

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

January 28, 2020

The North Ogden City Council convened in an open meeting on January 28, 2020 at 6:03 p.m. at the North Ogden City Office at 505 East 2600 North. 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 January 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
	Joyce Pierson	Deputy City Recorder
	Evan Nelson	Finance Director
	Dave Espinoza	Public Works Director
	Jami Jones	Treasurer
	Dirk Quinney	Police Chief

VISITORS:	Susan Clements	David Rogers	Bob Buswell
	Kent Christensen	David Rawson	Brett Hamblin
	Kevin Burns	Brenda Ashdown	Stefanie Casey
	Janis Christensen	Christina Watson	Pat Refsdal
	Kim Christensen		

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

**CONSENT AGENDA**

**1. DISCUSSION AND/OR ACTION TO CONSIDER DECEMBER 17, 2019 CITY COUNCIL MEETING MINUTES**

**Council Member Cevering motioned to approve December 17, 2019 City Council Meeting Minutes. Council Member Barker 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.**

**ACTIVE AGENDA**

**2. PUBLIC COMMENTS**

Patricia Refsdal, 2776 N. 1400 E., stated she has two topics to discuss tonight; first is radon and radon testing. Her husband has been exercising in their basement this winter and has experienced some hoarseness and coughing. They purchased a radon tester for their basement and it registered eight times the healthy limit for radon. They contacted a remediation company who came to their home and installed a remediation system at a cost of just over \$1,400. Tests were performed upstairs in their home and radon measurements were five times the healthy limit. She lives near the burn pit in the City. She has not noticed the City communicating with the residents about the risks associated with radon and she suggested that change; residents should be made aware of this problem. The Utah Department of Environmental Quality (DEQ) indicates that 50 percent of the tests performed in the 84414 zip code are above the healthy levels for radon; the other 50 percent are at or just below the healthy level. She recommended that information about this issue be published in the North Ogden Connection magazine. She stated her second issue deals with development in the community; each time the City has an election, there is much discussion about what will be done with development. She previously served on a planning and zoning commission and is familiar with development. She lived in New Jersey for 25 years before coming back to North Ogden to retire and in New Jersey there was a homeland preservation program that used state, local, and federal funding to purchase development rights of farms. She lived in two different counties and she presented maps that include information about all of the farms for which the development rights have been acquired. She suggested that a similar program be considered in North Ogden for the prime farm ground that is left. She provided the Mayor and Council with information about this type of program.

3. DISCUSSION AND/OR ACTION TO ACCEPT THE FISCAL YEAR 2019 FINANCIAL AUDIT.

A staff memo from Finance Director Nelson explained each year the City is required to undergo a financial audit in accordance with State guidelines. The auditor's role is to review the financial records of the City and to issue an opinion whether the financial statements are fairly presented in accordance with generally accepted accounting principles. The auditor also evaluates accounting practices, internal controls, and compliance with regulations. As appropriate the auditor may issue findings and recommendations and highlight areas for improvement. The City retained the services of Davis and Bott Certified Public Accountants to perform the audit for Fiscal Year 2019. A copy of the audited financial statements, including the audit report, has been provided as part of the January 28, 2020 Council packet. City staff will present the financial statements and David Rogers, will discuss the audit report.

Here are a few highlights for Fiscal Year 2019:

- Total net position is \$88,283,056, an increase of \$8,725,377;
- Governmental Funds ending balance is \$7,631,147, an increase of \$1,900,964;
- Combined cash in the Enterprise Funds increased by \$210,536;
- The debt on the Aquatic Center at year-end was \$1,526,000;
- The snowplow lease had a principal balance of \$152,336 at year-end; and
- Outstanding debt on water impact fee reimbursement agreements is \$1,650,757.

A more detailed analysis is provided in the Management Discussion and Analysis section of the financial statement report.

Mr. Nelson reviewed his staff memo and used the aid of a presentation to summarize the annual audit process and information contained in the audit report. He then reviewed the list of recommendations from the auditor relating to improve the City's internal controls and accounting system; he also reviewed staff's response to the recommendations:

- **Recommendation #1** – We recommend conducting an inventory of fixed assets annually to determine whether or not certain assets need to be removed from the depreciation schedule.  
**Staff Response** – We accept this recommendation. We will perform an asset inventory and remove any assets from the list that should not be included.
- **Recommendation #2** – We recommend maintaining a file for all fixed assets to include the invoices supporting the cost, documentation of purchase approval, depreciation method and life, and other pertinent information supporting the existence and value of the asset.

*Staff Response* – We accept this recommendation. Maintaining a fixed asset file will consolidate records into one place and improve efficiency during the audit process.

- **Recommendation #3** – We suggest controls over the approval of journal entries be reviewed. Journal entries should be reviewed and approved on a regular basis to prevent misstatement of the financial statements. We recommend a review of the journal entries on a monthly basis.

*Staff Response* – We agree with this recommendation. We have implemented a process as part of the monthly closing that requires two employees to review and approve journal entries.

- **Recommendation #4** – We recommend expediting the year end close process so there is time to prepare and audit the financial statements before the State mandated deadline of December 31 to submit audited financial statements to the State Auditor's Office.

*Staff Response* – We agree with this recommendation and will prepare to meet the State's deadline in 2020.

David Rogers, representative of Bott Certified Public Accountants, summarized the auditor's opinion, which is contained in the audit report. It is the auditor's opinion that the financial statements referred to in the audit report present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of June 30, 2019. He then discussed the auditor's report on internal controls and noted this portion of the audit is intended to prevent or detect internal control weaknesses. There were no material weaknesses or significant deficiencies in the City's internal controls; however, the auditors did provide some recommendations for improving processes, which Mr. Nelson has already summarized. He then discussed the State compliance section of the report; this deals with impact fee law compliance, use of Class C road monies, and compliance with the Open and Public Meetings Act. No compliance issues were identified. In the section of the report titled 'communication with those charged with governance', the auditors communicate they encountered no difficulties in performing the audit. Staff was great to work with as were the representatives of the firm that prepares the City's financial statements. He then discussed the single audit report, which focuses on the City's use of \$786,000 in federal funding used for the White Rock catch basin project. The auditor issued a clean opinion for that issue as well.

Council Member Covering stated that the report indicates a deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. He asked for an example of a deficiency in internal control. Mr. Rogers stated a deficiency could be any number of things, but is generally a flaw that allows for a mistake to occur without being caught.

**Council Member Swanson motioned to accept the Fiscal Year 2019 Financial Audit. 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.**

**4. DISCUSSION ON THE NORTH OGDEN CITY RECYCLING PROGRAM**

A staff memo from Finance Director Nelson explained that in November the City received notice of a significant increase to recycling fees. The City takes recycled waste to a company called Recycled Earth for processing. The market for recyclable waste has changed a lot in the last few years which has made recycling significantly more costly. In March 2019, the cost per ton for disposing of recyclable waste increased from \$36.80 per ton to \$53.94 per ton. In November the cost went up to \$84.14 per ton, a 56 percent increase. This last increase is estimated to have a budget impact of \$15,000 in the current fiscal year and approximately \$26,000 in Fiscal Year 2021. The current year budget for recycled waste tipping fees is \$45,900. A question was raised about how much of our recycled waste is actually recycled, according to Recycled Earth, the amount is approximately 75 percent.

The City's regular garbage is currently being processed by Weber County at a cost of \$40.49 per ton. The current year budget for regular garbage tipping fees is \$311,596.

Recycled Earth has offered to process our recycled waste as regular garbage at a rate of \$39.00 per ton. This would allow the City to put the program on hold, without limiting the option of starting the program again in the future. Several Weber County cities have elected to use this option. Recycled Earth is of the opinion that the market for recyclable waste will be improving in the near future.

Possible options for discussion:

1. Continue the Recycling Program as it currently stands and continue to pay current rates. This would likely require a budget amendment and possibly an increase to the garbage rate paid by residents.
2. Eliminate the Recycling Program. This would reduce the cost of waste disposal. The City's contract with Republic expires in July 2020. The City would need to determine what to do with existing recycle cans and garbage rates would need to be evaluated.

3. Process recycled waste as general garbage on a temporary basis until the market improves. This would reduce the current cost of recyclable waste disposal.

Council Member Swanson addressed representatives of Recycled Earth and asked if it is possible to consider a fourth option that would provide for customers to use their black cans for Republic Services to collect and deliver to the transfer station rather than Republic Services delivering to Recycled Waste who will then haul to the transfer station. Davis Rawson, owner of Recycled Earth, stated that his proposal does not create an extra step in the process; Recycled Earth will transfer the waste, but it is a very complicated process. Council Member Swanson stated that if everything is being delivered to the transfer station and Republic Services is hauling it there, he is unsure why the City would pay Recycled Earth to send some trash to them so that they could take that portion to the transfer station. He stated he does not understand the benefit for Recycled Earth or the City. Mr. Rawson stated that two different programs are actually being considered; Recycled Earth would handle recyclable materials, which will reduce the amount of waste being sent to the transfer station. He stated recycling provides a valuable service to the community and he does not want to eliminate recycling options. Council Member Swanson stated he is not suggesting elimination of the recycling program; rather, he is wondering if it may be beneficial to pause the program for a short time, during which residents would keep the recycling receptacles that have been delivered to them. When the recyclable materials market rebounds so that recycling is once again profitable for businesses, the City's program can resume. During the pause in the program, Republic Services can take all disposed of materials to the transfer station.

Mayor Berube stated that it is his belief that Recycled Earth wants the recycling program to continue because it is important for them to stay in business until the recyclable materials program rebounds. Mr. Rawson stated that is correct and he has been encouraged by the Weber Area Council of Governments (WACOG) to stay in business. Weber County has never had a sustainable recycling program so in 2017, when the request for proposals (RFP) for a program was published, his company submitted a bid to build a County facility. The decision was made to 'dump' the program and this led haulers to band together and approach him to create a recycling facility and program. He invested millions of private funding into a system, though he had no recycling contracts in place. He stated the current condition of the recycling market is temporary and he expects it to rebound. Many paper mills were closed, but they have resumed operations and are producing paper pulp to ship to China with no tariffs. China still buys cardboard, but they do not want trash in the recycled materials stream. He stated that he is simply trying to maintain a viable recycling program in Weber County though one has not been provided in the past. He is eager to provide the service and was very excited that North Ogden was one of the communities committed to recycling. This is a service that was previously free or for which rebates were provided, but that is no longer an option due to the recyclables market. He continues to monitor the market and wants to stay operational. Mayor Berube asked if the Recycled Earth proposed fees would allow them to stay in business until the market rebounds. Mr. Rawson answered yes. Mayor Berube stated it

would not be wise for the City to continue paying \$84 per ton, but it may be possible to select the \$39 per ton option to help support Recycled Earth. Mr. Rawson stated that the \$39 per ton rate will preserve the transfer station but not a recycling facility.

Council Member Swanson stated that he appreciates the explanations provided by Mr. Rawson. It sounds like there are multiple benefits available to the community, one of which being that Recycled Earth will stay in business so that when the recycling market rebounds, there is an avenue for recycling to continue. Mr. Rawson stated that is correct; in the past when the recyclables market was booming, many of the people who were recycling were doing so incorrectly without awareness of the impact they were having on third-world countries. Now it is time for consumers to take a bit more responsibility. If the local sewer plant needed to increase their rates because biosolids cannot be composted, users must accept that increase. He noted recycling is a service and there are many individuals and businesses in the county that need that service. He then provided photographs of items placed in recycling bins that cannot be recycled and noted it is important to educate users about contamination of the recycling stream. The public must be made aware that the can is only for certain clean recyclable materials. The capture rate of recyclable materials is much greater if only clean items are recycled.

The Council debated the merits of a recycling program in the community and the most appropriate option to pursue for the future of the program. Mayor Berube asked if the City or its residents who choose to continue to support the program will receive any credit for doing so considering that many other cities are discontinuing their programs. Mr. Rawson stated that the original contract allows for a 60/40 split of the rebate associated with recycling. He added that he likely will not offer the same rate he is offering to North Ogden to other users who withdraw from the program now and enroll again in the future after the market rebounds. He stated he needs the business and tonnage associated with that business. Mayor Berube stated there is a risk that no matter what the City does, Recycled Earth could lose other customers and be forced to cease their operations. North Ogden City wants to be environmentally conscious, but its citizens should not bear the burden that others are not sharing.

Council Member Covering stated that he is most supportive of an opt-in program for recycling. Mr. Rawson stated that is an aspect of the program to negotiate with the hauler of the materials.

Mayor Berube thanked Mr. Rawson for the information provided and indicated that the Council will consider this matter further as they proceed through the process of developing the City's budget for the next Fiscal Year.

5. **DISCUSSION AND/OR ACTION TO CONSIDER APPOINTMENTS TO THE PLANNING COMMISSION**

Mayor Berube stated that the terms of two Planning Commissioners have expired. He and Council Member Barker have interviewed candidates for the position and they have made the decision to retain both of the Commissioners: Brandon Mason and Eric Thomas. He stated he learned a great deal through the application process and there are many residents who are willing and qualified to serve in that role.

Council Member Ekstrom inquired as to the length of a Planning Commission term, to which Mayor Berube answered five years. He added he felt the City will benefit by reappointing Mr. Mason and Mr. Thomas due to their experience and their knowledge of City planning policies.

**Council Member Ekstrom motioned to approve re-appointing Eric Thomas and Brandon Mason to the Planning Commission. 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.**

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE PERSONNEL POLICY TO ADD FURTHER CLARIFICATION IN THE DRUG & ALCOHOL POLICY**

A staff memo from City Manager/Attorney Call explained there have been some questions raised over the effectiveness of the Substance Abuse Policy for North Ogden City. Some of these concerns center around the availability of substances which are considered controlled in Utah but not some of the neighboring states. This policy has been written to help clarify the City's approach to non-prescription drug usage and testing.

Staff is suggesting the Council adopt the policy changes, which are identified in red text in the document included in the Council packet.

Mr. Call reviewed his staff memo and summarized the proposed policy adjustments identified in red in the packet materials. The changes focus primarily on use of over-the-



counter drugs as well as the City's response to a positive drug test for a controlled substance. He concluded that typographical errors will be corrected and will not result in an adjustment to the content of the document.

Council Member Ekstrom asked if it is correct that employees are not required to report their use of over-the-counter drugs, to which Mayor Berube answered yes.

**Council Member Barker motioned to approve Ordinance 2020-01 amending the Personnel Policy to add further clarification in the Drug & Alcohol Policy. 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.**

**7. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION HONORING THE 100<sup>TH</sup> ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS.**

City Manager/Attorney Call stated that several cities have joined together to recognize the League of Women Voters by adopting a resolution recognizing the 100<sup>th</sup> anniversary of the association. He indicated staff is fully supportive of this action and recommends the Council adopt the resolution.

**Council Member Swanson motioned to approve Resolution 07-2020 honoring the 100<sup>th</sup> Anniversary of the League of Women Voters. 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 A UTAH DEPARTMENT OF TRANSPORTATION CONSTRUCTION MONEY REQUEST FROM NORTH OGDEN CITY IN THE AMOUNT OF \$850,000 FOR THE 2600 NORTH WIDENING PROJECT.**

A staff memo from City Manager/Attorney Call explained the official start date of the 2600 North road and intersection improvement project is drawing near. Since the beginning of the discussion on these projects there have always been three different components:

1. Intersection Project.
2. East Leg of the intersection (2600 North).
3. North Leg of the Intersection (400/450 East).

In the past year the first two projects were combined into one project because of the significant overlap of construction work, with the Utah Department of Transportation (UDOT) taking the lead. The City has been working with UDOT on the design of this project, but will need to be compensated for that portion of the project which is on the North Ogden City road system. To that end, City Administration has received a request from UDOT for \$850,000. The original estimate from Jones and Associates was that this leg of the project would cost \$1,070,000. UDOT has been very cost conscious on this project and made changes to help keep the construction cost low as well as provided the environment, design work, and other components of the project as part of the deal.

Mr. Call reviewed his staff memo and reviewed an email that provides UDOT's reasoning for the requested adjustment to the project phasing. Staff is suggesting the Council agree to the contribution along with a stipulation that this is the maximum contribution from the City for this project so that UDOT is responsible for any unknowns with their contractor or other providers. He then reviewed an aerial photograph of the area to orient the Council and visitors to the adjustments to be made.

Mayor Berube stated that some of the funding the City will expend for the project will eventually be reimbursed, but the total fiscal impact to the City will be approximately \$2.3 million. Mr. Call stated that is correct. The total project including the amount to be dedicated by UDOT is approximately \$13 million.

Council Member Ekstrom asked if the portion of 2600 North running along the Fiiz parking lot will be widened. Mr. Call stated that 2600 North will be widened to two lanes with a turning lane from Washington Boulevard to 475 East; at 475 East, the eastbound lane will be right-turn-only and the west bound lane will split into two lanes. This should allow vehicle stacking capacity that is greater than what is presently allowed. Council Member Ekstrom asked who owns the land directly across the street from the Fiiz parking lot, to which Mr. Call answered the City. Council Member Ekstrom asked if the

approach to the parking lot will be relocated. Mr. Call used the aerial photograph to orient the Council to the future location of the parking lot ingress/egress point for the parking lot as well as the layout of parking stalls and landscaped areas. Council Member Swanson added that page 331 of the Council packet provides the layout of the roadway superimposed over the aerial photograph of intersection and abutting properties.

**Council Member Ekstrom motioned to approve a Utah Department of Transportation construction money request from North Ogden City in the amount of \$850,000 for the 2600 North widening project. 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.**

**9. PUBLIC COMMENTS**

Bob Buswell, 962 E. 3025 N., addressed the previous discussion regarding recycling and suggested that the City publish an article in the North Ogden Connection that provides detailed information about what items are recyclable.

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

Council Member Swanson thanked Mayor Berube for the manner in which he conducts City Council meetings.

City Manager/Attorney Call stated that in conjunction with the recent adoption of a policy that addresses the thought/invocation portion of a City Council meeting, he thought it would be helpful to include information on the City's website that provides an explanation of what a public meeting is, the public bodies in the City that hold public meetings and their regular meeting schedule, and instructions for individuals interested in providing a thought or invocation at the opening of a public meeting. Mayor Berube stated that is a good idea and he encouraged residents to communicate with their neighbors about opportunities for participating in upcoming meetings. Council Member Cevering suggested that Council Members also reach out to residents to encourage them to participate in the opening ceremony portion of future meetings.

Mr. Call reminded the Council of the Local Officials Day at the Legislature event scheduled for tomorrow.

Mayor Berube asked staff to include an item on the next City Council meeting agenda to provide for appointments to the Economic Development Committee and General Plan Steering Committee.

11. **ADJOURNMENT**


**Council Member Swanson motioned to adjourn the meeting. Council Member Ekstrom seconded the motion.**


**Voting on the motion:**

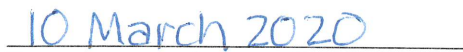
<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Covering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 7:49 p.m.**

  
\_\_\_\_\_  
S. Neal Berube, Mayor

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

  
\_\_\_\_\_  
Date Approved