

**NORTH OGDEN CITY COUNCIL MEETING MINUTES**  
November 10, 2009

The North Ogden City Council convened in regular session on November 10, 2009 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 November 6, 2009. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2008.

PRESENT:	Gary A. Harrop	Mayor
	Ronald Flamm	Council Member
	Martha Harris	Council Member
	Richard Harris	Council Member
	Jed Musgrave	Council Member
	Carl Turner	Council Member
STAFF PRESENT:	Edward O. Dickie	City Manager
	Annette Spendlove	City Recorder/HR Director
	Sue Richey	Deputy City Recorder
	Gary Kerr	City Building Official
VISITORS:	Jim Mackley	Dave Hulme
	Jerry Lindquist	Chase Carter
	Doug McGregor	Brent Taylor
	Matthew Daines	Jackson Harris
	Nick Maltby	Chase Dahl
	Tyler Nuttall	Bruce Dursteller
	Don Mathewson	Kyle Brunetti
	Ian Manning	Nancy Harrop
	Tiffany Vause	Wade Bigler
	Amanda Bigler	Keaton Wessmon
	Nate Crittenden	Brian Crittenden
	Noah Beatie	Rachel Trotter

**WELCOME**

Mayor Harrop welcomed those in attendance. City Manager Dickie gave the invocation and led the audience in the Pledge of Allegiance.

**CONSENT AGENDA**

1. Action to approve the minutes of October 6, 2009 and October 13, 2009 City Council meetings.
2. Action to approve business licenses: Home Occupation – Anderson Engineering Services, LLC., Anderson Engineering Solutions, INC., Larsen Lawn Care, LLC.,

Delidelight Vending, Little Tykes Daycare; Commercial – The Villa and Redbox Automated Retail, LLC (7-11).

3. Action to set November 24, 2009 as the date to hold a Public Hearing to receive comments on the vacation of the easements in Lots 1 through 5 in Lewis Peak PRUD Phase 1 Subdivision.

**Council Member Martha Harris moved to accept the Consent Agenda as presented. Council Member Rich Harris seconded the motion.**

**Voting on the motion:**

**All Council Members voted aye.**

**Motion passed.**

**AGENDA**

4. Public comments.

Jim Mackley, a member of the Freedom Coalition, gave the Mayor and Council Member Rich Harris a book called the Law. Mr. Mackley said they had also given this book to all the local candidates entered in the last election. He said he would like to inform other Council Members and the public about the excellent information this book provides on the United States Constitution. Mr. Mackley said it is available free online at the Foundation for Economic Education web site.

Doug McGregor, President of the Sons of the American Revolution's State Chapter in Utah, said he has been visiting local governments and inviting their members to participate in an educational opportunity to learn more about the Constitution. The training will be held on Dec. 2<sup>nd</sup> and 4<sup>th</sup> by a group called the Freedom Formula. They will be putting on a program for elected City officials and City employees who are interested. It will be a three day course for the price of \$60. The sessions will be held in December and January. The presenters would incorporate their knowledge of the Constitution and apply this to city government. Mr. McGregor said he would present a summary of the course to the Mayor and also his contact information for those who might be interested.

5. Public Hearing to receive comments on the proposed changes to the City's Capital Improvement Plan.

Gary Kerr, Building Official, said the City is proposing an amendment to its 5-year Capital Improvement Plan. Mr. Kerr said Section 4, Streets and Sidewalks Division would be broken into five phases for the Green Acres Street Improvement Project. The Green Acres Subdivision is an area where the roads, curb, gutters and sidewalks are having problems. Since this is an area of low to moderate income residents, there is the possibility North Ogden City could receive federal grant money to make these improvements. Staff is amending the City's Capital Improvement Plan in order to divide

these projects into phases so the City can apply for a Community Development Block Grant (CDBG). Mr. Kerr said any time the City changes its Capital Improvement Plan the Council is required to hold a Public Hearing to receive comments from the public.

Mayor Harrop asked if these proposed projects would affect work that had already been done in this area. Mr. Kerr said the City has completed some overlays for the roads in Green Acres and eventually these streets will be redone as more improvements are completed.

Council Member Turner asked if the City will be applying for grant money each year. Mr. Kerr explained that putting the work into phases will allow the City to apply for funding each year.

Mayor Harrop opened Public Hearing at 5:45 pm.

There were no comments.

**Council Member Rich Harris moved to close the Public Hearing. Council Member Flamm seconded the motion.**

**Voting on the motion:**

**All Council Members voted aye.**

**Motion Passed.**

**Hearing closed at 5:47 pm**

6. Discussion and/or action to approve the proposed changes to the City's Capital Improvement Plan.

**Council Member Martha Harris moved to approve the proposed changes to the City's Capital Improvement Plan as presented. Council Member Flamm seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris - yes**

**Council Member Rich Harris - yes**

**Council Member Jed Musgrave –yes**

**Council Member Ron Flamm –yes**

**Council Member Carl Turner –yes**

**Motion passed.**

7. Public Hearing to discuss projects for the CDBG Grant Application.

Gary Kerr said the City has applied for this grant money before for such projects as the Senior Center and the replacement of water lines in Green Acres. With the tight economy, it was felt the City should apply for this grant money again. Funding falls under three categories, (1) Blight, (2) low to moderate income areas in the City and (3) emergency situations. Mr. Kerr explained to the Council there are four items that need to be discussed when the Public Hearing is held, (1) provide information to the public that includes the amount of CDBG funds available (\$1.6 million available state-wide). The minimum that can be requested is \$30,000 and the maximum for a single year is \$450,000. The City can do a multiple year project and the maximum that can be requested is \$300,000 a year; (2) identify and discuss the Community Development needs of the community. The Green Acres project is located in a low to moderate income area and so would qualify for this funding. There may be other areas in the City that could qualify; (3) obtain citizens' views and suggestions regarding possible projects. Projects in the older areas of the City may qualify for CDBG funding; and (4) respond to those suggestions and questions. Mr. Kerr said the City would have to respond to any suggestions offered during this Public Hearing.

Council Member Flamm asked if the Museum committee could apply for these funds. Mr. Kerr said they would have to meet the criteria of low to moderate income areas of the City. It would be difficult to qualify because the whole City will be using the Museum.

Mayor Harrop opened the Public Hearing at 5:55 pm.

Dave Hulme, 513 E. 1700 N., asked where the funding comes from? Mr. Kerr said the federal government provides the funds, which are administered by the State. Mr. Hulme said he felt the program was unconstitutional but he didn't think he could ask local leaders to pass up funding that is financed through their tax dollars.

Nancy Harrop asked if these grants require matching funds? Mr. Kerr said they don't.

Brian Crittenden, 1237 E. 2650 N. asked what the definition of low income is. Mr. Kerr said the federal government provides an informational booklet that lists the counties in each state with definitions of what constitutes low to moderate income for residents in that county. Mr. Kerr said in the booklet is a chart that can be used as a reference to determine a city's qualification for this designation. Ed Dickie, City Manager, asked if there was some place Mr. Crittenden could find the exact figures for North Ogden City. Mr. Kerr said he didn't know of a web site but Mr. Crittenden could call him and he would provide that information to him. Mr. Crittenden asked who provides this information. Mr. Kerr said he gets it from the State of Utah.

**Council Member Martha Harris moved to close the Public Hearing. Council Member Rich Harris seconded the motion.**

**Voting on the motion:**

**All Council Members voted aye.**

**Motion passed.**

**Public Hearing closed at 6:01 pm**

Council Member Rich Harris asked if the City has to do a survey to qualify for the funding? Mr. Kerr replied that the City does have to survey all the people who will be affected by the project. A form is provided for the respondents. It is mailed out with a request that they fill it out and returned it to the City. Council Member Rich Harris reviewed the process with Mr. Kerr. Mr. Kerr explained that any proposed projects have to be listed in the City's 5-year plan. Council Member Rich Harris said this is a forum where other suggestions can be made to the City for potential projects. Since there were no requests, will the City use the list it has. Mr. Kerr said that was correct. The application must be completed in about a month.

8. Discussion and/or action on Ordinance #2009-13, an Ordinance amending Ordinance #2009-07, which established the procedure for approval of written minutes for Public Meetings.

Annette Spendlove, City Recorder, told the Council the first ordinance dealing with this was brought before the Council in July. She explained that staff was finding the time frame a little tight and so it is proposed to expand this to 10 business days.

**Council Member Flamm moved to approve Ordinance #2009-13, an ordinance amending Ordinance #2009-07, which established the procedure for approval of written minutes for Public Meetings. Council Member Martha Harris seconded the motion.**

**Voting on the motion:**

**Council Member Martha Harris -yes**

**Council Member Rich Harris - yes**

**Council Member Jed Musgrave –yes**

**Council Member Ron Flamm –yes**

**Council Member Carl Turner –yes**

**Motion passed.**

9. Discussion and/or action on the appointment of two City Council Members to the Employee Appeals Board.

Annette Spendlove, City Recorder, reviewed the history of this agenda item. In March 2000 the City Council passed Ordinance #2000-04, an ordinance creating the Employee

Appeals Board. This ordinance also created a procedure for selecting Council Members and employees to serve as members of the Appeals Board. Mrs. Spendlove said staff is suggesting that following the stated procedure the Council create this Appeals Board.

Mayor Harrop had sent out ballots to the Council Members. Voting must take place during the Council meeting. Mrs. Spendlove explained the voting process. Council Members must vote for two people but they can't vote for the same person twice. The selected Members will serve two years. The Member with the highest votes will be the Chairman. The other person selected will be a member of the Appeals Board and the third will be the alternate. The Mayor can't serve on the Appeals Board and he can't vote for potential Members. Council Member Turner asked if this will have to be done again in January. Mrs. Spendlove said it depends on how the Council votes. Mayor Harrop announced the results of the voting. Council Member Flamm is the top vote getter and is Chairman. Council Member Turner is the second vote getter. The Alternate Member will be Council Member Martha Harris.

#### 10. Canvas of the General Election held November 3, 2009.

Annette Spendlove, City Recorder, presented to the Council the results of the election, held November 3, 2009. The number of registered voters in North Ogden is 12,020. Total register voters who voted was 3,154. There was a participation rate of 26.2% among registered voters and they decided who would be the Mayor and Council Members for the next four years. Richard Harris received 60.3% of the vote for Mayor. Reed Mackley received 39.7% with Richard Harris being the duly elected Mayor for the term of 2010-2013. For Council Members Wade Bigler received 37.8%, Brian Bott 18.7%, Nick McIntosh 12.7%, and Brent Taylor 30.9%. Brent Taylor and Wade Bigler are the duly elected Council Members for the term of 2010-2013 . There were 182 absentee ballots mailed out and 126 were returned. Of those 126 returned 117 qualified to be counted. The others were postmarked later than required. There were 54 provisional ballots cast. Forty-nine of those were counted.

Mrs. Spendlove then read the certification she signed that states, "I, S. Annette Spendlove, the duly appointed and acting City Recorder in and for the City of North Ogden, Weber County, State of Utah, do hereby certify that the information contained in the attached November 3, 2009 General Election is accurate to the best of my knowledge." Mrs. Spendlove informed the Council that she set her seal on this document and signed it. The Council Members also must sign the certification. Each Member signed the document.

**Council Member Martha Harris moved to accept the canvas of the North Ogden City Election held November 3, 2009. Rich Harris seconded the motion.**

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

**Council Member Martha Harris -yes**

**Council Member Rich Harris - yes**

**Council Member Jed Musgrave –yes**  
**Council Member Ron Flamm –yes**  
**Council Member Carl Turner –yes**

**Motion passed.**

11. Public/Council comments.

There were no public comments.

Council Member Turner thanked everyone who participated as a candidate in this past election. He welcomed the new Council Members. Council Member Turner also thanked the veterans for their service to this country. He said he has relatives who have served in the military and he is very proud of his family's commitment and sacrifices.

Council Member Flamm reported that the Ogden/Weber Chamber of Commerce had held their Annual Board meeting last week. He had asked the Chamber if North Ogden City could be included in their information packet that is handed out to businesses and people moving into the area. Council Member Flamm asked for help from the staff in preparing the information to include.

Council Member Rich Harris asked about the status of the Deer Meadows project. Mr. Dickie reported that the contractor should be digging the trench. He had been held up last week. Council Member Rich Harris reported that the Youth City Council is active and doing a great job. They will be doing a service project, which will furnish Thanksgiving Dinner for families in need. Council Member Rich Harris thanked the Council for its continued support of this youth group.

Ed Dickie, City Manager, reported that the Deer Meadows project does have a completion date. He told Council Member Flamm he will have staff provide a packet for him that he can give to the Ogden/Weber Chamber of Commerce. He also said the information would be placed on the City web site. Council Member Flamm suggested listing local businesses with links to their web sites.

Mayor Harrop said the City has been working with the Utah Department of Transportation (UDOT) to prohibit parking along the north side of 2700 N. behind the strip mall. The curb will be painted out and there will be signs stating "No Parking" in this area. We are hopeful that this action will help prevent other accidents along 2700 North. The Mayor said this should be in place in a couple of weeks. He also mentioned the median between 7-Eleven and Wells Fargo Bank to prevent illegal left turns. The City hasn't received any comments on this action. UDOT is working with the City to try to mitigate the effects of the other medians they put in.

The Mayor said the Youth Council has been ably led by Rich and Marilyn Harris. Mayor Harrop expressed his appreciation for their work with the youth. He thanked all those who attended Council tonight. Mayor thanked Mayor Dursteller for his years of service to North Ogden City. Mayor Harrop expressed his belief that North Ogden is a great

community because of the United States Constitution and the willingness of local people to serve on the City Council.

12. Adjournment.

**Council Member Rich Harris moved to adjourn the regular meeting. Council Member Flamm seconded the motion.**

**Voting on the motion:**

**All Council Members voted aye.**

**Motion passed.**

**The meeting adjourned at 6:28 pm.**

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Gary A. Harrop, Mayor

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S. Annette Spendlove, CMC  
City Recorder

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