



**CITY COUNCIL MEETING AGENDA
AUGUST 11, 2020 - 6:00 PM
NORTH OGDEN, UTAH**

PUBLIC CAN ATTEND BY:

Click the link to join the webinar: <https://us02web.zoom.us/j/84611409128> Webinar ID: 846 1140 9128
or Telephone Dial: US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or Youtube: <https://www.youtube.com/channel/UCrigbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Cevering

PRESENTATIONS

1. Recognition of bravery for 14-year-old Draydon Croston
Presenter: Mayor Berube

CONSENT AGENDA

2. Discussion and/or action to consider June 9, 2020 City Council meeting minutes
3. Discussion and/or action to consider July 7, 2020 City Council meeting minutes
4. Discussion and/or action to consider July 14, 2020 City Council meeting minutes

ACTIVE AGENDA

5. Public Comments*
6. Discussion and/or action to consider a Sound Ordinance
Presenter: Jon Call, City Manager/Attorney
7. Discussion and/or action to consider an Amphitheater Ordinance
Presenter: Jon Call, City Manager/Attorney
8. Discussion on vesting the General Plan and limiting future zone changes
Presenter: Council Member Phil Swanson
9. Discussion and/or action to consider the appointment of a Hearing Officer and an Agreement for Hearing Officer Services
Presenter: Jon Call, City Manager/Attorney
10. Discussion and/or action to consider an Agreement for a Minute Specialist
Presenter: Annette Spendlove, City Recorder
11. Council Reports:
 - a. Council Member Barker - Building & Planning
 - b. Council Member Swanson - Finance
12. Public Comments*
13. Council/Mayor/Staff Comments
14. Adjournment

****Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Annette Spendlove, City Recorder at 782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 6th day of August, 2020 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogdencity.com>, and faxed to the Standard Examiner. The 2020 meeting schedule was also provided to the Standard Examiner on December 22, 2019 S. Annette Spendlove, MMC, City Recorder

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to five (5) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.



MariJo Croston says, "I am a great swimmer, in fact I was on a synchronized swimming team all growing up, & I passed my Red Cross badges by the time I was 10! But sometimes being a good swimmer doesn't help at all!"

On a Recent Saturday, the Croston family, Dad Ryon, Mom MariJo, and sons Draydon and Trayson were on the Weber River on tubes.

After Draydon saw that his mom was out of her tube, and couldn't stop where the group (which included his father and brother Trayson), had stopped to get out, he let go of his safe spot to come save her. Somehow, he was able to grab the tube that was dragging her, and held on as she cried, screamed, and yelled. Ryon, also witnessed what happened, but couldn't do anything except yell for him to not let go.

Draydon who is almost 14, held onto the tube for a few hundred feet while his mom was hanging from the tube, being drug over high rocks and rapid waters, until he was finally able to miraculously grab hold of a big rock with the raging waters rushing by, and got the tube stopped safely. He never let go even though his mom screamed for him to over and over again, because she thought she would pull him down with her.

MariJo was pretty bruised up, sore, had numerous cuts, and could hardly walk, but is alive, thanks to her brave son, Draydon.

Draydon is not only a hero, but is an honor student and is so responsible. His mother says he is an amazing friend to anyone and everyone. He's never said a bad word in his life, nor would he dream of it. He takes every responsibility seriously.

Draydon truly deserves to be recognized as the Cherry on Top!

[#thecherryontopNOC](#)

NORTH OGDEN CITY COUNCIL MEETING MINUTES

June 9, 2020

The North Ogden City Council convened in a virtual meeting on June 9, 2020 at 6:04 p.m. at <https://us02web.zoom.us/j/82256835898> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 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 June 4, 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 (arrived at 6:44 pm)
	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
	Dirk Quinney	Chief of Police
	Lorin Gardner	City Engineer

VISITORS:	Brenda Ashdown	Julie Anderson	Kevin Burns
	Susan Clements	Stefanie Casey	Terri McCulloch
	Rod Barker	John Arrington	Jack Rufer

Mayor Berube called the meeting to order. Brenda Ashdown offered the thought and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **DISCUSSION AND/OR ACTION TO CONSIDER APRIL 14, 2020 CITY COUNCIL MEETING MINUTES**
2. **DISCUSSION AND/OR ACTION TO CONSIDER APRIL 28, 2020 CITY COUNCIL MEETING MINUTES**

Mayor Berube noted that he asked City Recorder Spendlove to make a few minor corrections/amendments to the minutes; he asked that a motion to approve reference the amended minutes.

Council Member Ekstrom motioned to approve the April 14, 2020 and April 28, 2020 City Council Meeting Minutes as amended. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	(excused)
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

3. PUBLIC COMMENTS

Julie Anderson, 940 E. 2600 N., offered a 'shout out' to a City employee in the Public Works Department who responded to her property to help her diagnose a water leak. He was very helpful.

4. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING FISCAL YEAR 2021 REVISED TENTATIVE BUDGET AND RDA FINAL BUDGET

Finance Director Nelson stated that this budget has been discussed several times over the past few months; the final budget will not be adopted until after a Truth in Taxation process can be advertised and a hearing held. Therefore, the action before the Council tonight is to adopt the tentative budget as the operating budget until August 4, 2020. He noted property tax revenue estimates have been included in the tentative budget; however, the amount that the County has communicated that the City will collect is \$11,421 less than projected. The budget includes a revenue estimate of \$1,490,000, which includes \$223,000 beyond what the current certified tax rate would generate. He stated that if the Council wants to maintain the \$1,490,000 revenue estimate, it would be necessary to increase the tax rate accordingly. Or, the Council can adjust the revenue estimate to reflect the information provided by the County. He asked for feedback from the Mayor and Council. Mayor Berube stated that the citizens have been paying \$3.00 per month for the transportation fee and he wants to limit the property tax increase to

approximately what was being paid on the transportation fee that is no longer being collected on their utility bill. The Council supported that direction. Mr. Nelson stated that the Truth in Taxation notice will include language communicating that the Council will increase rates to a level that will generate \$1,479,189. He then noted that the City has not received confirmation of the amount the City will be charged for liability, property, and auto insurance premium for the year. He expects that the current expenditure allocated across multiple funds in the City is too low and the final amount will be programmed into the final budget proposal that will be considered in August. He then discussed the adjustments to the Cherry Days budget that are included in the document; the regular budget has been reduced significantly given the COVID-19 pandemic, but Administration is hopeful that it will be possible to hold Cherry Days in 2021 and the budget will need to be adjusted accordingly.

a. Discussion and/or action to consider an Ordinance approving Fiscal Year 2021 Revised Tentative Budget.

Council Member Barker asked if it is possible to roll-over the FY2020 Cherry Days budget to the FY2021 budget. Mr. Nelson stated that any unexpended funds will roll into the General Fund balance and can be re-allocated for other uses in the next FY.

Council Member Barker motioned to approve Ordinance 2020-11 approving Fiscal Year 2021 Revised Tentative Budget with the change to the property tax to show the projected revenue as \$1,479,189.00. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	(excused)
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

b. Discussion and/or action to recess the City Council meeting and convene in the RDA.

Council Member Swanson motioned to recess the City Council meeting and convene in the RDA. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	(excused)

Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The City Council Meeting recessed at 6:30 p.m.

The RDA meeting convened at 6:30 p.m.

c. Discussion and/or action to consider an Ordinance approving the RDA Fiscal Year 2021 Final Budget.

Finance Director Nelson noted that no changes have been made to the RDA and CDA budgets since the last review of the documents during the May 26 meeting.

Board Member Swanson motioned to approve Ordinance RDA 2020-11 approving the RDA Fiscal Year 2021 Final Budget. Board Member Ekstrom seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	(excused)
Board Member Ekstrom	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

d. Discussion and/or action to adjourn the RDA meeting and convene in the City Council Meeting.

Board Member Ekstrom motioned to adjourn the RDA meeting and convene in the City Council Meeting. Board Member Stoker seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	(excused)

Board Member Ekstrom	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

The RDA meeting adjourned at 6:33 p.m.

The City Council Meeting re-convened at 6:33 p.m.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING AND REDUCING THE PENALTIES RELATED TO VIOLATION OF ANIMAL ORDINANCE RELATED TO PETS**

City Manager/Attorney Call explained the Utah legislature passed a new rule (House Bill 202) which prohibits cities from imposing criminal penalties on people for certain violations related to their pets or homes. The statute is not 100 percent clear on some items so the staff has recommended that some of the ordinances relating to animal cruelty retain harsher penalties. The new statute says that all violations related to “pets” (cats and dogs) and residences are infractions for which a fine only will be issued. The City is only allowed to impose a fine every 14 days and once somebody has been fined three times, the fourth time the penalty can be increased to a Class B Misdemeanor. He referenced an ordinance included in the Council meeting packet, noting it is intended to impose the reduced penalties along with other timelines and state required provisions. The only proposed language changes are for the penalties, and not the substantive descriptions of the crimes.

Council Member Ekstrom motioned to approve Ordinance 2020-12 amending and reducing the penalties related to violation of animal ordinance related to pets. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	(excused)
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING AND REDUCING THE PENALTIES RELATED TO VIOLATION RELATED TO RESIDENTIAL USE OF PROPERTIES**

City Manager/Attorney Call stated the intent of this ordinance is similar to the intent of the previous agenda item; simply put, the language in the ordinance is intended to communicate that a property owner cannot be jailed for a nuisance violation at their property and that such a nuisance will only be elevated to a Class B Misdemeanor after three civil penalties have been issued. He referenced an ordinance included in the Council meeting packet, noting it is intended to impose the reduced penalties along with other timelines and state required provisions. The only proposed language changes are for the penalties, and not the substantive descriptions of the crimes.

Council Member Stoker motioned to approve Ordinance 2020-13 amending and reducing the penalties related to violation related to residential use of properties. Council Member Swanson 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.

7. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING TITLE 3 CHAPTER 4 OF THE NORTH OGDEN CODE RELATED TO DEPRECIATION FUND POLICIES AND PROCEDURES TRACKING CAPITAL ASSETS IN THE CITY**

City Manager/Attorney Call explained that at the last Council meeting the Council adopted a motion to repeal a section of the current City Code. "NOC 3-4 Asset Budgeting Information". In that meeting the Council decided to proceed with the repeal, but it is necessary to take that action via adoption of an ordinance.

Council Member Cevering motioned to approve Ordinance 2020-10 amending Title 3 Chapter 4 of the North Ogden Code related to depreciation fund policies and procedures tracking capital assets in the City. Council Member Ekstrom 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.

8. DISCUSSION AND/OR ACTION TO CONSIDER SURPLUS PROPERTY AT APPROXIMATELY 2540 NORTH BARKER PARKWAY

City Manager/Attorney Call explained the City was approached about property at approximately 2540 N. Barker Parkway with an inquiry about the future plans for the property. Staff has reviewed the history of this parcel; it was originally purchased from the Barker Family and is the eastern most edge of the hollow area of Barker Park. Several years ago, the City adopted conservation easements on the remainder of Barker Park as the property was transferred from the Municipal Building Authority to the City, however since this parcel was already owned by the City no conservation easement was attached to it. To grant a conservation easement the Council must declare the property as surplus to comply with state law. Staff is recommending the Council declare this property as surplus at least for purposes of granting a conservation easement across this parcel similar to the other parcels in Barker Park. Secondly, a neighbor has approached the City about purchasing a portion of this property to combine with their own parcel directly adjacent so they can plant a garden and do other activities on the land. The Council will need to decide the best course of action moving forward. Once the property is declared as surplus it will allow the City to have discussions in open meetings and closed meetings about the future of this property. The City does not have a firm policy on selling property associated with parks, and this would seem a logical time to discuss what direction the City would like to take with these types of requests moving forward. Staff recommends the City Council hold the public hearing and then begin discussions on policies and other considerations prior to making a final decision on the disposal of any property.

Mayor Berube opened the Public Hearing at 6:52 p.m. There were no persons appearing to be heard.

Council Member Stoker motioned to close the public hearing. 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.

The public hearing was closed at 6:53 p.m.

The Council then discussed the concept of labeling the property as surplus and the potential for selling the property; Council Members Swanson, Ekstrom, and Stoker were opposed to declaring the property as surplus or selling the property at this time. Council Member Barker stated that if the Council wants to place a conservation easement on the property, it is necessary to declare it as surplus; he does not want to sell the property, but he has no problem declaring it as surplus so that the conservation easement can be pursued. The led to discussion of the limitations on use of the property associated with a conservation easement.

Mayor Berube noted the offer to purchase a portion of the property was submitted by Rod Barker and he invited Mr. Barker to provide information about his request.

Mr. Barker stated that when he first purchased his home at 2524 Barker Parkway he approached the Mayor about the opportunity to improve the land between his home and the hollow; the Mayor said he would be delighted for that to happen as the property was unkempt and in need of attention. He stated he cannot see the City ever doing anything with the property given its location situated between his property and the hollow and he would like to own it and continue to maintain it. For the property to the east of him, there is sprinkler lines and grass; it is like a small park for the residents who live there. He stated that he has given his own time and resources to keep the area looking nice and he would like for a conservation easement to be placed on the property for people of future generations who will live in the area to continue to enjoy it.

Council Member Cevering asked if approval of a conservation easement would preclude the City from selling the property. Mr. Call answered no; however, the easement can be used to preserve the property as open space regardless of ownership of the property. Council Member Cevering stated that he would be in favor of selling the property after it is declared as surplus property and a conservation easement is placed on the property.

Council Member Swanson stated he thinks the City needs to hang on to every piece of property it owns; it would be premature to declare the property as surplus at this time.

Mayor Berube inquired as what the status of the property will be if the Council chooses not to take any action at this time. Mr. Call stated that it will remain undeveloped and in the ownership of the City. The Parks and Recreation Department is working on master planning that would include opportunities for incorporating the subject property into the overall design and theme of the area. Council Member Cevering stated that work could

proceed if the property were declared surplus and under the assignment of a conservation easement. Mr. Call answered yes.

Council Member Barker stated that Mr. Rod Barker is his uncle and he invited the Council to visit the property to become familiar with the relationship between the City-owned parcel and the privately-owned property; the City owned property cannot be accessed from Barker Parkway. Rather, the only way to access it is through Mr. Rod Barker's property. He stated he is in favor of a conservation easement to be in line with the rest of the park. Council Member Swanson reiterated that the City cannot afford to sell any park property it currently owns; there are opportunities for protecting the property from development without placing it in a conservation easement. Council Member Cevering stated that the property can be used as park property even if it is in a conservation easement. Council Member Swanson stated that is correct, but once the property is included in a conservation easement, it can be sold to anyone at any time. At the present time, the property cannot be sold or developed due to its current status. Until the City has a formal plan for park space at buildout of the City, he does not want to consider surplussing the property or placing it in a conservation easement.

Mayor Berube stated that he understands the different viewpoints; however, he has walked the property and does not see how it can every be used as a park space. He encouraged other Council Members to visit the property to form their own opinion. He also asked staff to reach out to the Department of Natural Resources that would require that the hollow be maintained in its present condition. Council Member Swanson suggested that the entire Council take a field trip to the property along with the City's Parks and Recreation Director to discuss the matter. Mayor Berube stated he supports that proposal and suggested the Council table discussion at this time.

Council Member Stoker motioned to table this discussion for Surplus Property at approximately 2540 North Barker Parkway. 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. **DISCUSSION AND/OR ACTION TO CONSIDER THE CITY MANAGER'S CONTRACT**

Mayor Berube stated that he has worked with Mr. Call since being sworn in as the City's Mayor and he has gained a great deal of respect for him; he is very knowledgeable about the workings of the City and he wishes to retain him. He has developed an agreement to replace his current employment agreement, but he has included some modifications. He reviewed the key provisions of the contract:

- Term of three years with the option to renegotiate or renew.
- 12-month termination benefit.
- Mr. Call is required to provide 60-day notice of voluntary termination of his contract; Mayor can shorten that time frame if it is possible to find a replacement sooner.
- Disability clause giving Mr. Call continuation of salary upon disability.
- Base salary set at \$104,000 with a vehicle allowance of \$400 per month.
- Ability to purchase a new cell phone each year at a maximum cost of \$800.
- Four weeks of vacation per year.
- Payment of necessary expenses to retain his status as an attorney; continued professional education.
- Mr. Call is subject to the same salary and benefit adjustments afforded to other City employees.

He concluded he believes this is a fair contract for Mr. Call and the City and he invited discussion among the Council. Discussion centered on whether the proposed salary covers Mr. Call's role as both the City Manager and Attorney; Mayor Berube acknowledged that Mr. Call is likely underpaid when compared to his counterparts in other cities, but Mr. Call refused to be paid more than that. Council Member Ekstrom thanked Mr. Call for that and indicated the City is lucky to have him. Council Members Swanson and Cevering echoed that sentiment. Mr. Call thanked the Council for their kind works and stated he is grateful to be employed by North Ogden.

Council Member Barker motioned to approve Agreement A10-2020 for the City Manager's Contract. 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.

10. PUBLIC COMMENTS

Rod Barker, 2524 Barker Parkway, thanked the Council for their discussion of his proposal to purchase City owned property near his home. He stated that he has a document from the State of Utah Division of Parks and Recreation regarding the City's purchase of property formerly owned by his parents. The document states that the City applied for a grant from the State of Utah and the grant was approved with the stipulation that the ravines would stay in a natural state. No development can occur in the hollow without violating that agreement. He invited the Council to come to his home and to the property he would like to purchase to see for themselves that there is no way for the property to be developed in any way as park space. He stated the portion of the property he wants to purchase is about 1/6 of an acre.

Mayor Berube asked Mr. Barker to send that agreement to himself and Mr. Call.

11. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Barker reported on the actions taken in the most recent Mosquito Abatement meeting. He then reported on a request made by the General Plan Steering Committee at their last meeting; they would like to understand the Council's feelings about vesting residential zoning. In other words, do they want to vest General Plan map to mirror the current zoning map. City Manager/Attorney Call presented the existing zoning map; he noted that the General Plan map is not as clear or detailed as the zoning map and this is by design to provide flexibility for future development. However, the General Plan Steering Committee wants the General Plan map to match the zoning map. Council Member Barker stated the Committee wants to know if the Council would support that idea before they spend too much time to formulate a recommendation.

Mr. Call facilitated discussion among the Council regarding the meaning of the term 'vesting'; it is locking the future density of undeveloped land in the City to provide certainty for landowners and their neighbors. The Council discussed the concept of vesting; Council Member Swanson expressed his support for the General Plan Steering Committee exploring a recommendation. Council Member Stoker agreed. Council Member Barker agreed as well and stated he would be willing to hear the Committee's recommendation.

Council Member Cevering stated he would need additional time to consider the matter; he needs a greater understanding of the pros and cons of vesting. Council Member Ekstrom agreed.

Council Member Barker then stated that the General Plan Steering Committee would also like to know if the Council would like a recommendation on Transferrable Development Rights (TDR). Council Member Swanson stated that he feels that vesting and TDR are tools that go hand in hand and he would like to hear a recommendation about that issue as

well. Council Member Stoker agreed. There were no objections from other Council Members.

Council Member Cevering stated he has conferred with Public Works Department Staff to formulate a proposal regarding options for offering lenience to residents who are struggling to make their utility payments. Mayor Berube stated that the City will proceed with shut offs at this time, but would like to develop a policy regarding the manner in which adjustments to a resident's utility bill will be considered. Mr. Call stated he is working on a draft of that type of policy.

Mayor Berube then suggested that each Council Member plan to provide a report on their assignments on a rotation that he will set up and communicate to the entire Council. He will include an agenda item on each meeting agenda to allow for that report. He then reported on the progress that private residents and entities in the community have made on developing the Gold Star monument located in front of City Hall. The monument is drawing attention from Gold Star families throughout the State and he is proud of North Ogden residents for their dedication to this endeavor.

Mayor Berube then noted he and Mr. Call met with Jack Barrett at the Village at Prominence Point project and learned he will likely be seeking additional modifications to the development agreement for that project. He is working on continued development of the project area.

Mayor Berube then commented on a social media post that he made in support of the Police Department and its Chief; given the current climate, he feels it would be meaningful for the Council and residents alike to offer support for the Police Department whenever possible. He then reported on the need to be a welcoming committee in terms of diversity and acceptance.

Parks and Recreation Director Staheli referred to the previous discussion regarding the property that Mr. Barker wants to purchase near Barker Park. She encouraged the Council to keep an open mind about what park space should look like; not all parks need to be grassy areas and playground. Rather, passive space, trails, and open space are needed for the continued growth of the City. She asked the Council to consider the implications of selling any City owned property that could potentially be used for those purposes.

12. DISCUSSION AND/OR ACTION TO CONSIDER MOVING INTO A CLOSED MEETING TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY § 52-4-205(1)(d)

Council Member Cevering motioned to move into a closed meeting to discuss the purchase, exchange, or lease of real property§ 52-4-205(1) (d) €. Council Member Swanson 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 recessed at 8:04 p.m. and reconvened at 8:45 p.m.

13. ADJOURNMENT

Council Member Stoker motioned to adjourn the meeting. Council Member Ekstrom 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 8:45 p.m.

S. Neal Berube, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

**NORTH OGDEN CITY COUNCIL & PUBLIC SAFETY BUILDING COMMITTEE
JOINT WORK SESSION
MEETING MINUTES**

July 7, 2020

The North Ogden City Council convened in a virtual meeting on July 7, 2020 at 6:00 p.m. at <https://us02web.zoom.us/j/81341085110> or by Telephone: US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 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 July 2, 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 (excused)

PUBLIC SAFETY BUILDING COMMITTEE:

Brent Chugg	Chairman
Laura Barker	Committee Member
Kevin Burns	Committee Member
Karen McIntosh	Committee Member
Tim Scott	Committee Member
Robert Bolar	Committee Member
Clark Crowther	Committee Member
Chad Roylance	Committee Member
Dirk Quinney	Committee Member

PLANNING COMMISSION:

Eric Thomas	Chairman
Scott Barker	Commissioner
Don Waite	Commissioner

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Annette Spendlove	City Recorder
	Evan Nelson	Finance Director
	Lorin Gardner	City Engineer

VISITORS:	Leslie Meyer	Ashley McCann	Stefanie Casey
	Terri McCulloch	Brenda Ashdown	Jack Rufer
	Susan Clements		

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

ACTIVE AGENDA

1. PUBLIC COMMENTS

Leslie Meyer, 657 E. 2550 N., stated she has a situation on her property; 10.5 acres of land on the hillside are plagued with deer. She has called the Utah Department of Wildlife Resources (DWR) about the matter and they issued five permits to harvest does from the property. However, when she called the City she was informed that City ordinances only allow for shooting at non-moving targets in City limits. She is seeking help from the City.

City Manager/Attorney Call stated he is aware of the issue and feels it would be appropriate to adjust the City ordinances to be in line with State law regarding safety precautions that govern depredation hunting. Police Chief Quinney stated he supports the amendment so long as it only applies to depredation hunts. Mayor Berube directed staff to draft language that will allow for the requested ordinance amendments; an action item can be included on the next City Council business meeting agenda regarding this matter.

2. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPROVING THE C.A.R.E.S. ACT INTERLOCAL AGREEMENT

City Manager/Attorney Call explained that Weber County has been awarded funding from the Federal Government relating to CARES act legislation; subsequently, North Ogden City will be allotted \$1.8 million in relief funding. There are very specific guidelines for the use of the funding and the majority of the money should be used for supporting the local economy. To that end, the County has negotiated an interlocal agreement with each of the cities in the County to specify the terms of the award of the funding. He facilitated a review of the interlocal agreement for the benefit of the Council, noting that Harrisville and Ogden City have opted out of the program, which means that businesses in those cities must apply for grants direction from their City rather than from the County.

Mayor Berube noted that while North Ogden will pool its money with the remaining cities in the County, it will retain 10 percent of the funding to cover any costs incurred to protect City employees in response to the pandemic. He added that he has received notification from the County that they would like each City to have representation on the

committee that will make decisions on grant allocation. For North Ogden, Council Member Swanson will be the assigned representative.

Mr. Call then provided brief information regarding the grant application process for businesses in the County; a website has been created by the County to make the application process easier.

Council Member Cevering motioned to approve Resolution 12-2020 approving the CARES Act Interlocal Agreement A13-2020. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

WORK SESSION AGENDA

3. DISCUSSION ON THE PUBLIC SAFETY PROJECT TIMELINE (WHERE WE ARE AND THE NEXT STEPS)

Public Safety Committee Chairman Chugg provided the City Council with a report of the work that has been done by the Committee; following a detailed evaluation process, they determined that the current Public Safety Facility is inadequate to meet the public safety needs of the City at the present and in the future. Internal planning has been done by the Committee and a formal recommendation has been provided by the City Council to proceed with securing funding for an upgraded facility. A study has been completed by JRCA and the findings of their study will inform the design of the project. The next step is to establish community support for the project and the Committee asks for the aid and support of the City Council in that endeavor. The Committee has participated in several site visits to view the layout and design of upgraded Public Safety Facilities in other communities and they have great ideas for addressing the needs of North Ogden. He and the Committee look forward to group discussions with the City Council regarding the best way to proceed. Design and delivery of the project can proceed once decisions are made by all parties involved.

Mayor Berube stated that since this is likely one of the most expensive projects that will be funded by the City, he would like for the citizens to be given the opportunity to vote on whether to support a general obligation bond for the project. However, the City may have the opportunity to secure property for the facility in advance of a bond election and

he would like for the Council to discuss that issue. There has been some public criticism about the project because some citizens believe that decisions have been made without public input. He emphasized that is not the case and he is committed to being very transparent relative to any formal decisions that need to be made regarding the project.

The Council then engaged in high level discussion with Mr. Chugg regarding opportunities for communicating information about the project to the community. Mayor Berube suggested that each Committee member be assigned to contact at least ten people in the community to give them detailed factual information about the need for an upgraded facility. Police Chief Quinney accepted that assignment, but noted that he and the Committee need direction from the Council regarding whether to continue their planning efforts or if the process should be halted until decisions are made by the City Council and the Mayor.

Committee member Chad Roylance stated that his frustration has come from the fact that public discussion has been focused on inaccurate information about the project, such as an inflated project cost when the actual cost has not yet been determined. Mayor Berube agreed and noted that it is necessary for Committee and City Council Members to share factual information. Committee member Robert Bolar suggested that a virtual open house be held and for videos to be produced that can be easily shared through email or via social media platforms. The group discussed this idea and all supported the concept of creating a video or multiple videos that illustrate the public safety needs of the community with a focus on the needed growth of the Police Department responsive to projected population growth of the community at build-out. Mr. Roylance and Mr. Bolar stated they can work together to create a high-quality video that can be easily distributed. Mr. Roylance stated that he would like to create a website that will only have information about the project; links to that website can be included on the City's webpage and social media accounts.

Council Member Ekstrom stated she feels that the public concern is related solely to the high cost of the project rather than the actual need for the project; it may be necessary to communicate the actual needs of the facility that may be contributing to the higher costs of the project. Mayor Berube agreed and stated it would be helpful to convey that information.

4. **EXPLANATION OF PROPOSED PUBLIC SAFETY BUILDING SQUARE FOOTAGE.**

Police Chief Quinney then used the aid of a chart that provided a comparison of current working conditions in the existing Police Station with critical needs of a Public Safety Facility for the current population of the City as well as projected buildout of the City. Following the presentation, Chief Quinney stated that he believes that some of the public discomfort with the project is related to historical discussion about the needs for an upgraded facility and his guess that a new facility could cost approximately \$6 million;

he noted that estimate was not based on any factual information, but many people have interpreted it as fact based. Mayor Berube agreed that people who have read past documents about this matter seem to be concerned that the estimates for the project have increased from \$6 million to nearly \$11 million. He indicated he understands the original \$6 million estimate was more of a guess and not based on any real design and analysis work; however, that is why it is important for the Council and Committee to publicly communicate the community's public safety needs and the reasons for an upgraded facility.

Council Member Ekstrom asked if the facility that has been conceptually designed by the Committee and JRCA will truly meet the City's needs at buildout or if it can be modularly added onto; she does not want to build a facility that will be obsolete in a few years' time. Chief Quinney stated that JRCA was instructed to design a facility that will meet the City's needs at build-out which is projected to be twice the City's current population. Currently, the City strives to provide one Police Officer position per every 1,000 residents, but if that ratio is adjusted to something like 1.5 officers per 1,000 residents, the facility may need to be larger. He added that there may be some opportunity to add onto the facility that has been designed, or the design can be adjusted to more easily accommodate increasing the size.

5. **PUBLIC COMMENTS**

There were no public comments.

6. **COUNCIL/COMMITTEE/MAYOR COMMENTS**

Mayor Berube thanked the Public Safety Committee for the work they have done on the City's behalf. He understands the need to move quickly on the Public Safety Facility project, but he also wants to do it right the first time.

7. **DISCUSSION AND/OR ACTION TO ADJOURN THE ACTIVE AGENDA/WORK SESSION TO CONVENE IN A FIELD TRIP**

Council Member Cevering motioned to adjourn the Active Agenda & Work Session to convene in a field trip. 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**

The motion passed unanimously.

City Manager/Attorney Call noted that the public is welcome to participate in the field trip; it will also be streamed on the City's YouTube Channel.

The active portion of the meeting adjourned at 7:38 p.m.

FIELD TRIP – 7:54 PM

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

STAFF: Jon Call City Manager/Attorney
 Annette Spendlove City Recorder
 Rob Scott Planning Director
 Lorin Gardner City Engineer

PLANNING COMMISSION:
 Eric Thomas Chairman
 Nicole Nancarrow Commissioner

VISITORS: Jack Barrett Dawn Barrett Jake Thomas
 Steve Davies Kevin Burns Stefanie Casey
 Megan Sanders

8. FIELD TRIP TO VILLAGE AT PROMINENCE POINT (1700 N. AND WASHINGTON BOULEVARD) – UPDATE

Developer Jack Barrett provided a general overview of the history of the Village at Prominence Point project with a focus on the amendments to the layout of the project and the Development Agreement; he then facilitated a walk-through of the undeveloped portions of the project property. There was high-level discussion about parking requirements for the types of land uses included in the project; the water table on the property; affordability of the residential units planned for the project; amenities to be included in the residential area of the project; the ratio of open space/built space; the current housing market relative to whether there is a demand for the type of units proposed to be included in the project; and the Council's desire for a gateway building at the corner of 1700 North and Washington Boulevard and whether there is an opportunity

to include residential use on the upper floor of that building to achieve the desired look/aesthetic.

9. COUNCIL/PLANNING COMMISSION/MAYOR COMMENTS

There were no additional comments.

10. 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

The motion passed unanimously.

The meeting adjourned at 8:47 p.m.

S. Neal Berube, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

July 14, 2020

The North Ogden City Council convened in a virtual meeting on July 14, 2020 at 6:05 p.m. at: <https://us02web.zoom.us/j/81036599409> or by Telephone: US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799 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 July 10, 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	excused
	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	
	Dave Espinoza	Public Works Director	
	Tiffany Staheli	Parks and Recreation Director	
	Lorin Gardner	City Engineer	
	Evan Nelson	Finance Director	
VISITORS:	Kevin Burns	Stefanie Casey	Rod Barker
	Peggy Barker	Ivan Barker	Jordan Bodily
	Brenda Ashdown	Dave Hulme	John Arrington
	Meg Sanders	Scott Schuman	Richards
	L. Dalton	Jay D. Dalpias	

FIELD TRIP – 6 PM

1. SITE VISITS: 6 PM – WADMAN PARK, 2625 NORTH 1025 EAST; 6:20 PM – OAKLAWN, 1200 EAST 2500 NORTH; 6:50 PM – 2552 BARKER PARKWAY

The Mayor, Council, and members of Administration participated in site visits to Wadman Park, Oaklawn Park, and Barker Parkway. Topics of discussion during the site visits included a review of modifications that have been made to the parks and requests

from residents to be able to purchase a portion of property at both Oaklawn Park and Barker Parkway.

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

CONSENT AGENDA

2. **DISCUSSION AND/OR ACTION TO CONSIDER MAY 12, 2020 CITY COUNCIL MEETING MINUTES**
3. **DISCUSSION AND/OR ACTION TO CONSIDER MAY 26, 2020 CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve the May 12, 2020 and May 26, 2020 City Council Meeting Minutes. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

4. **PUBLIC COMMENTS**

Dave Hulme, 513 E. 1700 N., stated it has been six months since Council Member Barker was granted an extension of one year to complete the annexation of his property to ensure that he is a North Ogden resident so that he can maintain his status as a Council Member. He asked for an update on the status of that annexation. He hopes the actions that have been taken since the extension was granted are sufficient to justify the Council's faith that the process would be completed in as little time as possible. He feels the law that governs this issue was written in no small part to ensure that public officials are subject to the laws they pass. Recent discussions about the potential to increase taxes to cover the cost of a public safety building, possibly through bonding, caused him to wonder if Council Member Barker would vote to raise the property taxes of residents without having to pay them himself. He is also unaware of any movement to clarify the language in the subject statute to ensure that this situation will not happen again. Adjustments to clarify the entity

or person responsible for enforcement of the statute are appropriate and he hopes the City will begin the process of pursuing those amendments now so that they can be completed before the next municipal election.

City Manager/Attorney Call responded that the State of Utah has not provided the City with any information or guidance relative to amendments to the statute that Mr. Hulme is referencing; in years past, they have considered annual amendments to election codes, but he is unaware as to whether amendments will be considered in the next legislative session. He stated he can reach out to the Lieutenant Governor's Office to learn if they are pursuing amendments; he believes it would be helpful to have the statute clarified. In its current form, it can be difficult to interpret and even harder for courts to enforce. Mayor Berube asked Mr. Call to reach out to the Utah League of Cities and Towns (ULCT) to recommend the legislative amendments that have been cited tonight. He then noted he has reached out to City Recorder Spendlove and learned that Council Member Barker has not yet filed his annexation petition as he is awaiting the completion of a property survey. He plans to have his application submitted in the next four to six weeks. Ms. Spendlove stated that is correct; however, she has provided Council Member Barker with the annexation petition materials.

Brenda Ashdown, 193 E. Pleasant View Drive, stated there is a mess behind the new auto parts store on 2550 North. She asked how long they will be allowed to keep the construction debris and materials on the site before the City requires them to abate it.

Mr. Call stated the developer of the project has committed to remove all construction material and debris that will not be used on the site; however, he is unsure of the timeline for that work. They are also working to submit an application for future development of the site. Mayor Berube stated that it was his understanding that the developer made the commitment to clean the site by the end of last week. He asked Mr. Call to follow up with that developer to ensure the work is completed.

Meg Sanders, 2915 N. 875 E., thanked Council Members Swanson and Cevering for answering her email regarding McGriff Park; she stated she is looking for an update on the status of the replacement of the play equipment at the park and when it will be opened.

Mayor Berube stated he spoke with Parks and Recreation Director Staheli about that issue; the City has received a Recreation, Arts, Museum, and Parks (RAMP) grant from Weber County for the replacement of the equipment. The new equipment will not be installed until next year. City staff has discovered some issues with the existing equipment that makes it unsafe for use at this time. It has been closed until the repairs to the existing equipment can be completed.

5. **DISCUSSION AND/OR ACTION TO CONSIDER APPOINTMENTS TO THE ARTS GUILD**

Mayor Berube stated the City has been working to create an Arts Guild for the past several months. The City has solicited applications for the Guild and he would like to appoint two Co-Chairs for the Guild. He recommended the appointment of Todd Harris and Jami Rasmussen to these positions. He briefly reviewed a staff memo detailing the past professional experience of both of the individuals, after which he noted that once the two individuals have been appointed, he will seek their help in interviewing additional applicants and possibly recruiting other members to be appointed to the Guild.

Council Member Ekstrom moved to appoint Todd Harris and Jami Rasmussen as Co-Chairs to the Art's Guild and to appoint additional members to the Guild, not to exceed a total membership of seven. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN ZONING ORDINANCE TITLE 11-1-4, CREATING A CIVIC ZONE**

Planning Director Scott reviewed a staff memo summarizing the ordinance amendments that have been proposed by the Planning Commission; creation of a Civic Zone will assure that development of City-owned properties and facilities will follow City ordinances. The zone text specifies permitted uses; site development standards; site plan approval requirements; signage, fence, and exterior lighting regulations; as well as parking requirements. The proposed ordinance text was evaluated to determine if it conforms with the City's General Plan and the Planning Commission finds that it is consistent with that document. They voted unanimously (six to zero) to recommend that the Civic Zone be enacted.

Council Member Swanson inquired as to the approving authority for site plans or site plan amendments. Mr. Scott stated that staff will vet site plan applications, but consideration of final approval will be the responsibility of the Planning Commission.

Discussion briefly centered on the manner in which the proposed ordinance will benefit the entire community by ensuring that City development projects are held to the same laws and standards as private property owners. The review process for any City project will be public, which will increase transparency. Mayor Berube stated that if this ordinance is adopted, the next step will be to identify all City-owned properties for assignment of the zone.

Council Member Cevering motioned to approve Ordinance 2020-15 amending North Ogden Zoning code title 11-1-4, creating a Civic Zone.

Council Member Swanson stated that he would like for the City to get in the habit of regularly reviewing ordinances within two years after adopting the ordinance to ensure that the ordinance is having the desired effect. Council Member Ekstrom agreed and stated it would be good to determine whether the adopted standards are facilitating a thorough process or creating stumbling blocks. Mr. Scott added that the City Council will have the opportunity to evaluate the effectiveness of the ordinance as they consider project design requirements and standards as they are contemplating the budget for said projects. However, he is not opposed to a mandated review in two years from now.

Council Member Cevering amended his motion to approve Ordinance 2020-15 amending North Ogden Zoning code title 11-1-4, creating a Civic Zone, by adding the requirement to review the Ordinance no later than two years from the date of adoption. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN CITY CODE TITLE 6-2E-1: DISCHARGING WEAPONS WITHIN CITY LIMITS

City Manager/Attorney Call explained the City was approached about the possibility of modifying City ordinances to allow for Depredation Hunts to occur within the municipal boundaries after an individual obtains a permit from the Division of Wildlife Resources (DWR). Depredation hunts are to reduce the damage to agricultural crops and are managed by the DWR. The proposed ordinance language includes a requirement that the Chief of Police provide written permission, even if somebody has obtained a depredation hunt/permit, so the Police Department is aware of all active hunts within the municipal

boundaries to facilitate the proper response to calls raised by concerned citizens. Permit holders would also be required to follow all the state rules and regulations.

The Council briefly discussed the implications of the ordinance and determined to support the recommendation of City Administration. Mr. Call noted that the title of the ordinance incorrectly names it as an amendment to the animal ordinance; he asked that it be changed to reference the discharge of weapons in City limits.

Council Member Stoker motioned to approve Ordinance 2020-16 amending North Ogden City code title 6-2E-1: Discharging Weapons, authorizing staff to amend the title of the Ordinance to add Discharging Weapons within City limits. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

**8. DISCUSSION ON THE NORTH OGDEN CITY CODE TITLE 4-4:
RESIDENTIAL SOLICITATIONS**

City Manager/Attorney Call explained that over the past several months the City has received several complaints about individuals and companies not following the ordinance related to door to door sales. He noted he has emailed the Council the City's current door-to-door solicitation ordinance and would like for the Council to advise staff as to whether ordinance amendments are desired or if increased enforcement of the current ordinance would solve the problems. He added he can include additional information on the City's website and the magazine to inform residents of how they file a complaint regarding solicitation in the City.

Council Member Swanson stated that the nature of the complaints relates to the aggressive demeanor of some of the door-to-door solicitors; he is unsure how to address that issue in an ordinance. This led to a high-level discussion and debate regarding appropriate regulations to include in the ordinance to help curb aggressive solicitation. Topics included changing the curfew for door-to-door solicitation to ensure that solicitation cannot occur after sunset or no later than 8:00 p.m.; the need to use objective terms rather than subjective terms to allow for increased ease of enforcement; and strengthening the application process for an individual or business to secure a door-to-door permit. Mr. Call stated he will use the feedback provided to adjust the ordinance and present it to the Council in a future meeting for continued debate or action.

9. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ADOPTING AN INTERLOCAL AGREEMENT WITH WEBER HUMAN SERVICES FOR SERVICES TO THE NORTH VIEW SENIOR CENTER**

City Manager/Attorney Call explained this item is an agreement that would facilitate the management and designation of programing costs at the Northview Senior Center, which is owned by North Ogden City. He reviewed the highlights of the agreement, emphasizing that the City is responsible for half of the salary and benefits of the Weber Human Services staffer assigned to the Center.

Brief Council discussion centered on the insurance policy that will cover use of the Center as Mayor Berube sought clarification on the level of liability the City will have for anything that may occur at the facility. He suggested that language be included in the advertisement of any event occurring at the facility to indicate the sponsoring entity; this will help to ensure that the appropriate entity bears the liability for any accident that may occur at the facility.

Mayor Berube then referenced comments made by Council Member Swanson in the past regarding his concern that Pleasant View is not contributing financially to the ongoing maintenance and operation of the Center, even though their citizens use the facility. He noted he has spoken with that City's Mayor about that issue and he feels continued discussion is warranted. Council Member Ekstrom stated it would be helpful to have attendance records to support the position from which the City will be negotiating regarding the portion of operational costs that Pleasant View should pay. She then noted that she has heard complaints about the food that is provided for senior meals. Mr. Call stated that is overseen by Weber Human Services; the meals are prepared in their commercial kitchen.

Council Member Swanson motioned to approve Resolution 13-2020 and Agreement A15-2020 adopting an Interlocal Agreement with Weber Human Services for services to the North View Senior Center. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER AN EXTENSION OF THE TRASH COLLECTION AGREEMENT

City Manager/Attorney Call explained this Agreement is to contract for the collection and transportation of solid waste in North Ogden City. The City had began to undertake the task of the responsibilities which are covered by this contract, but found that market shifts, and changes in telecommuting in the City have resulted in unanticipated expenses and obligations which the City is not equipped to handle without incurring expenses in excess of the tentative budget. Staff have evaluated the circumstances and is recommending the adoption of this contract extension to prevent incurring significant additional expenses, along with ensuring continued level of service for collection and transportation of solid waste. The staff have also found ways to recoup most of the expenses incurred by bringing this work in-house including recovering expenses related to the lease of vehicles and other similar expenses. He concluded staff is recommending the adoption of this addendum and he briefly reviewed the per-can rates specified in the document.

Public Works Director Espinoza indicated that his staff has reached out to other entities to verify the collector's claim that demand for service has increased by at least 30 percent related to COVID-19.

Mayor Berube stated his greatest concern regarding this subject matter is that the City has leased garbage collection vehicles in order to assume the responsibility of trash collection in the coming year; staff is pursuing options for selling the vehicles to recoup expenses that have been made. He believes that staff has diligently tried to perform the service that was previously performed by a contractor, but changes in the market have made that task impossible.

Council Member Ekstrom commended Mr. Call and Mr. Espinoza for pursuing in-house trash collection. She then noted the Council's action to approve the shift to an in-house program included hiring a new employee and she asked if that person will now be laid off. Mr. Espinoza stated that no employee will be laid off, due to opportunities to shift people to different positions that are vacant due to attrition.

Council Member Stoker stated she did a ride-along with a trash collection vehicle driver and it was a great experience; she feels they did a great job dealing with circumstances they were dealt. Mayor Berube agreed and indicated he feels the City learned some good and valuable lessons from the short experience of performing in-house trash collection.

Council Member Swanson stated that the Mayor and Council came together to do something they felt was the best decision for the entire City; however, when it became apparent that it was not the right decision, no individual tried to blame anyone or shirk responsibility. Rather, Administration and the Governing Body came back together to alter the decision that was made and reinstate private trash collection service.

Council Member Ekstrom motioned to approve Agreement A14-2020 for trash collection services with Republic Services. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

11. PUBLIC COMMENTS

Jay D. Dalpias, 734 E. 2700 N., stated that he is unsure how much Pleasant View residents use the Senior Center. He has family that lives in Pleasant View and when he relayed concerns about Pleasant View residents using the facility without any financial support from their city, they shot back at him that North Ogden residents constantly use their pickleball courts without having contributed financially. He noted that he is aware of many North Ogden residents that use Pleasant View parks on a regular basis, including his family, and he asked for the Council to consider that perspective when pursuing negotiations with Pleasant View City regarding support for the Senior Center.

Mayor Berube noted that the City is aware that Pleasant View contributes \$5,000 annually for senior citizen programming, but he thanked Mr. Dalpias for that perspective.

12. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson stated a resident sent him a photo of a clogged storm drain at 1300 E. 2675 N. He asked Public Works to address the issue.

Council Member Ekstrom stated the Council continues to receive requests regarding the City providing a central location for recycling drop-off. Mr. Espinoza stated that the City selected Republic Services for dumpster service in the City and he is working with that company to secure a few recycling dumpsters that can be located at the Public Works Facility. Republic Services uses an entity that sorts recyclable materials after they are collected, so this should be an easy program for residents to participate in.

Mr. Call reported on the purpose of the joint meeting with the Planning Commission that has been scheduled for tomorrow, July 15. He then noted that he will be adding an item to future Council agendas to allow for one Council Member to provide a report on the

assignments they have accepted. Mayor Berube noted that is at his request and he reminded the Council of the assignments they have received.

Mayor Berube thanked Republic Services for their flexibility in responding to the situation the City found itself in relative to garbage collection. He also thanked the Council for their understanding of the issues the City was dealing with as a result of the COVID-19 impact on the amount of trash that was being generated. He then thanked Council Member Swanson for accepting the assignment to evaluate CARES act loan applications that will be vetted by a Weber County board. Work on that matter will begin tomorrow.

13. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 9:36 p.m.

S. Neal Berube, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

NORTH OGDEN CITY STAFF REPORT

TO: City Council

FROM: Jonathan Call, North Ogden City Manager/Attorney

DATE: 7/22/2020

RE: Sound Ordinance

The attached Sound Ordinance is being proposed as a replacement for the City's current sound ordinance. The main focus of the sound ordinance has been to treat all properties and property owners the same, except for one distinction. In residential areas the sound requirements are lower than in commercial areas. Meaning that sound which is experienced in residential areas is generally required to be less than sound experienced in commercial areas. Here are the main bullet points:

- Sound is regulated at the property line of the individual objecting to the sound level.
 - Example: a person who is 3 houses away from a pool party where loud music is being played is only allowed to enforce the sound decibel level on their property line, not the property lines of the intervening neighbors.
- Sound is regulated in various time intervals to allow for short loud bursts of sound associated with regular activities in neighborhoods and commercial areas.
 - Example: a construction site will often have loud bursts of sound several seconds apart. The LA_{max} is intended to establish the upper limit of any single burst of sound.
 - Example: a pool party is allowed to play music which periodically exceeds the 75 decibels established in the LA_{eq} 1 hr provided that there are sufficient offsetting periods of lower numerical sound decibels which equalize the decibel level to be equal to or less than 75 dBA over the one hour time period.
- The Sound ordinance is designed to allow for common activities most expect to occur in residential areas.
 - Example: individuals are allowed to mow their lawn, blow snow, or undertake other landscaping projects.
- Sound is regulated but allows for several exceptions related to snow removal, fire and police sirens, airplanes and trains, agricultural activities, and emergency utility work.
- There are some additional requirements for all properties, regardless of ownership. The ordinance has tried to treat everybody the same.
- There are some universal prohibitions related to intentional acts by individuals to disrupt events, or their neighbor's quiet enjoyment of their property.
- The general penalty for violating the sound ordinance is an infraction, though the council may wish to increase the penalty on some items. In this ordinance construction noise is a Class B misdemeanor. Others could be upgraded as well to higher penalties.

- This ordinance also prohibits the use of engine brakes on all roads which are less than 6% grade. This will not resolve all the engine noise issues in the city, but will help establish some standards to help in areas of the City where engine brakes are not required for safety reasons, but are used out of habit.

Sound ordinances are inherently tricky to write, because it is hard to anticipate every source of sound and every situation. This ordinance is focused on removing or limiting the number of exceptions and providing universal protection to all landowners and residents. This is undoubtedly not a perfect ordinance, but it attempts to resolve several of the issues we have seen in the City lately, as well as equalize the playing field for all users.

One thing this ordinance does is also provides some guidance for the use of City Property. Specifically, this ordinance gives priority to individuals and groups who reserved City property for family, community, cultural, sporting, or other events. The intent is to provide some guidance for the users of public property and allow for limited disruption when people have planned events and taken the time to rent public property to do so. Additionally, this allows for individuals participating in sporting events to hear all warning whistles, instructions, or other safety related communications during a sporting event.

Staff is recommending the Council review this ordinance and help resolve some of the outstanding issues with the current City sound ordinance.

ORDINANCE 2020- ____

AN ORDINANCE REGULATING SOUND IN NORTH OGDEN CITY

WHEREAS; The City has the responsibility to pass rules from time to time to regulate how property owners interact with each other; and

WHEREAS; The City has utilized a sound ordinance which has lost some effectiveness over time; and

WHEREAS; The City wishes to effectively regulate sound in the city; and

WHEREAS; The City desires to add more clarity to the sound regulations while providing for adequate flexibility to account for the numerous uses and activities which routinely occur in various parts of the city.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code be amended as follows.

SECTION 1: The North Ogden Code Title 5 Chapter 3 renamed "Sound Regulations" and rewritten as outlined below.

5-3 SOUND REGULATIONS

5-3-1 Purpose. The purpose of this chapter is to regulate sound levels in the City within acceptable limits.

5-3-2 Definitions.

Commercial Receiving Zone: The category of property which includes all commercial and industrial zones, multi-family zones, mixed use zones, and all public owned property directly adjacent to commercial and industrial zones.

Day: 7:00 a.m. to 10:00 p.m.

~~dBA: The A-weighted unit of sound pressure level.~~

DECIBEL (dB): The unit of measurement for sound pressure level at a specified location. The symbol is "dB".

Events: any formally organized sporting, cultural, or other ~~event activity~~ which has obtained an official reservation from the Parks and Recreation Department and any relevant ~~S~~special ~~E~~event ~~P~~permits if so required.

~~dBA La: The A-weighted unit of sound pressure level.~~

LAeq: The A-weighted ~~unit~~, equivalent continuous sound level in ~~dB-La~~ (dB-SPL) measured over a stated period of time. It is the equivalent continuous sound level which contains the same ~~energy-sound pressure~~ as the varying sound levels over time.

LAmix: The maximum A-weighted sound ~~dB~~-level permitted in a receiving zone.

Night: 10:01 p.m. to 6:59 a.m.

Noise Control Officer (NCO): means any individual authorized by State or Municipal Code to enforce the laws and regulations found in State or Municipal Code. All sworn officers are by default NCOs.

Property Line: means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed.

Residential Receiving Zone: The category of property which includes all single family residential zones, and all publicly owned property surrounded by single family residential zones.

SOUND: An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

Special Event Permit – an permit is required for any group event which will result in a gathering of 1000 people for 2 hours or more.

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5-3-3 Sound Level. No use shall create sound levels which exceed the following standards:

Receiving Zone sound levels

Land Use Classification	LAeq	LAeq 2 hr	LAeq 1 hr	LAeq 15 min	LAeq 2 min	LAmix
Residential/Night	40	42	43	44	45	60
Residential/Day	55	70	75	80	93	108
Commercial/Night	65	66	68	71	74	77
Commercial/Day	80	81	83	90	103	118

5-3-4 Measurement.

A. Sound shall be measured at the property line of the individual concerned about the sound level.

B. Sound shall be measured on the A-weighted scale.

5-3-4 Hours enforced. The sound standards above shall be modified as follows to account for the impacts the time of day can have on the enjoyment of property.

5-3-5 Exceptions.

A. Vehicles operated by the Police, Sheriff, and Fire Departments are exempted from this ordinance.

B. Work undertaken by Utility companies for emergency repairs is exempted from this ordinance. Provided they are undertaking the minimum work necessary to re-establish service or make the utilities safe. All equipment must utilize mufflers or other sound dampening devices.

C. Work undertaken to remove snow, water, or other naturally occurring materials which constitute a hazard to vehicular, bicycle, or pedestrian traffic. During night time hours, audible reverse indicators should be disabled for reverse movements which exceed five (5) seconds. All equipment must utilize mufflers or other sound dampening devices.

D. Fireworks lit within timelines established under State Code.

E. Any aircraft or railroad equipment operated in conformity with, or pursuant to, state statute, federal law or federal regulations, and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.

F. Collection of Refuse shall be allowed between the hours of 6:00 a.m. and 10:00 p.m.

G. Agricultural harvesting is permitted provided no other time is available for the required harvest conditions.

5-3-6 Additional Requirements.

A. Construction Noise is not permitted prior to 7:00 a.m. or after 10:00 p.m. ~~or anytime on Sundays~~. A violation of this provision is a Class B Misdemeanor. Repeated offenses shall incur additional penalties as established in the fee schedule.

B. Noises made by animals shall be regulated by Title 6 Chapter 1 of this code.

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- C. All engines shall be operated with a muffler or other sound dampening device. Specifically, any vehicle or equipment which originally came from the manufacturer with a muffler must always be operated with a muffler in place.
- D. No individual may broadcast sound at any level which is intentionally designed to disrupt a neighboring property owner's quiet enjoyment or activity or an Event on public property.
- E. Noises caused by engine brakes ("jake brakes") are prohibited on all roads which are 6.0% or less of a grade.
- F. Individuals may not disrupt Events on public property with sound amplification devices. It is considered a disruption if sound ~~amplification is broadcast at a level of~~ more than 55 dBA ~~is and broadcast within 200 feet of an even or~~ on the property where the Event is being held, ~~whichever is closer.~~

5-3-7 Penalties.

- A. Except as otherwise indicated a violation of any subsection of this chapter shall be considered an infraction and may also be charged under Utah Code § 76-9-102.

SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2020.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
(In event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder

ORDINANCE 2020- ____

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WHEREAS; The City has the responsibility to pass rules from time to time to regulate how property owners interact with each other; and

WHEREAS; The City has utilized a sound ordinance which has lost some effectiveness over time; and

WHEREAS; The City wishes to effectively regulate sound in the city; and

WHEREAS; The City desires to add more clarity to the sound regulations while providing for adequate flexibility to account for the numerous uses and activities which routinely occur in various parts of the city.

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Events: any formally organized sporting, cultural, or other activity which has obtained an official reservation from the Parks and Recreation Department and any relevant Special Event Permits if so required.

La: The A-weighted sound level.

LAeq: The A-weighted unit equivalent continuous sound level in La (dB-SPL) measured over a stated period of time. It is the equivalent continuous sound level which contains the same sound pressure as the varying sound levels over time.

LAmix: The maximum A-weighted sound level permitted in a receiving zone.

Night: 10:01 p.m. to 6:59 a.m.

Noise Control Officer (NCO): means any individual authorized by State or Municipal Code to enforce the laws and regulations found in State or Municipal Code. All sworn officers are by default NCOs.

Property Line: means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed.

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Special Event Permit – an permit is required for any group event which will result in a gathering of 1000 people for 2 hours or more.

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Commercial/Day	80	81	83	90	103	118

5-3-4 Measurement.

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B. Sound shall be measured on the A-weighted scale.

5-3-4 Hours enforced. The sound standards above shall be modified as follows to account for the impacts the time of day can have on the enjoyment of property.

5-3-5 Exceptions.

- A. Vehicles operated by the Police, Sheriff, and Fire Departments are exempted from this ordinance.
- B. Work undertaken by Utility companies for emergency repairs is exempted from this ordinance. Provided they are undertaking the minimum work necessary to re-establish service or make the utilities safe. All equipment must utilize mufflers or other sound dampening devices.
- C. Work undertaken to remove snow, water, or other naturally occurring materials which constitute a hazard to vehicular, bicycle, or pedestrian traffic. During night time hours, audible reverse indicators should be disabled for reverse movements which exceed five (5) seconds. All equipment must utilize mufflers or other sound dampening devices.
- D. Fireworks lit within timelines established under State Code.
- E. Any aircraft or railroad equipment operated in conformity with, or pursuant to, state statute, federal law or federal regulations, and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.
- F. Collection of Refuse shall be allowed between the hours of 6:00 a.m. and 10:00 p.m.
- G. Agricultural harvesting is permitted provided no other time is available for the required harvest conditions.

5-3-6 Additional Requirements.

- A. Construction Noise is not permitted prior to 7:00 a.m. or after 10:00 p.m.. A violation of this provision is a Class B Misdemeanor. Repeated offenses shall incur additional penalties as established in the fee schedule.
- B. Noises made by animals shall be regulated by Title 6 Chapter 1 of this code.
- C. All engines shall be operated with a muffler or other sound dampening device. Specifically, any vehicle or equipment which originally came from the manufacturer with a muffler must always be operated with a muffler in place.

- D. No individual may broadcast sound at any level which is intentionally designed to disrupt a neighboring property owner's quiet enjoyment or activity or an Event on public property.
- E. Noises caused by engine brakes ("jake brakes") are prohibited on all roads which are 6.0% or less of a grade.
- F. Individuals may not disrupt Events on public property with sound amplification devices. It is considered a disruption if sound is broadcast at a level more than 55 dBA and on the property where the Event is being held.

5-3-7 Penalties.

- A. Except as otherwise indicated a violation of any subsection of this chapter shall be considered an infraction and may also be charged under Utah Code § 76-9-102.

SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2020.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
(In event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder



NORTH OGDEN CITY STAFF REPORT

TO: City Council
FROM: Jonathan Call, North Ogden City Manager
DATE: 7/23/2020
RE: Amphitheater Ordinance Changes

With the changes to the sound ordinance and the changes to the rental agreement it is proposed that additional changes be made to the City Code relevant to the sound and rental provisions contained in the Amphitheater Rules ordinance.

The changes for this ordinance are outlined below. Specifically, there is the elimination of the regulations related to sound, in favor of a more comprehensive sound ordinance which it is recommended be adopted city wide.

On a policy level the Council needs to revisit the use of this facility to make sure the regulations are giving the City the desired effect. There are two comments in the section below which were identified as items which are only related to Barker Park and the City does not currently regulate other parks in the same manner.

On parking the current limit for ticket sales is at 1 per parking space. That is also a requirement of the site plan approval, so staff is not recommending a change to that part of the ordinance without a recommendation from the Planning Commission on whether or not that would be an appropriate change to make.

Staff is recommending the Council review the ordinance and make any changes they feel are appropriate.

8-6-5: AMPHITHEATER RULES

The amphitheater may be scheduled by the City for City sponsored events up to twelve (12) months in advance. The general public will be allowed to schedule the facility up to six (6) months in advance, will be used on a priority basis by North Ogden City during the show season as established by the Parks and Recreation Director. Other usersThe general public may reserve the amphitheater, provided all fees are paid and rules are followed. Reservation fees shall be as established in the consolidated fee schedule prior to any rental of the facility. City sponsored events are not required to pay fees.

- A. Use Number Permitted: A maximum not to exceed three (3) events or productions a week that require the use of any loudspeakers will be allowed at the amphitheater in a calendar week Sunday to Saturday.

Comment [jwc1]: Staff needs Council direction on this item. This regulation does not occur in any other public facility.

~~B.~~ Sound Level: ~~Sound broadcast from any loudspeakers at the amphitheater may not exceed a ninety (90) dBe at the park boundaries.~~

~~C.B.~~ ~~All amplified events shall utilize the City installed sound system unless approved by the Parks and Recreation Director. If the City owned sound system is unavailable then speakers may be used which operate within the approved dBe limits. All amplified sound or shall meet the City sound ordinance.~~

~~D.C.~~ End Time: All events, productions, concerts, festivals, etc., held at the amphitheater must end by ten o'clock (10:00) P.M. with the exception of the 4th of July fireworks and corresponding show. All loudspeakers must be turned off by this time and patrons begin exiting the facility.

~~E.D.~~ Time of Loudspeaker Use: No loudspeakers may be used to broadcast sound at the amphitheater before ten o'clock (10:00) A.M. any day of the week unless authorized for City sponsored events.

~~F.E.~~ Outside Agreements: North Ogden City may enter into an agreement to partner with or cosponsor with any outside agency or promoter to bring events to the amphitheater when it is deemed to be beneficial to the amphitheater and a valuable opportunity.

1. All negotiations and agreements/contracts must be finalized to be official. This includes contracts with the promoter and talent agency.
2. All fees including a "per ticket" fee charged by the City to the partner/promoter must be as in the consolidated fee schedule.
3. Some or all production costs, including lights, sound, talent purchase, director's costs, etc., are to be paid by the promoter or cosponsoring agency.
4. If ticket sales are to be sold through a ticket outlet other than the current North Ogden Amphitheater ticket outlet, it must be approved by the Parks and Recreation Director and all payments for ticket sales made to the City within five (5) business days.
5. Ticket sales shall be limited to four (4) tickets per authorized Park parking space.

~~G.F.~~ Rental By Private Contractors: The amphitheater may be rented by ~~private contractors~~ ~~once the City Council has approved the facility for private rentals the general public~~ under the following conditions:

~~1. The North Ogden Amphitheater rental agreement is signed and executed by the renter and North Ogden City Parks and Recreation Director.~~

~~2.1.~~ A completed rental application and special event permit is submitted to the Parks and Recreation Department

~~3.2.~~ All rental fees are paid as per the consolidated fee schedule and are non-refundable within two (2) months of the event.

~~4.3.~~ All North Ogden City police or Northview Fire staff as deemed necessary by the ~~Parks and Recreation Director~~ Police Chief and Fire Marshal are paid for per the consolidated fee schedule.

~~H.G.~~ Parking: All event parking must be located within an approved location as authorized by the City, and be limited to four (4) tickets per authorized Park parking space. The City is allowed to charge for parking or authorize others to charge for parking. No event parking is allowed along the southern curb of Deer Meadows Drive or the eastern curb of Barker Parkway. Homeowners in Deer Meadows Subdivision and their guests may park along the restricted curbs provided a proper permit is displayed in the window of the vehicle except on the 4th of July from nine o'clock (9:00) P.M. to eleven o'clock (11:00) P.M. Any individual

Comment [jwc2]: Include the possibility of extending the hours on weekends or for City events? Should this extension be included for all property in the City on weekends?

Comment [jwc3]: All other parks and property are allowed to use loudspeakers at 7 am. Council needs to discuss policy issues on this.

Comment [jwc4]: The City does not require this at any other park, except for the dog park, unless a safety issue has been identified like Oaklawn park.

violation this provision shall be a class C misdemeanor subject to all associated fines, and subject to immediate towing and impoundment of the vehicle.

| H. Interference with Events: It shall be a Class B Misdemeanor for any individual to:

1. Interfere with an event;
2. Obstruct patrons from attending an event;
3. Use loudspeakers within ~~six hundred feet of an event~~the boundaries of the park during an event if the loudspeakers are not associated with the event;
4. Attempt to gain admittance to a paid event without a ticket;
5. Use lighting or other visual methods to disrupt an event;
6. Interfere with a scheduled event in any way.

ORDINANCE 2020- ____

AN ORDINANCE REGULATING THE AMPHITHEATER AT BARKER PARK

WHEREAS; The City has constructed an new amphitheater at Barker Park; and

WHEREAS; The City has sought to clarify and regulate the use of the facility by ordinance; and

WHEREAS; The City is adopting a universal sound ordinance and has made other recommended changes to the rental agreement for the facility; and

WHEREAS; The City desires to clean up the ordinance to eliminate duplicative provisions and add clarification for the use of the facility.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code be amended as follows.

SECTION 1: The North Ogden Code Title 8 Chapter 6 Section 5 be amended as follows.

8-6-5: AMPHITHEATER RULES

The amphitheater may be scheduled by the City for City sponsored events up to twelve (12) months in advance. The general public will be allowed to schedule the facility up to six (6) months in advance. The general public may reserve the amphitheater, provided all fees are paid and rules are followed. Reservation fees shall be as established in the consolidated fee schedule prior to any rental of the facility. City sponsored events are not required to pay fees.

- A. Use Number Permitted: A maximum not to exceed three (3) events or productions a week that require the use of any loudspeakers will be allowed at the amphitheater in a calendar week Sunday to Saturday.
- B. Sound Level: All amplified sound or shall meet the City sound ordinance.
- C. End Time: All events, productions, concerts, festivals, etc., held at the amphitheater must end by ten o'clock (10:00) P.M. with the exception of the 4th of July fireworks and corresponding show. All loudspeakers must be turned off by this time and patrons begin exiting the facility.
- D. Time of Loudspeaker Use: No loudspeakers may be used to broadcast sound at the amphitheater before ten o'clock (10:00) A.M. any day of the week unless authorized for City sponsored events.
- E. Outside Agreements: North Ogden City may enter into an agreement to partner with or co-sponsor with any outside agency or promoter to bring events to the amphitheater when it is deemed to be beneficial to the amphitheater and a valuable opportunity.

1. All negotiations and agreements/contracts must be finalized to be official. This includes contracts with the promoter and talent agency.
 2. All fees including a "per ticket" fee charged by the City to the partner/promoter must be as in the consolidated fee schedule.
 3. Some or all production costs, including lights, sound, talent purchase, director's costs, etc., are to be paid by the promoter or co-sponsoring agency.
 4. If ticket sales are to be sold through a ticket outlet other than the current North Ogden Amphitheater ticket outlet, it must be approved by the Parks and Recreation Director and all payments for ticket sales made to the City within five (5) business days.
 5. Ticket sales shall be limited to four (4) tickets per authorized Park parking space.
- F. Rental By Private Contractors: The amphitheater may be rented by the general public under the following conditions:
1. A completed rental application and special event permit is submitted to the Parks and Recreation Department
 2. All rental fees are paid as per the consolidated fee schedule and are non-refundable within two (2) months of the event.
 3. All North Ogden City police or Northview Fire staff as deemed necessary by the Police Chief and Fire Marshal are paid for per the consolidated fee schedule.
- G. Parking: All event parking must be located within an approved location as authorized by the City, and be limited to four (4) tickets per authorized Park parking space. The City is allowed to charge for parking or authorize others to charge for parking. No event parking is allowed along the southern curb of Deer Meadows Drive or the eastern curb of Barker Parkway. Homeowners in Deer Meadows Subdivision and their guests may park along the restricted curbs provided a proper permit is displayed in the window of the vehicle except on the 4th of July from nine o'clock (9:00) P.M. to eleven o'clock (11:00) P.M. Any individual violation this provision shall be a class C misdemeanor subject to all associated fines, and subject to immediate towing and impoundment of the vehicle.
- H. Interference with Events: It shall be a Class B Misdemeanor for any individual to:
1. Interfere with an event;
 2. Obstruct patrons from attending an event;
 3. Use loudspeakers within the boundaries of the park during an event if the loudspeakers are not associated with the event;
 4. Attempt to gain admittance to a paid event without a ticket;
 5. Use lighting or other visual methods to disrupt an event;
 6. Interfere with a scheduled event in any way.

SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2020.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
(In event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder

NORTH OGDEN CITY STAFF REPORT

TO: City Council
FROM: Jonathan Call, North Ogden City Manager
DATE: 8/6/2020
RE: Hearing Officer Agreement

North Ogden City has recently sent out a Request for Proposals for Hearing Officer services. This position is an appointed position with the City for the appeals of land use decisions and other similar items. The City currently also has another Hearing Officer who deals with code enforcement appeals and abatements.

The individual selected for this position has been working with the City for the past 5 years and has extensive knowledge in Utah Land Use and appeal procedures. Since this is an appointed position the City Insurance Policy covers more items than the standard individual or firm we contract with. As such there are not indemnification, insurance, and other clauses. They are similar to the way we appoint other statutory positions.

Staff is recommending approval of this contract and appointment as the Hearing Officer.

Agreement

ADMINISTRATIVE HEARING OFFICER SERVICE AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2020, by and between North Ogden City, a political body, of the State of Utah, hereinafter referred to as “City” and Megan B. Ryan, hereinafter referred to as “Ryan”. City and Ryan may be referred to collectively within this Agreement as Parties.

WHEREAS; the North Ogden City Council created an Administrative Hearing Officer (“AHO”) position for the purpose and intent to afford due process in which an adverse decision by a city official results in detriment to a responsible person or the responsible person’s property by way of an administrative hearing; and,

WHEREAS, Ryan is willing to enter into a contract for her services as City’s AHO; and,

WHEREAS, City desires to retain Ryan’s services as AHO:

THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the Parties agree as follows.

1. Duties and Obligations. The City agrees to the assignment of the Administrative Hearings as enumerated in the North Ogden City Ordinance. Ryan agrees to provide services as North Ogden City’s AHO in accordance with duties specified in North Ogden City Ordinance Title 1 Chapter 8 “Administrative Hearings”, Title 1 Chapter 9 “Municipal Code Enforcement”, Title 11 Chapter 4 “Variances and Administrative Interpretations”, and other relevant provisions of the City Code and in accordance with Utah Law.
2. Term of Agreement. This agreement shall be for a term of two (2) years.
3. Supervision. Ryan shall report to the City Manager in the performance of this agreement.
4. Compensation.
 - a. Meeting preparation/review of case files: \$125.00 per hour with a not to exceed 10 hours per case without express authorization of the City Manager.
 - b. Travel Time: \$35.00 per hour (includes mileage).
 - c. Final Record Preparation: \$100 per hour.
5. Modification. This agreement may be amended by mutual consent of both parties.
6. Termination. AHO shall be subject to removal by the Mayor only for cause.

DATED this ____ day of _____, 2020.

NORTH OGDEN CITY

S. Neal Berube, Mayor

Megan B. Ryan

Attested by: S. Annette Spendlove, MMC
City Recorder

For specified municipal actions in which an adverse decision by a city official results in detriment to a responsible person or the responsible person's property

NORTH OGDEN CITY STAFF REPORT

TO: City Council

FROM: S. Annette Spendlove, City Recorder

DATE: 8/6/2020

RE: Minute Specialists

C. Price Transcription Minutes Consultant was selected as the transcriber for the General Plan Steering Plan Committee, Economic Development Committee, and Public Safety Building Committee meeting minutes. C. Price has been preparing minutes for over 15 while in operation since 2014. We felt that their experience was valuable and they know what is expected for municipal minutes. This agreement is for (1) one year term and may be renewed for up to (4) additional annual (1) one year terms.

Attachment A

It is the intent of North Ogden City to enter into an agreement with the successful Proposer for a one (1) year term. The agreement may be renewed for up to four (4) additional annual one year terms under the same terms and conditions. The maximum length of the agreement and subsequent renewals is five (5) years

State Code Section 52-4-203(1) requires written minutes and a recording to be kept of all open meetings. As such, North Ogden City is seeking professional services from an individual or company to type the minutes of the Economic Development Committee, General Plan Steering Committee, and Public Safety Building Committee meetings within no more than (7-14) calendar days of the meeting. Transcription Minutes Consultant shall report to the City Recorder. Minutes shall meet the requirements of Utah Code Ann. Section 52-4-203 and shall be typed, submitted and ready for approval within (7-14) calendar days of the meeting. The Economic Committee meets the 3rd Tuesday of each month, the General Plan Steering Committee meets the 4th Wednesday of each month, and the Public Safety Building Committee meets the 2nd Wednesday of each month. The Proposer will be required to use their own equipment; possess knowledge, skills, and abilities, in Microsoft Word and basic English grammar; able to communicate both verbally and in writing in a clear, concise and professional manner; and must have the ability to complete assignments within prescribed time frames.

Proposer shall register and participate in the Status Verification System (e-verify) before entering into a contract with North Ogden City as required by Utah Code Ann. §63G-12-302 and comply with all other relevant Utah Code Sections related to contracting with the City.

**AGREEMENT FOR INDEPENDENT CONTRACTOR SERVICES
FOR MINUTES SPECIALIST
A -2020**

THIS AGREEMENT FOR INDEPENDENT CONTRACTOR SERVICES is made and Entered into this _____ day of _____, 2020 by and between **NORTH OGDEN CITY**, a Utah municipal corporation, hereinafter referred to as the “City,” and C. Price Transcription Minutes Consultant , hereinafter referred to as “C. Price Transcription LLC,” , or collectively as Parties.

RECITALS:

WHEREAS, the City is in need of assistance in preparing minutes for the City Council meetings; and

WHEREAS, following a public Request for Proposals process, C. Price Transcription LLC, proposal was selected to perform some of the services required; and

WHEREAS, the City desires to engage C. Price Transcription LLC, services for the preparation of the City Council minutes in accordance with the terms set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Purpose.** The purpose of this Agreement is for the City to engage C. Price Transcription LLC, as an independent Contractor to prepare minutes of the Economic Development Committee, General Plan Steering Committee, and Public Safety Building Committee meetings.
2. **Independent Contractor.** C. Price Transcription LLC, is an independent contractor and not an employee of the City. No employer/employee relationship is created hereby. The City will not provide office space to

C. Price Transcription LLC, or designate the hours of work to be performed hereunder. The City is only interested in the final outcome of the services to be rendered.

3. **Duties.** C. Price Transcription LLC, agrees to abide by all the terms set forth in the RFP Proposal, attached to this Agreement as “Attachment A.” Duties include typing the minutes of the Economic Development Committee, General Plan Steering Committee, and Public Safety Building Committee meetings within no more than (7-14) calendar days of the meeting. Transcription Minutes Consultant shall report to the City Recorder. Minutes shall meet the requirements of Utah Code Ann. Section 52-4-203 and shall be typed, submitted and ready for approval within (7-14) calendar days of the meeting. Formatting and audio will be provided by the City. C. Price Transcription LLC, shall use its own equipment.
4. **Term.** C. Price Transcription LLC, agrees to commence the duties as of the date of this agreement and shall continue for a one (1) year term. The agreement may be renewed for up to four (4) additional annual one year terms under the same terms and conditions. The maximum length of the agreement and subsequent renewals is five (5) years.
5. **Compensation.** The City shall pay C. Price Transcription LLC, \$25 per working hour, with the number of working hours billed per project, capped at four times the length of the audio recording. Should the client request an audio file to be transcribed verbatim, C. Price Transcription, LLC, reserves the right to bill up to six working hours per meeting hour, as they are more labor intensive to complete. Payments will be made as completed minutes and invoices are submitted to the City Recorder’s Office.
6. **Hold Harmless.** Each party agrees to defend and hold harmless the other against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of their duties hereunder. Any claims related to this Agreement shall be resolved by binding arbitration.

7. **Insurance.** C. Price Transcription LLC, shall provide her own insurance for any work provided under this agreement, including workers compensation and other federally mandated requirements.

8. **General Provisions.**

- a. **Notices.** Notices pursuant to this Agreement shall be given by delivering personally or by mailing the same by certified mail, return receipt requested, postage prepaid in the United States Postal Service addressed as follows:

To the City:	North Ogden City Attn: City Recorder 505 E 2600 N North Ogden, UT 84414
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To C. Price Transcription, LLC:	Camille S. Price C. Price Transcription, LLC P.O. Box 1236 Ogden, UT 84402
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Notice shall be deemed given as of the date of personal service or as of the date of mailing such written notice as provided herein.

- b. **Entire Agreement.** This Agreement contains the entire agreement concerning the contractual arrangement of C. Price Transcription LLC, and shall supersede any prior agreements, promises, inducements, representations or warranties made by either party.
- c. **Binding Effect.** This Agreement shall be binding upon the parties hereto and the City's respective heirs, personal representative, and successors in interest. This contract is not binding on the parties should C. Price Transcription LLC, have a greater than 50% change in

ownership. Any change in ownership of C. Price Transcription LLC, requires written notice be given to the City at least 30 days prior to the change in ownership.

- d. Assignment. This Agreement may not be assigned, transferred, or sold to other individuals or companies without the written consent of both parties.
 - e. Severability. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable and shall not be affected and shall remain in full force and effect.
 - f. Amendment. This Agreement shall not be amended except in writing signed by the parties hereto.
 - g. Termination. This Agreement may be terminated upon 30-day written notice submitted by either party. No penalties or damages are awarded to either party should the Agreement be terminated with the required 30-day written notice.
9. E-Verify.
C. Price Transcription LLC, agrees to comply with E-verify employment verification for all employees as outlined in state statute.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as the day and year first above written.

“CITY”
NORTH OGDEN CITY

By _____
S. Neal Berube, Mayor

ATTEST:

S. Annette Spendlove, MMC
City Recorder

C. Price Transcription, LLC

Camille Price