

NORTH OGDEN CITY COUNCIL MEETING MINUTES

November 23, 2021

The North Ogden City Council convened in a Council meeting with limited attendance on November 23, 2021, at 6 p.m. at the North Ogden City Office at 505 East 2600 North. And electronically on Zoom, recording can be found on 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 November 19, 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
	Dirk Quinn	Chief of Police
	Scott Hess	Planning Director
	Dave Espinoza	Public Works Director
	Dylan Hill	Public Works Inspector

VISITORS:	Merrill Sunderland	Steve Peterson	Mark Anderson
	Stef Casey	Michelle MacDonnell	Susan Clements
	Dave Freestone	Reed Miller	Sandy Cochran
	Brenda Ashdown	Jim Romani	Candace Romani
	Jon Bingham	Trent Nelson	Don Waite
	Butch Campbell		
	M. Brent Chugg (Public Safety Committee Chairman)		

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

Council Member Barker motioned to amend the agenda by moving item four ahead of item one. 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

The motion passed.

4. SWEARING IN OF NEW POLICE OFFICER, BRITTON GRIGGS

City Recorder Nance administered the Oath of Office to Police Officer Britton Griggs.

Police Chief Quinney provided the Mayor and Council with information about Officer Grigg's personal and professional background and stated that he is excited for Officer Briggs to be part of his Department.

PRESENTATIONS

1. STRADA STRAGA NETWORKS REGARDING FIBER OPTIC OPTIONS

Sylvia Wilkins and John Bingham, representatives of the Business Development Team at Strada Networks, provided a presentation that summarized the background of the business, the services they offer, and the communities they currently provide support to. The network would be open to all private internet service providers, meaning end users have options when considering their provider.

Mayor Berube noted that the City is conducting a survey of residents to gauge their level of support for this type of project. The Council will update Strada and other interested providers of the outcome of that survey.

CONSENT AGENDA

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube disclosed that one of the contractors made a contribution to his campaign several years ago. Due to that, he did not participate in ranking the contractors who provided bids for Public Safety Building project. He asked if any member of the Council had a conflict of interest to declare; no additional declarations were made.

3. **DISCUSSION AND/OR ACTION TO CONSIDER THE SEPTEMBER 28, 2021, CITY COUNCIL MEETING MINUTES**

Council Member Ekstrom motioned to approve the September 28, 2021, City Council Meeting minutes. 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.

5. **DISCUSSION AND/OR ON A CONDITIONAL ACCEPTANCE OF FERNWOOD PHASE 6 SUBDIVISION**

Public Works Inspector Hill explained he has completed conditional inspection of Fernwood Estates Phase 6 and found it to be in compliance with City Codes and standards. He recommended conditional acceptance of the project.

Council Member Stoker motioned to approve the conditional acceptance of Fernwood Phase 6 Subdivision. 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.

6. **DISCUSSION AND/OR ON A CONDITIONAL ACCEPTANCE OF QUAIL PONDS PHASE 5 SUBDIVISION**

Public Works Inspector Hill explained he has completed conditional inspection of Quail Ponds Phase 5 and found it to be in compliance with City Codes and standards. He recommended conditional acceptance of the project.

Council Member Ekstrom motioned to approve the conditional acceptance of Quail Ponds Phase 5 Subdivision. 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

The motion passed unanimously.

7. DISCUSSION AND/OR ON A CONDITIONAL ACCEPTANCE OF SHUPE FARMS SUBDIVISION

Public Works Inspector Hill explained he has completed conditional inspection of Shupe Farms and found it to be in compliance with City Codes and standards. He recommended conditional acceptance of the project.

Council Member Cevering motioned to approve the conditional acceptance of Shupe Farms Subdivision. 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

The motion passed unanimously.

ACTIVE AGENDA

8. PUBLIC COMMENTS

Jim Ramani, North Ogden resident, stated that if the City is considering an internet system similar to what was discussed earlier in the meeting, he would strongly advocate for a fiber optic system. His experience with the Missile Defense Agency, included extensive exploration of ethernet infrastructure. Fiber carries so much more capacity and does not degrade. From a technology standpoint, there is no comparison between fiber and ethernet. He is not advocating for any particular provider, but if the City has the ability to choose its technology solution, fiber is the best option. He and his wife both work in the Information Technology (IT) field and as far as a solid infrastructure

solution, there is nothing new on the horizon. Mayor Berube stated the City may call on Mr. Ramani for his input in future discussions of a fiber project.

Brenda Ashdown, North Ogden resident, stated that she supports the placement of an island at the end of Pleasant View Drive where it intersects with Washington Boulevard, but a sign is needed to notify traffic on Washington Boulevard that there are no left turns allowed onto Pleasant View Drive. Additionally, the ingress/egress point from Washington Boulevard to Lee's Marketplace is a 'nightmare'. She then stated that the retaining wall behind Lee's Marketplace looks very nice and she thanked the City for completing the project. Mayor Berube stated the City has looked into the placement of the type of sign recommended by Ms. Ashdown, but there is no place to install it. Officers have been directed to patrol the area and cite those that are making an illegal left-hand turn. Additionally, the current configuration of the intersection with Pleasant View Drive and Washington Boulevard is experimental in nature and if it is too dangerous because people are not obeying the law, the intersection will be closed entirely.

9. **DISCUSSION AND/OR ACTION TO CONSIDER A REQUEST FOR IMPROVEMENTS RELATED TO THE DENNY KOOP SUBDIVISION**

Planning Director Hess explained a property owner, Denny Koop, applied for a two-lot minor subdivision at the corner of 2850 N. 750 E. There is an existing home facing 750 E. and the subdivision would create a new parcel to the east that would have frontage along future Monroe Boulevard. As part of the subdivision process, staff notified the property owner that improvements along Monroe Blvd. for the length of the lot (approximately 215 feet) would be required. The property owner raised concerns over these improvements as they are not required to provide access to the newly subdivided lot, and would be a large burden to take on for such a small subdivision. Staff determined that there are several potential paths forward, but all of them would require City Council approval through an agreement or other legislative action to accomplish. The ultimate end goal for the property owner is to construct a new home that faces 2850 N. on the east side of the existing home. The options that have been identified by Staff include the following:

Mayor Berube invited input from Mr. Koop.

Denny Koop stated that he and his wife recently purchased the property from a family friend; during the due diligence period, they reached out to the City to determine what would need to be done to build an additional home on the property. The requirement to construct a portion of Monroe Boulevard would be very burdensome and he asked that the Council consider approving some of the other options presented by staff. Presently, they are remodeling the small farmhouse on the property, and would like the City to consider allowing the new home to be an accessory dwelling unit (ADU) to the existing

home on the property. He stated there are other properties along the road upon which additional homes have been constructed and they have not been required to construct Monroe Boulevard in conjunction with their projects.

Mayor Berube stated it is important for the City to be consistent in its application of City ordinances and policies and he asked City Manager/Attorney Call for information regarding whether other property owners have not been required to complete Monroe Boulevard improvements. Mr. Call provided an aerial image of the area surrounding the subject property to identify the Monroe Boulevard right-of-way; the property to the east of the subject property is a five-acre parcel, the subdivision of which was caused by the City's acquisition of property for the Monroe Boulevard project. Staff has spent a significant amount of time analyzing this application and City ordinances and is open to the Council's consideration of the options that have been presented by Mr. Hess.

Council Member Swanson arrived at 6:56 pm.

Council Member Cevering motioned to table a request for improvements related to the Denny Koop Subdivision. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER APPROVING THE MODERATE-INCOME HOUSING FOR NORTH OGDEN CITY

Planning Director Hess explained North Ogden City adopted an updated Moderate Income Housing Plan in 2019 to meet the requirements of Senate Bill 34, and Utah State Code. State Code requires the City to report to the Department of Workforce Services annually on Moderate Income Housing activities, as well as update the report in whole every five years. Senate Bill 34 outlined a "menu" of items for cities in Utah to select from outlining efforts to assist in providing moderate income housing in the City. The report being considered by the Commission is an update to the 2019 Moderate Income Housing Plan, specifically to activities required by the State Code that the City will consider. The City must update the Moderate-Income Housing Plan, adopt the update, and report on the previously adopted version of the Moderate-Income Housing Plan by

December 1, 2021. Amendments to the Moderate-Income Housing Plan are adopted within the North Ogden General Plan.

On September 15, 2021 the Planning Commission conducted a public hearing, considered the proposed 2021 Draft Moderate Income Housing Plan, and made a recommendation of approval to the City Council.

City Manager/Attorney Call added staff believes that there will be additional legislation regarding affordable housing in the State of Utah.

Council Member Ekstrom motioned to approve the Moderate-Income Housing for North Ogden City. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

**11. DISCUSSION TO CONSIDER THE RE-WRITE FOR THE CITY CODE
CHAPTER 11 AND 12**

Planning Director Hess explained North Ogden City is updating its zoning and subdivision regulations. The consulting firm of Logan Simpson has been hired as the consultant for the project. The purpose of this discussion is to consider four Code Sections that reorganize Title 11 and Title 12 of North Ogden Municipal Code, and determine if they consider the Code reorganization, or individual sections, ready to make a recommendation on to the City Council. Staff and the Consultant Team have done a complete review of the existing zoning and subdivision regulations and identified conflicting provisions and potential revisions. Much of what has been done incorporates existing processes into the code, e.g., assuring that the subdivision process currently utilized by Staff and the Planning Commission, is consistent with the subdivision ordinance. Additionally, the code had related provisions that were scattered throughout the Code, and these have been gathered into unified sections and reformatted. To assist the Planning Commission with their review, the Consultant Team has developed an Overview of Key Changes document of the core reorganization of Code in those sections. Also, Staff has provided the Planning Commission with the final draft Codes for Section 1 through 4.

On September 15, 2021, the Planning Commission conducted the first public hearing on the reorganized Title 11 and Title 12 Land Use Code. Staff presented the final drafts of the Code, and recommended that the Planning Commission permit Staff to incorporate recent Code amendments into the language considered. Due to the timing of recent Code amendments, they had not been incorporated into the Draft Reorganized Land Use Code at the time of the public hearing. Staff committed to updating that language (which has been completed in Exhibits B-E below) in preparation for the City Council meeting.

Staff is recommending that the City Council review the provided Code Sections, and hold a Discussion, but to delay action until brought back at a later date. This will provide staff time to assure that all Code updates are complete and referenced correctly in the Draft Code before replacing the current Title 11 and Title 12.

12. **DISCUSSION AND/OR ACTION TO CONSIDER THE SELECTION OF THE CONTRACTOR AND ARCHITECT FOR THE PUBLIC SAFETY BUILDING**

City Manager/Attorney Call explained the Council has been working towards the construction of a Public Safety Building for the past several years, including a scoping survey, formation of the Public Safety Building Committee, open houses, and other meetings and discussions. All of this work has culminated in the discussion of whether or not to proceed forward with hiring an architect and contractor and ultimately issuing bonds for the construction of the facility. This is not a decision the Council has approached lightly. In total there have been twelve or more meetings by the Public Safety Building Committee beginning in January of 2020 and the Council has discussed it in at least six meetings and two open houses.

Council Member Stoker reported on her participation in the proposal review and interview process; she feels one of the contractors was more responsive and they have a greater amount of experience. They have constructed a Police Station for another community, while the other has not. She supports the recommendation to award the contract to Big D, working jointly with JRCA Architects.

Former Mayor Brent Chugg and Police Chief Quinney echoed Council Member Stoker's input and indicated they support the recommendation.

Council Member Ekstrom stated she also reviewed the bids provided and she was impressed with the thorough nature of the Big D proposal. Mayor Berube agreed.

Council Member Swanson motioned to select Big D Construction, as the contractor and JRC Architects, as the Architect for the Public Safety Building. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

13. DISCUSSION AND/OR ACTION TO CONSIDER SELECTING THE AMOUNT FOR A PRIVATE PLACEMENT BOND

City Manager/Attorney Call explained the Council has already provided an authorization to issue a bond, in that discussion the Mayor committed the Council would later approve the final amount before any agreements have been signed. Legally, the process to notice the intent to bond and the “not to exceed” amount have been satisfied, so the only item left to discuss is the amount of the private placement bonds. Currently, Administration is confident the recommended bonding level would be significantly less than the \$10.5 million authorized. Administration has provided the \$8 million dollar rates for the Council to consider, but will likely have a specific amount for the bond at council meeting as we finalize our fund balances goals and the Council reviews the proposals. Staff recommends the Council review their options and provide direction for moving forward.

Mayor Berube presented a spreadsheet summarizing the current status of the City’s Capital Improvement Project (CIP) funds; this takes into account the Council’s commitment to reduce the fund balance to 15 percent as well as the excess funding from FY2022 of \$500,000. Based upon the conservative management of each Department’s budget in the City, he feels comfortable that the City will be able to meet the funding obligations made, in combination with the bond, to pay for the Public Safety building.

Council Member Cevering inquired as to the anticipated interest rate for the bond. Mr. Call stated it will be just below two percent; this rate is locked as long as bond closure occurs by December 16. Council Member Cevering asked if the bond term is 20 years, to which Mr. Call answered yes. Council Member Cevering asked if there is a pre-payment penalty. Mr. Call answered no; this is one of the reasons the Council selected a private placement bond. Public placement bonds cannot be prepaid until 10 years of the bond term has lapsed.

Council Member Ekstrom motioned to Bond for \$6,750,000 as the amount for the Private Place Bond. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

14. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER STOKER – POLICE

Council Member Stoker reported the Police Department recently hired a new Officer who will graduate from the Police Academy in March. Other Officers will be picking up extra shifts during the holidays to help keep the roads safe; they will particularly be looking for those driving under the influence. She reminded residents that throughout the holidays when many people are buying gifts, they leave them in their vehicles, and this creates crimes of opportunity for criminals. She reminded everyone to lock their cars and not leave their cars running and unattended. She stated she participated in a ride along a few weeks ago and she was very impressed with the demeanor of the Officer that she rode with, especially when he pulled people over. They responded to a medical call during her ride along and it gave her a new perspective of what Officers deal with during a typical shift. She has the highest respect for Police Officers and what they do to keep the City safe. She is excited that the new Police Station will be built soon because the existing facility is no longer providing an adequate level of safety for the community and for Officers.

b. COUNCIL MEMBER EKSTROM – PARKS & RECREATION

Council Member Ekstrom stated the Parks and Recreation Department is gearing up for holiday events; many holiday offerings will be moved to Barker Park this year and she briefly reviewed the Santa schedule and other special events that will be hosted by the City.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson stated it is amazing that the City was able to save such a significant amount of money in order to keep the bond amount for the Public Safety building as low as possible. He commended City staff for their work and conservative management of the budget that made this possible. He then reported that 34 percent of the Fiscal Year has lapsed, and General Fund expenditures are at 25.1 percent. Sales tax is

exceeding projections and are about 11 percent higher than for the same time period last year. He stated the City is in great financial shape.

15. **PUBLIC COMMENTS**

Butch Campbell, North Ogden resident, referenced the earlier discussion about Denny Koop's property and the requirement for the Koops to pay for the Monroe Boulevard improvements. He agrees that requiring the Koops to pay for a road that they do not front onto would be cumbersome; there is not a single home that will face that section of Monroe Boulevard and requiring homeowners to participate in those costs without a benefit from the road seems unfair to him. The road will increase traffic and noise for the homeowners, and he is not sure why the City is requiring the residents to participate. He stated he has reviewed the agreement for the Storey family, who sold a portion of their land for the road right of way; they received fair market value for their property and it is unreasonable to require them to spend that money on the road improvements if they eventually develop their property. If someone is going to subdivide and create a building lot, that may be a time to consider citizen participation. But, if they do not, they should not be required to participate.

Reed Miller read the following "statement of nullification" for the record:

"I ask that Mayor Berube and the members of the North Ogden City Council uphold and defend the Constitution by issuing a statement of opposition regarding the COVID-19 mandates issued by the Occupational Safety and Health Administration (OSHA). The long-awaited rules from the Biden administration concerning a COVID-19 vaccine mandate for employees with over 100 employees have been released by OSHA under an 'emergency temporary standard.' This unconstitutional overreach by an unelected federal agency contains hundreds of pages of the new OSHA rules. This should be alarming to every person that values freedom, liberty, and opportunity for all. These sweeping mandates are a complete disregard on the part of the federal government for both individuals and businesses to make decisions for themselves. I ask that the mayor and city council of North Ogden never implement or force these rules on city employees. I encourage private businesses, our congressional delegation, and Utah state government to do all they can to push back on and reign in this overreach. Furthermore, I encourage people here in North Ogden and across our state and country to never settle for government action that blatantly disregards the Constitution of the United States."

Mayor Berube stated he and the Council are not in the business of determining what is constitutional, but he assured Mr. Miller that any mandate that is deemed unconstitutional will not be implemented in North Ogden City.

16. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson stated that he received an email from an individual who is proposing that the City consider another voting method. Given that the Council heard from those recommending Ranked Choice, he feels the Council should hear from the group supporting this other option, Approval Voting. He asked that an agenda item be included in January for the discussion. He then reported he participated in a ride along with the Street Crimes Unit from Weber County and it was a very valuable experience; it is amazing what law enforcement officers do and see daily..

Council Member Barker echoed the comments made by Public Safety officials. He then stated there will a basketball game between local Police Officers and Fire Fighters, the proceeds of which will be used to benefit two families in the North Ogden community.

Council Member Cevering thanked Public Works Director Espinoza and his Department for their efforts at keeping the impact of local road projects as low as possible.

City Manager/Attorney Call thanked the staff of the Planning Department for their efforts at streamlining planning processes; many people do not understand the impact that these efforts have on the community, but they are significant.

Mayor Berube reported next Tuesday at 6:00 p.m. the Council will be discussion long range planning. The public is invited to attend.

17. ADJOURNMENT

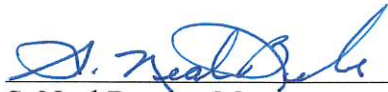
Council Member Stoker motioned to adjourn the meeting. Council Member Swanson seconded the motion.

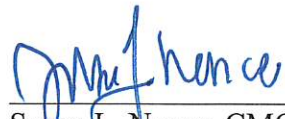
Voting on the motion:

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 8:38 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved