

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

April 28, 2020

The North Ogden City Council convened in an open meeting on April 28, 2020 at 6:00 pm at <https://zoom.us/j/96475983051> or by Telephone dial: US: +1 669 900 9128 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 Webinar ID: 96475983051 or <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 April 24, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT: S. Neal Berube Mayor
 Ryan Barker Council Member
 Blake Cevering Council Member
 Charlotte Ekstrom Council Member
 Cheryl Stoker Council Member
 Phillip Swanson Council Member

STAFF PRESENT: Jon Call City Manager/Attorney
 Annette Spendlove City Recorder
 Rob Scott Planning Director
 Evan Nelson Finance Director
 Tiffany Staheli Parks & Recreation Director
 Trent Wilkins Sanitary Sewer Superintendent
 Dave Espinoza Public Works Director

VISITORS: Julie Anderson Brenda Ashdown Jay D. Dalipas
 Stefanie Casey

Mayor Berube called the meeting to order. Stefanie Casey provided a message and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO APPROVE MARCH 10, 2020 CITY COUNCIL MEETING MINUTES

Council Member Stoker mentioned that “Tooeele” was spelled wrongly on page four of the minutes. Council Member Ekstrom stated that City Recorder Annette Spendlove has already made the correction.

Council Member Ekstrom motioned to approve the March 10, 2020 City Council Meeting Minutes as amended. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Julie Anderson, 940 E. 2600 N., thanked the Mayor and Council for maintaining the meetings during this pandemic so the public can stay informed on what is happening. She asked the Council to be realistic and understanding as they take care of the essentials in the budget process; in her opinion this means only funding essential needs at this time and carefully considering any item in the budget that could be defined as a 'want'. She concluded she does not want City employees or other residents in the community to lose their jobs.

Brenda Ashdown, 193 E. Pleasant View Drive, agrees with Ms. Anderson. She also recommended that the City Council discontinue the recycling program at this time; recycled materials are currently being taken to the landfill, so the City residents are paying a lot of money for a recycling program that is not actually effective.

Mayor Berube stated that we are living in unprecedented times and the budget is being considered very carefully with many items being cut.

3. DISCUSSION ON THE ANNUAL SANITARY SEWER REPORT

Trent Wilkins, Sanitary Sewer Superintendent presented the Annual Sanitary Sewer report. He reviewed the main topics addressed by the report.

Mayor Berube asked Superintendent Wilkins if there were any deficiencies that were identified or discovered through the process of preparing the report, to which Mr. Wilkins replied no.

4. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING ZONING ORDINANCE DEALING WITH THE ACCESSORY BUILDING STANDARDS**

A staff memo from Planning Director Scott summarized the background relative to consideration of amending the City's Accessory Dwelling Unit (ADU) standards; the memo also provided a summary of the proposed amendment. Mr. Scott reviewed his memo and facilitated a review of the actual ordinance amendment.

Council Member Swanson referenced property owned by Mr. & Mrs. Carney, parcel ID 170100072; the property is bordered by R-1 zoning on three sides and he asked if the proposed ordinance amendments that include a sliding scale would limit them to building a 1,500 square foot ADU or if they would be allowed to build up to 2,500 square feet. Mr. Scott stated the property would fall into the three to four acres at the 2,500 square feet if they rezone their property, which would give them the ability to construct the larger ADU.

Mayor Berube invited public comments.

a. Public Comments

Julie Anderson, 940 E. 2600 N., asked why the Council is considering amending the ADU ordinance again; it feels to her as if the City is stepping over boundaries and going deeper and deeper into infringing on citizens' personal property rights. She feels that most property owners are responsible and respectful of their neighbors and they should be allowed to construct an ADU they feel is appropriate.

Mayor Berube stated that he has driven through the City and has noticed some accessory buildings that fit in nicely in the neighborhood and some that have intruded on their neighbors' rights. He wished what Ms. Anderson had said was true and that residents are respectful of their neighbors and will not build something that negatively impacts them. He feels that legislation can be crafted to balance property rights.

There were no additional public comments.

b. Discussion and/or action to consider an Ordinance amending the Zoning Ordinance of North Ogden City to adjust the setback standards for accessory buildings in residential zones

Council Member Ekstrom stated that it would be nice if the City did not have to adopt ordinances to legislate these types of issues, but this type of ordinance is necessary. She feels the proposed amendments provide a good balance and compromise for the City and citizens.

Council Member Swanson thanked Mr. Scott and the Planning Commission for answering the questions and concerns the City Council had regarding accessory buildings. He also thanked them for being responsive to citizen feedback they provided.

Mayor Berube stated that when he and the Council first saw the draft ordinance they had several concerns and he is pleased how the Council and Planning Commission came together and revised the draft ordinance in response to Council and citizen feedback.

Council Member Swanson motioned to approve Ordinance 2020-07 amending the Zoning Ordinance of North Ogden City to adjust the setback standards for accessory buildings in residential zones, with the selection of Option B on Building Size under section 4A of the ordinance document. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO CONSIDER THE RECYCLING AND GARBAGE SERVICES

City Manager/Attorney Call summarized past discussions about recycling costs to be programmed in the 2020-2021 Fiscal Year (FY) budget in the event the Council decides to continue the program. He noted that Finance Director Nelson received updated information regarding potential costs just before tonight's meeting; the City's hauler has indicated their costs will be increased by \$17.00 per ton. He asked that the Council dialogue regarding whether to continue the recycling program; he would also like to discuss options available to the City for the future of the garbage hauling service.

Mayor Berube asked Mr. Call to first facilitate a discussion about the garbage collection service and the options available to the Council. Mr. Call shared a spreadsheet document with the Council and indicated the City pays the current hauler \$38,000 per month to collect garbage and recycled materials; this does not include the tipping fee at the landfill or the recycling facility. Based on the current number of cans in the City, the hauler has proposed an increase in service costs that would increase the total annual cost to \$572,000; this is a 24 percent increase. The hauler has indicated that if the City goes out to bid for a new contract, prices will likely increase even more than what has been

proposed; they predicted a 54 percent increase, or \$250,000 per year. It is staff's opinion that these estimates are very high and they have considered providing garbage collection service in-house. The projected cost for this type of program would be \$386,000. However, this would put a strain on the solid waste department and he would recommend increasing staffing levels to provide a greater level of comfort. This would increase the total cost to \$456,000, which is fairly close to what the City is currently paying per year, but it is \$100,000 less than what the City would pay if the current hauler's updated costs are accepted.

Mayor Berube indicated that the costs presented by Mr. Call include personnel and capital costs; additionally, Administration has reached out to other cities that provide in-house garbage collection to see if they would be willing to enter into an interlocal agreement that would provide the City some back-up if a garbage truck were to break down. This led to high level discussion among the Council, Public Works Director Espinoza, and Mr. Call regarding the best manner to proceed. Mr. Espinoza stated he feels confident his Department can handle the change in service provision. If the City does discontinue recycling, the third employee will not be needed.

Mr. Call explained the current contract expires July 1, 2020; it may be difficult, but the City should be able to secure the assets and employees needed to perform garbage collection.

Mayor Berube stated he feels that the City should first determine the actual market rates of providing the services before deciding to bring the service in-house. The Council discussed this concept as well as the profitability of a recycling program and whether it should be continued in the City. Mr. Call stated that eliminating the recycling program would reduce costs by \$280,985.76, but this would trigger the automatic requirement to rebid the garbage hauling contract.

Mayor Berube polled the Council regarding whether to bring garbage hauling in-house or pursue a bid process to determine contract rates. Council Members Barker and Stoker were in favor of bringing the service in-house, with Council Member Stoker noting she feels the recycling program should be discontinued. Council Member Swanson and Cevering were in favor of getting bids before making the decision to bring the service in-house. Council Member Cevering added he likes the recycling program and is hesitant to eliminate it entirely. Council Member Ekstrom agreed and asked if it would be possible to provide a central location for residents to drop off recyclable materials. Mayor Berube stated he feels that a thorough education campaign is needed to make the recycling program sustainable and successful.

Council Member Barker concluded that if garbage haulers learn that the City is only doing a request for proposals (RFP) to get costs to justify the decision to bring the service in-house, many of them will not even provide a proposal. Mayor Berube agreed, but added there are several matters for the City to evaluate before making the decision to bring the service in-house.

Council Member Barker motioned to forego a formal Request for Proposal (RFP) process and move towards converting the City's garbage hauling service in-house. Council Member Swanson seconded the motion.

Council Member Cevering stated he interprets Republic Service's comments to mean that if the City decides to complete an RFP process, their bid will be much higher. Mayor Berube stated that is correct, but the City always has the option of pursuing an RFP or bringing the service in-house. Council Member Cevering stated he believes the City's Public Works Department can handle the service, but it will definitely be a burden; he wants to see what results an RFP process would yield before making the decision to bring the service in-house.

Council Member Barker asked Mayor Berube for his opinion on the matter. Mayor Berube stated he believes the City should pursue an RFP process, but he understands the constraints the City is dealing with at this time. If private enterprise can compete with the public sector, he would favor private enterprise. He would like to see if there is time to publish an RFP and get responses before completely bringing the service in-house. Any hauler can read this information and learn of the price they need to be competitive with in order to be considered for award of the contract.

Mr. Call stated that Administration can reach out to all haulers in the area to provide them with a copy of an RFP; that could be done by the end of the week and the RFP should be open for up to three weeks. He added the service has not been bid since 2014. Council Member Swanson stated that he feels the City has good enough information from other entities that have recently bid the service to make a decision; he feels there is enough evidence that the pricing will be too high to continue with a relationship with a private hauler. He feels that the best decision is to move towards bringing the service in-house at this time. Mayor Berube stated that when a service provider feels their customer does not have an alternative, they feel comfortable raising their prices.

Mayor Berube then called for a vote on the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	nay
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed 4-1.

Mayor Berube then polled the Council regarding the future of the recycling program. Council Member Swanson stated he is not confident in the local recyclable materials handler to predict the future of the recycling market. He is supportive of eliminating the contract, but providing a central location for residents to recycle materials. Mayor Berube stated the City could have a central location for cardboard and plastics.

Council Member Stoker stated she would also like to eliminate the current recycling program, but wondered what can be done with the blue recycling cans. She also indicated she is supportive of a central location for residents to deliver their recyclable materials. Mr. Espinoza stated the blue cans could be used as a second trash can as it would not make sense to collect 6,400 cans and try to sell them. The cans can be used again in the future if a recycling program is again determined to be viable.

Council Member Ekstrom likes the idea of a central location for recycling items and will support doing away with the current recycling program. Council Members Barker and Cevering agreed. Mayor Berube stated the City needs to look into whether there is someone willing to take the cardboard or other recyclable materials once the City collects them; otherwise, the City will be stuck with the cost of hauling the materials to the landfill. Council Member Barker stated there is currently a cardboard collection dumpster at Green Acres Elementary and it is emptied regularly, so there must be a market for it. He is concerned about residents using the recycle collection bins for garbage. Mayor Berube stated that if that were to happen, the City could discontinue the access to recycling bins.

Mr. Nelson briefly summarized the revenues connected with collection of second garbage cans and recycling cans; eliminating the second garbage can will result in a reduction of revenues in the event that recycle cans become each residence's second garbage can. The City collects \$185,000 per year from residents who currently have a second garbage can. The City charges for a second garbage can to incentivize the recycling program. He suggested that the fee schedule for garbage cans be adjusted if the decision is made to eliminate recycling and use recycling cans as a second garbage can. Council Member Ekstrom stated she would be supportive of an evaluation of the fee schedule. There was discussion about different options for spreading the costs for service across the entire City rather than deciding to continue a program simply from the standpoint of revenue generation.

Council Member Ekstrom motioned to proceed with discontinuing the current recycling program as of May 1, 2020, conditional upon the City Manager and Finance Director creating a financial model that communicates that elimination of the recycling program will not put a financial burden on the citizens. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	nay
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed 4-1.

6. DISCUSSION AND/OR ACTION REGARDING CHERRY DAYS AND AQUATIC CENTER SCHEDULE FOR SUMMER 2020

Tiffany Staheli, Parks and Recreation Director indicated she has been working closely with Recreation Directors in other cities to determine how to best respond to State directives in response to the COVID-19 pandemic. Several cities have cancelled their annual celebrations, but many are still trying to proceed with opening swimming pools and aquatic centers. She asked for direction from the Council regarding whether to cancel or host the annual Cherry Days Events and whether to open the North Shore Aquatic Center for the 2020 season.

Mayor Berube stated that it is difficult to police social distancing at City events or even at the Aquatic Center; employees may be put at risk if they are charged with enforcement. He would like to wait some time before making a determination regarding the Aquatic Center, but he is comfortable making a decision to cancel Cherry Days at this time. Council Member Swanson agreed; he noted he would condition the opening of the pool on the Governor's decision to move the state from the yellow to green phase of recovery in the Utah Leads plan. Council Member Ekstrom agreed.

Council Member Swanson motioned to cancel all Cherry Day's Events for this year, including fireworks; full operations at the Aquatic Center cannot resume until the State of Utah moves to the Green Phase of the COVID-19 Utah Leads plan, but limited programming may be allowed in the Orange or Yellow phase. Council Member Ekstrom seconded the motion.

Ms. Staheli stated that some operations at the Aquatic Center could resume when the State moves to the orange or yellow phase of the Utah Leads plan; however, she needs direction from the Council as to whether they want to wait to open until all programming is possible or if they are comfortable opening with modified operations.

Voting on the motion:

Council Member Barker	aye
Council Member Covering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

7. DISCUSSION OF THE FISCAL YEAR BUDGET 2021

Evan Nelson, Finance Director, presented items in the budget concerning City-wide personnel budget issues: all proposed new positions have been eliminated; proposed changes from part-time to full-time status have been reduced to current part-time status; merit/cost-of-living adjustments have been eliminated; salary adjustments, based on a recent market study, have been included in the current draft in the amount of approximately \$100,000 across all funds; and travel and training has been limited to those which are required to maintain certifications. He then discussed adjustments to the City's transportation funds based upon suspension of the transportation utility fee pending litigation another Utah city is dealing with. The Transportation Impact Fee Fund includes a \$1,134,000 budgeted transfer into the Capital Projects Fund for the 2600 North Intersection Widening Project. All revenue in the Transportation Sales Tax Fund is being held in reserve as back-up funding for the 2600 North Intersection and 400/450 East Widening projects. Revenue in the 400/450 East Improvement Fund is generated through rental fees from homes that have been purchased by the City for the road widening project. Administration proposes transferring \$200,000 to the Capital Projects Fund for use on the widening project and is contingent upon approval from the County who is the source of the funds and purchased those properties. He then expounded on impact fee and utility fee fund proposals and concluded that future discussions on the budget include consideration of acceptance of the tentative budget on May 12 and adoption of the final budget on June 9.

Public Works Director Espinoza presented the idea of creating a season pass for the Green Waste facility rather than a punch pass; this would be a smoother process for staff and would still generate revenue. Another option would be to implement a \$1.00 monthly fee on utility bills to cover yard waste from residential properties. Paying at the pit is difficult as there is not a stable internet connection for the purpose of charging credit cards. He would like for the Council to discuss all alternatives in greater detail at the next meeting.

Mayor Berube invited public comments.

a. **Public Comments**

Julie Anderson, 940 E. 2600 N., stated that she hates the green waste pit. She believes that mulching is too costly and this facility and service should be eliminated. The City should evaluate the true purpose of the pit; she feels it is used by other landscape companies outside of the City and this is unfair to residents. She added that the initial contract for the acceptance of the pit by the City indicates that the City is not supposed to make any money on it; it is not supposed to be dug out further or added to, but that has been allowed. She believes the City needs to carefully evaluate the current situation. Residents who are not using the pit should not bear a financial burden for it.

Brenda Ashdown, 193 E. Pleasant View Drive, stated that she burns on her own land and does not want to be charged for green waste on her utility bill.

J.D. Dalpiaz, 734 E. 2700 N., believes that moving garbage collection in-house is a good idea, but he hopes that the City starts small with staffing the service, perhaps with two full time and a part time employee, rather than creating three new full-time positions at the onset.

Mayor Berube thanked the residents for their input and indicated more discussion on the budget will take place over the course of the next several meetings.

8. **DISCUSSION AND/OR ACTION TO CONSIDER A CONTRACT WITH FAMILY PROMISE**

City Manager/Attorney Call explained Family Promise has asked that the City extend their contract for the lease of the Public Works Property until June 30, 2021. The contract allows for renewal for up to three years through July 31, 2024.

Council Member Stoker motioned to approve Agreement A4-2020 with Family Promise as presented. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

9. **PUBLIC COMMENTS**

There were no public comments.

10. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Barker said that because of the burning at the Green Waste Pit, North Ogden City residents do less burning than Pleasant View and Harrisville. He stated that because of his position with North View Fire Agency he has access to the burning permits that are issued. He feels the pit provides a great benefit to the entire City.

Council Member Stoker thanked all those who have worked on the fiscal year budget for 2020-2021.

City Manager/Attorney Call stated that many policy decisions were made on the General Fund and that information is in the packet. He said that if anyone needed clarification on these items to please call the Mayor, City Manager, or Department Heads.

Mayor thanked everyone for their input and help with the budget as well.

11. **ADJOURNMENT**

Council Member Ekstrom motioned to adjourn the meeting. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 9:01pm



S. Neal Berube, Mayor

S. Annette Spendlove
S. Annette Spendlove, MMC
City Recorder

9 June 2020
Date Approved