

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

August 11, 2020

The North Ogden City Council convened in a virtual meeting on August 11, 2020 at 6:02 p.m. at <https://us02web.zoom.us/j/84611409128> or by Telephone: US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on August 6, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Charlotte Ekstrom	Council Member	
	Cheryl Stoker	Council Member	(arrived at 6:46 pm)
	Phillip Swanson	Council Member	

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Annette Spendlove	City Recorder
	Dave Espinoza	Public Works Director
	Evan Nelson	Finance Director
	Dirk Quinney	Chief of Police

VISITORS:	Terri McCulloch	Stefanie Casey	Draydon Croston
	MariJo Croston	Kevin Burns	Lea
	Susan Clements	Brenda Ashdown	

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

PRESENTATION

1. **RECOGNITION OF BRAVERY FOR 14-YEAR-OLD DRAYDON CROSTON**

Mayor Berube read the description of an event submitted by MariJo Croston:

“I am a great swimmer, in fact I was on a synchronized swimming team growing up, & I passed off on all my Red Cross badges by the time I was 10! But sometimes being a good swimmer doesn’t help at all!”

On a Recent Saturday, the Croston family, Dad Ryon, Mom MariJo, and sons Draydon and Trayson were on the Weber River on tubes.

After Draydon saw that his mom was out of her tube, and couldn’t stop where the group (which included his father and brother Trayson), had stopped to get out, he let go of his safe spot to come save her. Somehow, he was able to grab the tube that was dragging her, and held on as she cried, screamed, and yelled. Ryon, also witnessed what happened, but couldn’t do anything except yell for him to not let go.

Draydon who is almost 14, held onto the tube for a few hundred feet while his mom was hanging from the tube, being drug over high rocks and rapid waters, until he was finally able to miraculously grab hold of a big rock with the raging waters rushing by, and got the tube stopped safely. He never let go even though his mom screamed for him to over and over again, because she thought she would pull him down with her.

MariJo was pretty bruised up, sore, had numerous cuts, and could hardly walk, but is alive, thanks to her brave son, Draydon.

Draydon is not only a hero, but is an honor student and is so responsible. His mother says he is an amazing friend to anyone and everyone. He’s never said a bad word in his life, nor would he dream of it. He takes every responsibility seriously.

Draydon truly deserves to be recognized as the Cherry on Top!”

Mayor Berube thanked Draydon for being a good citizen and an example of bravery. MariJo stated Draydon is truly a wonderful person and she is so grateful for his bravery. Draydon thanked Mayor Berube and the Council for this recognition.

CONSENT AGENDA

2. **DISCUSSION AND/OR ACTION TO CONSIDER JUNE 9, 2020 CITY COUNCIL MEETING MINUTES**
3. **DISCUSSION AND/OR ACTION TO CONSIDER JULY 7, 2020 CITY COUNCIL MEETING MINUTES**
4. **DISCUSSION AND/OR ACTION TO CONSIDER JULY 14, 2020 CITY COUNCIL MEETING MINUTES**

Council Member Ekstrom motioned to approve the June 9, 2020, July 7, 2020 and July 14, 2020 City Council Meeting Minutes as amended to note where field trips took place. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

5. **PUBLIC COMMENTS**

There were no public comments.

6. **DISCUSSION AND/OR ACTION TO CONSIDER A SOUND ORDINANCE**

City Manager/Attorney Call indicated that this item was reviewed during the July 28, 2020 City Council meeting. He has adjusted the draft ordinance responsive to the feedback he received during that meeting relative to the following issues: differentiating between sounds made on commercial properties versus residential properties; providing for necessary road work to occur before or after curfew hours; exempting agricultural harvesting activities from the curfew.

Council Member Cevering asked if the City has received complaints about noise disturbances associated with agricultural activities in the City. Mr. Call indicated he is not aware of any complaints. Council Member Ekstrom stated her home borders agricultural property and she has never been disturbed by harvesting activities.

Mr. Call then noted the biggest discussion during the July 28 meeting centered on construction noise. In the updated draft of the ordinance, the prohibition of construction activities on Sunday has been eliminated. A few weeks ago, the City's fee schedule was amended and construction noise violations were classified as a class B misdemeanor. He asked the Council to determine if that is still appropriate or if the penalty should be reduced to an infraction. The Council engaged in philosophical discussion and debate of this matter, ultimately concluding to maintain the class B misdemeanor classification because contractors were ignoring the sound ordinance because the fine associated with an infraction are so minimal.

Mayor Berube than asked where the cap of 1,000 people for a special event permit came from. Mr. Call stated Weber County classifies a special event as 1,000 people or more for up to two hours. Parks and Recreation Director Staheli noted that a mass gathering permit is actually the type of permit required by Weber County for an event of up to two hours with up to 1,000 participants. She noted the special event permit is actually issued by North Ogden and only applies to activities occurring in a space that was not designed for the use.

Mr. Call noted the final adjustment to the ordinance responsive to the feedback received during the July 28 meeting relates to disruption of an event on public property with sound amplification devices; it is considered disruption of sound if the broadcast is at a level more than 55 dBA and on the property where the event is being held.

Mayor Berube thanked Mr. Call for adjusting the proposed ordinance to address the issues raised by the Council.

Council Member Swanson motioned to approve Ordinance 2020-20 as a Sound Ordinance. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. **DISCUSSION AND/OR ACTION TO CONSIDER AN AMPHITHEATER ORDINANCE**

City Manager/Attorney Call indicated this item was also discussed during the July 28, 2020 City Council meeting and he has adjusted the proposed ordinance responsive to the feedback received from the Council at that time. The intent is for the amphitheater rules and regulations to be in line with the provisions of the rental agreement for the facility. He and Mayor Berube facilitated philosophical discussion among the Council regarding policy matters for the Council to determine relative to the limit on the number of events that can be held at the facility per week; curfews for events to be held at the facility; use of loudspeakers at the facility before a certain time of day; and parking accommodations. The Council indicated they would like for the regulations for the amphitheater to be in line with regulations at other City parks. They determined to not limit the number of events per week at the facility, but indicated they would consider a limit in the future if it is found that the facility is being used excessively and negatively impacting the neighborhood. Relative to hours of operation/curfew, Council Member Ekstrom stated she would like to be more flexible and give some discretion to the Arts Guild to determine if certain events can extend past 10 p.m. Mayor Berube stated that he is concerned about allowing activity that conflicts with the sound ordinance that was just approved by the Council. Council Member Swanson suggested that a balance be struck between the two suggestions to provide for an exception to the sound ordinance if the Parks and Recreation Department and Arts Guild approve an extension past the 10 o'clock hour. The Council debated the matter and concluded to maintain the 10 p.m. curfew in order to be consistent with the regulations imposed on other park properties in the City.

Mr. Call then noted the next issue relates to the time that an event can start at the facility. The general use ordinance for parks indicate they are open at 6 a.m., but the sound ordinance indicates sound is not allowed before 7 a.m. The Council indicated they would like to uphold the 7 a.m. regulation that is applied to other parks.

Mr. Call then noted the final issue relates to parking. Ticket sales for events at the amphitheater are limited to four per parking space in the parking lot, with no parking allowed on the south side of Deer Meadows Drive or the east side of Barker Parkway. The Mayor and Council discussed this matter and concluded to maintain the current parking restrictions, but to offer an exemption for Cherry Days fireworks, which typically draws a larger crowd than is allowed for with the current parking restrictions.

Council Member Swanson stated his only remaining concern relates to maximizing the City's investment in the Amphitheater. If the evening curfew of 10 p.m. is going to be maintained, that will limit the number and types of events that will be held at the facility during the summer months. He recommended extending the curfew to 11 p.m. for specific events approved by the Arts Guild. Council Member Ekstrom agreed. Mayor Berube stated the Council has already approved the sound ordinance and City

Administration is not aware of any event scheduled this summer or fall that would extend past the 10 p.m. curfew; he would prefer to consider amendments or exceptions to the ordinance if doing so becomes necessary or to respond to feedback received from event organizers. Mr. Call stated he is comfortable with that approach.

Council Member Ekstrom motioned to approve Ordinance 2020-21, the Amphitheater Ordinance as discussed. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

8. DISCUSSION ON VESTING THE GENERAL PLAN AND LIMITING FUTURE ZONE CHANGES

Council Member Swanson noted the City's General Plan Steering Committee (GPSC) has been doing an excellent job of helping the Council identify the types of zoning designations that are appropriate for undeveloped properties throughout the City, or those properties that may be prime for redevelopment. They are proposing that zoning designations for these properties identified in the General Plan be vested to prevent a future owner from asking for a zoning change. He stated he supports this idea as he feels it will help to prevent any angst that arises when property owners pursue zone changes. Short of passing a moratorium, he would propose that the Council not consider any major rezone proposals until the Planning Commission can formally provide a recommendation regarding the zoning designations to be vested in the General Plan document.

Mayor Berube stated he likes the idea and feels it has some merit, but he asked for input from Council Member Barker given that he has been assigned as the liaison to the GPSC. Council Member Barker stated the GPSC has discussed the option of implementing a moratorium on development along Washington Boulevard, but they are also supportive of the idea of no zone changes until formal action can be taken regarding vesting of the General Plan zoning implications.

The Council engaged in high level philosophical discussion and debate regarding the matter, ultimately concluding to adhere to Council Member Swanson's recommendation to avoid zone changes; they concluded they would not consider a zone change before the

end of 2020 and asked that the GPSC and Planning Commission work to finalize their vesting recommendation before that time. Council Member Swanson clarified that he would be willing to consider zone changes for small infill developments that mirror zoning of adjacent development.

9. **DISCUSSION AND/OR ACTION TO CONSIDER THE APPOINTMENT OF A HEARING OFFICER AND AN AGREEMENT FOR HEARING OFFICER SERVICES.**

City Manager/Attorney Call explained the City recently published a request for proposals (RFP) for Hearing Officer services. This position is an appointed position and the individual appointed will handle the appeals of land use decisions and other similar items. The City currently also has another Hearing Officer who deals with code enforcement appeals and abatements. The individual selected for this position has been working with the City for the past five years and has extensive knowledge in Utah Land Use and appeal procedures. Since this is an appointed position, the City Insurance Policy covers more items than the standard individual or firm selected for the contract. As such there are not indemnification, insurance, and other clauses included in the agreement.

Council Member Cevering motioned to approve the appointment of a Hearing Officer and approve Agreement A21-2020 for Hearing Officer Services. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

10. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR A MINUTE SPECIALIST.**

City Recorder Spendlove explained C. Price Transcription Minutes Consultant was selected as the transcriber for the General Plan Steering Plan Committee, Economic Development Committee, and Public Safety Building Committee meeting minutes. C. Price has been preparing minutes for over 15, while in operation since 2014. Administration felt that their experience was valuable and they know what is expected for municipal minutes. This agreement is for a one-year term and may be renewed for up to (4) additional annual one-year terms.

Council Member Swanson motioned to approve Agreement A22-2020 for a Minute Specialist. Council Member Ekstrom seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

11. COUNCIL REPORTS:

a. Council Member Swanson – Finance.

Council Member Swanson stated the greatest item of importance at this time is tracking sales tax revenues. Other than that issue, he can report that Department Heads are doing exceptionally well at managing their budget during this difficult time. He then reported on the idea of creating an audit committee in the City charged with reviewing quarterly finance report in advance of the report being presented to the entire City Council. He asked each Council Member to provide names of individuals they would recommend be appointed to the committee.

Mayor Berube noted that during the City's recent truth in taxation meeting, the Council received feedback from residents regarding the negative impact that increasing the tax rate will have on them personally. He stated that there has been discussion about finding a way to offset the impact, and even going back to evaluate the City's ability to provide residents a refund of a portion of the transportation utility fee that was collected in the past, if a resident chooses to pursue a refund. He asked Mr. Call to conduct a cost benefit analysis before November 30, 2020 to determine if that is an option. Mr. Call accepted the assignment.

Council Member Swanson then reported on the status of Weber County's response to applications received for C.A.R.E.S. act funding. Mayor Berube thanked Council Member Swanson for serving as the City's representative with the group considering the applications.

b. Council Member Barker – Building & Planning

Council Member Barker stated he has nothing to add to the discussion earlier in the meeting regarding planning and zoning items. He then briefly reported on his involvement with the Weber Mosquito Abatement District.

12. PUBLIC COMMENTS

Susan Clements inquired as to what happened to Council Member Barker. Council Member Barker stated he fell from a roof that he was helping to repair; he broke his foot, hip, pelvis, ribs, hand, and nose. He has had a few surgeries and more to come, but he is recovering. He thanked Ms. Clements for her concern.

13. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Stoker stated she received a question from a resident who was concerned about mailing utility payments to a post office box with a Seattle address. Mr. Call stated that is the lock box for Wells Fargo and they collect utility payments on behalf of the City. Council Member Cevering stated it would be helpful for the Council to have a written description of that arrangement in order to respond to follow-up questions from residents.

Council Member Cevering then referenced the Council's earlier action on the amphitheater ordinance. He asked if the City is indemnified against any liability for an accident that may occur at the amphitheater during a special event. Mr. Call answered yes and noted that is called out in the rental agreement for the amphitheater. Council Member Cevering then asked if the Council will be hearing an updated application for the 7-Eleven project proposed at the corner of 1700 North and Washington Boulevard. Mr. Call stated that he is anticipating a work session discussion of that project in September.

Mayor Berube asked Council Member Cevering to meet with Mr. Call and Public Works Director Espinoza to be briefed on the improvements being made to the City's work order system in order to facilitate appropriate and timely responses to residents. He asked that he be prepared to provide a report on those improvements to the entire Council and the public at the August 25 meeting.

Council Member Ekstrom stated she received the same inquiry about the utility payment matter; she appreciated the response and asked if someone will respond to the resident. Council Member Stoker stated she can respond.

Council Member Swanson thanked City staff for their work to prepare a budget during these unprecedented times and circumstances.

Mayor Berube reported the City's Economic Development Committee has been challenged to pursue business growth in the community. This includes addressing leakage and enhancing current business offerings.

Mr. Call then reported on calendar events coming in the several weeks; he thanked the Mayor and Council for their support of employee appreciation events.

14. **ADJOURNMENT**

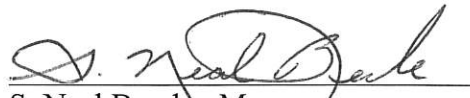
Council Member Stoker motioned to adjourn the meeting. Council Member Ekstrom seconded the motion.


Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 7:55 p.m.


S. Neal Berube, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved