

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

July 17, 2018

Following a City Pond Open House at 6:00 p.m., the North Ogden City Council convened in an open meeting on July 17, 2018 at 7:04 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 July 12, 2018. Notice of the annual meeting schedule was published in the Standard-Examiner on December 31, 2017.

PRESENT: Ryan Barker Council Member excused at 8:15, returned at 8:47

Blake Cevering Council Member
Cheryl Stoker Council Member
Carl Turner Council Member

EXCUSED: M. Brent Chugg Mayor
Phillip Swanson Council Member

STAFF PRESENT: Jon Call City Administrator/Attorney
Joyce Pierson Deputy City Recorder
Rob Scott Planning Director
Justin Shinsel Public Works Inspector
Tiffany Staheli Parks & Recreation Director
Brandon Bell Associate Planner
Lorin Gardner City Engineer

VISITORS: Debbie Child Mark Daniels Ryan Kuchenneister
Greg Young Kylie Coleman Kris Kuchenneister
Herman Armendariz Hope Elmer Clinton Elmer
Rachel Elmer Jordin Elmer Josh Turner
Tiffany Turner Hepler Casey Wheeler
Cole Liechty Carter Watson Aaron Christensen
Dale Anderson Julie Anderson Greg Smith
Tyson Lund Matt Lund Kevin Burns
Calder Davis Janis Christensen Matt Hartvigsen
Chris Larsen Kerry Norris Marcia Norris
Bill Norris Andy Wright Melanie Barker
Rod Barker Stefanie Casey Meg Sanders
Susan Clements Todd Mangel Nelli Mangel
Ivan R. Barker Jay Johnson Sharon Johnson

Bill Hart	Shelley Hart	Kevin Mikkelsen
Lisa Johnson	Tanner Johnson	Anne Warner
Peggy Barker	Karen Mackley	Melissa Davenport
Orluff Opheikens	Paul A. Mackley	Marla Bailey
Jim Flint	Susan Adams	Scott Hinrichs
Cami Hinrichs		

Mayor Pro Temp Stoker called the meeting to order. Council Member Cevering offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER JUNE 5, 2018 CITY COUNCIL MEETING MINUTES

Council Member Turner motioned to approve June 5, 2018 City Council Meeting Minutes. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

2. SWEARING IN OF THE NEW YOUTH CITY COUNCIL MEMBERS

Tiffany Turner, Youth Council Leader, introduced the newest members of the Youth City Council:

Mayor, Richie Armendariz
 Mayor Pro Tem, Hope Elmer
 Recorder, Kate Hepler
 Representative, Kylie Pulman

Deputy City Recorder Pierson administered the Oath of Office for the Youth Council Members.

Council Member Turner stated that the Youth Council provides a great service for the City; the group, which consists of youth from ninth to twelfth grade, completes a monthly service project in the community.

3. **DISCUSSION AND/OR ACTION TO CONSIDER FINAL ACCEPTANCE OF WOODFIELD FARMS SUBDIVISION PHASE I**

A staff memo from Public Works Inspector Shinsel explained he has completed the final inspection for Woodfield Farms Phase One and found it to be compliant with City Codes and Standards.

Mr. Shinsel reviewed his staff memo and identified the location of the subdivision; he recommended the Council approve final acceptance of the project.

Council Member Turner motioned to approve Final acceptance of Woodfield Farms Subdivision Phase I. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE OF STONE CREST SUBDIVISION PHASE I; AND**

5. **DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE OF STONE CREST SUBDIVISION PHASE II**

A staff memo from Public Works Inspector Shinsel explained he has completed the conditional inspections for Stone Crest Phases One and Two and found them to be compliant with City Codes and Standards.

Mr. Shinsel reviewed his staff memo and identified the location of the Stone Crest Subdivision; he recommended the Council approve conditional acceptance of phases one and two of the project.

Council Member Cevering motioned to approve Conditional acceptance of Stone Crest Subdivision Phase I and Stone Crest Subdivision Phase II. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

6. PUBLIC COMMENTS

Mark Daniels, 263 E. Elberta Drive, stated the very successful run of the *Once On This Island* production just came to a close and he wished to report on the direction; over the course of six performances, 2,890 tickets were sold, and four of the six performances were sold out. Ticket sales were limited to four tickets per parking stall and almost every night there were a few parking spots unoccupied in the parking lot. Once the City prohibited on-street parking in front of residences on Barker Parkway, all parking was kept within the parking lot and on the park side of the street to the best of his knowledge. The cast and crew of the show parked at Wadman Park and walked to the amphitheater each night. Upon being asked to direct a community production at the amphitheater, he chose the show *Once On This Island* for its ability to have a large cast that would include all ages and for the fact that it would run only 95 minutes. The budget for the production was \$19,997 and \$5,000 was provided via a Recreation, Arts, Museum, and Parks (RAMP) grant. The remaining \$14,997 was approved by the City Council with the understanding that the production would pay back the City through sponsorships, advertisement sales, and ticket sales revenues. He stated he is pleased to announce that through those efforts, the production paid the City back plus cleared a profit of over \$10,000; there were over 160 members of the community to volunteered with the common goal of producing a community production that he feels was extremely successful and is hopefully the start of a wonderful tradition in the community to produce quality, entertaining theater that is open and accessible to everyone. He believes strongly that it is time to have a City sponsored summer program for the youth and others interested in the arts in this community. He hopes that the Barker Park Amphitheater can be the future home for such camps and productions. He reviewed the rehearsal schedule for the production and noted that a decibel reader was purchased by the City to measure the sound generated at the facility; during the first three performances, the average reading was 72.7 dBc at 66 feet away from the stage. For the fourth and fifth performances, the sound was measured from the top of the hill 177-foot southeast of the stage and the measurements were 65.4 dBc and 68.4 dBa. During the rehearsal process, he encouraged the cast and crew to be mindful of and courteous to the residents living near the park by exiting grounds quickly after rehearsals, obeying traffic rules, and to respect the differing views and opinions regarding the amphitheater. He told them it was their job to put on the best show possible and to work hard to make that happen so that they and the community could be proud. What he did not do was sit them

down and tell them not to worry about what was being said in the community; his only purpose for saying anything to the cast was to communicate the need to be respectful and mindful of the neighbors of the amphitheater. He stated the cast and crew put on a good show at a beautiful venue with 160 amazing community members; this included full families, husbands and wives, brothers and sisters, and young and old. They had the opportunity to work together toward one exciting opening night and through six memorable performances. He saw relationships formed that will last a lifetime and he saw amazing things happen over the course of 12 weeks. He also heard wonderful audience reactions to the productions and he thanked the City for asking him to direct. As the production was winding down, he found a few minutes to focus a few other things and he had a chance to read through the agreement for the Barker Park Amphitheater, which will be discussed tonight by the Council; having had the experience of directing the first production in the facility, he can say that the agreement is fitting and appropriate for the current time and possibly for next year as well. However, when all three phases of the amphitheater project are completed, there may be some points in the agreement that are too restrictive. He provided the Council with a copy of a document identifying his points of concern regarding the agreement. He then concluded that when Mayor Brent Taylor approached him for his input about the amphitheater project, he was excited about the opportunities it would create for arts and arts education in the community. He gave his opinions and suggestions as did many others; he loves North Ogden and was born and raised here and comes from a long line of lifetime North Ogden residents, some of which have streets named after them. He stated he only provides that information to show that he is as invested in the community and its growth and success as anyone and he hopes that he and his team made the residents proud with their production. He and the other directions feel it was a success on many levels and they are proud of everyone involved. On behalf of the cast of the production, he presented the Council with a cast photo.

Scott Hinrichs and Cami Hinrichs, 770 E. 2450 N., approached the Council. Mr. Hinrichs stated he and his daughter are both life long residents of North Ogden; he and his wife have raised their children here and he and Cami were cast members of the *Once On This Island* production. He stated they wished to thank the City for supporting the production; last spring as Cami was preparing to audition for the play, his wife noted that he had spent a lot of time doing activities with their four sons, but not as much with Cami and she suggested that he find something to do with Cami that would be meaningful. He chose to audition for the production, which was very family friendly production and he was amazed by the talent of those in this community and the willingness of many busy people to volunteer to support the production. He and Cami have made new friendships, renewed old friendships, and put in a lot of time and hard work, but it was worth it, and he hopes others were as pleased with the production as they were. He stated it was wonderful to work with Mr. Daniels and North Ogden is extremely lucky to have someone of his caliber with his talent, leadership, expertise, and devotion to the success of the production. Music director Melissa Chertudi and dance director John Thomas are also top directors in their field and have been amazing to work with. Performing on the new stage was fantastic, even if it is considered to be a construction zone. He noted he lives near Barker Park and frequently

walks his dog there and while he believes that the facility greatly improves the quality of life in the City, he empathizes with some of his friends and neighbors who feel the new facility negatively impacts them. He appreciates parties working together to develop common sense approaches to mitigating these issues. While he looks forward to the completion of future phases of the project, he is concerned that there seems to be no solid plan in place for running and maintaining the facility and he is concerned that the amphitheater will be cared for similar to the two vandalized park benches outside of the amphitheater that have remained unrepaired for over a year. He invited City officials to take steps to make sure the amphitheater remains the jewel of the City for decades to come. He is also concerned about some of the stipulations in agreement with the Barker Family Trust that were mentioned by Mr. Daniels, but with some adjustments the agreement can be appropriate. While he has concerns about government exceeding its proper role, he knows that even the United States Constitution encourages public support for the arts. At the end of the *Once On This Island* production, there was a number performed entitled "Why We Tell the Story" and some of the final lines in that song help to explain why public support of the arts is important and they are: "So I hope you will tell this tale tomorrow, it will help your heart remember and relive. It will help you feel the anger and the sorrow, and forgive. For out of what we live and we believe, our lives become the stories that we weave." Mr. Hinrichs thanked the City for its support of the arts in the community and for their service to the community. He wished the Council the best in their civic and personal responsibilities.

Greg Young, 1755 N. 350 W., stated he wished to reiterate many of the comments that have been made about the amphitheater and the *Once On This Island* production. He thanked the Council for their support of the amphitheater and for the arts in the community. The past three months, with a lot of hard work and dedication, he and his family have been able to spend time together acting, singing, and dancing in the production directed by the three wonderful directors previously mentioned. The directors are not compensated and do what they do because of the love and dedication they have for the community. The production brought his family closer together; he was not planning to audition for the production, but he was encouraged to do so by Mr. Daniels and it has been one of the biggest blessings in his life to spend quality time with his wife and five of his seven children. He also saw other families grow closer together and children, who are not typically accepted by the main stream crowd, became a part of a family of loving cast members who accept them as they are. The community came together to support a positive musical that teaches love, acceptance, harmony, and forgiveness, which are all things that are needed so desperately in the world today. The directors were very positive, even under the umbrella of controversy regarding the building of the amphitheater; they taught the cast and crew to be respectful of those that oppose the amphitheater and follow the City ordinances that were put in place as they practiced and prepared for the production. As a cast, they followed all parameters, rules, and regulations necessary to bring about positivity and he would propose that the City reach out to those in the Barker Park neighborhood who oppose the project and offer them free tickets to a production or invite them to join in the arts and enjoy the beautiful music and dedication of their fellow residents. Hopefully,

they and their families may even participate in an arts production and see how it may change their lives. He reiterated he witnessed growth of many families who were part of the production. The arts do change lives, not only for those in a production, but also for those who can celebrate humanity through music and art. Support of the arts and the beautiful amphitheater is an investment in the children and the community. He spoke with a friend who attended a production and she said the impact the amphitheater is having on the children and adolescent's lives is incredible and apparent. He stated he understands not everyone who lives around the amphitheater is supportive, but if they understood the impact it is having on children and young people in the community, they would see lives changing. He stated he appreciates the sacrifices to bring about something great for the community and he hopes those that are sacrificing their personal comforts will be blessed for it. He hopes that hearts will be softened, and that God will bless the Council for the service they are providing for North Ogden. He concluded by reading a quote from a former U.S. Secretary of Education, Richard Riley: "I believe arts education in music, theater, dance, and the visual arts is one of the most creative ways we have to find the gold that is buried just beneath the surface. They (children) have an enthusiasm for life a spark of creativity, and vivid imaginations that need training – training that prepares them to become confident young men and women."

Aaron Christensen, 2428 Barker Parkway, complimented Mr. Daniels and his cast and crew on what he understands was a successful production. From his perspective, Mr. Daniels was right about parking accommodations at the facility. Additionally, the sound levels reported by Mr. Daniels were accurate, but it was still loud though the measurements were within the levels allowed by ordinance. He stated that tonight there is an item on the agenda regarding the agreement with the Barker Family Trust relative to the amphitheater; he is disappointed to see the City working so hard to try to cover decisions by retrofitting an agreement to the construction of the amphitheater. In the process, the City has created controversy and allowed it to fester between citizens, neighbors, and even family members; there are multiple problems with the agreement as written, but his greatest concern relates to point number three – Use of the Park. It states that the newly constructed stage building is in line with the intent of the Barker family. As none of the current City Administration was present at the time the agreement was initially negotiated with the Barker family or the residents that purchased properties in the subdivision, a record available through a Government Records Access and Management Act (GRAMA) request is the best source of verification for the intent of the park. Citizens have found multiple letters from City Administration and the Council describing the intent of the Barkers to preserve open space, not to build a large performing arts and institutional building. In a letter to the State Division of Natural Resources, City Administrator John Henrikson, who was the chief negotiator for the City, discussed a grant the City received to aid in the purchase of the Barker Property; in that letter he stated "A substantial part of the park will stay in much the same condition it is now. The ravines will definitely stay in a natural state." He stated that if you drive by the ravine on Fruitland Drive across the street from Ray and Fern Barker's home, it is obvious that the ravine is not in a natural state. He stated that he and his neighbors are not opposed to the arts or those that participated in the

recent production; they are also not disputing the enjoyment people receive from participating in the arts as they share the same love for the arts. What they are standing against is the manner and location in which the project has taken place. The lack of attention to former agreements has contributed to a lack of trust of leadership and residents need to be able to trust their leaders. The agreement on tonight's agenda does have some positive points, but he disagrees with others who have spoken because without restriction people will continue to push the boundaries relative to the use of the amphitheater. The reason for agreements is to protect what was agreed upon and those agreements are now being rewritten. He stated he appreciates the suggestion that neighbors living near the amphitheater be offered free tickets, but what others do not realize is that the amphitheater has changed the lives of him and his neighbors due to the lack of trust. He does not need a ticket to go to the amphitheater and listen to the play because he can hear it from his home. He and his neighbors did not make a sacrifice for the facility; rather, their peace was taken from them.

Greg Smith, 2813 N. 1050 E., stated that he could hear noise from the amphitheater last week from his home; it is loud and can be heard throughout the city. He then added that on his way over to the meeting tonight, he saw at least a dozen bicyclists riding on the shoulder of 2600 North; there are many people that bike through the City and to the trailheads of the City's trail system, but they do not have adequate resources. He stated it is nice to have funding for a summer theatrical production and he thinks that should continue, but there are other needs in the community that should be paid attention to.

Ann Warner, 1335 E. 2500 N., stated that she and her husband have been residents of North Ogden for 23 years and they love it here; this is where they have chosen to raise their family. She stated that she realizes that the City has received much negative feedback about the amphitheater and although she has friends and neighbors who are opposed to the project, her family is grateful for it. They are also grateful for the wonderful and talented volunteers who worked so hard to make the Once Upon This Island production a success. She was not involved in the production, but she and her husband attended Saturday night and it was such a wonderful and positive thing for the community. She is also a teacher at Green Acres Elementary School and it was fun for her to see so many of her former students and neighborhood children from her own neighborhood in the production. It was wonderful to see so many families involved; the community is lucky to have such gifted people as Mark Daniels and Melissa Chertudi, who have volunteered so much of their time. She stated that as a teacher herself, she carefully plans her summer time off; she knows both Mr. Daniels and Ms. Chertudi are teachers and they have volunteered so much of their time and talent to bring the community this wonderful production. She hopes that residents of North Ogden are understanding of those that enjoy the great facility, realizing that wherever someone may live, there can be inconveniences that will occur from time to time. She stated that she lives near Oaklawn Park and the traffic associated with that facility can be hectic at times throughout the year, but she specifically chose to live near the park; the nature of the park has changed over the years, but she is grateful for what it provides for the citizens. She thanked the Council for what they do for the community.

Peggy Barker, 2553 Fruitland Drive, stated that she was able to attend the production at the Amphitheater last night; she was grateful that an additional production was added since the previous nights were sold out. The actors were amazing, as were the directors, the crew, and the props and it was fun to see families who had put a great deal of work into the production. She is a teacher and has been involved in performances since her youth and she knows that this will impact the youth who participated for their entire lifetime. However, she emphasized that the production was in such an amazing place; the setting - the mountains, sky, and trees - is sheer beauty and it brought tears to her eye to be able to enjoy a production in that kind of beauty. She stated she sat near the back so that she could wander around and take pictures and she would have liked for the sound to be louder; she wondered if she would have thought it was loud enough if she was sitting closer to the stage. She noted that this experience could be related to her age, however. She concluded that she would like to thank everyone who participated and the City for bring the project about; she made a short trip to the amphitheater today and walked around and is troubled that there are no restroom or changing room facilities. There are pipes coming out of the floors and it would have been nice if that portion of the project had been completed to provide restroom facilities and drinking water for those involved in the production.

Rod Barker, 2524 Barker Parkway, thanked the City for their efforts to limit the negative impacts associated with on-street parking by those visiting the amphitheater during the theatrical production and the Cherry Days fireworks display. Last year on-street parking was allowed, and it was difficult for residents on Barker Parkway to get in and out of their homes. The regulation efforts of the City were effective, and visitors only parked on the park side of the road. He then referenced the Nordic Valley expansion project and stated it is his understanding that similar proposals were taken to the Liberty and Eden City Councils and both rejected the proposal. He encouraged North Ogden City leaders to contact those two cities and gain an understanding for their reasons for opposing the project. He stated that he believes the costs associated with the project that has been proposed would be so enormous and he would encourage the Council to refer the issue to the voters for a decision. He then concluded by addressing the agreements that have been made between the City and the Barker family; he is a Barker, but he has four siblings present this evening and eight in total and he cannot claim to speak on their behalf. His mother used to say that he marched to his own drum and had a different personality than his siblings; he has no opposition to the arts whatsoever and his wife has been involved in the arts her entire life. His parents and Mr. Daniels' parents were close friends their entire lives. His opposition relates to two things: he does believe the contract between the City and parents was breached, though the judge who recently ruled on the case may have thought otherwise. That judge did not know his parents and their feelings. Second, he is concerned about the City spending so much money for a project that would have been adequate even if it were scaled down and built much smaller. City leaders came to his home to discuss the proposed agreement with the Barker Family Trust, which is on the agenda for consideration tonight. His thinking about the agreement was that it would not have been appropriate to demolish the building given that the stage was nearly complete by that time. He has tried to take the approach of being reasonable and trying to help improve

the current situation, while trying to honor his parents' wishes and respect and protect the feelings of his neighbors. He wondered the price of honoring the agreement and stated there is no money in the world worth breaking an agreement with someone you have made a promise to. He asked the Council to consider that point as they discuss the agreement. He also noted that five of the eight Barker children are present tonight to further discuss the agreement if the Council desires.

Melanie Barker, 2524 Barker Parkway, stated she is Rod's wife and Rod is the son of Ray and Fern. She is not a Barker by blood and she was not born and raised in North Ogden, but she has been involved in the arts most of her life. This is very difficult for her because she feels as if she is on the opposite side of arts. However, she and her husband built their home knowing that the park would be kept the way it was; there would be a small playground for their children, but not an amphitheater bringing noise into her home. When sound was being tested at the amphitheater for the Cherry Days fireworks, the sound caused her chest to hurt; 90 dBc is very loud and the agreement the Council will be discussing tonight would actually allow for 95 dBc, which is much louder. The residents were told there would be no more than three events per week with amplified sound, but the agreement being considered tonight would allow more than that. This type of amphitheater was never to have been located in Barker Park. She has participated in theatrical productions with all of her children and their lives were changed by that experience, but she can now say that her life has been changed by the amphitheater. The peace she used to have is gone and she no longer trusts the City.

7. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR THE BARKER PARK AMPHITHEATER**

City Administrator/City Attorney Call provided an introduction to the draft agreement, which was provided to the Council in draft form last week. He invited the Council to engage in discussion with the members of the Barker family present regarding any item included in the agreement. He also discussed concerns that have been brought to his attention in advance of this meeting about issues such as the number of parking stalls referenced in the agreement and the number of events allowed at the facility per week. He stated that there are some differences between the ordinance that governs the amphitheater and the draft agreement, but the more restrictive document would be deferred to in the event there is a conflict.

Council Member Turner asked about the differences in the agreement regarding the number of parking stalls per tickets sold for an event. Mr. Call stated that the agreement is written to allow the number of parking stalls in the parking area and the on-street parking spaces on the park side of the road in the parking accommodations for an event; that is why the agreement provides for three tickets sold per parking stall. Council Member Turner asked if that number would be adjusted if additional parking area is built in the future. Mr. Call answered yes and reiterated that in the event either the ordinance or agreement is more

restrictive, the more restrictive document will be used to regulate the facility. There was a high-level discussion about parking accommodations and whether the agreement takes into consideration a cast and crew associated with any event held at the amphitheater. Mr. Call stated that the agreement is currently written to contemplate ticket sales and not any staff associated with an event, but the change requested by Council Member Turner can be made.

Council Member Cevering directed his comments to the members of the Barker family present and asked if they are amenable to negotiating changes to the agreement now that a production has been held at the amphitheater and there is actual data used upon which to base certain regulations in the agreement. Peggy Barker stated the agreement is negotiable in her opinion, but noted that she has not seen any recommended changes to the agreement as submitted by Mark Daniels earlier in the meeting. Rod Barker stated that he would be willing to entertain suggested changes to the agreement for events such as the City sponsored theatrical production, but he would not be as amenable to changing the agreement for other types of events. This led to high level discussion regarding the various types of events that could be held at the amphitheater for which the Barker family would prefer more strict regulations; there was also a focus on the manner in which sound generated at the facility will be measured and the maximum decibel measurements allowed for events at the amphitheater; Mr. Call noted the agreement provides for a measurement of 95 decibels at the point of origin of the sound and, in theory, that measurement would be lower by the time the sound travels to the edge of the amphitheater. Rod Barker stated he is not as concerned about the sound measurement at his home as he is for those living closer to the amphitheater, such as the Christensen's and Casey's. Mr. Call stated it is the City's intent to complete the sound measurement at the loudest point of the sound, which should be the point of origin; additionally, future phases of the project include the design of the permanent sound system for the facility and that would include a sound engineer's explanation of the manner in which sound should carry to the property line of the amphitheater and to adjacent properties.

Discussion then re-centered on current parking accommodations and additional parking areas planned for the future and Council Member Barker stated that he would recommend that the agreement also limit ticket sales to four tickets per parking stall, excluding the on-street parking spaces; this should leave some space free for people visiting the park for an activity other than a theatrical production. He inquired as to the number of on-street parking spaces near the park, to which Mr. Call answered 67; there are roughly 200 parking stalls in the designated parking areas.

Council Member Cevering stated that he feels the recommendations made by those that have used the facility are good and he suggested that information be circulated to the Barker family and others interested in this matter and then revisit the agreement at a future meeting. Mr. Call stated that would be a good way forward; he suggested that the agreement be added to the August 14 agenda for further discussion.

Council Member Cevering motioned to table Agreement for the Barker Park Amphitheater until further review and feedback from the Barker family. Agreement will come back to the Council on August 14, 2018. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

(Council Member Ryan Barker was excused from the meeting at 8:15 pm)

8. **DISCUSSION AND/OR ACTION TO ACCEPT AN ANNEXATION PETITION FOR PROCESSING FROM PAUL A. MACKLEY FOR PROPERTY LOCATED AT APPROXIMATELY 1750 NORTH AND 775 EAST, CONTAINING 2.94 ACRES**

A staff memo from City Recorder Spendlove explained Paul and Karen Mackley submitted an application petitioning for annexation of 2.94 acres located at approximately 1750 North 775 East, North Ogden, Utah. As required by Utah State Code the Weber County Surveyor has reviewed the annexation plat map and finds it to be a correct plat. The property being proposed for annexation is within North Ogden City's Annexation Declaration Policy Map. The Petitioner is requesting an R-1-8(AG) Zone, which the Planning Commission will review and make recommendation to the City Council at a later date. The petitioner meets all the requirements to start the annexation process and it is recommended that the City Council accepts the petition to start the annexation process. A typical annexation takes (3) – (4) months due mainly to the certification of the petition, 3 week noticing requirements for the City to receive written protests, and Public Hearing. The petitioner will hookup to all City utilities.

City Administrator/City Attorney Call reviewed the staff memo.

Council Member Cevering motioned to accept an Annexation petition for processing from Paul A. Mackley for property located at approximately 1750 North and 775 East, containing 2.94 acres. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

9. **DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT WITH WEBER COUNTY GIVING NORTH OGDEN CITY AUTHORITY TO DO LAND USE AND BUILDING INSPECTION SERVICES FOR PROPERTY LOCATED AT APPROXIMATELY 1750 NORTH AND 775 EAST, PAUL A. MACKLEY, WHILE THE ANNEXATION PROCESS IS MOVING FORWARD**

A staff memo from City Administrator/Attorney Call explained the City has received a contract from the County which gives us the authority to handle building permits and other land use approvals on the Mackley property located at 775 E. and 1750 N. This agreement

allows for Dr. Mackley's daughter to construct a home while they work on annexation and subdivision process. Staff recommends approval of this agreement.

Mr. Call reviewed his staff memo and used the aid of an aerial photograph to identify the location of the property subject to this agreement. He noted this item was included on the July 10 Council meeting agenda, but was tabled as the Council wanted to delay execution of the contract until such time that the City had received the formal annexation petition for the property.

Council Member Turner motioned to approve Interlocal Agreement A13-2018 with Weber County giving North Ogden City authority to do land use and building inspection services for property located at approximately 1750 north and 775 east, Paul A. Mackley, while the annexation process is moving forward. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

Council Member Cevering motioned to move agenda items 10 and 11 after item 14 to wait for Council Member Barker's return to the meeting. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

12. **PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER REZONING PROPERTY LOCATED AT APPROXIMATELY 2200 NORTH AND WASHINGTON BOULEVARD FROM RESIDENTIAL R-2 AND MULTI-FAMILY RESIDENTIAL R-4 TO COMMERCIAL C-2**

A staff memo from City Planner Bell explained when the City Council is considering a legislative matter on a land use issue, it has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions on land use issues require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision related to a legislative matter require compatibility with the North Ogden City General Plan and existing codes.

The applicant owns four parcels at approximately 2200 North Washington Boulevard to the south of Zion's Bank. The four parcels total approximately 1.7 acres. The existing buildings on the property that is proposed to be rezoned are single-family homes. This application for a rezone was considered by the Planning Commission at the June 27, 2018 meeting.

CONFORMANCE WITH GENERAL PLAN

The General Plan map calls for this property to be mixed use, multi-family, or commercial. The C-2 zone is consistent with the commercial designation.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.
 - Staff Comment: This proposed rezone would change the zoning designation to be more consistent with what is shown in the Land Use Map in the General Plan (See Exhibit B). The Land Use Map also shows the property transitioning to residential further east above Washington Boulevard.
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.
 - Staff Comment: The current zoning is consistent with the General Plan, and the proposed zoning is also consistent with the General Plan.
- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.
 - Staff Comment: If rezoned to the C-2 zone, this property would be in a different zone than the property across the street. However, there is an arterial type street between this property and the property across the street.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

- Staff Comment: The proposed zone change would not cause the boundaries of the new zone to cross property lines. This rezone would actually correct a zone boundary that currently cuts across individual lots.

Residential Guidelines:

- Avoid isolating neighborhoods.
 - Staff Comment: The proposed rezone puts commercial in an area that is consistent with what is shown on the Land Use Map in the General Plan. This rezone will have no isolating effect on the adjacent neighborhood, particularly given that this property is along the main corridor in the City, and the area is recommended to be zoned for multi-family, mixed-use or commercial.
- Require excellence in design.
 - Staff Comment: There is not an active site plan proposal for this property at this time. Design will be considered at the time of site plan review.

The memo offered the following summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded the Planning Commission has recommended that this property be rezoned to the Commercial C-2 zone. The City Council can find that the proposed rezone from Residential R-2 and Multifamily Residential R-4 to the Commercial C-2 zone is appropriate for this property and rezone the property.

Mr. Bell reviewed his staff memo and used the aid of an aerial photograph to identify the location of the subject property and the zoning boundaries that would be implemented if the proposed rezone is approved by the Council.

Mayor Pro Temp Stoker opened the public hearing at 8:27 p.m. There were no persons appearing to be heard.

Council Member Turner motioned to close the Public Hearing. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

The public hearing was closed at 8:27 p.m.

13. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 2200 NORTH AND WASHINGTON BOULEVARD FROM RESIDENTIAL R-2 AND MULTI-FAMILY RESIDENTIAL R-4 TO COMMERCIAL C-2.**

Council Member Turner motioned to approve Ordinance 2018-15 to rezone property located at approximately 2200 North and Washington Boulevard from Residential R-2 and Multi-Family Residential R-4 to Commercial C-2. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

14. **DISCUSSION AND/OR ACTION TO CONSIDER A WAIVER FROM A STANDARD REQUIREMENT FOR A FENCE ALONG THE BOUNDARY OF LOTS WITHIN THE NORTHAMPTON ESTATES SUBDIVISION PHASE 7, LOCATED AT APPROXIMATELY 2650 NORTH 1350 EAST**

A staff memo from City Planner Bell explained when the City Council is acting as the land use authority, it is acting in an administrative capacity and has limited discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the City Council if the application demonstrates compliance with the approval criteria.

The applicant received final approval for Phase 7 of the Northampton Estates Subdivision, located at approximately 2650 North and 1350 East, on June 6, 2018.

As part of this subdivision, there were two areas that the developer has been required to install a fence in the subdivision by the Planning Commission, consistent with provisions in the North Ogden City Code. These provisions in our City Code specify certain locations in which fences are required to be installed by a developer in a subdivision, such as drainage channels and canals. This portion of City ordinance further specifies that an exception or waiver from these requirements must be approved by the City Council. The ordinance reads as follows:

12-6-12

A. A solid board, chain-link or other non-climbable fence not less than six feet (6') in height shall be installed along the right of way containing a piped or existing open canal or irrigation ditch adjacent to the subdivision which carries five feet (5') or more of water. Like fencing shall be constructed where the subdivision borders upon open reservoirs, drainage channels, nonaccess streets and adjoining schools, churches and park sites, except where the city council determines that the areas shall remain open and unfenced. All such fences shall be maintained and kept in good repair by the owner of property contiguous to or upon which the fence is erected.

Based on this City ordinance, a six foot (6') tall solid board, chain-link, or other non-climbable fence was required along the boundary between the eastern side property lines of Lot 705 and 706, as this property borders the canal. Fencing was also required, based on the same ordinance, along the northern edge of the drainage easement, in the rear portion of the lots (and not on the rear property lines) of lots 703, 704, and 705, as a condition of approval. Additionally, a note was required to be placed on the plat stating that the fence needs to be maintained and kept in good repair by the owner of property adjacent to or upon which the fence is erected.

Staff's primary concern regarding requiring fencing along the northern edge of the drainage easement, at the rear of Lots 703, 704 and 705, is that the drainage channel at the rear of these lots leads to the canal, which has a large quantity of water that flows through it. Staff believes that access to the canal is an important safety concern, especially when developing the property and thus placing permanent residents on the property adjacent to the canal. Access to the drainage channel, which proceeds roughly perpendicular to the canal and intersects with the area around the canal, can be considered access to the canal. Not requiring a fence along the drainage channel can be considered providing children in this area access to a very full canal which presents a very real safety hazard. Finally, the drainage channel itself, has very steep banks and an approximately 15' drop, at the highest point from the top of the embankment to the center of the drainage channel. (See Exhibit B for photos of the canal and drainage channel).

The memo offered the following summary of potential City Council considerations:

- Should the City Council grant an exception to this requirement for a fence?
- Have safety concerns been taken into consideration?

The memo concluded staff recommends that the City Council consider the merits for and against the request to remove the requirement for the fence and make a decision regarding the applicant's request.

Mr. Bell reviewed his staff memo and used the aid of photographs to orient the Council to the location of the subject property and its proximity to the drainage canal in question.

Council Member Turner asked if the canal is a natural drainage channel or if it is manmade. City Engineer Gardner stated it is a natural channel from the North Ogden Divide. Mr. Bell added there has been some grading performed on the channel. Council Member Turner inquired as to how long the ordinance has been in effect that requires installation of the fence. Mr. Bell stated he is unsure, but it's adoption preceded his and Planning Director Scott's employment with the City. Council Member Turner asked why fencing was not required along the Rice Creek drainage channel. Mr. Bell stated that fencing was required in portions of the Rice Creek Cove subdivision per a development agreement. Council Member Turner stated that his home was built in 2002 and he was not required to install a fence; he wondered if that is because the embankment behind his home is not as steep as on the property in question. Mr. Call noted that the fencing ordinance was adopted in 1987, but it has not been uniformly imposed on properties throughout the City; the property to the north of the subject property does not have fencing along the drainage channel. Mr. Bell again reviewed photographs to identify the location of the drainage channel in proximity to the subject property; he focused on access to the canal from the subject property and indicated that he feels a precedence has been set relative to requiring the installation of the fence. He feels there are some legitimate safety issues for the City to consider and he feels that given the grade of the slope from the property into the channel is severe enough to warrant a solution that will prevent an accidental fall into the canal.

Council Member Cevering wondered if it would be more appropriate for the Council to consider an ordinance amendment that would require fencing when the slope of a drainage channel meets a defined grade/steepness. Mr. Bell stated that such criteria is missing from the current ordinance, though the ordinance does state that fencing is required unless otherwise waived; the criteria upon which a waiver would be based is at the Council's discretion.

Council Member Turner stated he is comfortable waiving the fencing requirement to preserve the rights of the potential buyer of the property; that person could choose to pursue an engineered project in conjunction with the City to change the grading of the drainage channel and pipe the canal and if the City requires the installation of the fence at this time, the future owner would be forced to remove that fence at their own cost. Mr. Bell stated there are restrictions relative to changing the grade of the drainage channel independent of the fencing requirements. Mr. Gardner stated that the subdivision will be recorded with a drainage easement and any owner of property abutting that easement will not have the ability to build upon or within the easement. He reiterated that the channel is a natural channel that has some legal protections. He added that the channel does not have water in it at all times.

Council Member Barker returned to the meeting at 8:47 p.m.

Mayor Pro Temp Stoker stated the channel may not always have water in it, but when it does, the water is high and running very fast. She added she finds it ironic that there is

consideration given to waiving a fencing requirement for a subdivision that abuts a canal, but there have been discussions about the needs for a fence around the community pond the City is contemplating building in order to provide safety for those using it. Council Member Cevering stated he is concerned about the precedent that has been set in the City in the past by not enforcing the ordinance. He stated he would like to understand staff's recommendation and whether that recommendation is based upon mitigating any liability the City could assume by waiving the fence requirement. Mr. Call stated he does not believe the City will be exposed to any liability; he added it is his understanding that the developer is willing to install chain link fence between the building lots and the canal and possibly across the drainage channel, but there is a question regarding whether the drainage channel fence will be installed by future property owners. He stated the property to the north of the subject property was subdivided and the City did not require fence on the north side of the drainage channel; however, the City's current staff has been more diligent about enforcing City ordinances and it is a fact that the ordinance does require fences where subdivisions border drainage channels unless the Council provides for an exception to the ordinance. He stated he believes Mr. Bell has done a good job of presenting the Council with all factual information about the issue and the final decision is a policy matter for the Council to determine.

Mr. Bell stated that one thing that stood out to him when he made his recommendation was that there is a clear difference between someone walking along the canal trail and moving past the open water area very quickly and a resident who would be living next to the open water and could have a 24-hour per day risk. Additionally, he feels this project is different than others where fencing has not been required in that the drop-off and water flow in the waterway is 'extreme' in his opinion. He identified the section of the property for which the applicant has requested the fence waiver.

Mayor Pro Temp Stoker invited input from the applicant.

Orluff Opheikens, 1025 E. 2100 N., provided a brief history for the property and stated he believed it would be a nice spot for future development of single family homes; his son has been talking about building on the lot closest to the canal. What makes sense to him is that on the other side of the gully there is currently no fence and there will be no fence in the future unless a future owner decides to install the fence. This will result in the City having a channel with chain link – which he cannot imagine anything worse – or any kind of fence erected in front of something that contributes to the beauty of the area and makes an estate lot an estate lot. He stated that today he was speaking with Mr. Call on his property and they witnessed a chain link fence being installed on the property to the north; he would be happy to postpone this item and invite all Council Members to visit his home to get a clear understanding of the conditions and what a six-foot chain link fence looks like in front of such a picturesque setting. He stated he understands the City's concerns about safety, but it seems a homeowner should be allowed to handle the situation; they should be allowed to landscape or even install a solid fence, but a chain link fence would not be aesthetically pleasing. He added that a chain link fence does not protect a child because they can get

around it and get into the channel in another way if they are determined enough. He stated he is hopeful that common sense will prevail, and he is in no hurry to get a resolution on this matter. He is actually considering piping the section of the channel abutting his property because there is a need to widen the road in that area and he would like to discuss that option further with the City at some point.

Council Member Cevering stated that if Mr. Opheikens is seeking to develop large estate lots, it will likely be necessary to impose covenants, conditions, and restrictions (CCRs) on those lots and that would typically include a requirement for vinyl fencing. Mr. Opheikens stated that he would not prefer vinyl fencing; if it were his decision he would pull the bank of the channel back to reduce the slope and possibly make it a landscape feature.

Mr. Bell clarified that the City's ordinance does not require the use of chain link fence for this type of situation; rather, it simply lists chain link as one fencing option. The fence must be non-climbable or six-feet in height.

Council Member Turner stated he still believes that the Council should consider a waiver as he agrees that each individual homeowner should be allowed to be responsible for how they choose to fence their property or landscape around the channel. He agreed that the canal should be fenced on both sides, but that is not part of this discussion. Council Member Cevering agreed that homeowners should be responsible for their own fencing. Council Member Barker agreed and noted that he likes the idea of making the channel part of a property owner's landscaping and he also prefers the open backyard concept to preserve the view from the lot.

Mayor Pro Temp Stoker stated she can support the direction of the rest of the Council, but she appreciated the offer from Mr. Opheikens to visit the property to gain a clear understanding of the conditions present on the property.

Council Member Turner motioned to approve a waiver from a standard requirement for a fence along the boundary of lots within the Northampton Estates Subdivision Phase 7, located at approximately 2650 North 1350 East. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

Mr. Scott stated that the Planning Commission has recommended consideration of an adjustment to the ordinance that requires fencing along drainage channels. Mayor Pro Temp Stoker stated she would support discussion on that matter, possibly at a future work session meeting.

10. **PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER WHETHER OR NOT TO REVISE THE CUL-DE-SAC LENGTH STANDARDS**

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

Jim Flint, representing Mr. Paul Mackley appeared before the City Council on March 13, 2018. He requested that North Ogden City consider amending the cul-de-sac length standard. Mr. Mackley owns property at approximately 1750 North and 775 East that he would like to develop into a subdivision. The current desire of the developer is to allow for a long cul-de-sac to extend from 775 East without connecting to 1750 North.

Mr. Flint has provided a request letter and several exhibits to address this request. (See Exhibits A, C, D, E, H, and I).

The City Council requested the Planning Commission consider this request and make a recommendation previous to a formal subdivision submittal. The Planning Commission discussed this matter at their April 18, 2018 meeting. The Planning Commission recommended that the cul-de-sac standard remain unchanged.

On May 15, 2018, the City Council considered the Planning Commission recommendation. The City Council requested the Planning Commission consider an amendment to the special exception provision to allow for longer cul-de-sacs with appropriate standards.

On June 6, 2018, the Planning Commission reviewed a draft amendment to allow cul-de-sacs to be lengthened as a special exception including approval criteria. The Planning Commission gave direction on the amendment text and requested that a public hearing be set. (See Exhibit F).

The Planning Commission held a public hearing on June 27, 2018. Several members of the public spoke in addition to Jim Flint representing Mr. Paul Mackley. Mr. Flint shared suggestions on the amendment along with written materials. (See Exhibit J)

ANALYSIS

The approval criteria include: standards for a maximum cul-de-sac length, connectivity and a timing provision for future streets, the surrounding property makes the subdivision an infill project, maximum acreage for the proposed subdivision, and a trails provision.

The Planning Commission asked for a clarification regarding whether or not all of the criteria must be met in order to get a special exception. That clarification is inserted requiring all criteria to be met.

The Planning Commission reviewed the draft amendment and made two changes. The first change is that trails may be required by the Planning Commission after considering a recommendation from the Parks and Recreation Department.

The Planning Commission also added a provision that if a special exception is granted the number of lots on the cul-de-sac may be increased from 15 up to 20 if approved by the Planning Commission.

D. Prohibitions

3. Special Exceptions shall not be granted to the following provisions:
 - a. Cul-de-sac lengths (except as provided for in D 4)
4. Cul-de-sacs may be granted an exception as to length if all of the following criteria are met:
 - a. The maximum cul-de-sac length with a special exception extension is 750 feet.
 - b. There is no reasonable opportunity for connecting to the adjoining street network at this time. If connectivity to an adjoining property can be made in the future; a development agreement is required specifying the conditions and timing of the improvement, e.g., providing for a fire access road and/or right of way dedication.
 - c. The property to be subdivided is an infill and surrounded by developed subdivisions.
 - d. The maximum acreage of the subdivision to be served is 5 acres.
 - e. If a special exception is granted connectivity to trails and pedestrian walkways may be required by the Planning Commission after considering a recommendation from the Parks and Recreation Department.
 - f. If a special exception is granted, the number of lots on the cul-de-sac may be up to 20 as approved by the Planning Commission.

Planning staff has reviewed the Subdivision title to identify any related codes. (See the underlined sections in Exhibit G)

CONFORMANCE WITH THE GENERAL PLAN

The Vision for North Ogden improve current and future streets in terms of appearance, connectivity, and by providing additional city-wide choices for travel in addition to Washington Boulevard and 2700 North.

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

The memo offered the following summary of potential Land Use Authority considerations; there are several guiding principles that should be considered before there is a change in any code standards.

- Are safety codes addressed?
- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is the proposal consistent with the General Plan?

The memo concluded the Planning Commission found that the amendment is consistent with the General Plan and recommends adoption on a 6 to 0 vote.

Mr. Scott reviewed his staff memo and facilitated a review of the draft ordinance to communicate the implications of providing a special exception relating to cul-de-sac lengths.

Council Member Turner asked for the reasoning being the maximum acreage recommendation of five-acres. Mr. Scott stated that is based upon the typical block size being approximately ten acres and it seemed that any property size over five-acres would warrant connectivity beyond what a cul-de-sac can provide.

Mayor Pro Temp Stoker opened the public hearing at 9:23 p.m.

Jim Flint, 538 N. Main, Brigham City, stated that he has worked closely with Mr. Scott and the Planning Commission to negotiate the proposed ordinance and he fully supports the version that has been presented to the Council for their consideration tonight.

There were no additional persons appearing to be heard.

Council Member Turner motioned to close the Public Hearing. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

The public hearing was closed at 9:24 p.m.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REVISE THE CUL-DE-SAC LENGTH STANDARDS.

Council Member Cevering motioned to approve Ordinance 2018-16 to revise the cul-de-sac length standards. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

15. PUBLIC COMMENTS

Paul Mackley, 730 E. 1750 N., thanked the Council for their approval of the ordinance revising cul-de-sac length standards.

16. COUNCIL/MAYOR/STAFF COMMENTS

City Administrator/Attorney Call reported the City owns the museum building and under a current lease contract, the museum group is responsible for maintenance and utility bills; they have encountered some issues with the building and they have asked for help from City staff and City Administration needs direction on whether to assist by committing City resources to the property or enforce the contract and require them to perform the maintenance. The Council discussed the request and suggested that the City issue a call for volunteers that would help address the problems. They indicated they were comfortable with additional discussion regarding the matter if necessary.

Council Member Barker stated that he understands that the recent theatrical production generated a profit. He also understands that volunteers helping with the production were required to buy a shirt identifying them as a crew member; he suggested they be reimbursed with the profits made by the production. Mr. Call stated it will be necessary to discuss the manner in which the proceeds should be used and that would be an option for the Council to consider. Council Member Barker then stated that he was told that the access road to the amphitheater is going to be paved and he asked if that is correct. Mr. Call stated he is unsure. Council Member Barker stated that he was told that the fire hydrant has not been installed and he indicated that should be done before the road is paved. He asked Mr. Call to reach out to the contractor to get additional information. Council Member Barker then presented a bag of garbage that was picked up on his parent's property following the theatrical production at the amphitheater; either there are not enough garbage cans available at the amphitheater or people are too lazy to deposit their trash there. He then suggested that flyers be proofread before they are posted by the City and he called attention to a typographical error in a recent flyer regarding the production. Mr. Call stated it may be possible to place a silt fence at the property line of the amphitheater to keep trash from blowing onto Council Member Barker's parents' property. There was then a brief discussion about the defined plan for the access road, with Mr. Call noting that the contract calls for the area around the road to be natural and he will discuss the issue further with the contractor.

17. ADJOURNMENT

Council Member Cevering motioned to adjourn the meeting. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting adjourned at 9:35 p.m.

Cheryl Stoker
Cheryl Stoker, Mayor Pro Temp

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

August 21, 2018
Date Approved