



**CITY COUNCIL MEETING AGENDA
AUGUST 23, 2022 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND:

In person OR:

Click the link below to join the webinar: <https://us02web.zoom.us/j/81389673208> Webinar ID: 813 8967 3208

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

YouTube: <https://www.youtube.com/channel/UCrigbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Ekstrom

JOINT WORK SESSION WITH PLANNING COMMISSION

1. Training regarding Financing Methods for Public Improvements
Presenter: Benj Becker, Vice President at Piper Sandler

CONSENT AGENDA

2. Call for conflict of interest disclosure
- [3.](#) Discussion and/or action to consider June 14, 2022, City Council meeting minutes
- [4.](#) Discussion and/or action to consider July 5, 2022, City Council meeting minutes

ACTIVE AGENDA

5. Public Comments*
- [6.](#) Discussion and/or action to consider purchase of City property or request to occupy land owned by North Ogden City within a detention basin parcel located at approximately 234 East 3900 North
Presenter: Scott Hess, Planning Director and Jon Call, City Manager/Attorney
- [7.](#) Discussion and/or action to consider an Ordinance to revise the trailer parking standards to remove language in a provision in Title 11, already addressed by Title 7 of City Code
Presenter: Brandon Bell, Associate Planner
- [8.](#) Discussion and/or action to consider a Resolution to appropriate unclaimed property for public interest use
Presenter: Jon Call, City Manager/Attorney
9. Council Department Reports:
 - a. Council Member Barker – Parks and Recreation
 - b. Council Member Dalpias – Building and Planning
 - c. Council Member Swanson – Finance
10. Public Comments*
11. Mayor/Council/Staff Comments

****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 19th day of August, 2022 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 2022 meeting schedule was also provided to the Standard Examiner on December 16, 2021. Susan L. Nance, CMC, City Recorder

12. Adjournment

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 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.

NORTH OGDEN CITY COUNCIL MEETING MINUTES

June 14, 2022

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on June 14, 2022, at the North Ogden City Office at 505 East 2600 North. The meeting was also 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 June 9, 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	
	Jay D Dalpias	Council Member	via Zoom
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Jami Jones	Finance Director	
	Scott Hess	Planning Director	
	Brandon Bell	Associate Planner	
	Kai Johnsen	Planning Tech	
	Tiffany Staheli	Parks & Recreation Director	
	Dave Espinoza	Public Works Director	
	Bryce Nelson	Administrative Services Manager/Treasurer	
	Jeremy Hindes	Police Lieutenant	
	Clark Crowther	Police Lieutenant	
VISITORS:	Kevin Burns	Sandy Cochran	Brent Chugg
	Cheryl Stoker	Jarod Thompson	Susan Clements
	Reed Miller	Pat Burns	Mark Anderson
	Blaine Nimer	Kenton Wall	Brenda Ashdown
	Stefanie Casey	Terri McCulloch	Scott Holmes
	kcj		

Mayor Berube called the meeting to order. Council Member Barker 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 member of the Council had a conflict of interest to declare. No declarations were made.

ACTIVE AGENDA

2. PUBLIC COMMENTS

There were no public comments.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 2067 NORTH WASHINGTON BOULEVARD FROM COMMUNITY COMMERCIAL (CC) TO MULTI-FAMILY RESIDENTIAL R-4

Council Member Barker motioned to table this item until the applicant arrives. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR AN AMENDMENT IN THE SIDE YARD REDUCTIONS FOR ADDITIONAL GARAGE SPACE

Council Member Cevering motioned to postpone this item so applicant can be present on July 12, 2022, for an amendment in the side yard reductions for additional garage space. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION ON AN ORDINANCE TO ADD THE TWO-FAMILY DWELLINGS INTO THE RCC ZONE

Associate Planner Bell explained The Planning Department and the General Plan Committee recently discussed the potential for reinstating two-family dwellings as a permitted use in the Residential City Center (RCC) zone. On May 4th, The Planning Commission held a public hearing then voted to recommend that the proposed ordinance, which would permit two-family dwellings, not be adopted. Staff recommended the adoption of the ordinance to the Planning Commission, and that view has not changed. Staff recommended the ordinance as presented to the Planning Commission. The newly adopted, updated Future Land Use Map in the General Plan supports two family dwellings in the RCC zone along Washington Boulevard to 2850 N. Staff also recommended the addition of two-family dwellings back into the RCC Zone generally during the consideration of the updated Future Land Use Map. Staff has reviewed the history of two-family dwellings in this zone. This was a historically allowed use and has been listed in the purpose statement in the zone. The RCC zone was adopted in 2005, and included two-family dwellings at that time, as a permitted use, which were determined to be compatible with this neighborhood. Mr. Bell summarized staff's analysis of the matter, noting staff is of the opinion that allowing two-family dwellings in the RCC zone makes sense; the use was originally permitted in the zone and specifically mentioned in an earlier version of the purpose statement for the zone. Allowing two-family dwellings to be 'added' back into the list of permitted uses for the zone, would simply be reinstating a use that was previously permitted for many years. The Residential City Center zone is overwhelmingly built out. Staff believes the impact to this zone would be relatively low. Staff holds the view that two-family dwellings are consistent with the nature of the Residential City Center zone. However, staff feels that requirements should be placed upon the use in the RCC zone, and he summarized the list of requirements included in his report. He also discussed conformance with the General Plan, after which he concluded the Planning Commission voted six to zero to recommend that two-family dwellings not be allowed in the RCC Zone (and thus that this proposed ordinance not be adopted), primarily due to the fact that Accessory Dwelling Units are understood to meet the same type of dwelling needs but maintain the character of the neighborhood. The Commission did however recommend that the lot size for detached ADU's be reduced to a smaller lot size, from its current 20,000.

Discussion among the Council and staff centered on some of the feedback the Planning Commission and City Council have received from the public regarding the impact the potential ordinance amendment could have on the surrounding neighborhood. There was a focus on the

pros and cons of allowing two-family homes in the zone, after which Mayor Berube stated that the key point that was important to the Planning Commission was that the development as proposed by a landowner will allow for home ownership rather than the creation of long-term rental properties. Council Member Swanson stated the same could be accomplished if the City were to maintain the RCC zoning designation of the property and allow it to be subdivided into two 5,000 square foot lots upon which two small single family detached homes could be built. He stated this concept would require smaller homes, which would be more affordable. The twin-home model lends itself to rental rather than home ownership. This led to high level philosophical discussion and debate regarding the appropriate policy decision for the Council to make in this situation, after which Mayor Berube called for a motion; there was no motion from the Council and Mayor Berube declared the ordinance is not adopted and the RCC zoning language is unchanged.

6. DISCUSSION AND/OR ACTION TO CONSIDER INCREASING THE BOND AMOUNT FROM \$6,750,000 UP TO \$10,500,00 FOR THE PUBLIC SAFETY BUILDING

City Administrator/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 to proceed forward with hiring an architect and contractor and ultimately issuing bonds for the construction of the facility. The current discussion before the Council is whether to bond for additional funds. The maximum additional funds that can be borrowed under the current authorization is \$3,750,000. Staff will have revised estimated costs at the meeting, but if the full amount was borrowed it would be around \$260,000 annually depending on the exact interest rate.

The Mayor and Council discussed the financing terms of the bond with Mr. Call and the City's Financial Advisor, Mark Anderson of Zion's Bank; this included a review of the amortization schedule for a \$3.75 million bond with a 20-year repayment term. There was concern about the dramatic increase in interest rates and shorter lock periods.

Mayor Berube then asked Finance Director Jones to summarize the City's available cash on hand for the project; the project cost is estimated at \$14 million with a \$650,000 contingency line item. Ms. Jones indicated the City has approximately \$7.5 million available for the project. If the Council were to issue a bond of \$10.5 million, the City would have \$18 million available for the project.

The Council then debated the appropriate bond amount to issue and the best timing of issuing the bond to secure the best interest rate. The Council and Mayor reached consensus to increase the bond amount to \$9.5 to provide sufficient funding for the project, with the understanding that it may not be necessary to access the full bond amount.

Council Member Swanson motioned to increase the bond amount to \$9,500,000 for the Public Safety Building. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH BID D CONSTRUCTION CORP. FOR THE DESIGN AND CONSTRUCTION OF THE NEW PUBLIC SAFETY BUILDING

City Administrator/Attorney Call explained the decision before the Council is whether or not to finalize an agreement with Big-D for the completion of a \$12 million public safety building. The cost has increased from the original estimate largely because of the inflation of materials and labor over the past six months. He facilitated discussion among the Mayor and Council regarding the scope of the project; factors that contributed to the increased cost of the project; and insurance costs/requirements for the project.

Council Member Barker motioned to approve Agreement #A09-2022 with Bid D Construction Corp. for the design and construction of the new Public Safety Building. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

3. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 2067 NORTH WASHINGTON BOULEVARD FROM COMMUNITY COMMERCIAL (CC) TO MULTI-FAMILY RESIDENTIAL R-4**

The applicant for this item arrived at the meeting and Mayor Berube moved back to item three on the agenda.

Associate Planner Bell explained The applicant is requesting a zone change for the property located at approximately 2067 North Washington Boulevard, from Community Commercial (CC, formerly titled C-2) to Multifamily Residential (R-4). The applicant has applied to have the parcel rezoned, which was recorded as a metes and bounds parcel, but still needs to be legally approved as a subdivision through North Ogden City. A companion subdivision application needs to be filed for the rezoned parcel to be legal. This rezone and the exact boundaries of the property being rezoned, need to be subject to the future subdivision approval. The exact size of the parcel being subdivided and rezoned will be determined by the applicable site development standards of the R-4 zone, as part of site plan review and approval. Hence the rezone and subdivision will also be subject to site plan approval of the proposed townhomes. The proposed ordinance, as currently written, reflects these requirements. HE discussed General Plan guidelines and compliance with the General Plan, after which he concluded staff recommends that the City Council receive public comment, consider the General Plan rezoning guidelines, and make a decision regarding whether this property should be rezoned. The Planning Commission voted five to zero to recommend the property be rezoned to the R-4 zone, subject to the final boundaries of a legally approved subdivision for the parcel.

There was brief discussion among the Council and staff regarding some implications of the proposed ordinance and zone change.

Council Member Ekstrom motioned to approve Ordinance 2022-13 to rezone property for land located at approximately 2067 North Washington Boulevard from Community Commercial (CC) to Multi-Family Residential R-4. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

**8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE
APPROVING FISCAL YEAR 2022-2023 FINAL BUDGET**

Finance Director Jones used the aid of a PowerPoint presentation to discuss changes to the budget document since the Council's acceptance of the tentative budget on May 10, 2022.

Property tax revenue in FY22 was \$1,795,970; the FY23 projected property tax revenue is \$1,877,703, which is an increase of \$81,744. If the Council were to maintain the current property tax rate, revenue would increase to \$2,432,151; the increase amount would be \$554,448. This would need to be advertised as a 29 percent tax increase.

Discussion among the Mayor, Council, and staff centered on the potential impact to the FY23 budget based upon the decisions made earlier in the meeting regarding the bond amount for the Public Safety facility; the Council indicated they have determined it is appropriate to consider a tax increase rather than accept Weber County's recommended tax rate for the coming year. They noted they simply need to decide what the appropriate tax rate is based upon the amount of revenue needed to fund the items included in the budget and general City operations. Ms. Jones indicated she needs the Council to take action on a revised tentative budget, which will serve as the City's operating budget until August 2022 when the Truth in Taxation Hearing can be held; the Council also needs to provide staff with direction regarding the maximum certified tax rate they are willing to consider for communication to the County and for advertising purposes.

a. Public Hearing

Mayor Berube opened the public hearing at 8:13 p.m.

Susan Clements, North Ogden resident, spoke to the concept of Council Members supporting special events and indicated this is interesting given the large number of special events held in North Ogden. North Ogden hosts many more special events and activities than other communities. She suggested the Council hold off on hiring a full-time special events coordinator until the future of the economy is more certain.

Brenda Ashdown, North Ogden resident, stated she understood that the City would be relying upon an Arts Guild to plan and manage events at the Amphitheater. She then asked why the City is considering paying benefits for part time employees as this is something that is not typically done in the private sector. She stated she is immensely concerned that the Council is prioritizing an events coordinator position above a police officer position. She hopes the City will ensure proper advertising of the Truth in Taxation hearing.

Stef Casey, North Ogden resident, stated she is also concerned about the discussion of the need of an events coordinator; the Council seems to be forgetting that last year's Cherry Days celebration was planned and administered largely by volunteers, and they handled the event in just two months' time. North Ogden is full of people willing and able to volunteer, but she does

not see the City actively advertising for volunteer positions or communicating the need for additional volunteers. She suggested additional committees made of residents who could be given a specific assignment or event to manage; it seems as if the City has a control problem and that bothers her since the events should be for and about the community.

Council Member Swanson motioned to close the public hearing. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 8:21 p.m.

b. Discussion and/or action to consider an Ordinance approving Fiscal Year 2022-2023 Tentative Budget

The Council then discussed the appropriate tax rate to advertise for the purposes of the Truth in Taxation hearing; they discussed the amount of additional revenue that would be generated for various tax rates and Council Member Swanson recommended the advertisement of consideration of a tax rate of .001289, which is the same rate that was in effect in 2017. This rate would generate \$2.6 million in property tax revenue and would equate to a 47.9 percent increase over the certified rate recommended by the County.

Council Member Swanson motioned to approve Ordinance 2022-14 approving an amended Fiscal Year 2022-2023 Tentative Budget and directing staff to advertise a maximum property tax rate of .001289, or 47.9 percent increase. The budget should be balanced by increasing property tax revenue and reducing the capital projects fund. Council Member Cevering seconded the motion.

Each Council Member was given the opportunity to express their position on the current tentative budget and methods for balancing the budget; Council Members indicated a willingness to continue to consider opportunities for reducing the expenses in the budget to provide for a lower property tax rate; Council Member Barker stated he cannot support a 48 percent increase, but he will consider maintaining the current tax rate, which is also advertised as a tax increase. Council Member Cevering discussed the role of municipal government and noted he feels the increase proposed is minimal and will provide protection of the expectations of City residents. Council Member Ekstrom agreed the amount of money households pay to North Ogden City is

very low given the level of service they receive. She is concerned about delaying projects and purchases any further and she is supportive of the tax rate recommended by Council Member Swanson. Council Member Dalpiaz stated that he came to this meeting thinking that the Council would support maintaining the current tax rate; he would like more input from Council Member Barker about his opposition to a higher rate.

Voting on the motion:

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

The motion passed 4-1.

Council Member Swanson motioned to recess the City Council Meeting. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The City Council Meeting recessed at 9:05 p.m.

The City Council Meeting reconvened at 9:13 p.m.

c. Discussion and/or action to recess the City Council meeting and convene in the RDA.

Council Member Swanson motioned to recess the City Council Meeting and convene in the RDA. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye

Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

City Council Meeting recessed at 9:14 p.m.

RDA convened at 9:14 p.m.

9. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE
APPROVING THE RDA FISCAL YEAR 2022-2023 FINAL BUDGET**

a. Public Hearing

Chairman Berube opened the public hearing at 9:14 p.m.

There were no persons appearing to be heard.

Committee Member Ekstrom motioned to close the public hearing. Committee Member Swanson seconded the motion.

Voting on the motion:

Committee Member Barker	aye
Committee Member Cevering	aye
Committee Member Dalpias	aye
Committee Member Ekstrom	aye
Committee Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 9:15 p.m.

b. Discussion and/or action to adjourn the RDA meeting and convene in the City Council Meeting.

Chairman Berube noted that the Board does not have complete information about the RDA budget and action will not be taken on that matter this evening; the final budget will be presented for consideration and action in a future meeting.

Committee Member Barker motioned to adjourn the RDA meeting and convene in the City Council Meeting. Committee Member Ekstrom seconded the motion.

Voting on the motion:

Committee Member Barker	aye
Committee Member Cevering	aye
Committee Member Dalpiaz	aye
Committee Member Ekstrom	aye
Committee Member Swanson	aye

The motion passed unanimously.

The RDA Meeting adjourned at 9:16 p.m.

The City Council Meeting convened at 9:16 p.m.

10. DISCUSSION AND/OR ACTION TO CONSIDER THE PROPOSED BUDGET AMENDMENTS FOR FISCAL YEAR 2021-2022

Finance Director Jones provided an overview of the proposed amendments to the Fiscal Year (FY) 2021-2022 budget (a detailed listing was provided in resolution form in the Council's meeting packet). The total increase in expenditures in the General Fund was \$141,432. There was brief discussion among the Mayor, Council, and staff regarding the primary cause for the increase; Ms. Jones indicated there have been many changes in the operational and employment costs across Departments in the City.

a. Public Hearing

Mayor Berube opened the public hearing at 9:25 p.m.

There were no persons appearing to be heard.

Council Member Ekstrom motioned to close the public hearing. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye

Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 9:25 p.m.

b. Discussion and/or action to consider the proposed budget amendments for Fiscal Year 2021-2022

Council Member Ekstrom motioned to approve Ordinance 2022-15 for the proposed budget amendments for Fiscal Year 2021-2022. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER THE DECLARATION OF SURPLUS PROPERTY LOCATED AT APPROXIMATELY 2904 NORTH 450 EAST

City Administrator/Attorney Call presented an aerial map to orient the Council and public to the location of the property subject to the proposed declaration of surplus property; a fiber company would like to pursue a long-term lease of the property to locate a fiber hub and network operations infrastructure on the site. He noted the details of the lease agreement are still being negotiated and the lease agreement can be presented to the Council at a future date; the only action before the Council this evening is to determine whether to declare the property as surplus.

a. Public Hearing

Mayor Berube opened the public hearing at 9:33 p.m.

There were no persons appearing to be heard.

Council Member Swanson motioned to close the public hearing. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The public hearing was closed at 9:34 p.m.

- b. Discussion and/or action to consider a Resolution declaring Surplus Property located at approximately 2904 North 450 East

Council Member Ekstrom motioned to approve Resolution 07-2022 declaring Surplus Property located at approximately 2904 North 450 East. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

12. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER CEVERING - POLICE

Council Member Cevering reported the Police Department hosted a successful golf tournament last week and they generated a significant amount of money to be used for this year's sub for Santa program.

Mayor Berube noted he has heard new Officers have been hired and the Department is fully staffed.

b. COUNCIL MEMBER EKSTROM – PUBLIC WORKS

Council Member Ekstrom reported briefly on ongoing road and utility projects in the community.

13. PUBLIC COMMENTS

There were no public comments.

14. COUNCIL/MAYOR/STAFF COMMENTS

City Administrator/Attorney Call addressed Ms. Ashdown's comments made during the budget public hearing; part time employees do not receive medical or dental benefits, but they are eligible for some paid vacation and 401(k) benefits. Mayor Berube then addressed Ms. Ashdown's comments about the Arts Guild; the chair and co-chair of that body have both stepped down as they did not feel their assignments were meaningful enough. The City has stepped back from the guild until more work can be done to outline specific responsibilities of the body. Ms. Ashdown suggested that the guild could be reformed and may take some of the burden off of the Parks and Recreation Director; she understood that was the original intent of the guild. Mayor Berube asked Council Member Barker to discuss that suggestion with Parks and Recreation Director Staheli to see if that is possible.

Council Member Cevering then reported that he had a conversation with a resident about Utah Water Savers; he referred to their website and indicated that it offers rebates for residents who implement measures to reduce their water consumption. However, when the resident contacted Utah Water Savers, he was told that North Ogden residents are not eligible for a rebate because the City's ordinance does not provide for reduced landscaping, such as elimination of a grass park strip. Mr. Call stated that is correct and the City would need to implement a very intense ordinance that would be burdensome to staff and would have an impact on the City's budget. Council Member Barker stated that there are other rebate programs that residents are eligible for.

Council Member Swanson asked Ms. Staheli how difficult it has been to get volunteers to help with the Cherry Days celebration each year. Ms. Staheli stated it is very difficult. Council Member Swanson stated that is his understanding and it has been that way for the decade that he has been directly involved with the City; North Ogden has used several ways to recruit volunteers and the only reason there was a large volunteer outpouring last year was that the City threatened to cancel the event unless it was supported by volunteers. Now, the City is planning to resume administration of the event this year and it is again very difficult to get volunteers. He stated the lesson he has learned is that volunteers are only willing to participate if the City threatens to cancel an event; once the

City agrees to pay for an event, volunteers are no longer interested in helping. He noted last year's event was fabulous and the volunteer group did a great job. He is struggling to determine how to recruit volunteers effectively. Council Member Swanson then stated that this is his 9th budget season, and he is very grateful to the Council and staff for their efforts at developing a meaningful and conservative budget.

City Recorder Nance reported the June 28 City Council meeting will be cancelled in observance of primary election day.

Mr. Call reported on an appeal the of a building code determination that was made by City staff; the appellant has opted to appear before the Council and that hearing will be scheduled in the next month. There was then brief discussion about other scheduling matters, including scheduling of the Truth in Taxation hearing in August.

15. ADJOURNMENT

Council Member Ekstrom 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 Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 9:49 p.m.

S. Neal Berube, Mayor

Susan L. Nance, CMC
City Recorder

Date Approved

Not Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

July 5, 2022

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on July 5, 2022 at the North Ogden City Office at 505 East 2600 North. The meeting was also 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 June 30, 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	
	Jay D Dalpiaz	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Scott Hess	Planning Director	
	Kai Johnsen	Planning Tech	
VISITORS:	Sandy Cochran	Terry Cevering	Stefanie Casey
	Dave Shupe	Mike Dussol	Cory Jones
	Susan Kilborn	Brenda Ashdown	

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

APPEAL HEARING

1. APPEAL OF A BUILDING OFFICIAL INTERPRETATION OF THE INTERNATIONAL RESIDENTIAL CODE IRC 3901.4 AND IRC 3901.4.5

Mayor Berube reported this appeal hearing has been cancelled at the request of the appellant.

CONSENT AGENDA

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. Council Member Cevering stated that there is an item on tonight's agenda related to ground owned by a member of his family; however, he does not stand to benefit financially. Mayor Berube thanked Council Member Cevering for his disclosure and acknowledged he has the right to participate in discussion on that matter. No additional declarations were made.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE MAY 3, 2022, CITY COUNCIL MEETING MINUTES

Council Member Ekstrom motioned to approve May 3, 2022, City Council Meeting minutes. Council Member Dalpias seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER THE MAY 10, 2022, CITY COUNCIL MEETING MINUTES

Council Member Swanson motioned to approve May 10, 2022, City Council Meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

ACTIVE AGENDA

5. PUBLIC COMMENTS

Sandy Cochran stated she has a few questions about the Barker Park Amphitheater; she heard the temperature of the facility is being maintained at 72 degrees throughout the year and she asked if that means the air conditioning is running all summer. She inquired as to the utility costs the City is paying for climate control. She noted she heard that there is equipment at the facility that must be maintained at a certain temperature and if that is the case, she suggested moving the equipment to another facility that is used more frequently. She noted many residents are very concerned about the potential for the City to increase taxes and she suggested the City consider options for reducing costs.

City Administrator/Attorney Call noted that the heat can be turned off in the winter as the building is designed to freeze with no damage to operating systems. However, in the summer, the air conditioning is kept on to maintain a steady temperature for equipment kept at the facility. He will look into utility costs as requested by Ms. Cochran. There was brief discussion about the areas in the facility that must be air conditioned all summer.

Corey Jones stated he and his family were attracted to the City for many reasons, but at this time he is trying to determine how the City Council makes decisions about City ordinances and whether they are different than law. Mayor Berube stated that he believes that ordinance that is in effect should be enforced; if ordinances are not reasonable or enforceable, they should be eliminated. Council Member Swanson agreed with the Mayor; the manpower that would be needed to enforce all ordinances all the time is not available. One of the purposes of government is to protect the well being of residents and absolute freedom would be the same as anarchy. He noted he is happy to talk to Mr. Jones more about this issue outside of the meeting. Mr. Jones stated that as the City grows, it is necessary to consider changes responsive to that growth. Budgets and resources are always a challenge and citizens can help the City by bringing violations of an ordinance to the City's attention. He asked what citizens should expect once they report a violation to the City. Mayor Berube stated that if a violation is reported, the City responds appropriately. There was a brief discussion about the City's reporting processes and code enforcement response, after which Mr. Jones noted that for a situation in which he has been involved, he has learned to be sensitive to the role of each party, but that timely response is of utmost importance for all involved.

Susan Kilborn stated she is looking for clarification on fireworks restrictions; she understands that fireworks can be lit through tonight in the State of Utah and she asked if that is true in North Ogden. If that is the case, she wondered why the prohibition of fireworks above a certain point on the hillside was removed today. Council Member Barker stated fireworks can be lit through tonight; the reason that billboards were removed today was due to budgetary constraints in the North View Fire District. Ms. Kilborn stated there is a problem with fireworks on the hillside; she hopes that people will abide by the law, but she does not think that will be the case tonight.

6. DISCUSSION ON PROPOSED STORAGE UNIT AND MULTI-FAMILY PROJECT LOCATED IN UNINCORPORATED COUNTY SOUTH OF 1700 NORTH

Planning Director Hess explained property owner, Terry Cevering, has proposed a mixed-use project at 1659 N. 400 E. that includes storage units on the east side fronting Washington Boulevard, and townhomes on the west side. This project was brought before the City in 2019 for discussion, but no formal applications were made at that time. North Ogden City Codes do not currently permit storage units as a new use, but the Code does permit upgrading existing storage units. Storage units were previously permitted in the Manufacturing M-1 zoning district. The property owned by the applicant is in North Ogden City's future annexation declaration, and the General Plan designation is the South Town Mixed Use are that is intended to include commercial and multi-family residential. This application would need the following Land Use Approvals to move forward: Annexation, General Plan Amendment, Zoning Text Amendment, Subdivision, and Site Plan approval. Staff has reviewed the proposed development and is of the opinion that storage units fronting on Washington Boulevard do not represent the long term highest and best use of the ground. North Ogden City will continue to grow and will need areas of viable commercial to secure future sales tax collection. At this time, there is limited desire for commercial along this portion of Washington Boulevard, but with growth and additional rooftops being developed in the area, it is likely that demand will follow. Staff is supportive of multi-family residential in this area of the City as that matches the currently approved Future Land Use Map of the General Plan. The Planning Commission was asked to discuss this project and forward a recommendation to the City Council on whether there is general support for storage units at this location; they considered compliance with the zoning ordinance and conformance with the General Plan and they did not reach a unanimous decision on the matter; he referenced the minutes of the June 15 Planning Commission meeting and noted staff's recommendation is for the City Council to discuss the project with the applicant and provide direction/feedback regarding the next steps he should take.

Mayor Berube then facilitated high level discussion among the Council and Mr. Cevering regarding their ideas for development of his property; there was a focus on various models used for storage facilities; limited access to storage facilities in the City; land use designations of properties surrounding the subject property; commercial viability of the subject property; development opportunities for the property if it remains in Weber County; transportation and utility infrastructure improvements planned for the area; personal property rights. The Council provided feedback to Mr. Cevering that indicated they were willing to consider his land use and development application if he is willing to include some retail space in the project. Mayor Berube stated he would like for the Council and Mr. Cevering to consider entering into a strict and detailed development agreement to govern the project.

7. DISCUSSION REGARDING ACCESSORY BUILDING STANDARDS IN THE R-2 ZONE

Planning Technician Johnson indicated a resident recently came to the City with a preliminary site plan for an accessory building for a metal sided building in an R-2 Zone. Staff concluded that based on the current ordinance related to accessory building design standards in the R-2 Zone the building could be approved. However, staff recognized that the standards for accessory buildings in the R-2 Zone are less restrictive and not consistent with the standards for accessory buildings in other residential zones, specifically standards in the R-1-8 and R-1-10 zones. He summarized staff's analysis of the current zoning regulations for accessory buildings and the General Plan.

Mayor Berube asked Mr. Johnson if he sees a justification for regulations for accessory buildings being inconsistent across zones. Mr. Johnson answered no. Mayor Berube then facilitated discussion among the Council regarding their feelings about the current accessory building regulations; they concluded that they are supportive of ordinance amendments that ensure consistency across zones. Mr. Johnson stated that the matter will be presented to the Planning Commission for a formal recommendation to the City Council.

8. PUBLIC COMMENTS

Mike Dussol, North Ogden resident, asked why the City's firework show was scaled back. Mayor Berube stated that the City's firework vendor encountered issues that made it impossible for him to produce the show. The replacement vendor had a malfunction of their equipment, and the decision was made to cancel the show. Mr. Dussol stated that he is familiar with fireworks, and it is most effective to light fireworks by hand rather than using electronic equipment. He provided the Mayor and Council with a handout detailing important information about fireworks vendors and regulations.

Dave Shupe stated he is the owner of Coldwater Animal Hospital, and he has appeared before the Council to try to get them to fulfill the promises that have been made to him by Public Works Director Espinoza; the construction along Washington Boulevard has impacted his property and proper repairs have not been performed. He spoke to Council Member Ekstrom who thought his expectations were too high, so he is here tonight to try to reach an agreement with the Council regarding appropriate expectations. He communicated the damage to his property that has not been repaired, after which Mayor Berube stated it would be his expectation for the property to be restored to its original state if he were the property owner. City Administrator/Attorney Call reported that a contractor is working on the issues referenced by Mr. Shupe; he can reach out to the contractor to determine their timeline. Mayor Berube stated that the City signed the contract and should hold the contractor to the obligations they committed to. Mr. Call stated he will reach out to the contractor this week and he will reach out to Mr. Shupe.

9. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Dalpias stated that he met with City Administrator/Attorney Call about improving the zoom feed for City meetings and he thanked Mr. Call for his efforts.

There was brief discussion about communication items between the Mayor, Council, and community groups/residents.

Mayor Berube referenced the cancellation of the fireworks show; many have asked if it will be rescheduled and he asked if the Council has interest in rescheduling. He polled the Council, and all Council Members supported the idea of rescheduling. They discussed the appropriate location and date of a rescheduled fireworks show and concluded to work with the North View Fire District to find the safest location and to pursue a date near the July 24 holiday.

10. ADJOURNMENT

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

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 7:18 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 / APPLICATION INFORMATION

Application Request: Consideration of property purchase or request to occupy land owned by North Ogden City within a detention basin parcel.

Agenda Date: August 23, 2022

Applicant: Clint Willis

File Number: N/A

PUBLIC NOTICE:

Mailed Notice: N/A

Newspaper: N/A

City Website: August 18, 2022

PROPERTY INFORMATION

Address: 234 E 3900 N (Clint Willis Residence)

Parcel ID: 16-346-0020 (property owner's property), 16-363-0002 (city owned property)

STAFF INFORMATION

Scott Hess
shess@nogden.org
801-737-9841

BACKGROUND

Property owner Clint Willis is currently occupying property owned by North Ogden City. The encroachment onto city-owned property includes vinyl fencing, landscaping and playground equipment, and a piece of construction equipment parked intermittently next to the fence. The property that has been fenced and parked on sits below an existing detention basin. In 2019, Mr. Willis reached out to City Staff to discuss the use of this property. He spoke with Rob Scott, Planning Director; Dave Espinoza, Public Works Director; and Lorin Gardner, City Engineer. Staff cannot find any written confirmation of allowing the use, and the property owner was not granted permission by the City Council at that time. A snippet of text messages between the property owner and Dave Espinoza have been attached as Exhibit B.

The property owner was contacted in 2022 to apply for a Land Use Permit for the installed fence (Exhibit C). The Land Use Permit Application was held pending this discussion between the property owner and the City Council. Mr. Willis has submitted a letter for the City Council's consideration asking to purchase the property in question (See Exhibit A). Mr. Willis has also submitted a letter from Valeo Management Corporation asking to be allowed to purchase the

property, along with providing signatures from neighbors who support the property owner in this request (See Exhibit D and E).

North Ogden City Ordinances regarding fence locations do not explicitly state that fencing must be located directly on a property line, but it is implied that any fencing would be installed entirely on a property owner's own property. The City Council has the authority to permit, deny, or modify encroachment, occupancy, or property sale requests. Recently the City has approved and denied similar requests, though there has not been an approval that included a structure or permanent improvement on City-owned property.

EXHIBITS

- A. Clint Willis Letter to the City
- B. Text Messages – Dave Espinoza and Clint Willis
- C. Land Use Permit Application
- D. Letter from Valeo Management Corp – Requesting allowance of property purchase
- E. Signatures from neighbors

AREA MAP



GOOGLE STREET VIEW



PROPERTY OWNER PROVIDED IMAGES – 8-18-2022













Request to purchase land

North Ogden City Council

We purchased our lot at 234 East 3900 North and built our house next to city property in 2019. When we started looking at the landscape design we decided to ask the city if it would be okay if we fenced in some of the city's property to the east of our lot since it appeared to just be dead space, we figured we could make it look more appealing to the eye and expand our backyard.

I went to the city building to ask permission and was directed to an older gentleman down stairs that I found out had retired shortly after I spoke with him. But he said he didn't care as long as the public works guys said it was okay because they deal with that property. He referred me to David Espinoza in the public department and so I went over and met with David. I told him what I was wanting to do and texted him the pictures of the proposed fence line. He ran it past Lorrin and Lorrin told David as long as there is a large access gate up top then he didn't see any problem with us fencing it in.

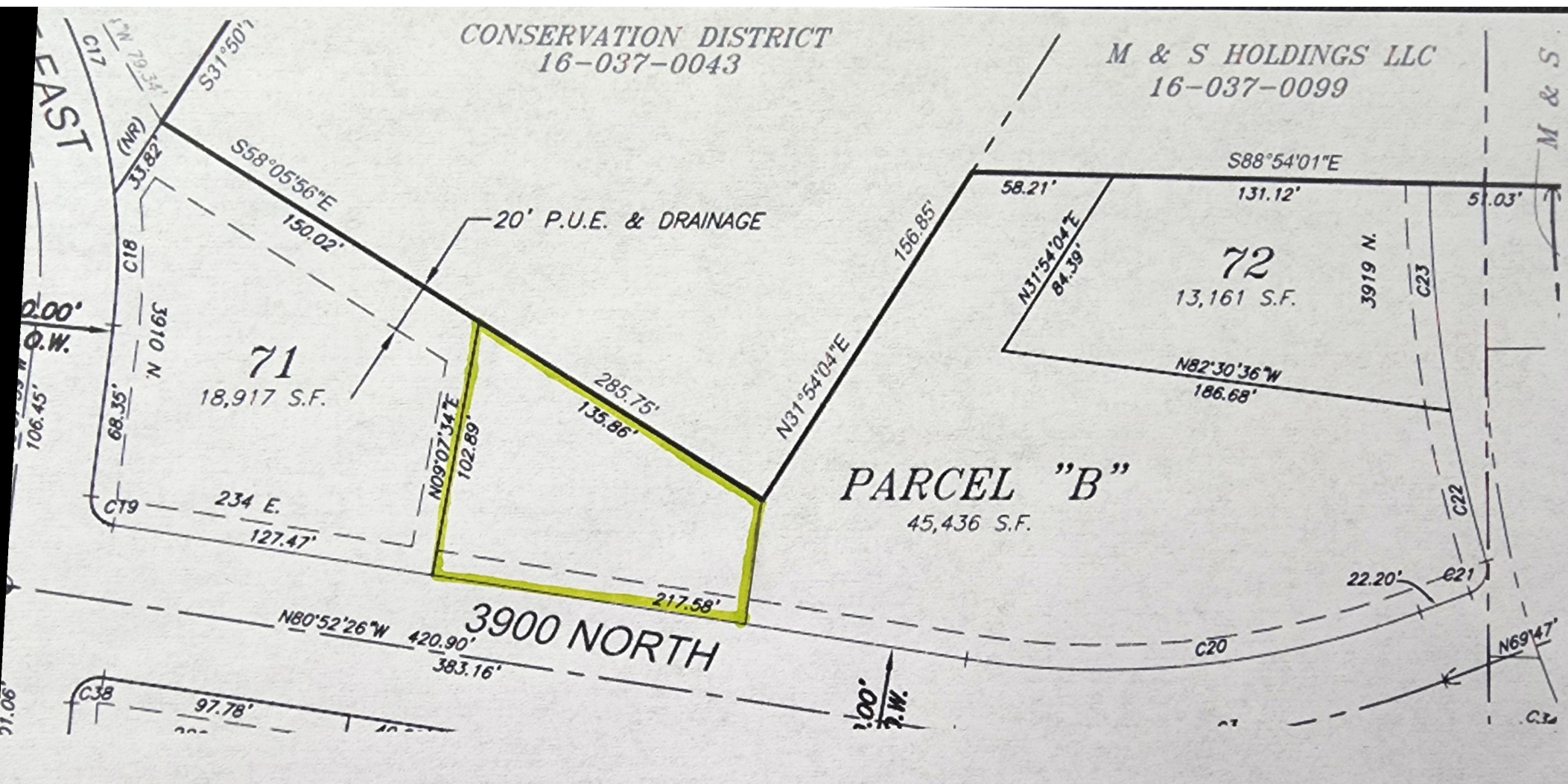
With that being said we fenced the property as shown in the text pictures and we did install a large access gate as requested. We have done some landscaping and cleaned up the hillside and maintained it so it stays looking nice. We honestly didn't know we were breaking any rules by using the property. We thought we took the right steps in getting the permission needed so any future questions of the land being used by us was okayed by the proper people at the city.

This issue has come up because I came back into the city to see about purchasing the land from the city so I can put a shed on it and expand our property. We just figured we use and maintain the property so maybe just see about buying it. That's when we were informed by Brandon that the proper steps had not been taken to even fence in the property and that we need to first deal with the fence being installed before we can move forward with a conversation about any purchase. Hopefully we can get on the right track with this and see if it's a possibility to even purchase the land and or keep the fence in place.

We would like to see if the city council would consider selling the land to the east of our lot from the road to the back fence line and if not at least have the conversation about where we are with the property being fenced. Please see the attached proposed drawing we would like to see if we can purchase.

Regards,

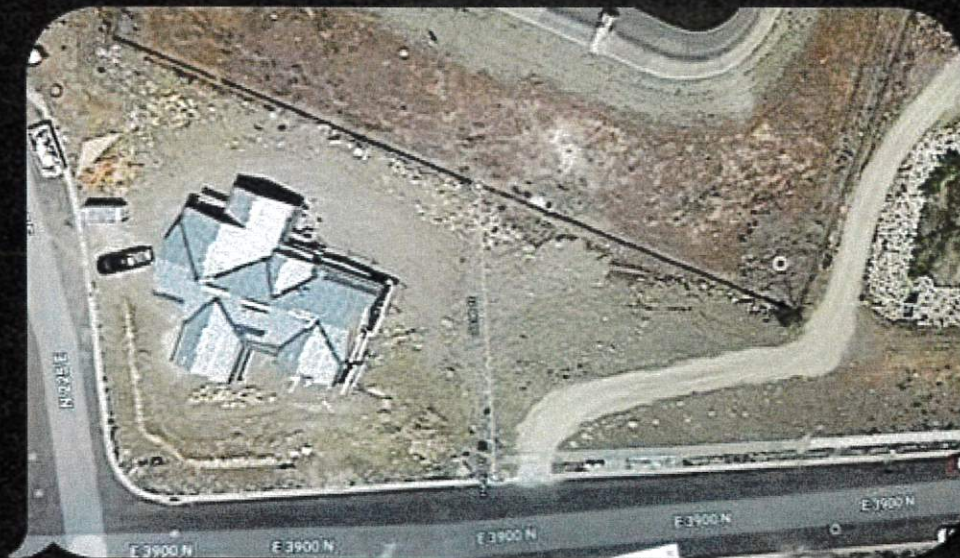
Clint Willis
801-710-4295



Text Message
Feb 12, 2020, 2:33 PM

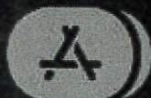
Hey it's Dave! This is my cell #

Got it



So that line is your actual property line?

Read 2/12/20



Text Message



LAND USE PERMIT APPLICATION

\$40 FEE PERMIT #: LUP 2022-_____

PROPERTY OWNER INFORMATION	
Name: <u>Clint Willis</u>	
Address: <u>234 E 3900 N</u>	
Email: _____	Phone: _____
CONTRACTOR INFORMATION, IF OTHER THAN OWNER	
Contractor Name/Business: _____	License #: _____
Address: _____	
Email: _____	Phone: _____
PROPERTY INFORMATION	
Detailed Description of Proposed Use/Structure: <u>Fence</u>	
* Estimated Completion Date: <u>5/15/2020</u>	
Project Address: <u>234 E 3900 N</u>	
Parcel #: <u>16-346-0020</u>	Subdivision: <u>North View Estate, Ph 6</u> Lot #: <u>71</u>
Acreage: <u>0.43</u>	Current Zoning: <u>RES</u>
APPLICATION TYPE (CHECK ALL THAT APPLY):	
☒ Fence (attached page must be filled out) ☐ Interior Lot ☒ Corner Lot	☐ New structure (This form is for structures under 200 square feet) ☐ Shed ☐ Other: _____
☐ Patio	☐ Deck (Concrete only & not attached to home)
☐ RV PADS/Expand Driveway	☐ Other (explain): _____

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


6/3/22
 Applicant's Signature Date

 Owner's Signature Date

 Staff Approval Date

Required if applying for a shed:
 _____ (Owner's initials)
 This proposed structure will not
 be utilized for commercial
 purposes or the storage of
 equipment and supplies as part of
 a commercial business.

To be filled out by North Ogden City

Date Received _____ Received by: _____ ☐ Fees Paid: _____

Valeo Management Corporation

Cecil Satterthwaite
Authorized Representative
801-391-1345

16th August 2022

Regarding Fence Line and Property Use:

Clint Willis
234 E 3900 N
North Ogden

Dear Counsel Members,

In regards to the fence and land improvements that Clint Willis has done on the city property to the east of his house we feel like it's been a good thing for the neighborhood. He keeps it looking clean and maintained at his own cost. There have been a few complaints from some neighbors about the look of the city property in that area.

The way I see it, is if Mr. Willis is allowed to purchase the property or even have an easement that allows him to continue the use and maintain the property, it seems like a win for the city and the surrounding community. Especially knowing it takes some of the strain off the city, less maintenance.

I do remember Mr. Willis mentioned he had approval from the city before he installed the fence. My thoughts now are that he must have been misguided in the process.

Sincerely,

Cecil Satterthwaite



Surrounding neighbors that support allowing Clint Willis to either purchase the adjacent city property or allowing an easment for use.

Name	Address	Phone	Comment
Ryan Kelley			It looks better than weeds
Kayli Kelley			made it look nice & takes care of it.
Izack Kaganis			Looks great
Tasha Rees			Well maintained, looks good!
Samob Rees			(weeds)
Sarah Melear			we think it looks great and well kept.
MORGAN CULLMORE			YES! Landscaping over weeds!!
Clint Kelfer			OWNER MAINTAINS THE PROPERTY GREAT, SHOULDN'T CHANGE
Cindy Sise			Well maintained helps weed control
Chris De La Torre			We'll maintain - prefer this way than weeds
Jacquie Hoaggen			so glad he has taken care of the land / looks so much better than weeds!
Cassandra Evans			looks great how it is, should remain in landscape, better than weeds!











Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a legislative amendment to revise the trailer parking standards to remove language in a provision in Title 11, already addressed by Title 7 of City Code

Agenda Date: August 23rd, 2022

Applicant: North Ogden City

File Number: ZTA 2022-08

PUBLIC NOTICE:

Mailed Notice: None

Newspaper:

City Website: July 29, 2022

STAFF INFORMATION

Brandon Bell, CNU-A
(801) 737-2216
bbell@nogden.org

APPLICABLE ORDINANCES

11-9M-21: STORAGE OF RECREATIONAL VEHICLES AND TRAILERS

LEGISLATIVE DECISION

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

BACKGROUND

The Police Department has been reviewing the code regarding parking of trailers in the street (the public right-of-way). The Police Chief requested that the Planning Department work with the Police Department to propose an adjustment to regulations in City Code in Title 11, to make sure that they are consistent. State law specifies that law enforcement has authority over parking in public right-of-ways. Given that fact, Staff came to the opinion that the best way to address one provision (11-9M-21 (d)) in Title 11 of City Code, was simply to eliminate most of this provision, and leave Title 7 to address the same issues (which it already does).

ANALYSIS

This is a simple adjustment to City Code, that eliminates text from Title 11 that is already addressed in Title 7, which the Police Department is responsible for administering. There may also be another proposed adjustment to another brief section of Title 11, after staff has finished

discussing that provision and working on potential adjustments with the Police Department.

CONFORMANCE WITH THE GENERAL PLAN

There is nothing in the General Plan that was determined to pertain to this issue. Planning Department Staff is proposing this text amendment to Title 11 of City Code, at the request of the Police Department.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended the adoption of this ordinance amendment in a 5 to 0 vote.

The intent of this adjustment to City Code is to enable Title 11 to be more compliant with Utah State Code, by eliminating language in Title 11 that is redundant of language addressing the same issue regarding on-street parking in Title 7 of City Code.

EXHIBITS

- A. Proposed Text Amendment

ORDINANCE 2022-__

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY, TITLE 11, CHAPTER 9M, SECTION 21 OF NORTH OGDEN CITY CODE, TO REMOVE REQUIREMENTS IN TITLE 11 RELATING TO VEHICLE PARKING ON PUBLIC RIGHT-OF-WAYS

WHEREAS; the Police Department is tasked with enforcing issues related to parking in the public right-of-way; and

WHEREAS; these issues related to parking are already addressed in Title 7 of North Ogden City Code;

WHEREAS; some language in the provision in Title 11 of City Code relating to parking of trailers and other vehicles in the public right-of-way, is therefore duplicative of provisions regulating the same in Title 7;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code 11-9M-21be amended, as follows:

SECTION 1: Text to be deleted:

11-9M-21: STORAGE OF RECREATIONAL VEHICLES AND TRAILERS

A. Purpose and Intent. The purpose and intent of this section is to state regulations for storage of recreational vehicles and trailers in residential zones.

1. Storage Permitted. Motor homes, travel trailers, camping trailers, other trailers, boats or utility trailers, shall only be stored, parked or located in any residential zoning district in the following ways:

a. Such vehicles must be noncommercial if located in any residential zoning district.

b. Such vehicles, including trailer tongue and hitches, must be located no closer to the front property line than ten feet (10') in front of the front wall plane of the house and entirely on the owner's property.

c. No such vehicle may be located on a residentially zoned lot or parcel of land that does not have a residential structure. In planned residential unit development projects, approved screened storage yards may be allowed; however, occupancy of any vehicle in the storage yard is prohibited.

~~d. Motor homes, travel trailers, camping trailers, other trailers and boats, shall not be stored on the public street or private driveway for more than two (2) consecutive days and not more than ten (10) days in any one~~

~~month. No recreational vehicle or trailer can impede any public right of way, which includes the public sidewalks. No recreational vehicle may be stored in the public street during and twenty four (24) hours after the end of a snowstorm.~~ In multi-family developments and planned residential unit development projects, recreational vehicles shall only be parked in approved screened storage yards; however, occupancy of any vehicle in the storage yard is prohibited.

e. All motor homes, travel trailers, camping trailers, other trailers, and boats stored in residential zoning districts shall comply with these regulations by October 23, 2002; provided, that motor homes, travel trailers, camping trailers, other trailers, and boats which are stored on a concrete or asphaltic concrete pad for which a building permit was obtained between April 10, 2002 and October 22, 2002, shall have until October 22, 2005 to comply with the regulations described in subsection A2 of this section.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this th day of 2022.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

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

ATTEST:

Susan L. Nance, CMC
City Recorder

RESOLUTION ____-2022

A RESOLUTION OF THE NORTH OGDEN CITY COUNCIL TO APPROPRIATE UNCLAIMED PROPERTY FOR PUBLIC INTEREST USE.

WHEREAS; The North Ogden Police Department (“Department”) is holding as custodial property a number of personal items including but not limited to bicycles, electronics, money, sports equipment, clothes, skateboards, backpacks, bags, and other miscellaneous items which are personal property which was lost, mislaid, evidence in criminal matters, was held for safe keeping, and contraband; and

WHEREAS; A list this personal property is attached hereto as Exhibit “A”; and

WHEREAS; These items of personal property are not needed as evidence in criminal prosecutions; and

WHEREAS; The property has not been claimed by its owner, or the owner is unknown and no claim of ownership has been made; and

WHEREAS; The Department has made reasonable efforts to find the owners, including providing public notice; and

WHEREAS; The Department has requested City Council permission to appropriate, and donate the property for public interest use, to a bona fide charity as indicated on Exhibit A; and

WHEREAS; The Department has requested City Council permission to auction and appropriate certain items as indicated on Exhibit A, for the public interest use in maintaining, storing, and safekeeping future lost or mislaid or other personal property; and

WHEREAS; The Department incurs some costs associated with the storage, and safe keeping of such personal items; and

WHEREAS; The City Council has reviewed the North Ogden City Police Department request and finds the same to be in the public interest.

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

1. That the request for the North Ogden City Police Department to have certain unclaimed property as outlined in Exhibit A appropriated for public use by donation to a bona fide charity is approved in accordance with Utah Code § 77-24a et seq. and Utah Code § 24-3 & 4 et seq.

2. That the request for the North Ogden City Police Department to have certain unclaimed property as outlined in Exhibit A auctioned and the proceeds applied to the Department for public use in storing, maintaining and safekeeping future lost or mislaid personal items, is approved in accordance with Utah Code § 77-24a et seq. and Utah Code § 24-3 & 4 et seq.
3. That the request for the North Ogden City Police Department to have certain unclaimed property as outlined in Exhibit A destroyed as being contraband or of no value is approved in accordance with Utah Code § 77-24a et seq. and Utah Code § 24-3 & 4 et seq.

PASSED and ADOPTED this 23rd day of August 2022.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

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

ATTEST:

Susan L. Nance, CMC
City Recorder

Approved as to Form

Jonathan Call
City Attorney

Exhibit A - Found Property

CASE #	DESCRIPTION	DIPSOSITION
16-5479	Silver Bike	DON
16-5513	Kryptotics skateboard	DON
16-8424	\$20 bill	RTF
17-10244	Pink misty next childs bike	DON
17-12175	Purple free spirit bike	DON
18-739	Purple roadmaster bike	DON
18-2372	Yellow pacific bike	DON
18-6582	Roadmaster Bike	DON
18-7853	White Mongoose Bike	DON
18-8467	Schwinn sidewinder bike	DON
18-8630	Roadmaster Bike	DON
16-8692	glasses, case, container	DES
18-8776	cell phone cord	DES
18-8874	paperwork, giftcard, ccard, visa	DES
18-9183	lt. green Trek Master bike	DON
18-9529	Tablecloths	DES
18-10283	Medline wheelchair	DON
18-11114	Roadmaster Bike	DON
18-11636	Purple Rock Hopper Bike	DON
18-12223	Power X Next bike	DON
18-12743	Blue Panasonic Bicycle	DON
19-1292	Jack stands	DON / CITY
19-2550	wallet, IDS	DES
19-2822	baby items, car seat	DES
19-3382	Surge race team bike	DON
19-5037	Blue Huffy Bike	DON
19-5286	purple/black Giant bike	DON
19-7145	wallet, power supply box	DES
19-8508	Sedona Giant bike	DON
19-8745	for key fob	DES
19-9163	Purple Ozone bike	RTF
19-11840	Yellow MNT bike	DON
19-12380	Black MNT Bike	DON
20-2655	Black Genesis MNT bike	DON
20-3784	Black /Yellow rip stick	DON
20-5341	tools, bike, golf clubs	DON / city
20-8123	bags with clothing	DES
20-8136	corona brand loppers	DON /city
20-8803	license plate	DES
20-8803	tools	DON /City

20-8833	cones, candlesticks	DON / city
20-9625	skateboards, id's, swallet	DON / DES
20-10246	Halo scooter	DON
20-10693	Black magna bike	DON
21-103	keys	DES
21-300	cell phones, mag and ammo, wallet, check book	DES
21-643	motorola cell phone	DES
21-806	samsung cell phone	DES
21-828	bag with ammo	DES
21-933	white / blue bike	DON
21-1254	backpack with contents	DES
21-2259	apple watch	DES
21-2712	samsung, iphones, jewelry	DON/DES
21-3734	clothing	DES
21-3801	I phone	DES
21-4057	silver ring	DON
21-4221	stroller	DES
21-4421	red huffy bike, orange mongoose	DON
21-4793	bag with coins	DON CITY
21-4884	cell phone	DES
21-4980	speaker	DON
21-5014	Graco Car seat	DES
21-5179	marvel wallet	DON
21-5673	trailer, shell, misc	DES
21-6080	Schwinn childs bike blk/red/blu	DON
21-6119	Sleeping Bag, backpack with contents	DES/DON
21-6129	Samick Guitar, checkered blanket	DON
21-6406	kent, trex, trex bikes	DON
21-6884	wallet with contents	DES
21-7126	binoculars, cards, glasses, glove	DON/DES
21-7131	RUGER LCP .380	SELL
21-8011	Rock hopper, black and purple	DON
21-8261	sound mates headphones	RTF
21-8277	license plate	DES
21-8343	watch, keys, cell phone, wallets, rings	DON/DES
21-8684	Huffy "rock it" kids bike	DON
21-9247	lottery ticket, fingerprint card	DES
21-9530	cash	RTF
21-10025	Next power climber bike	DON
21-10129	debit card	DES
21-10192	wallet, cash	DES/RTF
21-11411	Blue Raleigh M50 bike	DON
21-11417	card	DES

21-11526	ss card, cards	DES
21-11651	debit card	DES
21-11761	Blue Huffy Rock it bike	DON
21-11732	signs	DON / city ??
21-11959	shoes	DES
21-13518	red / grey mongoose bike	DON
22-2292	4 guitars	RTF
22-7521	misc. items	

EXHIBIT A - SAFE KEEP

CASE #	OFFENSE	DESCRIPTION	DIPSOSITION
10-1639	Civil	Extension cord	DON
13-11898	Mental Health	sunglasses, hat, jacket	DON/DES
14-2983	Warrant	backpacks and contents	DES
15-3337	Theft	misc. property	DES
16-2398	Found Property	License Plate	DES
16-4505	Burglary	Backpack with contents	DES
16-6443	Burglary	Backpack with clothing	DES
16-7481	Assist	Smith&Wesson .38	SELL
17-6363	possession	backpack and contents	DES
17-6548	theft	backpack	DES
17-9739	possession	knives, ins, registration	DES
17-8063	Assist	black backpack	DES
18-4433	Missing person	personal belongings	DES
18-6323	possession	grey backpack with contents	DES
18-8803	veh theft	license plate	DES
19-4937	possession	Backpack with contents	DES
19-5939	drug violation	insurance card, registration	DES
19-8317	RSV	red gas can	DON
19-9074	Drug Offense	Backpack with clothing	DES
20-1656	susp. Vehicle	debit cards, ss card, id card	DES
20-4873	RSV	bags with contents / personal	DES
20-4873	RSV	Backpack with clothing	DES
20-6835	Fraud	bags with contents / personal	DES
20-6835	Fraud	business cards, pills	DES
20-11370	Trespass	Backpack with contents	DES
20-11403	Theft	necklace, bags, jackets	DON / DES
20-11730	Warrant	suitcase with contents	DES
21-526	Drug offense	camera bag, vapes, sleeve	DES
21-6490	Found Property	company badge	DES

21-6759	Drug violation Revered	key	DES
21-8625	property	wallet, pills	DES
21-9199	drug violation	UT DL	DES
21-9300	Agg Assault	laser pointer	DES
21-11030	drug violation	coin	CITY
21-10069	Susp. Person	wheelchair, bags, belongings registration, insurance	DES
21-11607	DUI	paperwork	DES
21-12840	traffic accident	license plate	DES
21-11901	Cardiac arrest	marijuana	DES

EXHIBIT A - DESTROY

CASE #	DATE	OFFENSE	DESCRIPTION
14-11186	1/19/2018	sex offense	cell phone
16-3516	5/9/2016	Suicide	firearm
17-10740	11/14/2017	assist	ammunition backpack with contents
19-9074	9/8/2019	drug offense	cigarettes
19-9199	9/14/2021	weapons dist.	DNA swab
19-9753	9/25/2019	weapons dist.	ball point pens
20-4873	5/27/2020	possession	crystal substance
21-7647	8/10/2021	Assist	ammunition
21-9293	9/16/2021	Assist	ammunition
21-10389	10/12/2021	drug offense	paraphernalia
21-10394	10/12/2021	assist	ammunition
21-10573	10/16/2021	possession	cigars, vape device
21-11234	11/2/2021	found property	bank card
21-11421	11/6/2021	traffic stop	container, pipe
21-11649	11/12/2021	drug offense	knife
21-11684	11/12/2021	traffic stop	e-cigs, juice
21-12076	11/21/2021	susp. Circ.	pipe, torch
21-12780	12/8/2021	Assist	ammunition cup with liquor
21-12950	12/12/2021	tobacco/alcohol	bottle
21-13413	12/24/2021	theft	pipe
21-13464	12/26/2021	traffic stop	paraphernalia