

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 22, 2022

The North Ogden City Council convened only electronically on Zoom at 6 p.m.; 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 February 17, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	(excused)
	Jay D Dalpiaz	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Lorin Gardner	City Engineer	
	Dylan Hill	Public Works Inspector	
	Dirk Quinney	Chief of Police	
	Scott Hess	Planning Director	
	Tiffany Staheli	Parks & Recreation Director	
VISITORS:	Brenda Ashdown	Merrill Sunderland	Peggy Ashworth
	Stefanie Casey	Susan Clements	Terri McCulloch
	Sandy Cochran	Julie Anderson	Dave B

Mayor Berube called the meeting to order. Council Member Swanson offered a thought and led the audience in the Pledge of Allegiance.

Mayor Berube then read the determination of substantial risk to health and safety upon which the decision to hold virtual meetings was based.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare; no declarations were made.

2. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF NORTHVIEW ESTATES PHASE 6 SUBDIVISION**

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

Council Member Swanson motioned to approve the conditional acceptance of Northview Estates Phase 6 Subdivision. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

3. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF NORTHVIEW ESTATES PHASE 7 SUBDIVISION**

Public Works Inspector Hill explained he has completed conditional inspection of Northview Estates Phase 7 and found it to be in compliance with City Codes and standards. He recommended conditional acceptance of the project.

Council Member Ekstrom asked if the developer is able to sell lots in the subdivision before this action is taken by the Council. City Manager/Attorney Call answered yes as the subdivision plat has been approved by the Planning Commission. This inspection is simply for the infrastructure improvements in the project that are being turned over to the City.

Council Member Ekstrom motioned to approve the conditional acceptance of Northview Estates Phase 7 Subdivision. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	aye

Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF WHITE ROCK PHASE 1 SUBDIVISION**

Public Works Inspector Hill explained he has completed conditional inspection of White Rock Phase 1 and found it to be in compliance with City Codes and standards. He recommended conditional acceptance of the project.

Council Member Dalpiaz motioned to approve the conditional acceptance of White Rock Phase 1 Subdivision. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION TO CONSIDER THE JANUARY 4, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve the January 4, 2022, City Council Meeting minutes. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

6. PUBLIC COMMENTS

There were no public comments.

7. DISCUSSION AND/OR ACTION TO CONSIDER A PETITION OF ANNEXATION FOR PROPERTY LOCATED AT APPROXIMATELY 3525 NORTH 100 WEST

Mayor Berube reported that City Manager/Attorney Call and City Recorder Nance have reviewed this petition and found that the property is actually included in Pleasant View City's annexation policy plan; therefore, the petitioner has been informed that he will need to pursue annexation with that City rather than North Ogden.

8. DISCUSSION AND/OR ACTION TO CONSIDER A FIBER FRANCHISE AGREEMENT

City Manager/Attorney Call reported that a fiber service provider, Senawave Communications, has requested a franchise agreement that will make it possible for them or any other provider to lay fiber infrastructure through the entire City. Franchise agreements are used to ensure that the same terms and conditions are available to any service provider, though Senawave has indicated that in the fiber business, once one company begins installing fiber in a community, other providers typically avoid that community. He then provided a high-level overview of the terms included in the agreement and responded to questions from the Mayor and Council about the long-term implications of the agreement. There was a focus on the length of the agreement and the ability of either party to terminate the agreement; compliance with public works and engineering standards; the ability of the City to ensure that all areas of the City will have access to fiber infrastructure; and the service levels that customers will have access to.

Council Member Swanson motioned to postpone action on the proposed franchise agreement until the Council has the ability to receive a presentation from Senawave Communications. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

Council Member Barker stated he does not feel it is proper for municipal government to interfere with utilities; any company that wants to provide utility service should be allowed to perform work in the City without any obstruction from the City.

9. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION RELATED TO MAILBOX REPLACEMENT**

City Manager/Attorney Call reported that during the February 1, 2022 City Council meeting the Council heard from a resident who had concerns about the City's current mailbox replacement policy. The Council asked that the entire policy be presented to them in a future meeting for review and discussion. He provided information regarding the history of the policy and the conditions under which a resident is eligible for mailbox replacement.

The Council discussed and debated the limitations of the current policy and the potential unintended consequences that residents may experience if the existing policy is unchanged. Council Member Ekstrom indicated she feels the cap should be removed and that the policy should indicate that the City will replace any damaged or destroyed mailbox. Other council members indicated they feel a cap is needed and they suggested increasing it to \$2,000; additionally, there should be a requirement that residents obtain three bids for the replacement of a mailbox that is proven to have been damaged or destroyed by a City snowplow.

Council Member Ekstrom motioned to approve Resolution 03-2022 related to mailbox replacement, removing the cap on the total cost, and requiring residents to obtain three bids for the work. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	nay
Council Member Ekstrom	aye
Council Member Swanson	nay

Mayor Berube	nay
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The motion failed on a three to two vote.

Council Member Swanson indicated that he strongly believes the policy must include a cap. Mayor Berube agreed.

Council Member Swanson motioned to approve Resolution 03-2022 related to mailbox replacement, amending section two to add a \$2,000 cap and requiring residents to obtain three bids for the work. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

Mayor Berube asked Mr. Call to include an item on a future work session agenda to discuss snow plowing with the intent of limiting future occurrences of damage to mailboxes caused by snowplows.

10. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO DESTROY, DONATE, OR APPROPRIATE UNCLAIMED PERSONAL PROPERTY FOR PUBLIC INTEREST USE

City Manager/Attorney Call indicated that the City's Police Department collects a great deal of miscellaneous items that are considered to be evidence as part of an investigation; many of the items are never reclaimed by the owner and the Police Department recommends either destruction, donation, or re-appropriating the property for public use. The Police Department needs Council approval to approve with the recommended forms of disposition.

Council Member Swanson motioned to approve Resolution 04-2022 to destroy, donate, or appropriate unclaimed personal property for public interest use. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

11. DISCUSSION ON DEFERRAL AGREEMENTS AND VARIANCES

City Manager/Attorney Call used the aid of a PowerPoint presentation to discuss the Council's powers relating to deferrals, special exceptions, and variances relating to public improvement regulations. He noted public improvements are triggered by development activity and include things like roads, sidewalks, pipes, trails, and other infrastructure improvements. The cost of the

improvements typically matches development activity, and these requirements apply to all properties in the City. Deferrals are treated as lien agreements, but the City is not required to allow deferrals. Special exceptions are allowed if they meet specific criteria.

The criteria for receiving a special exception are less stringent than those required for a variance; the City is not required to allow for a special exception. State Code does require that variances be allowed if they meet specific criteria.

Mayor Berube facilitated discussion among the Council to determine the direction the Council would like to give Administration regarding any policies to be considered regarding deferrals or special exceptions. The Council heavily debated the increase in the number of deferral requests in recent years regarding sidewalk improvements specifically. They concluded to direct Mr. Call to research the potential implications of eliminating the option for deferrals and special exceptions in the City, and present that information to the Council for continued discussion and possible action in a future meeting.

12. CONTINUED DISCUSSION ON CITY VISION AND GOALS

City Manager/Attorney Call used the aid of a PowerPoint presentation to highlight and facilitate discussions about the long-term goals identified by the City Council.

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| 1. Completion of Public Safety Building | 8. Preservation of Natural Waterways |
| 2. Maintain Growing Police Force | 9. Lights and sound at Amphitheater |
| 3. New water tank/infrastructure | 10. Phasing of Barker Park |
| 4. Develop long term financial plan | 11. Preservation of Open Space |
| 5. Develop Plan for RDA money and economic development | 12. Planning for Park Growth |
| 6. Commercial Development 2600 N. | 13. Improvement of Trailheads |
| 7. Emergency Preparation | 14. Development of Arts Guild and meaningful activities |

He concluded by presenting six resident suggestions as identified by the survey:

1. Safe routes to school.
2. Recycling.
3. Recreation program expansion.
4. Fiber.
5. Water conservation.
6. Growth.

Council Member Covering stated it is his understanding that the City is committed to fund the pond at the Patriot Point project and he asked if that is listed under one of the funding items. Mr. Call stated that it ties in with number 6, commercial development on 2600 North.

The Council then discussed the need for a detailed long term visioning document and financial plan. Mayor Berube stated that he feels the best approach to beginning that work is for the Council to continue discussing the identified projects over the coming months, which would include a brief project description that identifies the goal of the project.

13. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER BARKER – PARKS AND RECREATION

Council Member Barker reported he participated in a site visit with Department staff to an indoor pickleball facility in the Taylor area; Parks and Recreation Director Staheli is working a proposal for a similar facility in North Ogden. He also reported that she is getting ready to hire seasonal staff for the aquatic center, parks maintenance, and recreation programming.

b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpiaz reported the number of building permits issued so far this year is lower than same time last year. He also briefly discussed the Utah Legislative Session, which is currently underway; there will be some land use legislation, but he looks forward to resuming work in the City's General Plan once the session has concluded. Mayor Berube agreed and asked Mr. Call to provide the entire Council with a list of pending legislation that could impact the City.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson indicated he is not prepared to provide a report tonight. Mayor Berube invited Mr. Call to provide a report of the data that was presented at the most recent audit meeting. Mr. Call provided a report detailing expenditures and revenues in the City; revenues are exceeding expenditures at this point for the majority of line items in the City's budget.

14. PUBLIC COMMENTS

Susan Clements, North Ogden resident, referenced a recent article in the North Ogden Connection magazine regarding the printing process; she found it interesting that there is a paper shortage and that printers are stockpiling paper, which further impacts the supply chain. Two larger printing companies have recently closed their business and there are staffing shortages; additionally, deadline extensions have made it difficult to print and deliver magazines on time. She stated she is not a fan of magazines, and she has no other subscriptions; she goes online for most of her information, and she thinks that most others do as well. She feels the information

included in the article is a good argument for moving away from a printed magazine in favor of hosting the information online. Perhaps the North Ogden Connection website could be improved and updated weekly with information regarding the City, specifically special events and an updated community calendar.

Merrill Sunderland, North Ogden resident, thanked the Mayor and Council for their efforts to manage the affairs of the City. He especially appreciated the discussion of a long-range plan, but noted it is concerning the amount of attention and funding that has been and will continue to be paid to the Barker Park Amphitheater project. In the grouping of park projects, he is concerned that the major focus has been for Barker Park; other parks are important as well and there should be more emphasis on caring for and improving those facilities.

Mayor Berube thanked Mr. Sunderland for his comments; he noted that the Council has decided that when there are excess funds, those will be dedicated to long term planning. Ten percent will be dedicated to long term building maintenance, and up to 20 percent can be used for parks – not just Barker Park, and the rest can be used for needs as identified by the City Council.

15. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson provided a reminder for the February 8 caucus meetings; he asked that staff include a link on the City website for people to find the location of their meetings. Mayor Berube asked if the Council would like to cancel the regularly scheduled meeting for that night so that they and staff can attend their caucus meetings. The Council concluded to cancel the meeting and consider scheduling a special meeting if warranted.

Council Member Dalpiaz stated he has not heard much about plans for Cherry Days for 2022 and asked for an update. Mayor Berube stated the issue was discussed recently in City staff meeting, with a focus on the parade route for 2022 and the level of City involvement versus public organization of the celebration. The matter will be discussed in greater detail in a future work session meeting.

Mayor Berube then discussed other items to be included on upcoming work session and business meeting agendas.

16. ADJOURNMENT

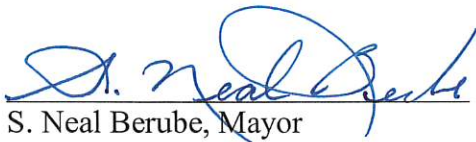
Council Member Ekstrom motioned to adjourn the meeting. Council Member Dalpiaz seconded the motion.

Voting on the motion:

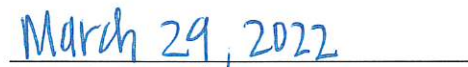
Council Member Barker	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 8:27 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved