

Minutes of the regular meeting of the Ogden City Council held on Tuesday, April 2, 2024 at 6:00 p.m., in the Council Chambers, and via electronic meeting, on the third floor of the Municipal Building, 2549 Washington Boulevard, Ogden City, Weber County, Utah.

Present: Chair Ken Richey
 Vice Chair Marcia L. White
 Council members Bart E. Blair
 Angela Choberka
 Dave Graf
 Richard A. Hyer
 Shaun Myers

Council Executive Director Janene Eller-Smith
Council Deputy Director Glenn Symes
Council Policy Analyst Steve Burton
Communications and Public Engagement Coordinator Brandon Garside
Communications Project Coordinator Eric Davenport

Also present: Mayor Benjamin K. Nadolski
 Chief Administrative Officer Mara A. Brown
 City Attorney Gary Williams
 Community and Economic Development Interim Director Jared Johnson
 Management Services Director Lisa Stout
 Fire Chief Mike Mathieu
 Public Services Director Justin Anderson
 City Engineer Taylor Nielsen
 Deputy Planning Manager Joe Simpson
 Administrative Assistant Stephanie Grundie
 Collections Services Coordinator Emil Vargason
 Lead Plan Reviewer/Code Inspector Brandon Boydston
 Marketing and Communications Administrator Mike McBride
 Lead Construction Inspector Gage Charlesworth
 Business License Coordinator Pauline Miller
 Building Services Technician Cathy Spencer
 Information Technology Operations Supervisor Barry Chapman
 Information Technology Support Supervisor
 Deputy Business Development Manager David Sawyer
 Administrative Assistant Joey Medina
 Community Program Technician Joy Woods
 Code Services Officer Tyler Andrews
 Building Services Manager Chris Tremea
 City Recorder Tracy Hansen

At the request of the Chair, all present stood and recited the Pledge of Allegiance led by Vice Chair White.

A moment of silence was observed.

Appointment of Community & Economic Development Director

A letter from Mayor Nadolski requesting consideration of the appointment of Jared M. Johnson to the position of Community and Economic Development Director for Ogden City came before the Council for consideration.

Mayor Nadolski expressed his gratitude to the employees of Ogden City. He referenced his statement of goals for his first 100 days in office and highlighted the importance of City employees and community partners in achieving his vision for Ogden City. He spoke to Mr. Johnson's integrity, the trust he has earned from his staff and from City Administration, his growth mindset, his selfless service to the community, his collaborative efforts, and his humility. He stated he has a great deal of respect for Mr. Johnson and stated he is proud to ask for the Council's advice and consent approval of his appointment of Mr. Johnson to the position of Community and Economic Development Director for the City of Ogden.

Chair Richey then called for public input regarding the proposal.

Adam Hughes stated he represents the Lotus Company and he spoke to his positive interactions with Mr. Johnson; Mr. Johnson values teamwork and collaboration and has demonstrated a commitment to soliciting input from and building consensus

with internal and external stakeholders to ensure alignment with City policies and plans. He has found Mr. Johnson's approach to be invaluable in facilitating open, honest, and transparent communication. Mr. Johnson addresses problems head-on and proactively; his decision-making framework is based upon realistic/real-world examples. He relayed an experience he had working with Mr. Johnson in which Mr. Johnson asked him to provide data to support his proposal; this led to a rigorous analysis of the market, and he found this to be a logical system of information gathering that can only benefit City leaders in the decision-making process. He welcomes this approach in facilitating thoughtful and informed debate of City projects. Mr. Hughes noted he is a former certified economic developer and he later transitioned into his role as a private developer; based upon his experience in the private and public sector, he can attest to the fact that Mr. Johnson has the professional values, integrity, and high moral character demanded of his profession and in this critical role in the City. He believes Mr. Johnson's approach instills trust and his appointment to this position will allow the City to amplify the level of investment and creation in the community.

Stephanie Russell stated she is Weber County's Economic Development Director and Government Relations Liaison; she is representing the County Commission and Economic Development and Community Development Departments. The Commissioners wished to convey their excitement regarding this proposed appointment. She added she is very excited about the potential for working with Mr. Johnson. She discussed recent interactions she has had with Mr. Johnson and his team and when she learned this was a possibility, she convened with others in the County to rally her support for this nomination. She looks forward to continuing to work with Mr. Johnson and having a more collaborative approach to working with Ogden City on community planning efforts.

Steve Jones encouraged the Council to ratify the Mayor's proposed appointment of Mr. Johnson. He implored the Council to look to the future and focus on what can be accomplished by working together. He would like to get Ogden moving forward again. He has never worked with Mr. Johnson and his input is based upon what he has heard from Mayor Nadolski knowing that he does a very good job at vetting everything he does. Something Mayor Nadolski did not say about this appointment is that he holds everyone accountable for commitments they have made; he would not nominate anyone without having a conviction that the person was the right person at the right time to do this job. He concluded that he looks forward to progress in the City.

Teresa Bramwell stated she is a property owner in Ogden City, and she would like to welcome Mr. Johnson to his role as Director. She will support Mr. Johnson because she trusts the Mayor and he had very good things to say about Mr. Johnson. She stated she wants Mr. Johnson to be successful because she wants Ogden to be successful; she wants Ogden to be great again. She asked the Mayor, Mr. Johnson, and the Council to think about one question she has about this matter. She asked at what point collaboration on a specific project begins. She asked if it begins after long term property owners have been forced out of their property and a developer acquires it, or if the property owners and taxpayers of Ogden should be included in that collaboration.

Chris Tremea, Building Services Manager, stated he is grateful for the opportunity to support Mr. Johnson, as well as the opportunity to support Ogden City residents and the City Council. He stated he visits with many residents on a daily basis. He spoke with Ms. Bramwell before this meeting, and he agrees with the points she made about collaboration. He believes Mr. Johnson will pursue collaboration at the right time, which is at the beginning of a project. He has shown great leadership of his Division and he believes he will continue to be a great leader and will involve the appropriate stakeholders at the correct time for any given project. He shared information about his own interactions with Mr. Johnson; he stressed that Mr. Johnson leads by example and holds himself accountable. He is patient, is a teacher, and guides his employees in an effective manner. He is the quietest person in the room until he needs to speak up. He is honest and transparent and is the perfect salesperson for Ogden City. He has worked hard on the WonderBlock project and will bring it to fruition. He has changed Code Enforcement to Code Services, which is important for the citizens of Ogden.

Kevin Brown, Fire Marshal, echoed the sentiments that have been expressed for Mr. Johnson; he added he has worked closely with Mr. Johnson since he was hired in 2015 as the Building Services Manager. He has enjoyed an open line of communication with Mr. Johnson and has found him to be honest, collaborative, and even tempered. He has seen him diffuse tense situations in meetings and also motivate people to act. He is quiet when appropriate and speaks out when necessary. He is a true team player and is hard working, experienced, and driven and he fully endorses him for the position of Director.

Mike Mathieu, Fire Chief, stated he has worked with a number of Community and Economic Development Directors throughout his career and all have had their own special traits and talents; one thing he has noticed about Mr. Johnson is his humility. One thing that he looks for when hiring people in his Department is potential and he advised the Council to consider Mr. Johnson's potential when acting on this appointment. No one is ever fully qualified for a position, but Mr. Johnson has a great deal of potential. He is vulnerable and humble and is willing to learn, which will help to promote collaboration with all stakeholders. He concluded he fully supports the appointment of Mr. Johnson to the position of Director.

Joe Simpson, Deputy Planning Manager, stated he has worked with Mr. Johnson since he was hired by the City. He stated Mr. Johnson is the right person for this job; he is kind and cares about the people he works with and those he serves. He is an effective communicator and desires collaboration between all Departments. He is grateful to have the opportunity to work with and for him.

Brandon Boydston, Building Inspector, also shared his thoughts about Mr. Johnson; he is a true leader and leads by example. Several employees have gone to Mr. Johnson for guidance on different projects and if he does not know the answer, he will research and find the correct answer. He also echoed the sentiment that Mr. Johnson is very humble. He has worked with Mr. Johnson on many different projects and has found him to be dedicated to finding solutions that not only benefit the City but also the residents that the City serves.

Tyler Andrews, Code Services Officer, relayed a personal experience that he had with Mr. Johnson following a difficult situation he had been engaged in with a resident. Mr. Johnson was concerned about him and wanted to personally talk with him

and make sure he was doing well after the difficult interaction. He stated that Mr. Johnson is a great leader, and he cares about his employees and the City of Ogden.

Mike McBride, Marketing and Communications Administrator, stated he has been a vocal and active advocate for Ogden for 20 years and takes every chance to stand up for what is good and right for Ogden City; Mr. Johnson is an example of what is good and right for Ogden City. He hopes the Council will vote in support of Mr. Johnson's appointment.

There were no additional persons appearing to be heard.

Chair Richey thanked those who have spoken in support of Mr. Johnson tonight. He noted that consideration of the appointment will be continued until the April 9, 2024, meeting.

COUNCIL MEMBER BLAIR MOVED TO CONTINUE CONSIDERATION OF THE APPOINTMENT OF JARED M. JOHNSON TO THE POSITION OF COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOR OGDEN CITY TO THE APRIL 9, 2024, MEETING. MOTION WAS SECONDED BY COUNCIL MEMBER CHOBERKA, ALL VOTING AYE.

Proposed Ordinance 2024-7 amending Section 1-5-4 pertaining to a City flagpole

A memo from Council staff regarding a proposed Ogden City flagpole ordinance came before the Council for consideration. The memo stated Council staff have received draft ordinance language from the City Attorney's office regarding city-owned flagpoles. The proposed language was drafted as part of a council member initiative to regulate, by ordinance, which flags can be flown on city-owned flagpoles and the manner in which the flags shall be flown.

Council Policy Analyst Burton summarized the memo and stated the City does not currently have an ordinance that regulates the flying of flags on City-owned flagpoles. A Council member requested that the Council consider adopting a flagpole ordinance as part of the City Code. In May of 2023, the Council adopted a flag ordinance that explains the design and meaning of the Ogden City flag. The proposed ordinance would add a new section to the existing City Flag code that states that only the United States flag, Utah State flag, and Ogden City Police or Fire Department honor flags shall be flown on City-owned flagpoles. The ordinance contains identical language to a draft administrative flagpole policy.

Council member Blair asked if there are other communities in Utah that have adopted a similar ordinance, to which Mr. Burton answered yes.

Council member Choberka inquired as to the problem that will be solved by the adoption of this ordinance. Mr. Burton stated he cannot speak to the Council member's intent at the time that he filed the initiative, but from a policy perspective, it is reasonable for government entities to have an administrative policy that communicates what qualifies as government speech.

Chair Richey introduced in writing proposed Ordinance 2024-7, entitled:

"An ordinance/resolution of Ogden City Utah, amending the Ogden Municipal Code by amending Section 1-5-4 to amend provisions pertaining to a City flag; and by providing that this ordinance shall become effective immediately upon posting after final passage."

ON A MOTION BY COUNCIL MEMBER HYER AND SECONDED BY COUNCIL MEMBER MYERS, ORDINANCE 2024-7 WAS ADOPTED UPON THE FOLLOWING ROLL CALL VOTE: VOTING AYE – COUNCIL MEMBERS BLAIR, GRAF, HYER, MYERS, AND CHAIR RICHEY. VOTING NO – COUNCIL MEMBER CHOBERKA AND VICE CHAIR WHITE.

Vice Chair White stated that she feels the proposed ordinance is an attempt to solve a problem that does not exist. Council member Choberka agreed with Vice Chair White, but noted she feels this is a political issue and not one that the Council should be considering at this time.

Public Comments

Heath Satow addressed the adoption of the ordinance regulating the flags that can be flown on City flag poles; he indicated this adoption was proposed to prevent anyone from flying the gay pride flag on a City flagpole and he is upset that the Council adopted it. He then noted in the past he raised a question about why the City does not publish the voting record of Council members on the action taken summary for each Council meeting, but no one responded to his question. He referenced the Open and Public Meetings Act, which indicates that written minutes of an open meeting shall include a record of each vote taken by the public body. He stated that he interprets that to mean that the City is not following Utah Code and that should be corrected. If he is wrong, he still believes it would make people feel better if they could easily look up a Council member's voting record.

Teresa Bramwell stated she will continue to attend City Council meetings because she is very frustrated with the City; the City is her enemy at this time and is not on her side and does not want her to succeed. Her most recent frustration relates to an interaction she had with the Building Services Division for an inquiry to locate a lifetime shed on her property. She was told she cannot do that until she spends \$500 to plead her case to the Planning Commission to tell them why she needs to put a temporary shed on her property for storage purposes. For some reason, the zoning of her property prohibits anything other than a church or beauty salon. Her property has always been used for residential purposes and it is not appropriate to ban accessory storage units. She is unsure of the point of the zoning other than to upset residents and property owners. She wished everything were easier in Ogden, but that has not been the case in her experience.

Angel Castillo stated she is also disturbed by the Council's adoption of the flag ordinance; she supports Council member Choberka and Vice Chair White in their opposition to the ordinance and she wished the Council had not adopted it. She referenced a discussion during tonight's work session regarding the design of property at 144 25th Street; she noted Council member Graf

expressed concerns regarding building height and massing and she shares those concerns. Also, generally speaking, when a permit expires, the permittee must reapply and if codes have changed since the original approval of the permit, the new code should be imposed on the applicant. She suggested adjusting the massing on the upper level to address concerns about the massing on the street level. She then referenced increase in the use of artificial intelligence (AI) and noted that the City does not have an AI policy; she suggested the City consider a policy to help improve efficiency throughout the City.

Chair Richey asked City Administration to respond to Mr. Satow's question about documenting the voting record of Council members. City Recorder Hansen stated that the official minutes of all open meetings do include a record of Council votes; the results document published by Council staff following a meeting does not contain that same information and, rather, simply indicates the Council's action on all agenda items. However, that document is not considered the official minutes of the meeting. Chair Richey asked if official minutes are posted on the City's website once they are approved, to which Ms. Hansen answered yes.

Mayor Comments

Mayor Nadolski stated he was unaware of Ms. Bramwell's situation with the shed on her property; he believes Building Services Manager Tremea will discuss the issue with Ms. Bramwell. He then referenced a question asked during the last Council meeting regarding the use of interest accrued on a bond that has been issued for a City project. He asked Public Services Director Anderson to answer that question. Mr. Anderson reported the interest on the Marshall White Center bond is approximately \$1 million and City Administration has proposed additional fencing improvements, additional lighting, and mitigation of unsuitable soils that have been found on the project site. This matter will be presented to the Council in their next meeting as part of a budget opening proposal.

Mayor Nadolski thanked the City employees who attended the meeting tonight to speak in support of Jared Johnson. He expressed his appreciation to the Council for their partnership with City Administration and City staff.

Council member Comments

Council member Choberka stated that she looks forward to touring the Marshall White Center site when possible. Chair Richey stated that Council leadership will work to schedule a site visit and tour.

Council member Graf suggested that the bond interest could be used for other unforeseen elements of the project that have arisen since it commenced. Mr. Anderson stated he would be comfortable with that.

Chair Richey then addressed Ms. Castillo's comments regarding the project at 144 25th Street and stated that it is his understanding that the permit for that project has not expired. Mayor Nadolski stated that is correct. City Attorney Williams added that a new building permit will be necessary because the project scope is changing, but it will be adjusted to address improper design elements and exterior treatments at the site.

Vice Chair White and Chair Richey also thanked the employees who spoke tonight in support of Mr. Johnson; they also expressed a willingness to receive additional input via electronic means or phone call.

Closed Session

At this time, the Council gave consideration of adjourning into a Closed Session pursuant to one or more of the provisions of Section 52-4-205(1) of the Open and Public Meetings Law:

- a. Discussion of the character, professional competence, or physical or mental health of an individual
- b. Strategy session to discuss collective bargaining
- c. Strategy session to discuss pending or reasonably imminent litigation
- d. Strategy session to discuss the purchase, exchange, or lease of real property
- e. Strategy session to discuss the sale of real property
- f. Discussion regarding deployment of security personnel, devices, or systems
- g. Investigative proceedings regarding allegations of criminal misconduct

COUNCIL MEMBER HYER MOVED THE COUNCIL ADJOURN INTO A CLOSED SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205(1) OF THE OPEN AND PUBLIC MEETINGS LAW. MOTION WAS SECONDED BY COUNCIL MEMBER BLAIR, WITH THE FOLLOWING ROLL CALL VOTE: VOTING AYE – COUNCIL MEMBERS BLAIR, CHOVERKA, GRAF, HYER, MYERS, VICE CHAIR WHITE, AND CHAIR RICHEY. VOTING NO - NONE.

The meeting adjourned into Closed Session at 7:01 p.m.

The meeting reconvened at 7:51 p.m.

There being no further business to come before the Council, **COUNCIL MEMBER HYER MOVED THE MEETING ADJOURN AT 7:52 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER BLAIR, ALL VOTING AYE.**

TRACY HANSEN, MMC/CRA
CITY RECORDER

KEN RICHEY, CHAIR

APPROVED: May 7, 2024