

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

September 7, 2021

The North Ogden City Council convened in a work session on September 7, 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/88079718088> 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 September 2, 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 Covering	Council Member	
	Charlotte Ekstrom	Council Member	(attended through zoom)
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	

STAFF PRESENT:	Susan Nance	City Recorder
	Jon Call	City Manager/Attorney
	Dirk Quinn	Chief of Police
	Scott Hess	Planning Director
	Lorin Gardner	City Engineer
	Dave Espinoza	Public Works Director

VISITORS:	Dee Anna Ito Elmer	Korilyn Hietala	Christina Lomaquahu
	Randall Winn	Kami Marriott	Matt Murdock
	Candace Romani	Anne Haman	Sandy Cochran
	Kathy Layton	Ryan Spelts	Melissa Spelts
	Trent Nelson	Brenda Ashdown	Stefanie Casey
	Jay D Dalpias	Jon Call	

Mayor Berube called the meeting to order. Council Member Swanson offered a thought 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. No disclosures were made.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Sandy Cochran, North Ogden resident, stated that she is seeking clarification on a few issues; she is a resident in the Village at Prominence Point project, and she has complained to the City about a few problems in that development and has been advised to review the development agreement for the project. She has done so, but still has questions. The development agreement indicates there are to be 28 patio homes, but there are only 22 patio homes. The map for the development shows an area with five patio homes, but those have been replaced with two townhome buildings, but she cannot see where that change was authorized. The original plan included 16 townhome buildings for a total of 122 units, but there are now 17 buildings with 135 units. She added that in her reading of the original development agreement and some other documents, she only found discussion of single-story cottages or patio homes and she is wondering how two-story cottage homes were built in the project. Section 4b of the agreement states that the developer will be in compliance with all ordinances and rules/regulations in the City; she is told that the City has a street lighting ordinance, but this project does not have streetlights. When she has spoken to the City, she was told that the project will not have streetlights until the clubhouse is built, but she has talked to others who have told her that the streetlights could be operable if someone forced the developer to install a temporary power station to light them. This should not cost more than \$1,000. She noted that the lack of streetlights creates a safety hazard for the residents living in the community. There are many kids who live in the project that play outdoors and as soon as the sun begins to set, they are at risk of being hit by a vehicle that cannot see them without streetlights. There is also a big open field where the condo units will be built and that area is also very dark. She then noted that when she first moved into her home, her realtor told her that the developer could only sell a certain number of units to people who would use their unit as a rental property; this was 15 percent of the total units, but she believes there are many more rental units than that. She noted she was told by a neighbor that the developer, Jack Barrett, amended the covenants, conditions, and restrictions (CCRs) for the project earlier this year to remove that limitation on rental units and she is wondering if the City has the ability to enforce that original restriction.

Mayor Berube advised Ms. Cochran to call the City offices to schedule a meeting with himself and City Manager/Attorney Call to discuss those issues in greater detail. The City is very interested in enforcing ordinances and the terms of the development agreement. Ms. Cochran thanked Mayor Berube and added one additional point; the Village at Prominence Point project was sold as a luxury community, and it would be if it were well maintained. There is junk and debris left throughout the project area and the weeds are not being mowed.

Council Member Swanson asked Mayor Berube to report back to the entire Council after his meeting with Ms. Cochran.

3. **DISCUSSION ON SENSITIVE LANDS ORDINANCE**

A staff memo from Planning Director Hess discussed the background of ongoing discussions of the City's sensitive lands ordinance; for a full background on the item prior to July 20, 2021, please see Exhibit J and review the Staff Report from Rob Scott for the Council meeting on May 11, 2021.

For tonight's Work Session, Staff is asking the City Council to review the attached memos, staff comments, and the Sensitive Lands ordinance. It is Staff's hope that the City Council will provide direction on the comments in order to bring forward a final draft of the Sensitive Lands ordinance for consideration at an upcoming City Council meeting.

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

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

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

Mr. Hess reviewed his staff memo and facilitated a review of the draft ordinance that would memorialize the sensitive lands amendments recommended by the Planning Commission. He also discussed meetings City staff has held with residents and property owners that have expressed concern about the amendments. High level discussion among Mr. Hess, the Mayor, and the City Council centered on the subjectivity of certain terms included in the ordinance and the need to clearly define those terms; design standards for developments in sensitive lands; underlying zoning of areas designated as sensitive lands; geotechnical study requirements; the need to prioritize safety in development of hillside properties; the percentage of impervious surface that should be allowed on sloped areas; the perception of the potential for the ordinance to place undue burdens on developers of sensitive lands areas; and legal defensibility of the ordinance. Mayor Berube directed Mr. Hess to utilize the feedback provided by the Council this evening to adjust the proposed ordinance and bring it back to the Council for continued review and discussion, and possibly action in the near future.

4. **DISCUSSION ON NORTH OGDEN CONECTION MAGAZINE**

A staff memo from City Manager/Attorney Call explained the contract with the Connection magazine is expiring and the publisher wishes to continue the relationship between the City and their company. Staff has pulled some numbers on the costs associated with the City taking on the responsibility itself. Some of these numbers are estimates and others are pretty solid numbers. We anticipate that the City taking the newsletter back on will require an additional use of employee time for formatting and creating content for the newsletter. City Manager/Attorney Call estimated it will take about 10 to 15 hours a month to put the newsletter together across all departments.

There will also be some physical costs to print out the paperwork and include it in the monthly utility bills. For a full color printout double sided printed and stuffed in the existing envelopes it would be \$.24 per utility bill. The cost for black and white would be cheaper in the \$.10 a sheet range. Given our monthly bill numbers we would be seeing a cost between \$510 and \$1,224 depending on the options the City selected for the newsletter.

The Publisher is recommending a new cost structure based upon \$.11 per address where the magazine is delivered. The would be approximately \$900 per month at this time.

The City also gets a benefit from having the ability to print the cherry days edition of the magazine by utilizing the publisher's contracts and resources. We estimate that we save about \$3,000 a year in cherry days publishing and mailing costs.

On the other side the City has had some complaints about the magazine as some residents have felt it wasn't a good use of City resources and that the information was not as relevant as they would like. The Council has probably heard additional concerns, so it would be good for the Council to talk about the benefits and other impacts by the magazine. The publisher of the Connection Magazine will be available to discuss their proposal as well as answer questions regarding the next steps. His summary of information is attached to this report.

The memo concluded that with the costs and time requirements staff is recommending the council consider extending the contract with the Connection Magazine or consider looking at other 3rd party publishers. There are obviously additional considerations the council must consider, but from a cost and resource perspective it appears to be a good deal for the City to continue to utilize the Connection Magazine.

Mayor Berube invited input from Ryan Spelts, Connection Magazine Publisher. Mr. Spelts discussed the history of his relationship with North Ogden City and stated he has enjoyed growth and is now publishing for five other communities/entities. The goal of the publication is to be a positive source of information, with not debate or opinions of political issues. However, he continually receives feedback that the publication should have biographical information about municipal election candidates. He then noted that

the majority of the feedback he receives is positive and people are grateful for the publication in their community.

Mayor Berube agreed but added that given that the publication is just monthly, it can be difficult to advertise certain matters in a timely manner; since the publication is not delivered to households until late in the first week of each month, any event or meeting that occurs before that time cannot be effectively advertised.

Mr. Spelts stated that timelines are definitely a struggle; there have been many presses negatively impacted by the COVID-19 pandemic and remaining presses are extremely overrun. That is why it is necessary to require content to be submitted earlier than usual because it can take nine to 10 business days to get the publication printed. There are other supply and demand issues that are out of his control that have impacted his business and continues to navigate those issues.

There was then high-level discussion regarding the amount of space that North Ogden City has access to for City specific issues. He then concluded that other cities allow political advertising during political elections and all candidates have the same opportunity to include their campaign information. He stated he is willing to support that in the North Ogden publication if the City Council feels that would be valuable. Mayor Berube stated that such information would need a disclaimer to communicate that any political content is not sponsored or endorsed by the City.

Council Member Ekstrom suggested that the Connection Magazine include an article that serves as a recap of decisions made by the Council.

5. **DISCUSSION ON THE USE OF AMERICA RESCUE PLAN ACT (ARPA) FUNDS FROM THE FEDERAL GOVERNMENT**

A staff memo from City Manager/Attorney Call explained the City has been given approximately \$2,400,000 to be used for city infrastructure projects. There are lots of guidelines for the use of the money but because it is a high-level policy discussion the staff would like to know which direction the council would like to pursue. Generally, staff would recommend a focus on the water system as opposed to the sewer system because of the perceived needs and deficiencies. The recommendation is centered around the water tank already approved as well as the replacement of undersized/aging lines, and the development of the wells which have already been drilled.

The City also has the ability to apply to the state for the use of some additional funds given to the state. There is \$50 million available to all the cities and towns. We will need to apply for this money quite quickly as the deadline is September 15, 2021. We anticipate that several of the projects we already have planned will qualify for these additional state funds.

Mayor Berube and Mr. Call reviewed the staff report and facilitated discussion among the City Council regarding their priorities for use of the ARPA funds; Mr. Call presented a list of water department capital projects, which could be funded with ARPA funds and could be completed in the timeframe in which the City is required to expend the funds. Public Works Director Espinoza stated that projects number one and four are the top priorities; this includes a two-million-gallon storage tank and property purchase and the Fruitland Drive booster project. Funding for projects two and three have already been included in the budget for current Fiscal Year (FY). The Council engaged in high level discussion about all water projects included on the list, with a focus on the need to improve wells in the City due to current and potentially ongoing drought conditions. Mr. Call noted that the total amount for all projects on the list is \$5 million; the City has the ability to request additional ARPA funding from the State and he inquired as to whether the City wants to request sufficient funds to cover that entire amount.

6. **PUBLIC COMMENTS*-**

Jon Call, North Ogden resident, stated that he was very involved in the City from 2014-2017, but has not attended a meeting for a few years. He followed the City's actions of the Village at Prominence Point project and other significant projects – such as the Barker Park Amphitheater – in the City, but many of those were not properly funded and the City is dealing with the fallout over that. He wondered why the Council is considering funding new projects without first addressing older projects that are still needed. For example, he cited the dog park; full completion of the amphitheater; improvement and maintenance of the City's trail system; Coldwater Creek improvements; the City pond and associated infrastructure. He noted the Public Safety building is direly needed at this time in the City and while this is not a project that was discussed as much as others during the time he was more involved, it is a project that was on a long-range plan for the City. He asked that the Council make efforts to follow through or at least examine reasons why projects are not being completed. He understands the frustration that residents are experiencing due to the ongoing problems at the Village at Prominence Point; the City has 'bent over backwards' for that developer and allowed him to do things that many were opposed to. He is disappointed the City has not held that developer accountable and people living in that project feel they were sold on something they are never going to receive.

Mayor Berube thanked Mr. Call for his input and noted the City has applied for a grant for the pond project and is waiting to hear what amount will be awarded. Other projects are still being discussed and he welcomed Mr. Call to meet with him and get more detailed information about those projects.

Jay D. Dalpiaz, North Ogden resident, voiced support of using ARPA funds for necessary water projects. He addressed the wells that need to be tapped at the top of 1050 North and the canyon and asked how much that will alleviate the need to pump water, for which residents are paying a surcharge.

Public Works Director Espinoza stated those wells will dramatically decrease the need to pump because both wells will feed Rice Creek, which can support about 70 percent of the City. Mayor Berube stated that he heard from a resident who was concerned that the surcharge was intended to cover infrastructure costs, but it is actually intended to cover the increase in electricity costs for pumping the water to areas of the City that cannot be gravity fed.

7. **COUNCIL/MAYOR/STAFF COMMENTS**

Mayor Berube stated that Administration met with contractors who are interested in providing a proposal for the City's Public Safety project; bids and proposals are due by mid-October.

City Manager/Attorney Call reported on projects currently being worked on by the City's Planning Division. He then discussed the increase in COVID-19 cases and noted it may be necessary to move back towards virtual meetings or at least limiting the number of people attending in person to allow for adequate social distancing. He reported on the Police Department's examination of the trail crossing on 2750 North; they have recommended that additional warnings and enhanced visibility be implemented to improve safety of those using the trail. He stated that they are reviewing other trail crossings as well to determine appropriate implements aimed at increasing safety.

8. **ADJOURNMENT**

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

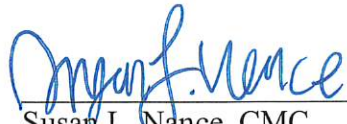
Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 8:22 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved