

NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 10, 2023

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on October 10, 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 October 5, 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 Delpias	Council Member
	Charlotte Ekstrom	Council Member
	Phillip Swanson	Council Member

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Rian Santoro	City Recorder
	Jami Jones	Finance Director
	Scott Hess	Planning Director
	Bryce Nelson	Administrative Services Manager/Treasurer
	Dave Espinoza	Public Works Director/Assistant City Manager

VISITORS:	Michael Carter	Lynn Bexell
	Kevin Burns	Spencer Stephens
	Chris Pulver	Randall Winn
	Jeanette Sweet	Becky Lee
	Brenda Ashdown	Susan Clements (Zoom)
	Terry Bexell	Christine Watson (Zoom)

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

CONSENT AGENDA

1. 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.

2. DISCUSSION AND/OR ACTION TO CONSIDER AUGUST 22, 2023, CITY COUNCIL MEETING MINUTES

Council Member Swanson motioned to approve the August 22, 2023, City Council Meeting minutes. Council Member Dalpiaz seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

3. PUBLIC COMMENTS

Mike Carter, North Ogden resident, stated he has lived in his home for a bit more than 10 years and he is concerned about recent actions of the Weber School District relative to boundary adjustments; his neighborhood is the only area of North Ogden that will no longer attend Weber High School and all the children he knows are not happy about the change. He would like for the North Ogden City officials to advocate for its residents on this matter; there is a section of Harrisville City that will still attend Weber High, and this seems inappropriate when North Ogden residents are being moved to another school. He suggested that school boundaries mirror City boundaries as closely as possible.

Brenda Ashdown, North Ogden resident, stated that her husband asked her to comment on the walking path along Pleasant View Drive where many lights that are about 2.5 feet tall are broken, and many are completely missing. Her husband would like to know if he can remove the broken or missing lights that are in front of their property.

Mayor Berube stated the City Administration can ask the Parks Division to look into the issue.

Chris Pulver, North Ogden resident, referenced the agenda item dealing with the City's fee schedule. He came to City Hall recently and asked to purchase a City map and he learned that service is no longer offered.

Jeanette Sweet, North Ogden resident, referenced the Cherry Days agenda item and understands the Committee will be providing their final financial report tonight. She noted that she has organized special events in other communities in the past and understands the hard work that goes into those types of projects, but she wants to address what she feels is a proportional, intent-focused event. This year Cherry Days was a nine-day event, though in the past it was focused around the 4th of July – Independence Day. She explained that the event first started in 1937 when cherry farmers wanted to sell their harvests and they created the harvest festival, which later morphed into Cherry Days, eventually leading to the event being held around the 4th of July. Jeanette said that Independence Day and Cherry Days should never have been thought to be one in the same; the nation's independence should not be a subtitle for Cherry Days. The event this year was advertised as "Cherry Days – North Ogden celebrates Independence Day". Independence Day should be singularly focused and recognized by the City on its own. She spoke to the importance of Independence Day, noting that many other cities, 14 in Weber County alone, celebrated the holiday and North Ogden's sky was dark on that night. She stated that people in her neighborhood chose to buy their own fireworks to shoot off and there was no signage advertising the fireworks ban, so they proceeded. She understands how the citizens committee was made to organize Cherry Days, but she is so disappointed that the City did not hold an Independence Day breakfast or fireworks show. Independence Day should be celebrated and recognized as a stand-alone event. The City should not financially support an organization or event that is going to negate the biggest national holiday in the country. She concluded by asking for a more detailed breakdown of the finances, expenses, and revenues associated with the Cherry Days Celebration.

4. DISCUSSION AND/OR ACTION ON CHERRY DAYS FINANCIAL REPORT

Spencer Stephens first addressed Ms. Sweet and stated that he is happy to provide a more detailed financial breakdown for Cherry Days following tonight's meeting. He then used the aid of a PowerPoint presentation to provide the Cherry Days financial report.

The total revenue for the event was \$145,140 and this is broken down as follows:

- City contribution: \$31,000
- Sponsors: \$51,859
- Ticket/registration sales: \$58,381
- In-Kind donations: \$3,900

Net donations were \$51,859, expenses were \$120,808, for a total net revenue of \$20,432. This excludes the \$3,900 in in-kind donations.

After assembling this financial data, the Committee has considered the following changes for next year:

- Move parade to Washington Blvd
- Move events to later in the day, after working hours
- Pickleball Tournament
 - Hope to be held at North Ogden courts
 - Add a co-ed division
- Cherry Days Marketplace
 - Be more selective with vendors
- Luau
 - Have serving time every 15 minutes
- Medallion Hunt
 - Bring it back
- Foam Party
 - Make sure there's foam
 - Add additional slip 'n slides

The Cherry Days logo and theme contest will be launched the first week of November and will close at the end of December. The Committee will choose the winner and will use the winning logo and theme on Cherry Days 2024 marketing materials and awards.

Mr. Stephens then referenced the survey that was conducted regarding the 2023 Cherry Days Celebration by saying that he did not think the questions were fair or accurate and this skewed the results. In the future, the survey should only be available to people who attended events that were part of the celebration. The survey questions about the events did not even include the parade. He added that the question about the 2024 celebration and having fireworks on Independence Day got a favorable response, but the problem with having events on Independence Day is that many vendors will be attending events in other cities and North Ogden will not have many vendors and the turnout of events will be smaller. Fifty-five percent of those who responded to the survey want fireworks on Independence Day, but twenty percent of the people who responded to the survey did not attend the celebration for the last two years and that should be factored into the decision-making process. He noted the marketing of the event was greatly based on the results of the survey. With the conclusion of the survey, the Committee needs more data before making a final decision on the Cherry Days Celebration moving forward. It was noted that out of 20,000 plus residents, only 304 participated in the survey. It was the Committee's recommendation to conduct an additional survey on the Cherry Days Celebration including the options of making Cherry Days about North Ogden while adding patriotic celebrations on the 4th of July; or making Cherry Days a 4th of July celebration.

Mr. Stephens then asked if the Mayor and Council would like the Committee to move forward with creating a 501(c)3 organization. If so, the recommended Committee makeup is seven or eight members including six residents and one Council Member and their spouse. Each member would have a three-year term and leadership of the Committee would be successional, meaning that a Vice Chair would be elected, and that person would eventually serve as the Chair before the end of their term. The Committee has also suggested the creation of a Board of Directors with individuals that would have major decision-making rights.

Mayor Berube stated that he thinks it is possible to combine the Cherry Days Celebration with the Celebration of the 4th of July; many people provided feedback indicating they appreciated that they were able to do other things on the 4th of July, such as spend time with their family, rather than attending Cherry Days events. However, to some, it seems that the best and only way to celebrate Independence Day is with fireworks. Council Member Barker noted that just two other Weber County cities had a fireworks show on the 4th of July.

Mayor Berube then facilitated discussion among the Council regarding their suggestions for changes to the celebration in the future; conducting an additional survey regarding Cherry Days;

**Council Member Swanson motioned to accept the Cherry Days Financial Report.
Council Member Eckstrom seconded the motion.**

Voting on the motion:

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

The motion passed unanimously.

5. DISCUSSION ON THE SELECTION OF THE BARKER PARK COMMITTEE

Mayor Berube noted that during the last City Council meeting, there was a discussion about the approval of a Barker Park Committee in order for that group to proceed with finalizing a recommendation for the phased development of Barker Park. He asked the Council to consider the following individuals be appointed as members of the Committee:

- Rod and Peggy Barker
- Council Member Cevering
- Sarah Lansing
- Council Member Dalpiaz (as Chair)

Additionally, the Mayor suggested that the individuals who have been acting as the Barker Park Committee in the past be considered as volunteer support for the Committee and thanked everyone who has been involved thus far.

Council Member Cevering stated that Rod and Peggy Barker are brother and sister and he suggested that Scott Barker be appointed instead of Peggy. Mayor Berube accepted that recommendation and indicated he would reach out to Scott Barker. Peggy Barker can continue to provide service in a supporting role.

Council Member Dalpiaz stated he feels a phased approach to the Park will be broadly accepted by the residents. He thanked Council Member Cevering and Grant Protzman for their efforts to have the hollow area of the park cleaned up.

Council Member Swanson motioned to approve the selection of the Barker Park Committee. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO AMEND THE CONSOLIDATED FEE SCHEDULE

Assistant City Manager/Public Works Director Espinoza reported the proposed resolution includes the following proposed changes to the fee schedule:

- Obstruction of Right of Way permit – New fee of \$50.00 (currently, gravel, bark, or other items are not allowed to be dumped in the right of way without a Street Excavation Permit)

There was a high-level discussion regarding the process and length of time it takes for someone to obtain a right-of-way permit and Excavation Permit and the need to reconcile the City Code to ensure cohesion with the Fee Schedule. Also discussed was the length of time materials can be located on the road once an Obstruction of Right-of-Way Permit is issued, safety concerns, Storm Water Pollution Prevention (SWPP) issues, commercial versus residential development permits, and the City's ability to enforce the Code and the terms of a permit. The liability the City assumes associated with allowing people to place something in the roadway and the number of road obstruction complaints the City receives on an annual basis were also considered.

The Council concluded that too many outstanding issues and concerns need to be addressed before considering Code Amendments regarding Obstruction of Right-of-Way Permits and including the Permit Fee in the Fee Schedule.

Council Member Swanson motioned to postpone the discussion of the Road Obstruction Permit. 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	aye
Council Member Swanson	aye

The motion passed unanimously.

City Manager/Attorney Call then summarized the other proposed amendments to the Consolidated Fee Schedule:

- Amphitheater Rental additional items
 - Sound equipment rental - \$150.00 per day
 - Additional equipment like microphones and others
 - Employee time to run or set up the system \$50.00/hr.
 - Additional deposit for AV system usage of \$500.00
- Police Charge to attend private special events \$75.00 (up from \$55.00)

Council Member Ekstrom motioned to remove the \$500.00 penalty for illegal stockpiling of unpermitted material in the Public Right of Way and to approve all other proposed amendments to the Consolidated Fee Schedule.

The motion died for lack of a second.

Council Member Swanson moved to include the \$500.00 penalty in the Fee Schedule, reduce the \$515.00 reservation fees to \$500.00, and approve all other proposed amendments to the Fee Schedule.

Mayor Berube suggested an amendment to the motion; he suggested that the \$500.00 penalty should only be imposed if the stockpiled materials are surrounded by cones or other barriers. Mr. Call stated that would essentially be giving someone a discount if they are safely doing something illegal. The Council wondered if it would be necessary to amend the City Code to specify that some stockpiling activities would not warrant the \$500.00 penalty. Mayor Berube suggested the penalty only be imposed if someone is issued a warning first and does not remove the stockpiled materials within seven days. He asked if the Consolidated Fee Schedule could be approved, but that the Code Enforcement Division be asked to issue a warning before issuing a civil penalty. This led to philosophical discussion and debate regarding subjective enforcement of the City Code and Fee Schedule.

Council Member Swanson amended his motion, moving to reduce the \$500.00 fee for illegal stockpiling of materials to \$100.00 after a seven-day warning, reducing the

\$515.00 reservation fees to \$500.00, and approving all other proposed amendments to the Fee Schedule. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpias reported on final building permit data for the Fiscal Year (FY) that ended June 30, 2023; the City received \$360,000 in FY23, which is lower than the FY22 revenues of \$470,000. The budget estimate for FY24 includes revenues of \$400,000 and he wondered if the Council may want to consider amending those projections. He noted there are still some concerning economic forecasts that will impact residential development and he encouraged the Council to consider those factors.

8. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, stated she sent an email a few weeks ago with some questions; she got one response that said, ‘Thank you for your concern’, but she would like answers to her questions. She referenced the dumpsters that are supposed to be used for recyclable materials and noticed a couch, two chairs, and picture frames with wood, glass, and photos in them. She referenced the camera that is located at the site of the dumpsters and asked if the people who are placing these materials at the dumpster are being fined. She then noted that if the dumpster is being used for trash, the recyclable materials are contaminated, and the entire dumpster must go to the landfill rather than a recycling facility. She asked why the City continues to offer the service and pay for it to be picked up if people are not going to follow the rules. She feels that the curbside recycling program should not be resumed for the same reason.

Randy Winn, North Ogden resident, referenced the discussion of the Barker Park Committee and noted that as the individuals who were appointed to the Committee begin to meet, he would like them to keep in mind that the idea behind the park was for a natural park. He fears that the park could end up being cluttered with too many amenities rather than remaining natural open space. He then discussed the Cherry Days celebration; he has a large number of family come to town for

the 4th of July each year and this year there was a great deal of disappointment due to the fact that there was no fireworks show on Independence Day.

Jeanette Sweet, North Ogden resident, stated that if the Council is going to conduct a new survey regarding Cherry Days, it is important to consider that Flash Vote uses social media to conduct and advertise its survey and many people do not use social media, and this will cause the results to be eliminated. She noted that it is still important to poll those who did not attend the celebration and ask them why they chose not to attend or what would have enticed them to attend. She also referenced Mr. Stephens' comments about the loss of vendors if Cherry Days is held on the 4th of July and noted that she still believes the two events could be independent of one another, but events like a patriotic breakfast, parade, and fireworks show should be held on Independence Day and that could be sponsored by the City. If the City is not prepared to fund it like it has in the past, a community-sponsored event could be allowed in a City park. She then noted that the 4th of July is just a date on a calendar and if it is not referred to as Independence Day, the significance of the holiday is lost. She noted the "Star Spangled Banner" is the song that brought fireworks to fruition in the first place and that is why fireworks are connected to the holiday. She reiterated that Cherry Days and Independence Day are not synonymous and it would not be inappropriate to separate them from one another.

Chris Pulver, North Ogden resident, stated that he has heard questions from people about the Green Waste site 'going digital' and he asked if that is something the City is working on. He was reminded that he encountered a massive pile of dirt in the street as he was walking along 3850 North at about 450 East when the Council was discussing the Obstruction of Right-of-Way Permit. Chris ended by saying that the biggest concern about adopting a new ordinance is educating the public on the changes that may impact them.

Christina Watson, North Ogden resident, stated she learned tonight that watching the meeting via YouTube does not constitute attending the meeting, and that is why she has joined via Zoom to make her comments. She stated she is glad the City has created a Barker Park Committee and she wondered if there will be future opportunities for other citizens to get involved with that Committee. She is glad that the City Council is represented on the Committee, but she hopes it is more of a citizen-led Committee instead of the Council Members making all the decisions. She added she would be supportive of the Cherry Days survey being sent again and for it to be open for a longer period of time to allow as much participation as possible. She asked if there was a way to provide an opportunity for open and general feedback from the public about the celebration. She also referenced the fee schedule amendments relating to the rental of City facilities; she spoke to a fitness instructor who would be interested in using Barker Park, but she only needs the cement area and no other amenities at the park, and she was saddened that the cost of the rental makes using the facility so far out of reach for her.

Becky Lee, North Ogden resident, stated she lives near Bates Elementary, and she received a message from a parent at the school regarding her children; the other parent informed her that when her children were crossing the road to get to school, they were almost hit by a car. She reported there were flashing lights on the road to signal a school crosswalk, but when school first started, the lights were not working. Today, yesterday, and friday, the flashing lights were not

working again. She is not sure how kids can be expected to cross that road safely. The person who sent the message also indicated that the person who almost hit her children had made an illegal pass on the right side of another vehicle that was stopped to turn left off 3100 North. She emphasized the factors that contributed to her nine and six-year-old children almost being hit by a vehicle: the failure of the flashing lights, the excessive speeds on the road, the insufficient length of the school zone, and too few crosswalks in the school zone. There are so many kids using the crosswalks and the current layout does not make any sense whatsoever, especially on a street as busy as 3100 North. It is not just her kids who are at risk. She added that when she came to the City on the first day of school to report that the flashing lights were not working, she asked for a Police Officer to be there to help kids cross until the lights were repaired. She was told that maybe the City could get someone there, but there was not a guarantee. She stated that she is entitled to a guarantee for the safety of her children.

Mayor Berube asked Assistant City Manager/Public Works Director Espinoza to inspect the lights to determine the issue with them. He then noted that he has received many complaints about the length of the school zone for Bates Elementary and the fact that it does not extend the full width of the school's frontage; he asked who is responsible for determining the size of a school zone. City Manager/Attorney Call stated that is a State standard, but he will ask the Police Department to review it. Ms. Lee stated that the lights were working this afternoon when her girls walked home, but her concern is that there have been many instances where they stop working with no explanation.

9. COUNCIL/MAYOR/STAFF COMMENTS

City Manager/Attorney Call provided an update on the disc golf course on City property; the equipment needed for the course was installed by a private group and the only thing the City has paid for at the site were the signs advertising a rattlesnake risk.

Council Member Swanson referenced the packet for tonight's meeting and noted that the fee schedule document did not include all the proposed changes and the changes that were included in the document were not highlighted in red, so it was difficult to interpret. He asked Mr. Call to look into that.

He then discussed the use of Flash Vote for conducting City surveys and suggested that when a new survey is being conducted, a notice could be placed on each utility bill informing residents of where they can go to complete the survey. He stated it is important to recognize the efforts of the Cherry Days Committee; change is difficult, and he understands concerns surrounding the elimination of the fireworks show on the 4th of July, but it is important to understand that it is now a community organized event and not a City sponsored event.

Council Member Swanson stated he is still struggling with safety issues regarding the Obstruction of the Right-of-Way Ordinance and Fee, and he would be willing to have discussions with the Mayor or any Council Member about the reasoning behind the changes; he believes that the reason for the proposed changes is rooted in convenience.

Council Member Dalpiaz stated he was contacted by many residents with the desire for the parade to be on Washington Boulevard again, noting he is supportive of conducting another survey regarding the Cherry Days Celebration

Council Member Barker referenced fireworks; in 2022, cities across the country spent \$4 million on fireworks displays; \$2.3 billion was spent by individual residents. Last year, the City spent \$10,000 on its fireworks display, but the owners of each of the individual fireworks stands in the community make over \$10,000 in profit each year. He stated that fireworks and the 4th of July will always go hand in hand, even if the City does not provide a fireworks display. He then noted that this summer there were no fireworks incidents in Weber County on the 4th or 24th of July.

Mayor Berube stated he recently had an in-depth conversation with a citizen about the safety of the intersection at 1050 East and 2600 North; he would like to examine that intersection again to consider the issue. He added another resident suggested that the stop sign at 800 East be taken down and moved to 3400 North instead. The explanation he received about the stop sign was that the City did not want people sliding through the stop signs coming down 800 East and when he informed the resident of that explanation, the resident said there should be no stop signs on 800 East for that reason. He then noted he was recently contacted by the Mayor of South Ogden, who is currently the Chair of the Weber Area Council of Governments (WACOG). Mayor Berube stated he is the only Mayor who has not signed on in support of the expansion of the Justice Center, which is the subject of a bond question on the upcoming municipal election ballot. He stated that when he signs something as the Mayor, he is not only representing himself, but the City Council as possibly many citizens; he understands the need to address certain factors to reduce recidivism and to provide mental health support, but he would like some feedback from the Council and even the public regarding the City's position on the bond. It is his understanding that approval of the bond would result in an additional \$50 per year in property taxes for the average household in the City. He invited North Ogden resident Kevin Burns to provide input given his experience with the Weber County Sheriff's Department.

Kevin Burns, North Ogden resident, stated he believes something needs to be done, but he is not sure what that is. He stated that the project cost is \$90 million, and it does not seem that there has been enough discussion about the scope of the project. At this point, he suggests that the City not take a position on the project and simply allow the County to communicate with residents and allow each resident to make their own decision. Mayor Berube stated that one of his concerns is whether the expanded facility can be adequately staffed. Mr. Burns stated he shares that concern and noted that all businesses and corporations are struggling to employ adequate staff; the problem is even worse in the mental health arena. Mayor Berube stated that he has spoken with Chief Quinney, and he also agrees something needs to be done.

Chris Pulver, North Ogden resident, stated that there are insufficient mental health resources in the County's justice system, and he understands the need for the expansion. He believes the Sheriff is trying to separate different types of offenders, namely those that need mental health support from those that should truly be incarcerated. He stated that the bond amount that the County has asked for is higher than the projected cost of the project, but that amount is the highest it would be.

Council Members also provided input regarding their understanding of the intent of the bond as a means of bridging the gap between traditional incarceration and mental health support. Council Member Ekstrom stated she plans to vote for the bond. Council Member Swanson stated that the larger issue for him is whether the Mayor should voice his opinion in the representation of the entire City, and he thinks the answer to that question is 'no'; the City has not taken the steps to understand the position of the majority of the City and he would encourage the Mayor not to take a stand regardless of how he feels personally about the issue. Council Member Delpias stated he was able to take a tour of the facility and he has seen the need for the expansion. He will be voting to support the bond and he agreed with Council Member Swanson's comments about the Mayor taking a position on the issue officially.

Mayor Berube stated that he is the only Mayor who has not signed onto a letter of support with WACOG; he takes the role of Mayor seriously and he feels this matter has the potential to become a City issue and that is why he wanted to have this discussion.

Randy Winn, North Ogden resident, stated a friend of his is building a home in the community and he has found that construction costs have come down; the County may have the same experience and it could be that the project costs will be lower than estimated. He agreed with Council Members Swanson and Delpias that the Mayor should not voice an opinion in the representation of the City.

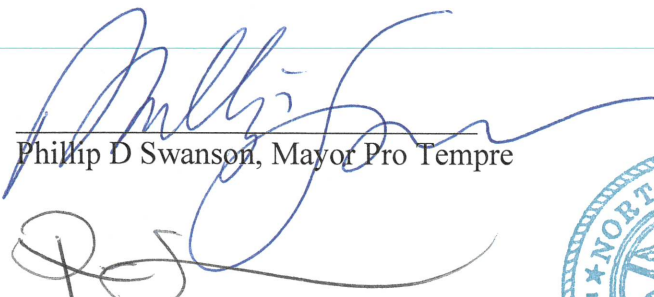
Council Member Swanson then referenced the Mayor's question about the stop sign on 800 East; the placement of the stop sign was based upon the City's adherence to the Uniform Traffic Control Devices. There is another intersection that has recently drawn public concern, it is located at 1050 East and 3100 North, and he has heard suggestions that it be a four-way stop rather than just stop signs in one direction.

Mayor Berube stated that he would like to have a future discussion with the Council and staff regarding City-wide emergency preparedness. Mr. Call stated he would calendar that discussion item.

10. ADJOURNMENT

Council Member Eckstrom motioned to adjourn the meeting.

The meeting adjourned at 8:21 p.m.


Philip D Swanson, Mayor Pro Tempore


Rian Santoro
City Recorder



12-5-2023
Date Approved