

NORTH OGDEN CITY COUNCIL MEETING MINUTES

September 12, 2023

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on September 12, 2023, at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube:

<https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. 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 September 8, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Jay D Dalpiaz	Council Member
	Charlotte Ekstrom	Council Member (Excused)
	Phillip Swanson	Council Member (Joined via Zoom)

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Rian Santoro	City Recorder
	Scott Hess	Planning Director
	Dave Espinoza	Assistant City Manager/Public Works Director
	Eric Casperson	City Engineer
	Bryce Nelson	Treasurer
	Jami Jones	Finance Director
	Dirk Quinney	Chief of Police
	Clark Crowther	Lieutenant
	Jake Holmes	Detective

VISITORS:	Kevin Burns	Tim Billings
	Brenda Ashdown	Reed Miller
	Merrill Sunderlund	Attwood (Joined via Zoom)
	Steve Davies	Wendy (Joined via Zoom)
	Stefanie Casey	Cheryl Stoker (Joined via Zoom)
	Christina Watson	Charlotte Ekstrom (Joined via Zoom)
	Chris Pulver	

Mayor Berube called the meeting to order. Council Member Barker offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. SWEARING IN OF NEW POLICE OFFICER, JADEN HAMMER

Police Chief Quinney introduced Police Officer Jaden Hammer and provided a brief overview of his professional experience; he stated the Department is pleased to have Officer Hammer as a part of their team.

City Recorder Santoro administered the Oath of Office to Officer Hammer.

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. No declarations were made.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE JULY 25, 2023, CITY COUNCIL MEETING MINUTES

Council Member Dalpiaz offered a few grammatical corrections for the minutes and asked that the errors be corrected.

Council Member Cevering motioned to approve the July 25, 2023, City Council Meeting minutes, as amended. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	excused
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

4. PUBLIC COMMENTS

Christina Watson, North Ogden resident, referenced agenda item 10 regarding the use of Redevelopment Agency (RDA) funds and noted she thought there was going to be a work session about that issue. She asked if she had missed a work session, after which she offered her opinion regarding the matter. She noted that she speaks with many residents throughout the City, and most are concerned any time there is a need for more money for the Barker Park project.

If the City decides to fund a project at North Ogden Plaza, which includes resurfacing the creek that runs through the property, she is concerned that this will become a repeat of the Barker Park project where the City must continually add more money to the project. She noted that she does not fully understand the value of the project but is concerned the City does not have enough funding to start and finish the project. Christina said she is a supporter of using some of the money to make needed improvements at the North Shore Aquatic Center and to take care of Bicentennial Park. She said she understands that the City has funding to redo a playground in the park each year, but the costs increase each year, and it has been necessary to supplement the funds with grant funding, when available. If there is extra money available in the City, she would like to set aside some of it to cover the Lomond View Playground project or augment the playground project planned for next year. She added there has been mention in previous meetings of the need to repair parks in the City that were damaged by flooding this spring; she is still worried about having insufficient money for those efforts because many of the parks are in very poor condition and in order to use them in a meaningful way in the next few years, they will need to be reseeded.

Mayor Berube noted the City has not held the work session referenced by Ms. Watson, but it will be scheduled soon.

5. DISCUSSION AND/OR ACTION ON CITY CODE 8-8 PRIVATE LANDSCAPING ON PUBLIC PROPERTY

Council Member Cevering stated that this is an issue that City staff and the Council have been discussing over the past year; there is an ongoing discussion about fencing on land that is owned by the City, but leased by a private resident. One component of that discussion is whether privacy fencing can be used in this scenario, and he asked that the Council discuss the matter to determine if it is something that should be addressed in the City Code.

Mayor Berube offered his opinion and noted that he does not feel that any City-owned property should be fenced, even if it is leased by a private resident. Public property should be publicly accessible. The current ordinance allows for fencing that is 75 percent transparent, so at present, the only types of fencing that could be used are chain link or wrought iron.

The Council engaged in philosophical discussion of the matter of fencing a City property that is leased by a private resident; there was a debate about whether the requested ordinance amendment is general in nature or if it is specific to one property or resident in the community. Council Member Swanson stated he feels the public deserves to know the resident who raised this point with Council Member Cevering and Council Member Cevering disagreed; he feels he is fulfilling his duty as a Council Member and does not believe he needs to disclose the name of the resident.

Council Member Barker stated that instead of tying fencing standards to opacity, he feels it should be tied to the quality of fencing materials to be used; he believes vinyl fencing is higher quality than chain link and would prefer that the ordinance require the most transparent available building materials for fencing.

Council Member Barker motioned to postpone action on a proposed ordinance amending City Code 8-8, Private Landscaping on Public Property to have more discussion. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	excused
Council Member Swanson	aye

The motion to postpone passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER THE VILLAGE AT PROMINENCE POINTE DEVELOPMENT AGREEMENT AMENDMENT

Community and Economic Development Director Hess explained on October 11, 2022, the City Council approved the latest version of the Development Agreement for the Village at Prominence Point. This latest version amended several items related to the housing elements, but largely kept the commercial portion the same as it has been. The developer has been working to find suitable tenants for the commercial spaces along Washington Boulevard and has a tenant who would like to bring a drive-thru use to the City. Page 19 of the Development Agreement specifically states that “drive-thru businesses where the drive-thru lane is located between the building and the public street” are not permitted. The Developer is asking for the City’s consideration of an amendment to permit drive-thru uses with lanes between the building and the street as shown in the image below:



On August 15, 2023, the Planning Commission considered the developer's request, and made a recommendation to the City Council regarding permitting drive-thru uses where the lane resides between the building and the public street. The Planning Commission heard from staff and the applicant and discussed commercial uses at Village at Prominence Point as well as along Washington Boulevard. A motion was made by Planning Commissioner Cody Watson to recommend to the City Council that drive-thru lanes be allowed between the building and public road with a minimum three-foot tall, landscaped berm located between the drive-thru and the roadway. The motion was seconded by Planning Commissioner Nissa Green, with all Commissioners voting in favor.

Mayor Berube recalled an action taken by the Council that ceded authority to amend these types of development agreements to himself and the Community and Economic Development Director. Mr. Hess stated that is correct, but only if a change adjusts the master plan for the subject development by less than five percent. He felt this change was greater than five percent. He added that this is a change to a very clear exception list in the development agreement and the City's Master Planned Community (MPC) ordinance.

Mayor Berube invited input from Steve Davies, the other party to the development agreement. Mr. Davies referenced the image of the site and indicated that the drive-through could conceivably be changed to another location, but he feels the proposed location will be more attractive from the Washington Boulevard side of the project and will not have an impact on parking areas.

Mayor Berube stated he is hesitant to approve any other development agreement amendments until hearing from the residents of Village at Prominence Point. Mr. Davies stated he would be meeting with the residents in two weeks after the occupancy permit is issued for the clubhouse on the property.

Council Member Dalpiaz asked if drive-thru uses are permitted in the project area, but they were not permitted in the area that the applicant had requested.

Mr. Hess stated that is the case; they were permitted in other areas of the site, but not permitted in an area where the drive-thru lane would be between the building and a public street. Council Member Dalpiaz stated the Council has received some emails with concerns about this application; some residents feel the drive-thru will increase traffic on the small street to the west of the car wash. Mr. Hess stated that unless the Council prohibits all drive-thru uses, the City must permit use that meets ordinance standards. The only difference for this application is that it will allow for a drive-through in an area where one was previously prohibited for aesthetic reasons. The site plan will be presented to the Planning Commission.

Council Member Dalpiaz motioned to approve A10-2023 Amendment 9, the final acceptance of the Village at Prominence Pointe Development Agreement to allow the drive-thru lane between the building and the public street unless a three-foot landscaped berm is located between the drive-thru lane and the public street. Approval of the amendment is conditioned upon Mr. Davies holding a meeting with residents in the Village at Prominence Point community. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	nay
Council Member Dalpiaz	aye
Council Member Ekstrom	excused
Council Member Swanson	nay
Mayor Berube	aye

The motion passed on a 3 -2 vote.

7. DISCUSSION AND/OR ACTION ON THE NORTH OGDEN POLICE TASER PURCHASES

Police Chief Quinney explained the Police Department currently issues Conducted Energy Devices (CED) to our front-line officers and supervisors for daily carry. The CED is an important tool utilized in de-escalating hostile situations or effecting arrests against a combative subject. Before CEDs were available, these situations would require hands-on physical force which often would end up in someone getting hurt or even escalating into deadly force situations. Public safety officials have found the CEDs to be a valuable tool and resource that has helped keep officers and subjects they encounter safe. Axon, Inc., is the only manufacturer of these devices. North Ogden's current tasers are a 15-year-old technology and are being phased out. The new tasers are being introduced with a new program and a new way to pay for it. The City's old tasers were rotated in and out on a set schedule as they expired. The budget was determined for each year's needs and included in the yearly budget process. The new taser program is a five (5) year program.

Over the five years, Axon will keep officers equipped with working tasers, taser cartridges, batteries, holsters, and training. If it breaks or gets used, the taser is replaced at no additional cost. There is a cost difference, which is the cost of the new technology. The cost of the program is spread over a five-year period. The City would, to an extent, be committing to the program for five years. He offered a comparison of the cost of the old program versus the new program; the first-year cost of the program is lower than what was budgeted for taser costs for FY24.

Council Member Cevering motioned to approve the North Ogden Police Taser Agreement. Council Member Dalpias seconded the motion.

Voting on the amendment to the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	excused
Council Member Swanson	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION ON THE INTERLOCAL AGREEMENT WITH WEBER SCHOOL DISTRICT FOR THE NORTH OGDEN POLICE DEPARTMENT SCHOOL RESOURCE OFFICER PROGRAM

Police Chief Quinney reported the contract for School Resource Officers in the community expired at the end of the last school year; parties to the agreement have been working to negotiate a new agreement including a formula to calculate the costs for the employee split between the cities and the School District. The full-time employee costs have been adjusted to reflect actual costs of \$170,000 per year. The agreement term is three years and the ratio by which the costs will be split will change in each year of the contract, with the cost for the employee being increased annually based upon the consumer price index (CPI). He feels comfortable recommending approval of the contract, which he feels benefits both the City and the District.

Council Member Swanson asked if the School Resource Officer can be pulled away from their assigned school location in the event of a major incident in the City. Chief Quinney answered yes and noted that they will also have time for annual training requirements and vacation/sick leave. Council Member Swanson thanked Chief Quinney for the manner in which he negotiated the agreement; he added he personally believes the School District should pay 100 percent of the cost of the officer for the time that they are in the school to which they are assigned. Chief Quinney stated that was discussed by the group that assembled to negotiate the agreement, but the cities acknowledged that the officer also benefits the community through their service to the school.

Council Member Barker motioned to approve the Interlocal Agreement A11-2023 with Weber School District for the North Ogden Police Department School Resource Officer Program. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	excused
Council Member Swanson	aye

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION ON THE NORTH OGDEN POLICE DEPARTMENT TOWING AGREEMENTS

Police Chief Quinney stated that prior to three years ago the City ‘piggy-backed’ on Ogden City’s towing agreement, but eventually issued a Request for Proposals (RFP) to secure private contractors to perform towing services for the North Ogden Police Department. Five vendors were selected to be placed in a rotation for towing services and the Department would like to extend the agreement with each of the vendors for an additional two years.

Mayor Berube asked if the Department monitors the rotation. Chief Quinney stated the rotation is monitored by Weber County Dispatch and he is confident their practices are fair.

Council Member Dalpiaz motioned to approve North Ogden Police Department Towing Agreements #A12-2023, #A13-2023, #A14-2023, #A15-2023, #A16-2023 with Lost Recovery Towing, Ride Haulers Towing, Stauffer’s Towing, True Towing Extension, and Zac’s Towing. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	excused
Council Member Swanson	aye

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION ON THE GRANT PROGRAM FOR THE RDA AREA

City Manager/Attorney Call reported the Council is being asked to determine the best way to utilize the existing RDA funds in order to program the money to benefit the RDA area and complete the requirements for the RDA program. Mr. Call stated that an RDA retreat needs to be held to go into depth on the issues. It was explained that North Ogden City set up a Redevelopment Agency in the 1990s and since that time, has been collecting tax increments. Lees Marketplace commercial area, North Shore Aquatic Center, and Smith's Marketplace are some of the projects and improvements that have been funded by the RDA. He explained that the RDA is getting ready to close out at the end of this year and the city has lots of options for projects; noting this will be the third or fourth time the Council discusses it. The goal is to narrow down the project list and then set up a longer Work Session during afternoon hours to go through the narrowed-down projects and select the path forward. Mr. Call summarized a few of the proposed projects to be discussed tonight:

- Redevelopment of Bicentennial Park to include upgrades to the plaques honoring veterans, benches, light poles, and landscaping improvements.
- Refitting aquatic center with a replacement playground, bowery, parking lot repairs, and other capital needs.
- Washington Blvd improvements to sidewalks, landscaping, and other items to help improve the image of the city.
- Assist in the redevelopment of the South Town area/North Ogden Plaza including the possible daylighting of Coldwater Creek.

Mayor Berube facilitated discussion of the projects among the Council to determine a prioritization of the projects or changes/additions of other projects. The top priority was the North Shore Aquatic Center, second was the South Town area of the City, third was Bicentennial Park, and fourth was Washington Boulevard improvements. Mr. Call stated that during the upcoming work session, staff will be prepared with cost estimates for the projects mentioned in order for the Council to understand the amount of money that will be left and available for other projects once prioritization has been finalized.

11. DISCUSSION AND/OR ACTION ON THE OFFICIAL NAMES OF CITY PROJECTS

City Manager/Attorney Call explained the City has been planning several new projects and many have been given placeholder names, but not official names. The administration wanted to discuss the various projects to determine the appropriate names for them. He provided a list of the various city projects which do not have an official name from the City:

- Community Pond Project
- 2750 Trailhead Project
- Water Works Project
- Pickleball Courts
- 2100 Water Tank
- Disc Golf Course

In general, North Ogden City tries to not name things after specific individuals to avoid giving some expectations of how the project will be treated in the future. The question was asked if naming could be delegated to Department Heads in charge of the various projects. Staff recommends the Council determine the correct name or provide some guidance on the right way to create a naming system.

Mayor Berube facilitated discussion among the Council regarding the issue, and the group concluded that they have no concerns about the names that have been listed above and they do not feel the Council needs to be part of the decision-making process for project naming, but they agreed that projects should not be named after individuals.

12. DISCUSSION AND/OR ACTION ON CITY COUNCIL RULES AND PROCEDURES

Council Member Dalpiaz stated a few months ago the majority of the Council did not want to allow a resident presentation during a Council meeting, and one Council Member wanted to allow it. He has received suggestions that the Council consider changing its Rules of Order and Procedure to address this issue if it arises again in the future. His recommended change to the Rules of Order and Procedure is that a resident presentation be approved by at least two Council Members. The policy does not apply to presentations from elected leaders or staff.

Mayor Berube asked how the change would apply to him. City Manager/Attorney Call stated that the Mayor is technically a member of the Council, just a non-voting member.

Council Member Dalpiaz motioned to approve Resolution 05-2023 amending the City Council Rules and Procedures. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	excused
Council Member Swanson	aye

The motion passed unanimously.

13. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING CITY CODE 5-3 SOUND REGULATIONS AS IT PERTAINS TO CONSTRUCTION

City Manager/Attorney Call explained the City Noise Ordinance currently prohibits all construction noise between the hours of 10 p.m. and 7 a.m. The City has found certain situations where there may be a necessity to pour concrete before 7:00 a.m. to make sure that projects are correctly constructed. For example, the City is in the process of completing a water tank on the east side of the City. To complete this tank, there will be a very large floor poured for the bottom of the tank. Because of the design of the facility, the concrete will need to be poured in one large pour and be at the correct temperature to help with proper curing. Since this project is a necessity for the city and it requires a monolithic pour, the only way to accomplish this is to work prior to the construction hours outlined in the code. The proposed ordinance language would allow for this concrete pour to occur and to be in compliance with the City Code. Staff recommends the council determine the correct language to include in the code for these types of situations.

Council Member Cevering motioned to approve Ordinance 2023-18 amending City Code 5-3 Sound Regulations as it pertains to construction activities. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	excused
Council Member Swanson	aye

The motion passed unanimously.

14. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpías stated that the Community and Economic Development Department is expecting a report from the consultant working on the south town area of the City and their recommendations will be helpful as the Council proceeds with their discussion of the use of RDA monies. He then noted that the Community Economic Development Director and his staff participated in an Active Transportation Tour today and they will be providing a report of that tour soon. He concluded that in the near future, he will be providing a final report on building permits issued in the last fiscal year (FY).

15. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, referenced the Council's action to change their Rules of Procedure pertaining to citizen presentations; the change does not address a resident's ability to make a presentation during the public comment period of each meeting. She then referenced the annual Chalk It Up Contest and noted there has been no information published about the winners of the contest this year. Additionally, the City donated \$5,000 dollars to the event, and she would like to know if the money was actually used for the event or if was just kept as a contribution to the charity that organizes the event. If it is a donation to a charity, she wondered why the City does not support other charities in a similar fashion. She then noted there was a time in the past when each agenda included a time for the City Manager to provide a report regarding the status of ongoing projects.

Chris Pulver, North Ogden resident, stated over the last few weeks he has heard several comments from residents. Many residents are supportive of a bubble over the Aquatic Center in the winter months. Others would like shade over playground structures to keep metal from getting too hot and burning children. Some residents would like a longer season at the Green Waste Facility. One person cited a safety concern at the corner of 2750 N. 500 E.; having seen many children almost struck by vehicles at the intersection and she asked for a four-way stop sign. He added there are signs advertising the available parking spaces for the library and he asked if that is being enforced. Mayor Berube stated the City's agreement with the library designated a certain number of spaces for the library during construction. Mr. Pulver then noted that many residents would like a steakhouse and a breakfast restaurant in the community. Finally, he asked if there was a penalty for early payment of the Public Safety Building Bond. Mayor Berube answered no, but the interest rate adjusts over the life of the bond.

Kevin Burns, North Ogden resident, addressed drive-thru uses on the Village at Prominence Point project and noted he was reminded of things he has observed at the local food pantry/exchange. He asked that the City consider safety and opportunities for reducing traffic congestion when the site plan application is submitted to the City.

Ms. Ashdown reapproached and stated that two weeks ago, her husband asked the City to spray weeds along the trail on Pleasant View Drive and two days later the City sprayed the weeds; she thanked the City for responding so quickly.

16. COUNCIL/MAYOR/STAFF COMMENTS

City Manager/Attorney Call reminded the Council of their Special Meeting scheduled for next week to canvass the results of the Municipal Primary Election. He then addressed the question about donating money to non-profit entities; this is an issue that will be considered in the next budget year process, he recommends the Council consider a policy governing donations or some type of grant application program. Mayor Berube stated it would be best to start with the Council's ideas for a policy that would govern donations.

Council Member Barker reported on the success of the clean-up project at Oaklawn Park.

Council Member Cevering stated that he and other Council Members are concerned about the recent discussions of the closure of the trail at Coldwater Canyon and whether there is a prescriptive easement for that trail. Mr. Call stated that Administration is working towards scheduling a meeting with the property owner and they are being careful in their communication so that the property owner does not believe the City is preparing to file a lawsuit on the matter. Council Member Cevering then stated he has the same concern as Mr. Burns regarding the food pantry in the community; he has witnessed a few 'near misses' that could have been tragic for individuals trying to cross the street near the business. He then presented photos of signs that will be installed in the hollow at Barker Park, a bridge across the stream, and an old wagon in the Barker Park preserve area.

Mayor Berube inquired as to the status of the Public Safety Impact Fee. Mr. Call stated that the City is waiting for a final document from the consultants working on the matter. Mayor Berube then noted that on September 15, 2023 will receive a visit from the Weber Area Council of Governments (WACOG), which is the body that allocates different funding sources, and they will be inspecting a project for which the City has requested funding. The project is the continued widening of 450 East up to 3100 North. He concluded by noting he is working with Mr. Call to negotiate a formal contract for the pickleball court project in the City.

17. ADJOURNMENT

Council Member Cevering motioned to adjourn the meeting.

The meeting adjourned at 7:56 P.M.

S. Neal Berube, Mayor

Rian Santoro
City Recorder

Date Approved

DRAFT