

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 16, 2018

The North Ogden City Council convened in an open meeting on January 16, 2018 at 6:30 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on January 12, 2018. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

PRESENT:	Brent Taylor	Mayor	
	Blake Cevering	Council Member	
	Sara Fawson	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	
STAFF PRESENT:	Jon Call	City Administrator/Attorney	
	Annette Spendlove	City Recorder/HR Director	
	Rob Scott	Planning Director	
	Evan Nelson	Finance Director	
	Dave Espinoza	Public Works Director	
	Lance Call	Chief of Police	
VISITORS:	Brent Chugg	Hunter Mallonee	Aaron Christensen
	Kim Christensen	Kent Christensen	Sean Casey
	Stefanie Casey	David Rogers	Cathy Johnson
	Nolan Johnson	Alan Lunt	Brad Mallonee
	Reed Miller	Corrie Beverly	Hayden Simmons
	Angela Shaffer	Susan Clements	Christian Urban
	Calder Davis	Herman Armendariz	Casey Wheeler
	Morgan Reid	Carter Watson	Arianna Possie
	Rakel Elmer	Hope Elmer	Naomi Elmer
	Olivia Chambers	Josh Turner	Tiffany Turner
	Marshall McGonegal	Kenneth Hill	Brett Hamblin
	Justin Fawson	Kylie Coleman	Kalelyn Hepler

Mayor Taylor called the meeting to order. Council Member Fawson offered the invocation and Boy Scout Hunter Mallonee, Troop 491, led the audience in the Pledge of Allegiance.

## ACTIVE AGENDA

### 1. PUBLIC COMMENTS

Sean Casey, 2444 Barker Parkway, stated that he is present tonight to talk about the Barker Park Amphitheater project; he does not have much information about the project and he is looking for more. He asked that the Mayor provide a brief overview of the scope of the project so that he can formulate his comments. Mayor Taylor encouraged Mr. Casey to say whatever he would like at this point in the meeting and he will respond at the conclusion of the public comment period. Mr. Casey stated that he was simply looking for additional data about the project so that his comments are better informed. He then stated that he lives next to the park and his comments about the park is that there seems to be a lack of information throughout about the project. He has reached out to Mark Daniels, who has been very accommodating, but he has had difficulty finding information on the City's website. He would like to become involved at this point to see how he can help the City with the development of the park and possibly save the City money, but he has not been able to find out how often the Council meets and how the park fits into the City's General Plan. He stated that he has also read the noise ordinance that is intended to limit disturbances created by the park, and he does not believe the ordinance is enforceable. He would be willing to help write a more effective ordinance if the City would accept his input.

Kim Christensen, 2428 Barker Parkway, stated she lives across the street from the amphitheater that is under construction. She stated she first wished to address Mayor Taylor and she thanked him for his service to this country; she too is familiar with military life and she spent 17 years moving from place to place and watched as her father was deployed on various missions and as her mother did all she could to raise their children and keep their family together. Mayor Taylor thanked her for her comments. Ms. Christensen then stated that she has lived near Barker Park for 16 years and she and her family and friends have tried to preserve the beauty of the area. When speaking to some about her concerns about the Barker Park Amphitheater project she has been told that she should have known what she was getting into when she built her home there, but she has argued there was no way for her to be aware of this project because the residents living in that area were actually promised something else. She stated that those promises have not been fulfilled, but she would be willing to show the drawings of the park improvements that were promised so that people will understand why she feels so threatened by the Amphitheater project. She stated she can no longer sit back and be silent; she does not want to fight, but she does want people to know that she and her family do have a voice and it will be heard.

Reed Miller, 2441 N. 525 E., stated one of the most important community events that comes around once every other year is the neighborhood caucus meeting. Many

community entities, such as local churches, cancel their meetings on that night and encourage their members to attend the caucus meetings and he is present tonight to ask that the City allow for a caucus meeting to be held in the City Hall building on March 20. The caucus meeting will be open to the entire community and there is a large number of unaffiliated citizens in the City who desire the ability to attend a caucus meeting. This type of caucus meeting is designed to instill the spirit of liberty, high moral values, defense of the constitution, and community involvement. This is a community activity and he restated his request to be allowed to hold the meeting at City Hall. Mayor Taylor stated he will be in touch with Mr. Miller about his request shortly.

Aaron Christensen, 2428 Barker Parkway, offered his well wishes to Mayor Taylor for his deployment. He then stated that he moved to North Ogden when he was one year old and has lived here on and off for the last 44 years. He is here tonight to express the concerns he and many of his neighbors have about the Barker Park Amphitheater project. He and his wife were the original purchasers of the lots sold by the City for housing development around the existing park. They expressed their concerns in 2002 when the park plan was altered. He and a number of his neighbors have sent a letter to the City to express their concerns about the current project. He thanked the Mayor for his response to that letter and for copying the Council on that response. As concerned families, community members, and voters the residents have attempted to educate the Mayor and Council about their concerns regarding the direction in which the City continues to move in respect to Barker Park and the Deer Meadows Subdivision. This is a subdivision created by the City with covenants, codes, and restrictions (CCRs) on the landowners varying from noise and activities allowed in the neighborhood. It seems to him the Council is creating a double standard in regard to the rules imposed on residents; the goal of those rules was to create a neighborhood that would be consistent with the park across the street, but now the City is considering creating a commercial enterprise across the street. This is not consistent with the subdivision and homes that are located there. He and his neighbors have expressed their concerns and have essentially been told, by one Council Member, that as landowners they have nothing to say about what is constructed across the street from them. Multiple other Council Members have voiced the opinion that residents knew what they were getting into when they bought property in the subdivision. He stated he has documentation proving that statement is absolutely false. As individuals, he and his neighbors have been bullied, chastised, berated, and had falsehoods said about and to them. An owners committee was established after the dissolution of the Municipal Building Authority (MBA) in 2011, and they are organizing and planning to have a greater influence on what is happening in their neighborhood. They hope the Mayor and Council will recognize the faults of the past and be willing to listen to their concerns. The City holds its citizens accountable for what they have agreed to as members of the community; for instance, if a resident does not pay their bills, their utilities are disconnected. In return, the citizens recognize the responsibility to hold elected officials accountable. The tax dollars they are spending are not the City's any more than they are the residents' and residents should have a say in what goes on across the street from them. The residents of this neighborhood will no longer be sitting by

allowing the current or future administration of the City to tell them otherwise. He stated he hopes the Mayor and Council will be willing to listen.

Carter Watson, 3313 N. 1050 E., addressed the Mayor on behalf of the Youth City Council and thanked him for his service to the City and to the nation; he wished him luck during his upcoming deployment. He added the Youth City Council is also excited to work with acting Mayor Chugg in the future.

Kenneth Hill, 2517 Fruitland Drive, stated the construction of the actual amphitheater structure at Barker Park is way far ahead of the construction of any associated parking areas. He stated that as a resident on Fruitland Drive he is very concerned about the lack of parking. If anyone has been to the Fourth of July celebration at Barker Park, they know that the entire area is full of parked cars and many vehicles even park along Fruitland Drive. It often takes until midnight for all cars to clear from the area, even though the fireworks are done by 10:30. He stated he cannot imagine where people will park when the amphitheater is operating. He stated his second concern relates to the quality of the hollow; he walks his dogs every day and it is difficult to get up the trail that leads through the hollow. There is a huge mound of dirt that blocks the path and the area is very muddy due to the large trucks that frequent the area. He stated that at one point some gravel was placed in the area, but there was not enough to address the problem. He thanked the Mayor and Council for their attention.

Justin Fawson, 1205 E. 2325 N., thanked Mayor Taylor for his service to his community and his country; he considers him a great Mayor and a very good friend, and he wished him the best. He stated he is hopeful the community will support Mayor Taylor's family during his deployment. He then stated he does not envy the position the City Council is in; as a former Council Member he recalls the great times he enjoyed during his service, but it was also very difficult and tough decisions were made. He stated he appreciates the service the Council provides, and he also appreciates the support the City has offered to him as a State Representative. He stated the 2018 Legislative Session starts next week and he is willing to make himself available to the City to discuss any legislative matters. Mayor Taylor thanked Mr. Fawson for his service as well and stated that he has always made himself available to the City when asked.

Mayor Taylor then stated that he would like to respond briefly to the comments made about the amphitheater project. He asked that the Council consider a motion to amend the agenda to allow for discussion of the issue.

**Council Member Fawson motioned to allow for discussion regarding the Barker Park Amphitheater Project. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

Mayor Taylor referenced the Arts and Amphitheater page of the City's website regarding the project. He briefly reviewed the process the City has undertaken over the course of the past three years leading up to a final determination to add a building and larger stage to the existing amphitheater at Barker Park. He stated the page contains a lot of great information about the work that has been done by the Committee and information about meetings that have been held to solicit public input from the community; an open house was held specifically for this project and there was a two-hour question and answer period between the audience and the Council and each individual had their question or comment addressed during that meeting. The City did its best to make sure the meeting and the project were adequately advertised, and he asked for two front page articles in the Standard-Examiner newspaper about the project and specifically the open house meeting. The claim has been made that the project was a last-minute deal and decisions were made in secret, but that is absolutely untrue as every effort was made to be transparent and open as this project was considered. He stated there is a video of the open house meeting on the City's website and he encouraged those that do not believe the City solicited feedback to watch the video. He stated the claim that the City has bullied residents is absolute nonsense; he has had many interactions with residents and neighbors living near the park and not one of those interactions has been negative or threatening so he is not sure who the residents feel they were bullied by. He stated the City Council listened very respectfully to everyone that spoke during the open house meeting. He highlighted several links on the City website that point the reader to in depth information about the project and open house meeting. The City magazine included an article about the project as well as an invitation to the open house meeting. All meetings have been noticed on the City's website as well. This process began in late 2014 or early 2015 when concerns were raised about the future of Barker Park; the Barker Park Committee was formed to consider this matter and they have publicly advertised their meetings and posted their minutes. After that committee made a decision about how they felt the park should be improved, a recommendation was forwarded to the City Council for consideration. The City Council considered the recommendation, which focused heavily on improvements to the amphitheater component of the Park, and the Council made the decision to pursue the amphitheater improvements as phase one of the project. They then formed the Arts and Amphitheater Committee, which also publicly advertised their meetings and posted their minutes, and this Committee focused on the design of the project. They visited several amphitheatres across northern Utah and they met with those responsible for managing

those facilities to determine the best plan for the Barker Park amphitheater to build something that will be successful once it is operational. The community is welcome to attend all future Committee meetings to provide their input. He then noted the Council has discussed the project approximately a dozen times over the past three years and all agendas and minutes of those discussions are available on the website as well. The audio recordings are available as well and some of the meetings have been live streamed on You Tube. There has been no secrecy about the project and the Council has openly debated the recommendations made to them by the two committees.

Mayor Taylor then reviewed a PowerPoint presentation that was provided to the Council during an October meeting to facilitate discussion of the project. The presentation included information about the makeup of the Arts and Amphitheater Design Committee as well as a detailed site plan rendering of the proposed project. He also discussed the budget for the project; the initial budget estimate was \$3.6 million, but it later increased to \$4.3 million based on design. The decision was made to break the project into two phases rather than reduce the scope, which would reduce the success of the project in the long term. Phase one would include the amphitheater building and the concrete for the future seating and phase two would be the remainder of the site work and seating improvements. Throughout the discussion of the project there has been a heavy focus on parking accommodations; there are various parking solutions and those have been reviewed and considered by the City Council, with a determination ultimately being made that there are options for providing adequate parking for the facility. In the fall of 2017, the Council that was seated at that time voted unanimously to commence construction of phase one of the project in the fall. That Council was made up of some of the most fiscally conservative residents in this community and they do care about all residents. Former Council Members Satterthwaite and Urry would not have voted to support the project if it had not been well planned and thoroughly vetted. They carried out all their deliberations and consideration of funding sources for the project in open and public meetings. The main source of City funding for the project is not tax revenue; rather, it is the revenue generated by impact fees charged on new developments in the City. He concluded that five intelligent, responsible citizens that were elected to represent the citizens of this community carried out their due diligence and determined the project was well planned and it was appropriate to proceed. This decision included consideration of the ongoing operating costs associated with the project and the Arts & Amphitheater Design Committee felt the facility will be able to operate primarily from non-City revenue sources based upon models of other amphitheaters. He concluded that he and other City representatives sympathize with the fact that not all residents want these types of facilities in the City. He noted that he lives on Weber High Drive and three times a day, nine months out of the year, there are thousands of vehicles on that road. There are other residents that live next to City parks or facilities and they deal with traffic or disturbances associated with those facilities. The City would love if it were possible to locate all public services in one area that was not located adjacent to residents or businesses, but that is not reality; it is not uncommon for public facilities to be constructed in existing neighborhoods and those facilities are important for all residents.

Mayor Taylor then reported a professional sound engineer has been hired to evaluate the project; he has not completed his work, but the City has full confidence in his expertise. His findings will be used to design the structure to minimize offsite sound.

Council Member Stoker stated she feels badly that there have been misunderstandings regarding the process the City has followed to consider this project, but she reiterated the Mayor's statement that the City has tried to advertise the project to the entire community. She added the Barker Family was involved in the planning of this project from the beginning and they have attended every public meeting where it was discussed. There was much public input given that informed the evolving design of the project. She stated that from the start of the process the top two concerns were related to parking accommodations and noise and those issues have been considered at length. Much thought has gone into the project, but she would appreciate additional community involvement, especially given that only phase one has been finalized and there is ample time for the City to accept input regarding phase two. She stated that she would never want residents of the City to think that she believes she knows more than them; she will never talk down to a resident or treat them like a child because she would not want to be treated that way. She stated she appreciates those in attendance tonight and indicated that she has a lot of respect for them and their neighborhood and she believes the rest of the Council and the Mayor feel the same.

Council Member Fawson stated she appreciates public input; she has been on the position of those that have spoken tonight when she was an audience member and felt frustrated with the actions of those in elected position. She stated that she does not believe there has been any intent on behalf of any City official to bully or intimidate any resident, but she has empathy for those who feel that may have been the case. She has appreciated receiving emails regarding this issue because she likes to see people getting involved and offering constructive recommendations for addressing their concerns. She assured the residents she has heard their concerns and she is willing to talk about ways to provide solutions to address those concerns.

**Council Member Stoker motioned to amend the agenda by moving item six ahead of item two. Council Member Fawson seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

6. **DISCUSSION ON A GRANT APPLICATION FOR THE ZONING AND SUBDIVISION ORDINANCE UPDATE**

A staff memo from Planning Director explained the Wasatch Front Regional Council (WFRC) is accepting applications for the next round of Transportation and Land Use Connection grants. Earlier this year a letter of intent was submitted and accepted by WFRC. The final application is due on January 18, 2018.

The Planning Department for the past two years has recommended to the City Council that the Zoning and Subdivision ordinances be updated and merged into a Land Development Code. The City last did a comprehensive zoning and subdivision ordinance review in 2002. Since that time, the code has undergone periodic amendments. The State land use provisions, i.e., the Land Use, Development, and Management Act, has undergone additional changes. There is a need to bring our ordinances into compliance, e.g., our conditional use provisions need to be updated?

The project cost is estimated at \$60,000. The grant would have a City match of \$30,000. The City budget has \$20,000. The grant would not be started until after July so the remaining \$10,000 can be set aside.

The memo concluded staff recommends the Council approve the final application submittal for the Land Development Code project as part of the Transportation and Land Use Connection grant program.

Planning Director Scott reviewed his staff memo and noted the application, if approved, is due this week, January 18, 2018. If the City is awarded the grant, he will appear before the Council again in the future to discuss appropriation of the grant funds and City match amount.

Council Member Swanson asked if the grant funds would be included in the current Fiscal Year (FY) budget or next year's FY budget. Mr. Scott stated it would be included in the next FY budget.

Council Member Covering asked if the project to be completed with the grant is related to the Form Based Code project currently underway. Mr. Scott stated that it is a different project and entails rewriting both the subdivision ordinance and the zoning ordinance and meld them together in one land development code. This should make these documents more user friendly.

City Administrator/City Attorney Call stated that a formal action on the grant application is not needed tonight, but staff would like to be sure the Council is comfortable with proceeding with the application. The Council ultimately concluded they are comfortable with Mr. Scott proceeding with the application.



## 2. DISCUSSION AND/OR ACTION TO ACCEPT THE 2017 AUDIT REPORT

A staff memo from Finance Director Nelson explained that each year the City is required to undergo a financial audit in accordance with State guidelines. The auditor's role is to review the financial records of the City to ensure the financial statements are fairly presented in accordance with generally accepted accounting principles. The auditor also evaluates accounting practices, internal controls, and compliance with regulations. As appropriate the auditor may issue findings and recommendations and highlight areas for improvement. The City retained the services of Davis & Bott Certified Public Accountants L.C. to perform the audit for Fiscal Year 2017. A copy of the audited financial statements, including the audit report, has been provided as part of the January 16, 2018 Council packet. City staff will present the financial statements and David Rogers, from Davis & Bott, will discuss the audit report.

A few highlights for Fiscal Year 2017 include:

- Total net position is \$73,867,719, an increase of \$6,359,808
- Governmental Funds ending balance is \$4,994,338, an increase of \$1,320,506
- Combined cash in the Enterprise Funds decreased \$750,275 as a result of capital investment
- The debt on the Aquatic Center at year-end was \$2,050,000
- Total debt on operating leases equals \$59,639 and will be fully paid in FY2018
- Outstanding debt on water impact fee reimbursement agreements is \$1,852,807.

A more detailed analysis is provided in the Management Discussion and Analysis section of the financial statement report. The memo concluded that, as outlined in the audit letter, the auditors have made six recommendations to improve the City's internal controls and accounting system. Several of these recommendations pertain to the City's purchasing policies and procedures. Current policies and procedures are currently under staff review. Proposed changes will be presented to the City Council in the coming months. Staff is also in the process of implementing recommendation number five, pertaining to bank reconciliations of minor investment accounts. Recommendations number four, pertaining to segregation of duties, and number six, pertaining to journal entry approval, will also be implemented in the coming months.

Mr. Nelson reviewed his staff memo and facilitated a brief review of financial statement report. He then introduced Mr. Rogers, of Davis & Bott, who provided the Council with an overview of the audit report. He stated that as a result of observations made during the audit, Davis & Bott makes the following recommendations which they believe will result in improvements to the City's internal controls and accounting system.

1. The policy governing when purchase orders are created is unclear. We suggest a more defined policy be put in place to clarify when purchase orders should be created (for example, all purchases over a certain dollar amount require a PO).

2. The purchasing policy being used by the City doesn't align with the city code governing required approvals of purchases. The purchasing policy may need to be changed to reflect the city code, or vice-versa.
3. The purchasing policy being used could be improved in a few areas.
  - a. Finance director doesn't approve all of the checks and purchase orders as indicated in City Code.
  - b. Check signers don't always review the backup documentation before they sign the checks.
4. We suggest a review of who has access to the different financial processes in the Caselle Software, for example who has access to bank reconciliations. Proper segregation of duties is important in a system of internal control.
5. We suggest that all cash accounts that make up the Investments – Other account be tracked and reconciled inside the Caselle software instead of on an Excel spreadsheet. This will be consistent with other bank accounts and should save time and provide a clear picture of the accounts.
6. We suggest controls over the approval of journal entries be reviewed. Journal entries should be reviewed and proper authorization given before the journal entries are posted to the accounting records.

Mr. Rogers noted these comments are made as suggestions for enhancing the City's systems and procedures and are not criticisms of current procedures. He then discussed findings from the previous year audit and stated that the City responded appropriately to those findings and corrected any issues that existed in the past that led to those findings. He concluded by thanking City Administration and staff for the great working relationship and support his firm enjoyed throughout the audit process.

Mayor Taylor thanked Mr. Rogers for his report and indicated that State Law requires that the Governing Body accept the annual audit report. He reiterated that staff is currently working to address the recommendations made by the auditors to correct any deficiencies that were discovered relative to City accounting procedures. Mr. Nelson stated that recommendations one, two, and three relate to the City's purchasing policy and staff is working to address those recommendations in proposed revisions to the policy that will be presented to the Council during a February work session. Recommendation four relates to the permissions that have been granted to the employees of the City that have access to the accounting software and over time it will be possible to adjust and tighten those permissions. Recommendation five relates to the number of accounts the City has set up at various financial institutions; that number has been reduced to two and the two accounts are reconciled using an excel spreadsheet rather than the accounting software, but the auditors recommend that the accounting software is used for reconciliation, so he is working to make that transition at this time. He concluded the final recommendation relates to journal entries and any corrections that need to be made to a journal entry made in error. The auditor recommends that there be multiple points of review for journal entries to prevent errors or fraud from occurring. Staff is working to implement changes that will address that recommendation.

**Council Member Swanson motioned to accept the 2017 Audit Report by Davis & Bott. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**3. DISCUSSION AND/OR ACTION TO CONSIDER REMODELING THE EVIDENCE ROOM IN THE POLICE DEPARTMENT**

A memo from Mayor Taylor explained there is a need to expand and improve our evidence room, due to increasing case demand and more trials being done at the Justice Court/municipal level under the Justice Reinvestment Initiative. There is simply not adequate room to store everything in the current evidence room and other areas are being used. We would like to reconfigure existing space and also install some two-way lockers to receive and secure evidence, especially during night and weekend shifts. There is also a need to ventilate the room better to prevent odors from affecting other areas of the building. This remodel is of very high importance, and we would like to initiate right away.

Most of the work will once again be done by the Public Works Dept., and we are proposing a \$10,000 budget, which will all come from the unexpended portion of the Animal Shelter building. As this building was completed under budget by Public Works, we have some remaining funds we would like to transfer to start the evidence room remodel right away.

Mayor Taylor reviewed the memo and he invited Police Chief Call to provide input. Chief Call used the aid of a rendering illustrating the proposed layout of the evidence room to explain the proposal to convert the current Intox/Fingerprint room into an expansion of the evidence holding area. The two rooms are adjacent and would require putting a pass thru doorway (no door) from one room into the other. The remodel would also involve building in pass-thru evidence lockers in the wall separating the old intox room and the hallway allowing officers to put evidence in the lockers from the hallway and the evidence technician securely accessing the evidence from inside the evidence room. He noted that after consulting with Public Works Director Espinoza it was determined the Public Works Department could do the remodel (install pass-thru between the two rooms, permanently close one of the two hallway access doors presently used,

build or install a large bank of passthrough evidence lockers) in-house. The remodel would require reconfiguring current video camera placement and upgrading the ventilation fan system in the evidence area to vent odors from the evidence to the outside via ceiling vents.

Council Member Turner asked where the evidence currently stored in the room will be located during the remodel. Chief Call stated that a temporary wall will be installed to provide for a small area that can be used to store the evidence during the remodel.

Council Member Fawson stated that Chief Call has mentioned that the Department has a great amount of evidence that is old and no longer has evidentiary value any longer and she inquired as to policies in place for destroying or returning old evidence. Chief Call stated that there is a process for disposition of evidence, but certain laws require the City to hold evidence for defined amounts of time according to the classification of the case for which it is associated. Even after expiration of evidence, some pieces of evidence can be very difficult to destroy, such as drugs or contraband. Mayor Taylor stated that those issues will also be considered as the Police Department plans for the eventual construction of a new Police Station; they realize this proposal is not a long-term solution and will simply be a stop gap until a larger space is available for evidence storage. He added Chief Call periodically performs an inventory of the items in the evidence room and regularly submits to the Mayor and Council a request for approval to dispose of items that have been retained for the appropriate amount of time.

Mr. Espinoza than briefly reviewed the scope of work for the remodel and the timeline for completing the project in-house, which should be completed in a fairly short amount of time. He stated he is confident that the project can be completed for less than the \$10,000 amount referenced in Mayor Taylor's memo.

**Council Member Cevering motioned to approve remodeling of the evidence room in the Police Department, with a budget not to exceed \$10,000. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

4. **DISCUSSION AND/OR ACTION TO CONSIDER A THIRD SERGEANT POSITION FOR THE POLICE DEPARTMENT**

A staff memo from Police Chief Call explained the Police Department would seek approval in promoting a current officer to the rank of sergeant resulting in a third sergeant's position in the department.

Currently, there are only two sergeants in the police department, and both are assigned to the patrol division. There is no first line supervisor in the detective division. It is proposed we promote a current officer to the rank of sergeant, and assign one of the veteran sergeants to the detective division to replace Det. Gill who has resigned to join the Salt Lake City Police Department. This action would bring a first line supervisor into the detective division, who could oversee detective operations plus evidence storage. There currently is no first line supervision of the evidence room or its practices and procedures.

Previously, there was a detective sergeant in the detective division, but three years ago the administration elected to have the two detectives answer directly to a lieutenant and the detective sergeant was transferred to the patrol division. It is proposed this change in organization will bring better oversight to not only investigations but greatly assist in the proper operations of evidence storage and processing.

Implementing this proposal would increase the efficiency of the detective division in general and the evidence room specifically. It would also present a career advancement opportunity to one of the officers which would improve officer morale.

Since this proposal would promote an existing officer's position, the only additional cost would be the difference between the officer's current wages and the new sergeant's wages the officer would receive. This amount would be no more than \$2.51 an hour (depending on the current officer's wages). This promotional cost plus the labor cost of hiring a new patrol officer combined are less than Det. Gill's current wages.

Chief Call reviewed his staff memo and discussed the benefits of creating the additional sergeant position. He also provided an overview of the duties that would be assigned to the third sergeant position.

**Council Member Turner motioned to approve the proposal to create a third Sergeant Position for the Police Department. Council Member Cevering seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**5. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING THE PERSONNEL POLICY CHAPTER 6 – POLICY 6.2A-1 SWORN POLICE OFFICER’S PROBATION FROM TWELVE MONTHS TO SIX MONTHS**

A staff memo from Police Chief Call explained the Police Department would ask the probationary time for new police officer employees be changed from the current 1-year requirement to 6 months. By city policy, all new hires to the city are given a six-month probationary period with the exception of police officers who are required to serve 12 months instead. We would ask this discrepancy be corrected to have all city employees treated in the same manner.

Presumably, at one time the logic behind the one-year probation was if the department hired a non-certified police applicant, the department would have the employee in the police academy for four months followed by three months in field training, so the department never got to evaluate the employee’s individual work until he had been employed for seven months. By then, his probationary period would have expired. As a general rule, we do not hire non-certified applicants (those who have not graduated from a Utah Police Academy).

Even with a six-month probation, if additional time is required to evaluate a new hire police officer’s work, the probationary period can be extended by the city/department if needed.

The memo concluded there is no cost associated with the proposed policy change.

Chief Call reviewed his staff memo.

Council Member Swanson inquired as to the typical probation period for an experienced officer who may transfer from one department to another. Chief Call answered six months. Mayor Taylor clarified the proposed six-month probationary period would apply to new officers and transfer officers.

Council Member Turner asked if the policy would be applied retroactively to officers that are currently within the 12-month probation period. City Administrator/City Attorney

Call stated that would be his recommendation. Mayor Taylor stated that Police Department leadership is very cognizant of the importance of a probationary period and in the past they have been wise in extending probation periods when appropriate. He stated he does not expect that practice to change and the Chief would have the ability to extending a six-month probation period if needed.

Mr. Call then briefly reviewed the ordinance document to identify the actual proposed language amendments.

**Council Member Swanson motioned to approve Ordinance 2018-03 amending the Personnel Policy Chapter 6 – Policy 6.2A-1 Sworn Police Officer’s probation from twelve months to six months, making it retroactive for anyone currently in a probation status. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

Council Member Swanson stated that other law enforcement entities in the State of Utah have recently approved the creation of additional employment positions, which means they will be “poaching” trained officers from places like North Ogden. He feels it is important that the City be cognizant of this issue and take any measures necessary to retain the City’s quality police force. Mayor Taylor agreed and stated that he feels the policy adjustment will help with those efforts. Council Member Swanson stated he would like to have a more detailed discussion about the issue during a work session meeting in advance of budget discussions.

**7. DISCUSSION AND/OR ACTION TO CONSIDER MISCELLANEOUS PAY RELATED TO FRINGE BENEFITS**

Mayor Taylor provided the Council with information regarding federal regulations relative to taxation of fringe benefits provided to City employees. To counteract any fiscal impact related to that taxation, City Administration proposed paying affected employees a miscellaneous compensation amount equal to 20 percent of the cost of the fringe benefit. The Council approved this proposal, and at the time City Administration was not completely aware of how the fringe benefit compensation would impact tax bracketing for employees. After one year of tracking the tax impact of fringe benefit

compensation, City Administration is recommending an adjustment to the compensation amount.

Mayor Taylor stated the most common fringe benefit is employee uniforms, particularly in the Public Works Department, and he is recommending doubling the miscellaneous pay. Public Works Director Espinoza stated that he is investigating options such as hiring a company that would provide cleaning services for employee uniforms in lieu of providing the miscellaneous pay for fringe benefits. Mayor Taylor facilitated discussion among the Council regarding the implications of the proposal and noted that the Council has the option of delaying a decision on this matter until the City has firm data regarding costs of other options relating to employee uniforms.

**Council Member Stoker motioned to table consideration of this item until more information is available regarding the costs associated with hiring a cleaning company to launder City employee uniforms. Council Member Fawson seconded the motion.**

**Council Member Cevering offered a substitute motion to approve the Mayor's proposal related to an increase in miscellaneous pay related to fringe benefits.**

Mayor Taylor stated he will not be available for continued discussion of this matter if the Council decides to table the proposal, so he offered his input at this time. He stated that the proposed amendment would impact 18 employees. He has provided the Council with a graph that identifies the total fringe benefit compensation that each of the employees currently receive and the proposed increase to that amount. He is recommending a 20 percent increase and he would like that increase to be retroactive in order to fairly compensate employees whose tax burden was not completely offset in 2017.

Council Member Fawson stated she would prefer to have all data available before making a decision on the proposal. She stated that the fiscal impact of the proposal may not seem large, but the Council is charged with considering all expenditures of the City to ensure they are appropriate. She called Council Member Stoker's motion to question and asked that a vote be taken.

Mayor Taylor asked that the Council take a vote on whether to call the motion to question or to continue discussion of the item.

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>nay</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>nay</b>
<b>Council Member Swanson</b>	<b>nay</b>
<b>Council Member Turner</b>	<b>nay</b>

**The motion passed.**



Council Member Cevering stated he appreciates Council Member Fawson's attention to the City budget, but it has been his experience that Mayor Taylor and Finance Director Nelson are also very sensitive and attentive to proper use of taxpayer money. He stated that he feels there are other items that may be more pressing and will require the Council's attention in the future and he is comfortable acting on the Mayor's proposal tonight and relying upon staff to be diligent in examining all pertinent data.

Council Member Stoker stated that she is comfortable with a 20 percent increase to the miscellaneous pay and she feels that continued discussion of the matter may negatively impact the morale of City employees. She stated that she has said before that the Council routinely takes actions on various items that result in very large expenditures, but they 'nitpick' smaller expenditures that would benefit City employees. She stated considering that component, she is comfortable proceeding with the proposal to increase the miscellaneous pay benefit by 20 percent. Council Member Cevering asked Council Member Stoker if she would consider amending her original motion and move to approve the Mayor's proposal to implement the increase. Council Member Stoker answered yes.

**Council Member Stoker amended her motion to approve a 20 percent increase for miscellaneous pay to offset taxation of fringe benefits. Council Member Fawson stated her second of the motion no longer stands. Council Member Swanson seconded the amended motion.**

Council Member Turner asked if the motion needs to include language that the increase will be applied retroactively. Council Member Fawson stated she is uncomfortable with that recommendation; if a policy is to be applied retroactively, it is necessary to review the fiscal impact of that action. She would prefer to only consider a motion that will be in effect from this point forward. She added that many employees pay costs associated with work clothing and she does not feel the impact to individual employees is that great. Mayor Taylor stated the exact amount associated with applying the adjustment retroactively would be \$5,701 for all employees impacted by fringe benefit taxation. Council Member Cevering stated that he is willing to consider applying the adjustment retroactively.

Mayor Taylor restated the current motion on the table. Council Member Swanson stated that he is comfortable making the adjustment and would like for it to be in place going forward, but he does not feel it is necessary to apply the adjustment retroactively. Council Member Stoker agreed. Mayor Taylor stated he would have preferred for the adjustment to be imposed retroactively given that when the original increase was implemented, City Administration had indicated they were uncertain that the increase would not be sufficient to offset total taxation costs and that they would like for the Council to consider any needed adjustments in the future. He then called for a vote on the motion.

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>nay</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed.**

Council Member Cevering stated he voted in opposition given that he would have preferred to apply the adjustment retroactively.

**8. DISCUSSION ON SNOWPLOWING WHEN IT APPLIES TO THE NOISE ORDINANCE**

A staff memo from City Administrator/City Attorney Call explained the City has received some complaints regarding the use of snowplows to clear parking lots in residential areas during the night time hours. Upon reviewing our code, it is not 100% clear whether the code prohibits the activity or allows for it because of some ambiguity in what the terms “commercial equipment”, “pneumatic devices”, and other similar terms.

There is also an issue which is raised by state codes related to disturbing the peace. Our City Ordinances would not be able to override a Utah Criminal Statute, nor can we give exceptions to any of the criminal statutes found in state code.

Staff has written two versions of an ordinance which either clearly allow snowplowing, or specifically prohibit it (with an exception for municipal equipment). As this is a legislative decision the Council may select any option which it would like to. There is no obligation to either allow snow plows, or to prohibit them. This is entirely a policy decision.

The two options both modify the language in 5-3-3 as outlined below with the language added highlighted in red:

**Permitting Snow Plows**

**5-3-3: MOTOR VEHICLE OPERATION**

- A. No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:
  - 1. Free from defects that affect sound reduction;
  - 2. Equipped with a muffler or other noise dissipative device; or
  - 3. Not equipped with any cutout, bypass or similar device

- B. The operation of Motor Vehicles, during any hour of the day, for snow removal purposes does not constitute a nuisance or violate noise restriction regulations.

#### Prohibiting Snow Plows

#### 5-3-3: MOTOR VEHICLE OPERATION

- A. No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:
  - 1. Free from defects that affect sound reduction;
  - 2. Equipped with a muffler or other noise dissipative device; or
  - 3. Not equipped with any cutout, bypass or similar device
- B. Except as outlined below the operation of Motor Vehicles, for snow removal purposes, within 200 feet of residential property, is prohibited between the hours of 10 pm and 7 am.
  - 1. This provision shall not apply to municipal snow removing equipment which is removing snow in the public right-of-way.

Mr. Call reviewed his staff memo and noted that when this complaint was originally made by residents, the property owner directed their contractor to adjust their snow plowing schedule to mitigate the nuisance; however, a new contractor has been hired and they are now plowing a parking lot again during the early morning hours and the neighbors have again complained. He facilitated discussion among the Council regarding the differences in the two options he presented in his memo, with a focus on any penalties associated with violation of the ordinance and the ordinance's compliance with State Code. The Council ultimately concluded to leave the ordinance as currently written and that no further action is needed; they communicated they are sympathetic to the residents who are being impacted by snow removal during, they were concerned about the unintended consequences of any changes to the ordinance.

Council Member Stoker then asked if the City's current noise ordinance is sufficient to address noise generated at the Barker Park Amphitheater. Mr. Call stated he feels it is sufficient, but there may be opportunities to consider a curfew for the facility. Council Member Stoker stated that may be an issue for the Arts & Amphitheater Design Committee to discuss. Mayor Taylor agreed.

#### **9. DISCUSSION AND/OR ACTION TO APPOINT A MAYOR PRO TEMP**

Mayor Taylor indicated that the North Ogden City Code provides a process for the Council to appoint a Mayor Pro Temp who would act in the temporary absence of the Mayor and conduct City business and would preside over City Council meetings. The election of a Mayor Pro Temp must be taken in a public meeting and the Council has the ability to either elect a member to serve for a defined period of time, such as one or two years, or they may act each time the Mayor is unavailable.

Council Member Swanson clarified that the person elected this evening will serve as the Mayor Pro Temp to Temporary Mayor Brent Chugg, who will serve as the City's Mayor while Mayor Taylor is deployed to Afghanistan. Mayor Taylor stated that is correct.

**Council Member Swanson motioned to appoint Council Member Stoker as Mayor Pro Temp for the next two years. Council Member Turner seconded the motion.**

Council Member Fawson asked if Council Member Stoker will retain her ability to vote on issues presented to the Council. Mayor Taylor answered yes.

Council Member Swanson asked Council Member Stoker if she is willing to accept the nomination, to which Council Member Stoker answered yes.

Mayor Taylor called for a vote on the motion.

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**10. DISCUSSION AND/OR ACTION TO CONSIDER EMOLUMENTS FOR THE TEMPORARY MAYOR PER UTAH CODE §20A-1-513(7)A**

Mayor Taylor stated that given the recent appointment of Brent Chugg as the City's Temporary Mayor during Mayor Taylor's military leave of absence, the Council should discuss and consider the emoluments, or compensation, to be afforded to Mr. Chugg in accordance with Utah Code section §20A-1-513(7)(A). He then stated that he has met with Mr. Chugg to discuss the potential amount of time that he may be spending on the duties that will be assigned to him as Temporary Mayor and he is recommending that Mr. Chugg be paid a percentage of the budget currently allocated to pay Mayor Taylor's salary according to the amount of time spent and that the rest of the money remain in the City's budget so that Mayor Taylor may resume receiving a salary upon his return to the City. He stated that he will not be accepting pay from the City during his deployment in Afghanistan. He believes Mr. Chugg will be spending approximately 60 percent of the amount of time that he himself currently spends on his duties with the City and he recommended Mr. Chugg be paid \$50,000 over the course of the next year. He stated that Mr. Chugg has indicated he is comfortable with the recommended compensation.

Council Member Turner asked Mayor Taylor if his family will be taken care of financially during his deployment. Mayor Taylor answered yes and that he does not expect the City pay him while he is deployed and that he will receive compensation from the Army during that time.

**Council Member Fawson motioned to approve emoluments for temporary Mayor per Utah Code §20A-1-513(7)a to be \$50,000 annually. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

Council Member Fawson asked if Mr. Chugg will receive City benefits during his service as Temporary Mayor. Mayor Taylor stated that the City will pay for required benefits, such as Medicare and Social Security, but Mr. Chugg already has private medical benefits. He stated that it was his intent that benefits be in addition to the \$50,000. He then stated there are other positions that he currently holds outside of the City, such as the City's position on the local sewer district board, and it will be necessary to appoint a member of the Council to hold that position during his absence. He stated there will be an action item on the next Council business meeting agenda to handle that issue and he asked that the Council Members be thinking of their desires or ability to hold that position.

**11. PUBLIC COMMENTS**

Brett Hamblin, 963 Deer Meadows Drive, stated he has many issues to address. He first discussed access to the trails within Barker Park and stated that he has encountered difficulties in getting access to the trail due to the activity of contractors in the park; however, he continues to walk the trail with his dog and was never approached by a contractor about whether that was allowed. Recently he found signs on the gates on Fruitland Drive restricting access, but there is an alternate trail/access point past the gate and he wondered if he can continue to use that access without being penalized for being on the trail during construction. Mayor Taylor asked Mr. Hamblin to leave his contact information so that a member of City Administration can contact him to discuss the matter further. Council Member Turner stated he doubts that Mr. Hamblin would be penalized or even approached by contractors in the area, but they must place signs like

those on the gates at Fruitland Drive to limit any liability they have associated with any person being in a construction zone. Mr. Hamblin stated that he avoids the area during heavy truck traffic or activity that may be dangerous. He then stated the next matter relates to the City's past role as the developer of the Deer Meadows Subdivision. There were covenants, conditions, and restrictions (CCRs) imposed on the development that were more restrictive than City Code – such as home size and setbacks – but after all the lots were sold, the City gave up the rights to the subdivision and ceded to an owner's committee that is responsible to enforce the CCRs. He stated that owner's committee is now working to assemble and understand their role and he would like some advice from the City. He stated there are still undeveloped lots in the development and he would like for the owner's committee to be established and have a clear understanding of their ability to enforce CCRs before the City issues any building permit for those lots. Mayor Taylor stated he would defer to City Administrator/City Attorney Call for assistance with that matter. Council Member Turner stated he would assume the CCRs will still be in effect regardless of the entity responsible to enforce them. Mr. Hamblin stated he would like that confirmed by Mr. Call and he will work with him on that matter. He then addressed parking issues at Barker Park. He has voiced his concerns with the Planning Commission and the City Council. He has been told the project will be completed in phases and he would like for the City to consider completing the parking as its own phase or at least as part of the second phase of the project to ensure that it does not get overlooked or forgotten. He stated parking should be done before everything is built around where the parking will eventually be placed. He concluded by complimenting Mr. Call for his quick response to his request for action related to an issue at the dog park; Mr. Call handled the situation very professionally and much quicker than expected.

Sean Casey, 2444 Barker Parkway, provided a brief overview of his personal background as a resident of North Ogden City, noting that he recently started to talk to residents who live near the amphitheater project area about their concerns. He feels these residents could be convinced to work with the City eventually, but it is necessary to involve them. He stated he is worried about the long-term viability of the facility and whether it is possible for it success to be sustained well into the future or if it will eventually be shut down and be vacant. There are many historical issues related to the development of Barker Park and the adjacent neighborhood and those issues should be addressed before the City proceeds. He then stated that he appreciates Mayor Taylor and the City Council for their services and noted that anything that can be done to bring everyone together will benefit the entire City. Barker Park should be built as the Barker family originally desired; their involvement is needed to make sure that the project succeeds.

Aaron Christensen, 2428 Barker Parkway, stated that it is important to clarify that some of the benefits discussed earlier for the Temporary Mayor are not actually benefits, but legally required withholdings and that should be communicated to Mr. Chugg. He then addressed the Barker Park project and stated that he has tried to listen to and respect City officials and their position regarding the park, but he viewed tonight's meeting as an ambush. He stated that Mayor Taylor made the claim that he is willing to listen and that

he offered to come to a meeting at Mr. Christensen's house on December 13 to discuss the project with residents, but as he has looked back over the dates provided by the Mayor it is his opinion that during that meeting Mayor Taylor would have only been looking for a rubber stamp of the project given that all the important decisions had already been made by that point in time. He stated that he has had one offer from a real estate minded person who would like to buy his home for a decreased value due to the project. There are so many things that have been miscommunicated and so many people that are working on the project have different information. He added that he does not participate on Facebook and he does not have a subscription to the Standard-Examiner so he would have never become aware of the issue through either of those outlets. He understands the City posts meeting notices according to law, but that is not sufficient to get information out to the majority of residents. He has had so many people who live in North Ogden tell him that they have not heard anything about this project. When he has been personally informed of meetings about projects that would impact him, he has always attended and the same would have been true in this case. He stated that in an email from Mayor Taylor he indicated there would be up to 800 people at the amphitheater every once in a while, but then in a video that Mayor Taylor produced he said that the City is planning on tens of thousands of people coming to the amphitheater every spring and summer. He stated that the residents are frustrated by the discrepancies in the information that has been provided. He added that it was frustrating to him for the Mayor to cite the affirmative vote of past Council Members because he believes those people may have been following the Mayor's lead. He stated he prays that the Mayor, as the leader of the City, is getting his information standardized and that data is factual. He stated that everyone he has spoken with believes that property values for homes near the park will dramatically decrease as a result of the project. He then stated that earlier in the meeting, Mayor Taylor referenced the nuisance of the traffic noise near his property, which is located in close proximity to Weber High School, but noted that in another conversation with the Mayor he had communicated how happy he was to have found his home because it is situated on two acres and he has the opportunity to teach his children how to work that land. He stated that he found the same thing with his property and when preparing to purchase it he did his research regarding Barker Park. He stated he would guess the Mayor did the same type of research and he knew that Weber High School was there before his home. He stated he would assume that Mayor Taylor was comfortable with his neighborhood when he chose to live there, but if someone tried to make dramatic changes to it now, Mayor Taylor may be opposed to it. He stated he does not believe Mayor Taylor was willing to listen to the residents tonight; instead, he was present to prove why he is right about the project and that is troubling to him. If there are not people in attendance at City Council meetings on a regular basis, it may be because they do not feel like they are heard. It is one thing for someone to say that they care and that they are listening, but he used the example of a past City survey about the purchase of the museum property to prove his point that actions speak louder than words. The majority of the residents voiced their opinion in opposition of the purchase of the property, but the City Council proceed with the acquisition. Mayor Taylor clarified that he voted in opposition to that action. Mr. Christensen stated he will be paying much closer attention

to this and other City matters in the future. He implored the Council to learn much more about this project and its impact on property owners and families near the project. He stated it will not pay for itself and he wondered what funding source will be used to cover ongoing costs. He asked if taxpayer dollars will be used for that cost. Mayor Taylor answered yes. Mr. Christensen asked if the residents of the City are aware of that fact. Mayor Taylor answered yes and noted that was communicated through the open house meeting where the project was discussed and through much other material that has been used to communicate information about the project. Mr. Christensen stated there were just 24 people in attendance at the open house meeting and that number is hardly representative of the population of North Ogden. Mayor Taylor stated there were hundreds of people in attendance at the meeting. He then addressed other points raised by Mr. Christensen. He discussed the advertising requirements, which is to post the agenda for a meeting at the physical location of the meeting and on the Utah Public Meeting Notice Website. The City has exceeded those minimum requirements by advertising through newspaper articles and on social media. He stated he is sorry that the information about the meeting did not reach Mr. Christensen, but the City was not trying to keep the project or any meetings about it quiet. The City has done the same thing for other big projects in the City. He then referenced Mr. Christensen's comments about his and the City's communication regarding the number of people that will use the facility; when he said tens of thousands of people will come to the amphitheater in the spring and summer months, that was an aggregate for all events that may be held at the amphitheater in a given season and not a 'per event' number. He stated that use of tax dollars for ongoing management of the facility has been discussed at length and very thoroughly. This project, as all recreational and parks facilities, will require ongoing support from the City; no recreation program or facility is self-sustaining. He stated that he has communicated that impact fees will be a primary source of funding for the project, but he has never said or committed that tax dollars would not be used. He reiterated his earlier point that many neighborhoods in the City have been impacted, some negatively, by the location of a public facility nearby. He cited the Public Works Facility project as an example and stated that the negative feelings of some of the residents living near that facility still have not been fully reconciled. He stated that is part of living in a City. Mr. Christensen stated that his subdivision was built by the City and the people who purchased lots there were required to build their homes to a certain standard and now the City is moving forward with a project with the knowledge that it is not compatible with the types of homes that they required to be built there. He stated that is very concerning to him; the neighborhood is high end and the activity that will be associated with the amphitheater are not compatible with that environment. The City is taking advantage of that area of the community and requiring those residents to 'take a hit' on their property values. He stated he has talked with brokers who have been very clear that the facility will negatively impact the residents. The neighborhood is different than any other neighborhood in the community because the City took it upon themselves to become a developer and they should not be walking away from that responsibility. Mayor Taylor stated that many claims have been made over the years regarding the history of the relationship between the City, the Barker Family, and other residents and he has had difficulty substantiating



any of those claims based on his own experience or any documentation retained by the City. He stated that it would not make sense to require the City's facility to built to the same standard as a subdivision because the amphitheater is an institutional use and will not follow residential development standards. He does not view the situation in the same manner as Mr. Christensen. Mr. Christensen stated that because the City did not have experience as a developer, the CCRs were written very differently than is normal and they actually tie the subdivision to the Barker Park. One covenant is that residents were required to put a tree in their park strip or in the park across the street and they are also required to maintain those trees or replace them if they die. He stated that because the City did not respect boundaries in the past, it is now in this situation. He thanked the Mayor and Council for their time this evening.

## 12. COUNCIL/MAYOR/STAFF COMMENTS

Mr. Call stated that the Constitution Political Party of Weber County has submitted a request to use the City Hall for their upcoming caucus meeting; the City has had a long-standing policy to not make public facilities available for political purposes, but if the Council would like to consider allowing the activity they can discuss the request. Mayor Taylor stated that this party has typically used the Weber County Library building near City Hall, but given that the facility is under construction, it is not available. He would recommend the Council allow the activity this year or even consider a change to the policy to allow such future events. He clarified that partisan candidates have been allowed to use City Hall for town hall meetings in the past.

Council Member Fawson thanked the residents in attendance for their comments this evening. She has heard their concerns and she is sure that there will be additional future discussion. She is focused on providing for a positive path forward for the entire City and if she can help as a Council Member, she welcomes suggestions to that end.

Council Member Cevering echoed Council Member Fawson's comments. He recalled his teaching at Brigham Young University (BYU) about government and the fact that the constituency constitutes the government. He stated that he has appreciated the transparency of the City, but it appears that some do not share that same feeling and it may be necessary to take additional steps to properly communicate with residents of North Ogden about issues that may impact them.

Council Member Turner inquired as to when Mr. Chugg will be sworn into office. Mayor Taylor suggested that a special meeting be held Friday, January 19 given that is the last day he will hold the title of Mayor before his deployment begins. The Council concluded to hold a special meeting at 6:30 p.m. on Friday, January 19. Mr. Chugg indicated he is available for that meeting.

Council Member Turner stated that he would like to have a clear understanding of the

amount of money that has been spent on snow removal this winter and how the remaining amount of money in that fund will be rolled over into the next Fiscal Year (FY) budget. Mayor Taylor asked Finance Director Nelson to prepare a report regarding the status of that fund. Council Member Turner then thanked Mayor Taylor for his service and stated he wished him well during his deployment.

Council Member Stoker also thanked the residents in attendance for their comments this evening. She understands they may not have liked what they heard this evening, but they got their points across. She stated that the Council never comes to conclusion on any issue very quickly and, especially for very large projects, there is typically extensive discussion over the course of several meetings. She asked that the residents stay involved because this is their home. She then reported a parks and trails meeting was held last week and concerns were expressed about the first overlook point on the North Ogden Divide road; there is a member of the community that cleans that area on his own time and he has discovered a large amount of evidence of drug and alcohol use. The person has spoken with the Police Department and found that the area is not in the City's jurisdiction, but Weber County has not displayed a strong willingness to address the matter because they are short staffed at this time. She suggested that it may be possible to install some sort of surveillance monitoring system or camera at the site to catch any problematic activity. She invited Mr. Chugg to attend a future meeting to learn about the activities of this committee; they meet the second Wednesday of each month at 5:30 p.m. at the recreation building. She also wished Mayor Taylor luck during his deployment.

Council Member Swanson echoed the sentiments of gratitude to those that participated in tonight's meeting. He assured them the Council is listening and will look for a positive way forward. He then asked Mr. Christensen if he would email the original documentation he has found regarding the history of the Barker Park and the adjacent subdivision. He expressed his gratitude to Council Member Stoker for her willingness to serve as Mayor Pro Temp. He then stated that as far as keeping the members of the community aware, he would be willing to hear suggestions about opportunities for improving and being more effective in communicating issues facing the City. Council Member Stoker stated she would like to see the documentation about the history of the park as well. Council Member Stoker then stated that this Council has become a family and Mayor Taylor is a member of that family; he will be deployed on active duty to Afghanistan and, though he is not the first or last member of the community to serve in the military, he may be one of the most visible. He would like to honor Mayor Taylor and other residents who are members of the military. It is common for families of those on active duty military service to hang a blue star flag in their window and he asked that one of these flags be placed on the front counter of City Hall to inform residents and visitors that the Mayor is actively serving the Country. He has also had a blue star banner made to hang on the wall behind the place where Mayor Taylor typically sits during meetings to remember him during his service. Finally, a blue star flag will be flown below the American Flag on the flag pole at City Hall in significance and honor of Mayor Taylor and any other member of the community that is serving. Any time a resident is serving in

an active duty role, any resident of the community can inform the City and this flag will be flown for them as well. He thanked Mayor Taylor for his example of patriotism and personal sacrifice in the name of freedom and indicated that he is grateful for his leadership. He stated the City will be well taken care of in his absence, but he wanted to provide a token of the City's appreciation. Mayor Taylor thanked everyone for their kind words and indicated that he loves serving with the Council. He stated he also loves the City staff and is confident that they and the Council, along with Mr. Chugg, will survive and thrive during his absence.

Mayor Taylor asked that the Council entertain a motion to convene in a closed session to discuss threatened or pending litigation.

**Council Member Swanson motioned to enter into a Closed Meeting to discuss §52-4-205(1)c regarding strategy regarding pending or reasonably imminent litigation. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

The meeting recessed at 10:52 p.m. and reconvened at 11:40 p.m.

### **13. ADJOURNMENT**

**Council Member Swanson motioned to adjourn the meeting. Council Member Turner seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Fawson</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed.**

The meeting adjourned at 11:41 p.m.

Cheryl Stoker  
Cheryl Stoker, Mayor Pro Temp

S. Annette Spendlove  
S. Annette Spendlove, MMC  
City Recorder

February 20, 2018  
Date Approved