

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

February 28, 2023

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on February 28, 2023, 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 January 23, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	(excused)
	Blake Covering	Council Member	
	Jay D Dalpiaz	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Susan Nance	City Recorder	
	Scott Hess	Community Development Director	
	Dave Espinoza	Assistant City Manager/Public Works Direct	
VISITORS:	Kevin Burns	Sandy Cochran	Spencer Stephens
	Terry Bexell	Lynne Bexell	Chris Pulver
	Alan Kerbs	Brenda Ashdown	Melanie Ewing
	Penny Dean	Susan Clements	Susan Kilborn
	Anya Korfine	Meg Senecal	Nick Halberg
	Matt Berry	Stefanie Casey	

Mayor Berube called the meeting to order. Council Member Covering 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.

2. **DISCUSSION AND/OR ACTION TO CONSIDER JANUARY 10, 2023, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias offered a correction to a typographical error on page six of the minutes.

Council Member Swanson motioned to approve January 10, 2023, City Council meeting minutes as amended. Council Member Ekstrom seconded the motion.

Voting on the motion:

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 JANUARY 24, 2023, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias motioned to approve January 24, 2023, City Council meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

4. **PUBLIC COMMENTS**

Penny Dean, North Ogden resident, stated she is concerned about the potential for flooding this spring; she lives at the end of a dead-end road which is on the downhill side of 2750 North; there has been flooding before and the crown of the road has been built up so much that there is no longer a gutter. All of the water from this road runs down the road and into her driveway and she asked if anything can be done to resolve this issue. Mayor Berube invited Public Works Director Espinoza to comment on the situation. Mr. Espinoza stated that he is aware of this situation and

he has sent some of his staff to look at the property; it sounds as if the biggest problem is the approach to the property and the City does not replace approaches. He will follow up by visiting the property to determine what can be done. Ms. Dean stated she has raised this issue in the past; she understands that Public Works likely cannot do anything about the problem this year, but she asked if the City could provide sandbags to keep water from flowing onto her driveway. Mayor Berube stated that Mr. Espinoza has indicated the City can help by providing sandbags.

5. PRESENTATION - INTRODUCTION TO RAIN HARVEST

Zachary Frankel and Anya Korfine introduced themselves and used the aid of a PowerPoint presentation to discuss the water conservation program that the Utah Rivers Council has been offering since 2015; the program is a rain barrel distribution program and over the last eight years, the Utah Rivers Council has distributed approximately 8,000 to entities throughout the State. Mr. Frankel stated that he and Ms. Korfine are present tonight to see if North Ogden would like to partner with the Council and other municipalities for the spring rain harvest. There are 11 other municipalities in Northern Utah that are joining the program. The presentation provided information about the goals and benefits of the program; the program allows residents to take control of their own water conservation especially with outdoor water use. Additionally, rain barrel collection also improves water quality. Mr. Frankel also provided barrel specifications; it is a 50-gallon barrel that collects water from the downspout of roofs. A screen is used to keep mosquitos out of the water and the lid is secure to keep kids from opening and getting into it. There is a hose attachment to the barrel that can be used for watering landscaping and there is an overflow mechanism that will allow water in excess of 50 gallons to flow into the ground. The barrel is manufactured in the United States of recycled plastic. He then discussed the City's role in the program; if a municipality chooses to participate, they will subsidize the price of the rain barrels for their residents. The barrels would typically cost \$138 if shipped directly from the manufacturer to a home, but with a mass purchase and shipment, the price can be reduced to \$83 unsubsidized. The Utah Rivers Council suggests municipal subsidy of \$28 per barrel to bring the retail price for an individual resident down to \$55. The subsidy should be limited to one or two barrels per household to prevent one homeowner from purchasing and reselling barrels for a profit. He presented a screen shot of the website that would be used to sell the barrels; a link to the website could be placed on North Ogden's website to give residents access to the program. Ms. Korfine then discussed the logistics of distributing the barrels, noting the Utah Rivers Council handles all marketing, communication, and distribution of the barrels so the City is not responsible for those efforts. Mr. Frankel concluded that it is his recommendation that the City purchase 50 barrels with a \$28 per barrel subsidy. The total cost to the City would be \$1,400.

a. Discussion and/or action to consider Rain Harvest

Council Member Dalpias asked if there are any areas of North Ogden that do not have access to Pineview secondary water; he feels that the residents who are using culinary water for outdoor use stand to benefit the most from this type of program. City Manager/Attorney Call noted that one of the requirements of receiving subdivision approval is that the building lots will have access to secondary water; however, there may be one subdivision in the City that predated that

requirement and is still using culinary water for outdoor use. Council Member Dalpiaz stated he would like to start with a low number of barrels to understand if there is a demand for the program. He is willing to support the subsidy of 50 barrels as he feels the program is very low risk with a potential for a great benefit.

Council Member Ekstrom stated she appreciates that the program would help to improve the quality of storm water run off and she asked if the City could use funding from the storm water budget for the purchase. Mr. Call stated that is a potential funding source.

Council Member Swanson asked if there would be any limitation on the total number of barrels that would be available to City residents for purchase if the City chooses to only subsidize 50 barrels. Mr. Frankel answered no; just 50 residents would have access to the barrels at the \$55 price, but other residents can choose to purchase barrels at the \$83 unsubsidized cost. Council Member Swanson asked if the City can choose to be a partner in the program without subsidizing the barrels. Mr. Frankel stated that the Utah Rivers Council is willing to allow cities to join the program and help promote the \$83 barrels to their residents, but the challenge is the lack of critical mass needed in order to send a truck of barrels to the City. He has found that a city's subsidy helps to increase interest in the program; if a city subsidizes 100 barrels, the program will ultimately sell between 200 and 300 barrels. Without a subsidy, he is unsure how many barrels will actually be sold.

The Council briefly discussed the financial implications of the program and ultimately concluded to participate in the program at the 50-barrel tier, with the option to subsidize an additional 50 barrels if the program is successful.

Council Member Swanson motioned to purchase 50 barrels with the \$28 subsidy and the option to purchase 50 more barrels based upon demand. Council Member Ekstrom seconded the motion.

Council Member Cevering referenced State Law pertaining to rain water collection and he asked if it is correct that an individual household can collect up to 2,500 gallons in compliance with the Law. Mr. Frankel stated that is correct, but noted it would be very difficult for someone to collect that much water with one barrel given Utah's climate.

Mayor Berube asked Mr. Call to determine if the purchase can be funded using storm water funds.

Voting on the motion:

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

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION TO CONSIDER A BUDGET FOR THE CHERRY DAYS BOARD.**

Spencer Stephens stated that he is present in representation of the Cherry Days Committee; he noted he will not discuss the budget for the Cherry Days Celebration and, instead, he will discuss the schedule of events for the celebration as the Committee is seeking guidance from the Mayor and Council regarding desired changes. Once the schedule is finalized, the Committee can begin working on a budget to present to the Mayor and Council in a future meeting. The theme for the 2023 celebration is “We Are One North Ogden”; the theme has been chosen because the Committee feels that people are craving unity and an opportunity to join with their neighbors in a fun celebration of the community. He then reviewed the tentative schedule of events, starting on July 3 with a ‘pool day’ at the North Shore Aquatic Center, after which he engaged in high level discussion with the Mayor and Council regarding various desires and recommendations they have. There was a focus on a departure from holding the celebration on July 4, with Mr. Stephens indicating that he feels that it will be possible to market and communicate that celebration schedule and there are still quite a few other July 4 celebrations in surrounding communities. The Council concluded they like the format and the fact that there are many different types of events throughout the celebration that will give all residents something to participate in.

7. **DISCUSSION AND/OR ACTION TO ON CONSIDER A PROPERTY PURCHASE BY NORTH OGDEN CITY FOR A PARCEL OF LAND LOCATED AT APPROXIMATELY 1500 NORTH 200 WEST, FROM WEBER-BOX ELDER CONSERVATION DISTRICT WITH STORM WATER FUNDS.**

Planning Director Hess explained the Weber Box Elder Conservation District owns a parcel of property on the boundary between Harrisville City and North Ogden City at the intersection of 1500 N. and 200 W. This parcel is adjacent to a North Ogden City detention basin, and was originally slated to be additional storm water collection. The District has deemed this property surplus. The District has offered the parcel to North Ogden for the use of increasing the size of the adjacent storm detention basin. Some of the property could potentially be used for a future transportation connection of 1500 N. between Harrisville City and North Ogden City. The cost of the parcel has been determined by the seller as \$113,175.16. The purchase price was determined by taking the original purchase price from 2008 (\$79,900) and applying inflation to the property up to the month of January 2023. The North Ogden City Storm Water Fund has budget funds available to cover the purchase of the parcel and construction of the storm water basin improvements. The parcel will provide a public benefit in improved storm water collection and conveyance in this area of the City. He then noted the City Council approved the property purchase on October 25, 2022 for an agreed upon price from August 2022, pending an appraisal. Since that time, the City had the property appraised, and has spoken with the Pineview Conservation District regarding the valuation. The appraisal came back above the value offered by Pineview. Pineview Conservation District’s Director requested that the purchase price be updated to reflect the additional time taken in the City’s consideration. This moves the value slightly higher and accounts for the additional months of inflation. The revised suggested

property, and staff believes this represents a fair price for the property and fulfills a need to build out the stormwater system in this area of the City. He concluded staff recommends the City Council purchase parcel 11-373-0008 with storm water funds for the development of a storm water basin for the proposed property purchase price of \$113,175.16.

Council Member Ekstrom motioned to approve a property purchase of \$113,175.16 by North Ogden City for a parcel of land located at approximately 1500 north 200 west, from Weber-Box Elder Conservation District with storm water funds. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION TO AMEND THE CONSOLIDATED FEE SCHEDULE

City Manager/Attorney Call provide a report on a recommendation to amend the Consolidated Fee Schedule by increasing the solid waste fee responsive to the increase being passed on to the City by Weber County. The fee will increase from \$13.39 to \$14.29 for each residential unit in the City. There is a corresponding increase for non-residents from \$22.61 to \$23.51 and businesses from \$17.49 to \$18.39 as well. Additionally, staff is recommending an increase to the fee to pump water to zones 7, 8, 9, and 10 at the top of the City. The homes in zone 7 will experience a monthly increase of \$4.50, while zones 8, 9, and 10 will experience a greater rate increase. Mayor Berube asked if the proposed increase is based upon increased costs for power to pump the water up the hill. Mr. Call answered yes. This led to discussion of the costs associated with pumping water to certain zones in the City, with Mr. Call noting that the City staff should have recommended the increases last July, but was awaiting the results of a study that was being performed by the City Engineer.

Council Member Dalpias asked that staff provide the Council with a map of the water zones in order to help communicate the impact of the proposed increases to residents living in those zones. He asked how much more a resident in zone 10 will be paying if they are using 6,000 gallons of water per month. Public Works Director Espinoza indicated that the rate will not be based upon consumption any longer; the cost will be based upon the energy costs to pump the water and the increase is being divided among all residents in the zones. Council Member Dalpias stated that according to his calculations, the current rate paid by residents in zone 10 is about \$1.50 per month and that will be increasing to \$6.85 per month. Mr. Espinoza stated that is correct.

Mayor Berube indicated that he expects for the Council to hear from residents about the increases especially since they will be in addition to the solid waste increases as well as sewer increases that are being passed on to the City by the Sewer District.

Council Member Dalpiaz then stated that he has asked Mr. Call for information about equalizing costs for solid waste and recycling cans and he asked Mr. Call to provide the entire Council with the explanation that he has provided. Mayor Berube suggested deferring that discussion since it does not relate to changes to the Consolidated Fee Schedule. Council Member Dalpiaz stated he is comfortable deferring the discussion, but would like to discuss it sooner rather than later. Mayor Berube stated that Administration would like to provide a presentation specific to recycling costs.

Council Member Cevering motioned to approve Resolution 01-2023 to amend the Consolidated Fee Schedule. Council Member Swanson 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.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT WITH WEBER COUNTY FOR SUBDIVISION REVIEWS AND ADDITIONAL SURVEY SERVICES

City Manager/Attorney Call noted this is a proposed extension of an existing Interlocal Agreement the City has with Weber County for subdivision review and survey services; there are no significant changes to the agreement other than the term will be increased from three years to five years. He briefly summarized the purpose of the agreement, the goal of which is to shorten the subdivision review process for applicants.

Council Member Ekstrom motioned to approve Interlocal Agreement #A02-2023 with Weber County for subdivision reviews and additional survey services. Council Member Dalpiaz seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

10. DISCUSSION ON QUESTIONS ABOUT TRASH AND SNOW REMOVAL

City Manager/Attorney Call referenced Council Member Dalpias' question about equalizing costs for trash and recycling cans; he noted that the reason that the cost for a second garbage can was higher than the primary can or a recycling can was that the intent was to incentivize recycling rather than increased garbage collection from a single home. He noted that recycling was very inexpensive when the fees were first enacted, but since that time recycling costs have increased and it may make more sense to consider equalization of rates. He facilitated a discussion among the Mayor and Council regarding the potential impact to all homes if the fees were adjusted to achieve equalization; the group concluded to discuss the matter in greater detail and as part of a larger budget discussion in the coming weeks.

Mr. Call then discussed snow removal; the City ordinance requires that sidewalks be cleared within 24 hours of a storm, but some property owners are not observing that ordinance and staff needs some direction from Council regarding enforcement of the ordinance. He asked how clean the Council expects a sidewalk to be and who should be responsible to clean a sidewalk. Some properties are owned by people who live a fair distance from the property and those individuals have expressed concern about the ordinance. Mayor Berube stated it is his opinion that the person who owns a property is responsible for its maintenance, including removing snow from a sidewalk. He feels bad that they live a distance from their property, but they need to make arrangements to have the sidewalks cleared rather than expecting that someone else will take care of it or that enforcement action will not be taken. He asked the Council if they have any desire to change the ordinance. The Council discussed the matter of code enforcement and concluded they do not wish to change the ordinance; they encouraged residents to consider the implications of not removing snow from their sidewalks.

11. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER BARKER – PARKS AND RECREATION

Council Member Barker was not present.

b. COUNCIL MEMBER CEVERING – POLICE

Council Member Cevering reported the Police Department is actively enforcing winter parking regulations to protect the public. Progress is being made on the new Public Safety Facility, though much work is dependent on good weather. He reminded residents to be cautious when receiving certain monetary requests, which may be fraudulent.

c. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpias' report was deferred to the next meeting.

d. COUNCIL MEMBER EKSTROM – PUBLIC WORKS

Council Member Ekstrom thanked the Public Works Department for performing snow removal services for the community; they do a great job and provide a great service and she and many residents appreciate their efforts. She then reported that All West Communications broke ground on their fiber project yesterday and she is excited for residents to have access to high-speed, reliable internet service. Mayor Berube agreed this is something residents have asked for and it will be a great benefit to the City. While other service providers have asked for financial participation from the City. All West is performing the project at their own cost, and he appreciates that.

e. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson provided a report on the status of the City's finances; General Fund revenues and expenditures are tracking appropriately for this time of year. For the first time in years, the sales tax collection projection for the month of December was actually below the budget projections by about two percent. Sales tax revenue accounts for approximately 50 percent of the overall funding for the City and this is something to pay close attention to as the City begins working on the budget for the next Fiscal Year (FY). Mayor Berube asked if the actual revenue was lower than the same time last year. Council Member Swanson answered yes. Mayor Berube stated that inflation is having an impact on spending habits, and he expects that the trend noticed in December will continue in future months.

Council Member Swanson then encouraged Council Members to begin working with the Departments they have been assigned to in order to gain an understanding of their budget requests in preparation for upcoming budget meetings.

12. PUBLIC COMMENTS

Chris Pulver, North Ogden resident, agreed with the Mayor and Council's position on snow removal from sidewalks; he agrees that property owners who may not live in the City should still be responsible to remove snow within 24 hours of a storm. He then addressed recycling and noted there is just one place left, besides the City's collection bin at the old Public Works site,

where people can deliver recyclable materials. He added that he thinks it would be great for the City to incentivize residents to deliver their green waste materials to the City's green waste pit rather than place it in their trash can. He also noted he supports the Council's decision to participate in the rain barrel program. He concluded he looks forward to hearing the Council's budget discussions and more information sales tax revenue trends.

Brenda Ashdown, North Ogden resident, stated there is one thing she would like for the Council to consider as they continue to discuss garbage and recycling collection rates; she understands that maybe it is not fair for someone with two black garbage cans to pay a larger amount for that service, but noted that she only has one black garbage can and she thinks people who have two should pay more than those with just one. She is unsure if equalization of the rates would impact those with just one can, but she asked the Council to consider that issue as they proceed with evaluation of the matter. Mayor Berube noted that the Council would consider a 'per-can' charge rather than an action that would result in those with one can paying the same as those with two cans. Ms. Ashdown stated she did not understand that during the earlier discussion.

Susan Kilborn, North Ogden resident, stated she is excited about the rain barrel program and she would also like for the City to resume the curbside recycling program. She then suggested that the Council begin advertising the rain barrel program soon to try to get more information about the number of residents that would be interested in one or more barrel on their property. She then noted she has extended an offer to the Mayor for a service she would like to provide to the Public Works Department and has not received an answer to that offer. She concluded by offering a hypothetical question; she lives in an homeowner's association (HOA) managed development and the sidewalks in the common areas are often not shoveled after a snow storm. She asked who would be responsible for an injury resulting from the failure to remove snow from the sidewalks. Mayor Berube stated the HOA would be responsible. He then noted that he has responded to Ms. Kilborn's offer for the Public Works Department, but he did not have a complete answer to her question. He does support her recommendation to recognize the employees of that Department following the snow removal season. Ms. Kilborn then noted she would echo the recommendations by Mr. Pulver regarding recycling. She added that she has some concerns about not celebrating Cherry Days on the 4th of July and wonders if that change will be cause for concern for others in the community. She will volunteer to support the Committee, but is sad that the celebration will not fall on July 4.

13. MAYOR/COUNCIL/STAFF COMMENTS

City Manager/Attorney Call referenced a recent discussion about the City's ability to control the deer population on bench areas of the community; he has reached out to the Department of Wildlife Resources (DWR) and has not received a call back, but he will continue to try to work with them. He then reported that the City has heard from multiple home builders who would like the City to issue temporary occupancy permits and he has told them that it will not be allowed, but builders may reach out to the Mayor and Council Members individually. He then noted that Scott Hess's title has been changed from Planning Director to Community Development

Director; he will assume more responsibilities associated with that change. Additionally, Dave Espinoza is now the Assistant City Manager and he wanted to recognize him in his new position.

Council Member Swanson stated there have been some discussions with a family in the community about City-owned property adjacent to their property and he has asked City Administration to draft an ordinance that will address the interaction between private and public property in terms of landscaping or other beautification of the private property that would also involve the public property.

Council Member Dalpiaz stated he has been able to make contact with DWR and will provide Mr. Call with an update regarding this meeting. Mayor Berube indicated that the current happenings with the deer population are likely related to the ongoing winter weather conditions.

Mayor Berube then noted that the Supreme Court of Utah ruled in favor of Pleasant Grove City in regard to their transportation utility fee; the issue has been remanded to the District Court to determine the reasonableness of the fee, but there is some anticipation that the State Legislature may pass new laws that will prohibit such a fee in the future. In the meantime, North Ogden City can determine how to utilize revenues associated with the City's road fee, which was moved from a fee to a tax in the recent past.

14. 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 Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.


The meeting adjourned at 7:47 p.m.



S. Neal Berube, Mayor



Susan L. Nance, MMC
City Recorder



Date Approved