

NORTH OGDEN CITY COUNCIL EMERGENCY MEETING MINUTES

April 15, 2023

The North Ogden City Council convened in an Emergency Council meeting at 8 a.m. on April 15, 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 April 14, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022. This meeting was not on the annual meeting schedule, it was noticed within the time frame for an emergency meeting to be held.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	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	
	Eric Casperson	City Engineer	
	Dave Espinoza	Assistant City Manager/Public Works Director	
	Bryce Nelson	Admin Services Manager/Treasurer (Zoom)	
	Scott Hess	Community and Economic Dev. Director (Zoom)	
	Dirk Quinney	Chief of Police (Zoom)	
VISITORS:	Brenda Ashdown	Carson	Clark Jensen
	Ryan	Cam Ryan	Jeanette Sweet
	Kevin Burns	Stacey Giatras	Jonathan Giatras
	Tanner Giatras	Bryce Dalton	Kellie Dalton
	Chad Jensen	Tim Jones	Greg Secrist
	Jeff Clark	Steve Huntsman	Stef Casey
	Becky Martin	Glenn Donnelson	

Mayor Berube called the meeting to order. An invocation was given by resident, Gene Low. Council Member Barker led the audience in the Pledge of Allegiance. Mayor Berube then asked that the Council consider a motion to add public comments to the meeting agenda.

Council Member Dalpias motioned to add public comments to the meeting and limit speakers to three minutes each. Council Member Ekstrom 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.

Council Member Swanson motioned to limit the meeting to one hour, 15 minutes to allow those present to attend other commitments. Council Member Barker 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.

PUBLIC COMMENTS

Bryce Dalton, North Ogden resident, stated it is his opinion that the south side of the ditch on 1700 North should be dredged to take care of debris and prevent it from flowing downstream and clogging a culvert further down the line. It would also be good to place grates in the culverts as dredging is being done so that large material does not dislodge and block the stream further down the stream. This would allow a greater cubic feet per minute (CFM) flow rate to accommodate more water as the temperatures increase and there is more water.

Steve Huntsman, North Ogden resident, thanked the Mayor and Council for holding this meeting. He knows they are getting a lot of complaints about flooding issues, and he is pleased with how they are handling that. He stated that Title 73 of the Utah Code gives the City a great deal of authority over public water and the only limitations the Council must consider are private property rights. He thanked the City for working with private property owners on these flooding issues. He stated that he hiked to higher elevations to see where the water is coming from out of the two canyons that feed North Ogden; he captured videos of the water flow and noted that the

current conditions are unprecedented. He understands that the City has only experienced about 10 percent of what will be coming as the snowpack melts. The stream that flows by his house has caused some concern, but it was due to a grate that was disturbed, and the stream is at 200 percent of its normal flow. This is not something anyone could predict, and the City has a very short window of time to respond to the current conditions to prepare for the upcoming increase in water as the snow melts.

Kevin Burns, North Ogden resident, stated that nothing builds bonds like adversity, and he feels that water could be the common enemy that could cause the citizens of North Ogden to come together as one.

Jeff Clark, North Ogden resident, stated he lives on 1700 North and the last section of open ditch runs in front of his home; he thanked all the City's employees that have responded to the area as well as the many residents and neighbors who have responded to the conditions on 1700 North. The ditch has about 18 to 20 inches of gravel in it and while he can sandbag along the banks of the ditch, the water will still flow down stream and impact properties below him. He agreed that dredging of the stream is the best solution and he cited different methods of dredging that can be done now during this short window of opportunity.

ACTIVE AGENDA

1. DISCUSSION AND/OR ACTION ON THE FLOOD RELIEF EFFORTS ON 1700 NORTH, INCLUDING WHETHER OR NOT TO DREDGE THE DITCH ON THE SOUTH SIDE OF THE ROADWAY

Mayor Berube thanked City staff and Council Members for their attention to this issue; he noted staff has been asked to research a few issues relating to the ditch on 1700 North and he asked them to present their findings. Council Member Swanson asked that staff first address ownership of the ditch; he initially misunderstood who owns the ditch and has since learned that the City owns it but is not responsible for landscaping on either side of the ditch.

City Manager/Attorney Call stated that the ditch was built during or before the 1890's by Joseph Barker; it was maintained as a ditch and somewhere between 1962 and 1985, the majority of the homes along the ditch were built. The ditch was previously used to irrigate about 40 acres of farmland. From the City's perspective, the City is in charge of storm water, and the City should do what it can to keep storm water flowing where it is supposed to flow and mitigate property damage. The State of Utah has made it very clear that in the case of a loss associated with storm water, the City is not liable; that is why the City has communicated to property owners the need for them to take steps to keep the water off of their property. The City, however, is expected to maintain the storm water channels. The City never took legal title to the ditch but does own the ground underneath it and is expected to keep the water flowing. City staff believes that most of the culverts on the ditch were installed before the previous owner stopped using it for irrigation purposes; now that the City knows of the flooding and culvert clogging issues associated with the ditch, he believes that the City should enlarge the culverts to provide for proper flow of water.

Mayor Berube stated it is his opinion that ownership does not matter, and the City is obligated to help citizens control flooding. He added that he agrees that the City is obligated to maintain water flow. Mr. Call stated that when there is no flood event occurring, property owners are responsible for typical maintenance; meaning, if something falls from their property into the ditch, they are responsible for removing it. Mayor Berube stated that the last question he feels needs to be answered tonight is whether to dredge the ditch and how to minimize known flooding on 1700 North. He invited input from the City Engineer and Assistant City Manager/Public Works Director Espinoza.

City Engineer Casperson stated one concern he has about dredging the ditch at this time is the potential for the pipe to be plugged; if it is possible to keep debris from plugging the pipe that begin at 885 East on 1700 North, he feels dredging would be helpful. His recommendation would be to wait to see what happens in the ditch in the next few days; the warmest temperatures occurred on the past Tuesday and Wednesday, but temperatures have lowered, and he does not expect anything similar to happen again. He stated that regardless of the timing of dredging the ditch, it will be necessary to mitigate debris going down the pipe; he does not know the current situation of the pipe and how much debris is already in it and whether dredging would make those matters worse. He stated that grates and check dams could be installed to keep debris out of the pipe, but the dam would need to be considerable to withstand flows that could occur.

Mayor Berube asked if there is any alternative to minimize potential flooding besides dredging. Mr. Casperson noted an alternative to dredging could be to use a vacuum truck to remove debris from the ditch; he would still recommend use of a check dam to keep debris from entering the pipe. Mayor Berube asked if the pipe could be examined using a camera to understand how much debris is currently in it. Mr. Casperson answered yes.

Council Member Ekstrom stated that she wants to plan for the worst-case scenario; she asked if there is enough time to build the check dam in advance of increased water flows due to the snowpack melting. Mr. Casperson answered yes. Council Member Ekstrom asked if the ditch can be dug to a deeper depth to handle increased flows. Mr. Casperson stated he would recommend waiting a few days to learn of forecasted temperatures; he has not seen any property damage caused by the current flows. Mayor Berube stated that if the 'wait and see' approach is taken, it may not be possible to be proactive rather than reactive to flooding potential. Mr. Casperson stated that the diversion dam that helped to move water from the south side to the north side of 1700 North seemed to help; he thinks prevention is the best, but he reiterated he is concerned about the condition of the pipe at 875 East; if dredging is done, the pipe could be clogged worse and water will back up further and it will be difficult to get it to flow to the north side of the road. Mr. Call added that Public Works employees have expressed concerns about dredging as well; they are worried about the risk of impacting the integrity of the ditch which may be held together by just grass or other vegetation at some spots. Mr. Casperson stated that is correct; the grass that lines the ditch in several areas is all that is keeping the ditch together. If the ditch and road are undermined by damaging the vegetation root systems, the water will erode the sides of the ditch and increase flooding potential.

Mr. Espinoza stated his recommendations have been based upon the manpower available in the Public Works Department; he has 10 employees per shift that can assist with flood control, and they are monitoring other channels that enter the City from the hillsides and canyons. He presented a map identifying the seven channels that are being monitored and discussed the flows in each of the other channels and noted several others have the potential to cause private property damage. He felt his employees and Mr. Casperson had a good handle on 1700 North; catch dams and other equipment have been used to catch debris at Mountain Road so that the only thing that should be entering the 1700 North ditch is water. He has felt comfortable saying that ongoing monitoring of 1700 North is sufficient at this point, but he understands the concerns of residents that live on the road.

Council Member Ekstrom stated there is a pool of anxious volunteers that are willing to be of service to their neighbors on 1700 North and she asked if they can be utilized by City Administration to do things like build a check dam. Mr. Espinoza stated that he has been grateful for the response of the community; many volunteers have rallied together to respond to 1700 North and assist their neighbors. Mayor Berube stated that the Farr West Mayor has also offered manpower and equipment to respond to flooding events; he assumes every Mayor in Weber County would extend the same offer. Mr. Call stated that volunteers helped to build the catch dam on Mountain Road, but the additional work to be done on 1700 North can only be done with heavy equipment so volunteers will not be as helpful as heavy equipment operators. Council Member Ekstrom stated that some of the volunteers are heavy equipment operators and she asked if they can be assigned to certain tasks; she noted she understands concerns about liability associated with this type of work. Mr. Call stated that the City has absolute immunity relating to storm water damage, but individuals do not, and he is concerned about private citizens being tasked with doing something that could eventually result in a claim.

High level discussion among the Council and staff centered on the definition of common terms used in discussion of storm water management, after which Mayor Berube thanked the Weber County Sheriff's Office for using their drones to help survey the condition of channels that are running out of the canyons into the City. He also thanked the Public Works Department for quickly transitioning from snow removal to flood control.

Council Member Swanson asked if the City owns a dredging bucket, to which Mr. Espinoza answered yes.

Mr. Call stated that it would be helpful for the Council to elect one of its members to serve as their representative for the purposes of authorizing certain flood control work or response to citizen requests.

Mayor Berube added that it is important to ensure that the Public Works Department has the resources they need to properly respond to flooding issues; this is being classified as a 100-year flooding event and it may be wise to enlist the help of professionals that specialize in this type of work to advise staff and the Governing Body. He asked for each Council Member to provide their input on that topic.

Council Member Swanson spoke about the difficulty of this situation; he sympathizes with residents who live on 1700 North and their concerns about protecting their property. He wants to be sure that the City is doing the right thing and something that makes a difference. He feels it would be helpful to send a camera through the pipe located at 875 East and 1700 North; if there are no major blockages found, he feels it would be appropriate to dredge the ditch above the pipe. Mayor Berube asked Council Member Swanson if he feels it would be appropriate to camera the other lines in the City as a preventative measure, to which Council Member Swanson answered yes.

Council Member Cevering then thanked the volunteers that have responded to this dire situation. He stated that he feels it would benefit the City to solicit an opinion from other engineers or experts in dealing with this type of issue. He does feel that the City needs to be proactive in trying to prepare for ongoing flooding throughout the coming months as the snowpack continues to melt. Mayor Berube stated he can support the idea of soliciting other opinions, perhaps from engineers that serve other cities.

Council Member Barker stated that he will rely upon the recommendations from Mr. Casperson and Mr. Espinoza; he believes that the flooding risk will decrease as temperatures drop again in the coming days and over the next week. The most recent problem was caused by a dramatic increase in temperature over a two-day period.

Council Member Ekstrom stated she does not want to do something that will make the problem worse; she feels that building a catch dam while the water levels are low will help to address the problem of debris being collected in the ditch during heavy flows. She added she supports the recommendation to use a camera to inspect the condition of the pipe at 875 East.

Council Member Dalpiaz stated that he has visited 1700 North several times over the past few days to observe the conditions and potential impact to personal property; he feels strongly that the Council needs to take the burden off of the shoulders of City employees and make a decision regarding the best way to proceed. He is very concerned about the area in front of Jeff Clark's home, and it would be his recommendation to dredge the ditch. He walked the area with a private civil engineer, and he recommends dredging the ditch. He understands there is some risk associated with dredging, but he feels that is the best solution at this time. He also likes the idea of placing a grate in front of the culvert to help catch debris.

Mayor Berube summarized the comments of the Council, noting it is obvious that they desire to do something. He agrees that getting a second opinion may be helpful and he would recommend contacting the County Engineer or an engineer serving another municipality. He would also recommend using a camera to inspect the pipe before deciding whether to dredge the ditch. He stated these things need to be done very quickly.

Council Member Dalpiaz stated the current snowpack levels are unprecedented; there is an educated guess that Lewis Peak has a snowpack that is double the State average and when temperatures increase, flooding will be imminent. He stated he feels it is necessary to take

immediate action. Mayor Berube agreed; this is a very big issue, and the City should dedicate resources to allow City staff to move quickly responsive to the Council's direction.

Council Member Swanson motioned to use a camera in the pipe located at approximately 875 East and 1700 North to assess the pipe, get a second opinion with another Engineer who specializes in this type of water situation, and based on results if the pipe is clear and the Engineer opinion is to dredge the ditch if it doesn't have blockage in the pipe. Council Member Cevering seconded the motion.

Council Member Ekstrom asked if the motion can include building a check dam. Council Member Swanson stated that would be part of the recommendation to dredge.

Council Member Dalpiaz asked if the City owns a pipe camera or will need to borrow one. Mr. Espinoza stated that he can secure a camera very quickly. Council Member Dalpiaz asked if there is a deadline for securing a second opinion from an engineer. Mayor Berube stated that setting deadlines without an understanding of resources is highly unfair; City staff understands that this is an urgent situation, and they will take the appropriate action to respond immediately.

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.

PUBLIC COMMENTS

Jeff Clark, North Ogden resident, invited anyone who has not been to 1700 North to visit the area in front of his home; in that area, the ditch is now 10 feet wide, and it is getting wider because it is full of gravel and is undercutting the road by at least three feet.

Clark Jensen, North Ogden resident, stated that keeping the gravel out of the ditch is the most important issue. The gravel is getting very deep and must be removed at many different points along the ditch.

Becky Martin, North Ogden resident, stated that the culvert that feeds the ditch needs to be addressed and the water flow needs to be controlled there rather than at the bottom of the ditch. She stated she has worked for an irrigation company for many years, and she understands best practices relative to the setting of culverts and grates and those best practices are not being adhered to in this situation. She cautioned the City to be careful when dealing with side ditches.

Bryce Dalton, North Ogden resident, stated that the City has been gifted with the current weather conditions as they are offering a reprieve from the flooding. He has rented a small excavator to help remove debris from the area of the ditch in front of his home and he feels that dredging is the best solution.

Tim Jones, North Ogden resident, stated he has a cousin who has a great deal of expertise in this issue, and he would be happy to share his information with the City. He stated that the companies that are responsible for the water have the responsibility to withhold water that is causing this problem. He asked if the City has resources to build the sandbag walls higher.

Jonathan Giatras, North Ogden resident, stated that higher on 1700 North where the ditch has been diverted, there is an ability to move the water completely to one side of the road; the entire ditch could be blocked in order to dredge it appropriately. He suggested that this be done right now while the water levels are lower.

ADJOURNMENT

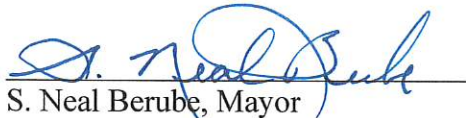
Council Member Ekstrom motioned to adjourn the meeting. Council Member Swanson seconded the motion.

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 9:21 p.m.


S. Neal Berube, Mayor


Joyce Pierson
Deputy City Recorder


Date Approved