

NORTH OGDEN CITY COUNCIL MEETING MINUTES

April 25, 2023

The North Ogden City Council convened in a Council meeting at 6 p.m. on April 25, 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 20, 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	
	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	Community and Economic Development Director	
	Dave Espinoza	Assistant City Manager/Public Works Director	
	Dirk Quinney	Chief of Police	
	Bryce Nelson	Administrative Services Officer/Treasurer	
VISITORS:	David Elvir	Tami Kalama	Susan Kilborn
	Kevin Burns	Chris Pulver	Brenda Ashdown
	Kelly Cevering	Terry Cevering	Alan Kerbs
	Merrill Sunderland	Terry Bexell	Lynne Bexell
	Eric Thomas	Melanie Ewing	Sandy Cochran
	Stefanie Casey		

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

PRESENTATION

1. FLOOD CONTROL PRESENTATION

Tamara Stillwell and David Elvir, U.S. Flood Control, used the aid of a video and PowerPoint presentation to provide the Mayor and Council with information about their Tiger Dam Flood Control System, which can be used to eliminate the use of heavy equipment and sandbags for flood control/prevention. They provided information about the background of their company and cited communities and end users that have purchased the product, which has been tested by the Army Corps of Engineers and has been proven to help achieve loss protection. The product has achieved 'platinum' certification. Mr. Elvir then explained the manner in which the dams are assembled from end to end or for stacking purposes and the ease of storage of the dam materials for future use. He provided photos of the product and concluded that the Tiger Dam can be considered the replacement for sandbags.

Discussion among the Council and Mr. Elvir centered on topics such as the timeframe for delivering Tiger Dam components to the City and the amount of product North Ogden may need to respond to flooding in the community.

Mayor Berube communicated that the City Manager or Assistant City Manager will follow up with U.S. Flood Control with any additional questions.

CONSENT AGENDA

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. Council Member Berube indicated he will recuse himself from the discussion of agenda item 5a.

3. DISCUSSION AND/OR ACTION TO CONSIDER MARCH 14, 2023, CITY COUNCIL MEETING MINUTES

Council Member Ekstrom motioned to approve March 14, 2023, City Council meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION ON FINAL ACCEPTANCE OF MAJOR'S
MINI FARM SUBDIVISION**

Public Works Inspector Hill explained that final inspections have been completed on the Major's Mini Farm Subdivision and it has been found to be in compliance with City Code and 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 take over all responsibility for the infrastructure and roadway.

Council Member Swanson motioned to accept final approval of the Major's Mini Farm Subdivision. 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.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AMENDING ORDINANCES
TO ADD LANGUAGE CLARIFYING CODE CONTENT AS PER LIEUTENANT
GOVERNOR'S OFFICE**

City Recorder Nance explained that after the Council voted to approve the two annexations listed below, she submitted appropriate documentation to the County Clerk's Office as well as the to the State of Utah Lieutenant Governor's Office, and she received a request to add some language to the annexation ordinances to refer to the correct Utah Code citation pertaining to annexations. She has provided amended ordinances for Council consideration.

a. ORDINANCE 2023-05: CEVERING

b. ORDINANCE 2023-06: FARR

Council Member Swanson motioned to approve Amended Ordinances 2023-05 and 2023-06. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously, 4-0.

ACTIVE AGENDA

6. PUBLIC COMMENTS

There were no public comments.

7. DISCUSSION AND/OR ACTION TO CONSIDER A BUDGET RELATED TO CHERRY DAYS

Melanie Ewing, Cherry Days Committee Member distributed a handout listing each of the events that are being planned for the 2023 Cherry Days Celebration, the budget for each event, and the estimated income associated with each event. Total revenue is estimated at \$62,650 and the Cherry Days Committee has secured \$11,400 in private donations/sponsorships. She concluded by illustrating the total Cherry Days budget; the requested City contribution is \$75,000; sponsorships should total \$40,000 and event income is estimated at \$62,500. The total event costs are \$96,950, leaving the net revenue at \$77,650.

Councils discussion with Ms. Ewing centered on the logistics of some of the events included in the budget; the location of the fireworks show (yet to be finalized); and the increase in the budget when compared to years past. Council Member Swanson noted that the request of \$75,000 represents a 50 percent increase in the budget compared to last year and it is important for the Council to carefully consider where the additional funding should come from if this request is approved. City Manager/Attorney Call noted that the Committee has projected more income and more donations than in years past, so that could offset the increase in the City's contribution. This led to high level discussion among the group regarding the projected budget for the event; all Council Members indicated they are supportive of the budget and feel the Cherry Days celebration brings great value to the community. However, Council Member Swanson indicated he would like some additional time to review and consider the budget request and the source of the additional funding needed. Mayor Berube noted the Council has the option of increasing taxes or reducing other areas of the budget to cover the additional funding requested. Council Member Swanson suggested the Council contemplate those options over the next few weeks in anticipation of taking a vote on the request of their next meeting. City Manager/Attorney Call noted the Council has a budget work session scheduled for next week and the matter could be discussed further during that meeting.

Mayor Berube asked if the City would be the party to the contracts for certain events involved in the celebration. Mr. Call answered yes, and he has been discussing the insurance and liability implications of those budgets with the City's insurance provider.

Council Member Swanson motioned to postpone approving the Cherry Days budget until the next meeting. 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.

**8. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING THE
SUBDIVISION DEVELOPMENT AGREEMENT FOR NORTH OAKS COVE,
PHASE 17; LOCATED AT APPROXIMATELY 3550 NORTH MOUNTAIN
ROAD**

City Manager/Attorney Call explained the developer of North Oaks Cove has requested an amendment to their development agreement to include language providing for property to be returned to their control if a road connection is not feasible at the time the property to the east of the subdivision develops. He summarized the language that the developer has proposed, but noted there could be some possible changes to this language, including eliminating the term "vacate" as a word because of the implications and processes involved in vacating a roadway. Additionally, the Council should consider whether just a road connection would be a legitimate reason to give the property back to the developer. He noted he has developed alternate language, which identifies that in long blocks where topographical issues don't allow for road connections that the city and landowner create pedestrian connections. He concluded staff recommends that the alternative language be included in the escrow agreement to allow for a pedestrian connection if a road isn't feasible.

Mayor Berube invited input from the developer.

Eric Thomas, North Ogden resident and developer of North Ogden Cove, stated that Mountain Road has not been designed in the area near the North Oaks Cove project, but there is a subdivision above his project where a portion of Mountain Road has been designed. Currently, if the steady slope of Mountain Road is continued and it eventually attaches to 1050 North, that

would result in 3750 North having a 20 percent grade, which is too steep and does not comply with the City's engineering standards. The result would be that the road will not be built, but there will be a vacant piece of ground that would be vacated for the road. This is the reason he is seeking the amendment to the development agreement.

Council Member Ekstrom motioned to approve Agreement #A05-2023 amending the Subdivision Development Agreement for North Oaks Cove, Phase 17; located at approximately 3550 north and Mountain Road. 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. BUDGET PRESENTATIONS:

a. POLICE DEPARTMENT; and

b. COMMUNITY SERVICE OFFICERS (CSO'S)

Presenter: Dirk Quinney, Chief of Police

Chief Quinney used the aid of a PowerPoint presentation to discuss the proposed budget for the Police Department and Community services for the Fiscal Year (FY) 2023-2024. He presented the organization chart for his Department, noting that it is currently fully staffed. He then reviewed the Department's deliverables and goals in terms of service and safety/security; keys to success for the Department have a direct connection to the staff of his Department. This includes an appropriate retention program, fair compensation, recruiting incentives, an updated Public Safety facility, and the other tools and resources necessary to get the job done.

Chief Quinney provided a comparison of the current FY budget and the proposed FY24 budget; there is an increase of \$201,057, or 22.48 percent. This is related to the following:

• Investigative LPR system	\$30,000
• Much overdue body camera upgrade (6-year grant program)	\$43,000
• Mandatory 2-way radio software upgrade	\$50,000
• Motorpool expenses (net)	\$71,685
• CSI fee increase	\$12,372
• Live 911	\$5,000
• Drone for new drone program	<u>\$6,800</u>
TOTAL	\$218,857

He then presented several charts illustrating call volume trends in the Department; dating back to 2019, call volumes have increased steadily, with a 10 percent increase in total calls from 2021 to 2022. Dating back to 2017, the average number of calls per officer has also increased. Call volume contributes to the Department's need to adjust staffing levels, in addition to the following:

- Population;
- Daytime population;
- Business district;
- Demographics;
- Best practices; and
- Crime rates.

He concluded his presentation by discussing proactive policing is accomplished through self-initiated officer activities. Chief Quinney thanked the Mayor and Council for their continued support of his Department.

Council Member Delpias noted that the City's budget sub-committee covered the Police Department budget in great detail and he suggested that Council Members review the recording of their last few meetings to hear that review.

c. PARKS MAINTENANCE

Presenter: Dave Espinoza, Assistant City Manager/Public Works Director

Mr. Espinoza first briefly discussed the recent transition in the Parks and Recreation area of the City, which he feels has been beneficial for the City. He used the aid of a PowerPoint presentation to discuss the proposed parks maintenance budget for Fiscal Year (FY) 2024; certain irrigation and playground projects are planned for the coming summer, some of which will be partially funded with grant funds. Deliverables of the Parks Maintenance division include completion of capital projects, improving existing park spaces, addressing irrigation needs, and equipment purchases.

d. AQUATIC CENTER; and

e. RECREATION; and

f. EVENTS

Presenter: Justin Rasmussen, Aquatic's Center Manager

Mr. Rasmussen used the aid of a PowerPoint presentation to discuss the budget for recreation and the aquatics center; the Recreation Division is managed by Becca Godfrey, and she oversees 10 employees, most of them being seasonal.

The budget is 60 percent employee salaries and benefits and 40 percent discretionary/program related.

The Aquatics Division is managed by himself; he is assisted by Ken Young, the Aquatics Technician, and they oversee 75-80 seasonal employees that staff the facility.

There is a great deal of employee training and certification performed at the Aquatic Center; the budget is allocated to employee salary and benefits (59 percent), utilities (11 percent), and discretionary/equipment and maintenance (28 percent).

The budget for City events is broken down into contracted services (23 percent), discretionary (33 percent), Cherry Days (13 percent), and miscellaneous programming (20 percent).

Mr. Rasmussen concluded the total budgets for Recreation, Events, and Aquatics is as follows:

- Recreation:
 - Salaries and benefits - \$101,573.
 - Total budget - \$176,073.
- Events:
 - Salaries and benefits - \$139,577
 - Total budget - \$226,711
- Aquatics:
 - Salaries and benefits - \$353,750
 - Total budget - \$605,000

Mayor Berube stated that the Aquatics Center is approximately 20 years old and in upcoming budget discussions it would be helpful for the Council to have an understanding of future financial needs relating to the age of the facility. He added that there have been discussions of ensuring the Center 'breaks even' each year and he also asked Mr. Rasmussen to be prepared to address that issue in the future.

Council Member Barker added that it is important to keep in mind that the recreation presentation only discussed expenses and did not include any revenues associated with certain programs; for example, the football program generates enough revenue to cover everything but the wages for employees that are working in the program.

10. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpías provided a staffing update for the Building and Planning areas of the City; there is currently a vacant position in the Planning Department and the job has been posted. He added that staff has been auditing the development code to ensure compliance with Utah Code following recent legislative changes and they will be recommending text amendments to

the Planning Commission and ultimately the City Council. Staff is also working on the General Plan rewrite, which will also eventually be presented to the Council.

B. COUNCIL MEMBER SWANSON - FINANCE

Council Member Swanson reported that 75 percent of the current Fiscal Year (FY) has lapsed, and General Fund revenues are at 71.3 percent of budgeted estimates. He presented a graph that illustrated fluctuations in sales tax revenue and compared revenue collections from 2022 to the total collections thus far in 2023. Sales tax revenues are ‘cooling’ a bit and it may be appropriate to be more conservative with the sales tax projection for the FY2024 budget. The March 2023 sales tax revenue information should be available before the Council’s next budget discussion and that will be helpful as the Council works to finalize budget projections.

11. PUBLIC COMMENTS

Susan Kilborn, North Ogden resident, thanked the Public Works Department for their service to the community. She then asked for clarification on the presentation about the Cherry Days Celebration and the individuals or companies that are donating to support the event; this information would be helpful before the Council votes on the request for \$75,000 for the event.

Council Member Swanson stated that he believes the Cherry Days Committee would answer questions about donation commitments and would accept additional donations.

12. MAYOR/COUNCIL/STAFF COMMENTS

Assistant City Administrator/Public Works Director Espinoza stated that he would like to perform a burn at the green waste pit prior to it opening to the public for spring cleanup in two weeks.

Mayor Berube thanked Ms. Kilborn, Lee’s Grocery Store, Spencer Stephens, and Council Member Ekstrom for contributing to the appreciation event for the Public Works Department.

City Manager/Attorney Call reported that there is still some flood potential in the community, and he asked that anyone involved in responding to a flood event track their hours in order for the City to seek reimbursement from the Federal Emergency Management Agency (FEMA) in the event of a state of emergency being declared.

Council Member Ekstrom reported on her attendance at the Utah League of Cities and Towns (ULCT) spring conference; the theme of the conference was ‘dignity in public discourse’. She attended a session about a program that has been created called The Dignity Index and she recommended that everyone visit DignityIndex.us, which is a website that discusses the importance of dignity and respect in public discourse.

Council Member Cevering stated the Youth City Council would like to create a "One North Ogden" flag and he would like to hear thoughts from the Council on the proposal. He then reported that he was contacted by a person who would like to create a disc golf course somewhere in the City and he will pass that information on to Council Member Baker and Mr. Espinoza. He then stated that he has commitment of a \$5,000 contribution for the pickleball court project and he asked how soon the City needs the money. Mr. Call stated the City can accept the money at any time.

13. **ADJOURNMENT**

Council Member Ekstrom motioned to adjourn the meeting.

The meeting adjourned at 8:37 p.m.


S. Neal Berube, Mayor


Susan L. Nance, MMC
City Recorder


Date Approved