

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

July 28, 2020

The North Ogden City Council convened in a virtual meeting on July 28, 2020 at 6:02 p.m. at <https://us02web.zoom.us/j/87528456105> 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 +1 646 558 8656 or Youtube: <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 23, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Charlotte Ekstrom	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Annette Spendlove	City Recorder	
	Rob Scott	Planning Director	
	Evan Nelson	Finance Director	
	Tiffany Staheli	Parks & Recreation Director	
	Dirk Quinney	Chief of Police	
	Lorin Gardner	City Engineer	
VISITORS:	Brittany Bennett	David Gordon	Edythe
	Jack Rufer	Kevin Burns	Lea Dalton
	Julie Anderson	Stefanie Casey	Scott Shuman
	Aaron Christensen	Kim Christensen	Tobi Mileski
	Terry McCulloch	Jordan Bodily	Meg Sanders
	Randall Winn	Susan Clements	

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

CONSENT AGENDA

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

2. **DISCUSSION AND/OR ACTION TO CONSIDER JUNE 9, 2020 CITY COUNCIL MEETING MINUTES**

Mayor Berube noted he has spoken with City Recorder Spendlove regarding some adjustments that need to be made to the June 9 meeting minutes; he asked that the Council not consider that item tonight and only consider the June 2 minutes.

Council Member Cevering motioned to approve the June 2, 2020 City Council Meeting Minutes. 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.

ACTIVE AGENDA

3. **PUBLIC COMMENTS**

Julie Anderson, 940 E. 2600 N., asked about the agenda item related to the community choir; she is not opposed to creation of the choir, but she is concerned about ongoing maintenance of instruments, such as the piano. She then noted that the claim has been made that the choir will help children, but if she were sitting on a grant application review committee for this type of project, she would not approve the grant because there is not enough information about exactly how the choir will help children. Additionally, it will be difficult to use the Amphitheater for the choir during the winter months without added financial burden to the City. Also, the choir will likely not just be made up of kids from North Ogden; in the past when other clubs have approached the City regarding free usage of facilities, they were denied based upon not all participants coming from North Ogden. She asked that the same rules be applied to the choir as have been applied to other groups. She then asked if the City has received a storm water pollution prevention plan from the developer working on 2600 North at approximately 850 East.

Jordan Bodily, formerly of 163 W. Hancock Circle, noted he has moved to a temporary residence in Pleasant View while waiting for his home to be built in the new Northwood Hills subdivision on 2600 North. He is one of the homeowners inquiring about the potential for the City to sell property at Oaklawn Park. He participated in the tour a couple of weeks ago to the area and is available to answer any questions the Council may have about his desired use of the property.

Stefanie Casey, 2444 Barker Parkway, commented in support of the City selling a small portion of property on Barker Parkway to Rod and Melanie Barker; they have taken great care of the land in the past and selling the property should not impact the City's future park and trails master plans.

4. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY LOCATED AT APPROXIMATELY 800 E 2600 N FROM RESIDENTIAL ESTATE (RE-20) TO RESIDENTIAL (R-1-8) AND ADJUSTING BOUNDARIES TO THE CENTERLINE OF 2625 NORTH**

Planning Director Scott explained that the applicant is requesting a zone change for the property located at approximately 800 East 2600 North from Residential Suburban (RE-20) to Residential R-1-8. The original application requested that a portion of the property be rezoned to R-1-8(AG); however, the applicant has submitted a request that the R-1-8(AG) request be removed. This property is being rezoned to accommodate the Webb subdivision as an independent project; however, portions of this property are being incorporated into the Mountain Valley Villas subdivision which received final approval on June 3, 2020 and modified on July 1, 2020. A condition of approval for the Mountain Valley Villas subdivision is that this property be rezoned prior to recording. The Webb subdivision design will account for the dedication of a portion of 2600 North to account for the future widening of 2600 North. Mr. Scott addressed the subdivision boundary lines and lot line adjustments that are being made to satisfy the condition mentioned above. The proposed subdivision divides the Webb property into three lots and transfers some property into the Mountain Valley Villas subdivision, lot 4. A portion of the detention basin is being incorporated into lot 3 of the Webb subdivision. A new home and accessory dwelling unit will be constructed onto lot 3, the lot fronting 2625 North. The property fronting 2600 North has two existing homes that will be included in separate lots. The RE-20 zone is being adjusted to go to the centerline of 2625 North for lot 3 frontage. The lots that front onto 2600 North (Lots 1 and 2) are proposed to be rezoned from RE-20 to R-1-8 making them conform to the area requirements. Lot 3 is proposed to remain as RE-20 in order to retain the animals they currently have. Mr. Scott then addressed the projects conformance with the City's General Plan and zoning/land use policies, after which he concluded the Planning Commission voted five to zero to recommend approval of the rezone application, based upon the finding that the application is consistent with the General Plan. The Planning Commission recommended that the City Council authorize staff to adjust the zone line between lots 1, 2, and 3 after accounting for the required dedication for 2600 North.

Mayor Berube asked Mr. Scott if staff supports the recommendation to approve the application, to which Mr. Scott answered yes.

Council Member Barker motioned to approve Ordinance 2020-17 rezoning property located at approximately 800 E 2600 N from Residential Estate (RE-20) to Residential (R-1-8) and adjusting boundaries to the centerline of 2625 North. 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.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY LOCATED AT APPROXIMATELY 800 E 2850 N FROM RESIDENTIAL (R-1-8) AND R-1-8 (AG) TO RESIDENTIAL (RE-20)

Planning Director Scott explained the applicant is requesting a zone change for the property located at approximately 800 East 2850 North from Residential R-1-8 and R-1-8(AG) to Residential Suburban (RE-20). The property has frontage on 2850 North. It also borders the future Monroe Boulevard extension on the west. The current zoning splits the parcel with the frontage being zoned R-1-8 and the rear zoned R-1-8(AG). Exhibit C, Attachment A has a notation that identifies that the south and west boundaries of the rezone go to the centerline of 2850 North and the future Monroe Boulevard. The property owner purchased this agricultural property to build a new home and a large accessory building for a shop. The property is being rezoned to comply with the revised accessory building amendment and the RE-20 accessory building standards. Since this parcel is not being subdivided once the zoning is in place a building permit for the home can be processed. The accessory building permit will be processed once the zone change is approved. Mr. Scott then addressed the projects conformance with the City's General Plan and zoning/land use policies, after which he concluded the Planning Commission voted five to zero to recommend approval of the rezone application, based upon the finding that the application is consistent with the General Plan.

Council Member Cevering motioned to approve Ordinance 2020-18 rezoning property located at approximately 800 E 2850 N from Residential (R-1-8) and R-1-8 (AG) to Residential (RE-20). 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.

6. DISCUSSION ON QUALITY QUICK PRINT

a. 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 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.

City Council Meeting recessed at 6:36 pm.

RDA convened at 6:36 pm.

b. Discussion on Quality Quick Print

Dave Gordon discussed the request for RDA funding to aid in the completion of a retaining wall project along the Pleasant View Drive trail at approximately 300 East. He provide design and bid documentation and asked if the Board needed additional information about the project, which was initially proposed in 2019.

Board Member Swanson stated that the City has land use regulations that require property owners to control the water flowing from their property onto adjacent properties and he believes this project will ensure the City conforms with that regulation by preventing drainage of water from City property onto the DML Campus.

Mayor Berube asked City Manager/Attorney Call if it has been confirmed that the water flowing onto the DML Campus is actually coming from City property. Mr. Call stated that there are several sources of water in the area, but the City's irrigation system as well as a sub-surface canal could contribute to surface water that could be exiting City property onto DML property. However, there are many ground springs in the area that contribute to the water issue and it is important to be clear that it may be that the wall will not completely correct the problem. Completion of the wall will make it possible for the private property owners to proceed with construction of another building in the campus. Mayor Berube asked if that property will be rendered undevelopable if the water issue is not corrected by the wall. Mr. Gordon answered no; other water drilling exploration has been conducted to determine other drainage options that can be considered as he pursues development of the property.

Mayor Berube clarified for the public benefit that RDA funds are generated by property taxes paid by businesses, not residential taxpayers. RDA funds are intended to be used to support business activity in designated areas.

Mr. Call then noted that this has not been listed as an action item as it will be necessary to consider a budget amendment of approximately \$66,000. Mayor Berube stated he would like the Board to authorize Mr. Gordon to proceed with obtaining bids for the project in advance of the budget amendment. The Board supported proceeding in that manner.

c. Discussion and/or action to adjourn the RDA meeting and reconvene in the City Council Meeting

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

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Ekstrom	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

RDA adjourned at 6:47 p.m.

City Council Meeting reconvened at 6:47 pm.

7. **DISCUSSION AND/OR ACTION TO CONSIDER CITY PARTICIPATION IN A YOUTH COMMUNITY CHOIR.**

Melissa Chertudi, Brittany Bennett, Kaitlan Toole, and Brita Miles used the aid of a PowerPoint presentation to summarize their request for City sponsorship of the Vocal Motion children's choir they are planning to create in the North Ogden area this fall. The choir will include boys and girls aged 8 to 18 from Weber County, with the majority of participants being from North Ogden and Pleasant View. The main purpose of the sponsorship request relates to use of City facilities, such as the Barker Park Amphitheater, for choir activities. They summarized their practice and performance schedule, indicated they have independent insurance coverage, and offered to cover the cost of utilities as well as the rental rates for use of the facility. They are not asking for monetary support from North Ogden; rather, they just want to be given the ability to use the Amphitheater. Ms. Chertudi then summarized the benefits that North Ogden will receive from the choir;

Council Member Swanson referenced the public comments made by Julie Anderson earlier in the meeting and asked how the piano used by the choir will be maintained given that fluctuating temperatures can impact the tune of the piano. Ms. Chertudi stated that the piano would be stored in the temperature-controlled area of the amphitheater and wheeled out of that space when it is in use. Council Member Swanson asked why the choir needs a sponsorship from the City if they are willing to pay the rental rates for the facility. Ms. Chertudi stated that the choir cannot afford the current rental rates and is asking for a discounted rate via the sponsorship.

Mayor Berube stated it is his understanding that the amphitheater is not heated during the winter; the indoor storage space is winterized during the winter months. City Manager/Attorney Call stated that is correct.

Council Member Covering stated he thinks this is a great idea, but he was contacted by a resident who suggested that all youth in North Ogden must be given the ability to participate. He asked how people join the choir. Ms. Chertudi stated there will be auditions and the choir will include 150 to 180 members at this time. She noted that local schools have choir programs that any student can join; this is intended to be a more elevated choir program. She likened it to sporting programs, which can be competitive or recreational in nature.

Discussion centered on the layout and design of the amphitheater and whether it is suitable for a choir program and Council Member Ekstrom stated that the choir program can pursue negotiation of a rental agreement for the amphitheater to determine whether it is a reasonable arrangement.

Mayor Berube stated that the City is in the early stages of creating an arts guild and it may be more appropriate for that group to vet these types of proposals. He is concerned

about heating the facility throughout the fall and winter months for storage of private property. He is supportive of programs such as this for young people, but he is concerned about setting a precedence for City sponsorship of private programs. He noted that the City has denied request for other groups or entities to store private property in public City facilities and he feels it is appropriate for the City to be consistent.

Council Member Swanson stated he would like to hear from the City's Parks and Recreation Director. Mr. Call noted that Parks and Recreation Director Staheli does support the idea of creating a choir program and she has given the program organizers a tour of the facility; he will ask her to send the Council an email regarding her feelings about the matter. Council Member Swanson stated he would also like to know the choir's discounted rental rate for the facility.

Council Member Stoker stated she is concerned about giving the choir priority access to the facility, which may render it unusable for other groups or events. Mayor Berube stated he shares that concern.

Council Member Barker stated the City currently does not perform snow removal at the facility during the winter months, but making the amphitheater available for choir access will mean that City resources will be spent to plow the parking lot and shovel sidewalks. He then noted that approving this request would open the door for the City to receive requests from other private groups to use City facilities.

Ms. Chertudi acknowledged the concerns raised by Council Members; the choir is pursuing other facility options, but would prefer to use the amphitheater because it is such a beautiful location. The choir is currently pursuing a non-profit status, but if the City is willing to sponsor the choir it can fall under the City's non-profit status for the purposes of using North Ogden Elementary school for rehearsal times. She concluded that she would like to keep the choir in North Ogden, but there are other ways to make that happen without monopolizing the amphitheater. She then noted that the choir is willing to perform snow removal during the winter months to make sure that safe drop-off/pick-up is possible.

Mayor Berube facilitated discussion among the Council regarding the requests that have been made by the choir organizers; several Council Members expressed concern about allowing private individuals to perform snow removal on City property, monopolizing the amphitheater making it unusable by other groups, and sponsoring a private for-profit group. They concluded to deny the request for sponsorship at this time, but expressed their support for a show-choir in the City and encouraged them to hold performances at the amphitheater.

Ms. Chertudi thanked the Council and Mayor for their time tonight and indicated she and other choir organizers plan to continue with forming the choir and making a home for the group in North Ogden.

8. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH OGDEN/BRIGHAM CANAL**

City Manager/Attorney Call explained North Ogden has historically utilized the North Ogden Canal to help move storm water out of the City. In years passed the canal company has also periodically utilized North Ogden storm detention basins for overflow capacity when their canal reached its capacity. This Agreement is proposed to formalize the permission for both entities to utilize each other's systems each year for the next three years. Staff recommends this agreement be approved. We have a good relationship with the Canal company and they have responded to concerns with previous versions of this agreement in a way which helps to make it clear that they want us to be partners in the maintenance of the canal.

Toby Mileski, representative of the North Ogden Irrigation Company, noted the Company is simply seeking a financial contribution from North Ogden, as well as other cities that the canal runs through, to help with ongoing maintenance and repair of the canal as developments continue to encroach on the canal and discharge additional storm water into the canal.

Council Member Swanson inquired as to the amount of money the Company is requesting from North Ogden, to which Mr. Mileski answered \$20,000 per year. Mayor Berube asked how that compares proportionately in regard to other users of the canal. Mr. Mileski stated that North Ogden is the largest user of the canal; it was formerly Ogden City, but North Ogden and Pleasant View are now the largest users. Ogden City has agreed to contribute \$15,000 and negotiations are still underway with Pleasant View City.

City Engineer Gardner asked if the agreement makes note that North Ogden has provided several locations for the canal to discharge into the storm drain system. He noted it is important to understand that North Ogden does not only drain water into the canal system, but also allows the canal company – in emergency situations – to discharge into storm drainpipes. Mr. Mileski stated that is referenced in the agreement and he noted Pleasant View allows such drainage opportunities as well.

Mayor Berube asked if the budget includes funding for this request. Mr. Call answered yes; he discussed historical negotiations of the agreement, indicating that the indemnification clause has been removed from the agreement. Mayor Berube asked how the City can be assured that the \$20,000 contribution will actually be used for maintenance. Mr. Mileski stated that maintenance costs are the largest expense for the Company; owner fee revenues are paid to cover debt service and personnel costs. Any surplus from year to year is used to cover large maintenance or improvement costs. In the past, the City has not made any financial contribution to the Company.

Council Member Covering asked why North Ogden is being asked to pay \$20,000 while Ogden and Pleasant View will pay less. Mr. Mileski reiterated the financial contribution is based upon proportionate usage of the canal.

Council Member Swanson asked if the financial contribution is fixed at \$20,000. Mr. Mileski answered yes. Mayor Berube asked why the City will be expected to pay \$20,000 in years where little maintenance is required. Mr. Mileski stated that the payment will be expected based upon discharge into the system; also, there is very little chance that there will be a year with no maintenance or repair requirements. He has a list of projects that will take five to six years to complete.

Brief discussion centered on circumstances that could arise that may lead to termination of the agreement, with Mr. Mileski noting that there are no viable plans to dissolve the Canal Company at any point in the foreseeable future.

Council Member Swanson moved to approve Agreement A16-2020 with North Ogden Irrigation Canal Company.

Council Member Barker asked that the motion be amended to ask that North Ogden Canal Company provide an accounting of maintenance costs one month before the scheduled expiration of the agreement.

Council Member Swanson amended his motion to approve Agreement A16-2020 with North Ogden Irrigation Canal Company to include a requirement that the Company provide an account of expenditures to North Ogden City one month before expiration of Agreement. 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 A SOUND ORDINANCE

City Manager/Attorney Call explained that Administration recommends the Council's consideration of a sound ordinance 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. He facilitated a review of the proposed ordinance via discussion of the following 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 LAm_{ax} 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.

Council discussion of the proposed ordinance centered on the City's ability to enforce the ordinance; any areas of the City that would be excluded from the ordinance; and prohibiting certain activities on Sunday. Police Chief Quinney indicated that enforcement of the ordinance will be difficult and problematic given that the ordinance requirements the measurement of a sound level for one to two hours using technical equipment. Mayor Berube stated he is concerned about adopting an ordinance that is difficult to enforce or without providing the Police Department the needed equipment. Continued discussion among the Council centered on opportunities for addressing specific noise issues, such as truck brake noise on roads with steep grades. Discussion then shifted to average decibel measurements for a common theatrical performance that may be hosted at the Barker Park Amphitheater, with Mayor Berube noting he would like the Council to consider development of an ordinance that can reasonably be applied to the entire City rather than focusing on one specific location. The Council provided feedback to Mr. Call regarding desired adjustments to be made to the ordinance in order for them to consider taking action on the ordinance at a future meeting.

Council Member Barker motioned to table this item for two weeks to give the Council sufficient time to review an amended document that will incorporate the recommended changes from the Council. 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.

10. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING THE AMPHITHEATER ORDINANCE.

City Manager/Attorney Call explained 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. 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.

Council Member Swanson suggested that this item be tabled along with agenda item nine as the two ordinances are closely related to one another. Mayor Berube agreed, but offered Mr. Call the opportunity to provide an overview of the proposed amendments to the ordinance. Mr. Call noted that the redlines and strikethrough text in the document are meant to comply with the rental agreement that the Council has approved or to ensure that the ordinance will not conflict with the City-wide sound ordinance. Discussion centered on the need to be consistent in applying regulations to all parks in the City, parking limits at the amphitheater, the maximum number of events allowed at the facility in a given week, and curfew hours.

Council debate centered on whether to limit the number of sound amplification events at the amphitheater in a given week and whether it is appropriate to apply different rules to the amphitheater because it is different than other parks in the City. They also debated whether to allow higher attendance numbers at the event given the current parking limitations. They reached a consensus that event curfews can be considered on a case by case basis for individual events. Mayor Berube asked Mr. Call to use the feedback provided to make adjustments to the draft ordinance and bring it back to the Council for continued discussion at a future meeting.

Council Member Swanson motioned to table agenda item 10 amending the Amphitheater Ordinance. 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.

11. DISCUSSION ON THE SALE OF THE CITY'S EXCESS PROPERTY BY THE OLD PUBLIC WORK'S SITE, BARKER PARKWAY, AND OAKLAWN PARK.

City Manager/Attorney Call explained the City was approached about selling property at three different locations by three different individuals. The first property, the old Public Works facility at approximately 350 E. Pleasant View Drive, has already been declared as surplus and could be sold today. The City has received a firm offer of \$19,500 dollars with the ability to utilize a cross access easement for parking flow, should development ever occur on the remainder of the city property.

The second property located on Barker Parkway at approximately 2530 North, the City has held a public hearing to hear feedback about the possibility of declaring the property as surplus. During that public hearing, there was also a request to add a conservation easement on the property to provide clarification about the ability to add any structures or other items on this area of the Deer Meadows subdivision.

The third property the City has not held a public hearing for declaring it as surplus. The City has not discussed the value of the second and third properties with the potential purchasers since the Council has not officially decided whether or not to declare those parcels as surplus. Staff is looking for feedback from the Council about how you would like to proceed on these individual pieces of property.

Mayor Berube asked if the third property, which is part of Oaklawn Park, is defined as park property, to which Mr. Call answered yes. Mayor Berube asked if the property on Barker Parkway is defined as park property. Mr. Call stated that has not been clearly defined and is for the Council to determination at this point.

Each Council Member was given the opportunity to weigh in on each of the three properties. Council Member Cevering supported the sale of all three portions of property; Council Member Stoker stated she is in favor of selling properties one and two, but not property three in Oaklawn Park. Council Member Ekstrom stated she is only in favor of selling parcel one; the other two could be incorporated into park space for public use and she wants to retain ownership of them. Council Member Barker supported selling parcel one, indicated he wished to abstain from acting on parcel two, and would like to retain parcel three. Council Member Swanson supported selling parcel one, but was opposed to selling parcels two and three; however, he is willing to enter into a use agreement with Rod and Melanie Barker to give them access to the Barker Parkway property for their desired use. Mayor Berube stated Rod and Melanie Barker have taken great care of the property they desire to purchase; he is willing to approach them to propose Council Member Swanson's suggestion, but if they are not willing to accept that proposal, he supports selling the property to them. He agreed with the opposition of selling the Oaklawn Park property.

Mr. Call stated that he will proceed with negotiation of a sales agreement with the potential buyer of the old Public Works site. Mayor Berube asked Mr. Call to determine if the purchase price is reflective of market value. Council Member Barker stated he is comfortable with the purchase price given that the buyer is willing to provide a cross access easement for parking associated with future development of adjacent parcels. The rest of the Council agreed.

Mr. Call then noted he will approach Rod and Melanie Barker about Council Member Swanson's proposal; an action item will be included on the agenda for the meeting as soon after the Barkers have responded. He added that he will inform the individual who is

interested in the Oaklawn property that he can install a gate in his fence to give him access to the park property.

12. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE.

Finance Director Nelson presented the resolution making minor adjustments to the Consolidated Fee Schedule; adjustments included in the fee schedule were highlighted in red and include the following:

- Changing the fee for land use permits from \$25 to \$40;
- Specifying the cost to rent the dressing rooms and green room at the Barker Park Amphitheater is \$50 per day; and
- Providing fines for unspecified criminal class B and C misdemeanors as \$100 and \$75, respectively.

Council Member Swanson motioned to approve Resolution 14-2020 amending the Consolidated Fee Schedule. Council Member Barker 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.

13. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR ENGINEER SERVICES.

City Manager/Attorney Call explained North Ogden City has recently sent out a Request for Proposals for engineering services. The RFP was designed to allow for engineering services to be split into two categories. 1) ongoing regular engineering advisement and 2) project specific engineering services. The selection committee is recommending that CRS Engineers be engaged to provide the ongoing engineering services and that a pool of six companies be allowed to bid on the individual project specific engineering services as project come up. The selection committee felt this was a good way to control costs and give specialist engineering companies a chance to bid on projects where their expertise would be valuable. Administration is proposing two agreements: one is for CRS for the ongoing needs and the other is a generic contract that all six of the other companies

would sign to participate in the program and then specific details of each project specific contract would come in the form of an approved work order when the engineering services were bid out for that specific project. The work order would be approved by the City Engineer, Public Works Director, and City Manager. If the cost of the engineering was more than \$25,000 then the Mayor would also provide an approval for the work order. All projects would have already been approved in the annual budget by the Council. Staff recommends that these agreements be approved and the Mayor authorized to sign the individual agreements for each company as approved.

Council Member Ekstrom inquired as to how this agreement relates to the City's employment of a City Engineer. Mr. Call stated that City Engineer Garner is a City employee and he has assumed the majority of the engineering services that were formerly outsourced; however, some outside service is still needed and Mr. Gardner will manage those contracts and services.

Council Member Ekstrom motioned to approve Agreement A17-2020 for Engineer Services. 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.

14. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR CITY AUDITING SERVICES.

Finance Director Nelson explained the City issued a request for proposals (RFP) for auditing services and received proposals from five qualified firms. A small committee of elected officials and staff reviewed the proposals. The proposing firms were quite comparable in qualifications and experience. The committee felt that any of the firms could provide the needed service. Because of this, the proposed fee became the primary factor in selecting a firm. Keddington and Christensen CPAs proposed the lowest fee in the amount of \$9,125 per year. The term for this engagement is six fiscal years, including Fiscal Years 2020 through 2025. The committee recommends that the Council approve the attached engagement letter for Keddington and Christensen to perform audit services for the City.

Council Member Barker motioned to have the mayor sign an engagement letter approving Agreement A18-20202 for City Auditing Services. 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.

15. DISCUSSION AND/OR ACTION TO CONSIDER AN AUDITING COMMITTEE.

Mayor Berube stated he is proposing the creation of an auditing committee responsive to a recommendation from the State Auditor’s Office. He would like Council Member Swanson to chair the committee and for Council Member Ekstrom to lend her accounting skills. He noted he has a background in accounting as well and would like to serve on the committee as well.

Council Member Cevering supported the idea of creating the committee, but wondered if it would be beneficial to invite private citizens to participate as well. Mayor Berube stated he is open to that idea, but noted the committee will likely only meet once a year to review the annual audit report. He is supportive of resident involvement, but wants it to be meaningful. Council Members Ekstrom and Stoker supported that idea as well. Council Member Swanson indicated he is supportive of public involvement as well, but he feels there are other opportunities for residents to be involved in ways that would be more meaningful. Mayor Berube stated he thinks it would be good to start with just the smaller committee and find other opportunities for resident assignments. Council Member Cevering stated that is a good way forward.

Council Member Cevering motioned to approve the creation of an auditing committee made up of Council Member Swanson, Council Member Ekstrom and Mayor Berube. 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.

16. PUBLIC COMMENTS

Rod Barker, 2524 Barker Parkway, thanked the City for all the time and thought that has gone in to considering his request to purchase the City owned property next to his home. He stated he is willing to consider the proposal made by Council Member Swanson. He is hopeful that no individual believes that he has taken advantage of the City in any way by using the property for a garden; the produce grown in the garden has been donated to many other residents. Additionally, he has spent his own money maintaining the property by installing irrigation and abating any weeds that grow there. He has truly only tried to improve and upkeep the property. Mayor Berube stated he does not believe anyone feels the Barkers have taken advantage of the City by using the property and he is grateful that the property is so well maintained.

Randy Winn, 2412 Barker Parkway, addressed parking at the Barker Park Amphitheater; he appreciates the City's desire to prohibit on-street parking during events at the Amphitheater. Parking on the street during upcoming events would make it difficult for him to access his property. He then noted that restricting ticket sales to four per vehicle is unrealistic; there are many people who come by themselves and buy multiple tickets and he suggested the maximum per car be reduced to three. He then noted that Rod and Melanie Barker have improved the property adjacent to their home immensely and he feels they are the best stewards for that land going forward.

17. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson stated he was contacted by a resident about comments that have been made about widening 2600 North; he indicated he cannot recall a Council decision to widen the road and he asked for more information from Administration. City Manager/Attorney Call noted the Transportation Master Plan approved by the City Council provided for extension of the widening of 2600 North all the way from Washington Boulevard to 1050 East; staff has been operating under that instruction related to acquiring properties to preserve the right of way needed for the road. Council Member Swanson stated he simply wanted to be able to tell residents that the widening of

the road is not imminent at this point and funding has not been allocated at this time. Mayor Berube stated it will likely be quite some time until the City is able to fund such a widening project.

Council Member Barker referenced Julie Anderson's comments earlier in the meeting regarding a lack of a SWPP plan for a project on 2600 North; he noted that the SWPP is in place and that is the case for all projects that occur in the City as the developer is required to provide the plan before the project commences.

Council Member Stoker stated she has received complaints about trailers being parked on-street by a contractor working on a development. She indicated she will provide the address to Mr. Call.

Mayor Berube stated that there is a young person living in the City who has been battling cancer and was recently told she is cancer free; under normal circumstances, she would have been able to ring the bell at Primary Children's Hospital, but was not able to do so because of restrictions related to COVID-19. He thanked the City's Police Department and the North View Fire District for helping to commemorate the momentous event for this resident.

Council Member Ekstrom stated the unveiling of the Gold Star Family memorial will take place this Saturday; she is excited to have the monument in North Ogden. Mayor Berube stated it is a beautiful monument that enhances the plaza at City Hall.

Mr. Call stated the City is actively participating in the "Mask Up Weber" program, aimed at encouraging residents to wear masks in public. He then reported on upcoming special events and activities that will be held in the community in the coming weeks. He then noted that the City's Code Enforcement Division is diligently working to address nuisances throughout the City. He concluded by recognizing several employees across City Departments for their diligence in providing quality services to residents during the hot summer months and with COVID-19 restrictions.

Mayor Berube reminded everyone the City's Truth in Taxation hearing will be held next Tuesday; in person public comments will be allowed while observing social distancing guidelines.

18. ADJOURNMENT

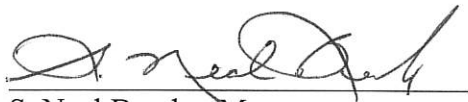
Council Member Stoker motioned to adjourn the meeting. Council Member Ekstrom seconded the motion.

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 10:06 p.m.



S. Neal Berube, Mayor



S. Annette Spendlove, MMC
City Recorder



Date Approved