

NORTH OGDEN CITY COUNCIL MEETING MINUTES

November 22, 2022

The North Ogden City Council convened in a Council meeting at 6:03 p.m. on November 22, 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 November 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	
	Blake Cevering	Council Member	
	Jay D Dalpiaz	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	(via Zoom)
	Susan Nance	City Recorder	
	Scott Hess	Planning Director	
	Dylan Hill	Public Works Inspector	
	Dave Espinoza	Public Works Director	
	Bryce Nelson	Administrative Services Manager/Treasurer	
VISITORS:	Susan Clements	Brenda Ashdown	J.L. Looney
	Kevin Burns	Randy Winn	Sandy Cochran
	Chris Pulver	Brad Dee	Rick Scadden
	Stef Casey	Merrill Sunderland	Bob Buswell
	Doug Anderson	Clark Jensen	

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 member of the Council made a declaration, but Mayor Berube reminded the Council that he will be building a rock wall at his home some time in the near future, and he does not want to influence the Council's decision on the matter of maximum heights for retaining walls.

2. DISCUSSION AND/OR ACTION ON FINAL ACCEPTANCE OF SHUPE FARMS SUBDIVISION.

Public Works Inspector Hill reported that based upon recommendation from the City Engineer, final inspections have been completed for Shupe Farms and it has been found to be in compliance with City Code and development standards. A request to release all remaining funds has been provided to the escrow agent assigned to this subdivision. Upon City Council approval, North Ogden City will assume responsibility for the infrastructure and roadway in the subdivision.

Council Member Ekstrom motioned to approve final acceptance of Shupe Farms Subdivision. 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.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE SEPTEMBER 27, 2022, CITY COUNCIL MEETING MINUTES

Council Member Dalpias offered a few corrections to the minutes; page 10 of the minutes includes a statement that 'if the land is sold to them, they will not be required to sell the property' and it should be changed to 'if the land is sold to them, they will not be required to move their shed'. Page 14 states that the community band will practice on Thursday at 7:00, but that should be changed to 7:30 p.m. The mention of the one-hour practice time should also be struck.

Council Member Swanson motioned to approve September 27, 2022, City Council Meeting minutes with suggested corrections. 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.

ACTIVE AGENDA

4. PUBLIC COMMENTS

Brad Dee, North Ogden resident, addressed the agenda item dealing with retaining wall heights. He has had the opportunity to meet with the Planning Commission and the City's Planning Director and he wished to extend his gratitude to those individuals for the work they perform for the City. Their jobs are thankless, and it is impossible for them to satisfy everyone all the time. He thanked them for their willingness to compromise; the ordinance amendments that have been proposed do not completely address all of his needs and concerns, but it is a great compromise and will lessen the impact he will experience. He provided the Mayor and Council with a photograph illustrating the view of the wall; the trees next to the wall belong to his neighbor and on the left side of the wall, the wall height is between seven and eight feet. In the middle the height is 11 feet, 8 inches, and extending to the far east side, it is 9 feet. He will still need to cover eight inches of the bottom of the wall to bring his wall into compliance with the ordinance that is before the Council tonight. He will start that work as soon as the ordinance is in effect. He asked that the Council take action on the ordinance before them tonight and again thanked the Council and staff for their consideration of this matter

Carl Harper, North Ogden resident, stated he is the President of the Legacy North Homeowners Association (HOA), which is just south of City Hall. He is concerned about construction that is underway in the area. Heavy trucks are using the road that is owned by the HOA and they are concerned about the cost to repair the road once construction is completed. The HOA does not have adequate funding to perform costly repairs.

Mayor Berube asked Public Works Director Espinoza to discuss that issue with the contractor and report back to the Council.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REVISE THE RETAINING WALL STANDARDS TO ADD CLARIFYING LANGUAGE IN TITLE REGARDING GRADING AND DRAINAGE STANDARDS**

Planning Director Hess provided background information regarding the Planning Commission and City Council discussions of this issue; a joint meeting of the Planning Commission and City Council was held on November 2, 2022 and the group discussed retaining wall heights. After a lengthy discussion, there was a straw poll of the group that resulted in an average wall height of eleven feet (11') that was deemed reasonable to members of the Planning Commission and City Council. Based on that determination, staff has updated the recommended ordinance to include the safety analysis information and a total height of all retaining walls at eleven feet (11'). Provisions for engineering to be required still stand on all walls taller than four feet (4'). Staff recommends that the City Council review the draft ordinance and decide to adopt the ordinance, amend the ordinance, or remand it back to Planning Commission for further review.

Council Member Dalpiaz asked Mr. Hess to discuss how the proposed ordinance will impact Mr. Dee's situation. Mr. Hess stated that as Mr. Dee communicated, there will be eight inches of his existing wall that will need to be covered. He should be able to regrade that area of his property with minimal impact to his landscaping.

Council Member Ekstrom stated that she appreciates the focus on safety over aesthetics; it is very difficult to legislate beauty and she supports the amendments to the ordinance, which will give residents a bit more control over the aesthetics of their own property.

Council Member Ekstrom motioned to approve Ordinance 2022-25 to revise the retaining wall standards to add clarifying language in Title regarding Grading and Drainage Standards. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	no
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed 4 – 1.

6. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO ADJUST THE COMMON BOUNDARY WITH PLEASANT VIEW CITY AT THE CITY LIMITS AT APPROXIMATELY 3475 NORTH 98 EAST, RELATED TO ROCK POINT ESTATES SUBDIVISION.**

Planning Director Hess reported the applicant is pursuing development of property that falls on the border of Pleasant View and North Ogden; he has requested a boundary adjustment to provide for clean property lines. A small triangle of land currently located in Pleasant View will be transferred to North Ogden, while another small triangle of land will be transferred from North Ogden to Pleasant View. He feels the boundary adjustment is appropriate and serves the purpose of creating clear boundary lines for lots within the subdivision. He summarized the process defined by State Law for a municipality to pursue a boundary adjustment and recommended adoption of the resolution before the Council tonight.

Council Member Cevering motioned to approve Resolution 11-2022 to adjust the common boundary with Pleasant View City at the city limits at approximately 3475 North 98 East, related to Rock Point Estates Subdivision. 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.

7. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE OF FINAL ACCEPTANCE OF THE LAND USE PORTION OF THE NORTH OGDEN CITY CODE WITH CODIFICATION AND CORRECTIONS MADE**

Planning Director Hess explained North Ogden City adopted a revised and updated Title 11 on March 17, 2022. Staff has reviewed this Code and prepared a clean version for Codification by Municode. Municode discovered a series of minor updates, incorrect references, missing language sections, and other minor substantive changes. The approval by Council permitted staff to update the Code in regard to minor corrections and typos. Some of the changes were substantive in nature, and as such, staff is bringing the Code back to the Council for adoption of the official Codified Code. The Planning Commission and City Council have previously reviewed and adopted the reorganized Code. Staff has worked extremely hard to bring this Code forward to be used by the City, Public, and Development Community and is looking forward to finishing this monumental task.

Council Member Ekstrom asked if the codified version of the Code provides a reader access to historical changes to certain sections of the Code. Mr. Hess answered yes; the codified version will provide a reference to ordinances adopted in the past that would have affected a specific section of the Code to determine the basis and timing of the changes.

Mayor Berube stated that in the past, the City has had difficulty enforcing some ordinances that have been adopted. He inquired as to staff's plans for increasing effectiveness of enforcement of land use ordinances. Mr. Hess stated that City employees fulfill the role of administering the Code; he feels staff does their job very well, but they understand that Code is not set in stone and that the Council has the authority to adjust ordinances responsive to concerns from the public.

Council Member Swanson asked if staff has reviewed all comments provided by MuniCode. Mr. Hess answered yes; some did not require a response from the City if the City accepted the recommendation of MuniCode.

Council Member Dalpiaz motioned to approve Ordinance 2022-26 final acceptance of the Land Use portion of the North Ogden City Code with codification and corrections made. 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.

8. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN TO UPDATE THE MODERATE-INCOME HOUSING PLAN, WHICH WAS PREVIOUSLY PASSED TO ADD THIS ORDINANCE FOR COMPLIANCE PURPOSES

Planning Director Hess provided background information regarding discussions that have taken place regarding the moderate-income housing element of the General Plan; in order to ensure compliance with State Law, the Council must adopt an ordinance that relates to only the moderate-income housing plan rather than the entire General Plan. He noted that no changes are being made to the actual moderate income housing plan and this is simply a housekeeping item.

Council Member Swanson motioned to approve Ordinance 2022-27 amending the General Plan to update the Moderate-Income Housing Plan, which was previously passed to add this Ordinance for compliance purposes. Council Member Delpias 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.

9. DISCUSSION AND/OR ACTION TO ON CONSIDER A RESIDENT-LEAD FINANCIAL SUBCOMMITTEE FOR BUDGET PURPOSES

City Manager/Attorney Call reported several residents approached the Council with concerns about how the budget process occurs and how the final budget is approved. There have always been questions about how the city allocates resources and who should be the decision makers; Administration recommends the Council determine the needs and purposes for this committee to ensure they are a meaningful part of the budget process. Staff recommends that this be an informal subcommittee with clearly stated goals and expectations. If the committee is more formal then it would be helpful to give them some authority over the budget to make it easier for those preparing the budget to not present the same information twice, but once things are approved to have summaries presented to other city committees and groups.

Mayor Berube facilitated discussion among the Council and staff regarding the appropriate function of the proposed committee. Council Member Swanson has recommended that this committee be a sub-committee of the Audit Committee and that they make recommendations to the Audit Committee and City Council for the budget process. The goal is for residents to be more involved in the City's budget process; the City can provide the group with resources to facilitate effective meetings.

Mayor Berube asked if the committee will be subject to the Open and Public Meetings Act (OPMA) for the State of Utah. Mr. Call stated that if the group is not an official committee, they will not be subject to the OPMA. Mayor Berube stated the budget process is very complicated and it may be helpful for the City's financial staff to work with the sub-committee to ensure they understand their role and the rules and laws that govern municipal budgets.

Council Member Delpias stated that in past discussions of creation of the proposed committee, comments have been made about the need to record the discussions that are taking place and the recommendations that are being made. Given that the committee will be making

recommendations on the City's finances, he feels it would be appropriate to create them as an official committee and ensure their meetings and actions are open to the public. Mayor Berube stated he agrees that would be appropriate and he feels it improves the transparency of the City. Council Member Barker stated that following the OPMA will be cumbersome on City staff and will require a dedication of resources. He does not believe the committee should be an official City committee. The Council debated whether the group should be an official committee; Council Member Swanson stated that because the group will be reporting to an official committee, which is the Audit Committee, their recommendations will be part of the public record. He does not feel that the sub-committee needs to be an official committee. Council Member Cevering agreed. Mayor Berube added that the Council can define parameters for the sub-committee, which can be communicated to Department Heads and the members of the sub-committee. He asked Council Member Swanson to handle recruitment of sub-committee members and report back to the Council regarding membership. Council Member Swanson stated he will begin working to that end. He added he will work with the City's financial staff to create a document including information regarding the budget process and municipal budgeting authority to provide to the sub-committee.

Council Member Cevering motioned to approve a resident-lead Financial Subcommittee for budget purposes; the committee will not be an official City committee subject to the Open and Public Meetings Act. 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.

10. DISCUSSION AND/OR ACTION ON WADMAN PARK PLAYGROUND EQUIPMENT

City Manager/Attorney Call reported that the City is replacing the Wadman Park playground which currently utilizes a solid surface matting. The new design also includes the same solid surface matting which provides an opportunity to get some additional features for use by children in wheelchairs along with other interesting components. Staff plans to have an updated quote for the Council in the near future but is currently asking for \$40,000 in additional funding for these components, for a total of \$140,000. This will allow for the creation of an engaging space for all kids in the community, despite area having a small footprint. He concluded staff recommends the Council approve additional funds of at least \$40,000 to make the Wadman playground an all-

abilities playground. Staff will work with the contractor to pursue grant funding to help cover the costs of the project.

The Mayor and Council Members commented on the need for an all-abilities playground in the community; Council Member Barker recommended the Council support the funding request.

Mayor Berube referenced the existing surface of the playground and the reasons that it has fallen into disrepair; he asked that staff visit with the contractor to ensure that steps are taken to ensure that a similar situation does not occur with the replacement surface. He added he does not believe the Council should approve the design or color scheme and that Council Member Barker be given the authority to work with the advisory committee and contractor that have been hired to complete this project to decide upon the appropriate design and color scheme.

Council Member Barker motioned to approve budget to \$140,000 for Wadman Park playground equipment. 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.

11. DISCUSSION AND/OR ACTION TO ON CONSIDER AN ASSISTANT CITY MANAGER POSITION

City Manager/Attorney Call reported North Ogden City has grown to a point where job sharing, and other strategies are starting to leave gaps in coverage for all the needs of the City. He stated he is proposing that the Council authorize the promotion of an internal candidate to the title of Assistant City Manager to increase appropriate job sharing and to provide for a professional development path, for department heads and others, and provide better service to the Council and those who work for the City. He stated he anticipates the position would be posted with a range of \$97,500 to \$119,000; depending on the individual hired this increase could be from \$10,000 to \$25,000 with associated benefits. The money for this position would be budgeted out of cost savings for salaries in other departments with the current plan of not replacing some employees who have taken other jobs. He asked that the Council consider his proposal and post the position anticipating that an internal candidate would be selected by himself and the Council in the beginning of 2023.

Mayor Berube stated he feels it is appropriate to develop a job description and job duties for the individual before the position is created and opened to applicants; he does not like the idea of selecting an individual and then determining the scope of their job. He recommended that Mr. Call develop a job description and present that to the Council for approval before the position is created. Council Member Ekstrom suggested that Mayor Berube work with Mr. Call on that endeavor; it may be putting Mr. Call in a difficult position to create the description. Mayor Berube stated he is happy to do that.

Council Member Cevering asked if the Council has made a formal decision to not replace the City's Parks and Recreation Director; he stated that the staff memo indicates that that savings from unfilled positions will be used to fund the Assistant City Manager position. Mayor Berube stated that is an issue that needs to be addressed; he would like for the Council to receive an update on how the Parks and Recreation Department is currently operating and if the current situation can continue to be effective.

Council Member Ekstrom motioned to begin pursuing the creation of an Assistant City Manager position with the intention of filling it internally. 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.

12. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER BARKER – PARKS AND RECREATION

Council Member Barker provided a report on special events scheduled throughout the upcoming holiday season. He then spoke to the quality of the Parks Department and thanked them for their service to the community.

Mayor Berube discussed the agreement North Ogden City has with the Weber County School District for joint use of their facilities in North Ogden City; if there are facilities that are being underutilized, he would like to increase the City's use of those facilities. He will be meeting with the District's Superintendent soon to further explore those opportunities.

b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpías reported on the recent building trends in the community; development seems to be slowing when comparing revenue collection this year with revenue collection last year. He noted there are some projects on the horizon that will aid in increasing revenue. He then reported on staffing changes in the Planning Division and Building Division; Department leadership will consolidate functions but will explore opportunities for filling those positions.

Mayor Berube expressed concern about spending a great deal of money on training and certification for employees only to have them leave for other cities. He asked Council Member Dalpías' opinion regarding the idea of requiring an employee to stay with the City for a defined amount of time after receiving a certification paid for by the City. Council Member Dalpías stated that the job market is currently very competitive, and he feels such a regulation may hinder the City's ability to attract top applicants.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson reported on the status of the City's budget; revenue collection lags by a few months and once property tax revenue is received, the City's actual revenue will be closer to projected revenues. He stated he is grateful that the City has been conservative in its budgeting given changes in the market and the potential for a recession. The Audit Committee will meet on December 15 and will have access to the rough draft of the City's annual audit.

13. PUBLIC COMMENTS.

Doug Anderson, North Ogden resident, thanked the Council for their consideration of creation of the financial sub-committee. He then referenced the item regarding the creation of an Assistant City Manager position; he suggested the City use the job description for the City Manager when recruiting the new individual. No one should be discouraged from applying for a job if they do not meet all qualifications and the City should consider the talents of all applicants regardless of whether they fit a job description to a tee. He then asked when residents will be made aware of the individuals who are being selected for the sub-committee. Council Member Swanson stated he hopes to have a list of names to present to the Council during their December 13 meeting.

Mayor Berube referred to Mr. Anderson's comments about the Assistant City Manager position; one thing to consider when hiring the individual is whether they can step into the City Manager position should Mr. Call choose to leave the City. He stated that succession planning is very important

Kevin Burns, North Ogden resident, referenced the Mayor's comments about losing employees for which the City has paid for professional certifications. He suggested that employees enter into a contract with the City that may include a non-compete clause. He then referenced the street configuration behind City Hall and the Smith's grocery store, noting that it is difficult to

access the senior center and 2600 North. With continued growth and development in the area, he has wondered if it would be most prudent to eliminate the street and replace it with parking for City uses in the area. He also asked if the City could reach out to the Utah Department of Transportation (UDOT) to request a traffic study for the intersection of 2300 North and Washington Boulevard. He stated that because of growth of the area, traffic has increased and getting through the intersection is unsafe at times. He noted he recently visited Barker Park; he noticed the pine trees that are being placed at the park for the holidays are being taped to power poles and he suggested that real pine trees be planted instead.

Mayor Berube thanked Mr. Burns for his comments and suggestions; he is unsure how the City will moderate the new one-way traffic configuration of the road mentioned by Mr. Burns. Council Member Cevering stated he is willing to visit with the Police Department about that matter.

14. MAYOR/COUNCIL/STAFF COMMENTS

City Recorder Nance reported that the Council will meet just once in December, on December 13; the second meeting of the month will be cancelled in observance of the Christmas holiday.

City Manager/Attorney Call stated the City Council will be given access to the City's work order system so that they can see the process a work order follows. He then reminded the Council of the upcoming holiday party and asked them to RSVP.

Council Member Dalpiaz stated he wished to clarify his vote regarding the maximum height of retaining walls; he would like to preserve the eight-foot maximum height requirement as he is concerned about the visual impact of taller walls.

Mayor Berube stated he has heard requests from residents to re-open the green waste pit; he has discussed the issue with staff, and they are evaluating an appropriate schedule for opening the facility to the public.

Mayor Berube then asked if the issues with the sidewalk along Washington Boulevard adjacent to the Village at Prominence Point project has been addressed. Mr. Call stated that he knows there is an active code enforcement case for the sidewalk and Mr. Hess has been in communications with the developer for the project; it is likely that there is an artesian well in the area that needs to be capped. Mayor Berube stated the City may have some leverage in the issuance of permits for further development in the project.

Council Member Barker referenced efforts of other communities to build less expensive housing in order to comply with moderate income housing mandates; one community converted an old hotel into moderate housing and last week it burned to the ground. He cautioned the Council to be careful when considering opportunities for complying with State legislation.

Council Member Swanson expressed his gratitude to the Mayor, his fellow Council Members, staff, and City residents. He wished all a Happy Thanksgiving. Mayor Berube echoed Council Member Swanson's comments.

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 8:02 p.m.



Phillip Swanson, Council Member

Joyce Pierson
Deputy City Recorder

1-24-2023

Date Approved