

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

October 8, 2019

The North Ogden City Council convened in an open meeting on October 8, 2019 at 6 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 October 3, 2019. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2018.

PRESENT:            M. Brent Chugg            Mayor  
                       Ryan Barker                Council Member  
                       Blake Covering            Council Member        excused  
                       Cheryl Stoker              Council Member  
                       Phillip Swanson            Council Member  
                       Carl Turner                 Council Member

STAFF PRESENT:    Annette Spendlove        City Recorder/HR Director

VISITORS:            Brenda Ashdown            Joanne Holmen            Mike Monson  
                             Stefanie Casey            Lynn Satterthwaite        Randy Winn  
                             Neal Berube                Jordan Welling            Scott Welling  
                             Cassidy Satterthwaite    Wyatt Satterthwaite       Sarah Heilig  
                             Julie Anderson            Gary Attebery             Jordi El

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

**CONSENT AGENDA**

**1.    DISCUSSION AND/OR ACTION TO CONSIDER AUGUST 27, 2019 CITY COUNCIL MEETING MINUTES**

Council Member Turner motioned to approve August 27, 2019 City Council Meeting Minutes. Council Member Swanson seconded the motion.

**Voting on the motion:**

**Council Member Barker            aye**  
**Council Member Covering        aye    excused**

<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

## **ACTIVE AGENDA**

### **2. PUBLIC COMMENTS**

Jordan Welling, 134 E. 3900 N., stated he is doing a World Geography Class project and he has chosen World Population Growth. He asked the Council what they or the City are doing or what resources they have to slow down the birthrate. He noted the rapid birth rate is depleting resources of the earth and he suggested that a monthly meeting be arranged for the youth to discuss ways that they could slow down the birth rate, given that it is currently unsustainable.

Mayor Chugg stated that the Council has not addressed this subject. Council Member Turner informed Mr. Welling that the City does have a Youth Council that meets monthly; he suggested Mr. Welling join that group.

### **3. DISCUSSION AND/OR ACTION TO CONSIDER AMENDMENTS TO THE INTERLOCAL AGREEMENT FOR COMPLETION AND JOINT USE OF STORM WATER DETENTION BASIN AND WATER RESERVOIR**

A staff memo from City Manager/Attorney Call explained that as the design process for the new detention/irrigation pond has been moving forward the Water Conservancy District (Pineview) realized that they no longer had a need to dig the facility to a depth of 12 feet to get the irrigation storage they needed. In discussions with them we realized the original depth requirement of 12 feet was to satisfy the state requirements as a fishery. Because of that, the Board has requested that we amend the agreement to reflect the change in depth and storage capacity for irrigation as well as remove the fishery language and clarify liability issues further.

Here is a detailed analysis of each change being made.

#### Section 2.01

- The depth is changed from 12 to 9 feet and the irrigation storage changed from 25 to 20 at the Districts request.
- A note “the detention portion of the reservoir will be 100% reimbursable from the NRCS grant” was removed because it was a prior comment during the drafting phase of the document.
- Language referencing a fishery is removed.

#### Section 2.07

- Entire section is removed as it related to the use of the facility for fishery purposes.

#### Section 2.11

- Clarified the obligation to install fencing around District facilities is required prior to water being stored in the facility, not by a specific date.
- Removed editorial comment “Do not think will be pertinent”.

#### Section 4.06

- District requested the addition of the phrase “The City will defend and hold the District harmless from all damages occurring because of the public use of the irrigation facility.”
  - From a legal stand point this clarifies who is responsible for the public use of the facility. Under the governmental immunity act both the District and City are treated the same for liability purposes, so this shouldn’t change the ultimate position of the City or the District. Additionally, the purpose of the language that the “City will include the District as an additionally insured entity” already provides an avenue for the insurance company selected by the City to cover any loss by either party if there is any liability.
  - I don’t believe this language adds any more financial risk to the City than already agreed upon, but is intended to provide some additional comfort to the Board that there won’t be a financial risk in the future.

Missed reference to fishery.

In the document signed by the District and delivered to the City there is a missed reference to “fishery facilities” in Section 1.07. This is not a substantive reference to the fishery which would require the facility to be used as a fishery or designed for such and staff recommendation would be to leave the reference in and sign the agreement. The Council could request the deletion of this language and send back another revision, which would likely be accepted by the Board, but the reference says the City will provide a list of materials for the park and fishery, but does not obligate us to construct anything specific.

The memo concluded staff recommends approval of this amended agreement.

In Mr. Call’s absence, City Recorder Spendlove reviewed the staff memo. She asked permission to make the recommended adjustments to the agreement in order for the Council to take action to approve it. The Council indicated their support for the amendments.

**Council Member Swanson motioned to approve Interlocal Agreement A19-2019 amending interlocal agreement for completion and joint use of storm water detention basin and water reservoir as amended above. Council Member Turner seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Covering</b>	<b>excused</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**4. DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING A PETITION FOR ANNEXATION FOR PROPERTY LOCATED AT 165 EAST LOMOND VIEW DRIVE**

A staff memo from City Recorder Spendlove reported North Ogden City submitted an application petitioning for annexation of approx. 6.046 acres located at approximately 165 E Lomond View Drive in North Ogden, Utah. As required by Utah State Code the Weber County Surveyor has reviewed the annexation plat map and finds it to be a correct plat. The property being proposed for annexation is within North Ogden City's Annexation Declaration Policy Map. The Petitioner is requesting the zoning stay as RE-20, which the Planning Commission will review and make a recommendation to the City Council at a later date. The petitioner meets all the requirements to start the annexation process and it is recommended that the City Council accepts the petition to start the annexation process. A typical annexation takes (3) – (4) months due mainly to the certification of the petition, 3 week noticing requirements for the City to receive written protests, and Public Hearing. The petitioner has already hooked up to all City utilities.

**Council Member Barker motioned to accept a petition for annexation for property located at 165 East Lomond View Drive. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Covering</b>	<b>excused</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**5. PUBLIC COMMENTS**

Gary Attebery, 3012 N. 175 W., stated that he wanted it on public record that Council Members Swanson and Stoker have both blocked him from their Facebook accounts; he assumes that it is because he does not always agree with them. This constitutes an illegal action by any elected representative. As of January 9, 2019, the Fourth Circuit Court of Appeals ruled that the interactive portion of a public official's Facebook page is a public forum so an official cannot block people from that page because of opinions they hold. He stated he is sure this action was just an oversight and he assumes that tomorrow morning he will be able to access their Facebook pages. He then noted that last Friday he wrote an open letter to Phil Swanson, Lynn Satterthwaite, Charlotte Ekstrom, and Randy Winn. In the conversation in the August 27 meeting before the City Council's vote about the public pond project, Council Member Swanson declared that he would not be engaging in a Facebook battle with Mr. Attebery and he thanked him for understanding. Mr. Attebery noted, however, that he would like for Council Member Swanson to explain to the citizens of North Ogden his statement as a Council Member; during that conversation Council Member Swanson stated "it is far too simplistic to refer to this as merely a pond; it is a Pineview reservoir with a 20 acre foot capacity and storm water detention basin with 22 acre foot capacity that has many millions of our tax dollars coming back to us from the federal government if a recreational component is added to it." Mr. Attebery stated that in reviewing the documentation about the pond, he cannot find a guarantee that the federal government will be paying the City millions of dollars and he asked for a reference that can validate Council Member Swanson's statement. He asked how and when he will receive that information and noted that he is sure the people of North Ogden will appreciate it, just as he will.

**6. COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Barker thanked those that attended the Northview Fire District's Open House last night; the turnout was great, and he thanked his fellow Council Members for their support via their attendance.

Council Member Swanson stated that he appreciated the ability to attend the Open House last night; he enjoyed viewing the demonstration of extrication equipment at work.

Council Member Stoker also commented on the great Open House event; the simulation for children to see how a fire in their own home would feel was very educational and worthwhile. She then addressed Mr. Attebery and noted she does not have a political Facebook page; she has her own personal Facebook page, but she has not blocked him from that page.

Mayor Chugg stated that last night he attended the Weber Area Council of Governments (COG) meeting and received a presentation from the Riverdale Fire Department regarding their heavy rescue unit; this unit is going to be about \$400,000 short of keeping the unit in operation and they are looking at fundraising options to keep the unit alive. He then thanked those residents and staff members in attendance for their participation this evening.

7. **ADJOURNMENT**

**Council Member Stoker motioned to adjourn the meeting. Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>excused</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 6.22 p.m.**

  
M. Brent Chugg, Mayor

  
S. Annette Spendlove, MMC  
City Recorder

12 Nov 2019  
Date Approved