

NORTH OGDEN CITY COUNCIL MEETING MINUTES

August 23, 2022

The North Ogden City Council convened in a Council meeting on August 23, 2022, at 6:01 pm 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 August 18, 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	(excused)
	Blake Cevering	Council Member	
	Jay D Dalpias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Scott Hess	Planning Director	
	Brandon Bell	Associate Planner	
	Clark Crowther	Lieutenant	
	Jason Childs	Sergeant	
	Dirk Quinney		
VISITORS:	Randy Winn	KCJ	Kevin Burns
	Ashley McCann	Mike Kuhn	Edythe Kuhn
	Sandy Cochran	Denise Keyes	Jonathan Keyes
	Brenda Ashdown	Stef Casey	Susan Clements
	Bob Buswell	Clint Willis	

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

JOINT WORK SESSION WITH PLANNING COMMISSION

1. TRAINING REGARDING FINANCING METHODS FOR PUBLIC IMPROVEMENTS

Benj Becker, Vice President of Piper Sandler, used the aid of a PowerPoint presentation to discuss financing methods for public improvement projects. Discussion among the Council and Mr. Becker centered on the importance of transparency and public notification of different types of financing and agreements with developers to provide public improvements as part of approval of a development project.

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. No declarations were made.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE JUNE 14, 2022, CITY COUNCIL MEETING MINUTES

Council Member Dalpiaz motioned to approve June 14, 2022, City Council Meeting minutes. Council Member Ekstrom seconded the motion.

Voting on the motion:

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 THE JULY 5, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve July 5, 2022, City Council Meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

5. **PUBLIC COMMENTS**

Jonathan Keyes, North Ogden resident, provided a handout of information to the Council. He stated he has a shed on his property that has been discussed by the Council in the past. His assumption was that his property line was synonymous with the asphalt on his property and that was the basis for the placement of his shed. He was informed that his shed was encroaching upon other property and that he needed to obtain a permit. He paid for the permit, but later received a citation for code violations. He paid the citation but is seeking clarity on the problem with his shed. He reviewed the information in the packet of information he provided to the Council and highlighted discrepancies with the plat and recorded information for his property. These discrepancies result in nearly a foot of unaccounted for property, which has impacted the placement and legality of the shed. He stated that he has not conducted a full survey of the property, but he does not believe he is encroaching a full four to six feet on adjacent property; the encroachment is actually closer to six or eight inches, which is much less impactful. He then stated that he is not the only person who has encroached upon another property; he asked that North Ogden approach this matter in a neighborly manner and allow him to keep his shed in the current location. He will agree to maintain the property he is encroaching upon if he is allowed to keep his shed there. Finally, if he is not allowed to keep his shed in its current location, he would also propose that all non-government erected structures also be removed from the land.

Mayor Berube asked if there is support from the Council to place this matter on a future meeting agenda. He encouraged Mr. Keyes to reach out to the Council to ask that they approve such an action.

Denise Keyes, North Ogden resident, also discussed the matter of the shed on her property. She noted that when the City visited her property in August of 2021, and maintenance of the sidewalk. The work has not been performed and no progress has been made. For the last three years, she and her husband have cut the weeds down, but stopped once they were informed that

they are encroaching on the City's property. She would like to cooperate with the City and will agree to take care of the weed removal if the City grants their request to keep the shed in its current location.

Rod Southwick, North Ogden resident, stated he has tried to reach out to Planning Director Hess to get information about the City's street tree ordinances; the City approved development projects along Washington Boulevard, which included planting of trees on along the roadway, but those trees have died and/or are not being watered, which will cause them to die. He asked if the City is able to enforce the street tree ordinances to address this matter.

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**

Planning Director Hess explained 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. The property owner was contacted in 2022 to apply for a Land Use Permit for the installed fence. 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. 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. 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.

City Manager/Attorney Call reported there has been some dispute about the content of the communication between City staff and Mr. Willis, but given the lack of formal documentation, there is nothing binding upon the City that would allow Mr. Willis to occupy the property.

Mayor Berube invited input from the applicant.

Mr. Willis discussed the history of his communication with City staff about his request; some of the communication has been documented and presented via screen shots of text messages, but other communication was verbal in nature.

Discussion then centered on the process the City would need to follow if the decision were made to declare the property as surplus and sell the property, after which the Council discussed and debated whether disposal and sale of the property is in the City's best interest at this time. The Council indicated they need additional time to contemplate this matter before making a decision.

Council Member Ekstrom motioned to postpone a decision of the request to purchase or occupy City property located at approximately 234 East 3900 North. Council Member Cevering seconded the motion.

Voting on the motion:

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 ORDINANCE TO REVISE THE TRAILER PARKING STANDARDS TO REMOVE LANGUAGE IN A PROVISION IN TITLE 11, ALREADY ADDRESSED BY TITLE 7 OF CITY CODE.

Associate Planner Bell explained 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 rights-of-way. 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). He noted 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. The Planning Commission recommended the adoption of this ordinance amendment on a five to zero 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.

Mayor Berube invited input from Police Chief Quinney. Chief Quinney echoed the information provided by Mr. Bell and indicated the ordinance amendment will be helpful to his Department in enforcing on-street parking standards.

Council Member Cevering motioned to approve Ordinance 2022-22 to revise the trailer parking standards to remove language in a provision in Title 11, already addressed by Title 7 of City Code. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO APPROPRIATE UNCLAIMED PROPERTY FOR PUBLIC INTEREST USE**

City Manager/Attorney Call reported the Council took action last month to dispose of unclaimed property within the Police Department's possession. The action that was not taken at that time was to appropriate some items of unclaimed property for public use by various Departments of the City. He referenced a list of items included in the Council packet that will be dedicated to public use.

Council Member Swanson motioned to approve Resolution 10-2022 to appropriate unclaimed property for public interest use. Council Member Delpias seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

9. **COUNCIL DEPARTMENT REPORTS:**

a. **COUNCIL MEMBER BARKER – PARKS AND RECREATION**

Council Member Barker was absent, and Mayor Berube asked City Manager/Attorney Call if he had anything to report on behalf of the Parks and Recreation Department. Mr. Call reminded the Council and the public of the Music Monday's event scheduled next week; it will be the last such event this year. The City sponsored trunk or treat and fright

night will be held in October and more information regarding that event will be forthcoming. Finally, the City is currently interviewing applicants for a Parks Supervisor position in the Department.

b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpiaz reported on a decrease in building permit revenue when compared to the same time frame last year; this is a result of the change in the home building market, which has slowed in recent months.

c. COUNCIL MEMBER SWANSON – FINANCE (Report for May and June)

Council Member Swanson provided the City's financial report for May and June, focusing on sales tax revenues, which continue to exceed projections. General Fund revenues as of June are at 98 percent of what was expected; the City will still receive Class B&C Road funds before the fiscal year budget is completely closed out. General Fund expenditures were six percent below the total budget, which means all Department Heads were conservative in the management of their respective budgets.

10. PUBLIC COMMENTS

There were no public comments.

11. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson reported on his ongoing communication with a group of residents about creating a budget review citizens committee, or a sub-committee of the City's existing audit committee.

Council Member Cevering stated that he was not present in a past meeting when the issue raised by Jonathan Keys was discussed and he asked that his requested agenda item be included on a future meeting agenda.

Council Member Ekstrom stated the information provided by Benj Becker earlier in the meeting was very eye-opening for her and she was grateful to hear the information he provided.

Mayor Berube reported that the City's land sale transaction on 2600 North recently closed and he looks forward to development of that property that will benefit the community.

12. **ADJOURNMENT**

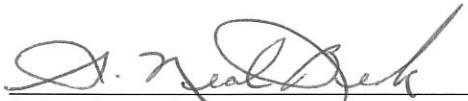
Council Member Ekstrom motioned to adjourn the meeting. Council Member Swanson seconded the motion.

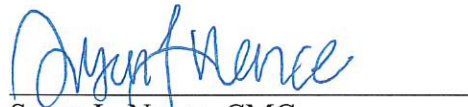
Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 8:04 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved