



**CITY COUNCIL MEETING AGENDA
JULY 14, 2020 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND BY:

Click the link to join the webinar: <https://us02web.zoom.us/j/81036599409> Webinar ID: 810 3659 9409
or Telephone: Dial - US: US: US: ++1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or
+1 301 715 8592 or +1 312 626 6799
or Youtube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor S. Neal Berube

Invocation & Pledge of Allegiance: Council Member Ekstrom

FIELD TRIP - 6 PM

Site Visits: 6 pm - Wadman Park, 2625 North 1025 East; 6:20 pm - Oaklawn Park, 1200 East 2500 North; 6:50 pm - 2552 Barker Parkway

1. Field Trip Map

CONSENT AGENDA

2. Discussion and/or action to consider May 12, 2020 City Council meeting minutes

3. Discussion and/or action to consider May 26, 2020 City Council meeting minutes

ACTIVE AGENDA

4. Public Comments

5. Discussion and/or action to consider appointments to the Art's Guild

Presenter: Mayor S. Neal Berube

6. Discussion and/or action to consider an Ordinance amending North Ogden Zoning Ordinance Title 11-1-4, creating a Civic Zone

Presenter: Rob Scott, Planning Director

7. Discussion and/or action to consider an Ordinance amending North Ogden City Code Title 6-2E-1: Discharging Weapons within City Limits

Presenter: Jon Call, City Manager, Attorney

8. Discussion on the North Ogden City Code Title 4-4: Residential Solicitations

Presenter: Jon Call, City Manager/Attorney

9. Discussion and/or action to consider a Resolution adopting an Interlocal Agreement with Weber Human Services for services to the North View Senior Center

Presenter: Jon Call, City Manager/Attorney

****Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Annette Spendlove, City Recorder at 782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 10th day of July, 2020 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogdencity.com>, and faxed to the Standard Examiner. The 2020 meeting schedule was also provided to the Standard Examiner on December 22, 2019 S. Annette Spendlove, MMC, City Recorder

10. Discussion and/or action to consider an extension of the trash collection Agreement

Presenter: Jon Call, City Manager/Attorney

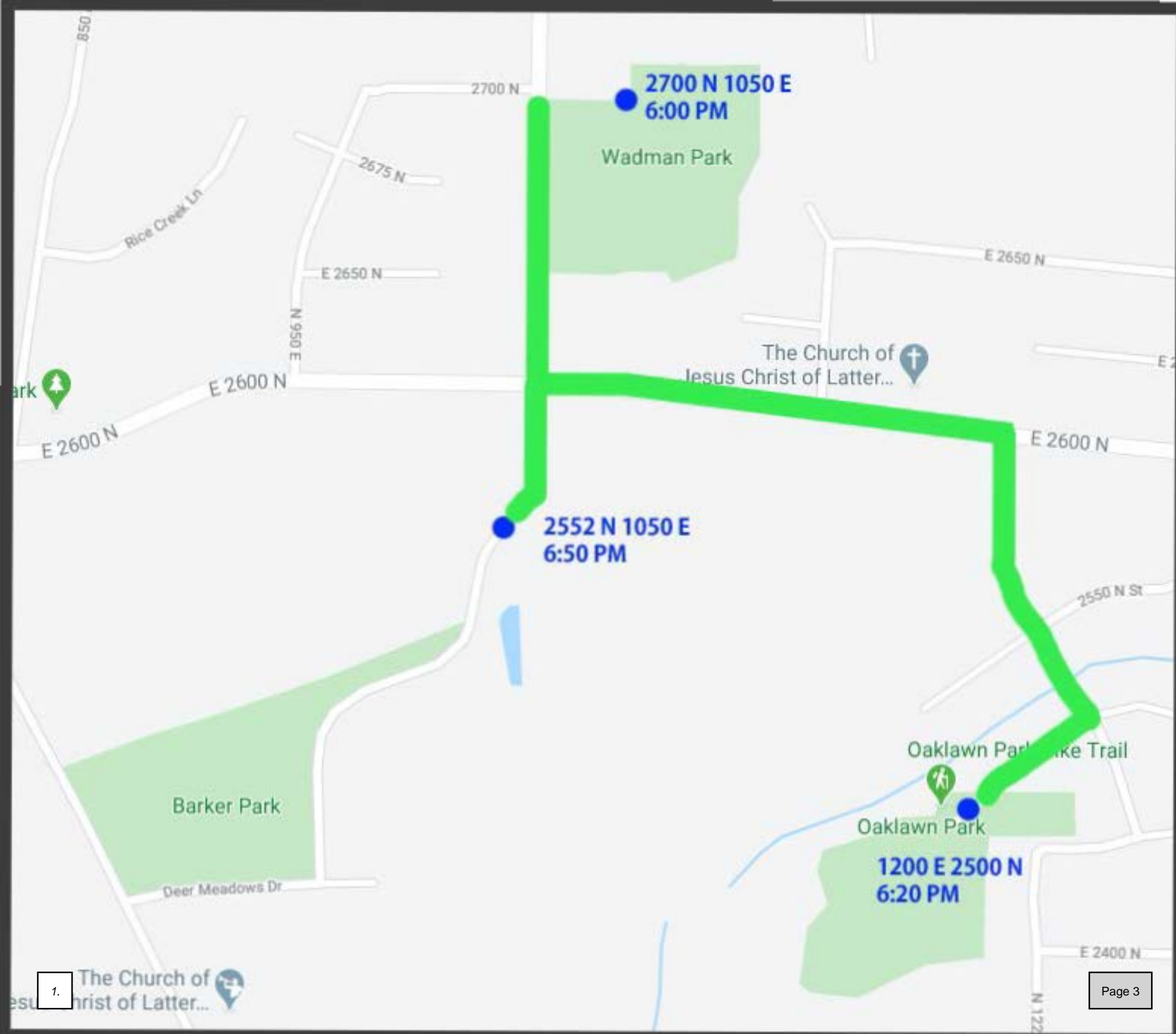
11. Public Comments*

12. Council/Mayor/Staff Comments

13. Adjournment

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to five (5) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.



NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 12, 2020

The North Ogden City Council convened in an open meeting on May 12, 2020 at 6:02 p.m. at <https://us02web.zoom.us/j/82595057131> or Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or <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 May 8, 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	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Annette Spendlove	City Recorder	
	Rob Scott	Planning Director	
	Evan Nelson	Finance Director	
	Tiffany Staheli	Parks & Recreation Director	
	Dave Espinoza	Public Works Director	
VISITORS:	Adrienne Gerber	Brenda Ashdown	Julie Anderson
	Kami Marriott	Kevin Burns	Ralph Wenz
	RMB	Stefanie Casey	Susan Clements

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

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO CREATE AN HOA BUILDING PERMIT REVIEW PROCESS**

A staff memo from Planning Director Scott explained North Ogden City received a request from a developer requesting that the City require building permit applicants within their HOA projects give a verification to the City that the HOA has approved the building plans. The Planning Commission conducted a public hearing on this amendment on April 15, 2020. No one from the public spoke on this; however, a later communication indicates that the requester referenced below may want to speak to the City Council. North Ogden does not enforce either HOA requirements or CC&Rs, however, there is logic to coordinating with developers regarding their projects. An amendment is proposed that would require that an interested HOA make a request of the City to require a letter of review from an HOA. Secondly, that the City will not enforce the HOA requirements. The Planning Commission was uncomfortable with making it a requirement for the HOA to grant approval but is comfortable with the applicant certifying that the plans have been submitted to the HOA. The original language is in strike out followed by the revised language:

11-1-5 ADMINISTRATION AND ENFORCEMENT B. Administrative Authority

1. and 2. No changes

3. ~~Upon a request from an active HOA North Ogden City will require that applications for a building permit must accompany a letter from the HOA that the HOA has reviewed and approved the building plans. Ultimate responsibility for design and approval and inspection of any components required by the HOA ultimately fall upon the HOA. The City will not inspect for items required by the HOA.~~

3. **At the building permit application stage the applicants shall sign a statement that they have submitted their plans to any Homeowners Association or architectural committee as required under any Covenants Conditions and Restrictions. Ultimate responsibility for design and approval and inspection of any components required by the HOA ultimately fall upon the HOA. The City will not inspect for items required by the HOA.**

CONFORMANCE WITH THE GENERAL PLAN

Housing Goals Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

The memo offered the following summary of potential Land Use Authority considerations:

- Should the City establish a process for requiring building permit applicants to sign a statement they have coordinated with the applicable HOA?
- Is the amendment consistent with the General Plan?

The Planning Commission, on a six to zero vote, recommends approval of the revised amendment language for building permit review coordination with HOAs. The Planning Commission found that the amendment is consistent with the General Plan.

Mr. Scott reviewed his staff memo and reviewed the text in red to summarize the implications of the proposed ordinance adjustments.

Council Member Swanson asked what will happen if an applicant has not actually gotten approval from their HOA board, but they submit a statement indicating they have. He asked if the City would have any liability associated with approving a project that does not have HOA approval. Mr. Call stated that the City would provide evidence in any lawsuit between an HOA and property owner, but the City should not have any liability for approving an application. Council Member Swanson asked if the City would reject an application that complies with City Code based on the fact that the applicant has not gotten HOA approval. Mr. Scott stated that the applicant will simply be asked to sign documentation indicating they have received approval from their HOA; the City will not ask for any evidence of such approval. Council Member Swanson stated that his concern relates to the City denying a building application based solely on the applicant's failure to confer with their HOA. He is uncomfortable doing that as he feels that HOAs should remain independent of the City. This led to high level philosophical discussion and debate regarding the appropriateness of the ordinance amendments and whether the City should base any land use decision upon an HOA's position; Council Member Swanson stated he is opposed to the ordinance amendment; he does not want the City to get involved in any enforcement of HOA regulations. Council Member Barker agreed and added that the City only has a certain amount of time to make a decision on a building permit application and causing staff to determine whether an applicant has gotten HOA approval could become cumbersome and place them in a position of policing something they are not responsible for. Council Member Ekstrom also agreed.

a. Public Comments

Kami Marriott used the Zoom chat feature to thank the Council for consideration of this matter. She is not asking the City to enforce HOA regulations, but she would like for applicants to communicate whether they have their respective HOA's approval for a building. This is more of a notification to a builder who may be hired to work on a property that is located in an HOA.

b. Discussion and/or action to consider an Ordinance to create an HOA Building Permit review process.

Council Member Barker and Council Member Swanson both reiterated their sentiment that the City should not be placed in the role of enforcing HOA regulations.

Council Member Ekstrom stated that she does not want to enact legislation that cannot be enforced or is difficult to enforce. Council Member Cevering agreed and suggested that active HOAs become more involved with property owners in an HOA subdivision rather than trying to rely upon the City to enforce their regulations.

Council Member Swanson motioned to reject an Ordinance to create an HOA Building Permit review process. 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.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR A TEMPORARY LAND USE REGULATION

This item was removed from the agenda at the request of the applicant.

4. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING FISCAL YEAR 2021 TENTATIVE BUDGET

Finance Director Nelson presented the Council with Administration's proposed Fiscal Year 2021 Tentative Budget; the budget document has been adjusted responsive to the feedback provided by the Council during the May 5, 2020 meeting:

- General Fund
 - Property tax revenue is \$223,000 higher than that which would be generated by the certified tax rate. The City will go through the Truth in Taxation process to consider modifying the property tax rate to be able to meet this revenue projection.
 - Sales Tax revenue is estimated at a 20% decline compared to the Fiscal Year 2020 Budget.
 - Building permit revenue is estimated to have a 26% decline.
 - Class C Road revenue is estimated to have a 35% decline.

- The budget includes use of fund balance in the amount of \$360,000. This is what would be considered use of “rainy day” funds.
- Leave cash-outs have been eliminated from the budget.

Council Member Swanson presented a graph that illustrates the manner in which property taxes would increase for seven different properties in the City based upon their value if the Council were to make the decision to maintain or increase the current tax rate rather than accepting the Weber County recommended certified tax rate.

Mr. Nelson then discussed the aquatic center budget; this budget assumes full operations beginning July 1, 2020. Due to the current pandemic, the budget may need to be adjusted during the fiscal year. He then discussed the solid waste fund; as directed, the Public Works Department is bringing garbage collection service inhouse. The budget includes two additional full-time employees, three garbage truck leases, and other adjustments to make the transition. The recycling program has been eliminated as directed and rates for garbage services are programmed to remain the same. The base rate includes a weekly garbage can pick-up plus a bi-weekly extra can pick-up. The biweekly can, previously used for recycling, will now be used as a regular garbage can. Mayor Berube stated it is important to remind citizens that this decision was based upon the fact that the City was going to be charged increased rates by the contracted garbage hauler. He emphasized that the action will make it possible to hold current rates; additionally, no increases in any other utility rates are being proposed for the coming year.

Mr. Nelson then concluded Administration proposes the Council adopt the tentative budget tonight and set a public hearing for June 9 for consideration of adopting an operating budget that will be in place until August when the Council holds a truth in taxation hearing to consider adopting the final budget.

Council Member Ekstrom asked Mr. Nelson to provide an explanation of the process, specifically why the Council adopts a tentative budget, an operating budget, and eventually a final budget. Mr. Nelson stated the process is prescribed by State law and is intended to provide multiple opportunities for public input on the budget. Council Member Ekstrom stated that she is hopeful that waiting until August to adopt the final budget will give the City time to gather additional data regarding COVID’s impact on the economy. Mayor Berube stated that it is likely that the City will have more information, but there will still be many unknown issues that could impact the City’s financial position. He stated he does not believe that the actual budget document will change dramatically and he commended the Council for having the courage to consider a necessary tax rate adjustment during what is a very difficult time for everyone.

a. Public Comments

Brenda Ashdown, 193 E. Pleasant View Drive, stated that nobody likes a tax increase, but she sees why the tax adjustment is needed in the City. She anticipates that there will be negative feedback once residents become aware of the possibility of a tax increase, but

she would recommend that concerned residents view the recording of last week's meeting to understand why the Council is considering adjustments. She then asked how the City is communicating information to the residents regarding adjustments to the solid waste and recycling program.

City Manager/Attorney Call stated that the City will use a mailing and its website to communicate changes to the residents. He added that it is also helpful for residents to speak to one another to get messages out about changes to City operations. Ms. Ashdown stated she has signed up for an electronic version of the City newsletter, but has been told that it is not functioning. She suggested that this be addressed so that residents can receive City information via email. She also suggested that an article be included in the next publication of the City magazine.

Susan Clements, 668 E. 3125 N., used the aid of the Zoom chat feature to indicate she likes the idea of bringing garbage hauling in-house; however, she was concerned that two trucks may not be sufficient. She also asked if pick-up schedules will remain the same and if holidays will be observed.

Mr. Call stated that Republic Services currently uses two trucks, except in recycling weeks when they use a third truck. He stated that two trucks will be able to service the City based upon data collected.

b. Discussion and/or action to consider an Ordinance approving Fiscal Year 2021 Tentative Budget.

Council Member Barker stated that if economic conditions improve and revenues are tracking at higher amounts than projected, he would like to reinstate the leave cash-out benefit for employees. He stated that some employees use that benefit as a type of bonus during the winter holidays and, as a public employee, he understands that is the only type of bonus a government employee is eligible to receive. Mayor Berube stated that Administration has developed triggers that would signal the appropriate time to reinstate certain budget cuts.

Council Member Cevering motioned to approve Ordinance 2020-08 approving Fiscal Year 2021 Tentative Budget. 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.

- c. **Discussion and/or action to recess the City Council meeting and convene in the RDA.**

Council Member Swanson motioned to recess the City Council Meeting and convene in the RDA. Council Member Cevering 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.

City Council Meeting recessed at 7:23 p.m.

RDA convened at 7:23 p.m.

5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING THE RDA FISCAL YEAR 2021 TENTATIVE BUDGET

Finance Director Nelson reviewed the budgets for the City's Redevelopment Area (RDA) and Community Development Area (CDA). The RDA fund includes funding to explore and pursue possible redevelopment projects; Washington Boulevard flower baskets are included in this budget as is the debt payment on the Aquatic Center bond. Revenue is being collected in the CDA fund to begin paying the debt owed to the RDA Fund.

Mayor Berube asked if the repayment of the debt from the RDA to the CDA will be completed in the amount of time allowed for the money to be spent. Mr. Nelson stated that is Administration's hope. Mayor Berube asked what will happen if the City does not collect the amount of money budgeted to provide the debt payment. Mr. Call stated that RDA laws require that planning be put in place to identify how the money will be spent within the allowed period of time. Mayor Berube then noted it is important to note that the funding for the RDA and CDA come from businesses who pay tax increment; he hopes that residents understand that the two funds are not supported by private property tax or sales tax. He then noted that he feels that the cost of maintaining the flower baskets for the entire year should be paid by the RDA fund rather than the general fund. Mr. Call stated that he can provide the Council with exact numbers for the maintenance of flower baskets, but he believes it is approximately \$15,000 and that is charged to the Parks and

Recreation Fund. The Council discussed this matter and ultimately concluded to move the \$15,000 expenditure from the general fund to the RDA fund. Mr. Nelson recommended that the Council accept the tentative budget as presented tonight, but he will adjust the budget document to reflect the \$15,000 charge to the RDA fund prior to the Council's consideration of the operating budget during the June 9 meeting.

a. Public Comments.

There were no public comments.

b. Discussion and/or action to consider an Ordinance approving the RDA Fiscal Year 2021 Tentative Budget.

Committee Member Swanson motioned to approve Ordinance 2020-09 approving the RDA Fiscal Year 2021 Tentative Budget with the understanding that the labor costs for watering the flowers in the amount of roughly \$15,000 will be moved from General Fund into RDA in the final budget with the tracking occurring through the General Fund, but a transfer from the CDA. Committee Member Cevering seconded the motion.

Voting on the motion:

Committee Member Barker	aye
Committee Member Cevering	aye
Committee Member Ekstrom	aye
Committee Member Stoker	aye
Committee Member Swanson	aye

The motion passed unanimously.

c. Discussion and/or action to adjourn the RDA meeting and convene in the City Council Meeting.

Committee Member Stoker motioned to adjourn the RDA meeting and convene in the City Council Meeting. Committee Member Barker seconded the motion.

Voting on the motion:

Committee Member Barker	aye
Committee Member Cevering	aye

Committee Member Ekstrom	aye
Committee Member Stoker	aye
Committee Member Swanson	aye

The motion passed unanimously.

The RDA meeting adjourned at 7:38 p.m.

City Council Meeting convened at 7:38 p.m.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR THE POOL CONCESSIONS.**

Council Member Ekstrom declared that she is part owner of the company that submitted a proposal for providing concession services at the Aquatic Center. City Manager/Attorney Call stated that Council Member Ekstrom has declared her business interest in the company and potential conflict, but it does not invalidate the City's ability to enter into an agreement with the business. Mayor Berube asked Council Member Ekstrom if she would like to recuse herself from voting on this issue, to which Council Member Ekstrom answered yes.

Mr. Call then summarized the terms of the contract that has been negotiated between the City and Pizza Man; this contractor has provided service to the City for the past eight years and there has been a great deal of success. There have been some questions about whether 15 percent is the appropriate amount of the gross revenue for the City to receive, but he is comfortable recommending approval of the contract.

Council Member Barker asked if this service has been publicly bid every three years. Mr. Call answered no; most contracts provide annual renewal clauses for a total term up to five years.

Mayor Berube asked if the amount of revenue generated has been sufficient to cover the cost of maintenance. Mr. Nelson stated that in FY18, the City received \$6,200 in revenue; that increased to \$10,700 in FY19. Mayor Berube stated that seems adequate to cover maintenance costs.

Council Member Swanson asked how many vendors responded to the RFP, to which Mr. Call answered just one; the RFP was published for about one month. Mayor Berube added there was some discussion about the City handling concessions in-house. Mr. Call stated that the RFP document did indicate that the City reserved the right to keep the service in-house, but the decision was made to continue to work with a contractor.

Discussion centered briefly on the appropriate renewal language to include in the contract. Mr. Call stated that he would suggest annual renewal periods for up to three

additional years. Mayor Berube added that he would recommend the contract include a ‘force majeure’ contract to provide for the City to place the contract on hold if the aquatic center is not open.

Council Member Barker motioned to approve Agreement A5-2020 for the Pool Concessions as presented with the 3-year renewal and addition of a force majeure clause. Council Member Barker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

7. PUBLIC COMMENTS

Ralph Wenz, 2891 N. 750 E., thanked the Mayor and Council for their service to the community and being conscientious with their budget. He then noted that he is addressing the Council tonight regarding an existing carport on his property that has been in place since he purchased the home in 2000; his desire is to rebuild the carport as it has fallen into disrepair. He also has a garage behind the carport and he would like to cover the concrete between the carport and the garage, but he has been told he cannot do that because of the requirement to keep a certain percentage of his property open and unpaved. Mr. Call stated he is aware of this property; if a structure burns down and must be rebuilt, the former footprint is allowed. However, if a property owner wants to increase the amount of hard space or covered space on their property, the structure must comply with building ordinances and codes. If the Council would like staff to explore an ordinance amendment that would allow Mr. Wentz to proceed with his project, he can perform that research.

Council Member Stoker stated she would like more information about what Mr. Wentz is trying to do. Mayor Berube asked Mr. Wentz to send an email including photos of his property and information about the improvements to his property he is pursuing.

Julie Anderson, 940 E. 2600 N., addressed public requests for proposals (RFP); she asked when the RFP for swimming pool concessions was published and how long it was open to the public. She stated that during this strange time, many people are not seeing public notices and it may be that the RFP was not published for long enough. Mr. Call stated the RFP was published March 9 and proposals were due April 14.

Stefanie Casey, 2444 Barker Parkway, stated she is confused about the motion that was made in regard the budget mechanism that will be used to pay for the labor associated with watering the flower baskets on Washington Boulevard. Council Member Swanson stated that the intent of his motion was for a transfer to be made from the RDA fund to the City's General Fund to cover those costs. This ensures that tracking of the expenditure is clear.

Mr. Call indicated a resident who did not provide their full name used the Zoom chat feature to ask about animal control; they discussed dogs without leashes running loose in the City and attacking people and other animals. Mr. Call stated that he is aware of the concern and the City's Animal Control Officer has been advised; however, anyone who sees a violation should call and report it to the City.

Ms. Anderson used the Zoom chat feature to indicate that the timing of the swimming pool concessions RFP fell right in the middle of the height of COVID-19. Mr. Call acknowledged that is correct; however, the RFP was published before a state of emergency was declared in Utah.

8. COUNCIL/MAYOR/STAFF COMMENTS

Additional Council discussion centered on modifications to City operations and events in response to the COVID-19 pandemic. Council Member Barker indicated Pleasant View City would like to join with the City to produce a joint fireworks show and he asked if the Council would like to pursue that. Council Member Swanson stated that he does not want to participate in that type of production until Pleasant View City is willing to participate in the cost of operating the senior center. Council discussion centered on the need to provide a sense of normalcy for residents, but acknowledged past issues related to joint support for the senior center. Mayor Berube indicated that more detailed conversations about both issues would be appropriate. Parks and Recreation Director Staheli stated she would like for the two cities to coordinate on joint events going forward, but the two cities have not had a great history of doing so in the past. Council Member Swanson indicated that a fireworks show would result in a large group of people congregating in one location. The City's public playgrounds and other venues are still closed to the public in order to keep the number of people congregating under the amount allowed according to State orders and he cannot support an event that would be a direct violation of those orders. Council Members Ekstrom and Stoker agreed. Council Member Barker stated he is still in favor of talking about the event, but he understands the concerns expressed by other Council Members. He noted that many other cities and entities are still planning to have fireworks shows this summer.

Mr. Call then reported on efforts to organize an event to commemorate high school graduation for high school seniors in the community. Additionally, the City is organizing a 'senior citizen parade' scheduled for May 22 at 3:00 p.m.

Mayor Berube acknowledged the amount of work that has gone into developing the tentative budget for the City for the next Fiscal Year. He thanked all Department Heads for their great work and dedication to the City.

Mr. Call stated that he has heard from residents who would like for the City to allow them to pay their utility bills through an extended payment plan. He asked the Council how they feel about suspending utility shut offs during this time. Utility billing staff has recommended that the City only suspend a utility shut off if a customer has clearly communicated their circumstances to the City. The Council discussed this issue and stated they support the recommendation of utility billing staff; if a resident does not communicate to the City the reason that their utility bills are past due, the City should still proceed with shutting off their water. Council Member Swanson indicated that some people will use the pandemic as an excuse for not paying their utility bills, though they may have unpaid balances dating several months before the pandemic. He would not be supportive of allowing a payment plan for those types of situations. Mayor Berube agreed; he noted he would be willing to consider payment plans for those that are working with the City to bring their accounts current. Public Works Director Espinoza reported on the work that has been done by his staff to help residents during this difficult time; he is supportive of payment plans and suspending shut offs for households that have been impacted by the pandemic. Mayor Berube suggested consideration of waiving late fees during the pandemic and he asked that residents be aware of what is happening in their neighborhood and help their neighbors who may be struggling. Council Member Swanson suggested the City create an account that allows residents to donate a monthly amount that can be used to help cover unpaid utility bills for those households that are struggling. This led to discussion of this type of program and Mr. Call stated that the City could require a household to apply for assistance and the funding generated by donations could be used to provide that assistance. The Council ultimately concluded they were supportive of this type of program and asked that staff formulate a proposal.

9. ADJOURNMENT

Council Member Barker motioned to adjourn the meeting. 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.

The meeting adjourned at 8:49 p.m.

S. Neal Berube, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

Not approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 26, 2020

The North Ogden City Council convened in a virtual meeting on May 26, 2020 at 6:04 p.m. at <https://us02web.zoom.us/j/86771293297> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or <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 May 22, 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	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Annette Spendlove	City Recorder	
	Rob Scott	Planning Director	
	Evan Nelson	Finance Director	
	Tiffany Staheli	Parks & Recreation Director	
	Dave Espinoza	Public Works Director	
	Dirk Quinney	Chief of Police	
	Lorin Gardner	City Engineer	
	Kai Johnson	Planning Tech	
VISITORS:	Meg Sanders	Stefanie Casey	Susan Clements
	Steve Rush	Christina Watson	John Arrington
	Ashley McCann	Kevin Burns	Jay D. Dalpias
	Brenda Ashdown	Julie Anderson	

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. DISCUSSION AND/OR ACTION TO CONSIDER APRIL 7, 2020 CITY COUNCIL MEETING MINUTES

Council Member Cevering motioned to approve the April 7, 2020 City Council Meeting Minutes with changes made to the document header indicating the meeting was a virtual meeting. 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.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Meg Sanders, 2950 N. 875 E., thanked the North View Fire Department and the North Ogden Police Department for helping to lead the parade that was organized to recognize retiring staff members and administration from North Ogden Elementary. The kids in the community really enjoyed the event. Also, Public Works Director Espinoza helped by performing traffic control measures. She stated the parade was an awesome experience for the school employees and the families that participated.

3. DISCUSSION ON ROCKY MOUNTAIN POWER'S TRANSMISSION CORRIDOR

Steve Rush, Regional Business Manager for Rocky Mountain Power (RMP), referenced problems that were brought to his attention last fall by homeowners in the Poll Patch HOA Development; teenagers were hanging hammocks from and climbing the towers in the power corridor on the north bench of Pleasant View and North Ogden. RMP has placed no-trespassing signage on the towers, but continues to hear that teenagers are still getting on the towers. RMP has reached out to Pleasant View and their Police Department has tried to deter the activity, with little success. Parents of the teenagers are not very concerned about the activity their children are engaged in, but RMP is very concerned because the towers are vital infrastructure and the lines carry 230,000 volts of

power, which makes them very dangerous for anyone who climbs on them. He asked for the help of the City by communicating information about the dangers in the monthly magazine and he asked if there is any other help the City could provide.

Council Member Cevering stated he has witnessed young men in hammocks in the tower above his home. When he approached the tower the next day, he noticed a great deal of trash had been left behind. He stated he is surprised that parents are not concerned about this activity. He suggested more visible signage on the towers. Mr. Rush stated that the power corridor is very long and there are so many towers that placing larger, more visible signage on the towers would be very costly.

Chief Quinney stated his Department is willing to help to enforce the trespassing violations if residents will notify the City when the activity is occurring; if proper notification prohibiting trespassing is present on the towers, the City can enforce violations. Mayor Berube asked if a magazine article would meet the definition of proper notification. Chief Quinney stated that the signage that is currently in placed on the towers or personal notification to an individual would serve as proper notification; a magazine article would not serve as personal notification.

The Council discussed the difficulty in enforcing the matter given the manner in which the towers are situated on a hill so the people climbing on them can see if law enforcement is coming. They discussed the importance of educating youth of the dangers of climbing the towers, after which they concluded to work with RMP to enforce trespassing rules and publish an article in the City magazine to stress the importance of staying off the towers.

4. DISCUSSION AND/OR ACTION ON CONSIDERATION TO OPEN THE NORTH SHORE AQUATIC CENTER

Council Member Swanson facilitated a discussion among the Council regarding updated State and County orders in response to the COVID-19 pandemic; they, along with the City's Parks and Recreation Director, feel it is safe to open the Aquatic Center at a 50 percent capacity. He solicited Council feedback on whether to proceed with opening; several Council Members expressed their support for the social distancing guidelines and protocol created by Parks and Recreation Director Staheli and indicated they support opening the pool to accommodate 50 percent of the pool's capacity, which is approximately 800 individuals. Council Member Barker stated that some cities are not opening their pool so their residents will be coming to North Ogden since it will be open. He wondered if the pool will reach 50 percent capacity early in the day and if people will be waiting in line outside. He also wondered if only allowing 50 percent capacity will create financial difficulties for the City where it already subsidizes the pool. Mayor Berube stated that if the numbers are so low that keeping the pool open is not beneficial financially, he would consider reducing days/hours of operation to reduce costs. He asked Ms. Staheli to keep him and the Council informed of pool attendance.

Council discussion then shifted to the recent data for new COVID-19 cases in the State, which Mayor Berube indicating he is comfortable following the advice of the Health Department, but if the State's status moves back to the orange phase, the City will be prepared to shut the pool down again. Or, if the number of cases in North Ogden spikes in the next several weeks, the City could close the pool even if the Health Department would allow it to stay open.

Council Member Cevering motioned to open the Aquatic Center on June 1, 2020 based on the recommendation of the State Health Department guidelines and that we have the ability to shut the pool if anything changes without convening the City Council. 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.

5. PUBLIC SAFETY BUILDING COMMITTEE REPORT

Police Chief Quinney summarized the work has been done by JRCA, the consultant hired to explore the City's needs in a Public Safety facility, as well as the Public Safety Building Committee that was created to consider the same. The group has toured several facilities in other communities and they have created a report to provide recommendations for the type of facility that should be constructed in North Ogden to meet the community's needs. He reviewed the report, which identifies the four areas of deficiency present at the City's current facility: seismic stability; poor layout that hinders functionality; safety and security at the facility and in the parking lot for the public and staff; and lack of storage space. The JRCA report identifies the current and future needs in the facility for current and future staffing levels based upon buildout of the community in the year 2040. They have provided a few design options for consideration and the Police Department staff as well as the Public Safety Building Committee prefer option e; this would maintain the current campus presence while providing immediate access to arterial roadways, secure access points, expansion of public parking, no phasing, and open space opportunities. It will require the City's acquisition of the property to the south. Chief Quinney reviewed the project costs identified by JRCA.

Mayor Berube invited input from Public Safety Building Committee Chair Chugg. Mr. Chugg stated that he agrees with the information presented by Chief Quinney and he

asked for support from the Mayor and Council in pursuing the project; the City needs an adequate Public Safety facility that will last through buildout and beyond.

Chief Quinney noted he did not provide a great deal of information about the improvements to the City's Justice Court facility, but that component is also contemplated in the overall project.

Mayor Berube stated he believes there are some real problems with the existing facility; it is not safe for Public Safety staff or the public. He would like to pursue an open and transparent process to provide more information about the project to the public. Council Member Swanson agreed and suggested that process start with an extended work session discussion of the community's needs for a Public Safety facility; the public and the entire City Council needs to hear the same information that the Public Safety Building Committee has heard. Council Member Cevering stated he believes the residents understand the need for an updated Public Safety facility, but they are concerned about the financial burdens associated with a bond for such a costly project. He wondered if the timing is right for proceeding with bond issuance at this time. Mayor Berube stated that interest rates are very low, but the bond market is somewhat unstable given the impact COVID-19 is having on the economy.

Council Member Ekstrom stated that she would like to carefully consider the entire scope of the project to determine if cost savings can be achieved by minor tweaks. She would also like to consider other funding options to reduce the total bond amount.

Council Member Swanson acknowledged the discomfort associated with the cost of the facility and what may be perceived as dramatic improvements; however, he is very concerned about the safety of the Department's officers as well as the public and he would hate for loss of life to occur as a result of leaving the facility in its current condition. Council Member Barker agreed and noted there will never be a 'right time' to complete this type of project. He is supportive of moving forward with exploration and planning for the project with a realistic timeline.

Mayor Berube agreed there may never be a 'right time' to bond or to pursue such a costly project. He noted he wants the public to understand that the City has not made any decisions regarding the project and is still exploring all options. He indicated he is committed to transparency regarding this project. He feels the best timing of submitting a general obligation bond to the public would be November of 2021 rather than this year.

Council Member Stoker stated the City is desperately in need of an updated facility. She is very concerned about the safety of officers and the public and she is supportive of proceeding with thorough discussion and consideration of the project timeline and funding options. She looks forward to receiving citizen input regarding the project.

Mayor Berube concluded he also agrees the City needs an updated facility and he will work to schedule an extended work session to allow for more in-depth Council and public

discussion of the project. He stated that he has been in the current facility several times and he would not dream of asking his private sector employees to work in that facility. He believes there is mold in the facility and it is not serving the community adequately in several areas. He wants to get the project done right and will begin the process of publicly vetting the project. Council Member Cevering stated he is supportive of a public vetting process, but he wants to make sure that the project that is settled upon is not excessive based on realistic needs of the community at buildout.

Chief Quinney stated that he can see that there are a number of questions regarding the needs of the community at buildout and he looks forward to discussing these items in greater detail in an extended work session. He asked if the Public Safety Building Committee should cease meeting until after the Council has an opportunity to make some decisions about the next steps. Mayor Berube stated he does not want the Committee to disband and encouraged them to continue to meet to work on the project. He indicated they can be involved in the extended work session that will be scheduled for the purpose of discussing the project.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR A TEMPORARY LAND USE REGULATION**

City Manager/Attorney Call explained the City's General Plan Steering Committee has requested this Temporary Land Use Regulation to help make sure the City isn't approving development of properties along Washington Boulevard that may be contrary to the goals of the commercial district. If adopted, the temporary land use regulation ordinance will only be valid for a six-month period and would apply to all properties affected by the language of the ordinance. The intent of the ordinance was to allow for the uses which the General Plan Steering Committee (GPSC) felt continued to promote the type of development which would not run contrary to future goals. Before or at the time the ordinance expires, the Council will be required to review and adopt a permanent ordinance. This proposed ordinance will not affect current applications that have already been submitted to the City.

General Plan Steering Committee members Julie Anderson and Meg Sanders used the aid of a PowerPoint presentation to summarize the Committee's recommendations regarding the adoption of a temporary land use regulation. The Committee has been discussing this issue over their last several meetings due to the questions that have been raised in regard to creation of true downtown areas. The two main factors that create a downtown area include road patterns and the presence of gathering spots. The City has three areas that are considered 'downtown' and each is unique; in moving forward, the City needs to determine what area should really be defined as North Ogden's downtown. The three areas are Southtown, the area surrounding The Cannery, and the area around the intersection of 2700 North and Washington Boulevard. For each of these areas, the following questions should be answered: are there gathering spots in the area and is it accessible/drivable. Most people consider the area around 2700 North/Washington

Boulevard to be North Ogden's downtown, however more attention could be paid to the type of businesses that should be attracted to this area and if there are opportunities to make the area more walkable. Past decisions have created issues that have been difficult to deal with as development is pursued along Washington Boulevard; the introduction of the Master Planned Community (MPC) zone has allowed for high residential density, but little attention to detail; this has been to the detriment of the community. Zoning of properties has shifted back and forth between residential and commercial, though many believe that the frontage along Washington Boulevard should be preserved for specific commercial uses. Also, there has not been a keen focus on creating gathering places in the downtown areas; Bicentennial Park and 'the stump' could be enhanced and made into gathering spaces. Finally, the Committee has heard from businesses that North Ogden is not 'business-friendly' and that needs to change.

Ms. Anderson then shifted to the purpose of asking for a temporary land use regulation ordinance:

1. To identify where our downtown areas should be.
2. To determine what we want in a downtown area.
3. To put into place guidelines to maintain the original feel of North Ogden.
4. To have a cohesive plan in place that will make it easier and more user-friendly for businesses that want to come into North Ogden.
5. We need to make sure that we are making the downtown area for North Ogden residents.
6. We should not be comparing ourselves to other places in Utah and trying to do what they have done.

The GPSC has evaluated those things that are currently in place in the City's General Plan and how the temporary land use ordinance will help to create a cohesive downtown. The City currently has transit and excellent pedestrian connections; a variety of stores; residences; offices; well-lit streets with unique light fixtures; a variety of restaurants; gathering places; and people of all ages. The ordinance would help to create a cohesive downtown by increasing revenue at a rate that matches or exceeds population growth; diversifies the entertainment, restaurant, and retail offerings within the City; assures a quality commercial shopping environment; and requires that new development generate sufficient revenue to cover the cost of public services. The Committee's plan for executing the concept includes meeting as a Committee and putting the time in to developing a solid plan; taking time to allow business development to catch up to residential development; reviewing the current business offerings of the community and what is currently working; and recruiting businesses that serve North Ogden residents. She emphasized that the GPSC team is made up of individuals with great talents and diverse business backgrounds; they should be relied upon to contribute to long-range planning for the future of the community. She feels that they can work with City staff, the Planning Commission, and City Council to develop a good plan and that work can be completed in the six-month period that would be afforded by the temporary land use ordinance.

Ms. Sanders then expounded on the work done by the GPSC; they heard from Ogden City Planner Greg Montgomery, who communicated to the group and to Planning staff that North Ogden does not have enough clarity on the plans for a downtown area in North Ogden. The GPSC felt it appropriate to slow building at this time to give a six-month period to think about the best way for the area along Washington Boulevard to be built-out. This may give time for business development to catch up with rooftops; additionally, there may be an economic slowdown responsive to COVID and this could be a good time to perform some visioning work for a clearly defined downtown area.

Mayor Berube stated that business development can be focused on opportunities for serving the needs of North Ogden residents and keeping sales tax dollars in North Ogden. He then invited public comments on the matter.

a. Public Comments

John Arrington stated he is a member of the GPSC and he supports the concept of adopting a temporary land use ordinance. He asked Mr. Call to provide the Council with specific information about the implications of the ordinance. He noted six months may sound like a long period of time to develop land use guidelines for the area along Washington Boulevard, but it truly is not a great deal of time when considering all the work that goes into developing those types of guidelines.

Mayor Berube stated that he has heard the same complaints that North Ogden is not business-friendly; however, there are two project applications that have been filed and have been delayed for six months or more. This causes frustration for applicants and creates a reputation that North Ogden is hard to work with. He asked if those applications would be placed on hold if the proposed ordinance is adopted. Mr. Call answered no; any formally filed application is vested under the current ordinances. Additionally, any project that is not in the C-1, C-2, CP-1, CP-2, or R-4 zone would be allowed to proceed. The Coopers Town project request includes a rezone, which would result in that property not being in the areas that would be impacted by the temporary land use regulation. The number of uses that would be allowed under the temporary land use ordinance would reduce from approximately 140 to 36 and would be limited mainly to office and small retail types of uses; larger commercial operations would be limited as would non-retail-oriented uses.

There were no additional public comments.

b. Discussion and/or action to consider an Ordinance for a Temporary Land Use Regulation.

Council discussion centered on the types of methods the City can use to recruit certain types of businesses to the community, with Ms. Sanders emphasizing the importance of following the City's General Plan when considering the type of commercial and residential development that is appropriate. Mayor Berube stated he feels the Economic

Development Committee can work closely with City Administration to pursue business development that is in-line with the General Plan. He stated he is supportive of cohesive development in all commercial nodes.

Council Member Swanson stated that he feels that all residents' voices matter in the long-term development of the City and not just the voices of those that have lived in the City their entire lives. He is reluctant to dramatically reduce the number of allowed uses from 140 to 36 for a six-month period; it is apparent why the allowed uses were chosen and he thinks that the proposal is outside of the scope that the Committee was tasked with. Ms. Sanders stated that list was not developed by the GPSC; rather, it was developed by Planning staff and Mr. Call. Council Member Swanson then stated that in the number of years he has been a member of the City Council, he has never seen a committee develop an ordinance and bring it to the Council asking them to pass it. The Planning Commission has done that on occasion, but no committee has and asking the Council to pass an ordinance that they only saw for the first time last Thursday is too fast. He feels the ordinance communicates that the long-time residents of the City get to decide what type of development should be allowed while the opinion of newer residents do not count. The demographics of the City continues to change and most people living in the City are not 'natives', but their opinion is as valid and valuable as others'. He concluded he needs more time to digest the proposed ordinance and its implications before making a decision. The ordinance would put significant limits on any property that has development potential.

Ms. Anderson stated that the GPSC has discussed the allowed approaches they could take to address concerns about development along Washington Boulevard and this is the approach that staff recommended. She stated the language was crafted by Mr. Call. She understands that the Council may need additional time to consider the ordinance's implications. She concluded that many of the members of the GPCS are 'transplants'; their families were not born here, but many of them felt it is important to craft thoughtful plans for development of the City's downtown areas. She reiterated that the Council would have six months to draft a final ordinance that would govern the development of downtown North Ogden. Council Member Swanson stated the City spent four years working to develop a form-based code and identify a downtown area and what the GPSC is asking the Council to do is completely opposite of the decisions that were made at the end of that four-year period.

Continued Council discussion centered on the need to carve out a specific area that should be defined as the downtown area of the City, rather than defining the entire length of Washington Boulevard as the City's downtown. Several Council Members also echoed Council Member Swanson's desire to take additional time to review the ordinance before taking action.

Council Member Barker motioned to table consideration of action on the proposed ordinance creating a Temporary Land Use Regulation until June 23, 2020. Council Member Cevering 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.

Mayor Berube thanked the GPSC for the work they have done to this point and indicated he looks forward to continued discussion of this matter.

7. QUARTERLY FINANCIAL REPORT

Finance Director Nelson provided an overview of the Quarterly Financial Report for the period ended March 2020. He focused on highlights relating to fluctuations in sales tax revenue; budget status summaries; and adjustments to the economic forecast responsive to the COVID-19 Pandemic. While this report is fairly positive, Administration is moving in a more conservative direction relative to spending for the remainder of the current Fiscal Year (FY). During Council discussion of the report, there was a brief focus on anticipated transfers from the CDA fund to the RDA fund, with Mr. Nelson noting that an end-of-year budget amendment will need to be acted upon to facilitate any transfer.

Mayor Berube stated he looks forward to hearing sales tax revenue numbers for April and May.

8. PUBLIC HEARING ON THE TENTATIVE BUDGET FOR FISCAL YEAR 2021

Finance Director Nelson explained that since the Tentative Budget was adopted, a few modifications to the budget have been made. The changes are summarized below:

- A transfer from the RDA Fund to the General Fund has been added to allow the RDA Fund to pay for the wage and benefit costs associated with watering flowers on Washington Boulevard.
- Council pay has been reduced as directed.
- \$100,000 is proposed to be transferred from the Transportation Sales Tax Fund into the Capital Projects Fund to pay for street and sidewalk Americans with Disabilities Act (ADA) upgrades.

Mr. Nelson then provided an overview of fund balances for Fiscal Year (FY) 2019 and estimated fund balances for FYs 2020 and 2021. Finally, he provided a report of

depreciation expenses as required by City Code; a City-used model allows him to consider assets assigned to each of the City's utility funds (water, sewer, and storm sewer) and project the estimated useful life of the assets to estimate future repair and replacement costs. These costs are funded by utility revenues and he noted that no utility rate increases are planned for the coming FY. Fund balances and other funding sources will be used to fund asset replacement and repair costs, but there will also be a discussion later in tonight's meeting regarding other options for funding assets in the present and in the future.

Mayor Berube noted that most businesses fund their capital expenditures using net income retention and non-cash depreciation expense. The City's asset repair and replacement model has never been fully funded since its inception and he is supportive of considering adjustments to the depreciation model. The City has available cash on hand as well as access to impact fee revenues to take care of capital needs.

Mr. Nelson concluded he is willing to answer any questions about the tentative budget. He drew the Council's attention to the page numbers in the budget document where the amendments discussed above are referenced.

a. Public Hearing to receive comments on the fiscal year 2021 Tentative Budget

Mayor Berube opened the public hearing at 8:45 p.m.

John Arrington, 254 E. 2900 N., stated he had a discussion with Mr. Nelson prior to tonight's meeting and that was very helpful. He then inquired as to the number of districts in the City's RDA, to which Mr. Nelson answered one; it is on Washington Boulevard and it contains various parcels that front the roadway. The City also has a Community Development Area (CDA) that is along Washington Boulevard. Mr. Arrington asked if he can find maps of the City's RDA and CDA on the City website. Mr. Nelson stated he can direct Mr. Arrington to where to find the maps. Mr. Arrington asked if the CDA has its own fund. Mr. Nelson answered yes; the budget for the CDA will be acted upon as part of the RDA budget later tonight. Mr. Arrington then noted that he noticed there is a tax increment in the RDA and CDA and he asked how that increment is being generated. Mr. Nelson stated that increment budgeting is based upon accounting requirements; when the RDA and CDA collect money, part of the money collected is property tax revenue that the City has agreed to defer for an amount of time to support the RDA. However, the money is collected in the General Fund and transferred to the RDA. Mr. Arrington then stated he noticed there is no planned increase in part-time wages and he asked if that matter was not discussed during broader discussions regarding employee compensation. Mr. Nelson stated the salary survey did not yield a recommendation to increase part-time wages; however, adjustments can be made based upon longevity or certifications obtained by an employee. In some cases, part-time wages are not employee-specific, which means that a pool of money is made available for paying wages of a group of employees and fluctuations in pay are allowed. Mr. Arrington asked if the City eliminated a part-time building inspector position. Mr. Call answered yes, due to a

retirement. Mr. Arrington asked if that person will be replaced. Mr. Nelson answered no; the position has been eliminated to help to address budget issues. Mayor Berube stated that issue will be monitored closely and if workload warrants replacement of the position, he will recommend that to the Council. Mr. Arrington stated that the City is also considering elimination of the benefit where employees can cash-out sick leave. Mr. Nelson stated that is correct; that was another attempt at reducing budget costs during this difficult time.

Christina Watson, 1820 N. 100 E., stated she has two children who ride their bikes to Majestic Elementary School; the route they ride can be dangerous due to a lot of traffic driving at high rates of speed. A traffic study was commissioned and the Police Chief has indicated that he can only hire a crossing guard if there are 10 students crossing the road in a one-hour period. He found four students in the morning and 11 in the afternoon. Ms. Watson stated that she would like for the Council to consider funding the position to provide safety for students who attend the school. The study was done during the winter months when fewer students walk or ride to school and she asked that it be conducted again. At the least, she would like for the City to install a solar powered crosswalk sign to help to improve safety. She is concerned that the City is cutting corners and she has learned that other communities provide crossing guards even if there is only one student crossing.

Mayor Berube stated that the City will never sacrifice the safety of its residents, especially young people, for financial purposes, but they will follow the counsel of the City's Police Chief who follows rules and laws that govern the City. If the Chief tells the Council that a request meets qualifications and rules, the Council will respond. Ms. Watson stated that Chief Quinney recommended that she approach the Council to express her concerns about the study and any recommendations regarding hiring a crossing guard. Mayor Berube asked Mr. Call to reach out to Chief Quinney to get more information on this topic.

Mayor Berube stated that there has been much discussion in the community about what is being advertised as a tax increase; he stressed that the amount by which the City's tax rate will be increased is only enough to replace the revenue generated by the City's transportation utility fee, which has been suspended and will not resume. Households will not be paying more in the coming year than they were paying over the past few years when they were paying the transportation fee.

There were no additional persons appearing to be heard.

Council Member Swanson motioned to close the public hearing and Council Member Barker 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 public hearing was closed at 9:06 p.m.

b. Discussion and/or action to recess the City Council meeting and convene in the RDA.

Council Member Barker motioned to recess the City Council meeting and convene in the RDA meeting. 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.

City Council Meeting recessed at 9:06 p.m.

RDA meeting convened at 9:07 p.m.

c. Public Hearing to receive comments on the fiscal year 2021 RDA Tentative Budget.

Finance Director Nelson reported there have been no changes to the RDA budget aside from the transfer he discussed earlier in the City Council meeting for the RDA to pay the wage and benefit costs associated with watering flowers on Washington Boulevard.

There were no persons appearing to be heard.

Board Member Swanson motioned to close the public hearing and Board Member Cevering seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Ekstrom	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 9:06 p.m.

d. Discussion and/or action to amend Ordinance 2020-09 to add the correct wording and Ordinance number RDA 2020-08.

Finance Director Nelson stated that when Ordinance 2020-09 was adopted, the numbering was incorrect and it did not include information about the manner in which the wages and benefits of employees watering the flower baskets on Washington Boulevard will be paid. The corrected ordinance corrects the statements made and indicates that the money will be taken from the RDA fund and put into the General Fund to reimburse the City for paying those costs.

Board Member Swanson motioned to amend Ordinance 2020-09 to add the clarification and amendments as discussed and change the document numbering to RDA 2020-08. Board Member Ekstrom seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Ekstrom	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

e. Discussion and/or action to adjourn the RDA meeting and convene in the City Council Meeting.

Board Member Barker motioned to adjourn the RDA meeting and convene in the City Council Meeting. Board Member Cevering seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Ekstrom	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

The RDA meeting adjourned at 9:12 p.m.

The City Council Meeting convened at 9:12 pm.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH ZION'S PUBLIC FINANCE AS NORTH OGDEN CITY'S FINANCIAL ADVISOR

City Manager/Attorney Call explained Zion's Public Finance was selected as the recommended entity to act as the City's financial advisor. There have not been any commitments for any changes to City finances, but Administration recommends the City contract with Zion's to allow them to provide more information to the City and help the Council in its decision-making process relative to financial transactions. One of the highlights of their contract is that their compensation is based upon the actual funding of various financial mechanisms. Which means that if the City does not undertake any bonding or similar items there is nothing owed under this contract. He reviewed the terms of the agreement, noting it will be in effect five years with the option to cancel 60 days prior to the annual renewal of the agreement. There are some optional services which the City could utilize if they would like to, and a fee schedule for those services is attached. Staff recommends adoption of this agreement.

Council discussion centered on the types of financial matters that Zion's typically advises Cities on, with Mr. Call again noting that the City will not be obligated to pay Zion's unless some sort of bonding action takes place. Council Member Cevering asked if there is any potential for a conflict of interest to exist if Zion's is providing the City with financial advice. Mr. Call noted that the agreement specifically states that Zion's will not bid on buying any City bond when they are acting as a third party as the City's financial advisor.

Council Member Ekstrom asked how many firms responded to the RFP, to which Mr. Call answered two. Mayor Berube summarized the process that he, Council Member Swanson, Mr. Call, and Mr. Nelson used to evaluate the two firms and arrive at a rating of both proposals.

Council Member Ekstrom motioned to approve Agreement A6-2020 with Zion's Public Finance as North Ogden City's Financial Advisor. Council Member Barker 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 WITH TECSERVE FOR IT SERVICES

City Recorder Spendlove reported that the City published an RFP for IT services; four employees served as a committee to review the proposals provided by six firms and they used a scoring method to determine the most suitable service provider. They decided to recommend TecServe, which is the firm that has been providing the City with support for several years.

Council Member Stoker asked if TecServe has been able to resolve email issues the City was having. Mr. Call stated that the support employee has adjusted the firewall to allow City Council Members to receive emails that they should receive, as well as a report of the emails that have been blocked so that Council Members can provide feedback about any appropriate filter adjustments.

Ms. Spendlove then noted that one benefit of TecServe is that they determine the number of monthly hours allocated to the City and if they are not used in one month, they carry over to the next month. Finally, if the support employee assigned to North Ogden severs their employment with TecServe, the City has the ability to participate in selecting a new employee or cancelling the contract.

Council Member Stoker motioned to approve Agreement A7-2020 with TecServe for IT Services. Council Member Cevering 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. DISCUSSION AND/OR ACTION TO CONSIDER AMENDING ORDINANCE 2017-14 ON REPAIR AND REPLACEMENT OF THE CITY ASSETS

City Manager/Attorney Call explained City staff has been asked to review City Ordinance 3-3-4 and have a discussion with the Council on whether or not this ordinance has satisfied the goals of the Council in tracking capital assets and future replacement plans. The current ordinance includes requirements that create difficulty for staff relative to estimating replacement or repair costs with any sort of certainty. Specifically, the future costs of replacement and future depreciation expense beyond the next 12 months typically contemplated during the budget season. Staff would like some direction on how the Council would prefer for this ordinance to be implemented moving forward. There are several items included in this ordinance which have been implemented for a long time as they typically apply to the generally accepted accounting procedures.

Mayor Berube stated that he also finds it strange that the City has an ordinance that gives directives to the accounting division of the City when those directives are already part of general accepted accounting principles. He added that he also finds it nearly impossible to estimate the cost of repair or replacement of something that may have a useful life of 20 to 30 years. The ordinance has not been followed since its adoption in 2017 and he does not think it is necessary. Mr. Call agreed that the directives in the ordinance only duplicate generally accepted accounting procedures.

The Council engaged in high level philosophical discussion and debate about the technical components of the current ordinance; Council Member Swanson discussed the history of the development of the ordinance, noting that the Council felt it was appropriate at the time given that some of the generally accepted accounting procedures were not being observed in great detail. He noted those issues have been corrected and addressed and he is comfortable adjusting or eliminating the requirements created by the ordinance at this time. Council Member Stoker agreed and stated she feels the ordinance facilitated the creation of appropriate asset tracking for depreciation purposes. Council Member Swanson agreed and stated it is very important to continue to maintain that level of detail. Public Works Director Espinoza stated that the asset tracking mechanism is very helpful and he and his staff will continue to maintain it.

Council Member Cevering motioned to delete Ordinance on Repair and Replacement of the City Assets. Council Member Barker 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.

12. PUBLIC COMMENTS

Julie Anderson, 940 E. 2600 N., addressed plans to open the Aquatic Center and the difficulty in monitoring who is attending and whether it will be possible to determine that North Ogden residents are allowed in before non-residents. She also recommended against offering a Groupon for entrance this year. She then addressed the conversation about keeping kids off the power line towers on the City's north and east benches; this is a very disturbing issue and she recommended that Rocky Mountain Power work with local schools to get information about the dangers of climbing the towers in their school newsletters and other communication tools. Finally, she referenced the discussion about the need to build a new public safety facility; former-Mayor Chugg's belief is that the building that is the best is one that is built for less and she feels he will apply that philosophy to this project as he is serving as the chairman for the committee that is working on that project.

Mayor Berube agreed the Public Safety Building Committee will work hard to develop a proposal that is appropriate. He also thanked the General Plan Steering Committee for their work; while there may be differences of opinion, he is grateful for the work done by citizen committees.

John Arrington, 253 E. 2900 N., also commented on the public safety facility; the community needs increased public safety protection and a safe place for public safety officials. He supports the process the City has undertaken thus far and feels it is appropriate to continue moving forward in gathering public input. Good planning is needed and that does not mean that the project needs to be under construction immediately; rather, it may be prudent to delay the project slightly until economic conditions improve. He also referenced the temporary land use ordinance recommended by the GPSC; their intent was to simply pause development along Washington Boulevard to allow for investigation of what the Council truly wants for the area. He concluded by expressing his support for the Council's selection of Zion's Bank as the City's financial advisor.

Mayor Berube stated he feels that the Council has received the message regarding the temporary land use ordinance; he feels the GPSC's intent was to recommend a process that allows for the development of a cohesive plan that will govern the development of the business district of the City. He feels the GPSC sincerely wants to help the City become better.

13. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Ekstrom stated she is excited to work on the Public Safety Building project. She referenced Ms. Anderson's comments regarding the opening of the Aquatic Center and noted she has spoken with Parks and Recreation Director Staheli about how attendance will be managed and she is confident that her ideas will be effective.

Council Member Swanson stated that he also looks forward to working with the Public Safety Building Committee and members of the law enforcement community to develop an appropriate project scope. He echoed Ms. Anderson's vote of confidence in former-Mayor Chugg's ability to develop a cost-effective project proposal.

Council Member Stoker stated she has received feedback from residents who have found the City's website to be non-user friendly. She asked staff to look into that issue. She then echoed the excitement expressed by others about working on the Public Safety Building project.

Mayor Berube suggested that any issues with the webpage be forwarded to Administrative Assistant Lynne Bexell; he wants the website to be improved so that it can be used to effectively communicate information to the residents.

Mr. Call provided a report on changes to City operations responsive to COVID-19; visitors at City Hall are asked to wear a mask. City parks and restroom facilities are open and residents are asked to use social distancing and use sanitization procedures. He recognized Public Works Director Espinoza for the success of the community-wide spring clean-up day. He concluded by reminding the Council of a scheduled joint work session with the Planning Commission.

14. **ADJOURNMENT**

Council Member Stoker motioned to adjourn the meeting. Council Member Barker 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 10:06 p.m.

S. Neal Berube, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

NORTH OGDEN CITY STAFF REPORT

TO: City Council

FROM: S. Annette Spendlove MMC, City Recorder

DATE: 7/9/2020

RE: Arts Guild

This past year the City Council started the process of forming an Art's Guild. Applications were accepted. It was determined that a Chairman or Co-Chairman's would be selected from the (8) applicants. Mayor Berube is presenting Todd Harris and Jami Rasmussen to the City Council for their consent as the Co-Chair's.

Todd Harris is currently an announcer with NBC Sports, NBCSN and the Olympic Channel. He is affiliated with SAG-AFTRA, Screen Actors Guild, and the American Federation of TV and Radio Artist. He has lived in North Ogden for 28 years.

Jami Rasmussen loves North Ogden and wants to be involved in the community. She has been affiliated with the Davis County Arts, Davis County Library Board where she served as President, Clinton City Arts Board where she served as President and the Clinton City Heritage Committee.

If approved, these two individuals will then work on reviewing the remaining 6 applications and possibly gathering additional applications to fill additional positions with the Arts Guild.

The Mayor is asking for the City Council's consent on these appointments to the Arts Guild

Arts Guild Guidance Document

The City's goal in establishing an Arts Guild is to provide multi-disciplinary support of a variety of arts, festivals, performances, and other cultural activities to the residents of North Ogden City. The main purposes of the Arts Guild are as follows:

- Establish programming goals for City sponsored events, festivals, and performances.
- Coordinate events with the North Ogden City Events Coordinator and the Parks and Recreation Department.
- Provide opportunities for individuals to share their talents and get involved in community events and activities.
- Provided for activities in the various parks and community areas.
- Provide support, oversight, and coordinate volunteers who assist with planning, managing, and wrapping up events.
- Events shall include, but not be limited to:
 - Cherry Days
 - Amphitheater programming
 - Holiday Events, including federal holidays or other programs
- Provide recommendation on financial support of privately sponsored events and programs.
- Coordinate fundraising efforts and grant writing.
- Work with and incorporate ideas from all stake holders.

Members of the Arts Guild governing board should be able to attend regular meetings and participate in events and other activities as required. While we cannot anticipate the amount of time which will be spent a general rule might be 3 to 5 hours a month. The long term goal of this Guild is to become an independent 501(c)(3) with sufficient support from the City to make the Guild a staple of the community for years to come.



Staff Report to the North Ogden City Council

SYNOPSIS/APPLICATION INFORMATION

Application Request: Consideration and action of a legislative amendment to create a Civic zone
Agenda Date: July 14, 2020
Applicant: North Ogden City
File Number: ZTA 2019-13

PUBLIC NOTICE:

Mailed Notice: None
Newspaper: May 17, 2020
City Website: July 10, 2020

STAFF INFORMATION

Robert O. Scott, AICP
rscott@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

December 4, 2019 was the initial discussion with the Planning Commission. North Ogden City staff were consulted on the draft amendment.

On April 15, 2020, the Planning Commission held a further discussion regarding the amendment. Comments were received from the public. Clarification was made that this zone assures that city owned facilities will follow city ordinances.

On May 6, 2020, the Planning Commission further considered the draft amendment and requested that a public hearing be set.

The Planning Commission conducted a public hearing on the amendment on June 3, 2020. No one from the public spoke at the hearing.

Amendment Summary (See Exhibit A)

The following list is a summary of the amendment provisions:

Open Space Definition – The definition of open space has trails, walking paths, and plazas added to this definition.

Establishment of Zones – This provision adds Civic Zone CZ to the list of established zones.

Added Language

Purpose and Intent – Regulations are intended to provide meaningful standards for civic uses.

Permitted Uses – Uses are identified including accessory buildings, cemetery, civic buildings, civic complexes, public parks, and public utility substations.

Site Development Standards – Minimum standards are provided with the Planning Commission given the authority to modify these standards if there are unique circumstances while insuring there are appropriate buffering provisions with adjacent uses.

Site Plan Approval – Civic uses are required to meet the standards of the site plan approval process.

Site Plan Amendments – A standard for amending the site plan is provided.

Sign Regulations – A comprehensive sign plan is required.

Fence Regulations – Fencing is to be approved by the Planning Commission.

Exterior Lighting – The exterior lighting standard is referenced.

Trash Enclosures – The trash enclosure standard is referenced. The option for standard trash pickup is an option.

Parking Requirement – A separate parking requirement is established for parks and other civic uses. The Planning Commission is given authority to approve the required parking.

Public Utility Substation – Revisions are made to this existing provision

Development Plan – References are added referencing civic uses in this existing provision

CONFORMANCE WITH THE GENERAL PLAN

General Plan Future Land Use Map

The future land use map identifies categories of uses. There is a separate category for civic / institutional and parks separate and apart from residential, commercial, etc.

The General Plan describes the Parks and Civic / Institutional categories as follows:

Parks – public spaces designed and utilized for recreational purposes

Civic/Institutional – schools, libraries, senior centers, and government buildings

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- What approval process and design standards should apply to civic uses?
- Is the amendment consistent with the General Plan?

RECOMMENDATION

The Planning Commission recommends on 6 -0 vote that the Civic zone amendment be enacted. The Planning Commission found that the amendment is consistent with the General Plan.

EXHIBITS

- A. Amendment
- B. PC Minutes December 4, 2019
- C. PC Minutes April 15, 2020
- D. PC Minutes May 6, 2020
- E. PC Minutes June 3, 2020

ORDINANCE 2020-

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TO CREATE A CIVIC ZONE AND ADJUSTING THE DEFINITION OF OPEN SPACE, OFF STREET PARKING STANDARDS, PUBLIC UTILITY SUBSTATION, AND SITE PLAN REVIEW STANDARDS

WHEREAS; There are publicly owned properties throughout North Ogden City located within residential zones; and

WHEREAS; The standards for residential zones do not address the unique characteristics and needs of these public properties; and

WHEREAS; The desire to ensure compatibility and of public properties with a commitment to comply with appropriate standards has led to the creation of zoning standards for public uses; and

WHEREAS; The General Plan map has identified civic and institutional uses; and

WHEREAS; The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and recommends adoption of this amendment.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City zoning ordinance 11-2 Definitions, 11-6-1 Establishment of Zones;11-7L Civic Zone, 11-17 -4 F Schedule of Required Off Street Spaces, 11-10-15 Public Utility Substation, 11-26-7 Development Plan are amended.

SECTION 1: Text to be amended:

11-2: DEFINITIONS

OPEN SPACE: Any parcel or area of land or water unimproved or improved only with landscaping, bowery's, picnic tables, playground equipment, **trails, walking paths, plazas**, or other improvements typically associated with outdoor recreation and set aside, dedicated, designated or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

11-6-1: ESTABLISHMENT OF ZONES

For the purpose of this title, the city is divided into the following zones in which land uses shall be limited as specified in this title. Classification will be determined on the basis of location, topographic features, and other reasonable considerations to guide the orderly physical growth, establishment of neighborhoods, compatibility and overall stability of the city:

Suburban residential zone RE-20

Single-family residential zones R-1-8, R-1-8(A), R-1-8(AG), R-1-10, R-1-12.5

Legacy planned residential unit development zone (PRUD)

Roylance Farms Phase II planned residential unit development zone (PRUD)

Quail Ponds planned residential unit development zone (PRUD)

Residential zone R-2

Multi-family residential zone R-3

Multi-family residential zone R-4

Cold Creek Village planned residential unit development (PRUD)

Residential city center zone RCC

Master Planned Community Zone MPC

Commercial zones C-1, C-2

Planned commercial zones CP-1, CP-2

Planned manufacturing zone MP-1

Hillside protection zones HP-1, HP-2, HP-3

Civic Zone CZ

SECTION 2: Text to be added:

11-7: RESIDENTIAL AND CIVIC ZONES

ARTICLE L: Civic Zone C

11-7L-1: PURPOSE AND INTENT

The civic zone is specifically intended to regulate civic uses within the city. This zone identifies the standards for public land and structures that are developed and set aside for the use and benefit of the public.

11-7L-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Cemetery

Civic Buildings

Civic Complexes

Public Park, public recreation grounds, and associated buildings.

Public Utility substation or water storage reservoir developed by a public agency subject to 11-10-15

11-7L-3: SITE DEVELOPMENT STANDARDS

The following standards reflect minimums; however, the variety of civic uses have unique circumstances and needs. The Planning Commission may approve alternative standards based upon unique circumstances while taking into account the need for appropriate buffering with adjacent properties.

- A. Minimum Lot Area: No Minimum lot area.
- B. Minimum Lot Width: No Minimum lot width, however, frontage access on a public street is required.
- C. Minimum Yard Setbacks for Structures:
 - 1. Front: Twenty feet (20').
 - 2. Side: Ten feet (10') feet, or as approved by the Planning Commission when adjacent to a residential boundary.
 - 3. Rear: Twenty feet (20').
- D. Building Height:
 - 1. Minimum: One story.
 - 2. Maximum: Two and one-half (2¹/₂) stories or thirty five feet (35') or as approved by the Planning Commission.
- E. Open Space: Civic Building 20%, Public Parks 50%, or as approved by the Planning Commission.

11-7L-4: SITE PLAN APPROVAL

For any permitted uses a site plan shall be required in accordance with CCNO 11-26. Uses for each site plan will be identified.

11-7L-5: AMENDMENTS

- A. Minor Changes: All development shall conform to the final plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Director if the change is consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improve or equivalent quality of materials or design Any changes that exceed 5% of the project area or are deemed materially significant by the Planning Director shall require an amendment to the site plan. Examples of a minor change are the relocation of a use on the site.

Changes to any of the following shall require a modified site plan review and approval by the Planning Commission.

- 1. A change in the use or character of the development;
- 2. A change in character of approved open space;
- 3. A reduction of required off street parking;

11-7L-6: SIGN REGULATIONS

A comprehensive sign plan shall be submitted and approved for each civic facility.

A comprehensive sign plan shall include the location size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation, of all proposed signs for the civic use, either permanent or temporary.

The comprehensive sign plan shall be approved by the Planning Commission as part of the site plan approval.

11-7L-7: FENCE REGULATIONS

Uses within the Civic zone are subject to 11-10-11.

A fencing plan shall be included with the site plan and approved by the Planning Commission.

11-7L-8: EXTERIOR LIGHTING

Uses within the Civic zone are subject to 11-10-13 (Exterior Lighting)

11-7L-9: TRASH ENCLOSURES

Uses within the Civic zone are subject to 11-10-25 (Trash Enclosures) Civic uses may use standard pickup service in lieu of a trash enclosure.

11-7-10: PARKING

Uses within the Civic zone are subject to 11-17 (Parking and Loading; Traffic Access)
The number of required parking stalls shall be approved by the Planning Commission as part of the site plan review approval process.

11-17-4 F. SCHEDULE OF REQUIRED OFF STREET SPACES:

6. Civic Use

All Civic Uses	<p>11-17-4 schedule of required off street parking spaces shall be used for business offices.</p> <p>a. For parks the National Recreation and Parks Association guidelines will be consulted for the number of required stalls. The Planning Commission shall approve the number of onsite and offsite stalls after evaluation of the park uses and needs.</p> <p>b. When the civic use does not require permanent parking or when the use is intermittently used, the Planning Commission may take into account on street spaces and not require any off street spaces, or adjust the number of required parking stalls.</p>
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11-10-15: PUBLIC UTILITY SUBSTATION

In all **civic residential** zones, public utility substations shall meet the following requirements:

- A. Lot Area: Each public utility substation in a residential zone shall be located on a lot not less than two thousand (2,000) square feet in area.
- B. Yards: Each public utility substation in a **Civic residential** zone shall be provided with a yard on each of the four (4) sides of the building **or utility** not less than five feet (5') in width, ~~except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard, side yards and rear yard shall equal those required for a single-family residence in the same zone .~~
- C. Street Access: Each public utility substation in a **Civic residential** zone shall be located on a lot which has ~~adequate~~ access from a street, alley or easement.
- ~~D. Location To Be Approved: The location of a public utility substation in a Civic residential zone shall be subject to site plan approval in accordance with CCNO 11-26. by the planning commission.~~
- D. Landscaping. A landscape plan will demonstrate appropriate buffering from adjoining uses.**
- E. Fencing. The site plan will indicate fencing as required by the Planning Commission.**
- F. Parking. Permanent parking will not be required unless there is an onsite employee assigned to the substation.**

11-26-7: DEVELOPMENT PLAN

- A. The development plan shall be submitted with a site plan application, and shall supply sufficient information about the development to assist the Planning Commission in making a decision on the site plan application. One copy of plans shall be submitted on 11 by 17 inch paper and one copy of plans shall be submitted on 24 by 36 inch paper, at a readable scale. All site plans (including but not limited to architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans. Information supplied shall include text and illustrations as identified on the application form and as listed below:
 - 1. Inventory of general land use types located within the project and the surrounding area.
 - 2. Locations and arrangements of buildings, structures, facilities and open space.
 - 3. Architectural rendering of proposed buildings including the height, bulk and character, structures, facilities and open space within the project. Building materials and colors are also required.
 - 4. Access and traffic circulation patterns, the provision for ingress and egress, and provision for off street parking.
 - 5. A written description explaining how the project is compatible with surrounding land uses.

6. The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
 7. Written explanation and visual illustration showing project density and mass/scale in comparison to the existing developed area adjacent to the proposed site plan.
 8. If signs are proposed, the site plan shall include a comprehensive sign plan in accordance ~~to~~ with CCNO 11-22-5.
 9. A site plan shall include landscaping, fences and walls designed to further the purpose of the regulations for commercial, manufacturing ~~and multiple housing~~ residential, and civic zones, and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are appurtenant.
- B. The applicant/owner and any assigns or successors in interest, is required to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use, building arrangement, etc., will not be approved nor will building permits be issued by the city until such plan is amended by the Planning Commission. Minor changes to an approved site plan may be approved by the Planning Director or designees that are consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improved or equivalent quality of materials or design. Any proposed changes that exceed 5% of the project area or that are deemed materially significant by the Planning Director shall require an amendment to the site plan and approval by the Planning Commission.

SECTION 3: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 14th day of July, 2020.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
(In event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder

9. **ZTA 2019-13 Public hearing, consideration, and recommendation regarding amending the City Code to create a Civic Zone.**

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

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Amendment Summary

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Added Language

Purpose and Intent – Regulations are intended to provide meaningful standards for civic uses

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Public Utility Substation – Revisions are made to this existing provision

Development Plan – References are added referencing civic uses in this existing provision

CONFORMANCE WITH THE GENERAL PLAN

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

The memo offered the following summary of potential Land Use Authority considerations:

- What approval process and design standards should apply to civic uses?
- Is the amendment consistent with the General Plan?

The memo concluded staff recommends the Planning Commission conduct a public hearing regarding the Civic Zone and make recommendation to the City Council. The Planning Commission can find that the amendment is consistent with the General Plan.

Mr. Scott reviewed his staff memo.

a. Public Hearing

Vice-Chairman Mason opened the public hearing at 8:17 p.m. There were no persons appearing to be heard.

Commissioner Waite made a motion to close the public hearing. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	excused
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried. The public hearing was closed at 8:18 p.m.

b. Consideration and Recommendation

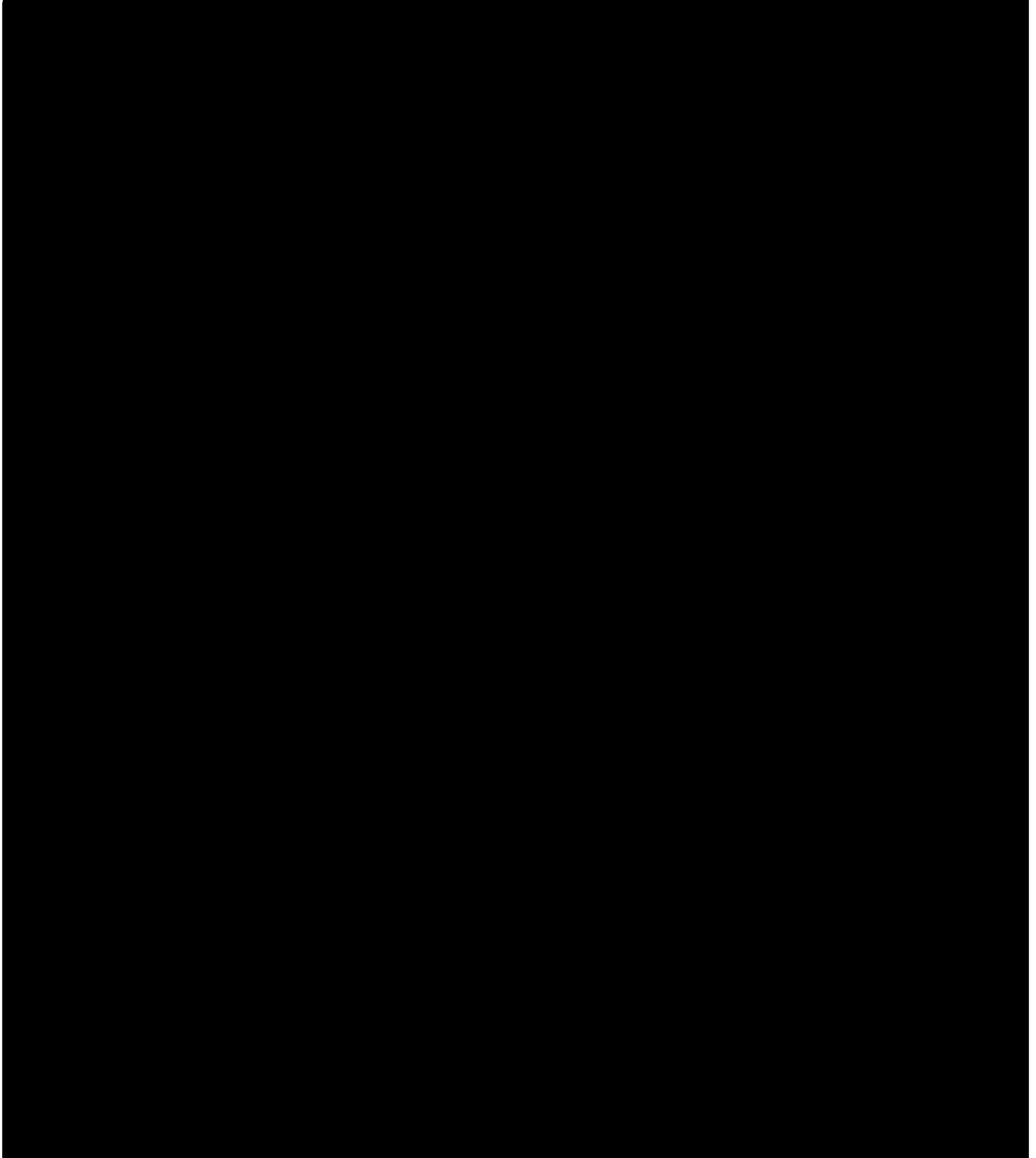
Commissioner Barker stated he wished that this type of zoning ordinance had been in place several years ago before the City acquired and considered development of the property Barker Park and the amphitheater are now located.

Commissioner Waite made a motion to forward a positive recommendation to the City Council regarding application ZTA 2019-13 regarding amending the City Code to create a Civic Zone. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Chairman Thomas	excused
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

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a. Public Hearing

Vice-Chairman Mason opened the public hearing at 8:17 p.m. There were no persons appearing to be heard.

Commissioner Waite made a motion to close the public hearing. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	excused
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried. The public hearing was closed at 8:18 p.m.

b. Consideration and Recommendation

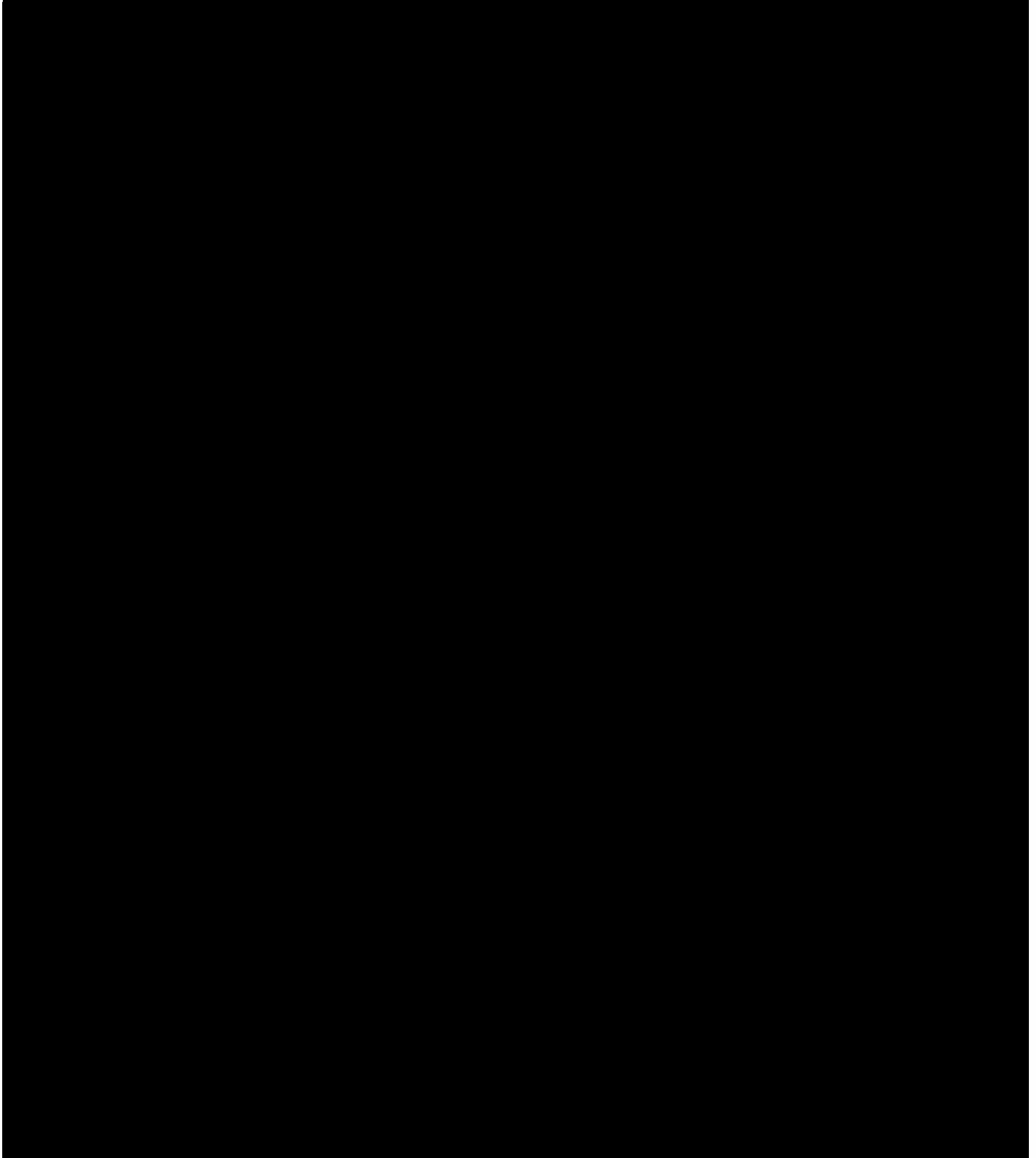
Commissioner Barker stated he wished that this type of zoning ordinance had been in place several years ago before the City acquired and considered development of the property Barker Park and the amphitheater are now located.

Commissioner Waite made a motion to forward a positive recommendation to the City Council regarding application ZTA 2019-13 regarding amending the City Code to create a Civic Zone. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Chairman Thomas	excused
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.



7. **ZTA 2019-13 Discussion concerning the establishment of a Civic/Institutional Zone.**

Planning Director Scott presented a rough draft document to the Commission to consider various optional regulations for a civic/institutional zone. The document reads as follows:

11-27 Civic Zone

11-27-1: PURPOSE AND INTENT The civic zone is specifically intended to regulate civic uses within the city. This zone identifies the standards for public land and structures that are developed and set aside for the use and benefit of the public.

11-27-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Cemetery

Civic Buildings

Civic Complexes

Public park, public recreation grounds and associated buildings.

Public Utility substation or water storage reservoir developed by a public agency subject to 11-10-15

11-27-3: SITE DEVELOPMENT STANDARDS

A. Minimum Lot Area: No Minimum lot area.

B. Minimum Lot Width:

C. Minimum Yard Setbacks For Structures:

1. Front: Thirty feet (30').

2. Side: Twenty feet (20') each side.

3. Rear: Thirty feet (30').

D. Building Height:

1. Minimum: One story.

2. Maximum: Two and one-half (2 1/2) stories or thirty-five feet (35') or as approved by the planning commission.

E. Open Space:

11-27-4: SITE PLAN APPROVAL For any permitted uses a site plan shall be required in accordance with CCNO 11-26.

11-27-5: SIGN REGULATIONS A comprehensive sign plan shall be submitted and approved for each civic facility.

A comprehensive sign plan shall include the location size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation, of all proposed signs for the civic use, either permanent or temporary. The comprehensive sign plan shall be approved by the planning commission as part of the civic site plan approval.

OTHER RELATED SITE PLAN ORDINANCES:

11-10-11: (Fence Height Regulations)

11-10-13: EXTERIOR LIGHTING:

11-10-25: Trash Enclosures:

11-17: (Parking and Loading; Traffic Access)

11-17-2: GENERAL REGULATIONS:

11-17-3: Design and Location of Parking Spaces:

11-17-4: Schedule of Required Off Street Spaces:

11-17-4: Parking Lot Landscaping:

Mr. Scott stated that there are matters for the Commission to determine, such as minimum lot width and the amount of open space required for properties that would carry this zone designation.

Commissioner Nancarrow inquired as to the zoning designation in which the permitted uses referenced are currently allowed. Mr. Scott answered most of these civic uses are located in residential zones.

Chairman Thomas stated he views the creation of this zone as a level of protection for residents. Some have expressed concern about the City's ability to construct a civic use in a residential zone without much public participation until the site plan for the project is considered. With a civic zoning designation, the City will be required to publicly advertise a zone change for a City owned property and people will have an opportunity to weigh in on the project. Mr. Scott agreed and stated he feels this zone will increase the level of transparency of the City.

There was discussion among the Commission regarding the manner in which the presence of this type of zone may have altered the process for approving the Barker Park Amphitheater project and whether that altered process would have made it possible to address public concerns about the project. Chairman Thomas stated the zone can be assigned to properties on the City's General Plan Map so that residents will have the ability to determine what types of uses may be located next to any property they own in the City.

Chairman Thomas invited public input.

Julie Anderson, 941 E. 2600 N., stated that the City's parks and trails are currently advertised on the City's General Plan. She wondered if other cities have a civic use zone. Mr. Scott stated that Ogden has an open-space zone that is similar to this type of zone. They

have a large arena and rodeo grounds facility, both of which they sub-contract for oversight of operations. Ms. Anderson stated she is a member of the City's General Plan Steering Committee and this proposed ordinance would have been a good thing for that Committee to consider and make a recommendation to the Planning Commission and City Council. She stated that things such as exterior lighting need to be carefully considered given that civic zones will still likely be located in the middle of residential zones. She then stated it is concerning to herself and other residents that the City has the ability to build whatever they want on a civic use property.

Chairman Thomas asked Ms. Anderson to consider that the City can presently build anything it wants on any property they own regardless of the zone it is located in. If the civic use zone is adopted, the City will only be able to build permitted uses on civic use property. The creation of this zone will add more steps to the public approval process. Ms. Anderson stated that makes her feel better. She added that she would recommend that the City not build anything larger than a single-story building on property that it owns. She then concluded by thanking the Commission for all they do for the City, especially over the past year.

Mr. Scott stated that he will work to improve the purpose statement for the ordinance so that it is clear to any member of the public reading the ordinance.





LEGISLATIVE ITEMS:

8. ZTA 2019-13 Discussion of a legislative amendment to City Code to create a Civic Zone.

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

December 4, 2019 was the initial discussion with the Planning Commission. Since that time North Ogden City staff have been consulted on the draft amendment.

Currently, all civic uses are located within residential zones. The standards for residential zones are primarily oriented to residential buildings.

The proposed Civic zone recognizes that civic uses are unique and have individualized needs that don't line up with residential standards. The need to be sensitive to adjoining properties and potential impacts is a must. Each civic facility will have an approved site plan.

Amendment Summary

The following list is a summary of the amendment provisions:

Purpose and Intent – Regulations are intended to provide meaningful standards for civic uses

Permitted Uses – Uses are identified including accessory buildings, cemetery, civic buildings, civic complexes, public parks, and public utility substations

Site Development Standards - The Planning Commission is given the authority to modify these standards and make requirements for appropriate buffering with adjacent uses.

Site Plan Approval – Civic uses are required to meet the standards of the site plan approval process

Site Plan Amendments – A standard for amending the site plan is provided

Sign Regulations – A comprehensive sign plan is required

Fence Regulations – Fencing is to be approved by the Planning Commission

Exterior Lighting – The exterior lighting standard is referenced

Trash Enclosures – The trash enclosure standard is referenced. The option for standard trash pickup is an option.

Parking Requirement – There are no consistent parking standards for civic uses. The Planning Commission is given authority to approve the required parking.

Public Utility Substation – Revisions are made to this existing provision

Development Plan – References are made to civic uses in this existing provision

CONFORMANCE WITH THE GENERAL PLAN

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

The memo offered the following summary of potential Land Use Authority considerations:

- What approval process and design standards should apply to civic uses?
- Is the amendment consistent with the General Plan?

The memo concluded staff recommends the Planning Commission conduct a discussion regarding the Civic zone and make recommendations for edits. If the Planning Commission is comfortable with the amendment language a public hearing will be set.

Mr. Scott reviewed his staff memo.

Vice-Chairman Mason stated that philosophically he agrees with the need for a civic zone, but there may be some questions about the practicality of the zone.

Mr. Scott stated that if the zone is created, City properties will need to follow a map amendment process for assignment of the zone to said properties.

Chairman Thomas stated he also likes the concept of a civic zone. Creation of an actual zone will require an additional step for the City to follow by seeking assignment of a zone when considering a project on City property. This will improve transparency for the public; however, he would like to include some language in the ordinance to ensure that if the use of a City property will change or if there will be a significant change to the current use, the City would need to resubmit for site plan approval of the property changes. This will trigger public notice to incentivize public involvement. This led to high level discussion regarding examples of significant change to a City property that would trigger a site plan review process. Mr. Scott noted that the draft ordinance addresses minor changes – which are defined as a change to five percent or less of the property. Any change that involves more than five percent of the property would be deemed a major change and the change would be referred back to the Planning Commission. There are several other items that would automatically be referred back to the Planning Commission regardless to the percentage of the site that will be impacted.

Chairman Thomas invited public input.

Aaron Christensen, 2448 N. Barker Parkway, stated he is very sensitive to this matter given his relationship to Barker Park and the amphitheater project at that City property. He asked if the ordinance will allow – in any way – for the City to increase the allowed number of people that could patronize the amphitheater for a single event. Currently, ticket sales at the amphitheater are limited to a defined number of people per parking space, but he asked if this ordinance will allow the City to increase that number to something like 10 people per parking space. He then stated there have been discussions about differences between commercial and civic uses. If the City has the opportunity to partner with a commercial entity to bring a large concert to the amphitheater, he asked what criteria would be used to determine if the property was being used for a commercial purpose as opposed to a civic use. He is worried about the City using this type of ordinance as a shield against accepting that the property is being used commercially. He then asked if the intent is for all City owned properties to follow a rezone process to consider assignment of the civic zone.

Mr. Scott stated that the answer to Mr. Christensen's final question is yes, all City properties will follow a site plan process for assignment of the zone. He then stated the Barker Park property is subject to specific agreements and ordinance requirements relative to the number of individuals allowed at the property for a single event and he does not believe the Planning Commission has the ability to modify those agreements. Mr. Call stated that is correct. The City Council could change the codes that govern Barker Park, but this proposed ordinance is intended to provide an extra step in the process to draw attention to any changes occurring on a City property. He noted the site plan for the Barker Park amphitheater dictates that four tickets can be sold per parking stall at the facility; however, that does not mean that the same types of restrictions will be placed on other City properties. He emphasized that no action taken by the current Planning Commission or City Council can bind future City Councils.

Vice-Chairman Mason then addressed Mr. Christensen's comments about when a use of a civic property would cross the line to being considered commercial. He stated that once the land use is assigned, the use of the property must conform with certain standards in the zoning ordinance. A commercial event may take place on the property, but that does not

change the development of the property specific to building layouts, landscaping, and parking requirements. Mr. Call added that he feels what Mr. Christensen is proposing is that the City more carefully vet events that will take place at the property and that may be a healthy process for the City to follow. Similar things are occurring on other City properties, such as use of sports fields by groups that could be considered commercial enterprises. He feels that more discussion about that matter would be helpful. Vice-Chairman Mason stated that each zone includes a list of allowed uses and that could be closely reviewed for this zone.

Chairman Thomas stated that he feels that creation of the zone is a good mechanism for forcing the City to more carefully consider appropriate uses for City property. It will also provide a public advertisement process so that residents understand the types of projects the City may be contemplating for its property.

Mayor Neal Berube thanked the Commission for their work tonight. He has discussed this issue with Chairman Thomas and understands his sentiment that without this zone, the City can essentially do whatever they want on their property without a public process. He agrees that creation of the zone will provide increased transparency and protection for residents. He noted he has also discussed this issue with Mr. Scott and he would encourage the Council to carefully consider the language of the zone to ensure that the City is not receiving any protections that any other property owner does not have access to.

Vice-Chairman Mason stated he could not agree more, but he feels the civic zone is somewhat unique in regard to things like parking requirements. Civic zoned properties will likely need larger drop-off/pick-up areas without as many defined parking stalls. Mayor Berube agreed and noted that he is not opposed to a civic zone as long as it is well defined and provides protection for citizens and the City alike.

Sean Casey, 2444 N. Barker Parkway, stated that he feels it is necessary to consider rights that residents enjoy in North Ogden; should all residents enjoy the right to peace and quiet regardless of where their residential property is located. The City must also consider how the creation of a civic zone could impact the amphitheater and specifically the noise that can be generated there.

Vice-Chairman Mason stated that the zone will allow for defined setbacks to ensure appropriate space between the amphitheater and nearby homes. Mr. Scott added that noise is not addressed in the zone because the City already has a different noise ordinance that applies to the entire City. The ordinance will not lessen the noise standard for the City.

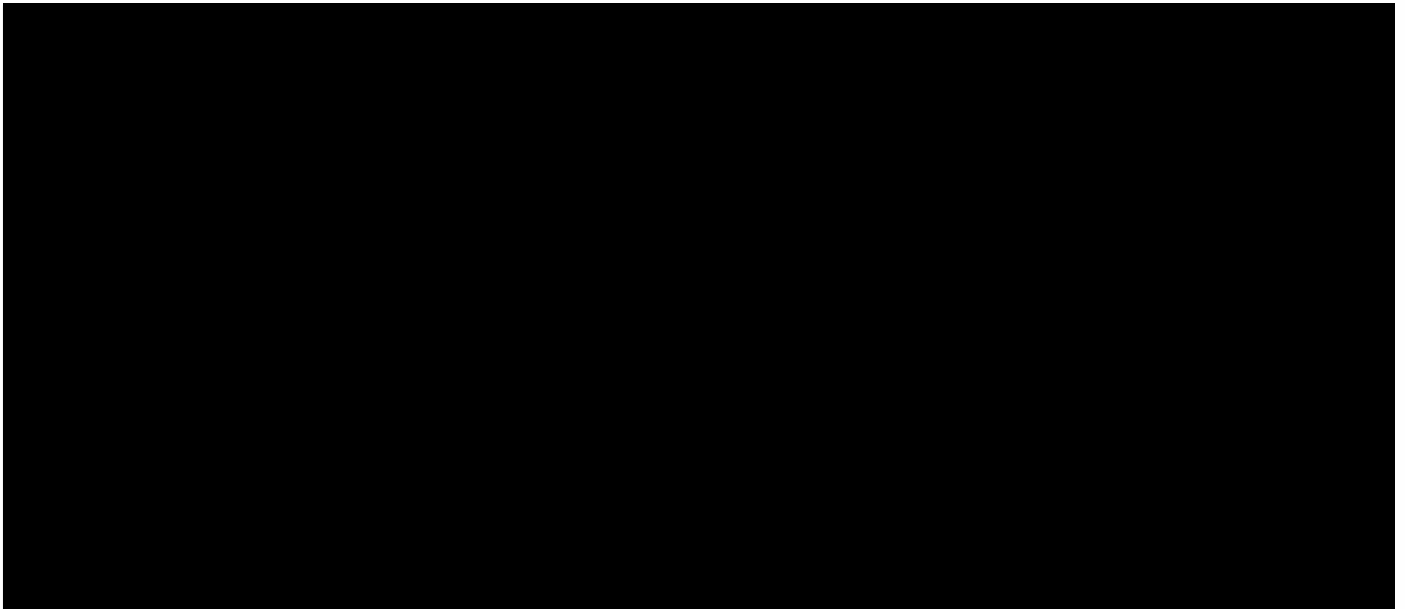
Mr. Casey stated he feels a residential zone noise ordinance is needed and it would be necessary to consider whether that should be uniform or varied depending on the location of the residential property. He then noted that the civic zone should not be allowed to violate a resident's rights for their property. However, if the City is going to consider some events and not others that should be allowed at the amphitheater, they must be cautious to avoid discriminating against different types of events.

Stefanie Casey provided a written comment, which Mr. Call read for the record as follows: “at the December 4, 2019 Planning Commission meeting, one of Rob Scott’s first responses in explaining the reason for this zone was ‘it is trying to recognize that our residential zone sometimes the coming together of a civic use’. People have accused the City of commercial use; well, it is not commercial use. The City uses are civic and institutional, but may end up having some types of activities that somebody could think of as akin to commercial, but they are not. They are sponsored by the community and it is trying to make sure there is a recognition that is the case. I would like more clarity on this statement.”

Mr. Scott stated that he feels an appropriate response to the concerns that have been raised tonight would be a review of the list of permitted uses in the civic zone to address the blur of the line between commercial and civic uses. He stated the point of his past comment was that the City is a property owner that owns many different types of properties and facilities and it is necessary for each property owner to understand what they are allowed to do on their property. That is the purpose of the creation of the civic zone and he will use the feedback provided by the Commission and the public tonight to adjust the ordinance language to more clearly defined allowed uses.

The Planning Commission engaged in high level philosophical discussion and debate regarding the permitted uses listed in the draft ordinance text. Mr. Scott stated that when an individual is considering purchasing a home or property next to a City owned property, they will be able to review this zoning ordinance to understand the allowed uses that could occur on the City property in order to determine their comfort level associated with being a neighbor to the property.

The Commission concluded that it will be necessary to include additional details in the zoning ordinance to ensure that the City is held to standards similar to those that other property owners in the City are held to. Mr. Scott stated he will adjust the ordinance responsive to the feedback he has received tonight and bring it back to the Commission for further review before consideration of scheduling a public hearing.



ORDINANCE 2020- ____

AN ORDINANCE AMENDING THE PENALTIES RELATED TO VIOLATION OF ANIMAL ORDINANCES RELATED TO PETS

WHEREAS; the Utah Department of Wildlife Resources governs and manages wildlife hunts and depredation permits/hunts; and

WHEREAS; The City has ordinances in place which prohibit the discharge of weapons including bow and arrows within the City; and

WHEREAS; The City wishes to allow for depredation permits/hunts to occur when necessary; and

WHEREAS; The City wishes to provide for these hunts in a safe manner and in accordance with state law.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code be amended as follows.

SECTION 1: The North Ogden Code shall be amended as follows:

6-2E-1: DISCHARGING WEAPONS WITHIN CITY LIMITS

It is unlawful and punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided in CCNO 1-4-1, for any person to discharge any gun or pistol or air gun, or to shoot any bow and arrow, within the limits of the city, except in self-defense, or in the case of a peace officer performing his official duty, **or in accordance with archery hunts authorized by a Department of Wildlife Resources depredation permit/hunt with written permission from the Police Chief**, or in case of target shooting with a bow and arrow after the erection in a proper place of a proper breastwork or barrier for the protection of other persons and their property and after approval of such barrier or breastwork by the chief of police or his designated representative; provided, however, that nothing contained in this section shall be construed to prohibit the use of play pistols, guns, bows and arrows, or other similar children's toys.

SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2020.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
(In event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder

NORTH OGDEN CITY STAFF REPORT

TO: City Council

FROM: Jonathan Call, North Ogden City Manager/Attorney

DATE: 7/8/2020

RE: Weapon Discharge within City Limits for Depredation Hunts

The City was approached about the possibility of modifying the ordinance to allow for Depredation Hunts to occur within the municipal boundaries after an individual obtains a permit from the Division of Wildlife Resources. Depredation hunts are to reduce the damage to agricultural crops and are managed by the DWR.

The proposed ordinance language includes a requirement that the Chief of Police provide written permission, even if somebody has obtained a depredation hunt/permit so the Police Department is aware of all active hunts within the municipal boundaries to facilitate the proper response to call raised by concerned citizens.

Permit holders would also be required to follow all the state rules and regulations.

Staff is recommending the proposed language if the Council wishes to provide the opportunity for Depredation Hunts within city limits.

NORTH OGDEN CITY STAFF REPORT

TO: City Council
FROM: Jonathan Call, North Ogden City Manager/Attorney
DATE: 7/8/2020
RE: Solicitors Ordinance

Over the past several months the City has experienced several complaints about individuals and companies not following the ordinance related to door to door sales. This was added as an agenda item to discuss the ordinance and look to see if the Council would like to make changes to the ordinances, or if there is another approach which might help to reduce the number of citizens negatively impacted by those who don't follow the regulations outlined in the code.

4-4: RESIDENTIAL SOLICITATION**4-4-1: PURPOSE****4-4-2: DEFINITIONS****4-4-3: NO OTHER CITY LICENSE OR APPROVAL REQUIRED****4-4-4: EXEMPTIONS FROM CHAPTER****4-4-5: SOLICITATION PROHIBITED****4-4-6: REGISTRATION OF SOLICITORS****4-4-7: APPLICATION FORM****4-4-8: WRITTEN DISCLOSURES****4-4-9: WHEN REGISTRATION BEGINS****4-4-10: ISSUANCE OF CERTIFICATES****4-4-11: FORM OF CERTIFICATE AND IDENTIFICATION BADGE****4-4-12: MAINTENANCE OF REGISTRY****4-4-13: NONTRANSFERABILITY OF CERTIFICATES****4-4-14: DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE OF REGISTRATION****4-4-15: APPEAL****4-4-16: DECEPTIVE SOLICITING PRACTICES PROHIBITED****4-4-17: "NO SOLICITATION" NOTICE****4-4-18: DUTIES OF SOLICITORS****4-4-19: TIME OF DAY RESTRICTIONS****4-4-20: BUYER'S RIGHT TO CANCEL****4-4-21: PENALTIES****4-4-1: PURPOSE**

Residents of the city have an inalienable interest in their personal safety, well being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The city has a substantial interest in protecting the well being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The city also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

There must be a balance between these substantial interests of the city and its citizens, and the effect of the regulations in this chapter on the rights of those who are regulated. Based on the collective experiences of city officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door to door solicitation, the experience of its law enforcement officers and those affected by door to door canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door to door solicitation, the city adopts this chapter to promote the city's substantial interests in:

- A. Respecting citizens' decisions regarding privacy in their residences;
- B. Protecting persons from criminal conduct;
- C. Providing equal opportunity to advocate for and against religious belief, political position, or charitable activities; and
- D. Permitting truthful and nonmisleading door to door solicitation regarding lawful goods or services in intrastate or interstate commerce.

The city finds that the procedures, rules and regulations set forth in this chapter are narrowly tailored to preserve and protect the city interests referred to herein while at the same time balancing the rights of those regulated.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-2: DEFINITIONS

For the purposes of this chapter, the following definitions shall apply:

ADVOCATING: Speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

APPEALS OFFICER: The city council or designee of the city responsible for receiving the information from the city and appellant regarding the denial or suspension of a certificate and issuing a decision as required by this chapter.

APPELLANT: The person or entity appealing the denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of the applicant or registered solicitor.

APPLICANT: An individual who is at least eighteen (18) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door to door solicitation.

APPLICATION FORM: A standardized form provided by the city to an applicant to be completed and submitted as part of registration.

BCI: An original or copy, dated no older than one hundred eighty (180) days prior to the date of the application, of either: a) a Utah department of public safety bureau of criminal identification verified criminal history report personal to the applicant; or b) verification by the Utah department of public safety bureau of criminal identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

BUSINESS: A commercial enterprise licensed by the city as a person or entity under this title, having a fixed or temporary physical location within the city.

CERTIFICATE: A temporary, annual, or renewal certificate permitting door to door solicitation in the city applied for or issued pursuant to the terms of this chapter.

CHARITABLE ACTIVITIES: Advocating by persons or entities that either are, or support, a charitable organization.

CHARITABLE ORGANIZATION: Includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

A. That is:

1. A benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
2. For the benefit of a public safety, law enforcement, or firefighter fraternal association; or
3. Established for any charitable purpose; and

B. That is tax exempt under applicable provisions of the internal revenue code of 1986, as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

C. Charitable organization includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the city or state of Utah.

COMPETENT INDIVIDUAL: A person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

COMPLETED APPLICATION: A fully completed application form, a BCI, two (2) copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

CRIMINALLY CONVICTED: The final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

DISQUALIFYING STATUS: Anything specifically defined in this chapter as requiring the denial or suspension of a certificate, and any of the following:

A. The applicant or registered solicitor has been criminally convicted of:

1. felony homicide,
2. physically abusing, sexually abusing, or exploiting a minor,
3. the sale or distribution of controlled substances, or
4. sexual assault of any kind;

B. Criminal charges currently pending against the applicant or registered solicitor for:

1. felony homicide,
2. physically abusing, sexually abusing, or exploiting a minor,
3. the sale or distribution of controlled substances, or
4. sexual assault of any kind;

C. The applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years;

D. The applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years;

E. The applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:

1. moral turpitude, or
2. violent or aggravated conduct involving persons or property;

F. A final civil judgment has been entered against the applicant or registered solicitor within the last five (5) years indicating that:

1. the applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation, or
2. that a debt of the applicant or registered solicitor was nondischargeable in bankruptcy pursuant to 11 USC section 523(a)(2), (a)(4), (a)(6), or (a)(19);

G. The applicant or registered solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;

H. The applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or

I. The applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

DOOR TO DOOR SOLICITATION: The practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and/or services.

ENTITY: Includes a corporation, partnership, limited liability company, or other lawful entity, organization, society or association.

FEES: The cost charged to the applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.

FINAL CIVIL JUDGMENT: A civil judgment that would be recognized under state law as a judgment to which collateral estoppels would apply.

GOODS: One or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

HOME SOLICITATION SALE: To make or attempt to make a sale of goods or services by a solicitor at a residence by means of door to door solicitation, regardless of:

- A. The means of payment or consideration used for the purchase;
- B. The time of delivery of the goods or services; or
- C. The previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

LICENSING OFFICER: The city employee(s) or agent(s) responsible for receiving from an applicant or registered solicitor the completed application and either granting, suspending, or denying the applicant's certificate.

NO SOLICITATION SIGN: A reasonably visible and legible sign that states "No Soliciting", "No Solicitors", "No Solicitors or Spersons", "No Trespassing", or words of similar import.

POLITICAL POSITION: Any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

REGISTERED SOLICITOR: Any person who has been issued a current certificate by the city.

REGISTRATION: The process used by the city licensing officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.

RELIGIOUS BELIEF: Any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

RESIDENCE: Any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the city, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, public street or public rights of way.

RESPONSIBLE PERSON OR ENTITY: That person or entity responsible to provide the following to an applicant, registered solicitor, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

- A. Maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
- B. Facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
- C. Refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

SALE OF GOODS OR SERVICES: The conduct and agreement of a solicitor and the competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three (3) days under any applicable federal, state, or local law.

SERVICES: Those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

SOLICITING OR SOLICIT OR SOLICITATION: Any of the following activities:

- A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
- B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
- C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
- D. Seeking to obtain orders or prospective customers for goods or services;
- E. Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale;
- F. Other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

SOLICITOR OR SOLICITORS: A person(s) engaged in door to door solicitation.

SUBMITTED IN WRITING: The information for an appeal of a denial or suspension of a certificate submitted in any type of written statement to the city offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.

SUBSTANTIATED REPORT: An oral, written, or electronic report:

- A. That is submitted to and documented by the city;
- B. By any of the following:

8.

1. A competent individual who is willing to provide law enforcement or other city employees with

Page 72

available identification of their name, address, and any other reliable means of contact;

2. City law enforcement or licensing officer; or

3. Any other regularly established law enforcement agency at any level of government;

C. That provides any of the following information regarding a registered solicitor:

1. Documented verification of a previously undisclosed disqualifying status of a registered solicitor;

2. Probable cause that the registered solicitor has committed a disqualifying status which has not yet been determined to be a disqualifying status;

3. Documented, eyewitness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this chapter; or

4. Probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the city.

WAIVER: The written form provided to applicant by the city wherein applicant agrees that the city may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this chapter, and which contains applicant's notarized signature.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

Amended by Ord. 2008-08 on 5/12/2008

4-4-3: NO OTHER CITY LICENSE OR APPROVAL REQUIRED

A. Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the city to engage in door to door solicitation.

B. Any business licensed by the city under another city ordinance that uses employees, independent contractors, or agents for door to door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.

C. Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the city, provided they do not establish a temporary or fixed place of business in the city.

D. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permits, or certificate that a registered solicitor is otherwise required to have or maintain.

E. Violation of any subsection of this section shall be considered a class B misdemeanor and may also be charged as a violation of Utah Code § 76-8-410.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

4-4-4: EXEMPTIONS FROM CHAPTER

The following are exempt from registration under this chapter:

A. Persons specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;

B. Persons whose license, permit, certificate or registration with the state of Utah permits them to engage in door to door solicitation to offer goods or services to an occupant of the residence;

C. Persons delivering goods to a residence pursuant to a previously made order or persons providing services at a residence pursuant to a previously made request by a competent individual;

D. Persons advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and

E. Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided

solicitation has been approved in writing by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

Those persons exempt from registration are not exempt from the duties and prohibitions outlined in this chapter while advocating or soliciting.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-5: SOLICITATION PROHIBITED

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this chapter, the practice of being in and upon a private residence within the city by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this chapter.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-6: REGISTRATION OF SOLICITORS

Unless otherwise exempt under this chapter, all persons desiring to engage in door to door solicitation within the city, prior to doing so, shall submit a completed application to the licensing officer and obtain a certificate.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-7: APPLICATION FORM

The licensing officer shall provide a standard application form for use for the registration of solicitors. Upon request to the licensing officer, or as otherwise provided, any person or entity may obtain in person, by mail, or facsimile, a copy of this application form. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

- A. Review Of Written Disclosures: An affirmation that the applicant has received and reviewed the disclosure information required by this chapter.
- B. Contact Information:
 - 1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
 - 2. Applicant's telephone number, home address and mailing address, if different;
 - 3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and
 - 4. The address by which all notices to the applicant required under this chapter is to be sent.
- C. Proof Of Identity: In person verification by the licensing officer of the applicant's true identity by use of any of the following, which bear a photograph of said applicant:
 - 1. A valid driver's license issued by any state;
 - 2. A valid passport issued by the United States;
 - 3. A valid identification card issued by any state;
 - 4. A valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant.

- D. Proof Of Registration With Department Of Commerce: The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah state department of commerce.
- E. Special Events Sales Tax Number: The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity for which the applicant will be soliciting.
- F. Marketing Information:

1. The goods or services offered by the applicant, including any commonly known, registered or trademarked names;
2. Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.

G. BCI Background Check: The applicant shall provide:

1. An original or a copy of a BCI background check.
2. A signed copy of a waiver whereby applicant agrees to allow the city to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this chapter.

H. Responses To Questions Regarding "Disqualifying Status": The applicant shall be required to affirm or deny each of the following statements on the application form:

1. Has the applicant been criminally convicted of:
 - a. felony homicide,
 - b. physically abusing, sexually abusing, or exploiting a minor,
 - c. the sale or distribution of controlled substances, or
 - d. sexual assault of any kind;
 2. Are any criminal charges currently pending against the applicant for:
 - a. felony homicide,
 - b. physically abusing, sexually abusing, or exploiting a minor,
 - c. the sale or distribution of controlled substances, or
 - d. sexual assault of any kind;
 3. Has the applicant been criminally convicted of a felony within the last ten (10) years;
 4. Has the applicant been incarcerated in a federal or state prison within the past five (5) years;
 5. Has the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
 - a. moral turpitude, or
 - b. violent or aggravated conduct involving persons or property;
 6. Has a final civil judgment been entered against the applicant within the last five (5) years indicating that:
 - a. the applicant had either engaged in fraud, or intentional misrepresentation, or
 - b. a debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC section 523(a)(2), (a)(4), (a)(6), or (a)(19);
 7. Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
 8. Does the applicant have an outstanding arrest warrant from any jurisdiction; or
 9. Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.
- I. Fee: The applicant shall pay such fees as determined applicable by the city, which shall not exceed the reasonable cost of processing the application and issuing the certificate and/or identification badge.
- J. Execution Of Application: The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury that based on the present knowledge and belief of the applicant, the information provided is complete, truthful and accurate.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-8: WRITTEN DISCLOSURES

The application form shall be accompanied by written disclosures notifying the applicant of the following:

- A. The applicant's submission of the application authorizes the city to verify information submitted with the completed application including:
 - 1. The applicant's address;
 - 2. The applicant's and/or responsible person's or entity's state tax identification and special use tax numbers, if any;
 - 3. The validity of the applicant's proof of identity;
- B. The city may consult any publicly available sources for information on the applicant, including, but not limited to, databases for any outstanding warrants, protective orders, or civil judgments;
- C. Establishing proof of identity is required before registration is allowed;
- D. Identification of the fee amount that must be submitted by applicant with a completed application;
- E. The applicant must submit a "BCI" background check as defined in CCNO 4-4-2 with a completed application;
- F. To the extent permitted by state and/or federal law, the applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection;
- G. The city will maintain copies of the applicant's application form, proof of identity, and identification badge. These copies will become public records available for inspection on demand at the city offices whether or not a certificate is denied, granted, or renewed;
- H. The criteria for disqualifying status, denial, or suspension of a certificate under the provisions of this chapter;
 - I. That a request for a temporary certificate will be granted or denied the same business day that a completed application is submitted.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-9: WHEN REGISTRATION BEGINS

The licensing officer shall not begin the registration process unless the applicant has submitted a completed application. The original identification submitted to establish proof of identity shall be returned after the licensing officer verifies the applicant's identity. A copy of the identification may be retained by the licensing officer. If an original BCI background check is submitted by the applicant, the licensing officer shall make a copy of the BCI and return the original to the applicant.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-10: ISSUANCE OF CERTIFICATES

The licensing officer shall review the completed application submitted by the applicant and issue a certificate in accordance with the following:

- A. Temporary Certificate:
 - 1. A temporary certificate shall issue allowing the applicant to immediately begin door to door solicitation upon the following conditions:
 - a. Applicant's submission of a completed application;
 - b. Applicant's submission of the required fee;
 - c. Applicant establishes proof of identity;
 - d. The applicant's representations on the application form do not affirmatively show a disqualifying status;
 - e. The BCI does not affirmatively show a disqualifying status; and
 - f. The applicant has not previously been denied a certificate by the city, or had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.

2. A temporary certificate will automatically expire after twenty five (25) calendar days from issuance, or upon grant or denial of an annual certificate, whichever period is shorter.

B. Annual Certificate: Within twenty five (25) calendar days of the issuance of a temporary certificate the city shall:

1. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to, those disclosed with the application form.
2. Issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:
 - a. Will be issued an annual certificate, eligible for renewal one year from the date of issuance of the temporary certificate; or
 - b. Will not be issued an annual certificate for reasons cited in CCNO 4-4-14.

C. Renewal Certificate: An annual certificate shall be valid for one year from the date of issuance of the temporary certificate and shall expire at twelve o'clock (12:00) midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon the request of the registered solicitor and the submission of a new completed application and payment of the fee, unless any of the conditions for the denial, suspension or revocation of a certificate are present as set forth in CCNO 4-4-14; or a disqualifying status is present.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-11: FORM OF CERTIFICATE AND IDENTIFICATION BADGE

- A. Certificate Form: Should the licensing officer determine that the applicant is entitled to a certificate, the licensing officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the licensing officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the city.
- B. Identification Badge: With both the temporary and annual certificates, the city shall issue each registered solicitor an identification badge that shall be worn prominently on his or her person while soliciting in the city. The identification badge shall bear the name of the city and shall contain:
 1. the name of the registered solicitor;
 2. address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity is provided;
 3. a recent photograph of the registered solicitor; and
 4. the date on which the certificate expires.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-12: MAINTENANCE OF REGISTRY

The licensing officer shall maintain and make available for public inspection a copy or record of every completed application received and the certificate or written denial issued by the city. The applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The licensing officer may furnish to the head of the city's law enforcement agency a listing of all applicants, those denied, and those issued a certificate.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-13: NONTRANSFERABILITY OF CERTIFICATES

Certificates shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The certificate shall be nontransferable. A registered solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different: a) goods or services; or b) responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the licensing officer. A new certificate based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before the new certificate is given to the registered solicitor, the registered solicitor shall surrender his or her identification badge from the city, after payment of the fee for the identification badge.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-14: DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE OF REGISTRATION

A. Denial: Upon review, the licensing officer shall refuse to issue a certificate to an applicant for any of the following reasons:

1. Denial Of Temporary Certificate:

- a. The application form is not complete;
- b. The applicant fails to:
 - i. establish proof of identity,
 - ii. provide a BCI, or
 - iii. pay the fees;
- c. The completed application or BCI indicates that the applicant has a disqualifying status; or
- d. The applicant has previously been denied a certificate by the city, or has had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.

2. Denial Of Annual Certificate:

- a. The information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;
- b. Since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
- c. Failure to complete payment of the fees;
- d. Since the submission of the application, the city has received a substantiated report regarding the past or present conduct of the applicant;
- e. Since the submission of the application, the city or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or
- f. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that:
 - i. the applicant had either engaged in fraud, or intentional misrepresentation, or
 - ii. a debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC section 523(a)(2), (a)(4), (a)(6), or (a)(19).

3. Denial Of Annual Certificate Renewal:

- a. The information submitted by the applicant when seeking renewal of a certificate is found to be incomplete or incorrect;
- b. Since the submission of the renewal application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
- c. Failure to complete payment of the fees;
- d. Since the submission of the application or granting of a certificate, the city has received a substantiated report regarding the past or present conduct of the solicitor;
- e. The city or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or
- f. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that:
 - i. the applicant had either engaged in fraud, or intentional misrepresentation, or
 - ii. a debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC

523(a)(2), (a)(4), (a)(6), or (a)(19).

- B. Suspension Or Revocation: The city shall either suspend or revoke a certificate when any of the reasons warranting the denial of a certificate occurs.
- C. Notice Of Denial Or Suspension: Upon determination of the licensing officer to deny an applicant's completed application or to suspend a registered solicitor's certificate, the city shall cause written notice to be sent to the applicant or registered solicitor by the method indicated in the completed application. The notice shall specify the grounds for the denial or suspension, the documentation or information the city relied on to make the decision, the availability of the documentation for review by applicant upon one business day's notice to the city, and the date upon which the denial or suspension of the certificate shall take effect. It shall further state that the applicant or registered solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in CCNO 4-4-2, in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a certificate automatically results in its revocation.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-15: APPEAL

An applicant or registered solicitor whose certificate has been denied or suspended shall have the right to appeal to the city council or its designee. Any appeal must be submitted by the applicant, the responsible person or entity, or legal counsel for either who:

- a. documents the relationship with the applicant or responsible person or entity; or
- b. is licensed or authorized by the state of Utah to do so, and makes the assertion of an agency relationship.

The following procedures and requirements shall apply:

- A. Any appeal must be submitted in writing to the city recorder with a copy to the licensing officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.
- B. Upon request of the applicant or registered solicitor, within one business day, the city will make available any information upon which it relied in making the determination to either deny or suspend the certificate.
- C. The appeals officer shall review, de novo, all written information submitted by the applicant or registered solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension or revocation, and any additional information supplied by the city, applicant or registered solicitor. Any additional information submitted by any party to the appeal to the appeals officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.
- D. The appeals officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in this section, the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.
 - 1. The denial or suspension of the certificate shall be reversed by the appeals officer if upon review of the written appeal and information submitted, the appeals officer finds that the licensing officer made a material mistake of law or fact in denying or suspending the applicant's or registered solicitor's certificate.
 - 2. If the written appeal and information submitted indicates that the licensing officer properly denied or suspended the certificate of the applicant or registered solicitor, the denial or suspension of the certificate shall be affirmed and constitute a determination that the suspended certificate is revoked.
 - 3. The decision of the appeals officer shall be delivered to the applicant or registered solicitor by the means designated in the completed application, or as otherwise agreed upon when the appeal was filed.
- E. After the ruling of the appeals officer, the applicant or solicitor is deemed to have exhausted all administrative remedies with the city.

- F. Nothing herein shall impede or interfere with the applicant's, solicitor's, or city's right to seek relief in a court of competent jurisdiction.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-16: DECEPTIVE SOLICITING PRACTICES PROHIBITED

- A. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
- B. A solicitor shall immediately disclose to the consumer during face to face solicitation:
 - 1. the name of the solicitor;
 - 2. the name and address of the entity with whom the solicitor is associated; and
 - 3. the purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flyer.
- C. No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.
- D. No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by the city of the solicitor's goods or services or of the individual solicitor.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-17: "NO SOLICITATION" NOTICE

- A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.
- B. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.
- C. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.
- D. The provisions of this section shall apply also to solicitors who are exempt from registration pursuant to the provisions of this chapter.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-18: DUTIES OF SOLICITORS

- A. Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a certificate of registration does not in any way relieve any solicitor of this duty.
- B. It is a violation of this chapter for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, door to door soliciting, or soliciting.
- C. It is a violation of this chapter for any solicitor through ruse, deception, or fraudulent concealment of a purpose to solicit, to take action calculated to secure an audience with an occupant at a residence.
- D. Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
- E. The solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent.
- F. The solicitor shall not follow a person into a residence without their explicit consent.
- G. The solicitor shall not continue repeated soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the solicitor.

H. The solicitor shall not use obscene language or gestures.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-19: TIME OF DAY RESTRICTIONS

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. Mountain Time, unless the solicitor has express prior permission from the resident to do so.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-20: BUYER'S RIGHT TO CANCEL

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "buyer's right to cancel" shall be in the form required by Utah Code § 70C-5-103, 1953, or a current version thereof or any state or federal law modifying or amending such provision.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

4-4-21: PENALTIES

Any person who violates any term or provision of this chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

RESOLUTION NO.

A RESOLUTION OF NORTH OGDEN CITY ADOPTING AN INTERLOCAL AGREEMENT FOR THE NORTHVIEW SENIOR CENTER SERVICE BETWEEN NORTH OGDEN CITY AND WEBER HUMAN SERVICES

WHEREAS, the City Council of North Ogden City (the "Council") is empowered under the provisions of Utah Code § 11-13-101 et. Seq. to enter into Interlocal agreements with other governmental entities; and

WHEREAS, the City Council owns the real estate on which is located the Northview Senior Center; and

WHEREAS, the City Council desires to work with Weber Human Services to provide services to the senior citizens of North Ogden City and Weber County, which services shall include health, social, nutritional, educational, and transportation programs and activities of older individuals:

NOW THEREFORE, the City Council hereby resolves as follows:

The attached Interlocal agreement is adopted and accepted by North Ogden City for the purposes of providing services to the Northview Senior Center.

Effective Date. This Resolution shall take effect upon its adoption by the North Ogden City Public Body.

PASSED and APPROVED this 14th day of July, 2020.

North Ogden City:

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
(In event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder

NORTH OGDEN CITY STAFF REPORT

TO: City Council

FROM: Jonathan Call, North Ogden City Manager/Attorney

DATE: 7/8/2020

RE: Senior Center Agreement with Weber Human Services

The Agreement between North Ogden City and the Weber Human Services for the management and costs associated with some of the programming at the Northview Senior Center, which is owned by North Ogden City. This is an Interlocal agreement which requires a resolution to be adopted as well.

The highlights from the agreement are as follows.

- The term is through June 2023
- Weber Human Services will continue to provide for Transportation, Reporting requirements, Health Services, Outreach, Nutritional Services, and Legal Assistance
- Weber Human Services will pay for:
 - 50% of director's salary and benefits
 - All programs and services they provide
 - Office equipment and supplies
 - 50% of telephone expenses
- North Ogden City specifically does not have a requirement to provide senior services under this agreement
- North Ogden City will pay for:
 - 50% of directors salary and benefits
 - Remaining telephone expenses
 - Building maintenance and repair
 - Landscaping and snow removal
 - All Utilities
- Users of the facilities must pay for their own expenses
- The WHS, City, and Users shall all be entitled to keep any donations they receive.
- The City pays for insurance for the facility
- WHS pays for liability insurance increased to \$3,000,000 for the programs and services they offer. This amount used to be \$1,000,000.
- The Senior Center Director is an employee of the WHS and not the City.
 - If a new Director is hired the City is allowed to appoint an individual to participate in the hiring process or salary changes.

Staff recommends reviewing and adoption of this agreement and corresponding resolution.

INTERLOCAL COOPERATION AGREEMENT BETWEEN WEBER HUMAN SERVICES AND NORTH OGDEN CITY FOR SERVICES TO THE NORTHVIEW SENIOR CENTER

This Agreement is made pursuant to the provisions of the Interlocal Cooperation Act, U.C.A. 11-13-1 and by and between North Ogden City a municipal Corporation of the State of Utah, hereinafter called the “City”, and Weber Human Services, a political subdivision of the State of Utah, hereinafter called “WHS”.

WITNESSETH

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953 as amended, permits local governmental units to make the most efficient use of their powers to provide the benefit of economy of scale, and authorizes public agencies of the State of Utah to enter into agreements one with another for the purpose of exercising on a joint and cooperative basis any powers, privileges and authority exercised or capable of being exercised by such public agencies; and

WHEREAS, the City owns the real estate on which there is located the Northview Senior Center; and

WHEREAS, WHS desires to work with City to provide services to the senior citizens of North Ogden City and Weber County, which services shall include health, social, nutritional, educational and transportation programs and activities for older individuals:

NOW THEREFORE, the parties agree with one another as follows:

ARTICLE ONE TERM

This Agreement shall be for a period of thirty-six (36) months commencing **1 July 2020, and ending 30 June 2023**, if approved by appropriate resolution of each party. This agreement may be terminated at any time by either party upon six (6) months prior written notice to the other party.

ARTICLE TWO PURPOSE

The purpose of this Agreement is for providing adequate facilities and services to meet the needs of the senior citizens in the northern part of Weber County.

ARTICLE THREE SERVICES

- A. **PROVIDED BY WHS** - WHS through its Aging Programs will provide services to the senior citizens of North Ogden City and Weber County pursuant to the Older Americans Act, as follows:
1. Transportation - WHS shall provide transportation as mandated by the Older Americans Act through “The Ride”. This service will be for the purpose of transporting senior citizens for medical, shopping and senior center activities subject to funding limitations.
 2. Reports - WHS shall provide for the reporting of statistical information pursuant to federal and state reporting guidelines for services provided to senior citizens in Weber/Morgan area subject to funding limitations.
 3. Health Related Services - WHS shall provide disease prevention and health promotion services which may include Health Risk Assessments, Health Screening, Nutrition Counseling and Education, Health Promotion Programs, Physical Fitness Programs, Home Injury Control Programs, Mental Health Screening and Education Programs, Preventive Health Programs, Social Services and Follow-up Health Services subject to funding limitations.
 4. Outreach Information - WHS shall provide outreach information and assistance linking senior citizens with community support resources pursuant to the requirements of the Older Americans Act subject to funding limitations.
 5. Nutritional Services - WHS shall provide at least one hot meal per day in a congregate meal setting for at least five (5) days a week excluding state and national holidays. This meal will contain at least one-third of the recommended daily allowances required by the National Nutrition Board subject to funding limitations.
 6. Legal Assistance - WHS shall provide legal assistance pursuant to the requirements of the Older Americans Act subject to funding limitations.
- B. **SERVICES PROVIDED BY CITY** - The City does not provide any senior services, but allows for non-profit groups to utilize the facility for their senior related activities at no cost. Use of the building located at 485 E. 2550 N. for the purposes of services identified in Article Three subsection A by WHS.

ARTICLE FOUR
COST AND EXPENSE ALLOCATION AGREEMENT

A. WHS agrees to pay for:

1. Fifty percent (50%) of the director's salary, including benefits.
2. Nutrition program costs.
3. Cost of kitchen help, serving equipment and meals.
4. Costs associated with transportation programs.
5. Health promotion costs.
6. Outreach information costs.
7. The cost of office equipment, and supplies.
8. Telephone expenses of fifty percent (50%) of the telephone expenses.

B. City shall pay for:

1. Fifty percent (50%) of the director's salary including benefits. The City agrees that the director shall be an employee of WHS.
2. Remaining costs of telephone expenses.
3. All costs relating to interior and exterior building maintenance and repair, including landscape maintenance. City shall also pay for and be responsible for snow removal.
4. All costs of utilities except telephone expenses which shall be paid as specified above.
5. No other costs shall be covered by the City unless specifically agreed to in writing.

C. Users including North View Senior Citizens Board shall collect and keep their own revenues and pay for:

1. All costs related to individual group Educational Activities.
2. All costs related to individual group Recreational Activities.
3. All costs related to individual group Social Activities.
4. All Special Supplies including but not limited to ceramics, porcelain, paints, etc.

D. City shall pay WHS on a semi-annual basis for its share of documented costs accrued pursuant to this Agreement. Payment shall be made by the tenth of the month following the end of the billing cycle in which such costs have accrued.

E. Each entity shall procure all items necessary to provide the services outlined in this agreement. Such property shall remain the property of the respective entity. All real and personal property, purchased or maintained by the respective parties as herein agreed, shall remain the sole and exclusive property of the party bearing the cost

thereof, but may be used, held and disposed of by either party as necessary to fulfill the purposes of this Agreement.

- F. Each entity is responsible for its own budget.
- G. At the termination of this Agreement each entity shall receive back all property purchased or donated to their specific organization.

ARTICLE FIVE ALLOCATION OF DONATED REVENUES

- A. WHS shall receive all donated revenues related to programs conducted pursuant to the Older Americans Act including but not limited to transportation and meal programs.
- B. City shall receive some donated revenues which shall be used in accordance with the stipulations placed upon the donation.
- C. North View Senior Citizens Board shall receive donated revenues related to social, recreational and educational programs implemented through them or in accordance with stipulations placed on the donation.

ARTICLE SIX INSURANCE

The City, at its own cost and expense, will insure the building including fixtures against fire with such additional coverage as the City may elect to procure. WHS shall secure and maintain liability insurance at a minimum of **\$3,000,000** per occurrence, and which cover the City against claims that may arise from programs and services offered by WHS and individuals who come to the senior center for the WHS programs and services.

ARTICLE SEVEN TAXES

The City shall pay any real estate tax assessments on the Center.

ARTICLE EIGHT ADA COMPLIANCE

The City agrees to ensure that the Center complies with the provisions of the Americans with Disabilities Act and regulations promulgated thereunder.

ARTICLE NINE INDEMNIFICATION

Each of the parties to this Agreement agrees to hold harmless and indemnify the other party for

the wrongful or negligent acts of their respective employees, agents, volunteers and invitees against any and all liabilities, claims, damages, actions, suits, proceedings, costs and expenses including reasonable counsel fees and expenses of investigation, which arise by reason of any accidents, damages, injuries (including injuries resulting in death) either to persons or property or both; provided, however, that in no event shall the indemnification obligation of either party hereunder exceed the amount set forth in Section 63-30-34 of the Utah Governmental Immunity Act or similar provision in effect at the time judgement is entered. Personal injury or property damage shall have the same meaning as defined in the Utah Governmental Immunity Act. In no event shall this section be construed with respect to third parties as a waiver of any governmental immunity to which the parties are otherwise entitled.

ARTICLE TEN ADMINISTRATION

The City and WHS do not intend and do not create any separate legal entity to provide for the administration of this Agreement. This Agreement shall be administered by the governing bodies of each party and each party shall appoint one person as an administrative contact to facilitate the performance of this Agreement. The City Administrator/Manager shall serve as the administrator of this Agreement on behalf of the City. The Director of WHS or his/her designee shall serve as administrator of this Agreement on behalf of WHS.

ARTICLE ELEVEN NORTHVIEW SENIOR CENTER DIRECTOR

- A. The Northview Senior Center Director shall be an employee of WHS. When the position of Director of the Northview Senior Center becomes vacant, a new Director shall be selected through a screening process in accordance with the Personnel Policies and Procedures adopted by WHS and with the concurrence of the North Ogden City Administrator/Manager. The City shall be allowed to appoint one individual to any committee formed for the hiring, firing, or changes to compensation for the director's position. Each entity shall have an equal vote in the ultimate decision and recommendation on the hiring, firing, and salary changes.
- B. The City shall bear no liability for direct payment of the salary or benefits of the Director, nor shall the City assume any liability with respect to the employment or supervision of the Director except as provided for in this Agreement.

ARTICLE TWELVE AMENDMENT

The Interlocal Agreement may be changed, modified or amended by written agreement of City and WHS, upon adoption of an appropriate resolution by each party.

ARTICLE THIRTEEN

GOVERNING LAW

This Agreement shall be governed and construed by the laws of the State of Utah.

ARTICLE FOURTEEN ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the City and WHS and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party.

ARTICLE FIFTEEN PARAGRAPH HEADINGS

Titles to paragraphs in this Agreement are solely for the convenience of the parties and should not be used to explain, modify, simplify or aid in the interpretation of the provisions of this Agreement.

Dated this _____ day of _____, 2020

North Ogden City

BY _____
Mayor, North Ogden City

BY _____
Chair, WHS Board of Directors

ATTEST:

Approved as to form
North Ogden City Attorney

Approved as to form
WHS Legal Counsel

ATTEST:

City Recorder

Secretary

RESOLUTION NO. _____

**RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN
NORTH OGDEN CITY AND WEBER HUMAN SERVICES
TO PROVIDE SENIOR SERVICES**

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953 as amended, permits governmental units to enter into Agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources; and

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953 as amended, requires that governing bodies of governmental units adopt resolutions approving Interlocal Agreements before such Agreements may become effective; and

WHEREAS, North Ogden City and Weber Human Services have negotiated an Agreement for the purpose of providing Senior Services;

NOW THEREFORE, the Board of Directors of Weber Human Services hereby resolves to enter into an Interlocal Agreement with North Ogden City for the purposes authorized in the attached Interlocal Agreement, and the Interlocal Agreement is hereby approved. The Board of Directors is authorized and directed to execute the Interlocal Agreement for and on behalf of Weber Human Services.

Dated this _____ day of _____,

CHAIRMAN, BOARD OF DIRECTORS

NORTH OGDEN CITY STAFF REPORT

TO: City Council
FROM: Jonathan Call, North Ogden City Manager/Attorney
DATE: 7/8/2020
RE: Trash Collection Extension

This Agreement is to contract for the collection and transportation of solid waste in North Ogden City. The City had began to undertake the task of the responsibilities which are covered by this contract, but found that market shifts, and changes in telecommuting in the City have resulted in unanticipated expenses, and obligations which the City is not equipped to handle without incurring expenses in excess of the tentative budget.

Staff have evaluated the circumstances and is recommending the adoption of this contract extension to prevent incurring significant additional expenses, along with ensuring continued level of service for collection and transportation of solid waste.

The staff have also found ways to recoup most of the expenses incurred by bringing this work in-house including recovering expenses related to the lease of vehicles and other similar expenses.

Staff is recommending the adoption of this addendum.

AGREEMENT A__-2020
(AMENDING A12-2016 ADDENDUM #1)
TO RESIDENTIAL SOLID WASTE & RECYCLING COLLECTION & DISPOSAL

This Addendum #2 to the Residential Solid Waste & Recycling Collection & Disposal Agreement (the “Addendum”) is entered into on July 14, 2020 by and between North Ogden City, a municipal corporation and political subdivision of the State of Utah (the “City”), and Allied Waste Services of North America, LLC, a Delaware limited liability company d/b/a Republic Services of Northern Utah (the “Contractor”).

WHEREAS; Contractor has previously provided residential automated solid waste collection and recycling collection and disposal services within the boundaries of the City and to perform such work as may be incidental thereto pursuant to that certain Residential Solid Waste & Recycling Collection & Disposal Agreement, dated June 24, 2014, (the “Agreement”) and the associated Addendum #1, dated October 25, 2016.

WHEREAS; the City desires to have Contractor continue to perform residential automated solid waste collection and recycling collection and disposal services in accordance with the terms of the Agreement for an extended term per the Agreement at the rates specified in this Addendum.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Contract Extension. The parties agree that the Agreement shall be extended for an additional one (1) year beginning July 14, 2020 and expiring on June 30, 2021 (the “Extended Term”).

2. Pricing. Rates shall remain the same (see below) as the date of this Addendum through the term of this contract.

1 st trash cart:	\$4.09
2 nd trash cart:	\$1.69
Recycling cart(s):	\$3.16

3. Annual Increase. There will be no annual increase.

4. Additional Contract Extensions. This will be the last anticipate extension under the original contract in accordance with North Ogden Code. Nothing shall be construed to prohibit the Parties from entering into a subsequent contract and continuing the relationship forward under new terms/agreements.

All terms of this Addendum are subject to the original Contract terms and specifications as amended, except as modified herein.

North Ogden CITY

By: _____

Name: _____

Title: _____

Attest:

S. Annette Spendlove, MMC
City Recorder

**ALLIED WASTE SERVICES OF NORTH AMERICA, LLC D/B/A REPUBLIC
SERVICES OF NORTHERN UTAH**

By: _____

Name: _____

Title: _____