

**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> . A field trip took place starting at 6 pm and moving to three different sites: Wadman Park at 2625 North 1050 East; 6:20 pm at Oaklawn Park at 1200 East 2500 North; 6:50 pm at 2552 Barker Parkway, all in North Ogden Utah. 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:**

<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.**

## **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:**

<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.**

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:**

<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 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:**

<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 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 programming 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:**

<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. **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:**

<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.**

**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.**

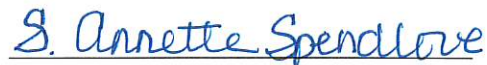
**Voting on the motion:**


<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 meeting adjourned at 9:36 p.m.**

  
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S. Neal Berube, Mayor

  
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S. Annette Spendlove, MMC  
City Recorder

  
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Date Approved