



**CITY COUNCIL MEETING AGENDA
JULY 13, 2021 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND ELECTRONICALLY BY:

Click the link below to join the webinar: <https://us02web.zoom.us/j/85038350223> Webinar ID: 850 3835 0223

Or Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782 or 1 312 626 6799

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Stoker

CONSENT AGENDA

1. Call for conflict of interest disclosure
- [2.](#) Discussion and/or action to consider May 11, 2021 City Council meeting minutes
- [3.](#) Discussion and/or action to consider May 25, 2021 City Council meeting minutes

ACTIVE AGENDA

4. Public Comments*
- [5.](#) Proclamation for Cherry Days
Presenter: Mayor Berube
6. Appoint City Treasurer
Presenter: Jon Call, City Manager/Attorney
- [7.](#) Discussion and/or action on Pleasant View Drive options
Presenter: Jon Call, City Manager/Attorney
- [8.](#) Discussion and/or action to consider a fence encroachment request for property located at approximately 177 East Elberta Drive
Presenter: Scott Hess, Planning Director
9. General Plan Committee Report
Presenter: Scott Hess, Planning Director
- [10.](#) Discussion on garbage and recycling
Presenter: Dave Espinoza, Public Works Director
- [11.](#) Discussion and/or action to consider an Ordinance regarding culinary water for irrigation purposes
Presenter: Jon Call, City Manager/Attorney
- [12.](#) Discussion and/or action to consider an Ordinance regarding protective ground covering
Presenter: Jon Call, City Manager/Attorney

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

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 8th day of July, 2021 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2021 meeting schedule was also provided to the Standard Examiner on December 12, 2020. Susan L. Nance, CMC, City Recorder

- [13.](#) Discussion and/or action to consider use of electronic meetings through Zoom
Presenter: Jon Call, City Manager/Attorney
 - [14.](#) Discussion and/or action on Mayor's Critical Water Emergency Proclamation
Presenter: Mayor Berube
 15. Council Department Reports:
 - a. Council Member Barker – Building and Planning
 - b. Council Member Swanson – Finance
 16. Public Comments*
 17. Council/Mayor/Staff Comments
 18. Adjournment
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Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to three (3) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

NORTH OGDEN CITY COUNCIL
MEETING MINUTES

May 11, 2021

The North Ogden City Council convened in an in-person meeting at North Ogden City offices at 505 East 2600 North, North Ogden, Utah on May 11, 2021 at 6:01 p.m. And electronically at <https://us02web.zoom.us/j/81490122486> Webinar ID: 814 9012 2486 Or Telephone Dial: 1 253 215 8782 or 1 346 248 7799 or 1 669 900 9128 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 May 7, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

PRESENT:	S. Neal Berube Ryan Barker Blake Cevering Charlotte Ekstrom Cheryl Stoker Phillip Swanson	Mayor Council Member Council Member Council Member Council Member Council Member
STAFF PRESENT:	Brandon Bell Jon Call Dave Espinoza Lorin Gardner Katie Gerard Scott Hess Jami Jones Evan Nelson Dirk Quinney Rob Scott Tiffany Staheli	Associate Planner City Manager/Attorney Public Works Director City Engineer City Recorder Planning Director HR/ Treasurer Finance Director Police Chief City Planner Parks and Recreation Director

VISITORS:	Annette Robert Bolar Sandy Cochran Kami Marriott Mark Miller Brett Satterthwaite Kathy	Brenda Ashdown Stefanie Casey John Hansen Randy Marriott Matt Murdock Beth Holbrook	Genneva Blanchard Susan Clements Susan Kilborn Terri McCulloch Bruce Parker Andy Hubbard
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Mayor Berube called the meeting to order. Council Member Ekstrom led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any Council member had any conflict of interest to disclose. There were no disclosures made.

2. DISCUSSION AND/OR ACTION TO CONSIDER THE APRIL 13, 2021 CITY COUNCIL MEETING MINUTES.

Council Member Cevering motioned to approve the April 13, 2021 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

Mark Miller, Pleasant View resident, thanked the Mayor and Council for their service; this group has been through a lot together over the past two years and the decision last week regarding the Cherry Days parade was a hard decision and there is no other reason for him to be here than to help to move forward as a community. He wants to restore the spirit of working together and he noted that a group of residents have been working to organize a parade to celebrate Independence Day in the community. The COVID-19 pandemic has had a dramatic impact on the event, but he and a group of community members are unified and want to come together as they did after the death of former Mayor Brent Taylor, and he asked that the Council reconsider their decision and choose to be part of the positive celebration of liberty. There is reason to celebrate and now that conditions with the COVID-19 pandemic have changed, he would like the City to be involved. He stated that a committee has been organized and they are working on a theme for the parade; they have decided the theme will be "Faith, Family, and Freedom" and there will be an increased emphasis on telling the history of the community, the Country,

and liberties. Because of the construction project underway on Washington Boulevard, they would like for the parade route to start at the North Shore Aquatic Center, heading east to Washington Boulevard and heading south to the North Ogden Plaza. He has spoken with Parks and Recreation Director Staheli about use of the North Ogden Park from about 10:00 a.m. to 5:00 p.m. on July 3, 2021. He has also spoken to the Utah Department of Transportation (UDOT) regarding securing a special event permit for the parade to be held on a State Road. As in years past, he anticipates good attendance and stated he hopes the committee can rely upon the City for public safety support to create a presence of safety throughout the day. He has spoken with the Weber County Sheriff's Office, and they have indicated they can provide support and administer the road closure for the event. He stated he would like the Police and Fire Departments as well as the City Council to participate.

Susan Kilborn, North Ogden resident, stated she pays her taxes in North Ogden and she has a say in where her tax dollars are spent. The City Council has been very clear that there would be no funds spent on Cherry Days events other than those that have specifically been approved by the Council. She is one of many who do not want to see one cent of their money dedicated to the parade and the events at the park; it is a blatant disregard of the decisions made by the City Council to continue to pursue the events. She stated the City does not need the event this year. She stated she is a patriot and has lived in the City for 33 years; she is the only resident who flies her flag every day and she does not like the insinuation that if she does not support the event, or if the City does not support it, they are not patriotic.

Brett Satterthwaite stated he resides in Liberty but owns property in North Ogden and he is in attendance tonight to hear the discussion regarding creation of a Sensitive Lands overlay zoning designation. He stated that most of his concerns have been expressed via a detailed letter, but he wanted the Council to know that he feels the ordinance gives too much discretion to the City Engineer; criteria for making certain decisions should be identified in the ordinance so that the final decision is not made at the discretion of the City Engineer. He is concerned that more requirements are being placed on developers and this dramatically increases costs for developing land in the City. He feels there are other ways to address the matters to be covered in the zoning chapter aside from what has been proposed in the version of the ordinance that will be presented to the Council tonight.

Kami Marriott, Plain City resident, stated that she also owns property in the City; she and Randy Marriott have drafted a letter from West Side Investments, Wasatch Civil Engineering, and legal counsel. She thanked the Planning Commission and staff for taking their feedback into consideration and she hoped that the Council will move to table the agenda item until further research of the matter can be conducted.

Council Member Cevering read a letter submitted by Shanna Campbell, who is a member of the North Ogden Civic League. "North Ogden Civic League needs your help to keep

going. Established in the 1950's by a group of civic minded women, its numbers in the last couple of years have dropped to a point that continuing is not feasible. The purpose of creating the civic league was for the beautification and improvement of North Ogden. If you or someone you know is interested in picking up the torch, we want to hear from you. If you are interested, contact Cheryl Ward or Shanna Campbell by May 21, we hate to lose our dedicated Civic League. Some of the projects funded by the Civic League over the years include the first swimming pool in North Ogden, the large umbrellas at the Aquatic Center, the Christmas lights – now mostly LED – at bicentennial park by Lees, trees in parks, park benches, trees at the Christmas tree lighting ceremony, creation of the North Ogden historical afghan, and many many more.”

Randy Marriott, Plain City resident, stated he is also concerned about the sensitive lands ordinance; he has been developing land on North Ogden's benches for many years and there have been many nice projects created. He does not believe anyone in the City should be ashamed of any of those projects and he is committed to continuing to do things right. There are some restrictions in the ordinance that are not reasonable and should not be codified. He stated that the mountain is shaped perfectly for winter run-off, and he has not done anything to impact those natural conditions. He asked for an opportunity to continue to discuss the details of the ordinance with the Mayor and Council before the matter is moved forward for an action.

4. **PRESENTATION AND UPDATE ON UTA'S FIVE YEAR SERVICE PLAN**

Utah Transit Authority (UTA) Trustee Beth Holbrook used the aid of a PowerPoint presentation to provide the Council with information regarding the Five-Year Service Plan for UTA. She discussed the changes that have been made to services provided by UTA responsive to the COVID-19 pandemic, many of which will likely be permanent in nature. She also discussed improvements that have been made to UTA infrastructure in the area as well as additional improvements planned for the future; all improvements are aimed at increasing and improving the level of service in the community. Regional projects include things like the Bus Rapid Transit (BRT) project in Ogden, FrontRunner improvements along the Wasatch Front, and bike-share programs. She concluded by expressing her willingness to engage in further detailed discussion with any City Official or residents of the City.

The Mayor and Council thanked Ms. Holbrook for the information provided this evening; Mayor Berube stated that one improvement that would make a huge impact on the value of UTA's bus service would be to utilize technology to give riders real-time access to bus schedules. Ms. Holbrook agreed and indicated that UTA is always exploring opportunities for introducing or improving technology features in various systems.

5. **DISCUSSION AND/OR ACTION TO CREATE A SENSITIVE LANDS CHAPTER, AMEND THE DEVELOPMENT CONSTRAINTS CHAPTER, AND AMEND THE DEFINITIONS CHAPTER**

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The Planning Commission first discussed this amendment on August 19, 2020. Since then, the Planning Commission has had 7 additional discussions regarding the amendment. On February 17, 2021, the Planning Commission requested that a public hearing be set to consider this amendment. A public hearing was conducted for this amendment on March 17, 2021. The Planning Commission continued this item until April 21, 2021, in order to allow for additional comments from Wasatch Civil Engineering representing West Side Development.

Staff met with Kami Marriott, Wasatch Civil, and Bruce Parker on April 15, 2021. Written comments were received on April 19, 2021. Staff prepared an addendum addressing those comments which were presented to the Planning Commission on April 21, 2021. (See Exhibits B and C) The responses to these comments are contained in the attached Addendum in Exhibit H.

In addition, comments were received from Carson Jones. Additional comments were received from Richard Hall and Cherie Hall Ensminger representing Hall Brother Land Company. (Exhibits D and E)

Staff spoke with Carson Jones and made a subsequent phone call with Carson Jones, Richard Hall and Cherie Hall Ensminger to clarify their questions. There was some misunderstanding regarding the purpose and intent of the amendment which were clarified. Links were shared regarding the General Plan provisions including parks and trails.

Planning Commission Edits

The Planning Commission is recommending the following edits to the amendment. They are incorporated into the amendment and shown in the blue font.

- Added a cluster provision on page 7.
- Deleted the provision limiting height to 25 feet or 1 ½ stories on page 15. The Planning Commission is recommending that a consistent height be maintained for the entire city.

- Eliminated the potential economic or market study from the potential studies on page 16.
- Requested that a standard be established for the allowance of a greater percentage of impervious material coverage where on site detention is provided on page 7.
- Clarified the planting schedules to be consistent with the approved landscape plan on page 11.
- The disturbed soil surface standard be required to be consistent with the approved landscape plan and SWPP plan on page 11.

Staff Edits

Staff reviewed the draft amendment and found some duplication standards that have been deleted.

- The Grading, Cuts, and Fill provision on page 13 has been simplified to reference existing grading and drainage standards.
- The Streets and Ways standard on page 14 has been modified to reference the Public Works Standards.
- On page 19 the Soil Characteristics Report makes reference soil saturation conditions will use infiltration rates in sizing LID BMPs.
- The subsurface hydrology analysis on page 22 now references the 80th percentile storm.

Amendment Summary

The draft amendment (See Exhibit A) amends Chapter 11-25 Development Constraints to retain the requirement to retain specific studies prior to development that apply to all of North Ogden; it references the study details found in the new Chapter 27. Chapter 11-2 Definitions is also amended.

A new chapter 11-27 Sensitive Area Overlay Zone SA creates measurable standards that are lacking in the current Development Constraints chapter. This is consistent with State land use law that requires clear and objective standards rather than general statements.

The consultants working on the Land Use Code have been consulted regarding the draft and will make the appropriate process changes.

11-2: DEFINITIONS

The definitions chapter defines various terms in the ordinance. All definitions in the code are being located in one chapter 11-2 DEFINITIONS.

The open space definition has been edited to included trail heads and references a new natural open space definition.

The park definition has been amended to clarify its function and references natural open space.

There are two new definitions natural trail and trail heads.

11-27 SENSITIVE LANDS OVERLAY

There are seven sections in the Sensitive Lands amendment. A brief synopsis is given for each section.

11-27-1: PURPOSE AND INTENT

The purpose and intent statement emphasizes public safety as the primary focus of the ordinance. The purpose statement addresses natural hazards, storm water design, removal of natural vegetation, fire hazard, natural features, public access, transportation network, emergency access, and development designs.

11-27-2: SCOPE AND APPLICATION

This section identifies that an overlay map will be created for the application of this zone.

A map identifying the overlay is shown in Attachment A. The overlay follows lands that are north and east of the existing or future Mountain Road alignment.

11-27-3: DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

This section identifies the relationship between slope and density. Properties that have slopes below 10% are allowed to have the density for the underlying zone. Slopes between 10-20% have a minimum 15,000 square foot lot size with a minimum 100 feet of frontage. The HP-3 zone has a 2-acre minimum, and this is retained. No development is permitted when slopes are above 20%. This is consistent with existing standards.

PUDs will have the same maximum density for the underlying zone.

Impervious materials coverage standards are given.

Alternatives for incorporating areas that are above 20% into subdivisions are given.

A buildable area definition standard is given.

A flag lot provision is provided for properties within the overlay.

Only single-family projects are allowed, but with a PUD attached units would be allowed.

11-27-4: DEVELOPMENT STANDARDS

Standards are created for Drainage and Erosion, Vegetation and Revegetation, Fire Protection, Geology, Grading, Cuts and Fill, Streets and Ways, Building Design, and On-Site Development.

11-27-5: REVIEW AND APPROVAL PROCEDURE

The review process for projects with the overlay zone is a three-step process, i.e., conceptual review, preliminary, and final. Special studies are identified as part of these reviews. The requirements for each step are provided. This section will be shifted into the administrative review process in the new land use code

11-27-6: ISSUANCE OF BUILDING PERMITS

There is a separate provision for building permit issuance.

11-27-7: APPENDIX A

Appendix A identifies the standards for each of the various reports. The reports include Soil Characteristics, Grading or Erosion Control, Geology, Vegetation and Preservation Report, Hydrology and Storm Drainage, Low Impact Design, and Fire Protection.

CONFORMANCE WITH THE GENERAL PLAN

The General Plan identifies physical hazards for development in the Environmental Chapter along with appropriate goals and strategies starting on page 62. The Housing Chapter related goals and strategies are found starting on page 22.

Environmental

Goals

- Protect sensitive lands within the existing and future City boundaries.
- Protect the water quality of existing wetlands, springs, streams, ponds, and aquifers.

Goal #1 - Protect sensitive lands within the existing and future City boundaries.

Strategies

- Continue to use the land use approach found in the Hillside Protection zones to incentivize developers to avoid sensitive lands.
- Reduce and avoid impacts on sensitive lands. Sensitive lands include wetlands, riparian corridors, steep slopes, land slide runaway areas, avalanche paths, and others.
- Establish preserved natural areas within the City and along the mountains.
- Proactively reassess potential sensitive land impacts at least every 5 years.
- Maintain existing landslide debris catchment basins.
- Create and reinforce use of rigorous disclosure statements for all property and home sales so buyers are aware of potential dangers. Add these to the Hillside Protection chapters of the Zoning Ordinance.
- Work with developers to dedicate open space natural areas, especially those that are sensitive and not developable such as riparian areas, drainages, rock outcroppings, steep slopes, avalanche prone areas, mud slide prone areas, wetlands, etc.

Housing

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.

The memo offered the following summary of Land Use Authority considerations:

- Should the City create standards for development on sensitive lands?
- Should definitions be amended regarding open space and trails?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission, on a six to zero vote, recommends that the City Council adopt the sensitive lands amendment. The Planning Commission found that the amendment is consistent with the General Plan.

Mr. Scott reviewed his staff memo and facilitated a review of the proposed text of the sensitive lands ordinance. He stated that if the Council would like additional communication with impacted landowners as requested during the public comment portion of this meeting, he is not opposed to the item being tabled in order to give staff, the Council, and perhaps the Planning Commission time to continue those communications. He noted, however, he feels that the proposed ordinance will benefit the City greatly.

Mayor Berube stated that the ordinance and its subject matter are extremely complicated; it is important for the City to strike a balance between landowner's rights and protecting the beauty of North Ogden City. He has been vocal that the beauty of North Ogden is closely tied to the foothills, and it is important to protect that area. Additionally, at some point in time the City needs to focus on infrastructure projects aimed at keeping pace with growth. He understands the State of Utah is growing rapidly and it is important to ensure that the quality of life in the community is maintained as growth proceeds.

Council Member Cevering stated he is not prepared to make a decision on the ordinance tonight as he would like more time to digest the information and speak with landowners who will be most impacted by the ordinance. Council Member Swanson agreed and stated that it would be helpful to participate in field trips and perhaps work sessions dedicated to digesting the implications of the proposed ordinance and to hear more detailed information from landowners.

The Council briefly discussed the main concerns or questions they have regarding the ordinance in order for Mr. Scott to be prepared for the next discussion of this matter.

Council Member Cevering motioned to table action on a proposed ordinance creating a Sensitive Lands Chapter and amending the Development Constraints and Definitions Chapters of the Land Use Code. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker
Council Member Cevering
Council Member Ekstrom
Council Member Stoker
Council Member Swanson

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE PATRIOT POINTE SITE PLAN RELATED TO SETBACKS BETWEEN BUILDINGS AND FROM THE PROPERTY LINE

A staff memo from City Manager/Attorney Call explained Patriot Pointe LLC is currently beginning construction of the first few phases of their townhome project at 2225 N. 150 East. In obtaining the building permits and beginning construction it was discovered by the building department that the building plans submitted are larger than the plans proposed in the original site plan approval. In fact, two of the footings and foundations were poured resulting in a reduced setback on the eastern property line of approximately three feet.

To resolve this issue the developer has two options 1) request a site plan amendment and get council approval for modification of the setback numbers 2) redo all, or a portion of the footings and foundations.

For some additional background information, the building permits were approved by the building department. When the footings were inspected the contractors were informed that the setbacks couldn't be verified and that they were pouring at their own risk. When the foundation walls were formed up the building inspectors were able to get accurate enough measurements to reach the conclusion that the foundations and footings were off by three feet and were not approved and again be "poured at their own risk". The error apparently came as a result in drafting the original site plan and using footprints that were 4.5 inches smaller per unit than they were supposed to be. On an 8 unit building this ends up being 3 feet.

The Planning Commission reviewed the setbacks and has made a recommendation for the Council to just approve the setback on buildings 1 and 2 so the project may continue to work forward while working through all the other setbacks.

One planning commissioner expressed concerns that amending this setback could be seen as setting a bad precedence for setbacks in the city moving forward. The Council should discuss this concern and if the Council supports the change, provide some reasoning to

help clarify future situations. On items mentioned by the Planning Commission was the eastern setback concern was not as big of a deal since the fence was coming down along that property line and that the same landowners own both projects.

As a legislative decision the Council has the ability to make any decision it feels best fits the goals and needs of the city.

The following setbacks would be approved based on that recommendation.

- Building 1
 - Reduction in east setback by 3 feet.
 - Original distance to property line was 11.3 feet, proposed 8.3.
 - Original distance to neighboring building was 41.3 feet, proposed 38.3.
 - Increase in south setback by 5.2 feet.
 - No change in 18.9 feet east/west setback.
 - North setback to the road from 2225 North would stay at 20 feet.
- Building 2
 - Reduction in east setback by 3 feet.
 - Original distance to property line was 13.8 feet, proposed 10.8 feet.
 - Original distance to neighboring building was 43.7 feet, proposed 40.8.
 - South setback to the road from 2225 North would stay at 20 feet.
 - Reduction in west setback, from 150 East, by 1 foot to 20.1 feet.
 - North setback would be 24.4 feet between a new building in the next phase of work.

The City Council should review the site plan and determine whether or not the site plan should be amended to include the proposed revisions. This will require an amendment to the development agreement. I've attached a copy of what that provision would look like, and the Council should discuss the project and any potential friction points with the current development agreement and other agreements related to this project.

The memo concluded this is a Legislative Decision so the Council has wide discretion on whether or not to accept the proposed change and whether or not any other considerations should be resolved at this time as well. The Council should weigh its options and make a decision which they feel is the best for the City, residents, landowners, and other stakeholders.

Mr. Call reviewed his staff memo.

Mayor Berube invited input from the applicant.

John Hansen stated he is embarrassed that this meeting is necessary, but he thanked the Council for allowing this discussion tonight. He stated he has spoken with the engineer

for the project and found there was a miscommunication between him, the architect, and the builders for the project, which led to the error for which he is seeking a modification to the development agreement.

Mayor Berube invited input from the engineer for the project.

Andy Bullard, Great Basin Engineering, stated he is also embarrassed by the need to request this amendment responsive to an error that was made by the team working on this project. He stated that the error is a result of attempts to fit all buildings and roadways within the project area; the final building plans uphold as many setbacks as possible intact and internal roadways were adjusted, but some adjustments led to the error.

Council Member Barker asked how difficult it would be to adjust the lot line to ensure that setbacks can be met. Mayor Berube stated that the other property is collateralized by a mortgage and the mortgage holder would need to grant a release in order to move the lot line.

Council Member Swanson stated he is curious about how these types of errors happen and he would like to have an offline discussion with the applicant or the engineer to get further clarification. Mr. Hubbard stated from a technical standpoint, the error is a result of lack of coordination between himself and the architects regarding the actual building footprints decided upon by the builder. Council Member Swanson stated it appears that the building footprints are larger than anticipated by the engineer and architect; the result is that the setback on one side was maintained, while it was reduced on the other side of both buildings. Mr. Hubbard stated his request; he is asking that the Council consider accepting the building foundations as they are currently in place at the site. This would require an adjustment to the setbacks for these two buildings. The other option would be to uphold the approved setbacks, which would result in a requirement to remove the foundations.

Council Member Ekstrom stated she agrees with the Planning Commission who expressed concern about this action setting a precedent for future projects. Mr. Hubbard stated he understands that concern but noted that he and the entire team working on the project have since performed a thorough review of all architects, engineering, and building plans to ensure compliance with the terms of the development agreement. This will ensure that Mr. Hansen will not need to come back to the City for further adjustment request. Council Member Stoker stated she is also concerned about the precedent set by this action; it may not be the case that the same error will occur in this project, but it may occur in another project in the City and the applicant for that project could cite this situation as justification for also receiving an adjusted approval of setbacks. Mr. Hubbard stated he understands.

Council Member Cevering stated the City has considered many adjustments for another project in the City and each time the citizens of North Ogden have been upset that the

Council was not holding the original applicant for that project, Jack Barrett, to the agreements that had been approved. He stated that while he understands that errors are made, he is also concerned about the precedent set by approval of this request.

Mr. Call then provided a brief overview of the clause in the development agreement addressing any adjustments or amendments; he noted he feels the City is well positioned to respond to this matter from a legal standpoint. He noted there are a few other items that should be addressed in the agreement given the status of federal grants for which the City has applied for certain storm drain improvements in the project area. He suggested that the Council consider another action to make comprehensive changes to the agreement.

Mayor Berube allowed Mr. Hansen to provide his final thoughts. Mr. Hansen stated that he understands that one Planning Commissioner, Commissioner Barker, was concerned about the precedent set by adjusting the setbacks. However, he indicated it is important to note that this is not a traditional building lot, and the adjustment would not result in a building being located closer to a neighboring property and/or home. He stated that no ordinance will be violated, and no other property owner will be impacted. He stated a mistake was made and has been acknowledged and he is now asking for a bit of mercy. He stated that nothing will be accomplished by forcing him to tear out the concrete and there is no reason to deny the amendment for two lots in the project, especially because he is the owner of the other piece of property abutting the subject property.

Council Member Swanson stated that one thing for the Council to consider is the record the City has with Mr. Hansen for his development in the City and to compare that with the record of past developers; he has a great deal of trust in Mr. Hansen, but that has not been the case for past developers who have been involved in this project. He stated he would like Mr. Call to work in concert with Mr. Hansen to negotiate clarification of the terms of the agreement relating to setbacks for buildings one and two as well as the requirements for the storm detention pond in the project area.

Council Member Swanson moved to table action on the requested amendment to the Patriot Pointe site plan related to setbacks between buildings and from the property line, until Mr. Call has had the opportunity to meet with Mr. Hansen to negotiate additional amendments to the development agreement. The motion died for lack of a second.

Council Member Ekstrom moved to approve an amendment to the Patriot Pointe site plan related to setbacks between buildings and from the property line. The motion died for lack of a second.

Council Member Barker stated he is comfortable with granting approval of the site plan in order for the applicant to begin working on the project again, but he would also like Mr. Call to work with Mr. Hansen to negotiate an adjustment to the development agreement pertaining to storm drainage improvements.

Mr. Hansen stated that he cannot put the project on hold for another two weeks; he indicated he will contact his partners on the project and instruct them to proceed with tearing out the foundations for the two buildings. Mayor Berube noted that the Council was simply trying to find a way to address both the building setbacks issue and the storm drainage issue in the development agreement. Council Member Ekstrom agreed and stated she is willing to take action on both matters in two weeks. Mr. Hansen stated he will talk with his partners and inform City Administration of the direction he would like to proceed.

7. **PRESENTATION AND DISCUSSION ON BUDGET**

Council Member Swanson stated the purpose of this agenda item was simply to remind the Council of their role in the budget process. He stated that as each Council Member serves for a longer period of time on the Council and they become more familiar with the City's finances and each Department's budget, it can be easy to feel like an 'expert' on budgeting. However, the Council's role is one of oversight and administration of the budget and he advised the Council to trust the experts that have been hired by the City to manage their respective Departments and submit their budgets. He stated the City has great experts that will help to make appropriate fiscal decisions.

8. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING FISCAL YEAR 2022 TENTATIVE BUDGET**

A staff memo from Finance Director Nelson referenced the Tentative Budget for North Ogden City for the 2022 Fiscal Year. The Mayor and City Council members have worked with staff over several months to develop these proposals. As required by State law, the City Council will approve a Tentative Budget on May 11, 2021. A public hearing and open house will be held on June 8. If the Council chooses to go through the Truth in Taxation process, final budget adoption will be proposed in August. Otherwise, final adoption will be proposed on June 22. The memo summarized changes to the budget since the Council's last discussion:

- It is proposed that excess Class C road money from the current fiscal year be combined with Class C road money in Fiscal Year 2022, for a total road maintenance budget of \$800,000 in Fiscal Year 2022.
- It is proposed that the \$500,000 that was budgeted to remain in the General Fund for future use on the Public Safety Building be transferred to the Capital Improvement Fund.
- It is proposed that the property tax rate be maintained generating an additional \$162,646 in the General Fund. This is proposed to be transferred to the Capital Improvement Fund for use on the Public Safety Building or other capital projects.
- Replacement of the playground at Lomond View Park was removed from the Tentative Budget, pending further discussion.

- The budgeted cost of the vacor truck in the Storm Water Fund was increased to \$410,000. This would be paid out of fund balance.

The memo then summarized the impact on residents:

- It is proposed that service charges be implemented on some types of credit card transactions, such as building fees, parks and recreation fees, and court fees. Service charges would not be added to utility bills.
- Central Weber Sewer District is increasing the amount charged to the City by \$87,980 in Fiscal Year 2022. To cover this cost, it is proposed that the sewer rate to residents be increased by \$1.10 per month. Central Weber Sewer District is proposing an additional increase in Fiscal Year 2023. Consideration of the impacts of the second increase will be addressed in the FY2023 Budget.
- As listed above, it is proposed that the property tax rate for North Ogden City. Weber County will provide accurate numbers related to this proposal in the next month. Preliminary estimates indicate that maintaining the rate would generate an additional \$162,646. \$46,000 of this is anticipated to come from new growth. The remaining \$116,646 would be generated from existing property owners at an estimated average of \$17.15 per year.

General budget highlights include:

- Health insurance has been bid out. The details of the plan have not been finalized, but a 4.5% savings in premium rates is expected, plus a one-time \$35,000 rebate. It is expected that the network will be similar enough to the current network that it will cause very little disruption.
- Wage increases are included at 3%, to be allocated according to department needs. Some certification and targeted market increases are also included.
- Leave payout is included at 40 hours, same as current year.
- One new full-time Police officer is budgeted to start in January 2022.
- One part-time Accountant at 10 hours/week.
- One new snowplow on a 6-year lease. \$41,025/year.
- One mini excavator on a 5-year lease. \$11,584/year.
- Vehicle rotation net cost is \$8,879.
- One Parks mower at \$15,000.
- One Parks trailer at \$7,000.
- 4 Police vehicles replaced.
- The Aquatic Center has an RDA operational subsidy of \$188,281.
- Implement a credit card service charge on various City fees. \$101,000.

Mr. Nelson reviewed his staff memo and facilitated discussion among the Council regarding various items referenced therein. This included a review of sales tax revenue of other communities and philosophical discussion regarding whether to adjust the budget estimate for sales tax in the coming fiscal year. The Council ultimately concluded they are comfortable adopting the tentative budget tonight but will likely reduce the sales tax

estimate included in the budget prior to adoption of the final budget.

Mayor Berube then noted that the tentative budget document includes revenue associated with maintaining the current property tax rate, which would be advertised as a tax increase. He asked the Council if they are still comfortable maintaining the current rate. All Council Members answered yes; they feel that maintaining the tax rate allows the City to capture revenues associated with inflation, which is the prudent thing to do and will help the City to avoid a more significant tax rate in the future.

Mayor Berube then invited public input.

Susan Kilborn, North Ogden resident, stated she feels the tentative budget is ‘one big disaster’. The City is hurting and she has concerns about some of the expenditures that have been included in the budget. She asked why the Police Department needs four new vehicles; she is 100 percent behind the Police Department but asked for an explanation of those expenditures. She also noticed a request for a part-time accountant but noted she did not know the City already had a full-time accountant. She wondered if it would be more feasible to build overtime pay into the full-time position rather than creating a new position. She also referenced the Public Safety Facility project; she noticed funds being moved back into the General Fund and away from that project and that is very concerning to her as she is passionate about getting the project done. Building costs continue to increase and she is concerned about delaying the project because costs will only be higher in the future. She is fully supportive of an increase in property taxes in order to appropriately fund the needs of the City. She would rather see a policy that calls for scheduled tax increases to keep pace with growth rather than being forced to accept a giant tax increase when projects like this one arise.

Mayor Berube stated there is not a transfer from the capital fund to the General Fund; rather, the opposite is true. The Council has decided to transfer funds from the General Fund to the Public Safety project to help in debt service for the bond for the project. He then asked Chief Quinney to provide an explanation for the purchase of four new police vehicles. Chief Quinney stated the Department has a 27-vehicle fleet, with a seven-year expected life replacement cycle. The average mileage of a vehicle that is being removed from the fleet is 80,000 miles and these vehicles are sold for average resale value to aid in the purchase of replacement vehicles.

Council Member Ekstrom motioned to adopt Ordinance 2021-11 approving the Fiscal Year 2022 Tentative Budget. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker yes
Council Member Cevering yes
Council Member Ekstrom yes
Council Member Stoker yes
Council Member Swanson yes

The motion passed unanimously.

Council Member Stoker motioned to recess the City Council meeting and convene in the RDA meeting. Council Member Cevering seconded the motion. All Council Members were in favor.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE
APPROVING THE RDA FISCAL YEAR 2022 TENTATIVE BUDGET

Finance Director Nelson reported the Redevelopment Agency (RDA) has been established in an effort to create redevelopment opportunities through investment in defined areas of the City. There are currently two different redevelopment areas: a traditional redevelopment area and a community development area (CDA). There are two separate funds for the two defined areas and the RDA is required to adopt an annual budget for each of those funds. The CDA is newer than the original RDA and just recently started to generate increment; this new revenue will be used to repay the money borrowed from the RDA at the time the CDA was created. In the RDA budget, there is a projected \$730,000 in property tax revenue. Administration proposes expending \$35,000 for offsite improvements in the form of beautification efforts along Washington Boulevard; \$440,000 dedicated to the fund balance, or project reserve; \$60,000 for a retaining wall behind Lee's Marketplace; \$11,000 transfer to General Fund for wages for flower waterers for the hanging flower baskets on Washington Boulevard; and a \$188,000 transfer to the Aquatic Center for subsidy of that facility.

Board Member Swanson noted that the Board has had discussions about transferring the subsidy of the Aquatic Center from the City's General Fund to the RDA General Fund; additionally, there have been discussions about reducing the needed subsidy by increasing usage fees at the Aquatic Center. He asked Parks and Recreation Director Staheli to provide the Board with information regarding possible rate increases. Ms. Staheli stated that she recommends increasing daily admission rates by \$.50 for both residents and non-residents. Based upon past patronage, this will result in an increase of approximately \$15,000 for the upcoming season. She noted that her daily admission rate is currently higher than other swimming pools, but her season pass rate is lower than other facilities. She does not recommend increasing any other rates in order to keep the facility competitive with other cities' swimming pools. There was then a brief discussion about the current difficulty in hiring employees for the Aquatic Center, including lifeguards.

Mayor Berube stated it seems the \$180,000 subsidy is higher than in years past and he asked for why that is. Mr. Nelson stated the subsidy was \$138,000 in FY20 and \$170,000 in FY21; the subsidy has been stepped up yearly for the past few years. Ms. Staheli stated that the subsidy was increased last year because of the impact of COVID-19 on the facility. Mr. Nelson indicated he can perform an analysis of the subsidy dating back further than FY20 and provide a report of his findings in a future meeting.

Board Member Swanson asked if the Center could generate additional revenue if it were open on Sunday. Mr. Staheli indicated she does not feel there is sufficient demand in the community for the Center to be open on Sunday. Additionally, she believes it would be difficult to get employees to work on Sunday. Mayor Berube stated that when he managed Macey's grocery stores, days of operation were determined based upon geographic location of each store; initially all stores were closed on Sunday, but when the decision was made to open some of the stores on Sunday, he was surprised by the number of people who volunteered to work on Sundays. Ms. Staheli stated it may be necessary to increase current staffing levels in order to have enough employees to work on Sunday.

Mr. Nelson indicated the final budget matter to report is the \$5,000 contribution to the Chalk It Up North chalk festival; the event was suspended last year due to COVID-19, but event planners are hoping to hold it again this year. He stated that when the event was first held in the community, the organizers indicated they needed City support at the onset, but they planned to secure other funding sources or sponsors to replace the City's contribution. Mayor Berube asked staff to reach out to the event organizers to see if the City's support is still needed. Board Member Stoker agreed; she noted she is willing to provide the \$5,000 contribution this year, but suggested the contribution be tapered down in future years until it is no longer needed. Board Member Swanson agreed and stated that schedule should be communicated to the event organizers.

Mayor Berube invited public input. There were no persons appearing to be heard.

Board Member Swanson motioned to adopt Ordinance RDA2021-12 approving the RDA Fiscal Year 2022 Tentative Budget. Board Member Stoker seconded the motion.

Voting on the motion:

Board Member Barker	yes
Board Member Cevering	yes
Board Member Ekstrom	yes
Board Member Stoker	yes
Board Member Swanson	yes

The motion passed unanimously.

Board Member Covering motioned to adjourn the RDA portion of the meeting and reconvene the City Council Meeting. Board Member Ekstrom seconded the motion. All Board Members were in favor.

10. **PRESENTATION ON PARKS AND RECREATION PLANNING AND MAINTENANCE.**

Presenter: Tiffany Staheli, Parks and Recreation Director used the aid of a PowerPoint presentation to discuss operations in the Parks and Recreation Department. The Department encompasses events, parks, recreation, and aquatics. The mission of the Department is to “provide the community with exceptional facilities and activities for health, learning and play”. The vision of the Department is to “create a nurturing environment for a lifetime of memories and neighborhood connection”. She discussed staffing of the Department, noting the parks team is made up of six full-time employees and 14 seasonal employees; however, it has been difficult to attract and retain quality employees over the past several years. The Department has hired twice for the Assistant Park Supervisor position in the past three years and over half of the full-time positions have turned over in the last three months. The Parks Division is currently understaffed by more than 15 percent for the upcoming summer months and the Division is constantly cycling through new employees that require training. The Parks training budget has been cut by thousands of dollars in the last two years. The Parks Division maintains a fleet of equipment used in daily operations in maintaining parks, buildings and facilities including:

- Barker Park – developed 11 acres;
- Barker Park – undeveloped 30 acres;
- Amphitheater at Barker Park;
- Bicentennial Park – 1.74 acres;
- City Hall grounds;
- Community Garden – 39 garden boxes and storage facility;
- Dog Park – detention basin maintained by Public Works;
- East Entrance Park;
- Equestrian Park;
- Historical Museum;
- Lakeview Park;
- Lomond View Park – 9.68 acres;
- McGriff Park – 5.15 acres;
- Mountain View Park 5.32 acres;
- North Ogden Park – 10.87 acres;
- North Shore Aquatic Center;
- Historical Grandstands;
- Skate Park;
- Oaklawn Park – 14.33 acres;

- Hammock Park;
- Orton/Green Acres Park – 12.4 acres.
- Parks and Recreation building and grounds;
- Police Department grounds;
- Senior Center building and grounds; and
- Wadman Park – 9.64 acres;

Additionally, North Ogden City has a variety of fields, courts, and turf that all have specific needs and a plan of care. The Parks Division handles the maintenance and treatment of each of these functions, beautification and safety. The Parks Division orchestrates the mowing, trimming, and care of over 60 acres of grass throughout the City. They also coordinate all chemical and mechanical applications and equipment needed for turf management including pesticides, herbicides, fungicides, aeration and seeding. The Parks Superintendent oversees irrigation startup, operation, repair and winterization across the 60-acres of land maintained by the Division; this includes 30 time clocks, 318 irrigation zones, and 3,600 sprinkler heads. The Division maintains nine playgrounds; the Parks Superintendent is certified by the National Recreation and Parks Association (NRPA) to inspect playgrounds; one of the goals of the Parks and Recreation Department is to have two certified playground safety inspectors. Ms. Staheli then reported on the age of each of the City's playground structures; she has asked for funding to replace the structure at McGriff Park this year and Lomond View Park next year. Both structures were originally installed in 1997. She considers the City's parks and playground structures to be 'living', meaning they are impacted by things like UV exposure, wind, all sorts of weather conditions, people, intended and non-intended use, vandalism, and animals. All parks require constant maintenance to avoid disrepair. The average playground life expectancy is 10-years. According to Superior Recreational Products, "a standard playground area should see a new installation or update within 8-10 years after its original installation date. However more recently, we have seen commercial playground areas last as long as 15-20 years without any updates..... However, when you stretch the life of your playground equipment, you need to make sure that it will be safe for children to play on." According to Miracle Recreation Playgrounds, "playground equipment updates should be performed every 8- 10 years to keep them maintained. However, many playgrounds can last well beyond 10, 15, 20 or more years. Weather, usage, and quality affect the actual lifespan of your playground." With this knowledge, the Department developed a playground replacement/rotation schedule. This schedule should provide the Council as well as citizens with a consistent expectation relative to playground life expectancy and replacement timelines. She added that part of extending the life of a commercial playground is inspections. High frequency inspections are performed and documented weekly by Parks staff; they focus on routine maintenance and structural integrity. Low frequency inspections are performed and documented biannually by the certified playground safety inspector in the City. Work orders and repair requests are prioritized according to the urgency of the matter:

Work order/repair standards:

- Safety/Urgent - Respond Immediately, take equipment out of use and submit a work request.
- High Priority - Repair within 7 working days of request.
- Moderate Priority - Repair within 14 working days of request.
- Low Priority - Repair within 28 working days of request.

Repair categories:

- Small/Minor - Equipment or hardware that is available to City staff or at a vendor nearby (Examples: s-hooks, chain links, shackles or other connecting fasteners).
- Major - Equipment or hardware not available to City staff, or that must be order by a vendor or work completed by a vendor (Example: parts specific to the manufacturer)

These schedules typically work very well when the Department is fully staffed, but with reduced staffing, it can sometimes be difficult to meet the timeframes specified above. However, safety for North Ogden residents is the number one purpose in inspecting playgrounds. While the Parks Department has always inspected playgrounds to ensure park patron safety, staff is committed to improving and refining our process. She then discussed buildings and facilities; the Parks Superintendent directs upkeep and exterior maintenance for additional buildings and facility grounds throughout the City, including:

- Parks & Recreation Building.
- City Hall.
- Police Building.
- Senior Center.
- Amphitheater.
- Storage Facilities.
- Museum.
- Aquatic Center.
- Pavilions.
 - There are nine pavilions at parks throughout North Ogden.
- Restrooms
 - There are nine restrooms at parks throughout North Ogden.

The Department also maintains trail systems throughout the community, which includes miles of trails developed and planned for the future. North Ogden City is a “Tree City USA” City and the Parks Department ensures that the City meets the guidelines to maintain this designation. Tree management includes disease control, planting, and Arbor Day commemoration. The Parks Superintendent oversees the management of hundreds of trees in parks and on City buildings and grounds. This position is also the City Arborist, certified and trained in all aspects of arboriculture. The Department also handles cleanup of tree damage resulting from windstorms, which have become a common occurrence as of late. Additionally, North Ogden is home to thousands of plants, shrubs and flowers on

its public grounds. Their planting, maintenance, and treatment is done by the Parks Department. They also manage the care of hundreds of street flowers and pots throughout the city as part of the City's beautification program. The Parks team also responds to vandalism and graffiti in parks and on City properties; in April 2021, the Parks team responded to 13 separate incidences of vandalism in our parks ranging from minor incidents to those costing thousands of dollars in labor and materials to repair. The Parks team is also behind the City holiday lighting at Bicentennial Park and City Hall. There are over 25 trees that are lit with LED lights for the month of December. The Department is also the team behind the success of the annual Cherry Days celebration, overseeing:

- Parade and Park Sound Management.
- Grounds Preparation.
- Electrical Festival Considerations.
- Facility Setup for Events and Activities.
- Day of Execution.
- Fireworks Facility Coordination.

The Department is also an important part of the team of City employees that complete snow removal through the City after storms. The Parks Department works with the streets department and is responsible for snow removal in City cul-de-sacs. In addition, the Parks team clears snow from City and park parking lots, and sidewalks to parks and city buildings. The Parks Superintendent coordinates volunteer and cleanup projects throughout City Parks and properties. The question at hand is how to make the most of what the City has and maximize the results of efforts of the Department. The Department needs to employ the most competent and skilled individuals who are able to complete their job duties with excellence and care and she needs an adequate training budget to meet this goal. She asked that the Council consider the level of service they would like to maintain in terms of Parks and Recreation offerings for the community. One way to look at level of service is by utilizing the NRPA Park Metrics, which include traditional benchmarks of the number of residents per park or the number of park acres per resident. North Ogden has 20,852 residents according to 2019 census data; this equates to 1,871 residents per park and 2287 residents per playground; both are below the NRPA suggested metrics. However, the NRPA calls for 9.8 acres of park land for every 1,000 residents, but North Ogden has just 4.0 acres of park land for every 1,000 residents. This is 41 percent of the suggested metric. She presented aerial images of the City from 2011 and 2020 to provide an illustration of the growth of the City over the past decade. She asked if the Council is satisfied with the current level of service relating to parks; if the answer is yes and the City's population is expected to double in the next 10 to 20 years, it will be necessary to add approximately 80 acres of park land. She asked if the City is prepared to do that to maintain the current level of service. Or, if the City would like an improved level of service, it is necessary to develop a prioritization and funding plan to accomplish that. The City's Parks Master Plan was developed in 2001 and updated in 2006 and 2020; the Plan includes parks inventory as well as capital planning. She then discussed improvements that have been completed in City parks over the past 10 years:

- Gaga Ball - McGriff Park.
- Basketball Court.
- Hammock Park.
- Announcer's Booth at the Equestrian Park.
- Restroom Replaced: Orton/Green Acres Park.
- Restroom Replaced: Oaklawn Park.
- Restroom Replaced: Lomond View Park.
- Football Field Renovation and Leveling: Oaklawn Park.
- Ball Field Renovation and Laser Leveling: North Ogden Park, Lomond View Park, Oaklawn Park.
- Playground Replaced: North Ogden Park.
- Playground Replaced: North Ogden Park.
- Playground Replaced: McGriff Park (2021).
- Volleyball Court Addition, sand upgrade: North Ogden Park.
- Skate Park Improvements and Relocation

The Department charges several fees aimed at generating funding for the Department; the City Council has the responsibility to adjust those fees as needed to help cover the current and future costs of City facilities. For example, fees at the aquatic center were raised in 2012 and 2019 to help cover expenses. Ms. Staheli then reported City Administration and the City Council performed a thorough review of the possibility of outsourcing parks less than 10 years ago, including an RFP and bid process. It was determined that it was in the best interest of City residents that care and maintenance of our parks and facilities stayed in-house in order to maintain the desired level of service. She would like to increase citizen/community involvement; the North Ogden Parks, Trails, and Open Lands Committee is lacking the community involvement and membership needed to provide insight and guidance to the City Council and staff. Recent meetings have been cancelled for lack of agenda items from committee members. Staff feels that this committee should provide recommendations to the City Council as to planning and timeline for future parks. She concluded that she is willing to entertain any questions or comments about the information she provided tonight or any other issue pertaining to her Department. She noted she and Parks Superintendent, Jesse Felter, are here to help and willing to engage with any elected official or resident.

There was then a brief discussion about park improvements that have been discussed in the community, with Mayor Berube noting that the Council may need to have more detailed discussions in the future to provide answers to Ms. Staheli's questions regarding the future level of service for the community. He added that he and City Manager/Attorney Call visited every park in the City last week and he invited Mr. Call to provide his assessment of the conditions of parks and facilities. Mr. Call stated that while it is possible to find things to improve at every park, he also found them to be very quaint. He also was able to see that parks are maintained and usable; there is a wide array of offerings throughout the City's parks, and he feels that every resident who desires to

recreate outdoors could find something they would enjoy at City parks. Mayor Berube stated that safety in City parks should be the top priority and he and Mr. Call noticed some safety issues that have been passed on to Ms. Staheli. He also observed that many of the City's parks are located in detention basins. He asked that the Council consider their desires for level of service improvements in the future as well as programming or development of the undeveloped 20 acres at Barker Park.

Council Member Swanson asked if the assessment that the City's park acreage per 1,000 residents ratio is at 41 percent of the NRPA metric covers developed park only or if it includes undeveloped acreage. Ms. Staheli stated that it only takes into account developed space. Council Member Swanson stated that the City has 20 acres of undeveloped space at Barker Park and 20 acres at Lakeview Park; if those spaces are developed, that would increase the amount of park space by 40 acres, or half the amount mentioned by Ms. Staheli to allow her to maintain the current level of service in line with projected growth. Ms. Staheli stated that is correct. She then addressed Mayor Berube's comment about the number of parks that also serve as detention basins; she noted that these facilities are essentially detention basins first, and parks second, which contributes to damage of amenities and turf located in the basins. In the future, she would like to discourage locating sports fields and turf in basins because they are very difficult to maintain and can lead to safety issues. Mayor Berube agreed. He also commented on the unique nature of many parks throughout the City, and it is important to develop a plan for developing park areas that have been left in a natural vegetative state.

Council Member Cevering stated it may be helpful to include some of the information from Ms. Staheli's presentation on the City's website; specifically, a facility or structure replacement schedule may be very interesting to residents who are looking for information on parks. Council Member Ekstrom agreed and added it would also be helpful to include detailed information regarding how a resident can go about submitting a work order or reporting disrepair to the City. She then emphasized that one thing Ms. Staheli is really struggling with is retaining quality employees; she has recruited and trained several people who are then leaving for higher wages in other cities or other companies. Mayor Berube agreed the City does not want to be a 'training ground' for employees who will ultimately benefit other entities.

11. **DISCUSSION AND/OR ACTION ON COMMUNITY POND PROJECT**

A staff memo from City Manager/Attorney Call explained the Council recently asked for an update on the Community Pond/Park Project. Administration would like to focus on the current status of the project and options for moving forward. The memo focused on: 1) Project Goal; 2) City Obligations; 3) Existing Basin Sale; and 4) other considerations. The main goal of this project is to relocate the existing 2550 detention basin off 2550 North and 2700 North so the property can be sold for commercial purposes. To accomplish that goal the City negotiated a deal for 6.6 acres of property on the Double

Ott Ranch. Another agreement was signed with Pineview Irrigation to facilitate the construction of a joint-use basin with irrigation water storage in addition to the storm water storage. The memo summarized the two agreements in regard to future obligations of the City.

Double Ott Ranch Agreement A17-2019

- The City accepted a dedication in lieu of impact fees under Utah Code 11-36a402. These fees will not be assessed against future development in Patriot Pointe and other projects across the City. The “dedication in lieu” was valued at \$870,025 in park impact fee credits and \$450,585 in storm impact fee credits.
- The City agreed to storm water improvements along 2100 North and 2600 North. The 2600 North improvements have been completed as part of an agreement with the Northwood Hills Subdivision. The 2100 North improvements have yet to be completed and are expected to be \$85,000 though they may be higher as construction costs increase.
- The City was obligated to construct a park and detention basin on the property. No other uses are allowed under the agreement.
- The City has provided two solar inspections and building permits for the Double Ott Ranch.
- The City is obligated to install storm drain lines along the 150 East alignment in Patriot Pointe. The cost for these improvements is \$202,220 with \$202,220 reimbursable from the NRCS grant.
- The City is obligated to install a sewer line from 2300 North to 2225 North along 150 East. The total cost is \$31,000 with \$15,500 reimbursable from the NRCS grant.
- The City is obligated to install road base along the 150 East alignment. The estimate for this project cost is \$421,800 with \$116,622 reimbursable from the NRCS grant.
- The City is obligated to install a road along 2300 North from the eastern property line to 150 East (450 feet) for a total cost of \$177,850.
- The total obligations on behalf of the City under the DOR Agreement are \$917,870 with \$334,342 as reimbursable expenses from the NRCS grant.
 - The total non-reimbursable project costs (no land costs), including the above items is \$1,486,008.

Pineview Irrigation Agreement A19-2019:

- The monetary obligations are outlined above with the City being responsible for \$1,486,008.25 in non-reimbursable project costs yet to be incurred.
 - The storm line across the neighboring property (Montessori School) has already been installed at a cost of \$529,002 in construction costs.
- The latest project estimates put the entire facility cost at over \$10,000,000.
- Between the City and Pineview over \$300,000 has been spent on engineering fees and environmental studies.

The memo noted the current 2550 North detention basin is located on property owned by the storm sewer fund based on the review of the historical records associated with the purchase. This means any proceeds from the sale should remain in the storm water funds for additional projects, operations, and maintenance of storm programs. In the past there have been several discussions about how this money could be used. As a storm water asset, it can only be used on storm water projects. Any money spent on relocating the basin should be tied directly to the costs for storm water infrastructure. Currently the property is not under contract for sale, though there have been some inquiries lately. With the above identified project costs the City also received an economic study from Zion's Bank outlining the potential property tax benefits of a commercial development on the old property between 2550 N and 2700 N. The Council has stated several times the plan for that property includes commercial uses so I will only include the commercial numbers provided by the Zion's Bank study. The estimated fiscal impact to the City would be \$15,000 a year in property taxes and \$94,000 a year in sales taxes from the development of this property as commercial/retail space. Both revenue sources would add a direct impact to the City's general fund.

Other Considerations: The North Ogden Community Development Area includes the plan for the use of CDA taxes collected on the old basin property to reimburse the City for any out-of-pocket expenses associated with moving and filling in the detention basin. These costs can be paid to either the general fund or storm water fund. The money will eventually be available from the CDA as a reimbursement of \$1,680,240 to relocate the basin and \$320,000 to fill the old basin in. This money will come in over several years but will eventually be available to repay the costs of this project.

There are some other considerations related to the Federal NCRS Grant. If it isn't ultimately received the Council will need to make some hard decisions. The agreement with the Double Ott Ranch discusses and anticipates two future activities. 1) the receipt of the grant funding, and 2) the dedication of the roadway and utility easements which correlate with the installation of utility lines and road base.

If by some reason any of these agreements fall apart or are disputed as to their meaning the parties will have the option of working on solutions as anticipated in the agreement or working on an amicable dissolution of the agreements and corresponding obligations. Because of potential legal ramifications of these agreements, Mr. Call withholds any formal legal analysis of these agreements to protect the City's position should a formal legal dispute result around these agreements. Mr. Call feels it is safe to say that should the agreements be cancelled, there will likely be some dispute about what obligations may survive the unwinding of the agreement and who might be entitled to compensation, potential impacts on grant monies received, and whether or not real property would need to be returned. If the Council would like to hold a closed meeting to discuss potential strategies the various parties may use in a lawsuit, that can be scheduled for the next regular City Council meeting.

Mr. Call reviewed his memo and engaged in discussion with the Council regarding the amount of money the City has spent to date; funding sources for ongoing City obligations; and the status of the NRCS grant application and provisions in the agreement that provide for guidance in the event the City does not receive the grant.

Council Member Swanson stated that he would prefer to discuss this matter further in a closed session meeting in order to avoid discussion of the City's legal strategy pertaining to this matter. Mr. Call included he will include an option to convene in a closed meeting on the May 25 City Council agenda.

12. **COUNCIL DEPARTMENT REPORTS:**

a. Council Member Barker – Building and Planning

Council Member Barker introduced the City's new Planning Director, Scott Hess. He reported a joint work session with the Planning Commission has been scheduled to give the two bodies the opportunity to discuss the alignment of Mountain Road and Skyline Drive, as well as other pending planning matters.

b. Council Member Swanson – Finance, March monthly financial report

Council Member Swanson reported that sales tax revenues continue to exceed expectations; if that trend continues, he may recommend that the Council consider a higher projection in the Fiscal Year (FY) 2022 budget. It is difficult to make accurate projections as there are so many unknown factors that contribute to sales tax trends.

Mayor Berube asked that Council Member Swanson provide information on the percentage of expenditures that have been completed in the current year budget. Council Member Swanson stated he will provide that in a future meeting.

13. **PUBLIC COMMENTS**

Brenda Ashdown, North Ogden resident, thanked Ms. Staheli for her presentation; it was very interesting and informative, and she learned many new things. She then stated that there have been a couple of times tonight when a Council Member has mentioned they will have an 'offline' discussion with a resident or member of City staff about an issue; that is concerning to her because she attends these meetings to hear discussions and she does not want those discussions to take place behind the scenes. She has huge concerns about the community pond project; citizens were told that the proceeds from the sale of the existing pond would be used to pay for the new pond. Some piping has been installed and other improvements are needed, but the funding plan is a hope that the City will receive the NRCS grant. This is problematic and she is concerned that the process is 'backwards'. The City will need a pond and if the current pond is sold, but the grant is not received to build the new one, the City will be forced to come up with the money for the project.

Susan Kilborn, North Ogden resident, thanked the Mayor and Council for tonight's meeting and she suggested that breaks be built into each meeting agenda to give the group time to stretch out or visit the restroom during very long meetings such as this one. She then addressed the presentation by Ms. Staheli and asked if anyone has ever performed a study on the number of people visiting parks throughout the City and whether there is one or a few parks that experience higher attendance than others. If the City's budget is fixed, it may be easier to prioritize funding for parks that are utilized more heavily. She added there are many residents that need to get out and exercise more and it may be great for someone to organize regular events that will help everyone do that.

14. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Cevering stated he was contacted by a citizen this week who is concerned about the amount of deadfall in the hollow near Barker Park; if there were a large weather event that resulted in a significant amount of water in the hollow, there could be a great deal of damage.

Council Member Swanson stated that in the past when the City was dealing with a heavy schedule due to issues in the community, there was discussion about holding weekly meetings in order to keep the Council on task and have shorter meetings. He stated he would like the Council to consider that and discuss it in the future. He then asked how Police will be utilized in the proposed citizen-organized Cherry Days parade. He asked how the City will be reimbursed for the costs associated with providing public safety and how the City can address liability associated with the event. Mayor Berube asked Chief Quinney if the City charges for Police support for other community events, such as the Weber High School homecoming parade. Chief Quinney stated the City does not charge for that event, but it is much less impactful than the Cherry Days and only requires support from one or two officers at both the front and back of the parade. The Cherry Days parade is much larger and will require a great deal of support and placement of barricades along the route. The parade takes his full staff, both sworn and non-sworn, as well as about 20 additional volunteers to cover the parade route and control traffic. Mayor Berube stated that Mr. Miller indicated that he has spoken with the Weber County Sheriff's Office, and they have offered their support for the event. He added that the event organizers need to get a permit from the City, that must be approved by the Chief, and this will give him the opportunity to provide input about the level of support and costs associated with that support. Council Member Swanson stated it is important to discuss the details of planning and costs for the event so that the City is not left with full responsibility for the expenses associated with providing public safety support. Chief Quinney stated he will reach out to Mr. Miller.

Council Member Barker asked if it is possible to water City parks less due to the current drought conditions. Ms. Staheli answered yes but noted the City will receive complaints in the event that turf is dying at City parks. However, the City also receives complaints about excessive watering. Council Member Barker stated that he is prepared to handle those complaints because it is important to conserve water at this time; he would like for actual sports fields that are used to be watered, but all other areas can be watered less. Mayor Berube stated it is true that the City will receive complaints regardless of which direction this matter goes; he supports Council Member Barker's recommendation and asked for input from the rest of the Council. All Council Members agreed and indicated it is important for residents to conserve water as well.

Mayor Berube then stated that he received an email regarding a strip of ground owned by the City that is full of puncture weeds and other weeds; the sender asked why the City requires residents to maintain their property but does not adhere to the same standards. Mr. Call stated the strip of land is on 1700 North and it runs between two homes to provide access to a trail; the City would love to asphalt the trail or transfer maintenance responsibility to the adjacent homeowners, but the City needs to retain ownership of the strip to provide access to the trail area for maintenance purposes. Mayor Berube asked that City staff secure a cost estimate to asphalt the trail. He then stated that he continues to receive requests from residents for the City to build pickleball courts and he asked the Council to be thinking of those requests.

Mr. Call then reported he is working with the City Engineer and the Public Works Director to secure a contract for the retaining wall project behind Lee's Marketplace.

Ms. Staheli addressed Ms. Kilborn's comments and indicated she does not have information regarding the usership of City parks; however, she believes the most attended parks are those with the most and highest quality amenities and activities.

15. **ADJOURNMENT**

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

The meeting adjourned at 10:13 p.m.

S. Neal Berube
Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

Not Approved

NORTH OGDEN CITY COUNCIL
MEETING MINUTES

May 25, 2021

The North Ogden City Council convened in-person at the City Council Chambers at the City office at 505 East 2600 North in North Ogden, Utah on May 25, 2021 at 6:02 p.m. and electronically at <https://us02web.zoom.us/j/82332740465> Webinar ID: 823 3274 0465 Or Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782 or 1 312 626 6799 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 May 21, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

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:	Brandon Bell	Associate Planner
	Jon Call	City Manager/Attorney
	Dave Espinoza	Public Works Director
	Katie Gerard	City Recorder
	Scott Hess	Planning Director
	Dirk Quinney	Police Chief
	Tiffany Staheli	Parks and Recreation Director

VISITORS:

North Ogden Utah Coldwater Stake	Dallin Barker	Phillip Nelsen	Pete
North Ogden 1 st Ward	Mark Anderson	Robert Bolar	Stefanie Casey
Susan Kilborn	Randall Winn	Davis	Bob Buswell
North Ogden Utah Coldwater Stake	Landry Roskelley	Julie Anderson	Atah Durani
Shawn Maynard	Bob Meyer	Sandy Cochran	Jay Greaves
Terry Bexell	Lynne Bexell	Genneva Blanchard	
Dan Ferrin	Orluff Opheikens	Dick Steffen	
Brenda Ashdown	Peter Lee	Trevor Hunter	
Cameron Hunter	Jeff Randall	Mark Miller	
Wendy Putnam	Lesa Detry	Morgan Sutherland	
Megan Sanders	Dan Nixon	Kim White	
Craig White	Ben Gerritsen		

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

Mayor Berube then introduced the newest member of the City's Police Department, Gabriel Mata III and invited City Recorder Gerard to administer the oath of office to Mr. Mata. He also expressed his gratitude to all members of the Police Department for their service to the community.

CONSENT AGENDA

1. **CALL FOR CONFLICT OF INTEREST DISCLOSURE**

Mayor Berube asked if any Council member had any conflict of interest to disclose. There were no disclosures made.

2. **DISCUSSION AND/OR ACTION TO CONSIDER THE APRIL 27, 2021, CITY COUNCIL MEETING MINUTES**

Council Member Swanson identified a typographical error on page eight of the minutes.

Council Member Cevering motioned to approve the April 27, 2021, City Council meeting minutes as amended. 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.

3. **APPOINTMENT OF JAY D. DALPIAS, CHAIRMAN FOR THE ECONOMIC DEVELOPMENT COMMITTEE**

Council Member Swanson motioned to appoint Jay D. Dalpias as Chairman for the City's Economic Development Committee. 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.

ACTIVE AGENDA

4. PUBLIC COMMENTS

Bob Buswell, North Ogden resident, stated he is a member of the North Ogden Museum Board and he suggested that all elected officials and residents visit the Museum; the Board is very thankful to have the McCormick home as the City's Museum and they hope to be there for a long time to come. However, the building is getting pretty full, and the Board wondered if it would be possible to use a space in the old City Hall building once that building is vacated upon the construction of the new Public Safety Facility.

Randall Winn, North Ogden resident, stated that he noticed that there is an agenda item dealing with funding for Cherry Days events. In as much as the Council has decided that the City will not oversee the events, he supports offering funding to a group of resident volunteers who wish to produce certain events.

Dan Ferrin, North Ogden resident, inquired as to the date of the City Council meeting when the Council approved the issuance of a \$11.2 million bond for the Public Safety Facility. Mayor Berube indicated no such action has been taken yet, but there is an item on tonight's agenda regarding bond issuance. Mr. Ferrin stated he is hopeful the Mayor and Council have considered other options for funding the project. He stated that in the past, there was a similar project to build a new Public Works Facility and the initial price tag for that project was over \$10 million, but several Council Members worked with a citizens group to reduce the cost of that project to \$3.2 million. He then asked why the citizens are not going to be given the opportunity to vote on the bond. Mayor Berube stated the Council approved proceeding with a revenue bond, which does not require the vote of the citizens. Mr. Ferrin stated that at the very least, that matter should have been reported upon in the North Ogden Connection magazine and information provided regarding how the project will impact property tax rates for many years to come. He stated it is obvious the City needs a new Police station, but a project with such a high price tag is not reasonable at this time. Mayor Berube invited Mr. Ferrin to schedule an appointment to meet with him to get more information about the project and the funding options that have been contemplated.

Atah Durani, North Ogden resident, stated tonight he is present to report on water drainage issues in the City's storm water system; the storm drain near his home is clogged and causing water to back up in his gutter and in front of his home. He has called the Public Works Department to get the matter addressed and they discovered the clog and a sink hole near his property, and he noted he is worried that some projects that are planned for the area that will increase water run off will only make the problem worse.

Council Member Barker moved to amend the agenda by moving to items eight and nine at this point in the meeting. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING 1.14 ACRES LOCATED AT 1700 NORTH FRUITLAND DRIVE

A staff memo from Deputy City Recorder Nance explained Jeffrey and Padma Randall submitted an application (Exhibit A) on March 10, 2021 petitioning for annexation of approximately 1.14 acres located at 1700 North Fruitland Drive in North Ogden, Utah. The annexation process requires the City Council to accept the petition for annexation so that the annexation process can begin, which was done on March 23, 2021. The Weber County Surveyor has reviewed the annexation plat map and approved it on April 2, 2021 (Exhibit B). This property is within North Ogden City Annexation Declaration Policy (Exhibit C). The petitioner is requesting the zoning of R-1-8, which the Planning Commission has recommended on April 7, 2021 (Exhibit D). The Utah State Code requires that the City give notice of an annexation for (3) consecutive weeks in a newspaper of local circulation (Exhibit E) no later than 10 days after the City Council receives notice of certification which was certified by the City Recorder on April 5, 2021 (Exhibit F). A Public Hearing is required and was noticed on May 14 and May 21, 2021 (Exhibit G). Written protests to this annexation were to be filed no later than May 17, 2021. No written protests have been submitted as of the date of this staff report. This annexation meets all the requirements to be annexed and before the City Council is an Ordinance for your consideration annexing this property into North Ogden City

Ms. Nance reviewed her staff memo.

Mayor Berube opened the public hearing at 6:23 p.m. There were no persons appearing to be heard.

Council Member Swanson moved to close the public hearing. 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.

Council Member Ekstrom moved to adopt Ordinance 2021-14 declaring the annexation of 1.14 acres at 1700 North Fruitland Drive into North Ogden City. 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 AN ORDINANCE ANNEXING 1.83 ACRES LOCATED AT 304 EAST 2000 NORTH

A staff memo from Deputy City Recorder Nance explained Shawn Maynard submitted an application (Exhibit A) for Bryan and Deanna Rasmussen on March 31, 2021 petitioning for annexation of approximately 1.83 acres located at 304 E 2000 N in North Ogden, Utah. The annexation process requires the City Council to accept the petition for annexation so that the annexation process can begin, which was done on April 13, 2021. The Weber County Surveyor has reviewed the annexation plat map and approved it on March 30, 2021 (Exhibit B). This property is within North Ogden City Annexation Declaration Policy (Exhibit C). The petitioner is requesting the zoning of C-2 zone, which the Planning Commission has recommended on April 21, 2021 (Exhibit D). The Utah State Code requires that the City give notice of an annexation for (3) consecutive

weeks in a newspaper of local circulation (Exhibit E) no later than 10 days after the City Council receives notice of certification which was certified by the City Recorder on April 20, 2021 (Exhibit F). A Public Hearing is required and was noticed on May 14 and May 21, 2021 (Exhibit G). Written protests to this annexation were to be filed no later than May 24, 2021. No written protests have been submitted as of the date of this staff report. This annexation meets all the requirements to be annexed and before the City Council is an Ordinance for your consideration annexing this property into North Ogden City.

Ms. Nance reviewed her staff memo.

City Manager/Attorney Call reported that during the Planning Commission's review of this item, one Commissioner recommended that the annexation and proposed zoning be accompanied by a development agreement, but that was not ultimately approved by a majority of the Commission.

Mayor Berube opened the public hearing at 6:28 p.m. There were no persons appearing to be heard.

Council Member Ekstrom moved to close the public hearing. 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.

Council Member Stoker disclosed that Deanna Rasmussen is her niece, but she does not stand to benefit financially from this action and feels comfortable voting on the proposed ordinance.

Council Member Cevering moved to adopt Ordinance 2021-15 declaring the annexation of 1.83 acres at 304 East 2000 North into North Ogden City. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION ON A RESOLUTION AUTHORIZING THE
ISSUANCE AND SALE OF SALES TAX REVENUE BONDS FOR THE
PURPOSE OF FINANCING THE PUBLIC SAFETY BUILDING**

A staff memo from City Manager/Attorney Call identified the question before the Council this evening: should the City set the maximum limit for municipal bonds and set a public hearing date of June 22, 2021 to receive public comments on issuing the municipal bonds for the public safety building?

The memo provided background information on the matter. The Council has been considering and recently approved moving forward with the construction of a new public safety building. In order to accomplish this the Council has recommended looking at providing some bond financing to construct the building in the near future. In order to issue bonds, the Council must pass a bond resolution, which establishes the maximum amount of bond they could later actually commit to. This resolution does not actually obligate the City to any bond payments, or to actually issue bonds. It is one of the first steps in the process and starts the opportunity for residents who oppose issuing a bond to file a petition to object to it. After the Council approves this resolution there will be some public notices published which will trigger the 30-day period for somebody to begin the process to challenge the issuance of any bonds to pay for the public safety building by starting a petition and collecting signatures. The documents for them to begin the signature process are attached to the bond resolution.

The memo concluded staff, in conjunction with the City's bond counsel, recommends the Council pass the bond parameters resolution and set the public hearing for June 22, 2021 so the City can start the notices and other paperwork to move the process along.

Council Member Swanson mentioned rumor of a possible citizen petition regarding the bond resolution and asked if the noticing period starts immediately after adoption of the resolution or when the resolution is published. Mr. Call stated it begins when the official notice is published and posted on the State Public Meetings Website. He suggested that any resident or group of residents interested in pursuing a referendum against the resolution familiarize themselves with Utah Code provisions regarding a referendum for a

bond issue. Council Member Swanson stated one Code provision indicates that referendum sponsors must gather signatures equal to 20 percent of the total registered voters in the municipality. He asked if that is active voters or just registered voters. Mr. Call stated it is just registered voters; the referendum process for a bond issue is different than for other types of local matters and that is why he is suggesting that sponsors become familiar with the Code regulations and perhaps consult their own private counsel.

Council Member Ekstrom inquired as to the next steps in the process once this resolution is adopted; she specifically asked when the bond will be funded. Mr. Call stated that the next step is for the Council to hold a public hearing in June and if there is no referendum filed, which would delay further action, the City can retain an architect and contractor to develop a cost estimate to inform the total bond amount. This led to general discussion of trends in the construction industry relative to costs as well as historical discussions of the project. Council Member Cevering addressed Mr. Ferrin and indicated the project has been in discussion for the past five to six years, but has intensified over the past year. He stated that one of the main reasons the Council chose to pursue a revenue bond is that interest rates are very low and the process to issue this type of bond can move faster than a general obligation bond; with the uncertainty in the construction industry, he felt comfortable supporting the revenue bond to proceed with the project while prices and interest is lower. Mayor Berube agreed that the likelihood of costs increasing is substantial and delaying construction may only result in higher costs. He noted that a similar project was built in Kaysville five or six years ago at a price of \$5.6 million; the City's estimate for the same project is nearly double and it has cost the City to delay the project. He does not want to delay it further because costs will only increase. The Council has the responsibility to make decisions that are best for the City and public safety is a top priority.

Mayor Berube then invited bond counsel, Mark Anderson, to provide a few general comments about the revenue bond process. Mr. Anderson stated that the action before the Council tonight is a parameters resolution, which is intended to inform the public of the maximum amount of money the City would borrow for the project, and the maximum interest rate, and the maximum term of the bond. The resolution also gives third parties the ability to execute the bonds if they fall within the parameters defined. The resolution identifies a public hearing date of June 22, 2021, and once the notice of that hearing is published, residents will have 30 days to contest the City's ability to issue the bond. Bond counsel will continue to work with City staff to develop required documents to accompany the bond and to make it possible for rating agencies to assign the City a bond rating.

Council Member Swanson motioned to adopt Resolution #05-2021 authorizing the issuance and the sale of not to exceed \$10,500,000 aggregate principal amount of Sales Tax Revenue Bonds for the purpose of financing the acquisition and construction of a new public safety building; and scheduling a public hearing for June 22, 2021, regarding the matter. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	yes
Council Member Cevering	yes
Council Member Ekstrom	yes
Council Member Stoker	yes
Council Member Swanson	yes

The motion passed unanimously.

Mayor Berube reiterated his willingness to meet with any resident or group of residents to answer questions about the Public Safety project and the bond issuance matter.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE PATRIOT POINTE SITE PLAN RELATED TO SETBACKS BETWEEN BUILDINGS AND FROM THE PROPERTY LINE**

City Manager/Attorney Call noted this application was discussed by the Council during their last meeting, but the information that was presented during that meeting was incomplete. He referenced a chart that includes accurate information regarding all building sizes and setbacks; if the Council wishes to proceed with approving the application, an amendment to the development agreement will be required and he provided a high-level overview of the potential amendment language, including timeline adjustments and language clarifications in the original Double Ott Ranch Agreement. This Amendment would be added to the Patriot Pointe development agreement as a modification between North Ogden City and Patriot Pointe LLC.

Mayor Berube stated that he and Mr. Call met with the developer since the Council's last discussion of the matter; this situation is somewhat unique in that all property abutting the subject property is owned by the same developer and, therefore, the adjustments to the setbacks would not be impacting another property owner. Additionally, there is quite a bit of land between the subject property and adjacent properties. He proposes a resolution that will allow both the City and the developer to move forward in a reasonable matter. He then invited input from the applicant.

John Hansen stated that when he left the last meeting, he was of the belief that the only way to move forward was to remove the foundations that have been poured out of compliance with the development agreement. However, he later spoke to Mr. Call to discuss the broader implications of that action as well as his commitment to work with the builder and the engineer to ensure that no additional errors are made in the project and that no further adjustments would be sought for the development agreement.

Mayor Berube stated the City is in need of clarification of the terms of the development agreement for this project and the developer needs some assistance to rectify the current problems at the project site. He stated he supports the amendments to the development agreement as discussed by Mr. Call.

Council Member Cevering motioned to adopt amended development agreement A04-2021 and site plan for Patriot Pointe, as discussed. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker yes
Council Member Cevering yes
Council Member Ekstrom yes
Council Member Stoker yes
Council Member Swanson yes

The motion passed unanimously.

7. **DISCUSSION AND/OR ACTION ON REQUEST FOR FINANCIAL ASSISTANCE FROM THE CITIZEN SPONSORED CHERRY DAYS PARADE**

Citizen Mark Miller summarized a document included in the packet seeking a request for creation of a Committee and pledging funds for the Cherry Days celebration; the document reads as follows:

“Dear Mayor Berube and North Ogden City Council, As you are aware, two weeks ago the council voted to cancel the traditional Cherry Days parade and park activities under looming concerns of COVID and overworking the City staff. Historically, these events have been the quintessential celebration of our first freedoms as Americans here in North Ogden.

Although there are various reasons for the council’s decision, the community that has voiced an opinion still overwhelmingly wants to have a parade and park activities.

While growing up in North Ogden the community was always the leading force for Cherry Days and the city recognized that. As recently as 2011, Mayor Brent Taylor organized an arm of community volunteers to be a huge part of organizing Cherry Days. All of you know that Cherry Days is the time when our community focuses on the blessings of our freedoms, the beauty of our area, and the strength and character of our people.

Given the intergenerational and historic meaning of Cherry Days in North Ogden and Weber County, I request that the Mayor and City Council resolve to formally adopt our

committee for this year to organize, plan, and take the lead in carrying out Cherry Days events for this year. Depending on the outcome of this year, our committee is happy to become a way of moving forward to save the City money and relieve undue stress around what should be an exuberant celebrations in the future.

Subsequently, we formally request a financial pledge of \$15,000 from allocated funds for Cherry Days in the City's annual budget to ensure we keep this tradition alive and to work together in making this wonderful community tradition happen this Independence Day (Saturday, July 3, 2021) and in the future!

We recognize the vast amount of work and pressure put on City staff to carry out these events, and we hope that we can assist in leading out to ensure that Cherry Days will continue to be an inspiring celebration for everyone involved.

As of today, our committee has grown a list of over 80 volunteers who are standing by willing to help. We have found performers and food vendors, businesses, and some sponsors to bring this together - even with a tight schedule and a limited budget.

The permits are being procured and all plans are being made with pure hearts and good intentions. We do not want to have to do this alone. Your formal recognition, committee adoption, and pledge of financial support will be critical in unifying our community.

Respectfully,
Mark E. Miller (Volunteer Director)"

Mayor Berube indicated he has asked City Manager/Attorney Call to review the City's adopted budget for Cherry Days and he invited him to provide information about the budget. He also provided Mr. Miller with information about the process to create a formal advisory committee in the City; such a committee would be required to follow the State of Utah Open and Public Meetings Act (OPMA), which requires public notice of all meetings, minutes kept of meetings, and all proceedings open to the public. Committees are typically created by the Mayor with the advice and consent of the Council and it could take some time to follow that process for this type of committee.

Mr. Call then discussed the budget for Cherry Days; since the event is in the middle of the summer, it is included in two fiscal year (FY) budgets. For the current FY, the budget is \$50,000, but only \$25,000 is available because a portion of the allocated funding has been committed to certain things, such as fireworks and the timing equipment for the race. The normal amount budgeted for the annual celebration is \$100,000, but that was cut in half because of the scaled back celebration due to COVID-19. Mayor Berube inquired as to the amount of money the City commonly receives from private donors in the community, to which Mr. Call answered \$20,000 to \$30,000; private businesses sponsor events and donate funding to the City for the event on an annual basis. This year the City has received about \$7,000 in donations.

Mr. Miller then asked for support from the Mayor and Council for a private citizens group to proceed with certain Cherry Days events.

Mayor Berube stated he is very grateful to those who are willing to step up and volunteer to organize events like this one; his only concern is the motivation behind the event and in this instance he believes the motivation and intent of the citizens group is pure. He then facilitated discussion among the Council regarding their feelings about the request. Council Members offered their support for the volunteer group willing to organize a Cherry Days parade, but Council Member Swanson stated that he is concerned that the sticking point is that the group wants a certain amount of City funding for the event. He asked Mr. Miller if he has secured his permits for the event, to which Mr. Miller answered yes and indicated he was waiting to submit his applications until after the Council's decision tonight. He has ordered portable toilets and has met with the Police Chief to discuss the plan and parade route. Council Member Swanson stated that the citizens group has not done many of the big things that need to be done in order for the event to take place, but the event is just five weeks away. City staff usually spends months on organizing the event along with volunteers and he is concerned about offering support for an event that may not be fully organized. Council Member Cevering stated he supports the parade and is willing to support a financial contribution from the City; his only concern regarding the event is related to the parade route, but he is comfortable allowing the residents to proceed. He stated Mayor Berube has challenged each Council Member to try to raise \$5,000 from private donations and he will continue to work to rise to that challenge. Council Member Ekstrom stated she also loves the parade and wants to see it happen, but she is worried about the scale of the event and is hesitant to dedicate any City funding to the event at this point.

Mayor Berube summarized the Council discussion; his interpretation is that the Council supports a parade and activities at North Ogden Park, but they are concerned about the lack of coordination thus far. He expressed appreciation to the Council Members who have tried to raise funds with the intent to dedicate those funds to the citizens group who is working to organize the events. He stated he does believe there is adequate coordination between Mr. Miller and City staff. He stated that one of the reasons that the City Council voted to scale back Cherry Days events was because of the limited resources of the department responsible for the event, but perhaps the current staff of that department could assist the volunteer group in organizing the event. He polled the Council to see if they are comfortable with that type of arrangement. This led to discussion among the Council and staff about the ability of the citizens group to fall under the City in order to solicit private donations and for those donating to receive a tax write-off; the Council ultimately concluded to offer their support for the event and to continue to try to raise funds for the event. Mayor Berube asked Mr. Miller to be respectful of the staff of the Parks and Recreation Department and keep the burden on them to a minimum. Mr. Miller thanked the Mayor and Council for their support and asked that the City's website be adjusted to include an advertisement for the event and to indicate that it is being organized by a citizen group.

Mr. Call summarized the consensus he believes the Council has reached: the Council will help to raise funds that can be funneled to the event; staff will promote the event; four Police Officers will be made available for traffic control of the parade, but no other staff will be dedicated to the day's events; there will be staff support leading up to the event, but not required to provide support on the day of the events. Chief Quinney stated that he will continue to meet with Mr. Miller to develop a detailed plan for the event; he has communicated to him the total number of officers and volunteers that will be needed to effectively control the parade event.

Council Member Stoker stated her only concern about moving forward as discussed is that this action could set a precedent for others in the future to seek to organize an event and ask for City support. Mayor Berube stated he understands; he hopes that citizens will understand that this is a unique situation and that the City only offered support because of the decisions made to scale down the event due to COVID-19.

Council Member Swanson asked if there is a contingency plan in the event that it is not possible to raise enough funding to cover the event. Mr. Miller stated that he will find the money to cover the event if private or public funding is not secured.

10. **DISCUSSION AND/OR ACTION ON CONTRACT FOR CITY AUDITOR**

City Manager/Attorney Call stated that the City's contract with its current financial advisor is expiring, and Administration would like to utilize the City's auditor for financial advising. This means that the City needs a new auditor. He recommended that Gilbert and Stewart be secured as the City's auditor and that Keddington and Christensen be secured as the City's financial advisor/accountant. He summarized the terms of the agreements for both firms.

Council Member Ekstrom asked if Keddington and Christensen supports the City's consideration of hiring Gilbert and Stewart as the City's auditor. Mayor Berube stated he is not sure it is necessary to secure such support, but he will speak with them if the Council desires. He stated he feels it is important to have a difference of opinion among financial advisors. Council Member Ekstrom agreed. Mayor Berube stated he has interviewed Keddington and Christensen very thoroughly.

Council Member Cevering motioned to approve agreement 05-2021 the contract for a City Auditor. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker yes
Council Member Cevering yes
Council Member Ekstrom yes
Council Member Stoker yes
Council Member Swanson yes

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION ON CONTRACT FOR CITY FINANCIAL ADVISOR

City Manager/Attorney Call referenced the item above for additional information regarding this proposal. This will provide year end financial statements for a flat fee of \$10,500 plus two additional times at end of first and third quarter of \$2,000 each, so the total contract amount is for \$14,500. This will allow our financial statements to line up correctly with the audit and allow this to run smoothly.

Council Member Swanson stated that he has been very impressed with Keddington and Christensen and fully supports this recommendation.

Council Member Ekstrom motioned to approve agreement 06-2021 for a Financial consulting contract with Keddington and Christensen. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker yes
Council Member Cevering yes
Council Member Ekstrom yes
Council Member Stoker yes
Council Member Swanson yes

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION ON CITY-PROVIDED CELL PHONES FOR COUNCIL MEMBERS

City Manager/Attorney Call stated that City Administration has been looking into the option for providing City cell phones for Council Members; the reason behind this is that the City has noticed an increase in the number of Government Records Access and Management Act (GRAMA) requests for cell phone records of City officials, but it is sometimes difficult to access those records on a private cell phone. The Council briefly

discussed the purposes behind considering public cell phone versus private cell phones. Council Member Cevering asked if City Administration has run into issues collecting public records from the private cell phones of Council Members, to which Mr. Call answered no and indicated he is not concerned about the current arrangement and is not formally proposing providing City cell phones.

Council Member Barker stated it is his personal opinion that City cell phones for elected officials would be a waste of money and he would advise his fellow Council Members to simply refrain from texting something that they do not want to be made public someday. Council Member Cevering agreed. Council Member Barker added there has been some discussion about changing the policy of issuing City cell phones to Department Heads and it would be very hypocritical to do that and then issue cell phones to City Council members.

Council Member Swanson motioned to deny providing City cell phones to City Council Members. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker yes
Council Member Cevering yes
Council Member Ekstrom yes
Council Member Stoker yes
Council Member Swanson yes

The motion passed unanimously.

13. DISCUSSION AND/OR ACTION TO APPROVE THE LOCAL TRANSPORTATION FUNDING AGREEMENT

City Manager/Attorney Call stated the proposal is to amend a previously approved agreement by increasing the total funding amount by \$902,000 for which the City can request reimbursement without an additional obligation from the City. Our original agreement amount was for \$2,850,000 and this adds an additional amount of \$902,000 for reimbursement. Mayor Berube indicated that this agreement will also allow us to retain our rental funds and money from selling the homes on this project.

This agreement must be approved by the City Council in order for the Weber County Commission to approve it and continue to work with Weber Area Council of Governments (WACOG) on a total funding plan for the project and extension of the project to nearly 3100 North.

Council Member Stoker motioned to approve agreement A03-2021 for local transportation funding. Council Member Cevering seconded the motion.

Voting on the motion:

**Council Member Barker
Council Member Cevering
Council Member Ekstrom
Council Member Stoker
Council Member Swanson**

The motion passed unanimously.

14. **COUNCIL DEPARTMENT REPORTS:**

a. Council Member Cevering – Public Works

Council Member Cevering read from a report provided by Public Works Director Espinoza regarding ongoing projects and the City's involvement in the Washington Boulevard project relative to utilities. He added that the project to re-stripe 2600 North will also commence soon.

Mayor Berube asked if the problem with Pineview Water has been corrected; there were some properties for which service was disconnected due to underground gas line work. Mr. Espinoza answered yes; the homes that were out of service are being reconnected and will have new spigots and hoses installed to aid them in watering their landscaping. Mayor Berube asked if the tree at the intersection of 2100 North and Fruitland Drive that has been blocking the sight triangle for motorists has been removed. Mr. Espinoza answered yes; residents wanted more removed, but the agreement has been satisfied and any additional work will need to be negotiated.

b. Council Member Ekstrom – Parks and Recreation

Council Member Ekstrom stated that the flowerpots and hanging baskets along the streets will be planted soon. Registration for the upcoming performing arts camp is nearly full. A new running program will also be hosted this year and is filling up fast. The Parks and Recreation Department is hiring, and she encouraged anyone interested to apply. Finally, the North Shore Aquatic Center will open for the season this Saturday from 11:00 a.m. to 5:30 p.m.

Mayor Berube asked Council Member Ekstrom to communicate the City's decisions regarding watering parks. Council Member Ekstrom stated the City has decided to water sports fields that are used frequently utilized but cut back on watering all other areas and citizens are encouraged to do the same. She noted grass will go dormant but will not die and it is not necessary for everyone to water their lawn every day. Mayor Berube stated these decisions are based upon guidance from the Governor of Utah. He added that the City's water sources, such as Rice Creek, are at about 25 percent of normal levels for this time of year, which is alarming.

c. Council Member Stoker - Police

Council Member Stoker reported on instances of community members expressing their gratitude to the Police Department, which is much appreciated by the Officers. She noted that over the past year the Department has been able to hire seven new Officers: six were replacements and a new position added. The Department is fully staffed with four of the new Officers in training. She offered a thank you to the Department and stated she hopes all residents will get behind the Public Safety Facility project as it is desperately needed.

15. **PUBLIC COMMENTS**

Bob Buswell, North Ogden Resident, stated that he is also a member of the Kiwanis Club and he reported they are actively recruiting volunteers to help with Cherry Days. The Club debated whether to have the annual Cherry Days breakfast; the event is the Club's biggest fundraiser for the year, but it will be scaled down this year as there is no way to be sure how many people will be there. The permits for the event have been secured and the Club will provide meals in take-away containers to help to keep the event safe and clean.

Brenda Ashdown, North Ogden Resident, stated she appreciates that the City did not dedicate any public funding to the Cherry Days parade, especially after Mr. Miller indicated he can fund the event on his own. She thinks the event is a great thing, but the Council already voted in a certain way and she is happy they did not back down from their original vote. That says a lot to her about the Council's ability to stand by what they say. She then recognized City Recorder Gerard; she has been very helpful in attempts to sign up for City events and programs. She then referenced an email she sent to the Mayor and Council; several years ago, her son wanted to do a project in the City and the City indicated they would not be supporting or advertising the event in any way. But the next year the City advertised the Chalk It Up event, which was a private event. It has been very irritating to her that the City picks and chooses which private events to support and advertise. She stated she is going to have a party at her home and she wants the City to collect funding for it and to provide Police support. She stated that she is being very sarcastic, but that is how many feel about other requests. She appreciates that this is the Cherry Days event and it is a long running event in the City's history, but this year it is essentially a citizen-driven, volunteer activity.

Meg Sanders, North Ogden resident, stated that last week she visited the Great Clips store in the City and she noticed a woman with a few men in wheelchairs who were looking for a curb cut to get into the businesses there. A group of citizens lifted the chairs over the curb to help them get in. A ramp is needed in that area. She then reported that she attended the kickball today at North Ogden Elementary and the Police participation was amazing and greatly enjoyed by the students and teachers. The grandstands at North Ogden Park are magical and need to be preserved as they are a great part of the City's history.

Julie Anderson, North Ogden resident, thanked Mr. Buswell for his report on the Kiwanis Club breakfast. She then thanked Granite Construction for the job they are doing at the intersection of Washington Boulevard and 2600 North; they are doing a good job at keeping traffic flowing during what is a difficult situation. She then discussed the dog park; the red paint on the curb is nearly invisible and needs to be repainted. She concluded by thanking the citizens working to organize Cherry Days events.

Susan Kilborn, North Ogden resident, stated she agrees with the comments made by Ms. Ashdown. She then stated she is very happy the Kiwanis Club breakfast will happen this year. She offered kudos to Council Members Swanson and Stoker for their comments about the Cherry Days parade. She stated she loves a parade and is 100 percent supportive of a volunteer run parade; however, that would mean that the City would not be involved. If the City gets too far into a volunteer effort, there may be some legal liability or be interpreted as a financial sponsorship. She stated there is a private Facebook page regarding the parade event; she asked to be added to the group because she wanted to provide support and perhaps make a donation, but she has been unfairly denied access and she believes that is based upon others assuming that she is not supportive of the event. She noted that is not the truth. She thanked the Council for standing their ground; certain decisions made could be used as a precedence for other similar events in the future. Mayor Berube stated that he is not concerned about the Police offering support for an event in the City; the Police have attended many private parade events, including one to escort the former Mayor out of North Ogden City for a military assignment. He is perturbed about the comments related to the community coming together and helping one another out. Ms. Kilborn stated that is not what she is saying; she is supportive of the parade and is able and willing to support it and she has been unable to get information about how to help do that. She stated that citizens could volunteer and donate their money if they so choose.

An unidentified individual stated he would like to talk to the Mayor and Council about a climate plan. Mayor Berube invited the individual to schedule a meeting with him through Ms. Gerard. The individual then voiced his support for the Cherry Days event and other volunteer programs.

16. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Swanson echoed the gratitude to Ms. Gerard as expressed by Ms. Ashdown. He then stated that he has been very concerned about the negative language and labeling that has been done in regard to those that do not agree with what the parade group is doing. The matter has been terribly divisive and is a form of 'cancel culture'. He has been surprised to learn that he himself is not a patriotic person simply because he asked some questions about the parade and how it would be funded. He was hoping that the parade supporters would have stayed for the remainder of the meeting to hear these comments. If Mr. Miller has the funding in his pocket, he wonders why the City is

considering financial or manpower support. Mayor Berube stated that perhaps Mr. Miller is considering that funding to be a last resort if he is not able to raise enough private money. He stated his hope at this point is that the parade will be a unifying event.

Mr. Call reported a joint work session with the Planning Commission will be held next Tuesday; the group will discuss the proposed ordinance regarding sensitive lands and will receive training regarding the Open and Public Meetings Act.

17. **CLOSED MEETING**

Council Member Swanson motioned to cancel the Closed Meeting. Council Member Stoker seconded the motion.

Voting on the motion:

**Council Member Barker
Council Member Cevering
Council Member Ekstrom
Council Member Stoker
Council Member Swanson**

The motion passed unanimously.

18. **ADJOURNMENT**

Council Member Stoker motioned to adjourn the meeting. Council Member Ekstrom seconded the motion. All voted in favor.

The meeting adjourned at 8:54 p.m.

S. Neal Berube
Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

Not Approved

PROCLAMATION 2021-01

IN RECOGNITION OF A SUCCESSFUL CHERRY DAYS CELEBRATION

WHEREAS: North Ogden City Residents and others have celebrated Cherry Days beginning as early as 1932 to draw attention to the cherries grown in North Ogden; and

WHEREAS: The celebration was cancelled in 2020 because of the Covid-19 pandemic; and

WHEREAS: North Ogden City had planned a limited scope of events for Cherry Days based on current Health Department regulations; and

WHEREAS: Residents expressed an interest in moving forward with parade and festival similar to years past; and

WHEREAS: Through coordinated efforts of volunteers and others, several activities were held throughout the day on July 3rd in honor of Cherry Days; and

WHEREAS: The City Council wishes to acknowledge the efforts of the individuals who put in the time and effort to make Cherry Days a success.

NOW, THEREFORE, the North Ogden City Council hereby recognizes the efforts of local businesses, prominent citizens, volunteers, employees in the events, parks, recreation, public works, law enforcement, and fire departments, and others who joined together to create a wide variety of events and activities for North Ogden residents and others to enjoy. The result was a success, and an enjoyable day for all who were able to participate. The Council looks forward to continued efforts in years to come to make each Cherry Days event the type of activity that creates a lifetime of memories and neighborhood connections possible.

The North Ogden City Council is grateful for the efforts and hereby wishes to formally recognize those who dedicate their time, money, and efforts to this community building activity.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of North Ogden to be affixed this _____ day of July, 2021.

S. Neal Berube, Mayor
North Ogden City

Council Member Ryan Barker

Council Member Blake Cevering

Council Member Charlotte Ekstrom

Council Member Cheryl Stoker

Council Member Phillip Swanson

Attest:

Susan L. Nance, City Recorder

Staff Report to the North Ogden City Council

SYNOPSIS

Description: The Staff is bringing back the information on the proposed final designs for the PV drive modifications and potential final design for the ultimate final closure.

Date: July 7, 2021

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Which design would the Council like adopted for the formal modification of the PV drive 400 East intersection. Also, would the Council like to select a final design which would be completed upon completion of the light at 2700 N and 300 E.

BACKGROUND

The Council has voted to move forward with the modification of the PV drive and 400 East intersection, to enhance safety of the turn movements across the intersection. Options 2 and 3 show the type of ways to amend the intersection to provide for either just a right out, or a right in, right out option.

The Option 1 concept plan shows the proposed final design upon full closure of the intersection while also providing for a connection to the lower parking lot of the Animal Hospital building.

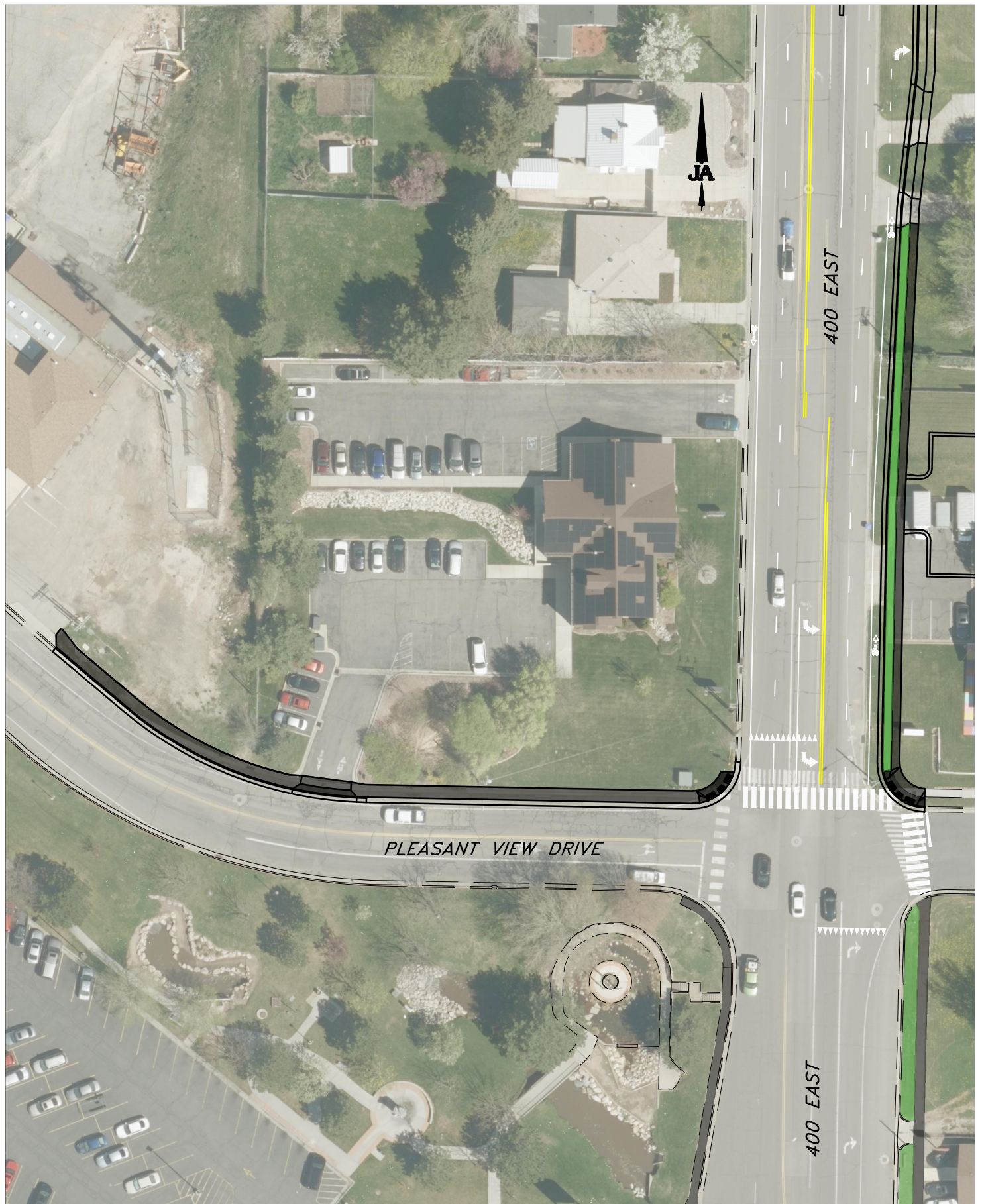
This information will be provided to the Pleasant View Mayor and Council as wells as the owners of the animal hospital.

RECOMMENDATION

Staff would like the Council to select between options 2 and 3 as well as provide feedback on the final design upon the installation of the light at 2700 N. and 300 E.

EXHIBITS

1. Proposed Intersection Modifications.



CONSULTING ENGINEERS

6080 Fashion Point Drive South Ogden, Utah 84403
(801) 476-9767 www.jonescivil.com

NORTH OGDEN CITY CORPORATION
PLEASANT VIEW DRIVE

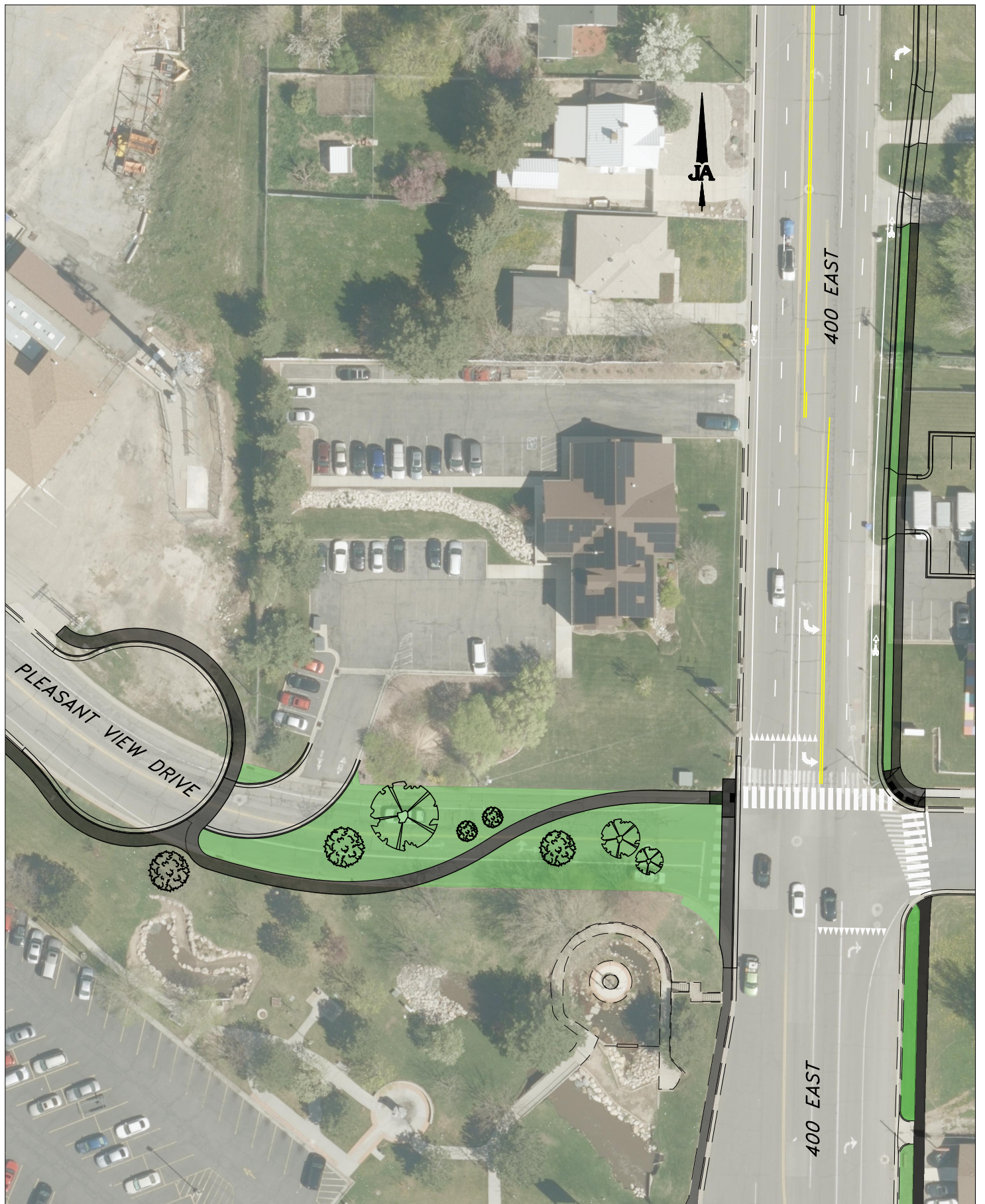
ORIGINAL PLAN

SHEET:

1

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CONSULTING ENGINEERS

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NORTH OGDEN CITY CORPORATION

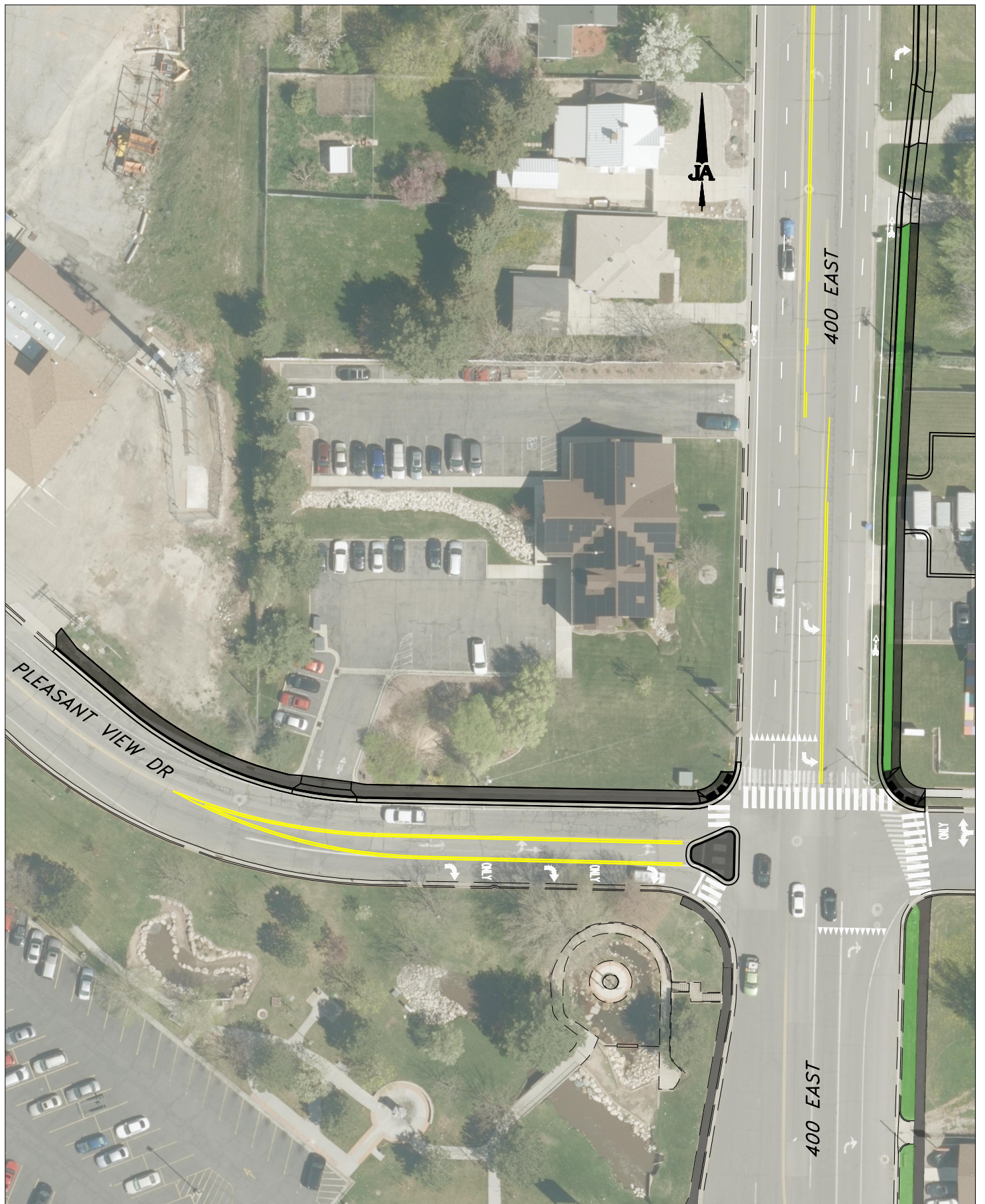
PLEASANT VIEW DRIVE

OPTION 1 CONCEPT PLAN

SHEET:

2

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CONSULTING ENGINEERS

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NORTH OGDEN CITY CORPORATION

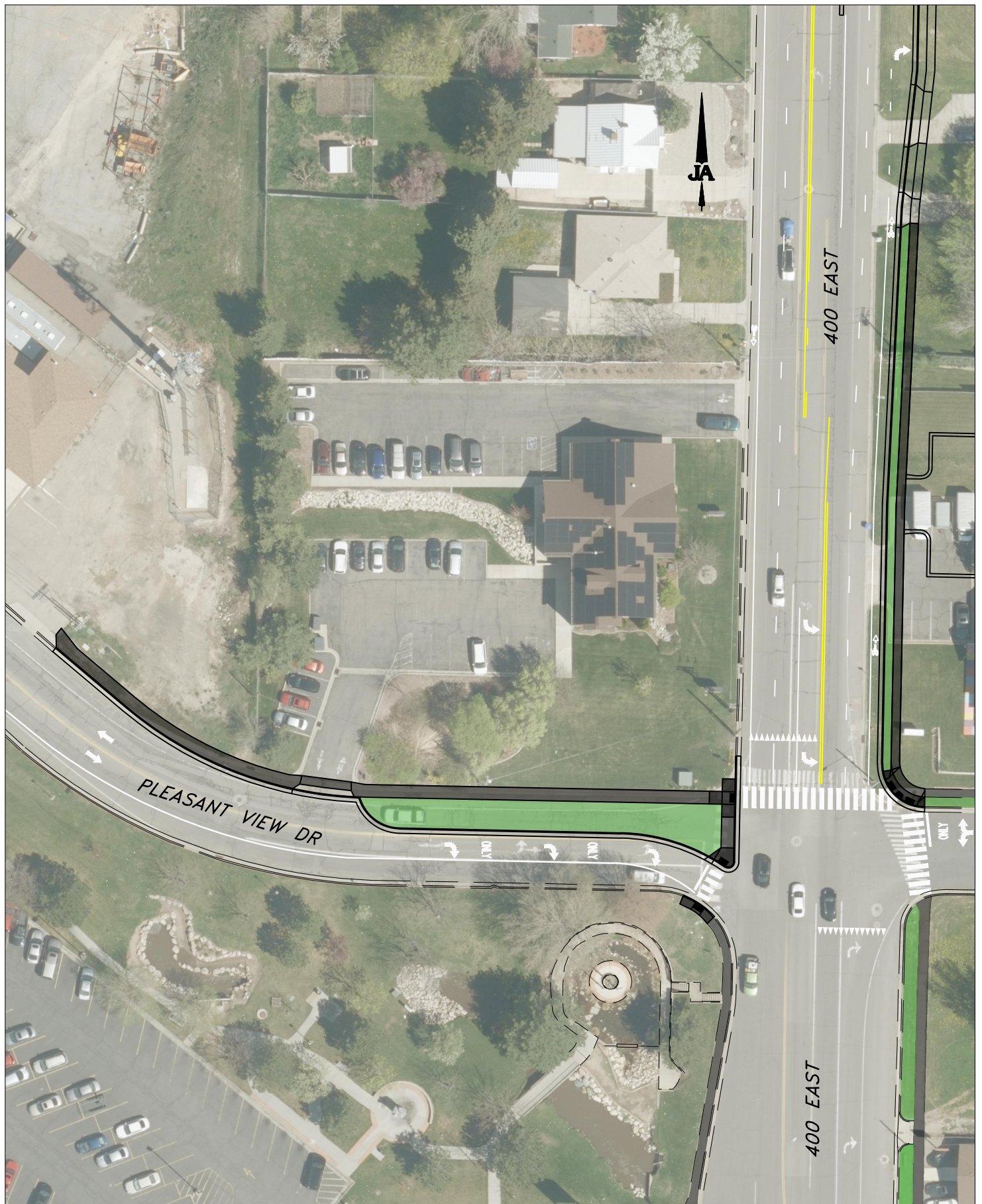
PLEASANT VIEW DRIVE

OPTION 2 CONCEPT PLAN

SHEET:

3

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CONSULTING ENGINEERS

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(801) 476-9767 www.jonescivil.com

NORTH OGDEN CITY CORPORATION

PLEASANT VIEW DRIVE

OPTION 3 CONCEPT PLAN

SHEET:

4

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Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Public Hearing regarding a legislative application, Fence location request to encroach into the public right-of-way based on sidewalk design and safety considerations.

Agenda Date: July 13, 2021

Applicant: David and Lisa Lundstrom

File Number: LUP 2021-29

PUBLIC NOTICE:

Mailed Notice:

Newspaper:

City Website: July 7, 2021

PROPERTY INFORMATION

Address: 177 East Elberta Drive

Project Area: Approx. 1/3 acre

Zoning: R-1-12.5

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 174260001

ADJACENT LAND USE

North: Residential/Agricultural	South: Residential
East: Agricultural/Residential/Institutional	West: Residential

STAFF INFORMATION

Scott A. Hess
shess@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 8-3 (Prohibited Structures)

TYPE OF DECISION

The City Council is acting in a legislative capacity and has wide discretion. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

On July 15, 2020, the Planning Commission granted final approval to the Pheasant Landing Subdivision (19 lots) and Pheasant Landing 1st Amendment (1 lot). The design of the sidewalk for this subdivision included a 6-foot-wide trail on the east side of the subdivision. The location of the sidewalk was designed to run at the back of the curb along the Lundstrom property on the corner of 160 East as the road intersects with Elberta Drive (see Exhibit C). The sidewalk along the Lundstrom property is elevated with a small retaining wall due to grade changes between the existing house and lot, and the new roadway installed as part of the Pheasant Landing Subdivision.

The applicant, David and Lisa Lundstrom applied for a Land use Permit on June 11, 2021, to locate a fence along the back of the sidewalk on top of the retaining wall (see Exhibit A). The fence in this location would be in the public right of way. This is considered an encroachment of a structure and is not permitted as written in North Ogden Code 8-3-2 Obstruction Prohibited:

“No pole, pipeline, conduit, sewer, ditch, culvert, permanent sign, **fence**, or any other structure or object of any kind or character, shall be placed, constructed or maintained upon or within any street except as permitted by, and in accordance with, ordinances or regulations authorizing the placement of such structures.”

North Ogden Code 8-3-1 defines ‘Street’ as: “any public road...including the entire area within the right of way.”

STAFF/REVIEW AGENCY COMMENTS

Planning Staff have consulted with the City Engineer, Public Works Director, and the City Attorney/City Manager. After visiting the site and considering available options, staff is recommending the City Council allow the fence to be constructed at the back of the sidewalk on top of the short retaining wall. Staff believes this design is a safer alternative than creating a small channel between the retaining wall and the property owner’s property line. The applicants have provided their willingness to maintain the area behind the sidewalk in writing via email on June 14, 2021 (see Exhibit B). Staff’s recommended conditions of approval include the willingness and ability of the property owner to maintain the right of way area behind the fence, property owner will assure that the fence remains in good repair, and that the fence will not be installed in a way as to obstruct the full 6-foot width of the sidewalk.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the encroachment of the fence in the right of way of 160 East along the Lundstrom Property so long as the property owner maintains the fence, retaining wall, and right of way behind the sidewalk in good repair for as long as the fence is in the right of way, and that the fence is installed in a way that does not obstruct the 6-foot travel width of the sidewalk.

EXHIBITS

- A. Land Use Permit Application, dated June 11, 2021
- B. Email from David and Linda Lundstrom, dated June 14, 2021
- C. Pheasant Landing Plat and Road Design Documents

AREA MAP



CURRENT SITE CONDITIONS



View looking south at the intersection of Elberta Drive and 160 East



View looking south showing the height of the retaining wall at the back of curb



View looking south as the sidewalk moves away from the curb with a standard park strip

LAND USE PERMIT APPLICATION

\$40 FEE PERMIT #: LUP 2020- 29

may be submitted by email to: lbexell@nogden.org (If you don't receive a response with confirmation of receipt - please call 801-737-2215)

PROPERTY OWNER INFORMATION

Name: David & Linda Lundstrom
Address: 177 E. Eiberta Dr. N. OGDEN, UT 84414
Email: [REDACTED] Phone: [REDACTED]

CONTRACTOR INFORMATION, IF OTHER THAN OWNER

Contractor Name/Business: N/A License #:
Address: Phone:
Email:

PROPERTY INFORMATION

Detailed Description of Proposed Use/Structure:
wrought iron fence around west & south side of property

* Estimated Completion Date:
Project Address: 177 E. Eiberta Dr.
Parcel #: Subdivision: Lot #:
Acreage: approx. 1/3 acre Current Zoning:

APPLICATION TYPE (CHECK ALL THAT APPLY):

☒ Fence (attached page must be filled out) ☐ Interior Lot ☒ Corner Lot	☐ New structure (This form is for structures under 200 square feet) ☐ Shed ☐ Other: <u></u>
☐ Patio	☐ Deck (Concrete only & not attached to home)
☐ RV PADS/Expand Driveway	☐ Other (explain): <u></u>

**** Submit a site plan drawing (next page) with your application. Aerial photos will not be accepted.**

Applicant's Signature: [Signature] Date: 6/11/2021
Owner's Signature, if other: [Signature] Date: 6/11/2021

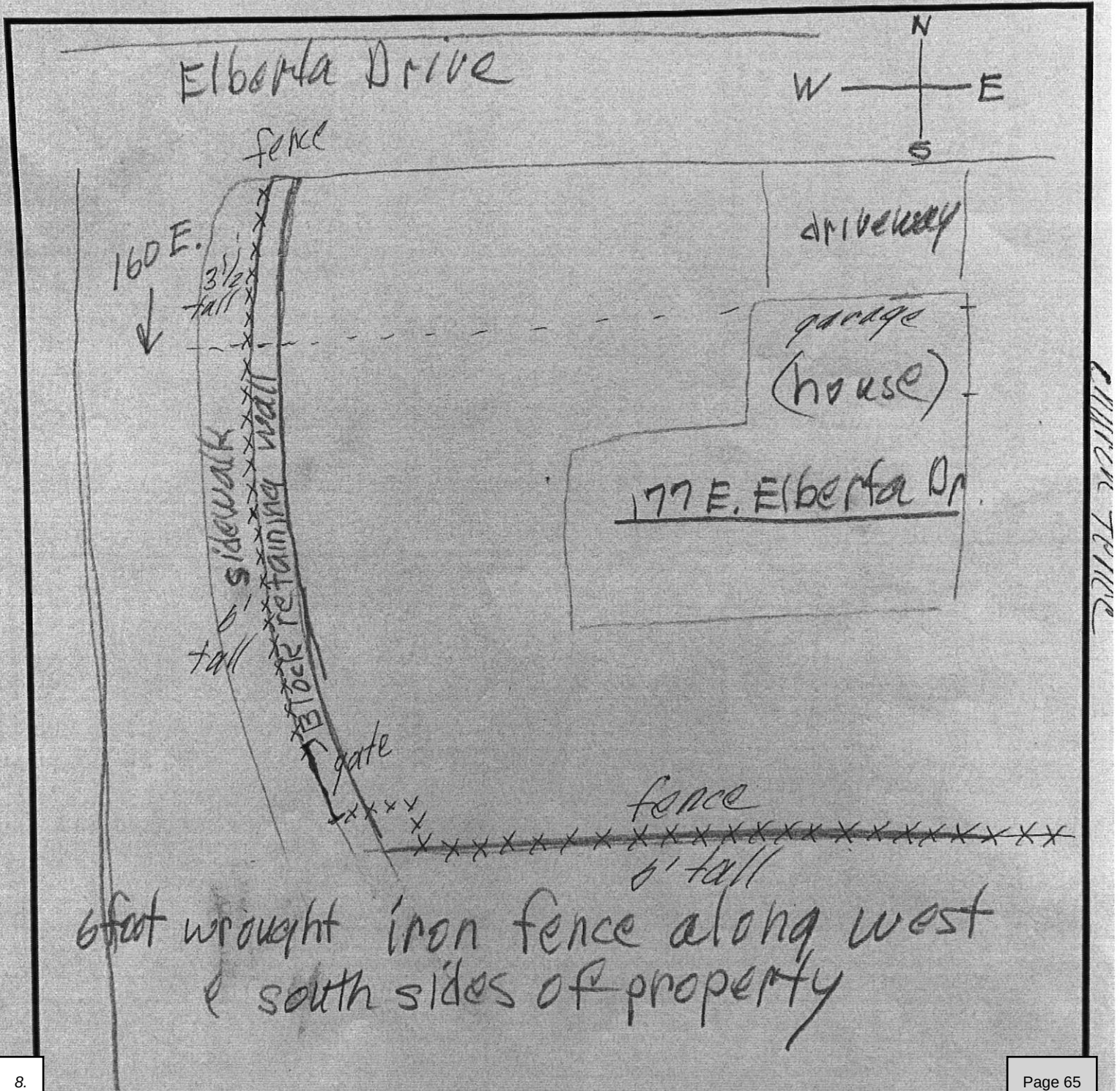
Staff Approval: Date:

To be filled out by North Ogden City

Please provide a Site plan, or overhead view, of the property showing:

- ✓ Property lines
- ✓ All streets and sidewalks
- ✓ Location of any buildings
- ✓ Location of any parking areas and driveways
- ✓ All dimensions/setbacks, including the proposed height of fences, if applicable
- ✓ Material used

*Required if proposing concrete or shed, please provide concrete square footage. Existing _____ Proposed _____



Scott Hess

From: DAVID LINDA LUNDSTROM
Sent: Monday, June 14, 2021 4:25 PM
To: Scott Hess
Subject: Fence on city property

To the City of North Ogden

Please find attached our land use permit application to construct a wrought iron fence along the west and south side of our property. Since the west fence would be located on the edge of the sidewalk which is city property we would be the ones dealing with upkeep and repair, not North Ogden City.

Thank you.

David and Linda
Lundstrom



NORTH OGDEN C

— SETTLED 1851 —

May be submitted by email to: lbexe

PROPERTY OWNER INFORM

Name:

DAVID A LIA

Address:

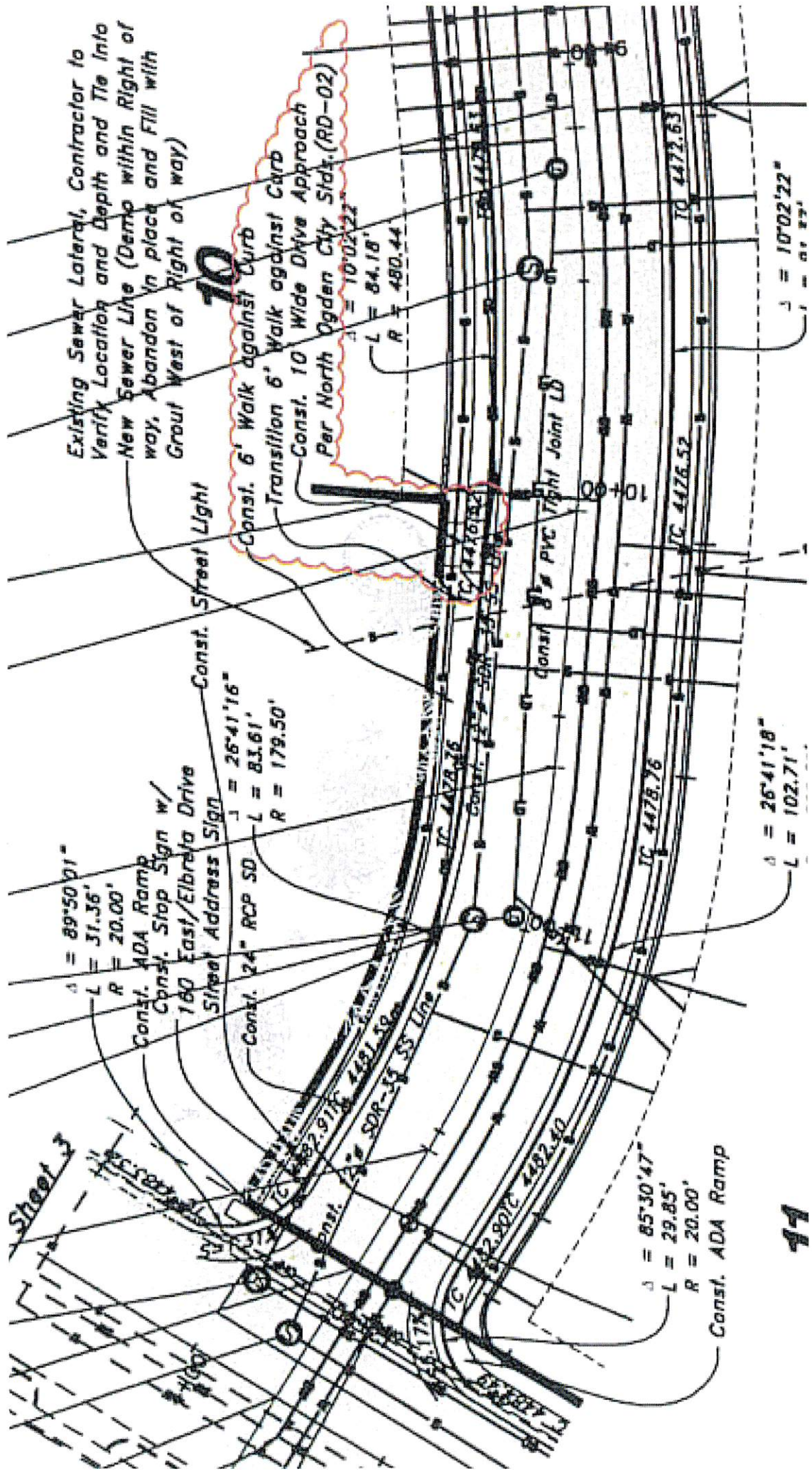
177 E. EL

Please provide a Site plan

- ✓ Property
- ✓ All streets
- ✓ Location of
- ✓ Location of
- ✓ All dimensions
- ✓ Material

***Required if proposing**

Sent from my iPhone





NORTH OGDEN CITY STAFF REPORT

TO: MAYOR AND CITY COUNCIL

FROM: DAVID ESPINOZA, PUBLIC WORKS DIRECTOR

SUBJECT: REINSTATING RECYCLING

DATE: 7/8/2021

Public Works has been asked to review the reinstatement of the residential recycling program. We have attached a report that gives an example of the difference in cost between garbage only and garbage/recycling combined. We have found that the cost ranges from \$10,000 to \$14,000 more per month by adding the recycling program. Those increases are made up of adding additional trucks to haul the recycling and tipping fees at the recycling plant.

Public Works believes that the cost increase per month is significant enough that if the council chooses to go back to the recycling program, we will need to pass that cost onto the residents. That increase to each home would be around \$2.00 per month, with the understanding that the recycling industry is still very volatile, so the tipping fees could still move up or down.

BI-Weekly Recycling

Non-Recycling

			Monthly hauling	
1st Black Can	\$	4.56	6310	\$ 28,773.60
2nd Black Can	\$	2.40	843	\$ 2,023.20
Blue Can	\$	1.80	6440	\$ 11,592.00
				<u>\$ 42,388.80</u>

Monthly Tipping Fee		Jan	Feb	Mar
Weber County	40.49	588	596	690
		\$ 23,808.12	\$ 24,132.04	\$ 27,938.10

\$ 66,196.92	\$ 66,520.84	\$ 70,326.90
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Recycling

			Monthly hauling	
1st Black Can	\$	4.56	6310	\$ 28,773.60
2nd Black Can	\$	2.40	843	\$ 2,023.20
Blue Can	\$	3.25	6440	\$ 20,930.00
				<u>\$ 51,726.80</u>

Monthly Tipping Fee		Jan	Feb	Mar
Weber County	40.49	518	516	600
		\$ 20,973.82	\$ 20,892.84	\$ 24,294.00
Recycling Company	\$90.00	70	80	90
		\$6,300.00	\$7,200.00	\$8,100.00

Combined Tipping Fees	\$	27,273.82	\$ 28,092.84	\$ 32,394.00
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\$ 79,000.62	\$ 79,819.64	\$ 84,120.80	Cost to Citizens
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Increase per month	\$	12,803.70	\$ 13,298.80	\$ 13,793.90	\$ 1.99
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Staff Report to the North Ogden City Council

SYNOPSIS

Description: With the current drought the City believes it is advisable to revise the parameters and penalties associated with the use of culinary water for irrigation purposes.

Date: July 7, 2021

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Should the Council amend the ordinance to increase flexibility during the drought as well as penalties associated with the abuse of irrigation flexibilities.

BACKGROUND

With the drought and the pending shut off of secondary water, the City staff are asking the Council to review the propose changes to determine if they are appropriate. The main change in the ordinance is the authority given to the Mayor to declare a critical water emergency and establish some parameters on the use of culinary water. There are several items which need to be identified by the Mayor in his declaration and any declaration is required to be ratified, overturned, or amended by the Council at the next regular Council meeting.

There are also some increased penalties tied to those who violate the Mayor's critical water emergency declaration.

RECOMMENDATION

Staff recommends the Council review the attached ordinance and provide feedback on changes they would like to be incorporated. There is a bit of a time crunch because the City will be needing to let residents know of the changes in the ordinance before the secondary water is turned off.

EXHIBITS

1. Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF NORTH OGDEN CITY ADOPTING WATER SUPPLY SHORTAGE AND DROUGHT CONDITION MEASURES FOR THE PROTECTION OF AVAILABLE WATER SUPPLY AND QUALITY THEREOF FOR DOMESTIC INDOOR USE, PUBLIC HEALTH AND FIRE PROTECTION, WHILE MINIMIZING WATER SHORTAGES AND OTHER WATER SUPPLY EMERGENCIES.

WHEREAS, the City of North Ogden currently requires the installation of secondary water systems for outdoor watering thereby encouraging preservation of culinary water supply at all sources; and

WHEREAS, due to existing drought conditions in the State, and specifically along the Wasatch Front, watering restrictions are necessary to protect public health and safety; and

WHEREAS, the City Council of North Ogden City has been provided with general information from City Staff on the impacts of water supply limitations and the Council has been further advised that City culinary water supply is not sufficient to provide for outdoor watering as a supplement to or in place of secondary water sources; and

WHEREAS, it is recognized that the supply of culinary water service is an essential resource for the public health and safety for North Ogden City; and

WHEREAS, the City Council has determined that to protect public health and safety, a three stage restriction on culinary water use is mandatory and must be Implemented;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NORTH OGDEN CITY, STATE OF UTAH, AS FOLLOWS:

9-2-1: FINDINGS

The city council has determined that heavy demand is being placed upon the culinary water system by use of culinary water for irrigation purposes, and that such heavy demand, if continued, could result in a shortage of culinary water and could result in inadequate water supply for fire protection in some areas.

9-2-2: CONNECTION TO SECONDARY WATER SYSTEM

It is unlawful for the owner of any residential or agricultural property to fail to connect to a secondary water system.

9-2-3: BACKFLOW AND CROSS CONNECTIONS

A. Purpose: The purposes of these provisions are to:

1. Protect the public potable water supply of the city from the possibility of contamination or pollution by containing within the customer's internal

distribution system contaminants or pollutants which could backflow into the public water systems; and

2. Promote the elimination or control of existing cross connections, actual or potential, between the customer's in house potable water system and nonpotable water system, plumbing fixtures, industrial piping systems; and
3. Provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

APPROVED BACKFLOW ASSEMBLY: The backflow assembly accepted by the Utah department of health as meeting an applicable specification or as suitable for the proposed use.

AUXILIARY WATER SUPPLY: Any water supply on or available to the premises other than the city public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another city/municipality's public potable water supply, a pressured irrigation system, or any natural source such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids.

BACK PRESSURE: The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of potable water supply system from any source other than the intended source.

BACK SIPHONAGE: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source.

BACKFLOW: The reversal of the normal flow of water caused by either back pressure or back siphonage.

BACKFLOW PREVENTION ASSEMBLY: An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the international plumbing code, and the cross connection control program for Utah. All backflow prevention assemblies must be approved by the Utah department of health prior to installation. A listing of these approved backflow prevention assemblies is available from the Utah department of health.

CONTAMINATION: An impairment of the quality of the potable water supply by sewage, industrial fluids, waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

CROSS CONNECTION: Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which

contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four (4) way plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multiport tubes.

CROSS CONNECTION, CONTAINMENT: The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water supply system; or, it shall mean the line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

~~CROSS CONNECTION, CONTROLLED: A connection between a potable water supply system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.~~

C. Responsibility Of Officials:

1. City: The city shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. The public works director, or his agent ("water authority"), is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this section. If, in the judgment of the water authority, an approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the water authority shall give notice in writing to said customer to install such an approved backflow prevention assembly) at a specified location on his premises. The customer shall immediately install such approved assembly at the customer's own expense. Failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
2. Building Inspection Division: The building inspection division has the responsibility to review building plans and inspect plumbing installations to ensure compliance with the current edition of the international plumbing code as adopted by the city and the state with respect to cross connections and back siphonages. The building inspection division's responsibility begins at the point of service (the downstream side of the meter) and carried throughout the entire length of the customer's water system.

3. Certified Backflow Assembly Technician: Certified backflow assembly technicians only shall do the testing of backflow prevention assemblies. The certified technician must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gap, showing the serial number of the assembly, date tested and by whom. The technician's license number must also be on this tag. All repairs and maintenance of the assemblies shall be accomplished by a licensed plumber.

D. Requirements:

1. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this section for control of backflow and cross connections is not installed, tested and maintained, or it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
2. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections exist.
3. An approved backflow prevention assembly shall be installed on each service line to a nonresidential customer's water system, at or near the property line or immediately inside the building being served, when it is deemed necessary by the utility to conform to public law 93-253, (the safe drinking water act of 1974), occupational safety and health rules and regulations (section 1910.141, subpart J), Utah Code § 19-4-112, Utah public drinking water regulations (sections 2.4, and 12.5), and the Utah plumbing code, revised September 1990, chapter 10. In all cases, the assembly will be installed before the first branch line leading off the service line, whenever the city deems the protection of the water supply to be in the best interest of the water supply customers.
4. The type of protective assembly required under subsection D3 of this section, shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), as stipulated in the international plumbing code.
5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall be excluded from the requirements of these rules so long as the city is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the city finds that the maintenance of the assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.
6. It shall be the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the customer's expense. In those instances where the city deems the hazard

to be great, it may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician.

7. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the international plumbing code.
8. All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. Upon inspection, any assembly found to be defective or inoperative shall be replaced or repaired. No assembly shall be removed from use, relocated or another assembly substituted, without the approval of the city.
9. All backflow prevention assemblies shall be tested within ten (10) working days of initial usage.
10. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipe, boilers, pits or above ceiling level.
- ~~10-11.~~ No cross connections are allowed between the city culinary system and any other water system.

9-2-4: USE OF CULINARY WATER FOR IRRIGATION PROHIBITED

Except as authorized below, it is unlawful for any person, whether owner or occupant, of any residential or agricultural property, to use culinary water from the city waterworks for the purpose of irrigating any yard, garden, lawn, field or for livestock watering. Building permits for residential structures shall not be issued unless there is a pressurized secondary water system serving the property. Property located in the Ben Lomond estates subdivision, Roylance farms PRUD subdivision, phases 1 and 2, and the Roylance farms phase 3 subdivision are excluded from this section until secondary water is available.

- A. During times of drought or emergency the Mayor may declare a critical water emergency with a focus on the use of potable water for drinking and sustaining human life.
 1. At the next Council meeting the Council will take a vote to affirm, overturn, or amend the Mayor's declaration of a critical water emergency.
 2. The Council may also make any water rate adjustments by amending the fee schedule which will go into effect at the beginning of the next month.
 - a. Any adjustments in water rates shall be notified to the account holders in the upcoming bills, or by mailing notices to each account directly.
- B. Upon the declaration of a critical water emergency the following shall apply:
 1. The Mayor shall determine the water restrictions in the following areas
 - a. Use of culinary water on lawns and turf
 - b. Use of culinary water on shrubs and trees
 - c. Use of culinary water for livestock
 - d. Use of culinary water for washing clothes, showering, bathing, and other non-life sustaining sanitary needs.
- C. Penalty

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1. An initial violation of this ordinance shall result in the issuance of a warning civil citation from the city. A second violation shall be a civil citation and be punishable by a fine not to exceed \$100.00, and the discontinuation of inappropriate culinary water use with the disconnection of culinary water service. Culinary water will be restored upon payment of this fine. A third violation shall also be a civil citation and shall be punishable by a fine not to exceed \$200.00, and by the disconnection of culinary water until the fine is paid. A fourth violation shall be a Class B misdemeanor and shall be punishable as such. Culinary water service will be restored upon payment of any fines due and after a minimum two (2) day waiting period.

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D. Enforcement

1. Any employee associated with the Water Department as well as Code Enforcement Officers may issue civil citations related to the use of water in violation of a critical water emergency declaration.

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9-2-5: PENALTY

Unless otherwise noted, Any person violating any provision of this chapter is guilty of a class B misdemeanor and shall be subject to penalty as provided in CCNO 1-4-1.

SECTION 2: Severability If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

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SECTION 3: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2021.

North Ogden City:

Neal Berube
North Ogden City Mayor

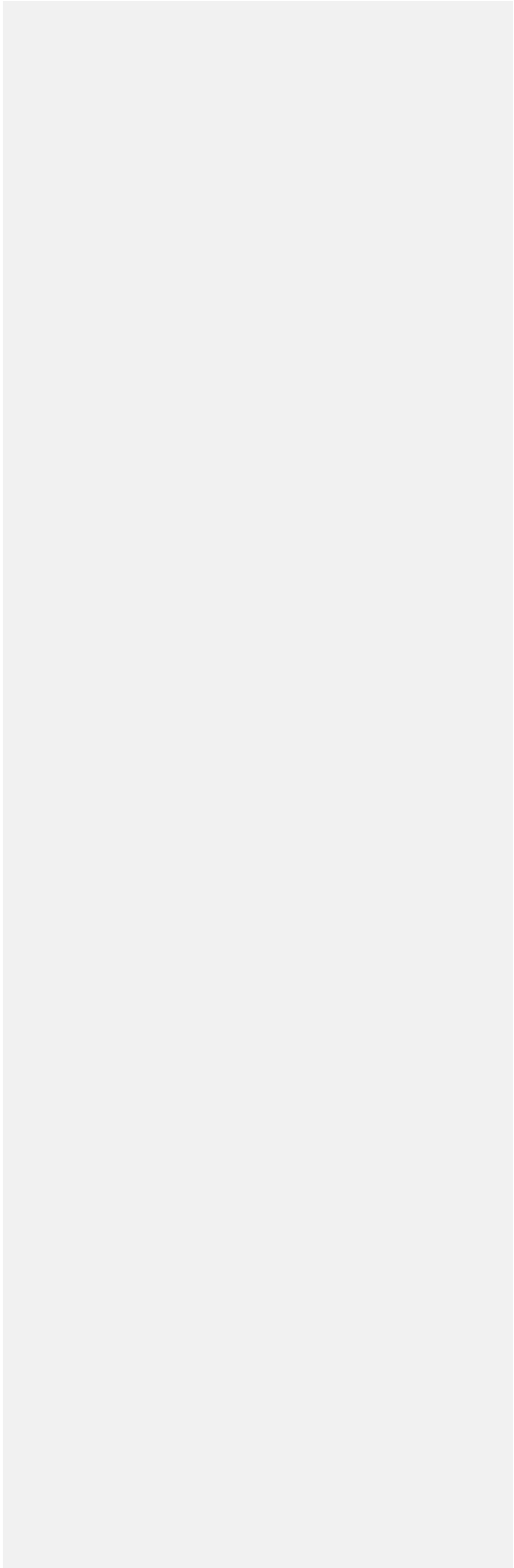
CITY COUNCIL VOTE AS RECORDED:

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

Mayor Berube

ATTEST:

Susan Nance
City Recorder



Staff Report to the North Ogden City Council

SYNOPSIS

Description: With the current drought the City believes it is beneficial to encourage xeriscaping as well as allow for new homes to delay the installation of landscaping around their homes.

Date: July 7, 2021

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Should the Council amend the ordinance to increase flexibility during the drought as well as encourage xeriscaping for those who would like to do that.

BACKGROUND

With the drought and the pending shut off of secondary water, the City staff are asking the Council to review the propose changes to determine if they are appropriate. The ordinance change allows the Mayor to extend the deadline to install landscaping by up to 12 months.

Also, this ordinance provides some additional clarifications related to xeriscaping and the types of plants allowed. In particular one area of concern has always been the properties which have agricultural uses and what rules should apply to grasses grown to feed the animals which are housed on the property.

RECOMMENDATION

Staff recommends the Council review the attached ordinance and provide feedback on changes they would like to be incorporated. This ordinance is not as critical to get passed in the meeting on the 13th because there will likely be suggestions on how to modify the xeriscaping rules to provide encouragement or possibly even some mandatory requirements.

EXHIBITS

1. Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF NORTH OGDEN CITY
ADOPTING RULE RELATED TO PROTECTIVE GROUND COVER IN
NORTH OGDEN CITY DURING TIMES OF DROUGHT OR PUBLIC
EMERGENCY**

WHEREAS, the City of North Ogden currently requires the installation of secondary water systems for outdoor watering thereby encouraging preservation of culinary water supply at all sources; and

WHEREAS, due to existing drought conditions in the State, and specifically along the Wasatch Front, watering restrictions are necessary to protect public health and safety; and

WHEREAS, the City Council of North Ogden City has been provided with general information from City Staff on the impacts of water supply limitations and the Council has been further advised that City culinary water supply is not sufficient to provide for outdoor watering as a supplement to or in place of secondary water sources; and

WHEREAS, it is recognized that the supply of culinary water service is an essential resource for the public health and safety for North Ogden City; and

WHEREAS, the City Council has determined that to protect public health and safety, a temporary and permanent modification to the City Ordinance related to protective ground cover is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NORTH OGDEN CITY, STATE OF UTAH, AS FOLLOWS:

SECTION 1: The following sections shall be amended to read:

5-7-1: INSTALLED

- A. In order to obviate the nuisance described in CCNO 5-2-1 state code 76-10-801 et seq. relating to weeds and other noxious growth, "protective ground cover", as defined in CCNO 8-5-3, shall be installed on the front and side yards of every lot, including the right-of-ways adjacent thereto, not containing pavement, sidewalks, or other similar materials, within eighteen (18) months after the issuance of an occupancy permit. All back yards of every residential lot shall be covered by protective ground cover within two and one-half (2½) years from the date of the issuance of an occupancy permit.
1. When the Mayor declares a critical water emergency under Title 9 Chapter 2 the Mayor and Council may extend the time by up to 12 months for the installation of protective ground cover.
- B. Where an occupancy permit has been issued prior to the effective date hereof, "protective ground cover", as defined in CCNO 8-5-3, shall be installed on or before

~~August 31, 1994~~July 1, 2023, on all portions of every residential lot, including the parking strip, not containing pavement, sidewalks or other similar type materials.

- C. Nothing in this section shall prohibit the planting, installation or maintenance of a flower or vegetable garden, orchard, pasture, playground or other open space not prohibited by ordinance. No vegetable garden shall be planted or maintained in the parking strip.
- D. Violation of any subsection of this section shall be considered an infraction.

5-7-2: MAINTENANCE

The owner of property upon which protective ground cover has been installed under CCNO 5-7-1 shall cause the protective ground cover to be adequately maintained, including within the right-of-ways adjacent thereto, and in that connection shall observe the following minimum standards:

~~1.~~ A. With respect to living protective ground cover, provide sufficient water and care to the protective ground cover which will ensure that the ground cover does not die and maintains the color or hue it would achieve if the proper quantity of water was applied to the protective ground cover; provided, however, that in the event the mayor, pursuant to Utah Code § 10-7-12 and this code, declares by proclamation that a scarcity of water should limit the use of water for all purposes other than specified domestic uses, the provisions of this subsection will be suspended during the term covered by such proclamation.

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B. If the protective ground cover is grass or similar turf, periodically mow or cut the turf so as not to exceed a height of more than six inches (6").

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C. ~~For Grasses which are native to Utah they are not required to be cut to 6"~~
~~however, they must be planted in xeriscaped areas without regular watering, and kept free from noxious weeds.~~

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~~2.D.~~ Areas which are used for the keeping and feeding of livestock shall be kept free from noxious weeds, but are not required to regularly mow the area where livestock is kept.

5-7-3: ALTERNATIVES

~~A.~~ Protective ground cover not authorized for planting may not be installed unless approved by a city official designated for that purpose. All appeals from the decision of said official shall be to the administrative hearing officer in accordance with CCNO 11-4-4. Protective ground cover which utilizes creative methods to reduce the amount of irrigation required is encouraged. The focus of protective ground cover is an area which limits weeds, dust, and the use of fertilizers, while still providing for an attractive landscaping design.

1. Those wishing to xeriscape and hardscape more than 50% of their lot must obtain a land use permit.

a. The permit request shall include approximate square footages, of all hard surface and permeable surfaces.

b. The permit shall verify that all plants are identified by Weber Basin Water Conservancy District, Utah State University, or the State of Utah as drought resistant and appropriate for North Ogden City's environment.

c. The permit shall not weigh the aesthetics of the proposed xeriscaping plan, but only the viability of plants utilized and ongoing maintenance.

d. A minimum of 10% of all area xeriscaped must have vegetation in it based upon the mature size of the plant. Any plants less than one square foot in size shall be rounded up to one square foot.

A.B. In no event, however, shall an alternative protective ground cover be approved by the ~~designated official~~ permit which: a) fails to maintain storm runoff detention capabilities of the area to be landscaped to substantially the same degree that would be accomplished if authorized protective ground cover were installed; or b) which is injurious to the health, safety, welfare (including aesthetics), and property values of the surrounding residences.

5-7-4: BOND

If, in the opinion of city officials, weather, scarcity of water, or other circumstance does not permit the installation of protective ground cover within the time periods described in CCNO 5-7-1, a cash bond in the sum of five hundred dollars (\$500.00), to guarantee the completion of the installation of protective ground cover, shall be provided to the city before the expiration of the required time period in question. In such case, the city shall specify, in writing, the date upon which installation of protective ground cover shall be completed.

5-7-5: ENFORCEMENT

This Title shall be enforced according to the procedures outlined in CCNO 1-9 or any other relevant municipal or state code. This code in no way limits any remedy available to North Ogden City authorized under any local, state, or federal rule, regulation, code, or other provision.

5-7-6 Penalty

Any person who violates this chapter or any provision thereof shall be guilty of an infraction, subject to penalty as provided in CCNO 1-4-1 and may also be charged under Utah Code § 26-23-3. If an individual receives a penalty/fine on the same residence three times the next penalty/fine shall be a Class B misdemeanor with a mandatory court appearance.

SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2021.

North Ogden City:

Neal Berube

North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

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

ATTEST:

Susan Nance
City Recorder



Staff Report to the North Ogden City Council

SYNOPSIS

Description: A discussion on how the Council would like to continue to offer interaction with residents and others during Council Meetings and other public meetings

Date: July 7, 2021

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Should the City continue to allow for individuals to comment using the zoom platform or move to the in-person comments only?

BACKGROUND

In 2020 the City began utilizing zoom meeting software to engage the public in meetings because of social distancing restrictions. Staff recommends the City continue to utilize the software to broadcast city meetings, but would like some direction on whether or not allowing for public comment via the software. Recently we have had several technical difficulties utilizing the software and the public comment function. Staff will work to eliminate and reduce the technical issues, but cannot guarantee there won't be any additional issues during public meetings.

RECOMMENDATION

Staff would just like some direction from the Council on the approach they would like to take.

DECLARATION 2021-02
CRITICAL WATER EMERGENCY DECLARATION

WHEREAS: North Ogden City owns and maintains its own culinary water system;
and

WHEREAS: During 2021 the drought conditions have caused issues with water
availability; and

WHEREAS: North Ogden City springs have reached significantly reduced levels;
and

WHEREAS: It is in the best interest of The City to utilize the water sources in a
way which is most beneficial to residents and the community; and

WHEREAS: The Mayor is empowered through City Ordinances to declare a
critical water emergency.

NOW, THEREFORE, I, Mayor Neal Berube hereby declares a critical water
emergency and provide the following guidelines for water usage:

- No Culinary Water shall be used to irrigate turf or other plants which can
survive on limited to no water
- Minimal Culinary Water can be used to water trees and shrubs
- Culinary Water can be used to water livestock
- Culinary Water can be used for all regular sanitary needs, like bathing,
washing clothes, etc.
- Anyone violating this declaration is subject to the penalties outlined in North
Ogden Code 9-2-4

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of North
Ogden to be affixed this _____ day of July, 2021.

S. Neal Berube, Mayor
North Ogden City

Attest:

Susan L. Nance, City Recorder