

**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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>(excused)</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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 he wants to limit the property tax increase to approximately \$3.00, the same amount citizens were previously paying monthly on their utility bill for the transportation fee. 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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>(excused)</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>(excused)</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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:**

<b>Board Member Barker</b>	<b>aye</b>
<b>Board Member Cevering</b>	<b>(excused)</b>
<b>Board Member Ekstrom</b>	<b>aye</b>
<b>Board Member Stoker</b>	<b>aye</b>
<b>Board Member Swanson</b>	<b>aye</b>

**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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>(excused)</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**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.

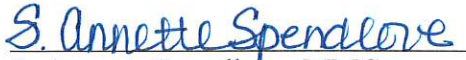
**Voting on the motion:**

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