that an amended agenda could go out within 24 hours of the meeting. He stated that 90+ percent of the time it will go as planned and be out on the Thursday before.

Ed Dickie likes Council Member Bigler's idea and with his updates the Council should be informed on most things.

Council Member Bigler referred to Rule #14 regarding committees, #1 states that it will take a two thirds vote of the Council to request a committee and committee structure. #2 states 'When such committee is created, its purpose and a relevant time frame will be established.' Does that mean that we

will go into it knowing when we will do away with it? Mayor Harris said yes and added that in some cases it may have to be extended.

Council Member Bigler referred to #4, the 3<sup>rd</sup> line down, which states ‘To avoid complications involved when a quorum of the Council meets to consider Council business, with the exception of an oversight committee organized pursuant to paragraph (5) of this Rule, no more than two Council Members will sit on a committee established by the Mayor.’ He has heard some of the reasons why that is but feels that those who have been elected should be able to be included if they want to be. He wonders what exactly that language means. It’s all legal if you do it right. Dave Carlson, City Attorney, stated that the complication is that if you have a quorum of the Council and are gathered in a meeting that has been noticed, the open and public meeting act doesn’t care where you hold a meeting, one other way to approach that issue might be to say by rule that no Council action can be taken at a committee meeting. Council Member Bigler said he would prefer that to prohibiting people from participating if they want to. Elected officials should be able to participate. He said, if you put down that no action can be taken that would clear that up.

Council Member Martha Harris said she probably feels just as strongly that this stay as is. Not solely because of votes being taken but because of the discussion involved and having due process available; when things come before the City Council a decision would have already been made.

Council Member Flamm said that one Member of the Council with suggestions can change the way everybody thinks to what he thinks. It does bother him having three Members there as it could lead to the other two members being left out.

Council Member Bigler stated that we are opening it up to anyone who would like to. Elected officials should have more of a say in things, not just to vote.

Council Member Taylor feels similarly on the two people requirement. He can see the purpose for having more but if there are more than two then a decision has essentially been made by the three. He is for leaving it as two members as well. He is concerned that the language in Rule 17 regarding meeting timelines could be restricting us a bit. Will it, maybe, tie our hands from legitimate situations that come up? He suggested that we maybe relax the language a little. The Council could also table an item if they felt they needed more time. He asked if there is some kind of mechanism for the Council to admonish or censure a Member if these rules were violated.

Council Member Flamm asked, regarding committees and the maximum of two members, is there a way of wording that which would allow more members to come but not be voting members? Dave Carlson said it is a public meeting and anyone can come, and that would include Council Members. They could come and listen in. He added that anytime a quorum of the Council comes together to discuss items that will come up on future agendas, it looks bad. If you comply with the Open and Public Meetings Act you are probably ok. There are a lot of things that are not legal issues but rather best practices.

Council Member Flamm said that’s why he thinks we could allow all Council Members to be present but not to be considered voting members of a committee. Dave Carlson stated that the Mayor can propose a committee and its structure which must be approved with a two thirds vote of the Council. Council Member Flamm asked if we can adjust that slightly. Dave Carlson said if you comply with the Open and Public Meetings Act you have some flexibility.



Dave Carlson stated that he tries to stay out of the Council's policy discussions but asked the question if too many Members of the Council are on a committee is it a committee or is it the Council? There is a question that if you get too many Members of the Council there do you stifle the very purpose of the committee? What is the point of then having the committee?

Council Member Turner stated that when the Parks and Trails Committee asks him questions, he sees that happening there. His question is about closed meetings on page 3, item 5b, ii, which states 'Closed meetings may be held if ...' if he asked for a closed meeting tonight can it be held immediately. Ed Dickie stated that has always been the case.

Council Member Bigler stated that the Council Rules require a request for a closed meeting be given to staff by the Wednesday prior to the meeting. Mayor Harris stated that we need to take closed meetings and special meetings out of Rule 17. We can't always meet those kinds of timelines. He suggested taking that out.

Council Member Martha Harris said that regarding timeline, there have been several options thrown out for some changes. Do we go section by section and vote and proceed page by page because there are some changes she would like to see included and others not. Mayor Harris agrees. That is his proposal unless the Council wants to table it. Council Member Martha Harris said she would like to see this proceed but the Council needs to decide that as we make a proposal; for example, Rule #1 if there are any changes it has to be voted on but just prior to the vote don't want to start a whole discussion again. We have all had an opportunity to speak. Mayor Harris said that would be his recommendation.

Council Member Bigler wondered about the 2/3 vote, is it two thirds or three to two. Mayor stated that some speak to two thirds and others three to two.

Council Member Taylor recommended that we have a motion to approve this and go rule by rule asking for changes. The document could then be voted on. Mayor Harris has a list of the comments and would prefer to bring them up on by one. Council Member Flamm suggested having Mayor Harris bring up the points and move through them without discussion.

Mayor Harris brought up the following points:

Page 5, #14, "or more" is to be changed to "or two".

**Council Member Flamm moved to make that change. Council Member Martha Harris seconded.**

**Voting on the motion:**

<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>

**Motion passed.**

Page 5, item 15g, “the majority of those present will vote to allow a Council member to participate via an electronic connection”. The proposal was to strike that so that no vote is to be taken.

**Council Member Martha Harris moved that we leave ‘g’ in. Council Member Taylor seconded.**

Council Member Bigler stated that #12 would need to be scratched because they are in direct conflict with each other. Council Member Martha Harris stated she thinks that is just a definition and asked for clarification from Dave Carlson. Dave Carlson stated that the intent of ‘g’ is that there is a procedure to hold an electronic meeting and the Council has to recognize and approve it before that happens. The purpose for #12 is because generally speaking Council Members could leave the dais during a meeting and not be in the chambers. Generally speaking if you are not in the chamber when the vote is called for you can’t vote. Council Member Bigler asked physically in the chambers. Dave Carlson stated that #12 would count that Member within the chambers. He doesn’t see that there is a conflict because they will not be participating unless the Council approves it.

Council Member Martha Harris views this as a safeguard to abuse by a Council Member to take advantage unduly and would like this to stay in. She doesn’t see that happening but there is always the potential. This would give the Council some opportunity to rectify that.

Council Member Bigler stated that it could go the other way too, if you know a Member is not going to vote with you on an issue and they’re not there you could prohibit them from voting. Dave Carlson said that any time there are rules they are always subject to manipulation.

Council Member Flamm stated that they are extremes and frankly if things go on like that an item could always be put back on the agenda later. He said he wondered if we have to vote every time someone calls in electronically, he would hate to have to vote every single time.

Council Member Taylor stated that this keeps the process safe from abuse; we are not voting to dispense you a favor but rather to recognize that this individual is calling in and the body approves it. He thinks anything outside the norm needs to be voted on.

<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>no</b>

**Motion passed 4 to 1.**

Page 5, #15a,

**Council Member Flamm moved that it be changed to “A Council Member who desires to participate in a Council meeting from a remote location shall make a request to the Mayor or Mayor Pro temp prior to the meeting.” and remove the words “no later than 3 business days”. Council Member Martha Harris seconded.**

Council Member Bigler stated that it also says that it has to be public notice, if there is no time how will it be noticed. Council Member Flamm went back to what Dave Carlson suggested that it be put on all the agendas that we may have an electronic meeting.

Council Member Taylor thinks that if it is put on all the meeting agendas the 24 hour noticing stipulation is always met. If we always have it on the agenda it is noticed every time.

**Voting on the motion:**

<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>

**Motion passed.**

Mayor Harris suggested that the Council consider the possibility of an electronic meeting being on every agenda. Council Member Flamm agreed.

**Council Member Taylor moved that we strike paragraph 16 and replace it with such language that the Council will as a regular point of business provide notification of the potential of an electronic meeting on all agendas. Council Member Bigler seconded.**

**Voting on the motion:**

<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>

**Motion passed.**

Mayor Harris referred the Council to page 14, rule 17; the discussion centers around the questions of ‘must’ we allow adequate time or ‘should’ we allow adequate time? Mayor Harris suggested removing special and closed meetings from that paragraph.

**Council Member Flamm moved to change ‘will’ to ‘should’, ‘will not’ to ‘may’ and remove special and closed meetings from this section and include a line that packets should be delivered to the Council by the Friday preceding the meeting. Council Member Martha Harris seconded.**

~~Council Member Bigler asked if this becomes a legal document for the city. In most documents this doesn't really mean anything. There is nothing binding by that.~~ Council Member Bigler asked whether this becomes a legal document that the City abides by. He stated that he wonders about using the word ‘should’. In most documents ‘should’ doesn't really mean anything and there is nothing binding with that. Mayor Harris stated that you can also be bound too tight. Council Member Taylor said maybe to tighten it down, we could add discretion to add an item after. Annette Spendlove, City Recorder, stated that will not help staff get packets out. Council Member Bigler said that is true.

Mrs. Spendlove suggested that this section be changed to read ‘For each Regular Council Meeting, Work Meeting, Public Hearing or other meeting of the Council, Council Members will receive a packet containing the agenda of the meeting and complete information pertaining to items on the agenda. Such packet should be delivered by Friday preceding the meeting. To allow Council Members adequate time

to study the items for consideration at the upcoming meeting, all information for agendas and packets will be delivered to the City Recorder by the Wednesday preceding the meeting or such matters may not be included on that agenda. An amended agenda may be amended by the Mayor but no later than 24 hours prior to the meetings’.

Council Member Taylor said that in trying to formalize a procedure for things that come up after Wednesday; there needs to be an approval and a process. Mrs. Spendlove explained that now if things come up after the packet has gone out the agenda is amended and reposted. Dave Carlson stated that as the Mayor is the chair of the Council it makes sense to give him the discretion in unusual circumstances to approve some departure from that.

Council Member Flamm asked if we leave the paragraph the way it is now but add “an amended agenda may be electronically delivered to City Council Members by approval of the Mayor but no later than 24 hours prior to the meeting.”; would that work? Annette Spendlove said that it would.

Council Member Bigler said he thinks that we would all be considerate of staff members who put the packets together. He added that a lack of planning is different than when something legitimately comes up at the last minute. Council Member Flamm said that is why the Mayor would make that decision.

**Mayor Harris clarified that the motion is to strike “closed meeting” and “special meeting”, change “matters will not” to “matters may not” be included, add that an agenda may be amended by the Mayor but no later than 24 hours prior to the meeting, and packets should be delivered by Friday preceding the meeting. Council Member Martha Harris seconded the amended motion.**

**Voting on the motion:**

<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>

**Motion passed.**

On Page 13, Council Member Bigler made a proposal to change Rule 14, number 4.

**Council Member Martha Harris moved to keep Rule 14, item 4 in its present form. Council Member Taylor seconded.**

Council Member Bigler stated that by law any Member can attend but not participate. Council Member Martha Harris would caution any Member who would choose to do this that your presence has the potential of affecting many dimensions of the meeting. She strongly suggests that if there are two Council Members present at a committee meeting that no other Members attend.

Council Member Flamm stated that there are times that a person may not be able to attend and asked if another person was interested could we allow another Council Member to attend. Mayor Harris stated that he would rather not do that as we have a big enough committee that decisions could be made. Council Member Flamm said the Business Development Committee (BDC) recommendations are going to the Planning Commission and then to the City Council. Long term final decisions are not being made in this committee. Council Member Bigler stated that with three Council Members it would still go

through the Planning Commission. Council Member Taylor said not necessarily. Council Member Flamm stated that it would put some pressure on the committee members. Ed Dickie stated that there are complications that we haven't even discussed; whether it is legal or not you should be very careful. Council Member Bigler said we are talking about these things but we are all hired by North Ogden citizens. Council Member Flamm said that is why we vote. Council Member Bigler asked were we hired to vote or to use our brains and think about these things. Mayor Harris said there is adequate time for discussion. Council Member Flamm suggested that if you want three Members there then you might as well bring it to the City Council and not have the committee.

**Voting on the motion:**

<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>no</b>

**Motion passed 4 to 1.**

Page 6 item 17 regarding emails. Council Member Taylor brought this one up because he is concerned that the language will limit discussion regarding agenda items to open meetings. He feels that this might prohibit more discussion than the spirit of the Open and Public Meetings Act. Mayor Harris asked if Council Member Taylor is suggesting that we strike that second sentence. Council Member Taylor said that it should allow some discussion somehow. Council Member Taylor is worried about the interpretation on this. Mayor Harris explained that to avoid embarrassment to people who are considered for positions on committees, it is necessary to do some of this.

Dave Carlson said we could just make the language more permissive and mandatory; we could change "will" to "should" and remove the Open and Public Meetings Act part.

**Council Member Taylor moved that we strike the second sentence and make it "City Council Members should save discussion on matters that will appear on the Council agenda for Open Public Meetings. Use of City-provided email..." Council Member Taylor seconded.**

**Voting on the motion:**

<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>

**Motion passed.**

Ed Dickie asked if during the week he needs a consensus to do something and he doesn't have time to wait for a meeting, will this option be taken away. Dave Carlson said the difference is when you have a whole group of the City Council exchanging dialogue on an issue. Everyone knows that politics is about the votes; majority rules, that's politics; that's being City Manager too. This won't prohibit you from polling the Council Members for their feelings on a purchase or something.

Council Member Turner moved to take a break. Council Member Taylor seconded.

Mayor Harris gave a 5 minute recess.

Council Member Taylor has suggested adding censure for violating these rules.

Council Member Taylor suggested we go with what other legislative bodies have done; just a formal declaration of the violation. Mayor Harris stated that would be Rule 18 and we will use established language from another body.

**Council Member Taylor moved to include a rule for admonishment or censure for public punishment administered by the City Council to a Member who is not adhering to these rules. Council Member Turner seconded.**

Council Member Taylor asked if the Council will have the opportunity to review the language of that motion prior to voting.

Council Member Taylor said his understanding was that this was going to be revised and voted on at a later meeting. Mayor Harris said he thought we were adopting it. Dave Carlson said that he thinks we made so many changes that it has to come back. There is too much ambiguity at this point; it will have to come back.

Council Member Flamm said he wants to put some type of penalty if someone breaks the rules, these look more like guidelines. He is uncomfortable with the language for a Rule 18 right now.

Council Member Taylor stated that some of them are guidelines but Rule 11 is quite specific and is more of a rule as are some of the conduct of meeting rules in terms of decorum in speaking. Those are the ones he was thinking of.

**Voting on the motion:**

<b>Council Member Martha Harris</b>	<b>no</b>
<b>Council Member Flamm</b>	<b>no</b>
<b>Council Member Bigler</b>	<b>no</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>

**Motion fails 3 to 2.**

**Council Member Flamm moved to table this item until the next meeting as an action item for approval of this Resolution. Council Member Taylor seconded.**

**Voting on the motion:**

<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>

**Motion passed.**



11. Discussion and/or action to approve Larry Residori as a Member of the Board of Adjustment and Taylor Spendlove as Alternate Member of the Board of Adjustment.

Mayor Harris explained that this has been discussed previously and the Council has had interviews with these applicants.

**Council Member Martha Harris moved to approve Larry Residori and Taylor Spendlove.  
Council Member Taylor seconded.**

**Voting on the motion:**

<b>Council Member Martha Harris</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Turner</b>	<b>yes</b>

**Motion passed.**

12. Council/Public comments.

Dave Hulme, 513 E. 1700 N., asked if the City currently has the capability to have two City Council Members participate electronically. Annette Spendlove, City Recorder, stated yes.

Mr. Hulme asked how much a public hearing notice is when there is already a public hearing notice being published. Annette Spendlove stated that they must be separate and they run about \$400 each.

Mayor Harris stated that we need to take action regarding the playground mat; we have the funds to purchase a rubber mat. He would like the City Council's approval to go ahead and purchase that now.

Council Member Taylor asked if the chips normally get this affected by wind or if it is the location? Mayor Harris said it is a serious problem; it is at the mouth of the canyon and the chips blow across the street when wind blows through there. Anything we put in there, chips or sand, anything similar is going to blow and cause these kinds of problems. He thinks the only real solution is to put down that rubber mat.

Council Member Taylor asked if there is a use for those chips somewhere else so we are not wasting the money spent on those. Mayor Harris stated that they came mostly from our pit but there are other places where they can be used.

The City Council indicated that they would support the purchase of the mat.

Council Member Turner stated that a Parks and Trails committee meeting will be held tomorrow with elections. The committee is going strong; they have done a lot of work in the Lakeview Heights area. The trails look really good. He is impressed with the committee and staff, they are all great people.

Council Member Taylor reported for benefit of the City Council on what has been happening on the Business Development Committee (BDC). At the last meeting there were a lot of really good things that

happened; we made some progress. Some items were moved out of the committee and onto the Planning Commission. These are the purpose paragraph of the sign ordinance, signs for businesses, and the establishment of an entertainment zone and window sign discussion. There was a lot of good discussion and things are moving. Council Member Taylor stated, relating to the rules just discussed, that future Councils should vote on these as well. He recommends a vote every two years so everyone has some skin in the game. Future Members will vote to these rules and it can also be revised by new Councils. Mayor Harris stated that the Council will consider that.

**Council Member Taylor moved to add this item. Council Member Martha Harris seconded.**

**Voting on the motion:**

<b>Council Member Turner</b>	<b>yes</b>
<b>Council Member Taylor</b>	<b>yes</b>
<b>Council Member Bigler</b>	<b>yes</b>
<b>Council Member Flamm</b>	<b>yes</b>
<b>Council Member Martha Harris</b>	<b>yes</b>

**Motion passed.**

Council Member Bigler mentioned that there is a rodent problem at Bi-Centennial Park. He also mentioned that he would like to see a change in hiring people and youth from other cities before we hire our own kids. He is not talking about directors and highly skilled jobs here. He is referring to taking food orders and answering the phones. We hired all these kids from South Ogden, Pleasant View and Logan and turned our own kids away. Edward Dickie stated that we try to be very sensitive to that but we can't completely hire just North Ogden kids; is that discrimination? Right now we are sensitive and are trying to hire mostly North Ogden kids. Council Member Bigler stated that Pleasant View is self-contained and doesn't hire North Ogden kids. Edward Dickie stated that staff will look at that and bring it back.

Council Member Flamm stated for the Council's information that he and Mrs. Spendlove attended a meeting this week regarding how the Federal health care changes that will affect us. Some of those changes include allowing kids under 26 on the parents insurance which will take effect July 2011.

Council Member Martha Harris said that the document we've been working on for Council procedures is a fluid document. She voted against the censuring because she would like it to be as positive as possible. If it became necessary the City Council would be willing to bring it right back and make a change. She stated that the planting areas put in on the grounds here are beautiful. She noticed former Mayor Harrop working very hard on these and he is doing a fantastic job on the beautification in North Ogden.

Edward Dickie mentioned in his weekly update that the transfer of Bona Vista customers to North Ogden Water was complete, that was incorrect, and they are about half way done. It is moving really fast though and they should be finishing shortly. We are proceeding with the utility deposit. Staff will be creating a contract and ordinance for approval and direction from the Council.

13. Adjournment.

**Council Member Turner moved to adjourn the City Council meeting and reconvene in the RDA.  
Council Member Taylor seconded.**

**Voting on the motion:**

**All Council Members voted aye.**

**Motion passed.**

**The meeting adjourned at 7:50 pm.**

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Richard G. Harris, Mayor

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S. Annette Spendlove, CMC  
City Recorder

Date minutes approved. \_\_\_\_\_