



**CITY COUNCIL MEETING AGENDA
SEPTEMBER 28, 2021 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND BY:

Register [here](#) or call Susan Nance at 801-737-9830 to attend in-person. Limited to 15 participants.
Click the link below to join the webinar: <https://us02web.zoom.us/j/86139177124> Webinar ID: 861 3917 7124
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/UCrigbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Swanson

CONSENT AGENDA

1. Call for conflict of interest disclosure
- [2.](#) Discussion and/or action to consider July 13, 2021 City Council meeting minutes
- [3.](#) Discussion and/or action to consider July 27, 2021 City Council meeting minutes
- [4.](#) Discussion and/or action to consider August 3, 2021 City Council meeting minutes

ACTIVE AGENDA

5. Public Comments*
- [6.](#) Discussion and/or action to consider an Ordinance for Protective Ground Cover
Presenter: Jon Call, City Manager/Attorney
- [7.](#) Discussion and/or action to consider a Resolution for Council Rules and Procedures
Presenter: Jon Call, City Manager/Attorney
- [8.](#) Discussion regarding City meeting minutes
Presenter: Jon Call, City Manager/Attorney
9. Council Department Reports:
 - a. Council Member Cevering – Public Works
 - b. Council Member Ekstrom – Parks and Recreation
 - c. Council Member Stoker - Police
10. Public Comments*
11. Council/Mayor/Staff Comments
12. Adjournment

****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 23rd day of September, 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, City Recorder

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

July 13, 2021

The North Ogden City Council convened on July 13, 2021, at 6 p.m. at the North Ogden City Office at 505 East 2600 North. And also available electronically at <https://us02web.zoom.us/j/85038350223> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 253 215 8782 or +1 312 626 6799 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on July 8, 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:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Scott Hess	Planning Director	
	Dave Espinoza	Public Works Director	
	Lorin Gardner	City Engineer	
	Bryce Nelson	Administrative Services Manager	
	Dirk Quinney	Chief of Police	
	Jason Reney	Culinary Water Superintendent	
	Jami Jones	Treasurer	
VISITORS:	Julie Anderson	(unknown phone number)	Jay D Dalpiaz
	Dale Anderson	Lance Welling	Robert Bolar
	Susan Kilborn	Tom West	Brian Taraki (Hoxha)
	Val Poll	Jill Hunt	Merrill Sunderland
	Diana Meiser	Linda Lundstrom	Grant Protzman
	Terry Bexell	Lynne Bexell	Spencer Stephens
	Trent Nelson	Stefanie Casey	David R. Sanders
	Dave Shupe	Brenda Ashdown	Meg Sanders
	Carolyn Lueinrininka	Susan Clements	Leonard Looney
	(Not legible name)		

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

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

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

2. DISCUSSION AND/OR ACTION TO CONSIDER MAY 11, 2021 CITY COUNCIL MEETING MINUTES

Council Member Ekstrom motioned to approve May 11, 2021, City Council Meeting minutes. 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.

3. DISCUSSION AND/OR ACTION TO CONSIDER MAY 25, 2021 CITY COUNCIL MEETING MINUTES

Council Member Cevering motioned to approve May 25, 2021, City Council Meeting minutes. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

4. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, stated that in a past meeting she spoke about a fence on 300 East, and she mistakenly believed the City was responsible to maintain it; she spoke to another neighbor who told her that the City agreed to install the fence but that neighbors were responsible to maintain it. She then stated she is tired of road construction surrounding her house in all directions. Additionally, she addressed the agenda item dealing with the configuration of Pleasant View Drive and the intersection with Washington Boulevard; she noted she prefers that the intersection remain closed, but if the decision is made to reopen it, she would like for it to be right-in, right-out turn lanes only.

Meg Sanders, North Ogden resident, stated she would like to yield her three minutes to her father who wishes to speak, but may take longer than three minutes.

David Sanders, North Ogden resident, stated he was a Lieutenant Colonel for the Army Special Forces and worked alongside many sister armed services. Throughout his military service he learned that not all missions go as planned, but when planning a mission, it is important to plan for every conceivable event that could derail plans and any actions that should be taken if such an event occurs. Every year on October 10, the areas secondary water is turned off and at that time he watches his trees, shrubs, and lawn become dangerously stressed. Because he is a horticulturist and master gardener, he has complained to Pineview Water Systems about the matter; this year they planned to turn off secondary water on August 1, which is just two weeks from now. Upon learning that, his military skills kicked in and he began predicting possible outcomes, which includes a catastrophic event in North Ogden. After lengthy conversations with the manager of Pineview and the City's Public Works Director; Mr. Sanders informed them that based upon his expertise of horticulture, that every tree, shrub, perennial, lawn, park, sports field, and any living thing that is green will be severely damaged or dead by winter. If these serious conditions carry over to next year, the view of the mountain benches from the valley as far as the eye can see will be dead and the area will essentially be a dust bowl; the area may even run out of drinking water. It may already be too late to stop this from happening. He reiterated Pineview will shut off secondary water on August 1, unless they can secure additional water from Weber Basin Water Conservancy, in which case the shut off date will extend to September 1. Once secondary water is shut off, citizens will rely upon culinary water to keep their greenery alive. This will place a demand on aquifers and well resources. This has never happened before to this extent. Each year of a drought, more moisture is taken up by the ground before it reaches aquifers; this means the longer the drought, the more water will be needed to repay Mother Nature. There has never been this type of combination of low mountain snow levels, extended high heats, and rapid City growth. We do not know how much water resources we have, but we do know that when a City well is drawn down and shut off, it recovers and can be utilized again. However, we do not know how far the well can be

drawn down before it is unable to recover. The effects of the water demand could be geometric or earth medic; in other words, the impact of water demand can be widespread – all depending upon the unknown structure of aquifers and wells. We do not know the permanent effect on aquifers of drawing down water that cannot be drawn; this could create sink holes or underground collapsed areas. There is nothing on the books to provide the area will additional reliable water for at least the next 10 years. Water conservation can only do so much towards keeping things green; it is not possible to ‘conserve our way out’ and maintain the current lifestyle. The more additional water consumers are allowed into the City, the more the current population will be endangered until the City has answers rather than assumptions to solving the water situation. The City will reach a point where the next building permit that is issued will be the addition of a consumer that causes the wells to be fully tapped to a point that they do not recover as fast or at all. He asked what the City will do then and noted that he believes it will be too late to react or increase water resources. If this worst-case scenario comes to fruition, home values will plummet, those that can afford to will flee, developers who build homes will not be able to sell them and they will stand vacant, and people will not come here to do business. The City is not doing much to communicate with residents about this issue and to warn them of this potential catastrophe. The City has building codes that require 50 percent of a building lot to be landscaped. Park strips must also be landscaped, and these consume a great deal of water. There are no positive incentives for residents to conserve water. He stated the City truly does not know what it currently stands with water and if water resources are fully exhausted, there will be no way to recover. He understands that the Council will talk about water issues tonight and make some decisions about how to respond to the drought. He stated that he wants the Council to consider the facts that he has presented tonight.

Mayor Berube thanked Mr. Sanders for his service to the country and for his comments tonight.

Val Poll indicated he, Dave Shupe, and Lloyd Simkins own the building that houses Coldwater Animal Hospital and Castle Creek Dental. He stated they appreciate the efforts the City has made regarding the most appropriate configuration of Pleasant View Drive and the intersection with Washington Boulevard. In that process, he and his partners have had the opportunity to consider different options for their property and this will be largely determined by the configuration of the intersection. He asked in the decision making that the City not take an all or nothing approach to this situation; it is important to prioritize life and safety first, with other issues, such as viability of the commercial properties in that area to follow. He knows that it will be necessary to alter the landscaping of the property dramatically, but he supports option two of the two options that were included in the Council’s meeting materials for tonight.

Dave Shupe added to Mr. Poll’s comments that he recently purchased the corner property near the Animal Hospital. When he purchased the lot, he paid a premium price because it is a corner property, which is attractive to many commercial entities. He stated that

giving the Council the ability to wipe that away with a stroke of a pen does not sit well with him. Option two, as mentioned by Mr. Poll, is the most equitable for all involved. He asked the Council to consider his comments as they discuss the matter further.

Jill Hunt, North Ogden resident, addressed the agenda item dealing with Pleasant View Drive. She understands that plans change and that there is now a plan to have a light at 300 East, but this final decision on whether to install the signal will be made by the Utah Department of Transportation (UDOT). There are many vehicle accidents on UDOT roads that travel through the City and to change to a right-in, right-out intersection at Pleasant View Drive and Washington Boulevard and expecting UDOT to deal with it, is not the best consideration for North Ogden residents. She asked that the Council take her opinion into consideration. She then noted that when she has called staff at City Hall and asked questions about the project, she has gotten a great deal of conflicting information. Communication between staff and residents is very important and it is hard for residents to keep up on issues they are concerned about if they cannot get accurate information.

Sandy Cochran, North Ogden resident, stated she wished to publicly thank the Mayor for getting back to her so quickly after she called the City about an ongoing problem she has been experiencing. She lives in the Village at Prominence Point project and adjacent to her front door is an area with tall weeds because the property is not being maintained. The weeds are full of snakes and mice and her homeowner's association (HOA) has informed her that they will not be able to respond anytime soon. The Mayor directed her to contact Code Enforcement, which she did, and they told her they are unsure they can enforce the code on the property given that it is currently undeveloped. She reiterated the area is five feet from her front door and she cannot sit in the only outdoor area she has at her home in peace because she knows there are snakes and mice present. She stated that she disagreed with Code Enforcement about it being undeveloped as there are homes completely surrounding the weedy area; she cannot believe nothing can be done. The developer, Jack Barrett, is responsible, but he refuses take action. She and many others living in her neighborhood are aware of this and are frustrated and disgusted with the situation. She again thanked the Mayor for responding to her so quickly.

Mayor Berube asked Police Chief Quinney to look into the situation and determine the best way to respond; he agreed that the situation is unacceptable and noted that the weeds could present a fire hazard for the development.

Grant Protzman, North Ogden resident, stated that he has lived in the City for many years and has seen a great deal of change; many residents have made many sacrifices over the years to accommodate this change and growth. He stated it is his opinion that Pleasant View Drive needs to remain closed so that the area can be opened up for other development options and to increase vehicle and pedestrian safety in the area. He then noted that the General Plan Advisory Committee has provided their recommendations regarding the matter, and he hopes that the Council will take that information into consideration; the options that have been recommended will help to preserve and protect private property rights while also serving to improve public safety in the area.

Mark Miller, Pleasant View resident, thanked Police Chief Quinney, Parks and Recreation Director Staheli, and the many people who supported the North Ogden Cherry Days Parade and the celebration that took place at the North Ogden Park. He also spoke to the closure of Pleasant View Drive; he disagreed with Mr. Protzman as he believes that keeping the road open and accessible will improve the level of service for residents getting into and out of Pleasant View. It also has historical value for the area, and it would be sad for many longtime residents to see the intersection with Washington Boulevard completely closed. He feels there are options that can be considered to keep the intersection partially opened, such as keeping the right-in, right-out options available.

Susan Clements, North Ogden resident, stated it is good to be back in person for this meeting. She thanked Mr. Miller for the Cherry Days parade, which she and her family enjoyed very much. Many people have said they would like for the same route to be used in future Cherry Days celebrations as the smaller street setting creates more of a hometown feeling.

Mike Dusole, North Ogden resident, stated he is not originally from Utah and is commonly considered to be an outsider, but he has lived here for 29 years. He stated he is blind in one eye and does not see well, but it is his experience that North Ogden has the worst drivers he has ever seen; he was even hit by a truck in a cross walk in 2017. He stated a nation-wide regulation is needed to increase the driving age to 18 and to require lights to be on when driving. No talking or texting on cell phones should be allowed and these improvements would save a lot of people from getting killed. He addressed Mr. Sanders' comments about secondary water and noted he also heard a rumor that secondary water was being turned off on August 1; he spoke to someone at Pineview Water Systems who told him they will extend the shut-off date to September 1. He stated that Utah and Nevada have the least amount of available water in the west; he has spoken to the Mayor about the fact that the City mows its grass at least once a week on the same day each week, but it would be better to let grass grow tall and to mulch the grass. He agreed the water situation is very serious and the City or other regulating agencies should enact a regulation that prohibits the use of culinary water for secondary purposes. This would be an extreme waste of water because it should not be such a problem for lawns to go brown as the fall season is approaching.

Dale Anderson, North Ogden resident, commented about the secondary water issue and noted that he does not feel that the ordinance should address water sources for livestock. He asked that be removed from the document before the Council acts upon it. He then referenced the comments about the Village at Prominence Point project and noted he and his wife are members of the Kiwanis Club and have participated in cleanup of that area in the past; he agreed that Mr. Barrett has been allowed to take advantage of the City and the people living in the development as he refused to comply with property maintenance standards that are imposed on other residents and commercial property owners.

Lance Welling, Pleasant View resident, addressed the agenda item dealing with Pleasant View Drive; the road is a main thoroughfare for him from his home to commercial areas in North Ogden. Since it was closed several months ago, his shopping habits have changed and he and his wife sometimes find themselves choosing to head to the west to other options, such as the Kent's in Plain City. If the intersection were to be reopened under the proposal included in option two, he would resume his shopping activities in North Ogden. He would also be comfortable with option three as well. He asked that the Council take these issues into consideration when making their decision tonight.

5. **PROCLAMATION FOR CHERRY DAYS**

Mayor Berube stated that he chose to propose the adoption of a proclamation recognizing the many individuals who volunteered to organize and produce the 2021 Cherry Days celebration. He read the proclamation into the record, after which he asked for a Council motion.

Council Member Ekstrom motioned to approve Proclamation 2021-01 for 2021 Cherry Days. Council Member Swanson seconded the motion.

Council Member Swanson stated that he was vocal about his opposition to the event as he was concerned about the success of such a large event being produced by volunteers. He stated he was proven wrong and he congratulated the volunteers on their efforts and noted he is excited to see what they do to improve the event in the future. Mayor Berube agreed and stated that he feels that future Cherry Days should be a coordinated event by the City and the volunteer group.

Council Members Barker and Stoker also voiced their appreciation to the volunteer group and congratulated them on their success.

Voting on the motion:

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

The motion passed unanimously.

6. **APPOINT CITY TREASURER**

City Manager/Attorney Call reported that due to a recent shift in a few positions in City Administration, the Treasurer position is currently vacant. He proposed that Administrative Services Director, Bryce Nelson be appointed to serve as the Treasurer. He noted that Jami Jones will assume the role of Finance Director, which does not require an action of the City Council.

Mayor Berube clarified that Mr. Nelson will retain his current assignments; this is not a creation of a new position, but rather an opportunity to increase efficiencies.

Council Member Cevering motioned to appoint Bryce Nelson to the office of City Treasurer. 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.

City Recorder Nance then administered the oath of office for Mr. Nelson.

7. **DISCUSSION AND/OR ACTION ON PLEASANT VIEW DRIVE OPTIONS**

A staff memo from City Manager/Attorney Call explained Administration is presenting to the Council information on the proposed final designs for Pleasant View Drive modifications and potential final design for the ultimate final closure. The question for the Council is which design they'd like to adopt for the formal modification of the road's intersection with 400 East. Administration is also seeking feedback from the Council regarding selection of a final design, which could be completed upon completion of the traffic signal at 2700 N. and 300 E.

The memo provided the following background information; the Council has voted to move forward with the modification of the Pleasant View drive and 400 East intersection, to enhance safety of the turn movements across the intersection. Options two and three 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 one 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 has been provided to the

Pleasant View Mayor and Council as well as the owners of the animal hospital. Staff would like the Council to select between options two and three, as well as provide feedback on the final design upon the installation of the light at 2700 N. and 300 E.

Mr. Call reviewed his staff memo and he and other members of City staff facilitated discussion among the Mayor and Council regarding the implications of both options two and three; there was a narrow focus on the safety of each of the options, specifically when allowing a left-hand turn from Pleasant View Drive onto Washington Boulevard or from Washington Boulevard onto Pleasant View Drive to head west. City Engineer Gardner voiced support for option two but indicated option three is also acceptable; Mr. Gardner noted the complete closure of the intersection causes some problems at the intersection of 2700 North and 300 East because there is currently no traffic signal at that intersection. Police Chief Quinney agreed that full closure of the intersection is not appropriate until the intersection of 2700 North and 300 East can be signalized. He noted that the most dangerous movement is a left hand turn from Washington Boulevard onto west bound Pleasant View Drive and he supported eliminated that option; he voiced concern about pedestrian traffic as school aged children are crossing Washington Boulevard to get to and from school. Public Works Director Espinoza agreed with Mr. Gardner and Chief Quinney and added that the problems mentioned will only become worse as Washington Boulevard is widened to four lanes north of 2600 North.

A high level discussion among the Council centered on whether to allow any left-hand turns from Washington Boulevard to west bound options, including the Lee's Marketplace entrance. Council Member Swanson stated he can live with the right-in, right-out configuration for the intersection and he would like for a concrete raised median to be installed to enforce that configuration because drivers will cross double yellow lines meant to indicate a left-hand turn is not permitted. He noted he would ultimately prefer complete closure but can support option two. Council Member Cevering stated he would also vote for option two; he initially supported the intersection being reopened but can recognize the danger with allowing left hand turns onto Pleasant View Drive from Washington Boulevard, especially when the road is widened. Council Member Stoker agreed and asked if a flashing sign can be installed for the pedestrian crosswalk on Washington Boulevard. Council Member Ekstrom stated she would also like the triangular median shown on the drawing to be a raised concrete median to enforce the right-in, right-out turn for the intersection. Mayor Berube stated he believes that it will be raised, and signage would be needed to direct traffic as this reconfiguration will be something that motorists will need to adjust to.

Council Member Swanson motioned to approve option two, which includes a right-in, right-out turn option at the intersection of Washington Boulevard and Pleasant View Drive, and to mirror the same configuration on the opposite side of Washington Boulevard at 2650 North, and to include a raised concrete median to direct traffic. Council Member Cevering seconded the motion.

Mayor Berube asked if this option will address concerns about vehicles travelling north past the intersection and making a U-turn in order to make a right turn onto Pleasant View Drive from Washington Boulevard.

Council Member Swanson amended his motion to include signage prohibiting U-turns on Washington Boulevard.

There were inaudible comments voiced by the audience, after which Mayor Berube called for a point of order and indicated public comments are not being accepted at this time.

Council Member Swanson withdrew his amended motion and restated his initial motion. He stated that the U-turn issue can be addressed in the future if it is found to be problem. Council Member Cevering restated his second of the motion.

Council Member Ekstrom stated she would really love to see Bicentennial Park expanded, but she understands the support for the option that keeps a portion of the intersection open. She stated that Bicentennial Park can be revisited again in the future. Council Member Stoker stated that Barker Park has remained unfinished for much longer than Bicentennial Park and she feels that should be addressed before any additional improvements or resources are directed to Bicentennial Park.

Mayor Berube called for a vote on 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 A FENCE ENCROCHMENT REQUEST FROM PROPERTY LOCATED AT APPROXIMATELY 177 EAST ELBERTA DRIVE.

A staff memo from Planning Director Hess explained 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.

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 has 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.

The memo concluded 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.

Mr. Hess reviewed his staff memo.

Mayor Berube asked what will happen if the proposed outcome is not maintained in the long term. Mr. Hess stated that given it is located in the City right-of-way, if it becomes a

safety hazard, the City could remove the fence and perform needed maintenance. City Manager/Attorney Call noted that there was a similar situation at another property in the past and in that case the City required the property owner to enter into an agreement that provided the City with some recourse in the event the area is not being maintained to a required standard or if the City needs the property for another use in the future. He would develop a similar agreement for this situation.

Council Member Swanson asked what would happen if someone were injured by the fence given that it will be located on City property. Mr. Call stated that will be addressed in the agreement; the City will be indemnified from liability in that type of situation.

There was brief high-level discussion about the configuration of the retaining wall, sidewalk, and fencing on the subject property.

Council Member Ekstrom motioned to approve the fence encroachment request from property located at approximately 177 East Elberta Drive. 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. GENERAL PLAN COMMITTEE REPORT

A staff memo from Planning Director Hess explained the City Council is not being asked to act on the information presented, but rather to review information from the General Plan Advisory Committee (GPAC) and provide direction to Staff and GPAC members.

On June 23, 2021, the GPAC met to discuss updates to the General Plan future land use map. GPAC asked staff to provide information on Zoning Overlays, Cluster Subdivisions, and Transfer of Development Rights. Staff prepared a presentation (see Exhibit B) reviewing those planning topics, as well as presenting staff's vision of four core growth opportunities for North Ogden City.

GPAC reviewed the growth opportunities and recommended that Staff continue to evolve these areas in their planning and policy recommendations. Staff would like to get the City Council's feedback and ideas for these growth areas before moving ahead too quickly. It

is the Planning Director's desire to complete the General Plan in a timely manner with broad input from the City Council, Planning Commission, and the public.

The memo concluded that staff is asking the Council to review the submitted information and review the four core growth opportunities consisting of: Hillside Clustering, City Center, Agricultural Protection, and Community Gateway. Staff believes these areas of North Ogden City are rapidly evolving and may benefit from increased housing choice and flexibility in their development patterns.

Mr. Hess reviewed his staff memo and provided a brief presentation regarding the following topics:

1. "Trade Mindset"
2. Zoning Overlays, Cluster Subdivisions, Transfer of Development Rights
3. North Ogden Growth Areas
4. Moderate Income Housing

He referred to the City's 1961 General Plan and discussed the direction of the City since that Plan was adopted; he then expounded on trade mindset and advised those listening to the presentation to consider what can be saved, rather than lost, through a trade mindset. The GPAC and Planning staff discussed the things they loved and wanted to save, including agricultural views and open space, hillside sensitive lands, water resources, historic commercial areas, mountains and nature, consciousness of development impacts, and agriculture. He asked the Council to consider the things they love about North Ogden that they want to preserve.

He then discussed the concepts of zoning overlays, cluster subdivisions, and transfer of development rights (TDRs); the benefits of these zoning tools are to preserve open spaces while increasing development density of an area.

Relative to North Ogden growth areas, the GPAC and staff have identified core growth opportunities on the City's hillsides, City center, agricultural protection, and areas where multi-family has been allowed and has essentially created a community gateway. Clustering on the City's hillside will allow for valuable open/natural spaces while permitting private properties to build creative dwelling unit projects in the area. Relative to development in the City Center, there are opportunities for creating mixed-use developments in this area where there is greater access to services and public transit. He then noted that agricultural protection is very important for the community; this can be accomplished through clustering or an agricultural overlay zone to preserve open spaces in perpetuity via a conservation easement that will allow farming to continue. The final growth opportunity is in the form of a community gateway along Washington Boulevard; this area is currently being developed with multi-family projects and if these projects are done with quality design in mind, they can truly create a nice gateway into the community while providing commercial and housing options for current and future residents. These may feel like areas of change, but they also serve to preserve the community fabric.

Mr. Hess then discussed moderate-income housing statistics for North Ogden; the median income in Weber County in 2019 was \$31,248, with the median income for North Ogden being \$33,371. As of June 23, 2021, there were 13 active real estate listings in North Ogden; four listings are in the \$355,000 to \$389,000 price range; four are in the \$625,000 to \$729,000 price range; four are in the \$759,000 to \$915,396 price range; and one is listed at \$1.15 million. To buy a home in the lowest price range, a buyer needs an income of \$52,225 to \$58,193 and based on the salary range for North Ogden employees, it would take an individual five years of employment to reach a range of \$50,000. The State of Utah has adopted moderate-income housing requirements, from which the City can choose to meet three menu items; the City has chosen the following:

- (A) Rezone for densities necessary to assure production of MIH;
- (E) Allow Accessory Dwelling Units;
- (G) Encourage higher density near transit investment corridors *city does not have a defined “major transit investment corridor (fixed guideway);
- (N) Participate in a community land trust program for low or MIH (require partnerships); and
- (P-U) Apply for or partner with outside agencies.

Council Member Swanson noted that Park City recently issued a bond to purchase a large amount of property to be preserved as open space in perpetuity; he wondered if that type of transaction would be an option for North Ogden. Mr. Hess answered yes; that would be a policy decision for the Council to make. There are various similar models in other communities, most of which result in an increase in property values because people become interested in living in a community that values open space preservation.

Council Member Barker thanked Mr. Hess for the information provided and indicated it captures the many discussions and recommends of the GPAC. Mayor Berube agreed and thanked Mr. Hess for his presentation.

10. DISCUSSION ON GARBAGE AND RECYCLING

A staff memo from Public Works Director Espinoza explained Public Works has been asked to review the reinstatement of the residential recycling program. The memo included an attached report that gives an example of the difference in cost between garbage only and garbage/recycling combined. Staff has 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, the City 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.

Mr. Espinoza reviewed his staff memo and briefly touched on the success of the current recycling program, which includes a central dumpster at the Public Works Facility.

High level discussion among the Council and Mr. Espinoza centered on the fluctuation in the tipping fees for recycling materials and the ability of residents to adjust their behaviors in order to eliminate the possibility of contaminating the recycling stream. The Council discussed the option of simply increasing the number of community dumpsters open for recycling materials; this seems to be a natural next step to increasing recycling options. Those that are making the effort to take materials to the central locations are more interested in recycling and will not contaminate the stream. Mayor Berube stated he understands the thinking behind that concept, but he does not believe a \$2.00 per month cost per household is too high for a valuable service like recycling. The Council ultimately concluded to increase the number of central dumpsters for recycling and produce a mailing that can be sent to all residents to inform them of the availability of the dumpsters.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REGARDING CULINARY WATER FOR IRRIGATION PURPOSES

A staff memo from City Manager/Attorney Call explained the question before the Council is should they amend the ordinance to increase flexibility during the drought as well as penalties associated with the abuse of irrigation flexibilities. The memo provided background information; with the drought and the pending shut off of secondary water, the City staff are asking the Council to review the proposed 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. The memo concluded staff recommends the Council review the proposed 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.

Mr. Call reviewed his staff memo as well as the proposed ordinance to orient the Council to the proposed changes and discuss the implications of the changes.

Mayor Berube invited input from Jason Reney, Culinary Water Superintendent. Mr. Reney stated North Ogden City does not purchase water from any other supplier; all water is produced within the City through springs, wells, and natural aquifers. The recharge of springs has not been great over the past year, which has resulted in the City turning on well pumps daily. The pumps started running last October on a daily basis and

usually they are turned off in April, but that has not been the case this year. He then discussed general water operations and the availability of water to supply the entire City; there are plans to dig an additional well in the City in the near future and there are existing wells that are being used on a 'back-up' basis at this time.

There was high level discussion among the Council and City staff regarding the availability of water for the remainder of the secondary water season and the efforts of City staff to educate residents about the importance of conserving water. The Council voiced support for the proposed ordinance amendments, with Council Member Swanson indicating that he does not feel that residents should receive a warning before being cited for violation of the ordinance because the City has been constantly educating residents about the drought conditions and the need to conserve water and/or not use culinary water for watering landscaping. Council Member Stoker agreed and added that she believes people should also pay for the water they use that exceeds the appropriate tier for their household. Council Member Barker agreed, but noted he is comfortable giving people a warning before they are cited for violation of the ordinance. Mr. Call clarified that the City cannot penalize someone for an ordinance violation without having first warned them of the potential citation. Discussion then shifted to the mechanism by which the City will enforce the proposed ordinance.

Council Member Barker motioned to adopt Ordinance 2021-23 regarding culinary water for irrigation purposes, with the penalties as described by staff.

Mr. Call stated that a fee schedule amendment will be needed in order to enact the fines and penalties; he will bring that back to the Council for consideration at their next meeting.

Council Member Swanson offered a substitute motion to approve Ordinance 2021-23 regarding culinary water for irrigation purposes, with the following direction regarding penalties for violating the ordinance: \$250 for the first offense and \$500 for the second offense, and each offense thereafter. Council Member Cevering seconded the motion.

Council Member Barker withdrew his motion.

Voting on the substitute motion:

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

The motion passed unanimously.

Council Member Cevering advised the Public Works Department to connect with Mr. Sanders to gather his input as he seems to have a great deal of expertise in this subject matter.

12. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE REGARDING PROTECTIVE GROUND COVERING

A staff memo from City Manager/Attorney Call explained the question before the Council is 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.

The memo provided background information; with the drought and the pending shut off of secondary water, the City staff are asking the Council to review the proposed 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.

The memo concluded 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.

Mr. Call reviewed his staff memo as well as the proposed ordinance document to discuss the implications of the amendments with the Council. Several Council Members indicated they would like to see information regarding the best practices of other communities that deal with drought conditions year after year. They determined to table action on the proposed ordinance until this information can be made available.

13. DISCUSSION AND/OR ACTION TO CONSIDER USE OF ELECTRONIC MEETINGS THROUGH ZOOM

A staff memo from City Manager/Attorney Call explained the question before the Council is should the City continue to allow for individuals to comment using the zoom platform or move to the in-person comments only. The memo provided background information. 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. The memo concluded staff would like direction from the Council on the best approach to take.

Mr. Call reviewed his staff memo and facilitated discussion among the Mayor and Council regarding whether to continue using Zoom and allowing residents to provide input via the platform. Council Member Ekstrom stated she likes providing residents with options for participating in a meeting and she supported continued use of Zoom. Council Member Swanson stated that the City survived without the use of Zoom for the time leading up to the COVID-19 pandemic and he is comfortable resuming to business as usual. Residents can still watch meetings live on YouTube. Mayor Berube stated that there may be some people who are still not comfortable participating in meetings in person due to the ongoing pandemic and he would like to provide them the opportunity to participate in a meeting in a virtual fashion. Council Member Stoker agreed; it is necessary to continue to evolve in response to the pandemic. Council Member Barker agreed but noted that it is necessary to upgrade information technology resources to ensure that the Zoom connection can be maintained throughout the duration of each meeting and that residents be able to watch a meeting and communicate with the City Council.

Council Member Cevering motioned to upgrade hardware to watch and communicate and to continue with zoom. 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.

14. DISCUSSION AND/OR ACTION ON MAYOR'S CRITICAL WATER EMERGENCY DECLARATION

Mayor Berube referenced proposed declaration 2021-01, which was included in the Council packet, and is intended to empower the Mayor to declare a critical water emergency and provide guidelines for culinary water usage following the shut off of the secondary water system. There was a brief discussion about the manner in which

violations of the declaration will be discovered and how the guidelines will be enforced, after which Mayor Berube called for a motion.

Council Member Swanson motioned to approve the Mayor's Critical Water Emergency Declaration 2021-01. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

15. COUNCIL DEPARTMENT REPORTS:

a. Council Member Barker – Building and Planning

Council Member Barker stated the Council already received a great deal of information about building and planning during Planning Director Hess's presentation regarding the General Plan. He then reported on his participation with the Mosquito Abatement District; the District continues to spray to control the mosquito population and Weber County has had no cases of West Nile Virus this year, though there are currently two cases in Davis County.

b. Council Member Swanson - Finance

Council Member Swanson reported that sales tax revenues continue to exceed expectations and projections, as well as the actual amount of revenue received last year, and the reason for this is still a mystery given that so many financial experts predicted a major decrease in sales tax revenue during the COVID-19 pandemic. He stated he looks forward to further discussion of the budget and the City's certified property tax rate during the Truth in Taxation hearing scheduled for August 3.

Mayor Berube referenced actions taken by other cities in the area to try to attract public safety employees to their city; North Ogden has made a commitment to be fair and equitable in terms of employee wages in comparison to the market and he asked Council Member Swanson to look into that matter further and be prepared to make a recommendation to the Council at the next City Council meeting regarding Police Department wages.

16. PUBLIC COMMENTS

Julie Anderson, North Ogden resident, referenced the Mayor's comments about wages for Police Officers in the City. She asked if North Ogden pays for Police Officers to complete their POST training in order to become certified; if so, maybe the City could require an Officer to repay their training if they do not stay at the City for a defined amount of time. She understands that retention of Officers is a serious issue for the City. She then concluded she would like for the City to continue to offer Zoom participation in City Council meetings.

Mayor Berube stated that the City currently enters into a contract with Police Officers that requires them to repay the City for all or a portion of their POST training if they do not stay employed with the City for a certain amount of time. Chief Quinney stated that is correct.

Susan Kilborn, North Ogden resident, stated she feels the Mayor and Council have made some really important decisions tonight about many serious issues, such as responding to the drought and the need to conserve secondary and culinary water. She then addressed the decision made regarding the Pleasant View Drive project and asked if the concrete barrier will prevent people who are driving north on Washington Boulevard from turning left (west) into the Lee's Marketplace parking lot.

Mayor Berube stated he does not believe that was addressed in the motion that was taken regarding the matter. Ms. Kilborn stated that there are many people who attempt that turn from Washington Boulevard so it is something the Council should consider. She then addressed Public Works Director Espinoza and asked if he has statistics about the number of residents who took advantage of the blue recycling can for recycling purposes. Mr. Espinoza stated that out of the 6,700 homes in the City, 6,400 have recycling cans. He is unsure whether all of those homes used their cans on a regular basis. Ms. Kilborn stated that it seemed to her that most homes used their blue garbage cans for recycling, and she suggested the City Council consider allowing citizens to vote on whether to reinstate the curb side recycling program and accept a \$2.00 per month fee increase for the service. She suggested that cans be stenciled with clear information about what materials can be recycled. She concluded by thanking the Council for voting to continue allowing citizens to participate in the meeting via Zoom.

David Sanders, North Ogden resident, stated decisions were made tonight that will have an impact on plant systems in the community; it may be that the Council will need to reconsider this item in the future. He stated that drip systems could be used to adequately water plants in the community and perhaps the Council could consider offering incentives to residents who utilize that type of system. He added that if a tree dies and must be removed and replaced, it will be several years before a new tree can provide any type of shade and relief from heat. Shrubs and perennials are next in line in terms of prioritization of maintaining landscaping. He stated he understands the Council is doing

the best they can with the information they have, but there is more information available that will allow them to make a more wise and safe decision for the City.

Merrill Sunderland, North Ogden resident, addressed garbage and recycling and complimented the Council on their discussion and arriving at a decision that will allow for a recycling program to be reintroduced using a staged approach; there is historical information about who has taken advantage of the program in the past and was willing to pay the costs for the service and he suggested the Council review that information. He then referenced the decision regarding Pleasant View Drive; one thing that was not considered was option three, which eliminates the right-turn for south bound Washington Boulevard traffic to head west on Pleasant View Drive. There is probably a good reason that idea was initially offered for consideration, and he noted there is really no purpose for anyone heading south on Washington Boulevard to turn right onto Pleasant View Drive.

17. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Barker stated he is unsure that the City issued any citations for fireworks in the City over the Fourth of July holiday, but he is aware that at least one individual's fireworks were confiscated. The number of firework related fires was the exact same as last year, contrary to what the local newspaper reported.

Mayor Berube stated that he knows there was not complete compliance with the ordinance banning fireworks, but there was a great deal of compliance and he thanked those residents who observed and abided by the ordinance.

Council Member Barker agreed, it was very quiet on the Fourth of July after the City's fireworks show. Mayor Berube stated that Ogden City had a fire and they used four million gallons of water to put it out. This is troubling when they are also struggling with the water shortage.

Council Member Stoker wondered if Council Member Swanson would consider amending his motion regarding the Pleasant View Drive project to also include direction to place a flashing crossing light to cross 2650 North. Council Member Swanson asked for guidance on the appropriate way to consider such an amendment. City Manager/Attorney Call advised the Council on the procedure for reconsidering an action and amending the initial vote on the action.

Council Member Swanson moved to reconsider agenda item seven, approval of option two, which includes a right-in, right-out turn option at the intersection of Washington Boulevard and Pleasant View Drive, and to mirror the same configuration on the opposite side of Washington Boulevard at 2650 North, and to include a raised concrete median to direct traffic. 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 Swanson then moved to approve option two, which includes a right-in, right-out turn option at the intersection of Washington Boulevard and Pleasant View Drive, and to mirror the same configuration on the opposite side of Washington Boulevard at 2650 North, to include a raised concrete median to direct traffic, and to include a pedestrian activated crossing signal at the east-west cross walk between 2650 North and Pleasant View Drive. Council Member Cevering seconded the motion.

Council Member Stoker stated she was more concerned about a pedestrian activated flashing signal for the north-south direction across 2650 North. Police Chief Quinney stated that the cross walk on 2650 North is located at the stop sign of the intersection and flashing crosswalk signals are not typically used in that scenario; however, he can investigate the viability of a flashing signal across Washington Boulevard to determine whether it will conflict with the existing school crossing lights.

Council Member Swanson amended his motion to note that the pedestrian activated crossing signal at the east-west cross walk between 2650 North and Pleasant View Drive will be approved pending feedback from the Police Chief. Council Member Cevering seconded the amended 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 Cevering stated that he is very appreciative of Spencer Alexander and his passion for the restoration of Coldwater Creek. He is holding a public meeting this Thursday at 6:00 p.m. at the Weber County Library and he invited others interested in the

matter to attend. He then referenced an email he received regarding code enforcement matters and asked Administration to respond. He also referenced an email about the option for residents to light fireworks at the parking lot of the North Shore Aquatic Center; residents were told that they could light fireworks until midnight, though the City's existing ordinance lists an 11:00 p.m. firework curfew for the City. Mayor Berube stated that is correct; this was a miscommunication on the part of the City, and it is necessary for that message to be communicated. Council Member Barker indicated State Code has a fireworks curfew of 11:00 p.m., except for on the Fourth and Twenty-Fourth of July, fireworks are allowed until midnight. Mayor Berube indicated the City's ordinance has a fireworks curfew of 11:00 p.m. for all days, if the City wished to extend the curfew to midnight for the mentioned holidays, an ordinance amendment would be required.

Mr. Call then reported to the Council regarding a building matter in the City; a footing for a building has been poured in violation of agreements between the City and the contractor and the project has been red tagged.

Council Member Ekstrom referenced an email the entire Council received regarding the Young Entrepreneurs Fair, which will be held Thursday evening from 5:00 to 8:00 p.m.; she encouraged the public and Council Members to attend to support the youth in the community.

18. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 9:46 p.m.

S. Neal Berube, Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

Not Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

July 27, 2021

The North Ogden City Council convened on July 27, 2021, at 6:00 p.m. at the North Ogden City Office at 505 East 2600 North. And also available electronically at <https://us02web.zoom.us/j/83441310383> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 253 215 8782 or +1 312 626 6799 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on July 22, 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:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Scott Hess	Planning Director	
	Dave Espinoza	Public Works Director	
	Lorin Gardner	City Engineer	
	Bryce Nelson	Administrative Services Manager	
	Dirk Quinney	Chief of Police	
	Jason Reney	Culinary Water Superintendent	
	Jami Jones	Treasurer	
	Laura Barker	Court Clerk	
	Stacie Cain	Executive Assistant	
VISITORS:	Lane Findlay	Bob Napoli	Sandy Cochran
	James Harrison	Pat Lambert	Trent Nelson
	Jay D. Dalpiaz	Brenda Ashdown	Stefanie Casey
	William Eldredge	Merrill Sunderland	Jennie Taylor
	Dan Pyle	J. Perry	

Mayor Berube called the meeting to order. North Ogden Resident, Stefanie Casey, offered a thought to open the meeting and led the audience in the Pledge of Allegiance.

PRESENTATIONS

1. YEARS OF SERVICE RECOGNITION FOR JUDGE LAMBERT PRESENTER

Mayor Berube commented on the recent retirement of Judge Lambert, following 39-years of service to the community. He stated he is grateful for Judge Lambert's service and the manner in which he honorably performed his service. He has always treated those that have appeared before him with respect and understanding, and that people make mistakes and deserve a second chance. There is no better quality than that for a judge to have. He presented Judge Lambert with a plaque and pocket watch commemorating his service to North Ogden City and to serve as a token of the City's appreciation.

Judge Lambert stated he has enjoyed every minute of his 39 years that he was privileged to serve in the capacity of Judge. Many things have changed over the years, and he has tried to evolve along with that change. He believes the City of North Ogden will be in good hands with his successor and the City's court staff.

Mayor Berube noted there will be an open house to honor Judge Lambert and help him celebrate his retirement; the public is invited to attend.

2. SWEARING IN OF NEW POLICE OFFICER, ZACHARY FRYER

Susan Nance, City Recorder, administered the Oath of Office for new Police Officer, Zachary Fryer.

Police Chief Quinney reported Officer Fryer brings a great deal of experience to his position with the City and he is excited to welcome him to his Department.

3. THE MAJOR BRENT TAYLOR FOUNDATION PRESENTATION ON THE UPCOMING WEBER REMEMBER 9/11 COMMEMORATION

Jennie Taylor and Johnny Ferry, representing the Major Brent Taylor Foundation, used the aid of a PowerPoint presentation to summarize the display they are working to produce at the Weber County Fairgrounds to commemorate the 20th Anniversary of the September 11 terrorist attack on the United States; the display is being called WEber Remembers 9/11. The goal of the display is to honor police, fire, medical, and military members for their response to the attacks, as well as remembering those that lost their life that day and those that have rendered service since.

Mr. Ferry then discussed the details of the interactive exhibit, after which he reported the event will run from September 9 through 11 and will be held at the Weber County Fairgrounds. It is free to the public and will include a chance to speak with Utahns in uniform, booths for visitors to share their own thoughts and experiences, and many

activities for school aged children who can attend with their parents or through a school fieldtrip.

Ms. Taylor added that during the event, visitors will have the ability to sign up for many different service opportunities in the community and learn about ways they can become involved in responding to other tragedies. She concluded this will be an amazing experience for people to come and remember the tragic events of September 11, 2001, to interact with others, and to commit to doing something positive in their own community.

Mayor Berube thanked Ms. Taylor and Mr. Ferry for their efforts and for the information provided tonight.

4. **WEBER SCHOOL DISTRICT BOND ON ELECTION, PRESENTER DR. JEFF STEPHENS, SUPERINTENDENT**

Weber School District Superintendent, Dr. Jeff Stephens, and Public Relations Specialist Lane Findlay, used the aid of a PowerPoint presentation to discuss the upcoming Weber School District bond election with the Mayor and Council. The District would like to issue a \$279 million bond, but this new bond will not increase residents' property tax rate. The bond money can only be spent on new school construction, property for school sites, furnishings, and remodeling/renovation projects. Bond money cannot be used on operational expenses. The District proposes to use this new bond to build a new high school, junior high, and elementary school, as well as rebuild/renovate the existing Roosevelt Elementary. These projects are needed in response to remarkable growth in the western area of the school district as well as to manage aging facilities; Roosevelt Elementary is the oldest elementary in the District. He played a video providing additional information regarding the need for the bond, after which he discussed the success of past bonds and the benefits the projects completed with bond proceeds have afforded to the North Ogden community and surrounding communities. It has been over 20 years since the School Board has raised property taxes to generate additional funding to pay debt service for this type of bond; this will be the fifth consecutive bond that the District will issue without the need for a property tax increase.

Council discussion with Dr. Stephens and Mr. Findlay centered on the dynamics between cities and the School District in regard to the growth various cities are experiencing and the District's ability to quickly respond to that growth with education facilities. Dr. Stephens indicated that schools absorb growth and may become overcrowded, but that does not mean that individual classes are overcrowded; additional classroom space is added to many schools to accommodate growth. However, many facilities are at or nearing capacity and this bond and the subsequent projects are necessary.

Mayor Berube stated that he understands the District has not increased its property tax rate to pay debt service on past bonds; however, the District has maintained its tax rate from year to year in order to capture appreciation and that has resulted in individual

residents experiencing an increase in the amount of property tax they pay to the District. Dr. Stephens stated that the District's rate has actually decreased every year for the last five years; the only portion of the tax rate that has been held steady is the portion that is used for debt service. He then concluded by thanking the Mayor and Council for their attention this evening and for their support and partnership with the School District.

CONSENT AGENDA

5. CALL FOR CONFLICT OF INTEREST DISCLOSURE

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

6. DISCUSSION AND/OR ACTION TO CONSIDER JUNE 1, 2021 CITY COUNCIL MEETING MINUTES

Council Member Ekstrom motioned to approve June 1, 2021, City Council Meeting minutes. 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.

7. DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF WOODFIELD FARMS PHASE III.

A staff memo from Building Inspector Shinsel explained he has made an inspection of Phase Three of the Woodfield Farms project and has found that the improvements meet minimum requirements of North Ogden City standards in accordance with engineering and/or subdivision plans submitted and previously approved. These improvements are adequate for the City to give conditional acceptance.

Mr. Shinsel reviewed his staff memo and recommended the Council grant conditional acceptance of the project.

Council Member Barker motioned to grant conditional acceptance of Woodfield Farms Phase III. 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.

ACTIVE AGENDA

8. PUBLIC COMMENTS

Dave Halverson, North Ogden resident, stated he is looking for a status update on lowering the valve in front of his home to ensure that it is code compliant. Mayor Berube stated that he has discussed the matter with Public Works Director Espinoza, and he asked Mr. Halverson to visit with Mr. Espinoza to get more information about the City's position.

William Eldridge, North Ogden resident, stated he is here tonight to talk about secondary water; he asked if the water will be shut off earlier than normal or if there will be additional restrictions placed on it. He also wanted to talk about promoting xeriscaping or other vegetative ground cover in landscaping throughout the City. Finally, he asked for a definition of noxious weeds or plants; he is interested in the answers to those questions and how they will impact his garden.

Mayor Berube stated that the secondary water system is under the control of Pineview Water Systems and the City anticipates they will be shutting off the water early this year, though a definitive date has not been announced. The Council did enact regulations restricting the use of culinary water for secondary purposes and this evening they will talking more about xeriscaping and ground cover matters. The City has declared emergency water restrictions that put in place fines for use of water that is contrary to City regulations. Mr. Eldridge stated he is a master gardener and has been gardening for 60 years; in his front yard he uses 60 percent less water than any of his neighbors and he has the nicest looking yard on the block. He is willing to offer examples of what can be done to conserve water while growing a healthy and vibrant garden.

Council Member Cevering noted he spoke to Pineview Water Systems at the end of last week; they are still not exactly sure when they will shut off the secondary system, but they anticipate it will be the second or third week of August.

Susan Clements, North Ogden resident, asked if the City will host a Meet the Candidates event before the upcoming Primary Election. Mayor Berube answered yes; there will be

an event tomorrow night at 6:00 p.m. at the Senior Center. The event will be hosted by the Kiwanis Club.

Jeanette Sweet, North Ogden resident, stated she spoke a few meetings ago about her concerns regarding matters of safety in her neighborhood. She drew attention to an ordinance adopted by the City in 2019 to govern short term rentals in the City; during that time of amending the ordinance, there were many regulations put in place to allow for short term rentals and accessory dwelling units during a time of housing shortage. The problem is that the ordinance has had negative impacts on property owners. Her neighbor has begun using their home as a vacation rental as well as two long term rental units in the dwelling. She has had many discussions with the City Manager about the issue and some action is being taken because her neighbor did not secure a permit to use the home as a rental property. However, the use began last October and is still ongoing; she is dealing with large groups of people coming in and out of the home at all hours of the day and night and it has caused a great disturbance. She knows that the intentions behind the 2019 ordinance were good, but it has been exploited and compliance is not being enforced on short term rentals specifically. There are many opportunities for the City to find properties that are being used as vacation rental properties and take enforcement action against them, but that has not been done. People have used the home for unseemly purposes, have parked on-street during winter months, and have drawn people – such as pedophiles – to the area.

9. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR PROTECTIVE GROUND COVER**

A staff memo from City Manager/Attorney Call explained the question before the Council this evening is whether to amend the ordinance to increase flexibility during the drought as well as encourage xeriscaping for those who would like to do that.

With the drought and the pending shut off of secondary water, the City staff are asking the Council to review the proposed 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.

There are several items surrounding protective groundcover and maintenance of these areas which cause questions and concerns from neighbors and property owners throughout the City. It would be very helpful for the Council to have an in-depth discussion about what the expectation is for the different types of properties in the City:

- Undeveloped Raw Land – those properties which do not currently have any activity on them or used to be agricultural but are not actively worked.
- Agricultural Properties – Those that have active agricultural.
- Subdivided and not built – lots waiting from homes and businesses to be constructed.
- Subdivided and built – lots with homes and businesses constructed.
- Utility – parcels which house utility needs which are unlikely to change in the future like storm basins and power sub stations.

The first question the Council needs to resolve is: Should the City treat different types of property differently? The gut reaction will be that all properties should be treated the same, but historically we have not seen a lot of weed complaints against properties which are undeveloped or used for utility purposes. The majority of the complaints seem to be centered around properties with homes or businesses on them, or in such close proximity to homes that the weeds are overgrowing the sidewalk or fully landscaped neighbors.

If the Council sees a reason to treat properties differently then we really need to explore what those changes should be, instead of simply focusing on the proposed list of amendments outlined in the attached ordinance.

Another consideration in this ordinance is the working load on the community service officers who have been tasked with enforcing this code section. There is a significant amount of work which goes into bringing people into compliance. In addition, the rules established by the Council will impact the type of abatement which is performed on any properties which fail to come into compliance after the appropriate processes are followed.

There are a lot of items to be discussed and some guidance is still needed to accomplish the goals which the Council will set with this ordinance change.

Mr. Call reviewed his staff memo and he and Mayor Berube facilitated a discussion among the Council regarding their ideas for where to focus the City's enforcement resources. Council Members supported focusing on subdivided and not built, as well as subdivided and built properties, much more than agricultural properties. Mayor Berube stated that he would prefer to leave the ordinance as it is and focus on properties for which the City receives complaints. Council Member Swanson stated he would like for Code Enforcement Officers to take note of violations as they are travelling through the City and take enforcement actions regardless of whether the City has received a complaint; some residents are hesitant to lodge a complaint about a violation on a neighboring property, but it would still be appropriate for the City to enforce proactively. Mayor Berube agreed that proactive enforcement would be great, but he feels that reactive enforcement should be subsidized with proactive. He then stated that there is not a great deal of support among the Council for taking enforcement regulations against agricultural properties, except for the portion of a property that may abut a public right of

way or sidewalk, or if the property contains noxious weeds. Mr. Call stated that he will adjust the proposed ordinance responsive to the feedback provided by the Council and bring it back to the Council at their next meeting for further review.

10. DISCUSSION AND/OR ACTION ON RFP FOR PUBLIC SAFETY BUILDING

A staff memo from City Manager/Attorney Call explained the question before the Council this evening is what information should be included in the RFP and specifically how would the Council like the rating scale to be weighted for the selection of the individual firms who will submit proposals.

The Public Safety Committee has been working on preparing an RFP to be sent out to the public to solicit bids on a new public safety building utilizing the design build process. The goal of the RFP is to select the most qualified firm who provides the best value to the City. The firms will be asked to provide a design and construction cost for the proposed facility so that the City can select the right design and construction team for the project. We anticipate significant interest in this project.

One of the most important items in the RFP is the scoring schedule for those reviewing the RFP's to utilizes. This allows each firm submitting proposals know exactly how they will be evaluated.

It is important to note that the RFP might receive some final edits based on information available prior to being sent out. The Council is providing the final guidance, but there still may be some additional edits as we complete site evaluations and other questions related to items requested in the RFP. The table below is known as a "choosing by advantages" table and will be used to score each proposal:

Category	Weight of Category	Points Received
Reputation of General Contractor		
List of design-build projects of similar size and scope completed within the past 10 years.		
Key personnel with their qualifications and experience assigned to this project.		
Sub-contractors.		
Self-performed tasks.		
Proposal completeness and quality.		
References		
Evaluation of concept drawings and specifications.		
Local company.		
Cost of proposal for services.		
TOTAL		

Mr. Call reviewed his staff memo and facilitated discussion among the Council about their preference for the weight that should be assigned to each scoring criteria in the table, noting the total final score should be 200. He indicated he and the Mayor will utilize the feedback provided by the Council to adjust the scoring sheet to be used in evaluation of the proposals received in response to the RFP.

11. DISCUSSION REGARDING CULINARY WATER RATES

A staff memo from Public Works Director Espinoza explained his Department has been asked to propose an emergency water rate for drought conditions. The memo referenced an attached spreadsheet with current and proposed water rates for the City's tiered water rates. In the first two tiers only, a pumping cost has been added to the current rates. After a resident exceeds 12,000 gallons for the month, the additional rates go up 100 percent for the third tier and 150 percent for the fourth tier. The two highest tier increases are bigger for the purpose of trying to encourage water conservation. Public Works believes that the increases will help cover the additional pumping costs and would like the new rate to be in effect until April 1, 2021. At that time, Public Works Administration can reevaluate the spring and well flows.

Mr. Espinoza reviewed his staff memo and the fee schedule. Mayor Berube clarified the proposed increases are intended to cover the cost the City is incurring associated with the need to pump additional water throughout the City. Mr. Espinoza stated that is correct; spring levels are lower than usual, so gravity-fed water is not as broadly available to the City. Mayor Berube asked if the fees have been evaluated and supported by the City Engineer. Mr. Espinoza answered yes, the fees were recommended by the engineer and are based upon actual pumping costs; if the spring flows are restored next year, the fees can be readjusted downwards.

There was a brief discussion regarding historical water rate adjustments in the City, after which Council Member Swanson asked if the action taken to adjust culinary water rates can be tied to the emergency declaration regarding water so that when the declaration is no longer needed, the surcharges will also be eliminated. Mr. Call stated that the two actions can be connected to one another, and it is possible to place a sunset clause on the fee adjustments. Council Member Barker stated he is not opposed to the fees associated with the increase in pumping to be left in place for the number of months out of the year that pumping is necessary. Mayor Berube stated the current rates contemplate the need to pump water four months out of the year; that is separate from this proposed increase.

Mr. Call then noted the proposed adjustments will be included in the action item later in the meeting to adjust other items in the City's consolidated fee schedule.

12. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 3650 NORTH 475 EAST FROM SINGLE-FAMILY RESIDENTIAL (R-1-10) TO HILLSIDE PROTECTION (HP-1)**

A staff memo from Associate Planner Bell explained legislative actions require that the Planning Commission give a recommendation 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. Typically, the criteria for making a decision related to a legislative matter, requires compatibility with the general plan and existing codes.

BACKGROUND: The applicant is requesting a zone change for the property located at approximately 3650 North 475 East from Single-Family Residential (R-1-10) to Hillside Protection Zone (HP-1). There is a subdivision application being processed concurrently with this request, and the proposed subdivision would connect the Cactus Ridge subdivision (on the east) and the Northview Estates subdivision (to the west) and fill in the area in between.

The requirements of the HP zones state that “the developer landowner shall provide site specific studies addressing the geomorphology, geology, faults, hydrology, slopes, soils, recharge, vegetation and wildlife, fire, and utility and parks constraints of the site.” A study has been provided generally for the hillside, and the applicant has provided a geotechnical report for this property. The City Engineer has found that this is sufficient for this property, and that the HP-1 zone is appropriate.

CONFORMANCE WITH GENERAL PLAN: The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low-density residential, which the HP-1 zone qualifies as. The property is within the Hillside Neighborhood.

The memo concluded the Planning Commission recommended approval of this zoning map amendment from R-1-10 to HP-1, on a vote of 4 to 0 (with 3 Planning Commissioners not present for the vote). Staff recommends that the City Council consider the General Plan rezoning guidelines and make a decision; the City Council can find that this application is consistent with the General Plan.

Mr. Bell reviewed his staff memo.

Council Member Ekstrom motioned to adopt Ordinance 2021-24 rezoning property located at approximately 3650 N. 475 E. from Single-Family Residential (R-1-10) to Hillside Protection (HP-1). 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.

13. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ON AMENDED FEE SCHEDULE.

A staff memo from City Manager/Attorney Call explained the question before the Council this evening is whether to amend the official fee schedule as defined below:

- The Aquatic Center wishes to add a birthday package of \$145 dollars.
- The Water Department wishes to change the water rates to cover escalating pumping costs along with encouraging conservation and penalties for illegal usage of culinary water.
- Central Weber Sewer District amended their impact fee amount to \$2,523.

The memo concluded staff recommends the Council adopt the proposed fee changes.

Mr. Call reviewed his staff memo and noted there is an additional proposed fee adjustment responsive to a proposal made to the City Council by Jay D. Dalpiaz recently; he recommended increasing the charge for a second blue refuse container from \$5 to \$10 per month to reflect the charges for black garbage cans, which are picked up twice as often as blue cans.

Council Member Swanson motioned adopt Resolution 10-2021 amending the consolidated fee schedule as presented by City Manager/Attorney Call. 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.

14. PLANNING DEPARTMENT ANNUAL REPORT

A staff memo from Planning Director Hess provided a summary of the 2020 Planning Department Annual Report; this report includes information from former Planning Director Scott, as he served as the City's Planning Director for the majority of the year encompassed in the report. The report summarized staffing changes in the Department; efforts to review and update the City's General Plan; the makeup of the Planning Commission; and project highlights for the year.

Mayor Berube thanked Mr. Hess for the information provided and asked for an update regarding operations in the Inspections Division of the Department related to the spike in development activity in the community. Mr. Hess stated that the Department has experienced a wave of new home permit applications, which strains the Division, but they have been able to complete inspections in the amount of time allotted by State Law. Mayor Berube stated he looks forward to the next year of success in the Department under Mr. Hess's leadership.

15. DISCUSSION AND/OR ACTION ON A RESOLUTION FOR PUBLIC TREASURER'S INVESTMENT FUND (PTIF) ACCOUNT MANAGEMENT.

A staff memo from City Manager/Attorney Call explained North Ogden City currently participates in the Public Treasurer's Investment Fund (PTIF) that is held with the Utah Office of the State Treasurer. This office requires all PTIF account management to be done on their online platform, and requires all PTIF pool participants to adopt a resolution authorizing at least two individuals from all organizations to make changes to PTIF accounts, such as:

- Add or delete users to access and/or transact with PTIF accounts;
- Add, delete, or make changes to bank accounts tied to PTIF accounts;
- Open or close PTIF accounts; and
- Complete any necessary forms in connection with such changes.

The memo concluded by referencing the attached resolution, which must be adopted by the City Council for banking and investments of North Ogden City, signed and returned to the State Treasurer's Office by July 31, 2021.

Mr. Call reviewed his staff memo.

Council Member Stoker moved to adopt Resolution 11-2021 for Public Treasurer's Investment Fund (PTIF) account management. Council Member Ekstrom seconded the motion.

Voting on the substitute motion:

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

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING AN ANNEXATION PETITION FOR A PARCEL LOCATED AT APPROXIMATELY 242 EAST PLEASANT VIEW DRIVE

A staff memo from City Recorder Nance explained Joshua Hughes has submitted an application for Charles and W. Robert Chamberlain to petition for annexation of 6.47 Acres located at approximately 242 East Pleasant View Drive in Weber County, Utah. As required by Utah State Code the Weber County Surveyor has reviewed and given conditional approval of the annexation plat map to Utah Land Surveying, LLC. The property being proposed for annexation is within the North Ogden City's Annexation Declaration Policy and Map. The Petitioner is requesting the R-3 Zone, which the Planning Commission will review and make a recommendation to the City Council at a later date. The petitioner meets all the requirements to start the annexation process and it is recommended that the City Council accept the petition to start the annexation process. Mr. Call reviewed his staff memo as well as the proposed ordinance to orient the Council to the proposed changes and discuss the implications of the changes.

Ms. Nance reviewed her memo. Mayor Berube reiterated the petitioner has requested R-3 zoning for the property, but that is not guaranteed if the Council choose to accept the petition to begin the certification process. Ms. Nance stated that is correct; the matter will be forwarded to the Planning Commission for review and recommendation of the appropriation zoning for the property.

Council Member Cevering noted he is aware that other cities in the area have considered placing a moratorium on building because of the current drought conditions; he asked if that is something North Ogden should be considering as well. City Manager/Attorney Call stated that cities that have chosen to enact a moratorium are basing that decision upon health safety due to the lack of water; North Ogden City's Engineer has indicated the City has sufficient water to serve the number of units that could be built on the subject property and, therefore, a moratorium would be inappropriate. However, annexations and zone changes are legislative items, and the Council can choose not to approve them, but any development allowed under current zoning designations for undeveloped property could not be legally restricted.

The Council engaged in high level philosophical discussion and debate regarding the need to be able to cite a specific condition in the City upon which any moratorium on building would be based.

Council Member Swanson then noted he has been made aware that the owner of this property will likely withdraw his annexation petition if he is not able to secure the R-3 zoning. He noted that he personally does not believe he can support the R-3 zoning request based upon the fact that the same zoning designation has been denied for other properties very close to the subject property. Mayor Berube stated that the petitioner has the ability to withdraw their petition right up until the very end.

Council Member Swanson moved to deny annexation petition for parcel located at approximately 242 East Pleasant View Drive, based upon the likelihood that the petitioner will not want to proceed with the annexation if the Council does not support the R-3 zoning designation.

Mr. Call stated that this decision tonight is not whether to approve or deny the annexation; rather, the City is legally obligated to accept the petition and begin the certification process given that the petitioner has submitted the petition and paid the annexation fee.

Council Member Swanson withdrew his motion.

Council Member Swanson then moved to accept annexation petition for parcel located at approximately 242 East Pleasant View Drive and refer to the City Recorder for certification. Council Member Cevering seconded the motion.

Voting on the substitute 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.

17. FINANCIAL REPORT

Council Member Swanson stated that he does not have a great deal to report aside from the fact that the City is in good shape financially; the City's last audit was a very lengthy

one and resulted in some changes in administrative functions. The next audit will commence shortly.

18. COUNCIL DEPARTMENT REPORTS:

a. Council Member Cevering – Public Works

Council Member Cevering stated the Public Works Department is very busy, namely with the projects on 2600 North and 450 East, which should be completed by the end of August and October, respectively. Additionally, they are working on seven other utility projects throughout the City. The Department is grateful to the citizens for their patience as they navigate construction zones as they move throughout the City. He noted that Justin Shinsel, Building Official, has resigned his position with the City to take the job of Public Works Director in a nearby community and the Department wishes him best in his new endeavors.

Mayor Berube stated that Administration received a complaint about the striping of 2700 North, which restricts traffic from accessing the commercial area surrounding Lee's Marketplace. Mr. Call reported that the matter has been forwarded to the Utah Department of Transportation (UDOT) and is awaiting their response about whether the restriping will be adjusted.

Mayor Berube then reported the sewer project and restriping on 2600 North that will restrict on-street parking. Mr. Call reported work is already underway to remove the existing lines in preparation for the re-striping. Staff has made the effort to inform residents of the timing of the project.

b. Council Member Ekstrom – Parks and Recreation

Council Member Ekstrom reported on the success of the Movies in the Park program throughout the summer months. She added that the City has seen the highest number of football participants sign up this year than in any other year and the Department expressed their gratitude to volunteer coaches. Session four of swimming lessons will start this week and there have been 2,095 kids that have signed up this summer. She provided pool revenue comparisons, noting that for this year revenue has increased by approximately \$20,000 compared to 2019. The revenues generated at the snack bar at the pool have also increased dramatically. This is due largely to the average high temperatures throughout summer of 2020. She added the performing arts camp is underway at the Barker Park Amphitheater and music Mondays will start next week; she encouraged residents to attend and participate in these community events.

Mayor Berube stated that he has been made aware of several near drownings at the Aquatic Center this year and he commended the lifeguards at the facility for their quick response to save lives.

c. Council Member Stoker – Police

Council Member Stoker stated she was at the Aquatic Center on the day that one of the injuries occurred and she was impressed with the calm response of the lifeguards and employees as well as the Police Offices who were called to respond. They handled the situation with a great deal of compassion and helped the mother gather her things and get to her car to follow the ambulance that transported her child to the hospital. She then reported the Department has achieved full staffing, with two officers currently participating in the Police Academy. There are still some small vehicle thefts going on in the community. She concluded the Departments Night Out Against Crime will be held August 3 in North Ogden Park from 6:00 to 8:00 p.m.; she encouraged residents to come out and meet their Police Officers.

19. PUBLIC COMMENTS

Brenda Ashdown, North Ogden resident, stated she has three concerns; first is that if all proposed tax increases are approved by the various taxing entities in the area, her taxes will increase by \$600 this year, which is a big increase that she has not experienced before. Second, relating to code enforcement, in front of her pasture is an uncovered canal and in the past, she has received a notice that she needs to clean the banks of the canal. However, she cannot burn or pull the weeds along the canal banks because doing so will erode the banks. Third, she expressed her opposition to the proposed annexation of the property at 242 East Pleasant View Drive and the requested R-3 zoning; that property is across the street from her and she is concerned about the density that would be allowed in the R-3 zone.

Mayor Berube stated that he also noticed that the amount of his tax increase will be the highest he has experienced in the time that he has lived in the City. During the Truth in Taxation meeting scheduled for August 3, the City Council will discuss the history of tax increases in the community. Many people are experiencing issues associated with inflation of wages and costs for services and goods.

20. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Cevering addressed Police Chief Quinney and noted that he heard from a resident who would like for the monthly report from the Department to be reinstated. Chief Quinney noted the report was discontinued due to turnover, but the report will resume once he has had the opportunity to train a new individual.

Mr. Call reviewed the schedule of upcoming City Council meetings for the month of August. The official tax rate will be considered and adopted on August 17 along with the final budget for the coming Fiscal Year (FY). He then reported that the building has been

rekeyed and he advised each Council Member to obtain their new key as their old one will no longer work. Finally, he noted that many of the events discussed by Council Member Ekstrom in her Parks and Recreation Department report are made possibly by the City's Recreation, Arts, Museum, Parks (RAMP) grant and private business support.

Council Member Barker noted that the Fire District will hold their truth in taxation hearing on August 17 as well. Council Member Swanson suggested that the start time of the City's August 17 meeting be adjusted to give elected officials and residents the ability to attend both meetings if they so choose. The Council determined to hold the August 17 meeting at 7:30 p.m.

18. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 8:26 p.m.

S. Neal Berube, Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

August 3, 2021

The North Ogden City Council convened on August 3, 2021, at 6:06 p.m. at the North View Senior Center at 485 East 2550 North and also electronically at <https://us02web.zoom.us/j/88309187806> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 253 215 8782 or +1 312 626 6799 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on July 29, 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	(excused)
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Jami Jones	Finance Director	
	Dirk Quinney	Chief of Police	
	Clark Crowther	Lieutenant	
VISITORS:	Susan Kilborn	Jerry Roest	Jay D Dalpias
	Ivan Barker	Sharon Eva	Linda Webber
	John Arrington	Spencer Stephens	Brenda Ashdown
	Glenn Donnelson	Michael Kincanon	Brett Hamblin
	Noel Schvaneveldt	Margaret Schvaneveldt	Deborah Grusheow
	Robert D. Buswell	Lisa Morby	Drew Morby
	Merrill Sunderland	David Haddock	Randy Winn
	Stefanie Casey	Chris O'Neill	Jeanette Sweet
	Brian Soloman	Robert Bolar	

Mayor Berube called the meeting to order. Robert Bolar offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Deborah Grusheow, North Ogden Resident, expressed disappointment that the meeting was advertised to begin at 6:00 p.m., but it did not begin until 6:06 p.m. Mayor Berube noted there were some technical difficulties that delayed the start time of the meeting. Ms. Grusheow stated that may be the case, but the elected officials should have been sitting in their seats ready to begin by 6:00 p.m.

2. TRUTH IN TAXATION PUBLIC HEARING TO RECEIVE COMMENTS ON MAINTAINING THE PROPERTY TAX RATE

Prior to opening the public hearing, Mayor Berube used the aid of a PowerPoint presentation to discuss the Truth in Taxation process and historical values/taxes for North Ogden residences. From 2010 to 2020, the average home value in North Ogden has increased by 58 percent, the average taxes paid to Weber County have increase by 22 percent, and the average taxes paid to North Ogden have increased 18 percent. The growth of home values has far outpaced growth in tax revenue to both Weber County and North Ogden City. He provided a pie chart illustrating the breakdown of taxes paid by North Ogden residents; the amount that North Ogden receives is approximately 10 percent of a resident's total tax bill. The largest portion, 49 percent, goes to the Weber School District; the second largest portion, 24 percent, is diverted to Weber County; and the remainder is divided among other taxing entities. He presented a sample tax notice to illustrate the increase in market values in Weber County; the increase in market value is the main reason that a resident's property tax bill increases from year to year. If the City does not maintain or increase its property tax rate from year to year, it will be the amount adjusted downward. This means the City is not able to capture increased revenues associated with inflation of property values. This year, the City is considering maintaining the same tax rate from 2020, which was .001180, in order to capture the revenue associated with increased property values. The average home in North Ogden increased in value by 18.23 percent, which means that the City will receive approximately 18 percent more in property tax revenue if the action is taken to maintain the rate. The Council adopted an ordinance earlier this year to govern the use of property tax revenue; highlights of the ordinance are as follows:

- During each budget year the Council will review public safety needs.
- Property Tax can only be spent on public safety needs (currently the City only collects enough property tax revenue to cover approximately 50 percent of public safety needs).
- If Property Tax ever exceeds public safety needs, Property Tax shall be reduced.

Current Public Safety needs include the following:

- Additional Officer

- Full Time Victims Advocate
- Equipment and Vehicles

He then provided the following breakdown of property tax revenues and expenses:

Revenues:

- 2020 Property Tax Collected \$1,479,189.
- 2021 Property Tax to be Collected \$1,795,970.
 - \$88,100 from new homes and businesses.
 - \$228,680 from existing homes and businesses.
- \$316,781 new revenue

Expenses:

- Police Salaries/Benefits - \$330,400.
 - Raises, new officer and FT victim advocate.
- Motor pool Increase for new vehicle - \$16,000.
- Strike Force - \$19,000.
- New Officer Equipment - \$20,000.
- \$385,400 additional Public Safety Expenditures

The increases in staffing in the Police Department are a direct response to growth in the City; the national standard is between 2.2 and 2.5 officers per every thousand residents, but North Ogden has maintained the ratio of 1 officer per every 1,000 residents. In addition to direct staffing costs, the City must purchase equipment and provide facilities that keep the officers safe and allow them to work in the most efficient manner. He concluded that the total Police Department budget in the FY2021 budget is approximately \$2.9 million; even with the property tax increase, which will increase property tax revenues to \$1.8 million, the City will not collect enough to entirely fund the Police Department. However, the City wants residents to understand it is committed to utilize property tax revenues for public safety needs.

Mayor Berube opened the Public Hearing at: 6:32 p.m.

Michael Kincanon, North Ogden resident, stated that he is not trying to diminish the information provided by Mayor Berube, but he noted that the inflation in home values do not coincide with the amount of income those on a fixed income received from month to month. He stated that he is unsure how many residents in North Ogden are retirees, but speaking for himself, he is on a fixed income, and he will be lucky to receive a six percent increase in his annual retirement this year. He understands he could sell his home for the inflated value, but he would not be able to buy another home because of skyrocketing costs. He stated that the proposal that Mayor Berube presented is likely fully justifiable, but it is important for the Council to keep in mind that those who will be paying their property tax bill are not in a financial situation to pay increased taxes.

Brett Hamblin, North Ogden resident, stated he has closely followed the actions of the City Council over the years and as much as he hates any kind of tax increase, he understands the need and supports maintaining the tax rate. He asked if the information on his tax statement reflects the proposed increase in taxes as well as the increase in his property value, to which Mayor Berube answered yes.

Meg Sanders, North Ogden resident, stated that North Ogden has ‘Cadillac taste’ and residents want the best of everything. The City wants flowers along Washington Boulevard, an Aquatic Center, an Amphitheater, and it needs a Public Safety facility. It is necessary to pay for those wants. If people do not want their property taxes to increase, they can communicate that in the upcoming election. She encouraged residents to reach out to candidates to learn their position on commercial/residential growth and property tax rates. And, if residents are truly opposed to property tax increases, they need to adjust their expectations and wants

Bob Buswell, North Ogden resident, asked how much Police Officers’ salaries will increase if the property tax increase is approved. Mayor Berube stated that the Council has not approved a new wage scale for Police Officers and will not take action on that until after they make a decision on the property tax rate; however, the amount expected to be proposed is approximately \$196,000 for increases in Police salaries and benefits, which includes a retirement contribution and health coverage.

Deborah Grusheow, North Ogden resident, stated that it is her opinion that all first responders should be paid more than they are paid. She then referred to the pie chart included in Mayor Berube’s presentation and inquired as to how the breakdown of property tax revenues to each taxing entity is decided. Mayor Berube stated that each entity submits their desired tax rate to Weber County on an annual basis; the percentages can fluctuate from year to year depending on each entity’s certified tax rate. Ms. Grusheow stated that she has nothing against education, but she does not have any children in school, and she feels that their share of a resident’s property tax bill could be reduced by even five percent to allow the City to increase Police Officer salaries by that amount. Mayor Berube stated that the City Council heard from the School District’s Superintendent during their last meeting about a proposal to issue a new bond this year to complete three new building projects and to rebuild an old school in the district. Ms. Grusheow stated the District will always claim overcrowding of schools as a result of population growth, but the same should be true for the City as it tries to increase the staffing levels in the Police Department responsive to growth. She suggested that the amount diverted to the School District be reduced so that the amount that goes to the City can be increased.

Mayor Berube stated that he understands the concerns expressed and also noted that he is on a fixed income, and he does not expect his income to increase at the same rate that property taxes are being increased. He then noted, however, that he has always been perplexed by the amount of money that schoolteachers and first responders are paid, but yet people are willing to spend \$20 to \$30 million per year on something that provides

entertainment for us. He concluded each taxing entity sets their own property tax rate based upon their needs in terms of revenues and the City only has influence over its own tax rate.

Jeanette Sweet, North Ogden resident, echoed the comments made by Ms. Sanders regarding needs versus wants for the City. She agreed that schoolteachers and first responders should be paid more; crime is going to increase as a result of growth and the residents need to be able to rely upon the Police Department to respond accordingly. When it comes to luxury items, such as the amphitheater and the flower planters along Washington Boulevard, those should not be considered as needs and should be cut back in times that the City must respond to needs, such as properly funding first responders. The City's needs and wants should be reassessed every year. The same is true for the School District; educators need to be paid fairly, but new schools do not need all the 'bells and whistles' that are commonly included in new construction projects.

Margaret Swain, North Ogden resident, asked if the City employs any part time Police Officers or if they are all full time; she wondered if it is an option to employ part time Officers to keep salaries lower.

Mayor Berube stated that all sworn officers are employed full time. Chief Quinney stated that is correct. Mayor Berube stated that the amount of training that each Officer must obtain warrants a full-time position. He then addressed Ms. Sweet's comments and indicated in the past, the community had a very vibrant community watch program and that helped to supplement the Police Department. Additionally, the City participates in the Volunteers in Policing (VIP) program to augment their Department, but all sworn officer are full time.

Glenn Donnelson, North Ogden resident, stated that he has son who works at the jail and is also a part time Officer for Pleasant View City; he is fully trained and POST certified, but a part time position worked for his circumstances.

Chief Quinney stated there are many smaller jurisdictions that can utilize part time employees and still operate a fully functional Police Department. These Departments typically pay for the training for part time Officers, but the turnover in part time positions is nearly ten-fold the turnover in full time positions. If he had a smaller Department and was experiencing coverage issues, he would pursue part time positions to provide that coverage, but for the current makeup of the Department, part time positions would be more problematic.

Ms. Swain reapproached and inquired as to the possibility of bringing retired Officers back to the City in part time status; this type of scenario could be utilized to decrease overtime costs for full time Officers.

Chief Quinney stated that it is hard to get part time employees to commit to a defined work schedule, particularly for undesirable shifts, such as graveyards.

Linda Webber, North Ogden resident, thanked all Public Safety employees for the service they provide the community. She feels so safe living in this community, especially when she reads stories about things that are happening in other communities.

Ivan Barker, North Ogden resident, stated he has lived in the City for 72 years and is also on a fixed income. He stated that the City has cited an increase in wages in other jurisdictions, such as Salt Lake City, that have caused market issues that the City needs to respond to. However, if Salt Lake pays their officers \$4.00 to \$5.00 more per hour and a North Ogden Officer chooses to move there, they will spend half of that pay increase on gas for their daily commute, or if they move their housing costs will be much higher. He stated that he feels it is justified for North Ogden to pay a bit less as Officers who live in North Ogden likely have a lower cost of living and they are working in a safer jurisdiction. He stated he can support a \$2.00 to \$3.00 per hour pay increase, but not \$4.00 or \$5.00.

Mayor Berube stated that when he used to commute to Salt Lake City, he noticed Police Officers also commuting, but in a police vehicle owned by the Department. He then added that Salt Lake is not the only jurisdiction increasing wages; another city, like Riverdale for example, may increase their wages to try to keep pace with Salt Lake, and Riverdale is much closer than Salt Lake for North Ogden Officers. He added that he strives to be fiscally conservative, but he does not feel it is appropriate to ask Police Officers to come to work every day and put their life on the line for \$22.00 per hour. He struggles with that, and maybe it is because the Ogden City Officer who recently lost his life in the line of duty was previously employed at the company he worked for; he was just doing his job and responding to a call, and someone chose to shoot at him through the door. He stated he understands Mr. Barker's position, but he does not agree with it.

Stefanie Casey, North Ogden resident, thanked the Mayor for providing a thorough and detailed presentation. She truly believes the City needs to take care of its Police Officers; while she knows that it is difficult given the current condition of the economy, it must be done. The City has taken care of many wants in the past, but now is the time to truly look at the community's needs. The fact that the Department is operating in an outdated building that was built in the 1960's is unacceptable and now is the time for the City to take care of them.

Sharon Eva, North Ogden resident, stated that she feels the \$13.38 increase in the amount of property taxes each household will pay to the City is only equivalent to two meals at a restaurant; she feels the proposal is good and people can forego two restaurant meals or a few movie tickets in order to pay that increase.

Mayor Berube thanked those who provided input tonight. He indicated the Council will not make a final decision on the certified tax rate or budget tonight; that action will be considered during the August 17 meeting.

Council Member Stoker motioned to close the public hearing. 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

The motion passed unanimously.

The Public hearing was closed at 6:58 p.m.

3. PUBLIC COMMENTS

Jeanette Sweet, North Ogden resident, stated that she formerly worked in the emergency management field and when the Washington Terrace tornado occurred, all local agencies responded. This backed up the 9-1-1 system for four hours and many cities were concerned about responding because the costs they would incur and possibly not be reimbursed for. Additionally, when there was a large fire on the hillside in Pleasant View, it took three agencies responding to get the fire out and protect the mountain and surrounding properties. Part of the travel that the Mayor may have observed as he was commuting to and from Salt Lake could very well be a result of mutual aid and interaction between different communities. Additionally, may agencies participate in joint training opportunities that help them better work together in times of emergency. North Ogden will only continue to grow, and the City has the responsibility to appropriately fund public safety. Her father suffered a heart attack and if it were not for a fast response from public safety officials, he may not have survived. If there is a Police Officer on vacation, it is necessary to have sufficient staff to provide adequate coverage for the City.

Brenda Ashdown, North Ogden resident, stated she has two concerns; if and Officer is only being paid \$20 per hour, they cannot afford to buy a home in North Ogden. She is not sure that pursuing part time Officers based on the assumption that they need less training and can be paid less is the best thing for the City to do either.

Mayor Berube stated he did not intend to instill fear in the minds of citizens and use that fear to justify the proposal to increase property taxes. If any resident in attendance tonight

did not feel comfortable making comments, they can reach out to himself, any member of the Council, or City staff.

4. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Ekstrom referenced the pie chart included in Mayor Berube's presentation and noted that the amount of money that the Weber School District receives is not used to pay teacher salaries; rather, it is the amount of money the District uses to fund its budget. Teachers are actually paid with State funding and if residents want teachers to be paid more, they need to address the State Legislature. The District funding should be used mainly for facilities. She agreed that some new schools that are built include wasted space and things that are not truly a necessity. She encouraged concerned residents to approach the District and ask for adjusted building plans. She then noted that if residents are concerned about the increase in their property value, they can file an appeal with Weber County and ask them to reconsider the assigned value.

Mayor Berube stated that his assessed value is actually \$140,000 less than the true value and he suggested that any resident truly research the value of their home before proceeding with the appeal process. He then noted the proposed tax increase has nothing to do with the proposed construction of a new Public Safety Facility. This year the Council challenged City Department Heads to be conservative in their budget management to generate sufficient funds to pay debt service on a general obligation bond.

5. ADJOURNMENT

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 7:08 p.m.

S. Neal Berube, Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

Not Approved



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The Current City Ordinance needs some clarification on landscaping maintenance and other items as the City reviews code enforcement procedures as well as new guidance on xeriscaping.

Date: Sept. 22, 2021

STAFF INFORMATION

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

QUESTION FOR COUNCIL

Should the Council amend the ordinance to clarify the maintenance expectations for landscaping on properties in the City?

BACKGROUND

This ordinance has been written to bring into effect the items raised by the Council and code enforcement departments related to the maintenance of landscaping in the City. The main focus of the ordinance is that any property which has had the natural vegetation disturbed is required to be maintained from that point forward. As an example a field which is no longer farmed, must still be maintained to keep the weeds and growth down, however, a property which has never been developed or farmed may remain in the same manner provided it doesn't overgrow sidewalks and streets.

This ordinance also encourages xeriscaping by encouraging reduced water usage, however, if the Council would like to mandate a requirement of xeriscaping for new development then a land use ordinance would need to be written to require it.

The main focus of this ordinance is the installation of landscaping and its maintenance.

RECOMMENDATION

Staff recommends the Council review the attached ordinance and provide feedback on changes they would like to be incorporated.

EXHIBITS

1. Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF NORTH OGDEN CITY
ADOPTING RULE RELATED TO PROTECTIVE GROUND COVER AND
THE ONGOING MAINTENANCE OF LANDSCAPING**

WHEREAS, the City of North Ogden currently requires the installation of protective ground cover on all properties within the city; and

WHEREAS, due to concerns with ongoing maintenance enforcement actions by the code enforcement department a clarification of the ordinance was requested; and

WHEREAS, the City Council of North Ogden City has reviewed its ordinances and found that clarifications to the ordinance should be made; and

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 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.

A.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 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,

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including within the right-of-ways adjacent thereto, and in that connection shall observe the following minimum standards:

- 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.
- 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").
- C. All areas must be kept free from noxious weeds.
- D. All areas that have removed the original natural vegetation by grading, cultivating, or other methods shall mow or cut vegetation to not exceed a height of more than six inches (6") for grasses and turf, and other vegetation which are not the part of a conscientious landscaping design.
- E. Areas which are used for the keeping and feeding of livestock are not required to regularly mow the area where livestock is kept if livestock is actively living in the area. If the pasture does not regularly house livestock, the area must be kept maintained as not to exceed a height of more than six inches (6").
 - a. All areas outside of the pasture must maintain in accordance with this code.
- F. All areas with sidewalks and paths will be maintained so they are passable without obstruction. This includes undeveloped, non-excavated lots, that remain in their natural state.
- G. No vegetation shall be allowed to grow into the right-of-way in a manner which impedes traveling along the right-of-way.
- B.H. Properties which were once cultivated, and are no longer cultivated, must remain maintained in a manner consistent with this code.

5-7-3: ALTERNATIVES

- A. Protective ground cover which utilizes creative methods to reduce the amount of Protective ground cover which utilizes creative methods to reduce the amount of Protective ground cover which utilizes creative methods to reduce the amount of 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.
- A.B. In no event, however, shall an alternative protective ground cover be installed which:
 - a) fails to maintain storm runoff detention capabilities of the area similar to if the ground had been installed with turf.
 - ;
 - or
 - b) which is

injurious to the health, safety, welfare , 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: The Council asked for some clarification of the Rules and Procedures related to emails being read in Council Meeting during public comments. Other changes have been suggested as well.

Date: Sept. 22, 2021

STAFF INFORMATION

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

QUESTION FOR COUNCIL

Should the Council amend the Rules and Procedures for the Council at this time?

BACKGROUND

This Resolution has been written to amend the Council Rules and Procedures, which govern the activities of the Council and Council Meetings. These rules do not overturn State Law, but are intended to comply with state law and provide further clarification.

The changes proposed are as follows:

- Addition of a Presentation section in Council Meetings, prior to Public Comments
- A change to the requirement for Name and Address of anybody speaking
- A clarification that the Council and staff are not required to read emails or letters during public comments and that all individuals shall plan to make those comments in person or electronically.
- Changes to language around the timing of packets to match the standard the City is actually following.
- Changes from a readopting requirement to an ongoing effect of the rules until amended or rescinded.

RECOMMENDATION

Staff recommends the Council review the attached resolution and provide feedback on changes they would like to be incorporated.

EXHIBITS

1. Proposed Resolution

RESOLUTION ~~__08-202118~~

**A RESOLUTION OF THE CITY COUNCIL OF NORTH OGDEN CITY MAKING
AMMENDMENT TO THE NORTH OGDEN CITY, CITY COUNCIL RULES OF
PROCEDURE AND REPEALING RESOLUTION ~~86-201814~~.**

WHEREAS: the City Council of North Ogden City finds that it is authorized by state law to adopt rules of procedure to govern the conduct of its official meetings; and

WHEREAS: the City Council finds that it is prudent to adopt rules of procedure; and

WHEREAS: the Council has reviewed and approves the amended "North Ogden City, City Council Rules of Procedure" which is incorporated into this resolution;

NOW THEREFORE BE IT RESOLVED by the City Council of North Ogden City as follows:

1. The attached "North Ogden City, City Council Rules of Procedure" is hereby adopted.

**NORTH OGDEN CITY
CITY COUNCIL RULES OF PROCEDURE**

PURSUANT to Utah Code Ann. § 10-3-606, the City Council of North Ogden City adopts the following rules of procedure:

Rule I: Mayor as Chair of the City Council.

1. The Mayor is the chair of the Council and presides at all Council meetings.
 - a. Except as provided in (1) (b) the Mayor is a nonvoting member of the Council;
 - b. The Mayor is a voting member of the Council:
 - i. on each matter for which there is a tie vote of the other Council Members present at a Council Meeting; or, when the Council is voting on:
 1. whether to appoint or dismiss the City Manager; or
 2. an ordinance that enlarges or restricts the Mayor's powers, duties, or functions.
2. If the Mayor is absent, unable or refuses to act, the Council may elect a member of the Council as "Mayor Pro Tempore," to:
 - a. preside at a Council Meeting; and
 - b. perform, during the Mayor's absence, disability, or refusal to act, the duties and functions of the Mayor.
 - c. Council Member acting as the mayor pro tempore may still vote as a Council Member even though he or she is presiding at the meeting.

- d. The City Recorder shall enter in the minutes of the Council Meeting the election of a Council Member as Mayor Pro Tempore.
- 3. The Mayor shall sign:
 - a. all ordinances and resolutions passed by the Council;
 - b. all official minutes of City Council meetings after such minutes have been approved; and
 - c. all correspondence determined by the Council to be representative of the group as a whole.
- 4. The Mayor shall receive all messages and communications from the City Manager and others addressed to the Council as a body and shall be responsible to convey all such messages and communications to the other members of the Council. Utah Code Ann. § 10-3b-302.

Rule II: Open and Public Meetings.

- 1. Every meeting of the City Council shall comply with the “Open and Public Meetings Act” Utah Code Ann. § 52-4-101, et. Seq.
- 2. The Council shall give at least twenty-four (24) hours advance notice of its meetings unless an exception for shorter notice is provided under state law.
- 3. The notice shall include:
 - a. The meeting agenda;
 - b. The date of the meeting;
 - c. The time of the meeting; and
 - d. The location of the meeting.
- 4. At least once per year, the City Council shall give public notice of its annual meeting schedule.
- 5. Notices of meetings shall be published in compliance with Utah Code Ann. § 52-4-202.

Rule III: Types of City Council Meetings.

The following are the types of Council Meetings that may be called or scheduled:

Regular Council Meetings
Work meetings
Special meetings
Emergency Meetings
Closed Meetings (Executive Session)
Public Hearings

- 1. **“Regular Council Meetings”** will be held at City Hall, at 6 pm, two times per month, usually the second and fourth Tuesdays, unless otherwise calendared.
- 2. **“Work Meetings”** may be scheduled by the Mayor, as needed, once or more

times per month. Work Meetings will be held at City Hall at 6 pm unless otherwise noticed.

- a. Work Meetings can serve the purpose of further discussion or study of items already before the Council for action.
 - b. After discussion at a Work Meeting, items will be referred:
 - i. to a future Work Meeting if the matter needs further work by the Council; or
 - ii. to a future Regular Council Meeting to be considered as Council business or, if the matter is ready for final action, to the consent agenda.
 - c. Generally, no action will be taken on items discussed at a Work Meeting; however, the Council may make an exception and suspend its rules to vote on matters under discussion if two-thirds of the Council Members in attendance vote to suspend the rules.
 - d. During a Work Meeting the Council Members and the Mayor may sit around a conference table, rather than at the dais, to provide a more informal atmosphere and to allow a freer exchange of ideas.
3. **"Special Council Meetings"** may be ordered by the Mayor or by any two (2) members of the Council if the business of the City requires it. The order will be entered in the minutes of the City Council and shall provide at least twenty four (24) hours' notice in advance of the meeting. The notice shall be served by the City Recorder on each Council Member who did not sign the order by delivering the notice personally or by leaving it at the Council Member's usual place of abode. Utah Code Ann. § 10-3-502.
4. **"Emergency Meetings"** may be called by the Mayor or by one (1) member of the Council for matters of an emergency or urgent matter. An attempt will be made to notify all Council Members. The best practicable notice of the Emergency Meeting shall be given. A majority of the Council must vote to hold the Emergency Meeting. Utah Code Ann. § 10-3-502.
5. **"Closed Meetings"** may be held to consider certain sensitive matters as allowed by state law.
- a. Closed meetings are allowed for these purposes:
 - i. discussion of the character, professional competence, or physical or mental health of an individual;
 - ii. strategy sessions to discuss collective bargaining;
 - iii. strategy sessions to discuss pending or reasonably imminent litigation;
 - iv. strategy sessions to discuss the *purchase*, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 1. disclose the appraisal or estimated value of the property under consideration; or
 2. prevent the City from completing the transaction on the best possible terms.
 - v. strategy sessions to discuss the *sale* of real property, including any form of a water right or water shares, if:

1. public discussion of the transaction would:
 - a. disclose the appraisal or estimated value of the property under consideration; or
 - b. prevent the City from completing the transaction on the best possible terms; and
2. the City Council previously gave public notice that the property would be offered for sale; and
3. the terms of the sale are publicly disclosed before the City Council approves the sale;
- vi. discussion regarding deployment of security personnel, devices, or systems; and
- vii. investigative proceedings regarding allegations of criminal misconduct.
- b. "Closed Meetings" may be held if:
 - i. a quorum is present;
 - ii. the meeting is an open meeting for which proper notice has been given; and
 - iii. two-thirds of the members of the City Council present at the open meeting vote to approve closing the meeting.
- c. Each matter discussed in the closed meeting must be permitted by state law.
- d. No ordinance, resolution, rule, regulation, contract, or appointment may be approved at a closed meeting.
- e. The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:
 - i. the reason or reasons for holding the closed meeting;
 - ii. the location where the closed meeting will be held; and
 - iii. the vote by name, of each member of the City Council, either for or against the motion to hold the closed meeting. Utah Code Ann. § 52-4-205.
6. **"Public Hearings"** are generally part of a scheduled and noticed Regular Council Meeting and shall consist of those items for which the Council would like to receive public input. Public Hearings will be held after providing proper notice as required by state law or City ordinance for the particular subject matter to be addressed. Such hearings shall include, but not be limited to, those matters for which a Public Hearing is required by state law or City ordinance. Matters for which state law or City ordinance requires a public hearing will be automatically scheduled by City administration. By majority vote, the Council can direct City administration to schedule a public hearing on any other topic.
 - a. When a Public Hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and answer questions.
 - b. The Mayor will then strike the gavel and declare the Public Hearing open.
 - c. At that point, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council and before motions are made.

- d. Each individual who speaks will state his or her name and address before proceeding.
- e. After all individuals who desire to speak have spoken, the Mayor will again strike the gavel and declare the Public Meeting closed.
- f. In the alternative, the Council may vote to continue a Public Hearing to a future specified date, time and location if there is insufficient time to take all public comment at that particular Council Meeting.
- g. After the Public Hearing is closed, the City Council then proceeds with its discussion on the matter. When discussion by the Council is finished, a motion is made and seconded concerning the item. The Council will vote to:
 - i. postpone action on the item until the next Regular Council Meeting;
 - ii. take it to a Work Meeting for further discussion; or
 - iii. immediately take final action on the matter.

Rule IV. Quorum Requirements, Voting and Electronic Meetings.

1. A quorum of the City Council must be in attendance in order to hold any meeting of the City Council and to transact the business of the City.
2. A quorum consists of three members of the City Council, excluding the Mayor. Utah Code Ann. § 10-3-504.
3. No ordinance or resolution may be adopted by an affirmative vote of less than three members of the City Council.
4. If an insufficient number of Council Members are present to adopt a measure, the vote may be postponed to a future meeting. Utah Code Ann. § 10-3-507.
5. Voting shall take place by "roll call vote" for any ordinance, resolution or other item that will create a liability of the City or by request of any member of the City Council on any other matter. Utah Code Ann. § 10-3-506.
6. Any Council Member can change his or her vote before the results of the vote are announced.
7. At the conclusion of the vote on a matter, a Council Member may state a point of personal privilege and give an explanation of his or her vote.
8. Any Council Member can abstain from a vote. An abstention is not counted as a "yes" vote or a "no" vote.
9. When a Council Member abstains from voting, as a common courtesy, he or she should state a point of personal privilege and give an explanation of such abstention.
10. Every Council Member who is in the Council Chambers when a question is stated from the Mayor shall vote; but no Council Member shall be obliged to vote upon any question unless he or she is within the Council Chambers when his or her name is called.
11. Any Council Member entering the Chambers after the question is stated, but before it is decided, may have the question stated, cast his or her vote and be counted.

12. Council Members attending a meeting by way of Electronic communication shall be considered “within the Council Chambers” for purposes of voting.
13. The City Council may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance. Utah Code Ann. § 10-3-505.
14. Council members located in a remote location are permitted to participate in a council meeting by way of electronic communication, up to a maximum of six times per calendar year per council member. The council may permit one or two Council Members located in a remote location to participate in a Council meeting by way of electronic communication.
15. Prior to permitting a Council Member located in a remote location to participate electronically in a Council meeting, the following conditions shall be met:
 - a. A Council Member who desires to participate in a Council meeting from a remote location shall make a request to the Mayor or Mayor pro temp prior to the Council meeting;
 - b. The City Recorder will affirm that proper notice of the intent to hold an “electronic meeting” was given as provided in paragraph 16 of this rule;
 - c. The City Recorder will verify that an electronic connection is available sufficient to allow the remotely situated Council Member to hear the discussion occurring in the anchor Council meeting location and to be heard in the anchor location;
 - d. A quorum of the Council must be in attendance at the anchor location, which shall be the Council Chambers at City Hall; and
16. Notice of the intent to permit a remotely situated Council Member to participate in a Council meeting electronically will be made in accordance with the Open and Public Meetings Act (“the Act”). The notice will describe how the remotely situated Council Member will be connected to the Council meeting. In addition to meeting all other requirements of the Act, the notice shall be posted at the anchor location and distributed to City Council at least 24 hours in advance of the meeting.
17. Due to the inherent difficulty of controlling confidentiality when a meeting is carried electronically to a remote location, participation by a Council Member electronically at a closed meeting is prohibited.
18. A city-provided email account will be utilized for official communications between Council Members and city administration. Council Members should save discussion on matters that will appear on the Council agenda for open public meetings. Use of City-provided email can assist City administration to comply with state law requirements for records retention.
19. Council Members should take care to uphold the dignity of the office when corresponding regarding City matters, keeping in mind that such communication will often be considered public record.
20. In the event of a Health or Physical threat to a member of a Public Body or those in attendance the Mayor has the authority to make a decision on how

Rule V: Minutes of Council Meetings.

1. Except as provided under Subsection (7), the City Recorder shall create written minutes and a recording shall be kept of all open meetings of the City Council.
2. Written minutes of meetings of the City Council shall include:
 - a. the date, time, and place of the meeting;
 - b. the names of members present and absent;
 - c. the substance of all matters proposed, discussed, or decided by the City Council which may include a summary of comments made by members of the City Council;
 - d. a record, by individual member, of each vote taken by the City Council;
 - e. the name of each person who:
 - i. is not a member of the City Council; and
 - ii. after being recognized by the Mayor, provided testimony or comments to the City Council;
 - f. the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and
 - g. any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
3. A recording of meetings of the City Council shall:
 - a. be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and
 - b. be properly labeled or identified with the date, time, and place of the meeting.
4. The written minutes and recording of an open City Council meeting are public records as follows:
 - a. Written minutes that have been prepared in a form awaiting only formal approval by the City Council are a public record.
 - b. Written minutes shall be available to the public in accordance with Utah Code Ann. § 52-4-203(4)
 - c. Written minutes that are made available to the public before approval by the City Council under Subsection (4)(d) shall be clearly identified as "unapproved" or with some other appropriate notice that the written minutes are subject to change until formally approved in accordance with Utah Code Ann. § 52-4-203(4).
 - d. The procedures for the City Council's approval of the written minutes of each meeting are contained in Rule 7(2) (b).
 - e. Written minutes are the official record of action taken at the meeting.
 - f. A recording of an open meeting shall be available to the public for listening within three business days after the end of the meeting.
5. All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.
6. The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets

long-term records storage requirements.

7. Notwithstanding Subsection (1), a recording is not required to be kept of an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the City Council during that visit or tour. Utah Code Ann. § 52-4-203.
8. If the City Council conducts a Closed Meeting, it shall
 - a. make a recording of the closed portion of the meeting; and
 - b. may keep detailed written minutes that disclose the content of the closed portion of the meeting.
9. A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
10. The recording and any minutes of a closed meeting shall include:
 - a. the date, time, and place of the meeting;
 - b. the names of members present and absent; and
 - c. the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
11. Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
12. Both a recording and written minutes of closed meetings are protected records under the Government Records Access and Management Act.
13. If the City Council closes a meeting exclusively for the purpose of discussing the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems:
 - a. the Mayor shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described above and the requirements for keeping minutes and a recording shall not apply. Utah Code Ann. § 52-4-206.

Rule VI: Order of Business and Organization of Council Agenda.

1. The City Council will consider business in the following order:
 - a. Opening Ceremonies:
 - i. Welcome;
 - ii. Invocation and/or Moment of Reflection
 - iii. Pledge of Allegiance
 - b. Consent Agenda;
 - c. Public Comments;
 - d. Active Agenda;
 - e. Public Comments;
 - f. Council Comments;
 - g. Adjournment.
2. Agendas will be set in order of priority with public hearings at the beginning of the agenda. The Mayor shall be in charge of establishing the order of the agenda.

Any member of the City Council may request an item be placed on an upcoming agenda to the City Recorder. The City Recorder shall calendar items on the agenda as time allows.

3. The Mayor, by polling the Council Members, may, by affirmative consensus, proceed out of order to any order of business or return to an order already past. If two or more Council Members oppose, the original agenda will be followed.
4. Matters appearing on the Agenda may be discussed by the Council prior to any motion being made.

Rule VII: Conducting of Meetings and Agenda Definitions.

1. Opening Ceremonies:

- a. Welcome. The Mayor will strike the gavel, call the meeting to order, welcome those in attendance and acknowledge visitors;
- b. Invocation and/or Moment of Reflection. The Mayor and Council Members alternate presenting a moment of reflection, appropriate for the occasion which is intended to set the tone for the meeting; the moment of reflection may consist of a prayer, quote, thought, etc. of the elected official's choosing; Members of the public may be invited or request to present the invocation and/or moment of reflection through the City Recorder. The invocation and/or moment of reflection shall not take more than 5 minutes.
- c. Pledge of Allegiance. An assigned City official shall lead or invite a member of the public to lead the audience in reciting the Pledge of Allegiance.

2. Presentations.

- e.a. Any presentations of awards, recognitions or other special items.

~~2-3.~~ Consent Agenda.

- a. As a courtesy, the Mayor should ask if there are any questions concerning the "Consent" items. The Mayor should identify and briefly explain the items on the Consent Agenda to all those present at the meeting.
- b. The Consent Agenda, generally, shall consist of matters which require no further discussion or which are routine in nature such as approval of minutes.
- c. Usually, all items on the Consent Agenda shall be adopted by a single motion, second and vote; however, prior to the motion to adopt the Consent Agenda, a Council Member may request to have an item removed from the Consent Agenda and moved to the Active Agenda for further discussion without a motion.
- d. Items moved to the Active Agenda will be addressed in that section of the agenda ahead of other agenda items listed for discussion.
- e. A motion, second and vote will be called for the adoption of items remaining on the Consent Agenda.

~~3-4.~~ 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 whether they are a resident of North Ogden City.
- c. Citizens are expected to limit their remarks/questions to five (5) 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.
- h. All public comments must be made personally by attending in person or electronically, if available.
- ~~g-i.~~ Council and Staff will not read comments submitted in writing during or prior to a meeting.

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4-5. Active Agenda.

- a. This is the portion of the agenda where the official business of the City will be taken up in the order that items are listed on the agenda.
- b. The Mayor will ask for a motion on any items listed under this section of the Agenda, after discussion has concluded.

5-6. Public Comments/Questions.

- a. After the conclusion of the Active Agenda, the Public will be given a second opportunity to comment or ask questions. The procedure for the second Public Comment period will be the same as discussed in paragraph 3 above.

6-7. Council Comments.

- a. The Mayor will offer each member of the Council an opportunity to make concluding comments then the Mayor will make any comments he or she feels are appropriate.
- b. The Mayor may also invite City Staff to comment at this time.

7-8. Adjournment.

- a. The Mayor will ask for a motion to adjourn and after a motion and second will put the motion to a voice vote;
- b. After affirmative consensus vote on the motion, the Mayor will strike the gavel and declare the meeting adjourned.

8-9. Ending Time.

- a. The City Council meeting shall be scheduled to conclude at 9:30 pm provided all scheduled public hearings have been concluded. A meeting may be extended by a majority vote of the Council.

Rule VIII: Motions.

1. Matters appearing on the Agenda can be discussed by the Council prior to a motion being made.
2. After a matter has been discussed by the Council, the Mayor will ask for a motion on the matter, and a second to the motion.
3. The Mayor will:
 - a. announce the author of the motion;
 - b. restate the motion;
 - c. announce who seconded the motion;
 - d. ask if there is a question on the motion; and
 - e. call for a vote on the motion.
4. If further Council discussion is needed on a motion, the author of such motion is allowed to speak first and all other Council Members are allowed to address the issue after that.
5. The author of the motion is also allowed to make a summation.
6. The author of a motion may amend or withdraw that motion before it has been voted on.
7. Technically, after a motion has been stated by the Mayor that motion belongs to the Council and it requires a majority vote to withdraw it; in practice, however, the Council allows the author of a motion to withdraw it unless another Council Member objects.
8. A motion dies which fails to receive a "second".
9. A Council Member may make a motion to reconsider an item already voted on at a prior meeting.
10. A motion to reconsider must be made by a member present and voting on the prevailing side of the original motion and shall require the affirmative vote of a majority of the Council Members present and voting.
11. Any action taken by the Council shall not be reconsidered or rescinded at a Special Meeting unless the number of members of the Council present at the Special Meeting is equal to or greater than the number of members present at the meeting when the action was approved or disapproved. Utah Code Ann. § 10-3-508.
12. An item to be reconsidered shall appear on the Active Agenda and shall be identified as "Reconsideration of (the title of the matter previously voted upon)."
13. Discussion of the substance of matter to be reconsidered shall occur only after a motion to reconsider has been successfully approved by a majority of the Council present and voting.
14. Other than the main motion, the most common motion used by the Council is a motion to amend. The intent of an amendment is to modify the original motion by inserting, adding to, striking out, and striking out and inserting language in the original motion. A motion to amend a main motion should relate to the same subject as the main motion. This ensures that the Council will vote on one matter at a time.
15. A motion to amend should not have as its intent a reversal of the main motion. For example, if the main motion is to adopt an ordinance, it is not a proper motion to submit an amendment to "not" adopt the ordinance.

16. Substitute motions are a type of amendment motion. The difference is the striking out of an entire paragraph or more from the motion, (or ordinance), and substituting different language.
17. Amendments to the main motion are discussed and voted on before the main motion. Only the amendment is discussed - not the main motion. If the amendment fails, then discussion and voting on the main motion, as originally stated, follows. If the amended motion passes, the amended motion becomes the main motion.
18. The Mayor will proceed with an amendment motion in the same manner as a main motion.
19. In conducting a Council discussion on an amendment motion, the author of such motion is allowed to speak first. All other Council Members are allowed to address the issue after that. The author of the amendment motion is also allowed to make a summation.
20. Any Council Member may move to amend any proposed ordinance or proposed resolution; provided, however, that no amendment shall change the original purpose.
21. Any amendments to a proposed ordinance or proposed resolution recommended by a committee of the Council shall be made to the appropriate document prior to its appearing on the Consent Agenda. Such amendment will be noted in the Council minutes.
22. The Council may move to table a motion. The purpose of tabling a motion is not to kill the motion, but to delay action until a future meeting of the Council. When a matter is tabled, it takes all subsidiary motions with it (e.g., amendments) to the table. A matter should be tabled no longer than necessary; preferably it will be scheduled for discussion at the next available Regular Council Meeting or Work Meeting so that action can be taken as soon as possible.
23. The following procedural motions shall require the affirmative vote of a majority of the Council Members present:
 - a. To adjourn;
 - b. To recess;
 - c. To take up a question out of its proper order;
 - d. To move the previous question;
 - e. To postpone to a day certain;
 - f. To refer to a committee;
 - g. To limit discussion;
 - h. To lay on the table (temporary only); or
 - i. To amend

Such motions shall take precedence in the order moved.

Rule IX: Discussion.

1. The Mayor shall recognize any Council Member requesting recognition to speak, discuss, give a notice, make a motion, submit a report or for any reason address

- the Council, unless a motion taking precedence is offered.
2. All Council Members shall be allowed to speak at least once on any subject.
 3. During discussion, the Mayor shall be responsible for maintaining order.
 4. If, in the opinion of the Mayor, private discourse among or between Council Members or any other disturbance disrupts the Council's business, the Mayor may call the Council to order.
 5. If the Mayor calls the Council to order, all Council business shall cease until such time as the Mayor resumes the Council's business.
 6. Any Council Member may make a motion that the Council be called to order.
 7. The following questions will be decided without discussion:
 - a. To adjourn;
 - b. To recess; and
 - c. Questions relating to order of business.

Rule X: Conflict of Interest.

Council Members are required by law to file a public disclosure statement with the City Recorder listing business interests and investments that could create a conflict of interest with the duties of the Council Member. When a matter in which a Council Member has a business or investment interest appears on the Council agenda, the Council Member must publicly disclose that interest. Although state law does not require a Council Member to abstain from voting or avoid participating in a discussion regarding an item where there is a conflict of interest, it is advisable to do so. Utah Code Ann. § 10-3-1301 to 1312.

Rule XI: Decorum.

1. Conduct of Members of the Council.
 - a. Members of the Council shall not engage in personal attacks and shall restrict comments to issues before the body. Violations of decorum or conduct of Council Members shall be addressed by the Mayor who may declare a Council Member out of order.
 - b. Council Members should avoid engaging in private discourse or committing any other act, which may tend to distract the attention of the Council or the audience from business before the Council, or which might interfere with any person's right to be heard after recognition by the Mayor.
2. Conduct of Citizens and Attendees at Council Meeting.
 - a. Those in attendance should be admonished by the Mayor when they engage in outbursts without being recognized make personal attacks, or seek to disrupt the meeting through loud or boisterous behavior.
 - b. Individuals should be requested to address their remarks directly to the Council as a body concerning the agenda business. Persons engaged in disruptive behavior shall be removed by the Sergeant-at-Arms at the direction of the Mayor.

Rule XII: Sergeant-At-Arms.

1. Upon request of the Mayor, a Sergeant-at-Arms will be assigned to a meeting.
2. The duty of the Sergeant-at-Arms shall be to assist the Mayor in preserving order and decorum in City Council meeting.
3. In the case of any disturbance or disorderly conduct within the Chambers at a Council meeting, the Mayor may request the Sergeant-at-Arms to escort the offender(s) from the Council meeting.

Rule XIII: Personal Privilege – Protest.

1. Any Council Member shall have the right to protest any action of the Council, stating the reasons, and having the same entered in the minutes, provided such reasons do not impugn the motives or character of any person.

Rule XIV: Committees: Special, Ad Hoc, Joint Committee at Request of the Mayor, Oversight.

1. At the request of the City Council the Mayor may, from time to time, create, revise, or abolish committees, or make any changes to a committee structure, subject to a two-thirds vote of the Council, a quorum being present.
2. When such committee is created, its purpose and a relevant time frame will be established.
3. After the final report of the committee to the City Council, the committee will be dissolved.
4. The City Council, by a two-thirds vote, a quorum being present, may or may not elect to formally participate, either by its own membership or its designees, in a committee being established by the Mayor.
5. The Council as a whole may resolve to sit as an oversight committee for the purpose of investigating items relating to the conduct of City business. However, no powers are accorded the committee other than those provided by state law.
6. All meetings of Council committees shall provide notice in conformance with the Utah Open and Public Meetings Act.
7. No final action will be taken by the City Council in response to a committee report until the next Regular Council Meeting after the report is presented. Utah Code Ann. § 10-3-609.

Rule XV: Suspension of the Rules.

No rule shall be suspended except by a motion, second and vote of two-thirds of the Council Members voting, a quorum being present.

Rule XVI: Amendment, Revision or Addition to Rules.

1. Any Council Member may propose amendments, revisions, or additions to these Rules of Procedure.
2. Each amendment, revision, or addition proposed by a Council Member shall be in written form, and copies shall be provided to each Council Member.
3. Consideration of any amendments, revisions, or additions to these Rules of Procedure shall be noticed on a Council agenda.
4. A two-thirds vote of all Council Members shall be required for passage and adoption of an amendment, revision, or addition to these Rules of Procedure.
5. Each Council Member shall have a copy of the latest edition of the Rules of Procedure.
6. A copy of the Rules of Procedure will be made available to the City Manager, all department heads of the City, any member of the City staff, any citizen or other person who requests the same.

Rule XVII: Time Frame for Delivery of Information Packets to Council Members.

For each Regular Council Meeting, Work Meeting, Public Hearing or other meeting of the Council, Council Members will receive a packet containing the agenda of the meeting and complete information pertaining to items on the agenda should be delivered by Friday preceding the meeting. To allow Council Members adequate time to study the items for consideration at the upcoming meeting, all information for agendas and packets will be delivered to the City Recorder by the Thursday at 12 ~~am~~pm preceding the meeting. ~~or such matters will not be included on that agenda. Packets shall be delivered electronically to Council by Friday at 5 pm preceding the meeting.~~ An agenda may be amended by the Mayor but no later than 24 hours prior to the meeting. Council Members may request items to be put on the agenda by contacting the City Recorder.

Rule XVIII: ~~Readopting Ongoing Effect~~ of City Council Rules of Procedures.

~~Every (2) two years these rules shall be readopted by the City Council. These rules and procedures shall continue in place until amended or rescinded.~~

PASSED and ADOPTED this ~~24~~8th day of September, 20~~11~~18.

NORTH OGDEN CITY:

S. Neal Berube, 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: The Mayor and staff have discussed the increased costs for minutes preparation because of the detailed minutes provided to the City for the past ten or so years. The goal is to find out if the Council still prefers the extremely detailed minutes, or if another option is available.

Date: Sept. 22, 2021

STAFF INFORMATION

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

QUESTION FOR COUNCIL

Should the City move to a more traditional minutes taking process?

BACKGROUND

This discussion is intended to find out how the Council feels about the minutes prepared and whether or not they would support a change to the way minutes are written to comply more closely with the state statute 52-4-203. The main change would be moving away from the “word for word” minute standard to the state standard of “the substance of all matters”.

The City currently provides electronic recordings of both Audio and Video, however, it should be recognized that we have had failures of these devices, or the internet which have resulted in the City having either audio or video for a meeting or two in the past. Generally, though we have always had at least one of these electronic versions of the meetings available to fall back on for the meeting.

It would provide some cost savings to the City by reducing the amount of detail in the minutes, however, once adopted the minutes are the official record of the meeting, so there will be some details not included in the “official recorded”

RECOMMENDATION

Staff would recommend if the Council wants to pursue this direction that the staff prepare several examples of the type of minutes the council could expect to see so that an accurate standard can be established for all Public Meetings.