

NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 9, 2024

The North Ogden City Council convened on January 9, 2024, at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North.

Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on January 4, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6felhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member
Jay D Dalpiaz	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Jami Jones	Finance Director
Scott Hess	Community and Economic Development Director
Dave Espinoza	Public Works Director/Assistant City Manager
Nate Davis	Building Inspector
Dirk Quinney	Chief of Police
Bryce Nelson	Administrative Services Manager/Treasurer

VISITORS:

David Shupe	Neisha Westbrook
Kevin Burns	Jason Westbrook
Sandy Cochran	Jered Sewell
Brenda Ashdown	Merrill Sunderlund
Doug Anderson	Susan Clements
Phillip Swanson	Susan Kilborn
Stef Casey	

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. CALL FOR CONFLICT OF INTEREST DISCLOSURE

0:01:48 No conflict of interest was disclosed.

2. APPOINTMENT OF THE MOSQUITO ABATEMENT BOARD MEMBER

0:02:00 Mayor Berube recommended that Ryan Barker continue to serve on the Mosquito Abatement Board.

Council Member Cevering motioned to approve City Council Member Ryan Barker to serve on the Mosquito Abatement Board. Council Member Watson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

ACTIVE AGENDA

3. PUBLIC COMMENTS

0:04:10 Phillip Swanson, a North Ogden resident commented on agenda item #4 regarding winter commercial parking restrictions. He began by reminding the Council that restrictions are in place for the safety and well-being of the community at large and with any variances made, it is important to determine if the variance is improving or

reducing safety. He stated the proposed variance of the winter parking for Big O is a safety issue as the business is on a very busy road. Phillip Swanson then commented that semi-trucks are still parked on 300 East and reported seeing 4 to 5 semis parked there. He asked that this issue be addressed as it is a public street, not a commercial parking zone.

0:06:01 Jason Westbrook, a North Ogden resident and owner of Big O Tires provided a rebuttal to Phillip Swanson's comment stating that his business monitors the street and has cameras dedicated to the street where vehicles are parked. Jason said that his employees have been parking their vehicles on the street in front of his business for 23 years and he can count on one hand the number of times he has seen a snowplow come down that road during the day. He clarified that with the variance he is requesting, he is asking for on-street parking to be allowed from 6:30 a.m. to 6:30 p.m. Noting that there would not be any overnight parking, and if for any reason those vehicles need to be moved, his employees could move those vehicles.

0:07:46 Dave Shupe, a North Ogden business owner addressed the Council by explaining that a North Ogden Police Officer approached him over a complaint that the sidewalk at his business, Cold Water Animal Hospital, had not been shoveled and that it was a safety issue for the kids going to and from school. Mr. Shupe clarified that the sidewalk that runs along Pleasant View Drive was installed by North Ogden City and asked why he is required to maintain the sidewalk when his property ends at the grass. It is his feeling that if North Ogden City put the sidewalk in, they should maintain it. He read the Code that states that if his property abuts a public walkway, then he is responsible for clearing it. He said that if the City requires his time to clear that sidewalk, then he will charge the City for his time. Liability was questioned on who would be responsible if a slip or fall were to occur on the sidewalk. Mr. Shupe then provided a list of proposed solutions which included deeding the sidewalk property to him, North Ogden City providing the equipment to remove the snow, or North Ogden City being responsible for maintaining the sidewalk.

0:12:50 Kevin Burns, a North Ogden resident spoke to agenda item #4, the change to the winter parking restrictions. He began by stating he was opposed to changing that ordinance for the same reasons Phil Swanson spoke to. Kevin suggested that if businesses will be allowed to park on the road, possibly hindering snow plowing, then some sort of agreement should be entered into to hold the City harmless if an accident of some kind were to occur. He said that after reading through the ordinance, he noted that it specifies "employee parking" and feels it would be difficult to distinguish between employees of the business and its customers and this isn't something Law Enforcement should have to do. Kevin also suggested that the employees of Big O Tires park on the north side of 1900 North and then coordinate with the City so that the eastbound lane can be plowed,

then the employees would move their cars to the other side of the road to be plowed. He also mentioned safety as people are still using the roadways to walk and cycle despite the cold weather.

4. **DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2024-01**
AMENDING CITY CODE TITLE 7-3-4 UPDATING WINTER COMMERCIAL
PARKING RESTRICTIONS

0:16:02 Community and Economic Development Director Scott Hess started by explaining that there are two City Codes, the City Code and the Land Use Code, and explained that the City Code goes directly to the City Council for the legislative decision-making processes which differs from the Land Use Code as there is no formal application process for changes. The proposed changes to the language in this Ordinance will solve this issue as requested by the business owner. The residential driveways on 1900 North limit the parking availability of the road due to the proximity of the intersection.

Council Member Pulver asked if there is a deviation that can be made to the business's parking lot to add more parking stalls. Scott Hess stated that he sat down with the business owner and looked over the original site plan which had 8 or 9 additional stalls that would nose out to Washington Blvd without having a landscaping buffer between the sidewalk and the parking lot. Scott Hess explained that this buffer has been held consistent by the City in applying that to the setbacks of all the commercial businesses located along Washington Blvd. This would require another application to change the City Code but noted it could be a long-term fix for this highly functioning and successful business that has outgrown its original site. The City Council then engaged in a high-level discussion on possible solutions to this issue. Mayor Berube thanked Scott Hess for his efforts in trying to help the business owner with this issue. He suggested postponing the item to a later meeting date so that the Council can discuss solutions further. In the event there is a snowstorm prior to a solution being made, the City can accommodate the business owners moving any vehicles parked on the roadway before a snowplow comes by.

Council Member Dalpiaz motioned to postpone amending City Code Title 7-3-4 updating winter commercial parking restrictions until the January 23, 2024, City Council Meeting. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 01-2024 FOR UPDATES ON CITY COUNCIL RULES AND PROCEDURES

0:32:09 City Manager/Attorney Jon Call summarized the proposed City Council Rules and Procedures changes. The council provided feedback on each proposed change, engaging in a high-level discussion on the time limit for public comments staying at 5 minutes or reducing the limit to 3 minutes.

Responses made by City Employees on official North Ogden City social media accounts were discussed at length. The Council was asked to consider having an automated response to all social media inquiries with instructions to contact the City Council for an official response. Mayor Berube said that the City's Facebook page should be used for informational purposes and supported the idea of having an automated response to any direct messages received through social media.

Council Member Pulver motioned to postpone Resolution 01-2024 updating the City Council Rules and Procedures to a future City Council Meeting. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

6. COUNCIL DEPARTMENT REPORTS:

A. COUNCIL MEMBER CEVERING – BUILDING AND PLANNING

1:03:44 Council Member Cevering reported that revenues are under at this point in the budget year and all building reviews and inspections are up to date. He said in the first 9 days of 2024, the City has received 10 permits for new homes to be built. The State Legislature kicks off next week and the Planning Director encourages the Mayor, Council, and others to tune into the ULCT Legislative Policy Committee Meetings.

B. COUNCIL MEMBER DALPIAS – POLICE DEPARTMENT

1:05:06 Council Member Dalpías began by recognizing January 9th as National Law Enforcement Appreciation Day and expressed the Council's gratitude to the City's Police Officers and Department. He encouraged those in attendance to thank the officers for their service. He announced that Chief Quinney and other local Police Chiefs have been invited to participate in a forum hosted by the Weber County League of Women Voters and the NAACP Ogden Branch on January 10, 2024, at 6:00 p.m. to discuss crime rates, gun violence, Weber County crime statistics, current challenges, public engagement, and the answering of questions. Council Member Dalpías announced that the Weber County Citizen's Police Academy will begin on March 8, 2024, and explained the commitment to is one night a week for 7 weeks. The North Ogden Police Department hosts and teaches the taser portion of that academy. For those citizens interested in attending, they are encouraged to get more information by calling the Police Department. Council Member Dalpías reported that it is time to license dogs for 2024; Dog License renewals can be done over the phone and new licenses must be done in person at the Police Department. Lastly, the Council Member reminded everyone of the Winter Parking Restrictions that are currently in effect; no parking on streets between 12:00 a.m. and 6:00 a.m., or during or 24 hours after a snowstorm.

City Manager/Attorney Jon Call provided an update on the Public Safety Building by stating that it is set to be completed by the end of January 2024. He commented on the lion's effort made by staff to get this project across the finish line, expressing gratitude to Nate Davis, Bryce Nelson, and all the other staff working above and beyond to make that building come together.

Mayor Berube asked Council Member Dalpias to provide an update on the Barker Park Committee. Council Member Dalpias stated that the first Barker Park Committee meeting will be held on Wednesday, January 24, 2024, at 6:00 p.m.

C. COUNCIL MEMBER BARKER - PARKS

1:10:25 Council Member Barker announced that two RAMP Grants are being completed for the playground at the North Shore Aquatic Center and the trail connection on Mountain Road. He reminded those in attendance that the Park employees also do snow removal.

7. PUBLIC COMMENTS

1:10:37 Doug Anderson, a North Ogden resident, addressed the commercial winter parking restriction issue by asking if it would be possible for the City and the Business Owner to enter into a “gentleman’s agreement” to allow parking for this particular business with a sticker to park on the south side of the road only, from a defined distance from the corner, and a defined length of time, with the understanding that the business would move the vehicles within one hour of the north side of the street being plowed. He ended by suggesting that some sort of agreement be entered into tonight to help the business now. This led to a high-level discussion on what solutions could be made without violating any City Ordinances.

1:16:20 Brenda Ashdown, a North Ogden resident commented on the City Council postponing each item that was discussed at the meeting that evening, noting that the Council does this often without a solution being made. She suggested that the Council do their research prior to the meetings so that solutions can be made to the issues brought to them. Brenda spoke to the City Council Rules and Procedures and the proposal to reduce the public comment time from 5 minutes to 3 minutes. She stated she is against reducing the time for public comments as it is difficult to express concerns in such a short amount of time. Brenda also mentioned sending emails to the City Council in the past and having those emails go unanswered.

1:18:28 Sandy Cochran, a North Ogden resident asked if when a developer’s plans and agreements are approved, if snow removal is considered in those plans. She provided the community she lives in as an example, Prominence Point, and stated that there is very little room for residents to put the snow from their driveways let alone the snow removed from the roads by the plows. Regarding the City Council Rules and Procedures, Sandy expressed her support for leaving the public comments time at 5 minutes.

1:21:21 Dave Shupe, a North Ogden business owner addressed the Council with more plausible solutions to his sidewalk snow removal issue. Mr. Shupe suggested removing the sidewalk and placing it on the other side of the street where the park is located so that the City employees can maintain it. He also suggested placing a gap to get rid of the abutment or changing the code. Lastly, he suggested that public volunteers plow the section of the walkway as it benefits the public right-of-way. The City Manager/Attorney explained that the sidewalk was installed per the engineering standard requirements as a safety consideration. At the time of development, a subdivision was not required, therefore, sidewalk installation was not part of the requirement at that time. He further explained that the ordinance to clear sidewalks is imposed on all North City residents. He noted that this ordinance has been in place since 1987, most recently being amended in 2006. He then addressed the liability issue of keeping the sidewalks clear by stating that each case is different, however, cities are required to have a snow removal plan and in North Ogden City, the burden of clearing the sidewalks is on the neighboring property owners and is unaware of any landowners in Utah being held liable in court due to an injury on an unplowed sidewalk. It was explained that the sidewalk in question is on the City's right-of-way and prior to the sidewalk being installed, there was grass in that location which Coldwater Animal Hospital maintained. Mayor Berube addressed Mr. Shupe by stating that until there is a change to the ordinance, he is required to maintain that abutting sidewalk and invited him to petition for that change to the ordinance to be made. Mr. Shupe pointed out to the Council that he drove around the City and noted that the McDonald's sidewalk is not being cleared as well as the sidewalk abutting 711.

1:34:33 Merrill Sunderlund, a North Ogden resident addressed the proposed changes to the City Council Rules and Procedures by saying that abstaining from voting should not count as a yes or a no vote. It means there was no vote. Mr. Sunderlund then spoke about the winter parking restrictions by saying the ordinance should not be changed and said that any consideration given to one business on bending the rules should be given to others.

1:37:29 Jason Westbrook, a North Ogden resident and business owner, and his business partner, Jason Sewell addressed the Council by noting the difference between keeping sidewalks clear and having a place for employees to park. Easement and Green Space requirements were discussed in some detail between the two business owners and the Council. Mayor Berube asked the owners why employees have not been parking on Washington Blvd, stating he does not believe the Utah Department of Transportation (UDOT) has the same parking restrictions in place as the City.

Jason Sewell commented that parking on Washington Blvd feels less safe to park on due to the busyness of the road. Chief Dirk Quinney clarified that city ordinances also apply to state roads located within a city's jurisdiction. The option of employees parking across Washington Blvd at King's Plaza was discussed as well as the safety issue of getting the employees across the busy road.

1:45:00 Mayor Berube announced that the City Recorder and City Manager/Attorney have developed a way to track postponed agenda items and get them rescheduled.

1:45:28 Susan Kilborn, a North Ogden resident spoke about her desire to get more residents engaged and to attend the City Council meetings; she invited Council Member Pulver to help her in getting the community more involved. Both Council Members Pulver and Watson agreed with Mrs. Kilborn that they would like to see more people involved in the public meetings.

8. MAYOR/COUNCIL/STAFF COMMENTS

1:49:20 City Manager/Attorney Call reminded the Council of the Work Session scheduled on January 16, 2024, where each department will do an introduction to their department's roles and responsibilities, and then the Council will discuss the 5-year capital project plan as an intro to the budget.

1:50:42 Council Member Pulver reminded everyone that as they clear their sidewalks, they should not put the snow back into the street. He mentioned attending a Code Enforcement Hearing and watching the Judge rule that developers are in charge of clearing the Developer Protection Strips on their property despite not living there. Council Member Pulver encouraged everyone to read Connection Magazine, noting that he attended the last Weber County Citizen's Police Academy and said there is a good article in the magazine regarding that.

1:52:35 Council Member Cevering asked about the status of All West Fiber's installation. City Manager/Attorney Call answered by stating that the main conduits are installed through most of the City with the exception of the northern end and that connections to houses are being made as approved. Council Member Cevering stated he would like to see the prescriptive easement of the Coldwater Canyon trail scheduled. The City Manager/Attorney said they have been coordinating with individuals to meet with the landowners to address the issue. Lastly, Council Member Cevering explained that Grant Protzman and Susan Clements have done an incredible job at totaling the number of

hours worked on Barker Park and that they will be submitting a RAMP Grant application for the park.

1:55:22 Council Member Barker announced that Northview Fire Department will be doing a Strategic Plan over the next month over social media and encouraged everyone to get involved.

1:55:56 Mayor Berube commented on the North Pole event at the North Ogden City Amphitheatre and asked that the traffic flow into the amphitheater be addressed as it could be a safety issue. He asked the City Manager/Attorney to look into that issue as well as whether the event qualifies as a city-sponsored event and explained that there could be ramifications for that. The Mayor then announced the members of the 2024 Citizen Budget Subcommittee as follows:

Brenda Ashdown
Doug Anderson
Kyle Nordfors
Chris McIntyre
Kristy Pack
Brad Dee
Phil Swanson

It was explained that the committee will be overseen by Council Member Pulver. The processes and intent of the Budget Subcommittee were explained, and any other citizens interested in serving on the Budget Subcommittee were encouraged to join.

9. ADJOURNMENT

Council Member Watson motioned to adjourn the meeting.

The meeting adjourned at 8:01 p.m.

S. Neal Berube
S. Neal Berube (Feb 14, 2024 16:44 PST)

S. Neal Berube, Mayor

Rian Santoro
Rian Santoro (Feb 15, 2024 08:17 MST)

Rian Santoro
City Recorder



02/13/2024

Date Approved