

NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 26, 2010

The North Ogden City Council convened in regular session on January 26, 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 January 22, 2010. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2010.

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| PRESENT: | Richard Harris | Mayor |
| | Ronald Flamm | Council Member |
| | Martha Harris | Council Member |
| | Wade Bigler | Council Member |
| | Brent Taylor | Council Member |
| | Carl Turner | Council Member (arrived at 6:44p) |

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| STAFF PRESENT: | Edward O. Dickie | City Manager |
| | Annette Spendlove | City Recorder |
| | David Nordquist | Community Services Director |
| | Gary Kerr | City Building Official |
| | Craig Barker | Community Development Director |
| | Julia LaSeure | Commercial Development Coord. |

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| VISITORS: | Taylor Spendlove | Joan Brown |
| | Wayne Wagstaff | Don Brown |
| | Norman Schmehl | Dave Hulme |
| | Susan Schmehl | George Parsons |
| | Lawrence Residore | Jay Johnson |
| | Scott Garner | Jim Suhr |
| | Tim Henion | Dale Swenson |
| | Don Mathewson | Rachel Trotter |

WELCOME

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

CONSENT AGENDA

1. Consideration and/or action to approve minutes of the January 12, 2010 meeting.
2. Consideration and/or action to approve Business Licenses.

**Council Member Flamm moved to approve the Consent Agenda.
Council Member Taylor seconded the motion.**

Voting on the motion:

Council Member Harris aye
Council Member Flamm aye
Council Member Taylor aye
Council Member Bigler aye

Motion passed.

AGENDA

3. Public Comments.

Jay Johnson, 981 E. 2700 N., stated that he has been in contact with his neighbors regarding the large volume of snow. The piece of equipment that is used in their area is a road grater with a boom blade that extends out under the chassis blade. It delivers a cumbersome amount of snow. They got another 5-6" of snow this last weekend and already have high snow walls on their driveways as they are up on the bench a bit. He and his wife have attempted to contact the Public Works Department but none of their calls were returned. He presented photos for the Council to review and explained that after a storm or two, there are big berms of snow between approaches. The grater gathers a tremendous volume of snow and creates snow boulders the size of a car. It takes a sledge to break them up. He stated that his wife gets trapped in the driveway after the plow goes through because the snow blower can't accommodate those large chunks of snow. He asked that the grater be reassigned to the Big 'O area as it is more flat in that part of town. He stated that any relief would be helpful and added that he will leave the photos and a list of concerned citizens also.

Mayor Harris said that the same plow by his house and he understands the frustration.

4. Discussion and/or action to approve Smith's Beer License.

Gary Kerr, explained that this is an annual renewal for Smith's. They have filled out the necessary paperwork and it has been reviewed. Staff recommends approval.

**Council Member Harris moved to approve Smith's Beer License.
Council Member Flamm seconded.**

Voting on the motion:

Council Member Harris aye
Council Member Flamm aye
Council Member Taylor aye
Council Member Bigler aye

Motion passed.

5. Discussion and/or action to approve an agreement between North Ogden City and the Developers of Valley View Estates.

Gary Kerr explained that this item is associated with Item 6 on the agenda. This development was completed over a year ago. The problem is that it went through the approval process and Pineview said they could serve the development with secondary water. Later Pineview said that they didn't have the pressure to serve the entire development and will need another secondary water line up above. The property owner of the land that an easement needs to go through has not granted one up to this point. The improvements are in and in good working order. Mr. Schmehl asked for a release but the City could not give him one because of the secondary water issue. Mr. Schmehl has worked with the City Engineer to create an agreement. This agreement will allow an approval on this subdivision except for the secondary water. Two of the four lower lots can be served with secondary water at this time. The agreement states that the City will give Final Acceptance on the development except for the secondary water line. The Developers will have to keep \$21,000 in escrow to cover the cost of secondary water improvements for the new water line. When that line is completed it will come back to the City Council for a one year warranty period; after that one year the City will grant Final Acceptance. There are four lots on the lower end of the subdivision that could be serviced but there is only pressure enough for two of those four lots. The City will issue building permits on two of those four lots only until the line is installed.

Mayor Harris stated that we have received a letter from Pineview saying that they can serve two of those four lots.

Council Member Flamm asked about the easement that they were trying to get. Gary Kerr stated that the Schmehl's are here to answer specific questions.

Edward Dickie explained that City Staff had a good meeting with the property owners and developers. There is still hope and the group will meet again in a couple weeks. If an easement is not allowed at that time we do have a plan B.

Council Member Bigler asked if we are protected if there is a kink. Edward Dickie explained that is what the agreement is for. He added that the City Attorney has looked it over and is comfortable with it.

Gary Kerr explained that if the amount in escrow doesn't cover the improvements the developer will have to come up with the additional money before they can proceed with the sale of other lots.

Council Member Flamm moved to approve the agreement between North Ogden City and Valley View Estates. Council Member Taylor seconded.

Voting on the motion:

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| Council Member Harris | aye |
| Council Member Flamm | aye |
| Council Member Taylor | aye |
| Council Member Bigler | aye |

Motion passed.

6. Discussion and/or action to grant Final Approval to the Valley View Estates Subdivision.

Gary Kerr stated that this is the easy part. This final acceptance means that the City will take over the responsibility of the improvements. 10% has been held in escrow up to this point. At this time the City will take ownership of the roads and right-of-ways, everything except the secondary water as was discussed.

Council Member Flamm asked whether everything has been inspected. Gary Kerr stated yes.

Staff clarified that this item is for Final Acceptance, not Final Approval as was incorrectly stated on the agenda.

Council Member Harris moved to grant Final Acceptance to the Valley View Estates Subdivision. Council Member Flamm seconded.

Voting on the motion:

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|------------------------------|------------|
| Council Member Harris | aye |
| Council Member Flamm | aye |
| Council Member Turner | aye |
| Council Member Taylor | aye |
| Council Member Bigler | aye |

Motion passed.

7. Discussion and/or action to approve a request from Far West Bank for a one year extension on the Final Approval of The Cove at Willow Springs PRUD.

Craig Barker, Community Development Director, introduced himself to the public and explained that his duties include the approval of developments. This development has been approved and then, with the down turn in the economy, has been sold. The new owners are not land developers and are asking for an extension on the final approval of the development. The amount held in escrow is held for two years until all the improvements have been built to City standards. Those two years are up and the bank that took over the property is asking for an additional year to install the remaining improvements. They include some improvements on secondary water, a secondary water system has been installed but the line to the subdivision needs to be installed. They are in the north end of the city and there is some avalanche danger in that area so they are required to install a deflection berm to protect the units there. Another property owner to the north wants to develop and would have to install a berm also. They are working together to perhaps do away with the deflection berms and go to a catch basin to mitigate those dangers. There are some sidewalks, street signs, survey monuments, slurry seal, ADA ramps and some other things that may become apparent when the snow melts. They have asked to continue their guarantee for up to one year. The Planning Commission considered this request and recommended that the City Council approve the extension.

Council Member Flamm summarized that the bank wants an additional year to finish construction. He personally doesn't see a problem. Craig Barker stated that they probably won't do it themselves, they hope to sell the property for development.

Council Member Harris stated that there are some residences that have been built in that area and asked how they are being serviced. Gary Kerr explained that there have been two permits issued in that area. Those two homes will be serviced with secondary water but no more permits will be issued until the secondary water is in.

Mayor Harris understands that Farr West Bank is looking to sell but asked what happens if it takes a year to sell it. Craig Barker stated that they may come back or we have the money in place to complete the improvements.

Council Member Taylor asked if this is the first extension for this development. Craig Barker replied, yes.

Council Member Taylor asked whether we have a time line on any action. Craig Barker explained that they are actively marketing it now. They are not developers so they probably hope to sell the property. Council Member Taylor asked what the plan is over the next year.

Wayne Wagstaff, Farr West Bank, stated that they are not developers, they are bankers. It is unfortunate that they had to protect the asset through this sale. The goal is to sell it to a developer who will work with the City and finish the lots. There are a lot of lots on the market currently and activity is slow. The intent is to market it and let a developer that knows the business take it forward.

Mayor Harris stated that this is a PRUD so there are certain conditions. He asked whether they will be selling the whole PRUD. Wayne Wagstaff stated yes. There has been some interest in buying lots but they aren't going that route. They are not entertaining the sale of individual lots. It's best for the bank and the City to sell the entire development.

Council Member Taylor moved to grant a one year extension for The Cove at Willow Springs. Council Member Harris seconded.

Voting on the motion:

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|------------------------------|------------|
| Council Member Harris | aye |
| Council Member Flamm | aye |
| Council Member Turner | aye |
| Council Member Taylor | aye |
| Council Member Bigler | aye |

Motion passed.

Council Member Harris stated that both of the subdivisions discussed tonight Valley View Estates and The Cove are beautiful properties and someone is going to come out looking really good when the economy turns around.

8. Discussion and/or action to approve an agreement with ClearWire Wireless.

Edward Dickie explained that they have been working on this for quite some time. Clear Wireless would like to enter into an agreement with the City for a tower on City owned property located in Weber County. Craig Barker went to the meeting at the County. Staff recommends approval of the agreement.

Council Member Bigler asked whether the City has any responsibility once the tower is built. Edward Dickie stated not with the tower. The City is not required to do anything. They will still have to come to the City when they build the tower because it is our land. It will be maintained by the provider.

Council Member Bigler asked, regarding the fee, whether we checked with some other locations and determined that this is a good deal. Edward Dickie replied that he had. Staff feels comfortable with it.

Craig Barker said that the City went ahead and notified property owners in that area in addition to those that the County contacted.

Craig Barker stated that the County notifies within 500 feet and this is much further than that from any neighbors so the city notified more property owners.

Mayor Harris stated that it will be visible but there are other towers in that area and there doesn't seem to be much visual impact. One question is whether the tower would be painted brown. Clearwire replied, yes. Mayor Harris asked about the maintenance of painted surfaces. Clearwire stated that they could entertain other materials but Clearwire is responsible and maintains their towers.

Council Member Turner asked if there is going to be a road. Clearwire stated that there is an existing road which will be improved. The enclosure will be wire atop a fence. Mayor Harris explained that this will require a spur road off the existing road there.

**Council Member Harris moved to approve the agreement with ClearWireless.
Council Member Taylor seconded.**

Voting on the motion:

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|------------------------------|------------|
| Council Member Harris | aye |
| Council Member Flamm | aye |
| Council Member Turner | aye |
| Council Member Taylor | aye |
| Council Member Bigler | aye |

Motion passed.

9. Discussion and/or action to approve the purchase of equipment for the pool.

Edward Dickie explained that Federal mandates come down to the Cities. The Virginia Graeme Baker Pool Safety Act requires that all of the drains be retrofit at the pool. We have a gravity drain system currently so the potential for accidents is less but every pool in the nation has to comply. We are asking

that City Council approve the funds that will come out of the General Fund. It will cost approximately \$26,000 to retrofit all the drains.

Mayor Harris stressed the urgency of this situation as every pool in the country has to do this and there are only so many contractors doing the work.

Edward Dickie stated that it is a lot of money but with the changes and the recommendations from Dave Nordquist we are looking forward to a good year.

Council Member Harris moved that the City proceed with the purchase of the equipment for the pool. Council Member Turner seconded.

Voting on the motion:

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|------------------------------|------------|
| Council Member Harris | aye |
| Council Member Flamm | aye |
| Council Member Turner | aye |
| Council Member Taylor | aye |
| Council Member Bigler | aye |

Motion passed.

10. Planning Commission interviews.

Mayor Harris stated that we have two vacancies on the Planning Commission. We advertised those vacancies and have had six applicants. The Council will ask some questions. One applicant is unavoidably out of town so the City Council will interview him at the next City Council meeting and then make the decision on those two appointments.

Dave Hulme, 513 E 1700 N, stated that he has lived in UT since 2001. He moved to North Ogden in 2002 and works in Ogden running operations and production for a company that makes vitamin supplements. He is married with five kids who attend a charter school in Marriot-Slaterville that he is heavily involved with. They enjoy living in North Ogden and are currently adding on to their home. Prior to moving to UT he served in the Marine Corps as did his wife. He has a strong sense of patriotism and is grateful for the freedoms that we have. He wants to give back to the community and country that he loves.

Council Member Flamm stated that each member has their own talents and abilities. He asked "What talent or special ability will you bring to the Planning Commission?" Dave Hulme stated that he is able to rapidly process data and is good with numbers, graphs and figures. He enjoys that most about attending City meetings. He thinks that is one of the skills that distinguish him from the others. Council Member Taylor thanked Dave Hulme for the introduction and asked "What do you think is the most important thing you will be doing on the Planning Commission especially looking to the future?" Dave Hulme believes that the government safeguards the rights and liberties that we have. He would be able to basically help the landowners and property owners here to be able to make the best use of their land as they see fit.

Mayor Harris asked “What is your philosophy concerning development in North Ogden City?” Dave Hulme stated that the bottom line is that property is owned by individuals and his philosophy is that we should err on the side of the landowner. Freedom is what makes us great. If we have to choose he thinks we have to choose their side.

Mayor Harris asked “What is your philosophy about planning in North Ogden City?” Dave Hulme stated that by belonging to a community you have to recognize that you have certain responsibilities as a landowner. He has been to a lot of communities where planning was not done. It is certainly hard not to feel for someone who owns a large mansion and a property next door is a substandard mobile home. He would hope that the Planning Commission would be able to come up with an idea of how best to utilize the land and share the vision of why it is important for the citizens that planning is used. There are tough decisions that have to be made and the City has responsibilities to the citizens.

Mayor Harris asked “Are you committed to fulfill your term and attend all Planning Commission meetings?” Dave Hulme stated that he will make it a priority.

Council Member Flamm stated that one of the City Council members tried to micromanage a development to the point of telling them where to plant trees and install the roads. He asked “If you are on the Planning Commission, will you be expressing opinions or following the law to the letter?” Dave Hulme stated that he has seen that a lot and has seen in the developer’s eyes the question of whether something is a suggestion or a requirement for approval. He stated that he is really not the best person to tell a developer where a road should go. That is why they got into that business and why he didn’t. He would have no problem addressing issues like public safety but as far as aesthetics go, he would leave it up to the developer. He would not want to second guess them.

Council Member Turner asked “Have you seen the design standards of the city?” Dave Hulme stated that he is not aware of which document he is referring to.

Council Member Taylor asked “When neighbors have differing views regarding land rights, should the City get involved?” Dave Hulme stated that he would hope that we could convince two people to get along. Property rights go both ways. Someone should be able to do what they want with their land but they have to take into account the neighbor’s rights as well; issues such as noise, smell and obstructed views. His intention within the boundaries of the law would be to address the situation and try to step on as few toes as possible; to look at the whole case and see if a person had their rights seriously degraded.

Council Member Taylor stated that certain agenda items tonight have had to do with City requirements such as sewer and secondary water. He asked “Do you think that landowners should be required to comply with City regulations?” Dave Hulme stated that he supports the law. As a member of the Planning Commission he would follow the law. Where he had an opportunity to make changes or suggestions he would do so but would follow the law.

Mayor Harris asked the candidates to be honest in their answers and apologized for not asking the others to leave.

Taylor Spendlove, 830 E 3550 N, stated that he is a 21 year old college student at the University of Utah with two years left. He lives at home and wants to get involved in the community and learn more. He participated in the Youth City Council and found it interesting. He likes living here in North Ogden and sees things that are going on will impact his future here.

Council Member Flamm stated that each member has their own talents and abilities. He asked “What talent or special ability will you bring to the Planning Commission?” Taylor Spendlove stated that he noticed in his studies that he is good at finding common ground and compromising. He believes that there is no one right answer and that different ideas can work together to produce something that all the parties will benefit from.

Council Member Flamm stated that one of the City Council members tried to micromanage a development to the point of telling them where to plant trees and install the roads. He asked “If you are on the Planning Commission, will you be expressing opinions or following the law to the letter?” Taylor Spendlove stated that he thinks an opinion is always good but doesn’t think they should be forced to do something. They are the people who have studied these different things but he hopes they would be open to suggestions. The law is made for certain situations and they change and should change when situations change.

Mayor Harris asked “What is your philosophy concerning development in North Ogden City?” Taylor Spendlove stated that it is a beautiful community and the City Council has done a good job in dealing with the development of North Ogden. It’s a nice place to live and it’s because of the way the Planning Commission and City Council have dealt with those situations.

Mayor Harris asked “What is your philosophy about planning in North Ogden City?” Taylor Spendlove stated he that looks at impacts in the future. How will things impact future development, trails?

Mayor Harris asked “Are you committed to fulfill your term and attend all Planning Commission meetings?” Taylor Spendlove stated yes.

Council Member Taylor stated that he is glad to see Taylor apply as he is very young and already interested in the City. He asked “What do you think is the most important thing you will be doing on the Planning Commission especially looking to the future?” Taylor Spendlove stated that he believes it would be to ensure that landowners and citizens are satisfied with what is being done. Compromise is important. Planning Commission members or City Council members can work with a developer on things that would benefit the city.

Council Member Taylor asked “When neighbors have differing views regarding land rights, should the City get involved?” Taylor Spendlove thinks if two people can’t come to a consensus then the City should take that role. If someone wants to build a shed and a neighbor says don’t do it. If the guy just builds it, it will cause a problem. Someone needs to be involved to make sure that everyone is satisfied.

Council Member Taylor asked “Do you think that landowners should be required to comply with City regulations?” Taylor Spendlove stated that there was an exception made tonight and that should happen when necessary. The laws are there to protect the landowners and the community. The improvements should be in but there should be exceptions.

Council Member Turner asked “Have you seen the design standards of the city?” Taylor Spendlove stated that he has not seen them.

David Peirson stated that he grew up in Cache Valley, left UT in 1989 for 2 years in California and came back to UT moving to North Ogden in 1998. He is a structural engineer at ARW Engineers in Pleasant View. Two of his partners at work have both served on their local Planning Commission which motivated him to apply. He has 4 children; three boys and a girl.

Council Member Flamm stated that each member has their own talents and abilities. He asked “What talent or special ability will you bring to the Planning Commission?” David Peirson stated that he thinks his talent is the fact that he thinks like an engineer. The thought process applied to engineering would be relevant.

Council Member Flamm stated that one of the City Council members tried to micromanage a development to the point of telling them where to plant trees and install the roads. He asked “If you are on the Planning Commission, will you be expressing opinions or following the law to the letter?” David Peirson stated that sounds like some things he saw working in CA; too much government control, guidelines, standards. Once things are approved and become binding they need to be there. The City has no right to go beyond the mandates.

Mayor Harris asked “What is your philosophy concerning development in North Ogden City?” David Peirson stated he believes in the combined wisdom of all the people that have gotten us where we are, more than his. He would rely heavily on the master plan, general plan, and all those documents that have been created. He realizes that things will change as things go forward but fears unintended consequences.

Mayor Harris asked “What is your philosophy about planning in North Ogden City?” David Peirson stated that the City has a role in planning and believes this is the greatest community in the state. He stated that he sometimes wonders whether we should shut the door and enjoy it. He plans to buy plots in the North Ogden cemetery; plans to be here a long time. He wants this to be a place that his kids can stay. There is a role for the city to take. He believes in a conservative approach rather than drastic changes quickly.

Mayor Harris asked “Are you committed to fulfill your term and attend all Planning Commission meetings?” David Peirson replied yes.

Council Member Taylor asked “What do you think is the most important thing you will be doing on the Planning Commission especially looking to the future?” David Peirson stated that the most important thing would be to see that the standards that we have up to this point are followed and if they change, they get changed in a manner that is going to lead this community to a place where he and his kids can live their entire lives.

Council Member Taylor asked “When neighbors have differing views regarding land rights, should the City get involved?” David Peirson stated that they absolutely should. The City has that role and he would hope those opposing viewpoints could be reconciled. As the community, that is well within the role of the City to try to settle those things.

Council Member Taylor asked “Do you think that landowners should be required to comply with City regulations?” David Peirson replied yes.

Council Member Taylor stated that he had another question based on an answer that Mr. Peirson provided on his application. The question referred to a farmer that wants to develop his land. He asked “Where on a scale would you put property rights and property values; what is more important to protect; property owner’s rights or property values?” David Peirson tried to remember what he wrote. He stated that the first principle on these types of issues is when the person bought the property. What were the circumstances? What was it that gave that property value. What was it that the City said about the property at the time they bought it? That would be the overriding situation. As opposed to someone who wanted to change later on. A person who bought with certain expectations should be allowed to have that.

Council Member Turner asked “Have you seen the design standards of the city?” David Peirson stated that he has not but he expects at all those documents would be given to him if he were appointed and he would review them in detail.

Scott Garner stated that he has lived in North Ogden his whole life and he lives at 465 E. 1525 N. He is married and works as a realtor and in construction.

Council Member Flamm stated that each member has their own talents and abilities. He asked “What talent or special ability will you bring to the Planning Commission?” Scott Garner stated that organization is his talent. It is a key element in allowing things to come to pass. It is a good asset.

Council Member Flamm stated that one of the City Council members tried to micromanage a development to the point of telling them where to plant trees and install the roads. He asked “If you are on the Planning Commission, will you be expressing opinions or following the law to the letter?” Scott Garner stated that as long as it does not affect different communities he would just let them do their jobs.

Mayor Harris “What is your philosophy concerning development in North Ogden City?” Scott Garner stated that as a realtor sometimes there is too much development and sometimes a happy medium. The City needs to find a balance.

Mayor Harris asked “What is your philosophy about planning in North Ogden City?” Scott Garner believes that if you fail to plan you plan to fail. He feels that planning is a key element to everything.

Mayor Harris asked “Are you committed to fulfill your term and attend all Planning Commission meetings?” Scott Garner replied yes.

Council Member Taylor asked “What do you think is the most important thing you will be doing on the Planning Commission especially looking to the future?” Scott Garner stated that finding the balance between the citizens and the City and benefits for each of them; looking out for the best interests of everyone.

Council Member Taylor asked “When neighbors have differing views regarding land rights, should the City get involved?” Scott stated yes and added that if you plan for things to go a certain way and follow it you won’t need to make as many exceptions.

Council Member Taylor asked “Do you think that landowners should be required to comply with City regulations?” Scott Garner replied yes.

Council Member Taylor asked “Where on a scale would you put property rights and property values; what is more important to protect; property owner’s rights or property values?” Scott Garner thinks as a property owner you have the right to do what you’d like. Down the road you might change your mind what to do. It might affect the property value of neighbors but an owner has the right to do that.

Council Member Turner asked “Have you seen the design standards of the city?” Scott Garner stated no.

Larry Residori stated that he moved to UT in 1998 and moved to North Ogden last summer. He has no biases one way or another. He served 20 years as an officer in the US Army doing project management and planning; 10-12 years in aerospace doing cost analysis and planning. He is married and he and his current wife have 10 kids between them. He enjoys the nice open view from his home.

Council Member Flamm stated that each member has their own talents and abilities. He asked “What talent or special ability will you bring to the Planning Commission?” Larry Residori stated that he has been involved in planning, the military, weapons contracting and cost analysis. He has a good understanding of that and can help with that. He added that he also has life experiences that are an asset.

Council Member Flamm stated that one of the City Council members tried to micromanage a development to the point of telling them where to plant trees and install the roads. He asked “If you are on the Planning Commission, will you be expressing opinions or following the law to the letter?” Larry Residori stated that he would stick to the laws. These are basically a contract between the city and the developer and changing the rules increases costs for someone.

Mayor Harris asked “What is your philosophy concerning development in North Ogden City?” Larry Residori stated that his vision is open spaces. American Fork has certain sections of the city that things are just packed in and there are many renters. Basements apartments, converted garages, neighborhoods packed with cars. He likes the parks and open space. He would like to hopefully keep it that way so it doesn’t get too crowded.

Mayor Harris asked “What is your philosophy about planning in North Ogden City?” Larry Residori stated that planning is critical. Once you have a plan you have the base there and can at least you know where you started.

Mayor Harris asked “Are you committed to fulfill your term and attend all Planning Commission meetings?” Larry Residori stated that he is totally retired, yes.

Council Member Taylor asked “What do you think is most important thing you will be doing on the Planning Commission especially looking to future?” Larry Residori stated that from reading previous

minutes the Commission seems to be mostly answering questions, planning for the future and implementing the views of the City Council.

Council Member Taylor “When neighbors have differing views regarding land rights, should the City get involved?” Larry Residori stated yes, there is no question.

Council Member Taylor asked “Do you think that landowners should be required to comply with City regulations?” Larry Residori stated yes, it is a contract; have to do it.

Council Member Taylor asked “Where on a scale would you put property rights and property values; what is more important to protect; property owner’s rights or property values?” Larry Residori stated that in almost every case he would lean toward the property owner and property rights.

Council Member Turner asked “Have you seen the design standards of the city?” Larry Residori stated no, but he would like to.

Taylor Spendlove returned to the podium. Council Member Taylor asked “Where on a scale would you put property rights and property values; what is more important to protect; property owner’s rights or property values?” Taylor Spendlove thinks that when you purchase a home it is to be expected that development will continue. The City needs to try to balance both. He can see a home’s value increase with a nice home built behind it. Ideally there would be a balance.

Dave Hulme returned to the podium and stated that he has in fact read the Design Standards for Commercial Development. Council Member Taylor asked “Where on a scale would you put property rights and property values; what is more important to protect; property owner’s rights or property values?” Dave Hulme stated that when he bought his property there was a five acre horse property behind it. He loved it and then Cold Springs Village came in behind it. He had to come to realize that it was not his property. He could have gone and bought it and kept it as a horse property. He would be hard pressed to say that his property value has gone down at all. This is a lesson for everyone that we are not able to see the future. He would not have been as upset now as he was initially when the plans came in. He would fall on the side of the farmer in this situation and would only side with the neighbors if their values were seriously compromised. In the majority of cases he would have to side with the property owner.

Mayor Harris thanked the applicants and explained that in two weeks Allan Dalpiaz will be interviewed and the City Council will then come to a consensus on how to fill these vacancies.

Mayor Harris stated that we also have vacancies on the Board of Adjustment and we received no applications. If any candidates would be interested in serving on the Board of Adjustment they can let the Mayor know.

11. Discussion and/or action to approve Ordinance 2010-03. An Ordinance authorizing North Ogden City to ‘pick-up’ the employees contributory amount in the Utah Retirement Systems Contributory Retirement Plan for fiscal year 2009-2010.

Annette Spendlove explained that we have done this for several years. There is only one employee that this concerns. The law has changed and now requires the approval of the City Council by ordinance. We have been contributing and obeying the law, this just cleans things up and complies with the current law.

**Council Member Harris moved to approve Ordinance 2010-03.
Council Member Flamm seconded.**

Voting on the motion:

Council Member Harris aye
Council Member Flamm aye
Council Member Turner aye
Council Member Taylor aye
Council Member Bigler aye

Motion passed.

12. Discussion and/or action to approve an amendment to the City’s Purchasing Policy regarding the sales of City equipment.

Edward Dickie stated that staff recommends that the City Council approve the changes to the purchasing policy. The City has in the past taken vehicles to auction but recently decided to sell two vehicles ourselves and received much more for them. This gives the city more options.

**Council Member Taylor moved to approve the amendment to the City’s Purchasing Policy.
Council Member Bigler seconded.**

Voting on the motion:

Council Member Harris aye
Council Member Flamm aye
Council Member Turner aye
Council Member Taylor aye
Council Member Bigler aye

Motion passed.

13. Council/Public comments.

Council Member Turner apologized for being late.

Council Member Taylor stated that he got some time over the last few weeks to spend with different City departments; a half day with Public Works and the Police, also Community Services. He was impressed with the service that employees are giving the citizens. It’s been a rough year in government with no salary increases and budget constraints. He stated that he appreciates the employees of North Ogden City.

Council Member Bigler stated that he didn't ask any candidates any questions because he studied the answers that were submitted with the application. He stated that he is impressed with the applicants and thanked them for their willingness to serve.

Council Member Flamm expressed his appreciation to the Public Works department. He stated that they have done a great job through the last few storms. They do fill a lot of driveways but that's just part of living out here. He thinks that while it's difficult to put up with snow in our driveways it's a part of the way of life here.

Council Member Harris stated that she is sorry she could not be here two weeks ago and added that it is good to have the new City Council members and Mayor.

Annette Spendlove stated that she emailed all the City Council members about goals and items they would like to see in the next budget. She would like that information by Thursday.

Debbie Cardenas explained that we were in the second quarter of the fiscal year ending December 2009. We are at 50% at this point. Finances are looking good. Revenues are at 50.4% of budget. Expenditures are at 49.2% revenues. Sales tax is on track. We have not yet had to tap into the reserves that were budgeted. We will not know what our fee in lieu of taxes is until June 30th. We anticipate a minimum shortfall but they only report every other month. We have also had a shortfall in interest earnings due to abysmally low interest rates. Most Departments are below or within budget except legislative budget because 100% of the ULCT membership fees were paid and well as the noticing for truth in taxation. Business license review will come soon. There will be \$500 for the Making Life better campaign. The elections ran a little over budget.

Annette Spendlove stated that doesn't include what North View Fire paid for the elections. Edward Dickie had no comments.

Mayor Harris reminded the Council that Annette Spendlove talked about the budget process and we are starting that now. We will be pushing to get the budget completed. Priorities and goals are important. Tomorrow is Local Officials' Day at the Legislature and the Youth City Council is going. They will be leaving early in the morning. He went to his first Central Weber Sewer Improvement District meeting last night and they approved \$9 million in expenditures just for January. He asked if the Council recalls that last year the sewer improvement district had to undertake a huge improvement project to meet the new standards for treating sewage. That cost was passed on to the cities and our rates went up considerably last summer. The next phase of that is going to start next summer and there will be an increase in those fees again to cover the cost. We did vote on and approve this next increase so we do not need to go through the Public Hearing process again but will need to inform the public.

Council Member Turner asked how much of an increase? Edward Dickie stated it will go up from \$130,000 to \$168,000. Council Member Turner stated that it seems that they mentioned that this will increase for the next few years.

Mayor Harris stated that the North View Business Association is looking at speed limits on Washington Blvd. They want the City's support and involvement as well. He is not sure how to handle this but this will likely require engineering studies. There needs to be some rationale for a lower limit.

Council Member Taylor stated that the discussion they've had is that the businesses would like to see that limit lowered. They would like people to be able to see the businesses and signs, stop and shop. They have collected some letters and discussed it but are waiting for guidance from the City.

Mayor Harris stated he is more than willing to work with the Business Association if there is a problem. Washington Blvd is under the jurisdiction of UDOT so anything we want done will have to go to them with a petition to change.

14. Adjournment.

Council Member Turner moved to adjourn. Council Member Flamm seconded.

Meeting adjourned at 7:24pm

Mayor

City Recorder

Date approved